

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. 36-04219 -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.

36-04219 -0001/
93-08-0313

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

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
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.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1 and all allegations of the objection regarding this item IDWR responds as follows:

IDWR is informed and therefore believes that some or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States, and that the U.S. and the claimant have a cooperative agreements for the construction and maintenance of range improvements on federal land. The director's report recommends right no. 36-02817 to water from an unnamed stream for purposes including storage to the United States. The United States did not file a notice of claim to this right. 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. A36-04219

4

(Over)

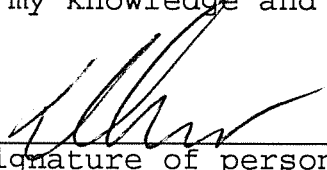
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

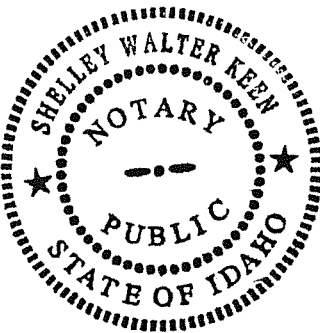
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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.

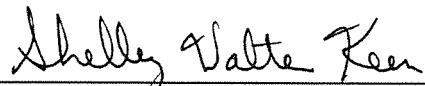

Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 9th day of September,
1993.




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: July 31, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of SEPTEMBER, 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:

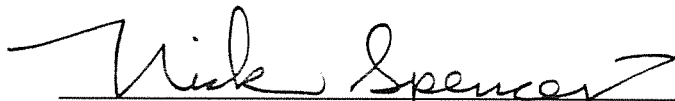
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: M B HILLER
PO BOX 52020
IDAHO FALLS ID 83405

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: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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: A36-04219
Date Received: 1/10/1990
Receipt No: E011602
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SMITH RANCHES INC.
Address: P.O. BOX 106
DARLINGTON, ID

83231

208-554-2303

RECEIVED

2. Date of Priority: JUN 30, 1965

JAN 10 1990

3. Source: UNNAMED STREAM

Trib. to: SINKS Department of Water Resources
Southern Region Office

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	27E	24	NE	NE			BUTTE

5. Description of diverting works:

RESERVOIR WATER TRANSPORTED BY TANKER TO STOCK TROUGHS & PONDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER STORAGE	01/01	12/31			4.00

7. Total Quantity Appropriated is:

C.F.S. (and/or) 4.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/1800 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	27E	26	NE	SE		STOC S	
		28	NE	SE		STOC S	
01S	27E	2	SE	SE		STOC S	

A36-04219

Page 1

Date: 01/10/90

RECEIVED
FEB 05 1990

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	27E	24	NE		NE		STOC S	
	28E	8	NW		SW		STOC S	
		28	NE		SE		STOC S	
		32	NW		NW		STOC S	

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

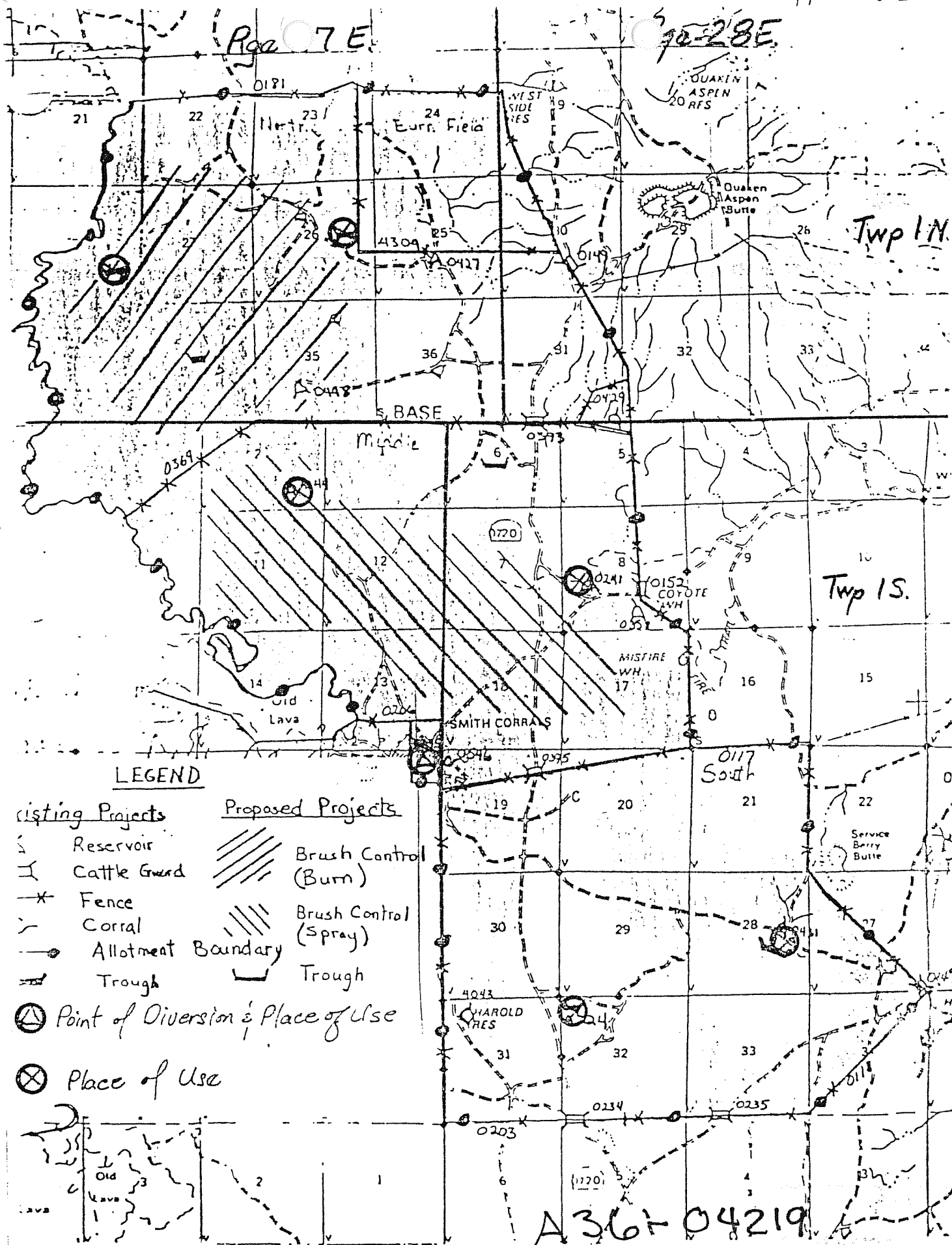
14. Remarks:
SOURCE IS SNOW MELT
CLAIMANTS ARE THE BLM PERMITEE

15. Basis of Claim: STATUTORY CLAIM

RECEIVED
FEB 05 1993

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not / wish to receive and pay a small annual fee for monthly copies of the docket sheet.

UNRECORDED
FEB 05 1993



LEGEND

- | | |
|-----------------------------------|--------------------------|
| <u>Existing Projects</u> | <u>Proposed Projects</u> |
| Reservoir | Brush Control (Burn) |
| Cattle Guard | Brush Control (Spray) |
| Fence | Trough |
| Corral | |
| Allotment Boundary | |
| Trough | |
| Point of Diversion & Place of Use | |
| Place of Use | |

Prelim. check by HUT Date 6-05-83
\$30.00 fee received by HUT Date 6-01-83
Published in area advertisement #2362
Dates 8/31 + 9/2/83 9/1 + 9/9/83

claimant by: _____
FEB 05 1983

A 36-04219