

JUN - 4 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re the General Adjudication
of the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 34-10167 -0001

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. ☒ Quantity: I respond to the objection concerning the total quantity of water used in cubic feet per second.
- 3a. ☒ The total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:

II. STATEMENT OF THE RESPONSE

2. Person who filed objection:
 Name: US BUREAU OF LAND MGMT
 Address: IDAHO STATE OFFICE
 3380 AMERICANA TERRACE
 BOISE ID 83706-2544
3. If this response is filed by an attorney:
 Attorney Name(s): A. LYNNE KROGH-HAMPE
 Attorney Address: DEPUTY ATTORNEY GENERAL(S)
 IDAHO DEPARTMENT OF WATER RESOURCES
 P.O. BOX 44449
 BOISE, ID 83711-4449
 Attorney Phone No.: (208) 327-7900

- 9a. ☒ The legal description of the place of use.
- 9b. ☒ The number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 3, 3.a, 3.c, 4, 7, 8, 9, 9.a, 9.b, 10, 11, 12, and 12.a, and all allegations of the objection regarding those items, IDWR responds as follows.

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. IDWR admits that the director's report recommends five rights, nos. 34-04040, 34-04190, 34-13407, 34-13408 and 34-13409, to water from the Big Lost River to the United States, through the Bureau of Land Management; and that the director's report recommends certain other rights to water from the Big Lost River to the United States. IDWR denies the objection and any allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

- ☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

(Over)

Notice of Claim No. A34-10167

No. of
Pages
4

RESPONSE TO OBJECTION NO. 34-10167 -0001 - PAGE 4

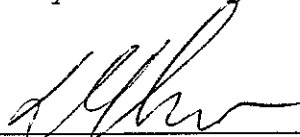
VERIFICATION (Must be Completed)

State of IDAHO

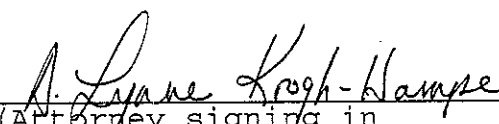
County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

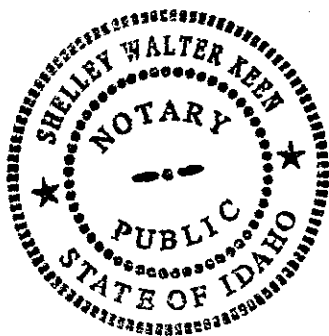


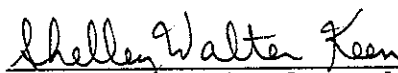
Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 3rd day of June,
1993.





Notary Public for Idaho
Residing at: Boise, ID
My Commission expires: July 31, 1997

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: HERB WHITWORTH
Address: STAR ROUTE
MACKEY ID 83251

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
BOX 33
BOISE ID 83734

A. J. Smith, Jr.
Signature of Respondent or attorney
mailing on Respondent's behalf

\$ 50⁰⁰

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A34-10167
Date Received: 11/08/1989
Receipt No: EQ11347
Received By: PRM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HERB WHITWORTH 208-588-2820
Address: STAR ROUTE
MACKAY, ID 83251

2. Date of Priority: JUN 01, 1875

3. Source: THOUSAND SPRINGS CREEK Trib. to: BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	22E	3	SE	NW	NE		CUSTER
09N	22E	34	SW	SE	NW		CUSTER

5. Description of diverting works:
HEADGATE TO DITCHES TO P/U FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/15	8.000		

7. Total Quantity Appropriated is:
8.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 592.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08N	22E	2	NE	NW		IRR	1.0
			NW	NW		IRR	31.0
			SW	NW		IRR	40.0

A34-10167

Page 1

Date: 11/09/89

MICROFILMED

DEC 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	22E	2	SE	NW		IRR	10.0
			NE	SW		IRR	20.0
			NW	SW		IRR	9.0
			SE	SW		IRR	3.0
					Section Acres		114.0
		3	NE	NE		IRR	39.0
			NW	NE		IRR	12.0
			SW	NE		IRR	6.0
			SE	NE		IRR	29.0
					Section Acres		86.0
		34	NW	SE		IRR	4.0
			SW	SE		IRR	16.0
SE	SE			IRR	17.0		
				Section Acres		37.0	
			Total Acres		237.0		

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

P/D'S INDICATED ARE FOR PRIVATE DIVERSIONS FROM THOUSAND SPRINGS CREEK. PRIORITY DATE IS BASED ON WR#'S 34-00754 AND 34-00756 (SEE ADJUDICATION CLAIM A34-10164.).
OTHER RIGHTS USED AT THE SAME P/U FOR SAME PURPOSES: A34-00273A, A34-00363, A34-00364, A34-00755, A34-00757, A34-00758, A34-00760, A34-00764, A34-00766, A34-10164, A34-10165, A34-10166, A34-10167, A34-10169, A34-10170.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Herbert H. Whitworth
Herbert H. Whitworth Jr.

