

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. 36-04221 -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.)

36-04221 -0001/
93-08-0314

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: DEPT OF INTERIOR
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

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3, 3a., 9, 9a., and 10 and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR is informed and therefore believes that a portion of the recommended place of use is owned by the United States. IDWR admits that if the place of use is reduced by the court, the quantity of water allocated to this water right should likewise be reduced. 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. A36-04221

3

(Over)

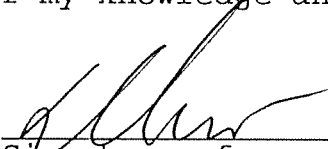
VERIFICATION (Must be Completed)

State of IDAHO

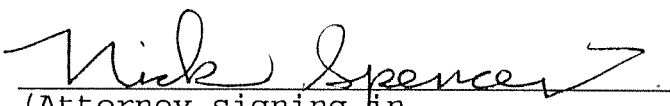
County of ADA

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 16th day of August,
1993.



Notary Public for Idaho
Residing at: _____
My Commission expires: _____

**Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994**

CERTIFICATE OF MAILING

I hereby certify that on the 16TH day of AUGUST, 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:

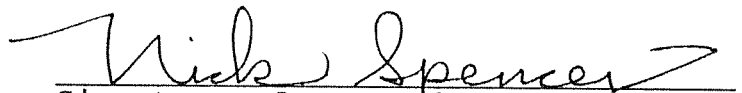
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: CINDY & TIM L MOORE
Address: 1473 E 3600 S
WENDELL ID 83355

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 WEST 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: A36-04221
Date Received: 8/03/1988
Receipt No: 500 1260
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TIM L. MOORE 208-536-2352
Address: 1473 EAST 3600 SOUTH
WENDELL, ID 83355

AND/OR

Name: CINDY MOORE 208-536-2352
Address: 1473 EAST 3600 SOUTH
WENDELL, ID 83355

2. Date of Priority: JUN 01, 1920

3. Source: WASTE WATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	14E	3	NE	SW	NE		GOODING
			NW	NE	NW	3	GOODING

5. Description of diverting works:
CHECK DAM, DITCH, POND, PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		
STOCKWATER	03/16	11/15	0.030		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 261.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	14E	3	NE		NW	3	IRR	24.0
			NW		NW	4	IRR	40.0
			SW		NW		IRR	2.0
			SE		NW		IRR	4.0
							Section Acres	70.0
		4	NE		NE	10	IRR	12.0
			NW		NE	2	IRR	2.0
			SW		NE	5	IRR	1.0
			SE		NE		IRR	2.0
							Section Acres	17.0
							Total Acres	87.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

36-2506 & SHARES IN NORTH SIDE CANAL CO.

14. Remarks:

THIS CLAIM IS BASED ON AN EARLIER CLAIM 36-4221 HOWEVER IN REVIEWING THE ORIGINAL CLAIM IT WAS FOUND THAT THE LEGAL DESCRIPTION WAS IN ERROR. ADDITIONALLY THE LANDS IN SEC. 4 WHICH IS OWNED BY THE BLM AND GRAZED BY THE CLAIMANT HAS HISTORICALLY BEEN IRRIGATED FROM THESE SAME WATERS. THIS WATER IS NOT A CONSTANT FLOW AND FLUCTUATES DEPENDING ON THE IRRIGATION USE UPSTREAM. THE LOCATION OF THIS USE IS ON THE TAIL END OF A PORTION OF THE NORTH SIDE CANAL CO. SYSTEM. THIS WASTE WATER HAS BY AGREEMENT WITH THE NORTH SIDE CANAL CO. BEEN ALLOWED TO BE USED IN EXCHANGE FOR MAINTENANCE OF THE WASTEWAY THRU THESE LANDS

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
FEB 01 1993

16. Signature(s)

(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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Tim L. Moore Date: 8-3-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of Aug 19 88 Neil D. Barrett
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/92

RECORDED
FEB 01 1993