

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. 36-07239 -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.)

36-07239 -0001/
93-08-0351

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: J D MC COLLUM
Address: PO BOX 112
TWIN FALLS ID 83303-0112

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:
- 9b. ☒ The number of irrigated acres within each forty (40) acre subdivision.
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, 3.a, 9, 9.b and 10, and all allegations of the objection regarding this items, IDWR responds as follows.

The claimant filed claim no. 36-07239 to a water right based on a license issued by IDWR, which was licensed and claimed for various purposes, including 80 acres of irrigation for a golf course. The claimant also filed claim no. 36-15455, as an expansion of the licensed right pursuant to Idaho Code section

42-1416(2), for irrigation of an additional 80 acres of golf course. IDWR recommended 0.02 cfs per acre for 68 acres for the irrigation portion of the license and recommended the expansion claim for disallowal, based on information available to IDWR that indicated that water had been used only for 68 acres of golf-course irrigation prior to commencement of this adjudication.

As part of the investigation of the objection, IDWR has obtained further information which indicates that the portion of the license that was not recommended was put to beneficial use for irrigation of an orchard prior to expansion of the golf course, and that the expansion of the golf course was completed prior to commencement of this adjudication. Therefore, the description of this right and right no. 36-15455 in the director's report should be changed.

Information currently available to IDWR supports a finding that the license should be recommended for 0.02 cfs per acre for 80 acres for the irrigation portion of the license, and the expansion claim should be recommended for approximately another 12 acres of irrigation. However, IDWR lacks sufficient information to describe the number of irrigated acres per forty acre tract, which is necessary to provide a complete corrected recommendation. IDWR will further investigate this objection, and when the necessary information is obtained, will provide a corrected recommendation.

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. A36-07239	4

(Over)

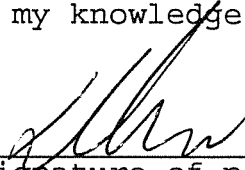
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

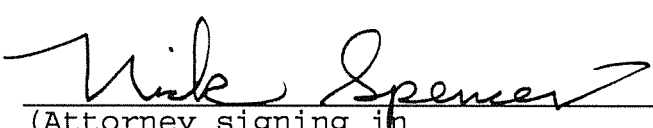
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.



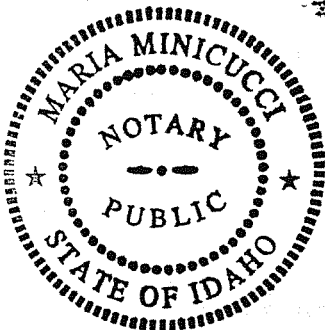
Signature of person filing response

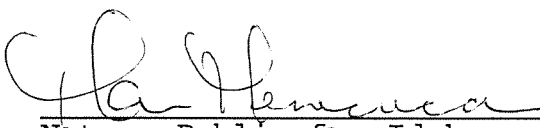
By:



(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: 6/25/1999

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:

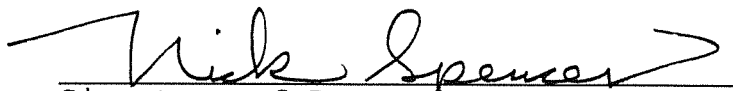
See No. 3

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 M ROBERTSON
Address: PO BOX 525
TWIN FALLS ID 83303-0525

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 A36-07239Date Received 12-20-88Receipt Number 5005674

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 20 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) J. D. McCollum Phone (208) 733-2163Mailing Address Box 112, Twin Falls, Idaho Zip 833012. Date of Priority (Only one (1) per claim) 4-24-19723. Source of water supply (a) Alpheus Creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 9 S. Range 17 E. Section 28,
1/4 of SW 1/4 of SE 1/4, Govt. Lot, 11 B.M., County of JeromeAdditional points of diversion if any: Noneb. If instream flow, beginning point of claimed instream flow is: N/A

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. Water diverted through 42" pipe which
carries claimant's water together with water licensed to the City of
Twin Falls across the Snake River to Twin Falls County. Claimant's water
is diverted from the 42" line through a 12" gravity fed line located
immediately upstream from the City's pumping station.

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3-1 to 11-1 amount 1.6 or 320 acre feet

For Recreation purposes from 1-1 to 12-31 amount 6.0 or _____

For Aesthetic purposes from 1-1 to 12-31 amount 6.0 or _____

For Fish Propagation purposes from 1-1 to 12-31 amount 6.0 or _____

7. Total quantity claimed (a) 6.0 (cfs) and/or (b) 320 (acre feet)

8. Total consumptive use claimed is 320 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Recreation and Aesthetic: Commercial golf course facility
Fish Propagation: See "remarks"

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
9 S.	17 E.	33					J R 15	HJR 25	J R 10	J R 10									60
		32	JHR 10																10
		29															JHR 10		10

Total number of acres irrigated 80

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

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.
IDWR Permit Nos. 47-7758 and 47-7813 (Irrigation & Fish Propagation) or None ()