Date:

12-15-89

Date:

12-15-89

State of Idaho)

County of

Custer

) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of December 19 89

James Hill

Notary Public

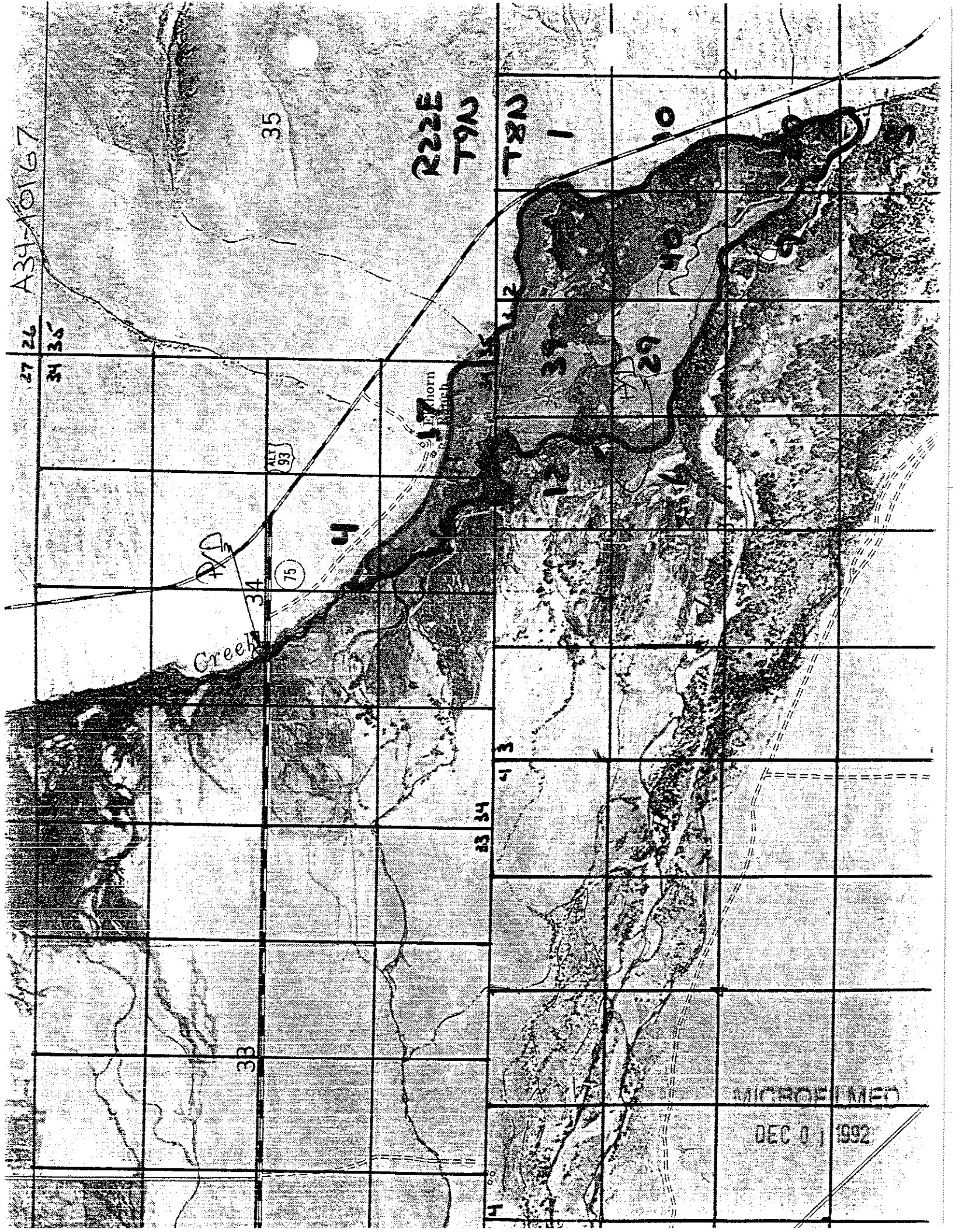
Seal

Residing at

Mackay, Idaho

My Commission Expires

8-1-94



A39-10167

27 26
31 35

35

R22E
T9N

T8N

1

10

40

39

29

Horn Ranch

17

4

75

Creek

33

43 34

41

MICROFILMED

DEC 01 1992

