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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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AUG 25 1993

Department of Water Resources
Eastern District Office

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 Drainage)
Basin Water System)

Case No. 39576

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

Petitioner,)

vs.)

United States; State of Idaho;)
and all unknown claimants to)
the use of water from)
the Snake River Drainage Basin)
Water System,)

Respondents.)

RESPONSE OF
THE IDAHO DEPARTMENT
OF WATER RESOURCES
TO MOTION FOR
SUBSTITUTION OF PARTY
FOR NOTICE OF
CLAIM NO. 34-10439

DESCRIPTIVE SUMMARY

This document responds to the MOTION FOR SUBSTITUTION OF
PARTY by David and Linda Horre' for NOTICE OF CLAIM NO. 34-10439.

RESPONSE TO MOTION FOR SUBSTITUTION OF PARTY

The Idaho Department of Water Resources (the "IDWR") objects to the MOTION FOR SUBSTITUTION OF PARTY by David and Linda Horre (the "claimants") for Notice of Claim No. 34-10439. The copy of the warranty deed attached to the Motion does not show the purchase by the claimants of the land within the place of use for Notice of Claim No. 34-10439. Consequently, the documentation provided does not support the request for a substitution of the claimants as owners for Notice of Claim No. 34-10439.

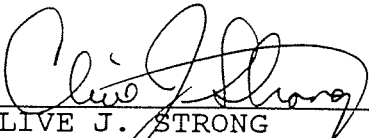
The IDWR notes that the place of use for Notice of Claim No. 34-10438 is within the lands granted to the claimants by Reed and Elmabeth Nielsen. The problem may well be a simple typographic error in the MOTION FOR SUBSTITUTION OF PARTY.

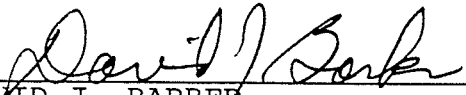
CONCLUSION

The IDWR opposes the substitution of the claimants, David and Linda Horre', as the owners of Notice of Claim No. 34-10439. The District Court should require the claimants to provide further documentation or to clarify their MOTION FOR SUBSTITUTION OF PARTY.

Dated this 16th day of August, 1993.

LARRY ECHOHAWK
Attorney General


CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I further certify that on the 16th day of August, 1993, I served a true and correct copy of this RESPONSE OF THE IDAHO DEPARTMENT OF WATER RESOURCES TO MOTION FOR SUBSTITUTION OF PARTY FOR NOTICE OF CLAIM NO. 34-10439 by mailing a copy thereof to the following persons, addressed as follows:

1. One copy to:

U.S. Department of Justice
Enviro. & Natural Res. Division
550 West Fort Street, Box 33
Boise, ID 83734

Carolyn Minder
SRBA Attorney
7283 Obsidian
Boise, Idaho 83709

2. One copy to each of the following parties identified in the pleading from whom relief is sought:

Craig D. Hobdey
P.O. Box 176
Gooding, ID 83330

LARRY ECHOHAWK
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