

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. 34-04190 -00016

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

AMENDED 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. § 42-1412(2).

(Over)

2. Person who filed objection:

Name: REUBEN H & MARJORIE BABCOCKUS BUREAU OF LAND
MANAGEMENT
Address: RT 1 BOX 14 IDAHO STATE OFFICE
3380 AMERICANA
MOORE ID 83255 BOISE ID 83706

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

4. ☒ Priority Date: I respond to the objection concerning the priority date.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 4, and all allegations of the objection regarding this item IDWR responds as follows.

The priority date recommended is the same as the priority date claimed. The United States improperly seeks to use the objection process to amend its notice of claim. IDWR believes that a claimant must obtain leave of court to amend a notice of claim after the director's report is filed, just as a party must obtain leave of court to file a late claim after the director's report is filed.

If leave to amend is granted, IDWR further responds as follows. The priority date recommended is the same as the priority date shown on the statutory claim filed with IDWR by the United States pursuant to Idaho Code section 42-242 et seq. 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:

No. of
Pages

Notice of Claim No. A34-04190 is attached to IDWR's original response

(Over)

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 amended response; and that I have read the foregoing amended response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing amended response

By:

A. Dyane Krugh-Hampre
(Attorney signing in
representative capacity)

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

Sally Mance
Notary Public for Idaho
Residing at: Boise ID
My Commission expires: 11-14-1998

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of July, 1993, I mailed the original and copies of the foregoing amended 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~~

See No. 3

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: ~~REUBEN H & MARJORIE BABCOCKUS DEPT OF JUSTICE~~
Address: ~~K JACK HAUGRUD & DARIA J ZANE~~
~~RT 1 BOX 14550 W FORT ST BOX 33~~
~~MOORE ID 83255 BOISE ID 83734~~

A. Lynne Kogel-Hamper
Signature of Respondent or attorney
mailing on Respondent's behalf

