

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 Nos. 34-04164 -0002
from the Snake River Basin	)	34-04164 -0003
Water System	)	34-04164 -0004
	)	34-04164 -0005
The State of Idaho, <u>ex rel.</u>	)	
R. Keith Higginson in his	)	
official capacity as Director	)	
of the Idaho Department of	)	RESPONSE TO OBJECTIONS
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 objections:

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. § 42-1412(2).

(Over)

2. Persons who filed objections:

34-04164 -0002
Name: REED Z ASAY
Address: RT 1 BOX 30E
MACKAY- ID 83251

34-04164 -0003
Name: MERLE & GEORGE R HONE
Address: RT 1 BOX 26
DARLINGTON ID 83255

34-04164 -0004
Name: SIX FLAGS INC
Address: 500 BERGESON
BLACKFOOT ID 83221

34-04164 -0005
Name: RANDY PEHRSON
Address: RT 1 BOX 32
DARLINGTON ID 83231

3. If this response is filed by an attorney:

Attorney Name: 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.
 - 3b. ☒ The total quantity of water stored in acre-feet per year.
 - 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.
6. ☒ Instream Flow: I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) 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.
14. ☒ Other: I respond to the objection concerning:

CLAIM TO RIGHT BASED ON RESERVATION UNDER FEDERAL LAW.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 3.a, 3.b, 3.c, 4, 5, 6, 7, 8, 9, 9.a, 9.b, 10, 11, 12, 12.a, and 14, and all allegations of the objection regarding these items, IDWR responds as follows.

The director's report recommends rights to water from various sources to the objectors, as shown in the director's report.

This right was claimed and recommended based solely on appropriation under state law, not reservation under federal law. 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

(Over)

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 USFS.

IDWR generally does not require proof of priority date for small D&S claims based on beneficial use. The priority date recommended is the priority date claimed and the priority date set forth on a 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:

No. of
Pages

The notice of claim is attached to IDWR's response
to Objection No. 34-04164-0001

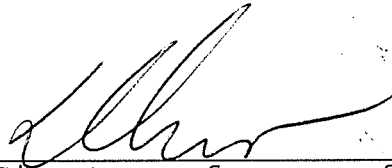
VERIFICATION (Must be Completed)

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 I 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.

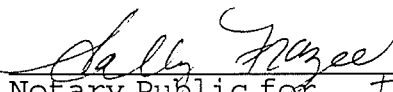


Signature of person filing response

By: A. Lynne Kogh-Hamper

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th day of July,
1993.



Notary Public for Idaho
Residing at: Duise ID
My Commission expires: 11-14-1998

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 16th 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 prepaid 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: K JACK HAUGRUD & DARIA J 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: REED Z ASAY
Address: RT 1 BOX 30E
MACKAY ID 83251

Name: MERLE & GEORGE R HONE
Address: RT 1 BOX 26
DARLINGTON ID 83255

Name: SIX FLAGS INC
Address: 500 BERGESON
BLACKFOOT ID 83221

Name: RANDY PEHRSON
Address: RT 1 BOX 32
DARLINGTON ID 83231

A. Lynn Krogh-Hampe
Signature of Respondent or attorney
mailing on Respondent's behalf