

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 the Rights to the Use of Water	)	Case No. 34-00044 -0001
from the Snake River Basin	)	
Water System	)	
The State of Idaho, <u>ex rel.</u>	)	
R. Keith Higginson in his	)	
official capacity as Director	)	
of the Idaho Department of	)	RESPONSE TO OBJECTION
Water Resources,	)	
	)	
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)

2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT
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

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
 - 3a. ☒ The total quantity of water used in cubic feet per second.
 - 3c. ☒ 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.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
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:
- 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, 2, 3, 3.a, 3.c, 4, 5, 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 right no. 34-13078 to water from a spring to the United States, through the Bureau of Land Management; that the director's report abstracts right no. 34-13078A to water from a spring to the United States, through the Bureau of Land Management; and that during certain times of most years the natural flow of Jensen Springs is insufficient to satisfy all existing rights to water from Jensen Springs. IDWR denies the objection and any allegations of the objection not expressly admitted herein.

(Over)

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:

No. of
Pages

Notice of Claim No. A34-00044

4

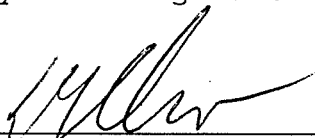
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

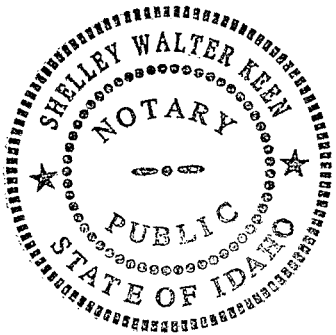
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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: A. Lynne Krog - Hampe
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 2nd day of June,
1993.



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

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the ____ day of _____, 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: REED Z & LYNETTE B ASAY
Address: PO BOX 415
MACKAY 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
PO BOX 33
BOISE ID 83734

Signature of Respondent or attorney
mailing on Respondent's behalf

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: A34-00044
Date Received: 12/11/1989
Receipt No: E011292
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REED Z. ASAY 208-588-3363
Address: P.O. BOX 415
MACKAY, ID 83251

OR

Name: LYNETTE B. ASAY 208-588-3363
Address: P.O. BOX 415
MACKAY, ID 83251

2. Date of Priority: JUN 01, 1884

3. Source: JENSEN SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	25E	21	SW	NW	SE		CUSTER

5. Description of diverting works:
DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

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

8. Total consumptive use is 990.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07N	25E	27	NE	NW		IRR	5.0
			NW	NW		IRR	30.0
			SW	NW		IRR	12.0
			SE	NW		IRR	2.0
							Section Acres 49.0
		28	NE	NE		IRR	39.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			NE	NW		IRR	7.0
			SE	NW		IRR	23.0
			NE	SW		IRR	35.0
			NW	SW		IRR	1.0
			SE	SW		IRR	13.0
			NE	SE		IRR	6.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
							Section Acres 363.0
							Total Acres 412.0

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:

34-00727A/00254/00016/04045/00045/02253/02487

14. Remarks:

TRANS. 2416.

SEE MEMORANDUM DATED 23 JULY 1981 RE: TRANSFER WATER RT.34-00016,
PAGE 9. THE DUTY OF WATER EXCEEDS 0.02 CFS/ACRE AND IS CALCULATED
AT 0.04 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UTAH CONSTRUCTION COMPANY
Decree Plaintiff

vs

JOHN F. ABBOTT, ET AL.
Decree Defendant

A34-00044

Page

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Date: 12/11/89

MICROFILMED

NOV 18 1992

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): Reed Z. Aray Date: 12/11/89

Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 11 day
of Dec 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
My Commission RESIDING AT IDAHO FALLS, IDAHO
Expires
MY COMMISSION EXPIRES: 6-30-94

