

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. 34-07055 -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)

2. Person who filed objection:

Name: JAY V & DEANN JENSEN
Address: RT 1 BOX 112A
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

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.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 9, 9.a, and 9.b, and all allegations of the objection regarding these items, IDWR responds as follows.

This right was claimed with an accomplished change in place of use pursuant to Idaho Code section 42-1416A. The claimant also claimed right no. 34-10923, which is an expansion in use of this right pursuant to Idaho Code section 42-1416(2). The place of use for both rights was recommended to the extent confirmed by a field exam conducted in 1990. IDWR does not have information to support the changes sought by the objection. IDWR denies the objection and all 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. A34-07055

6

(Over)

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

34-07055

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) United States of America USDA (FMTIA) Phone (208) 334-1577Mailing Address 3232 Elder Street, Boise, ID Zip 837052. Date of Priority (Only one (1) per claim) Dec 120/19733. Source of water supply (a) Ground water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 5N Range 26E Section 27,
SW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of ButteAdditional points of diversion if any: further diversion T3N, R26E, Section 13, SE 1/4 NW 1/4, Butte

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Initial Diversion is a well thatpumps into the island canal and is again diverted downstream to the property through
the Munsy ditch.Well is a 75 hp GE Motor with pump.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 4.8 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.8 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 795.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3W	26E	13									40	40	38	40			40		198
3W	26E	24					40	40	40										120

Total number of acres irrigated 318

11. In which county (ies) are lands listed above as place of use located? Butte

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

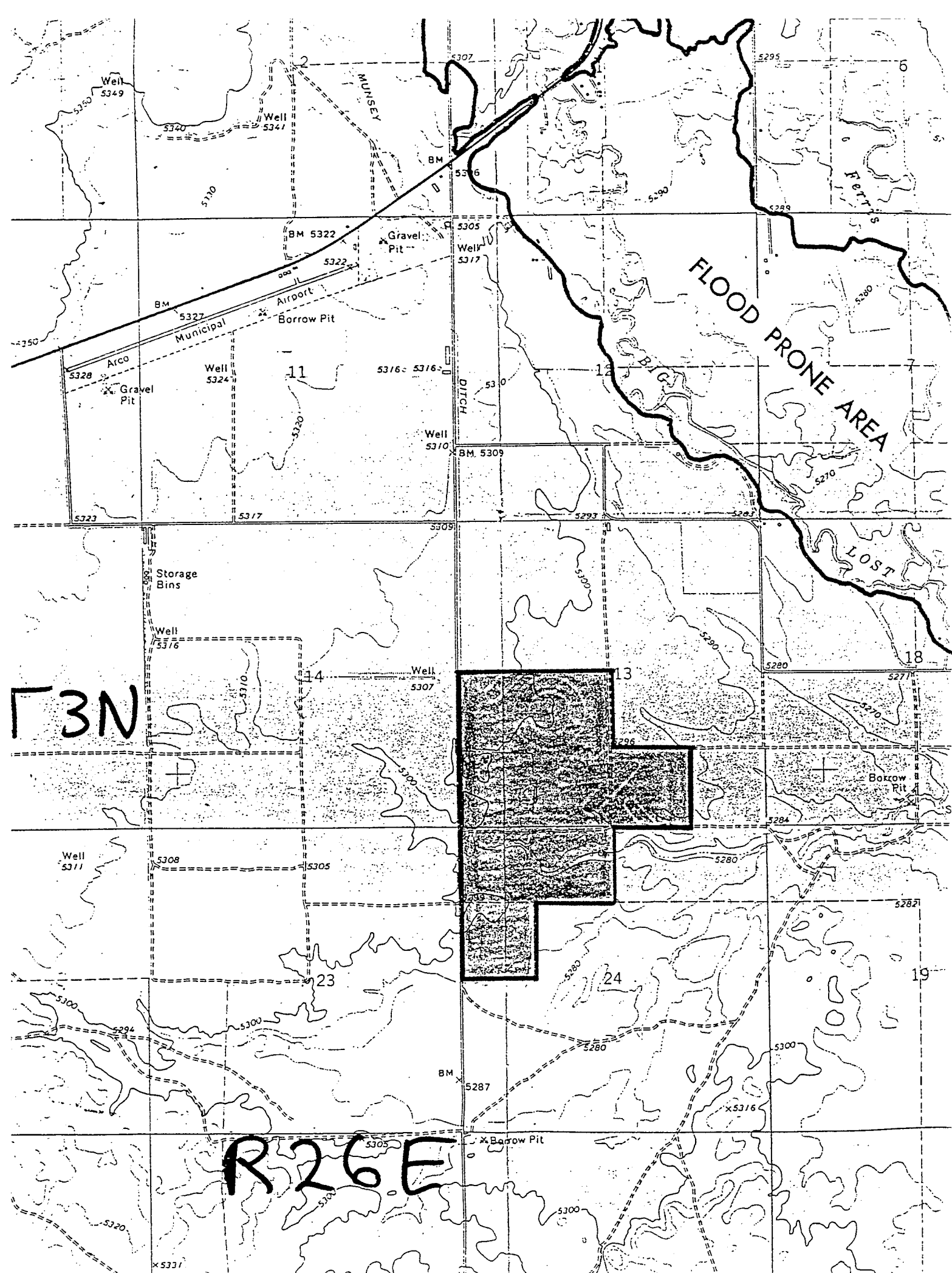
13. Describe any other water rights used at the same place and for the same purposes as described above.

#34-002125B, 34-00852A, 34-02125A, 34-00852B, 34-0740B or None ()

14. Remarks:

Last Name USA FmHA Ident No. 34-07055
(R. Smith)

Copies: White -State, Yellow-Claimant



GEOLOGICAL SURVEY

13°22'30" NACKAY 17 MI.
DARLINGTON 4.8 MI.

10000m E.

311

312 20'

313

17

