

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. 36-07202 -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.)

36-07202 -0001/
93-08-0343

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: 35 LAKE AVE A LTD PARTNERSHIP
Address: C/O JOEL MICHAEL KANTOR
1990 S BUNDY DR STE 600
LOS ANGELES CA 90025

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

5. |☒| Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
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 5 and 11, and all allegations regarding these items, IDWR responds as follows: There is an error in the description of the point of diversion of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ 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. A36-07202	5
Recommended Water Rights Acquired under State Law	1

(Over)

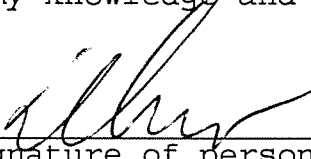
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

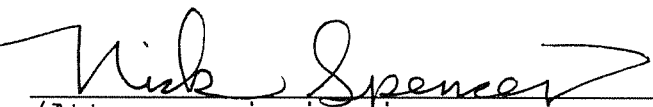
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.



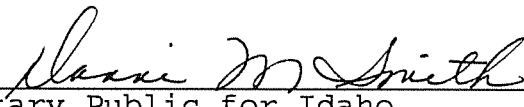
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30th 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 30th 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:

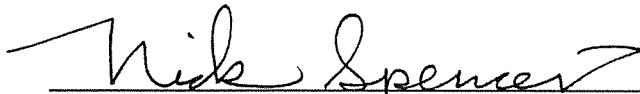
See No. 3

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: THOMAS A MILLER
Address: PO BOX 1617
BOISE ID 83701

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 A36-07202
Date Received 3-7-1990
Receipt Number 5011461

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 7 1990

Department of Water Resources
Southern Region Office

Please type or print clearly PARLIAMENT PARTNERS

1. Name of Claimant (s) 35 LAKE AVENUE Phone (213) 442-5308
410 JOEL MICHAEL RANTOR
Mailing Address 1990 S. BUNDY DR., SUITE 600, LOS ANGELES, CA. Zip 90025-5291

2. Date of Priority (Only one (1) per claim) AUGUST 6, 1971

3. Source of water supply (a) GROUND WATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 8 S. Range 17 E Section 30,
NE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Jerome

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. TWO 10 H.P. WELL PUMPS

AND TWO - 250,000 GALLON STORAGE TANKS

MICROFILMED

FEB 03 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For INDUSTRIAL purposes from JAN. 1 to Dec. 31 amount 0.06 or 433.6

For FIRE PROTECTION purposes from JAN. 1 to Dec. 31 amount 0.06 or N/A

For DOMESTIC purposes from JAN. 1 to Dec. 31 amount 0.06 or 433.6

For IRRIGATION purposes from ARR. 1 to OCT. 31 amount 0.02 or 4.0

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) 433.6 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8S	17E	30									/								/

Total number of acres irrigated 1

11. In which county (ies) are lands listed above as place of use located? Jerome

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
36-7525 or None ()

14. Remarks:

Last Name Avenue Ident No. _____

Copies: White - State - Yellow - Claimant

MICROFILMED

FEB 03 1993

Scale: 2 inches equals 1 mile

R16E

R 17 E.

T. 8 S.

24-19

25-30

well location

Last Name

Avenue

Ident No.

MICROFILMED
 Copies: White-State, Yellow-Claimant
 FEB 03 1993

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☒ ☐ Permit

Decree

If applicable provide IDWR Water Right Number 36-7525 07202

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ the General Partner

of _____ Parliament Partners, a California General Partnership _____ Title

Organization Parliament Partners, the _____, that I have signed the foregoing document in the space below as _____ General Partner of 35 Lake Avenue, a California _____ Title

Organization Limited Partnership

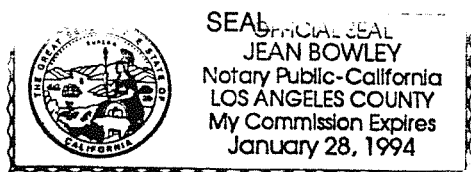
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent David Farrell

Title and Organization General Partner of Parliament Partners Date 3-1-90

State of ~~Idaho~~ California)
County of Los Angeles) SS.

Subscribed and sworn (or affirmed) before me this 1st day of March 19 90



Notary Public Jean Bowley

Residing at 1990 So. Bundy Dr., #600, Los Angeles, CA 90025

My Commission Expires 1-28-94

Please Print Name Jean Bowley

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Avenue Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
FEB 03 1993

State of Idaho
Department of Water Resources

RECEIVED

AUG 11 1976

36-7202

WATER RIGHT LICENSE

License of Water Right No. 36-7202 Priority Aug. 6, 1971 Amount 0.06 cfs

THIS IS TO CERTIFY, that Dart Industries, Inc.
of Los Angeles, California, has complied with the terms and conditions of Permit
No. 36-7202 issued pursuant to Application for Permit dated Aug. 6, 1971,
and has submitted proof to the Department of Water Resources on Aug. 20, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.06 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Indust.	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.06</u> cfs and	<u>433.6</u> acre feet
Fire Pro.	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.06</u> cfs and	<u>n/a</u>
Domestic	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.06</u> cfs and	<u>433.6</u> acre feet
Irrig.	from <u>Apr. 1</u> to <u>Oct. 31</u>	at <u>0.02</u> cfs and	<u>4.0</u> acre feet

(both dates inclusive)

Subject, however, to the condition that no more than 0.06 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
433.6 acre feet per year, said waters to be diverted within the NE 1/4 SW 1/4 (2 pts.) Sec.,
30, Twp. 33, Rge. 17E, B.M. in the County of Jerome

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	17E	30									1								1

Total number of acres irrigated 1

A measuring device of a type approved by this Department shall be maintained
as part of the diverting works.

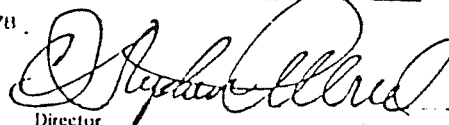
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of

July

19 76


Director

MICROFILMED

FEB 03 1993

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
36-07202	35 LAKE AVENUE A LIMITED PARTNERSHIP	08/06/1971	INDUSTRIAL	01-01 12-31	.06 CFS	LICENSE
	JOEL MICHAEL KANTOR				43.4 AFY	
	1990 S BUNDY DR SUITE 600		FIRE PROTECTION	01-01 12-31	.06 CFS	
	LOS ANGELES CA 90025		DOMESTIC	01-01 12-31	.06 CFS	
			IRRIGATION	04-01 10-31	.02 CFS	
					4.0 AFY	
			TOTAL QUANTITY:		.06 CFS	
					43.4 AFY	
			CONSUMPTIVE USE:		3.0 AFY	

NON-IRRIGATION-USES:

DOMESTIC/1 HOME; INDUSTRIAL/ PLASTIC PIPE MANUFACTURING

POINT OF DIVERSION:

T08S R17E S30

PLACE OF USE: INDUSTRIAL

~~NW1/4SW~~ SW1/4SW

T08S R17E S30

PLACE OF USE: FIRE PROTECTION

NESW

T08S R17E S30

PLACE OF USE: DOMESTIC

NESW

T08S R17E S30

PLACE OF USE: IRRIGATION

NESW

T08S R17E S30

1.0 ACRES TOTAL

NESW 1.0

REMARKS:

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.(2) POINTS OF DIVERSION LOCATED IN ~~NW1/4SW~~ SW1/4SW, S 30, T 08S, R 17E.