

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. 36-07554 -0001
_____	)	
The State of Idaho, <u>ex rel.</u> R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources,	)	RESPONSE TO OBJECTION
Petitioner,	)	
vs.	)	36-07554 -0001/ 93-08-0385
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: CALVIN JONES
Address: 952 S 1400 E
EDEN ID 83325

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

14. ☒ Other: I respond to the objection concerning:

TRANSFER NUMBER 3911 OF WATER RIGHT NO. 36-07554
WAS NOT ADDED TO THE RECOMMENDATION.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection 14, and all allegations of the objection regarding this item, IDWR admits there are errors in the description of the point of diversion and remarks 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. A36-07554

3

Recommended Water Rights Acquired Under State Law

1

(Over)

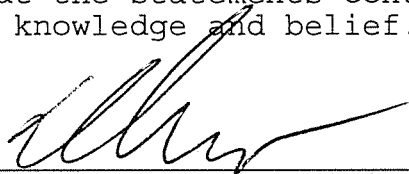
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

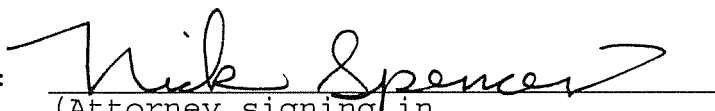
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.



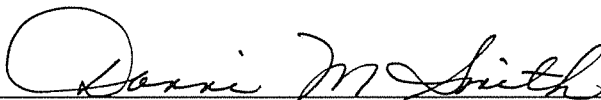
Signature of person filing response

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:

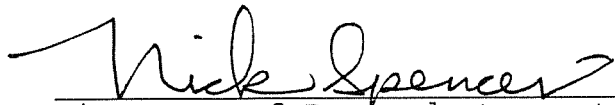
Name: ROOST POTATO CO INC
Address: 952 S 1400 E
EDEN ID 83325

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: CALVIN JONES
Address: 952 S 1400 E
EDEN ID 83325

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: A36-07554
Date Received: 2/08/1990
Receipt No: S011144
Received By: R.V. EV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROOST POTATO CO. INC. 208-825-5007
Address: 952 S., 1400 E.
EDEN, ID 83325

2. Date of Priority: JUL 05, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	20E	36		SE	NW		JEROME

5. Description of diverting works:
WELL, 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	5.350		1280.00

7. Total Quantity Appropriated is:
5.350 C.F.S. (and/or) 1280.00 A.F.A.

8. Total consumptive use is 960 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	20E	36	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0

A36-07554

Page 1

Date: 02/08/90

MICROFILMED

FEB 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	20E	36	SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	320.0
						Total Acres	320.0

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS REFERRED TO IN CLAIM A36-07829.

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

Number of attachments: _____

For Organizations:

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

Calvin Jones
Signature of Authorized Agent
PRESIDENT ROOST POTATO CO
Title and Organization
2-14-90
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of February 1990

Robert V. Horstelt
Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires January 16, 1995

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: AUG-28-1993
PAGE: A-1RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITYBASIS OF
CLAIM

SOURCE: GROUNDWATER

36-07554	ROOST POTATO CO	07/05/1975	IRRIGATION	04-01	10-31	5.35	CFS	LICENSE
	952 S 1400 E					1280.0	AFY	
	EDEN ID 83325							

POINT OF DIVERSION:

T08S R20E S36

SWSERNW
SWSENETOTAL QUANTITY: 5.35 CFS
CONSUMPTIVE USE: 960.0 AFY

PLACE OF USE: IRRIGATION

T08S R20E S36

NENW 40.0
NESW 40.0NWNW 40.0
NWSW 40.0SWNW 40.0
SWSW 40.0SENW 40.0
SESW 40.0

REMARKS:

320.0 ACRES TOTAL

RIGHT NO. 36-07829 IS ALSO DIVERTED THROUGH A POINT DIVERSION
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF
THESE RIGHTS IS LIMITED TO 5.35 CFS.THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OR
POINTS OF DIVERSION DESCRIBED ABOVE: 36-02324, 36-07554, 36-07829
AND 36-15152.