

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. 36-07193 -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, )

36-07193 -0001/  
93-08-0339

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: ACEQUIA INC  
Address: POST OFFICE DRAWER 226  
SUN VALLEY ID 83353

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

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 11 and all allegations of the objection regarding this item, IDWR responds as follows.

The claimant filed objections to IDWR's recommendation of disallowal of all of claim no. 36-02121 and a portion of claim no. 36-02122. The claimant seeks changes in the combined use remark of this right, to change the remark to reflect the changes sought in the objections to the recommendations of the other claims. In its responses, IDWR denies the objections to the recommendations of the other claims, and IDWR incorporates those responses herein by reference (see sub-case nos. 36-02121-0001 and 36-02122-0001.) However, if claim nos. 36-02121 and 36-02122 are determined by the court differently than recommended by IDWR, then the combined use remark in the description of this right will need to be changed.

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. A36-07193

4

(Over)

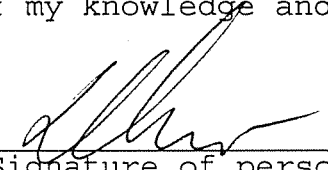
VERIFICATION (Must be Completed)

State of IDAHO

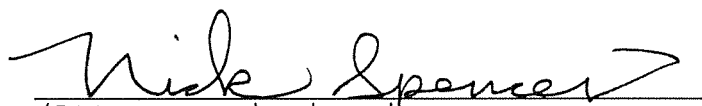
County of ADA

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

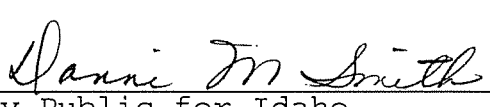
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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 31<sup>st</sup> 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 31st 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:

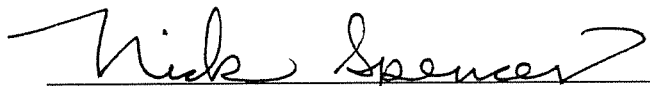
See No. 3

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: JAMES P SPECK  
Address: PO BOX 987  
KETCHUM ID 83340

4. One copy to:

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 33  
Boise, Idaho 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: A36-07193  
Date Received: 1/26/1989  
Receipt No: 5007363  
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ACEQUIA INC. 208-726-8474  
Address: P.O. DRAWER 226  
SUN VALLEY, ID 83353

2. Date of Priority: JUN 29, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County   |
|----------|-------|---------|--------|--------|--------|-----|----------|
| 06S      | 24E   | 26      | SW     | SE     | SW     |     | MINIDOKA |
|          |       |         | SE     | NW     | SE     |     | MINIDOKA |
|          |       | 35      | NW     | SE     | NE     |     | MINIDOKA |
|          |       |         | SW     | NE     | SW     |     | MINIDOKA |
|          |       |         | SW     | NE     | SE     |     | MINIDOKA |

5. Description of diverting works:  
FIVE WELLS & PUMPS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.280 |      |        |

7. Total Quantity Appropriated is:  
0.280 C.F.S. (and/or) 480.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 06S      | 24E   | 35      | NE  |    | SW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 40.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 160.0 |
|          |       |         |     |    |     |     | Total Acres   | 160.0 |

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:  
A36-02123

14. Remarks:

15. Basis of Claim: LICENSE

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: 1

For Organizations:

I do solemnly swear or affirm that I am president of  
Title  
Acequia Inc., that I have signed the foregoing  
Organization  
document in the space below as president of  
Title  
Acequia Inc. and that the statements contained in the  
Organization  
foregoing document are true and correct.

Thomas J. Kelly  
Signature of Authorized Agent

president Acequia Inc.  
Title and Organization

5/26/89  
Date

State of Idaho )  
County of Thur Fz 16 ) SS.