14. Remarks:

Item 9: Fish Propagation: Hatchery and fish growing complex with 118 raceways
& ponds as follows:

36 raceways 4' x 20'

12 circular raceways, 20' diameter

6 raceways 12' x 150'

55 ponds appx. 4' x 8' each

1 raceway 25' x 50'

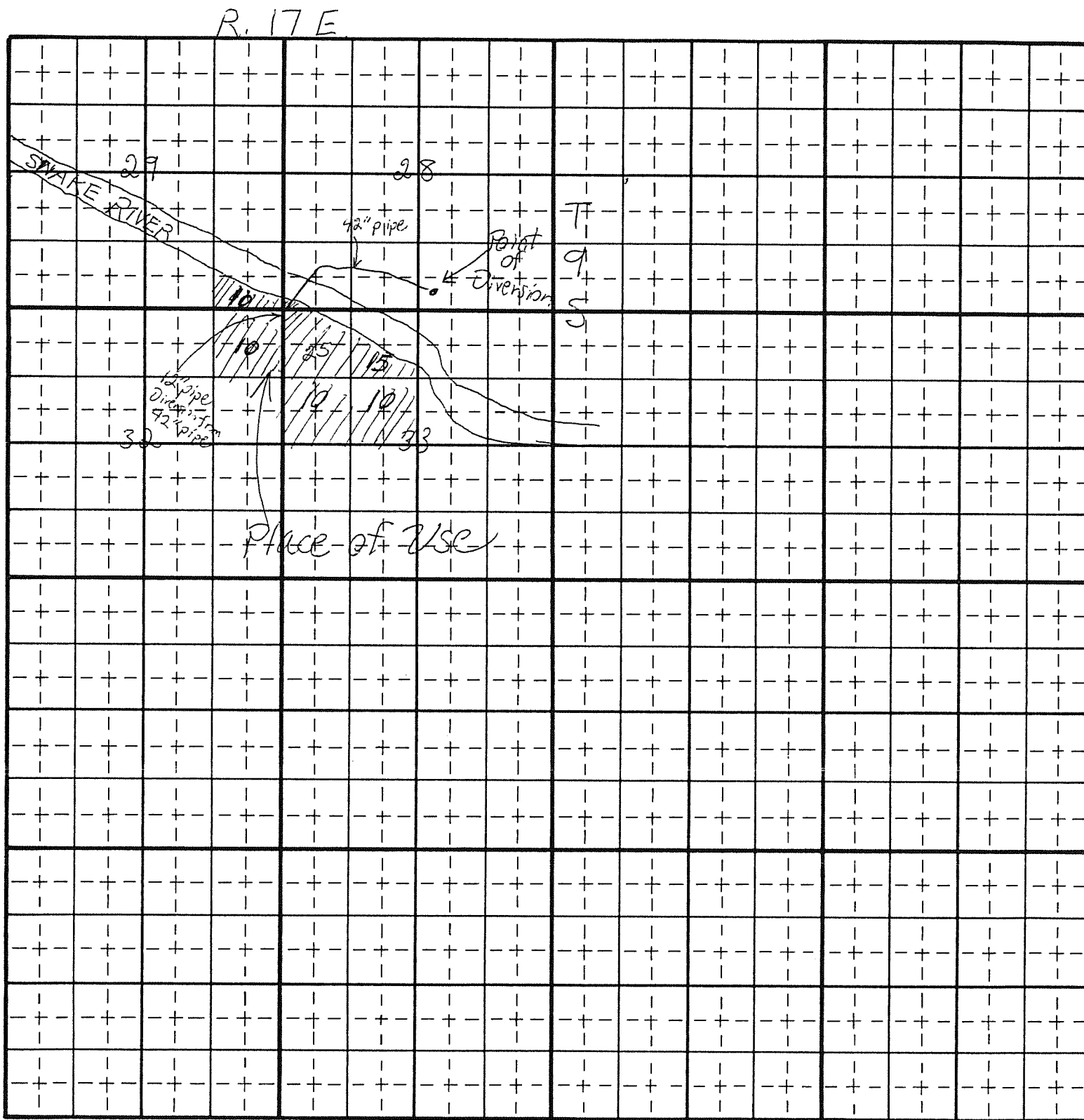
6 raceways 25' x 100'

Last Name McCollum Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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FEB 03 1993

Last Name McCollum

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ ☒ Deceit ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 36-7239
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 0

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

Signature of Claimant (s) X J.D. McCollum Date X 12/16/88

Date _____

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of ~~Idaho~~ or Arizona)
County of Maricopa) SS.

Subscribed and sworn (or affirmed) before me this 16 day of December 19 88

SEAL

Notary Public Dupe Layne

Residing at Sun City West

My Commission Expires May 31, 1989

My Commission Expires _____

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Thomas M. Robertson 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 Thomas M. Robertson

Address Box 525 Twin Falls ID 83301

Date Dec 19, 1988

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FEB 03 1993

Last Name McCollum Ident. Number _____

Copies White-State, Yellow-Claimant