

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. 36-07560 -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,)

36-07560 -0001/
93-08-0386

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: US BUREAU OF RECLAMATION
Address: DEPT OF INTERIOR
1150 N CURTIS
BOISE ID 83706-1234

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

9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
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 items 9, 9a., and 11 and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is used pursuant to this right are owned by the United States. IDWR further lacks sufficient information to form a belief as to whether the claimant's use of any lands owned by the United States is subject to an agreement with the United States. IDWR denies that federal ownership of the place of use or agreements with the federal government as to use of lands within the place of use are necessary to define the water right. IDWR denies the objection and all 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. A36-07560

5

(Over)

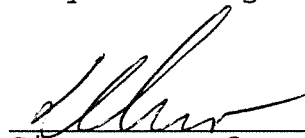
VERIFICATION (Must be Completed)

State of IDAHO

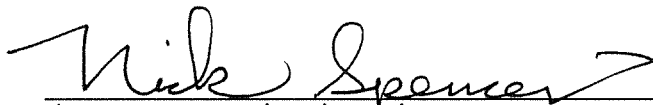
County of ADA

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 23rd 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 24th 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:

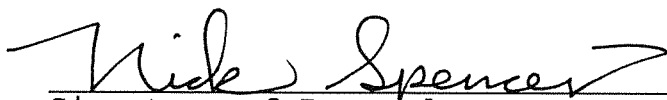
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: GARY & BARBARA CARNEY
Address: RT 2 BOX 2418
PAUL ID 83347

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 W FORT ST BOX 33
BOISE ID 83724



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: A36-07560

Date Received: 4/05/1990

Receipt No: 501878

Received By: AD 4/9/90

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY CARNEY 208-438-5348
Address: RT. 2 BOX 2418
PAUL, ID 83347

AND/OR

Name: BARBARA CARNEY 208-438-5348
Address: RT. 2 BOX 2418
PAUL, ID 83347

2. Date of Priority: JUL 29, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	21E	2	SE	SE	NE		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	7.660		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 1149.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	21E	1	NW		NE	2	IRR	8.0
			SW		NE		IRR	32.0
			SE		NE		IRR	40.0
			NE		NW	3	IRR	13.0
			NW		NW		IRR	1.0
			SW		NW	4	IRR	3.0
			SE		NW		IRR	9.0
			NE		SW	IRR	10.0	
			NW		SW	IRR	4.0	
			SW		SW	IRR	25.0	
			SE		SW	IRR	30.0	
			NE		SE	IRR	40.0	
			NW		SE	IRR	17.0	
			SW		SE	IRR	28.0	
			SE		SE	IRR	40.0	

Section Acres 300.0

2	SW	NE	IRR	20.0
	SE	NE	IRR	6.0
	SW	NW	IRR	8.0
	SE	NW	IRR	10.0
	NE	SW	IRR	13.0
	NW	SW	IRR	15.0
	NE	SE	IRR	2.0
	NW	SE	IRR	9.0

Section Acres 83.0

Total Acres 383.0

11. Place of use in counties: JEROME

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE (SEE REMARKS)

14. Remarks:

THIS PERMIT IS FOR THE ADDITIONAL ACRES IRRIGATED IN THE FARM ABOVE THAT WHICH IS SUPPLIED WATER FROM AN A & B IRRIG. DIST. WELL. THE A & B WELL SUPPLIES WATER TO APPROX. 396.2 ACRES. THIS PERMIT IS FOR THE PRIVATE WELL WHICH IS CONNECTED INTO THE SAME PIPELINE NETWORK AS THE A & B WELL FOR THE IRRIGATION OF THE BALANCE OF ACRES IRRIGATED IN THE FARM.

TOTAL ACRES IRRIGATED IN FARM: APPROX. 779.2 ACRES

A & B COVERED ACRES 396.2 ACRES

ACRES COVERED BY THIS PERMIT 383 ACRES

PORTION OF THE LANDS IN W1/2NE1/4 & E1/2NW1/4 OF SEC. 1 ARE RENTED FROM BUREAU OF RECLAMATION AND MAY BE PURCHASED IN THE

14. Remarks: Continue

FUTURE. PORTION OF LANDS IN THE NW1/4SW1/4 & SW1/4NW1/4 OF SEC.2
BELONG TO THE FISH & GAME AND HAVE BEEN WATERED FROM THIS SYSTEM
IN THE PAST AND ARE INCLUDED IN THIS CLAIM.

15. Basis of Claim: PERMIT

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: Maps

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): Eary Carney Date: 4-9-90

Date: _____

State of Idaho)
County of Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of April 19 90

[Signature]
Notary Public

Seal

Residing at Kimberly ID
My Commission Expires 6/30/92

ACS

L44

L43

L42

L44

L43

L42

L41

8	10	20	6
15	13	9	2

1	13	9	32	40
3	4	10	17	40
25	30	28	40	

Note: Total Area 777 Ac.

A40 Supply 396.2 Ac.

A36-07560 Supplies 383 Ac.

R2E
R22E

FEB 04 1991