

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  
from the Snake River Basin  
Water System

Case No. 34-04151 -0002

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)

2. Person who filed objection:

Name: JOHN D & MERLE M KING  
Address: HC 60 BOX 280  
MOORE ID 83255

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:
- 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.
7. |☒| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
9. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

12.     |☒|   Water Right Recommendation: I respond to the objection concerning:

12a.    |☒|   This water right being recommended at all.

14.     |☒|   Other: I respond to the objection concerning:

ASSERTION THAT OBJECTOR IS "ONLY CLAIMANT FOR EXCLUSIVE USE OF THIS RIGHT."

#### REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 3.c, 4, 7, 9, 9.a, 10, 12, 12.a, and 14, and all allegations of the objection regarding these items, IDWR responds as follows.

The director's report recommends right no. 34-04042 to the objector. Neither the objector's claim nor the director's recommendation of the objector's claim includes the instream stockwater use claimed and recommended as right no. 34-04151.

IDWR conducts a limited investigation of small domestic and stockwater claims (as defined by Idaho Code section 42-111). IDWR generally does not field examine small D&S claims; IDWR's recommendations of small stockwater claims to the U.S. Bureau of Land Management established by beneficial use in Basin 34 were based on maps and other documentation provided by BLM.

IDWR generally does not require proof of priority date for small D&S claims. The priority date claimed and recommended is the priority date shown on the statutory claim previously filed by the United States with IDWR pursuant to Idaho Code section 42-242 et seq.

The burden rests with the United States to prove the right, and on the objector to prove the objection, in accordance with these parties' respective burdens of proof.

#### 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)

No. of  
Pages

The notice of claim is attached to IDWR's response  
to Objection No. 34-04151-0001

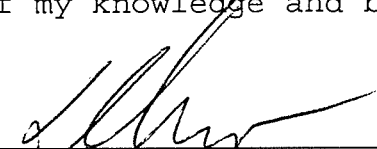
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

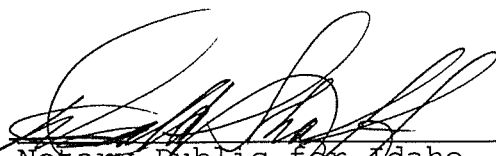
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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: N. Lynne Kogh-Hampe  
\_\_\_\_\_  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 18 day of July,  
1993.

  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: BOISE ID  
My Commission expires: JUNE 10, 1994

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 19<sup>th</sup> day of July, 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: US DEPT OF JUSTICE  
Address: ENVT & NAT RESOURCES DIV  
K JACK HAUGRUD & DARIA ZANE  
550 W FORT ST BOX 33  
BOISE ID 83734

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: JOHN D & MERLE M KING  
Address: HC 60 BOX 280  
MOORE ID 83255

A. Lynne Krogh-Hampre  
Signature of Respondent or attorney  
mailing on Respondent's behalf