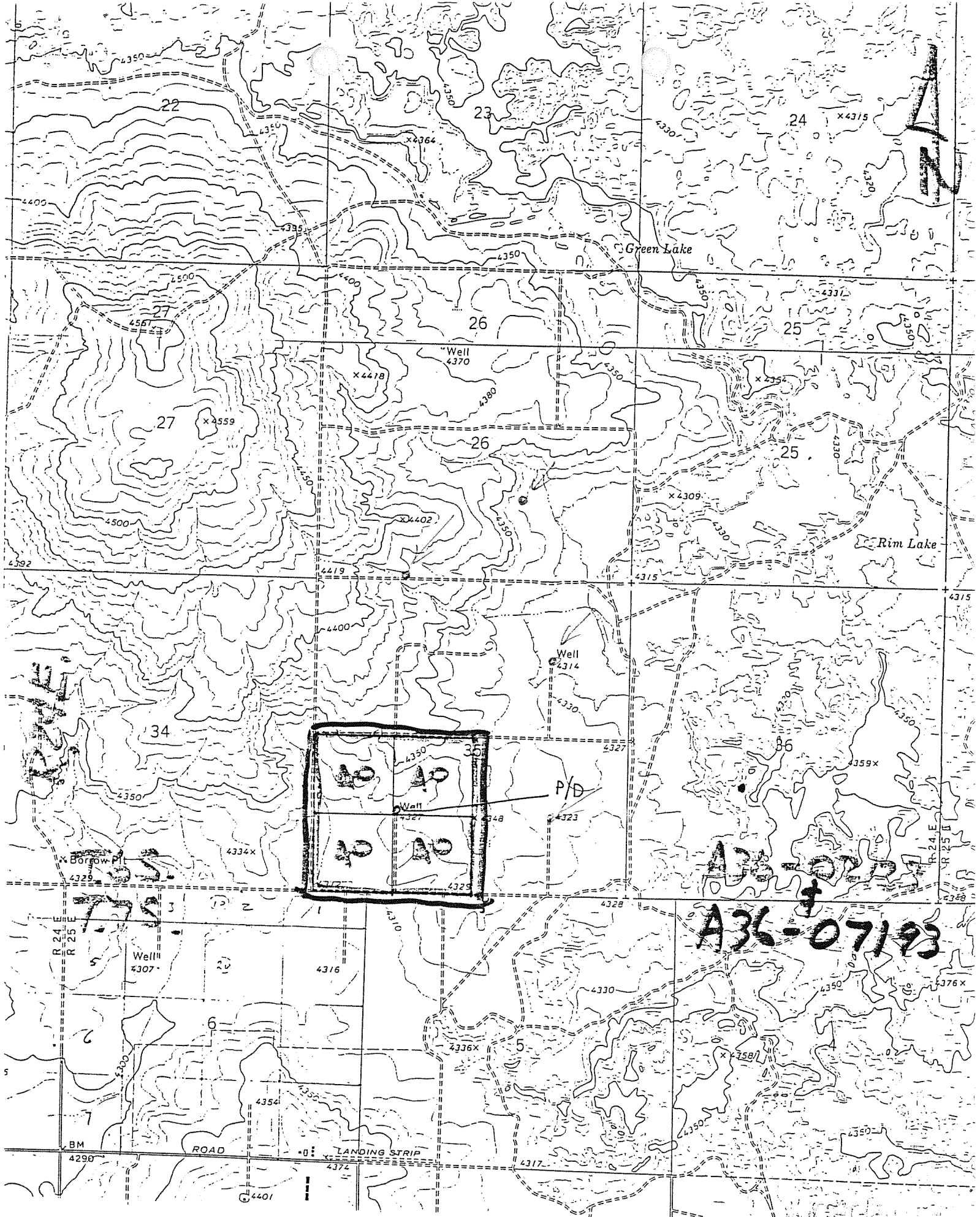
Subscribed and sworn (or affirmed) before me this 26<sup>th</sup> day  
of May 19 89

Notary Public

Seal

Residing at Kirkley, Id.

My Commission Expires 6/20/92



A36-07193