

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. 34-12742 -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: US BUREAU OF LAND MANAGEMENT
Address: IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706-2544

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

12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.
14. ☒ Other: I respond to the objection concerning:
GENERAL PROVISIONS 1-8 AND 13, AND OTHER
PORTIONS OF PREAMBLE TO DIRECTOR'S REPORT.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 12 and 12.b, and all allegations of the objection regarding these items, IDWR responds as follows.

This claim was based on beneficial use. IDWR was unable to confirm existence of a spring at the claimed point of diversion from information provided by BLM or other information available to IDWR. IDWR denies this portion of the objection and any allegations regarding this portion of the objection not expressly admitted herein.

In response to Statement of the Objection item 14 and all

allegations of the objection regarding this item, IDWR responds as follows.

IDWR denies this portion of the objection.

IDWR offers the following information regarding the original notice of claim:

The United States submitted a number of claims which stated on a single claim form that the claimed water right was both appropriated under state law and reserved under federal law. IDWR is required to include a recommendation for claims to water rights appropriated under state law in Part I of the director's report, to prepare an abstract of claims to water rights reserved under federal law in Part II of the director's report, and to include the claims to water rights reserved under federal law in Part III of the director's report, pursuant to Idaho Code section 42-1411. To meet the requirements of the statute, IDWR prepared a recommendation for this claim, no. A34-12742, and prepared an abstract of this claim, no. A34-12742A. The notice of claim is included in Part III of the director's report for Basin 34 which was previously filed with the court.

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 for this right is included in Part III of the Director's Report which was previously filed with the court.

(Over)

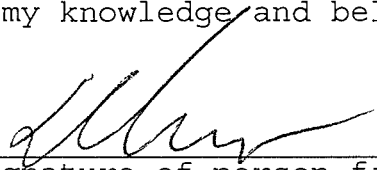
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

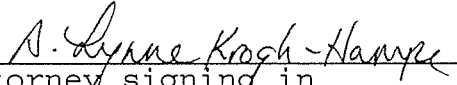
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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 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:



(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

CERTIFICATE OF MAILING

I hereby certify that on the 19th 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:

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: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
BOX 33
BOISE ID 83734

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

