

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. 36-07646 -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.)

36-07646 -0001/
93-08-0394

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 DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 WEST FORT ST BOX 33
BOISE ID 83734

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.

7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3, 3.a and 7, and all allegations of the objection regarding those items, IDWR responds as follows: This right is based on a license issued by IDWR. The purposes of use, diversion rates and diversion volumes recommended are the same as shown on the license. Idaho Code Sec. 42-220 provides that the license is prima facie evidence of the right. IDWR further responds that the use of the stockwater portion of the right is consistent with the definitions of stockwater in the general provision 11.a, and the appropriation of water for stockwater purposes pursuant to the statutory permit and license process is not limited to to the appropriation of small stockwater rights pursuant to the a statutory definition of

rights that are excepted from the statutory permit and license process. The stockwater portion of this right is quantified using the 12 gallons per day per head standard, which is the same standard applied to the United States claims and is the same standard recommended by the U.S. Environmental Protection Agency for small water systems. IDWR lacks sufficient information to form a belief as to the truth of the matter asserted in the attachment, and in particular lacks information as to the manner in which the census is conducted or whether this operation was included in the census. The diversion volume recommended for dust control purposes is not based on continuous year round diversion and does not include the right to water wet or muddy ground for dust control purposes. IDWR therefore denies the objection.

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. A36-07646	3

(Over)

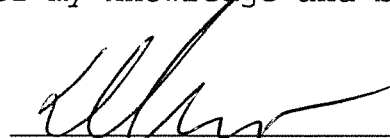
VERIFICATION (Must be Completed)

State of IDAHO

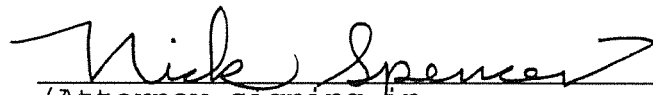
County of ADA

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

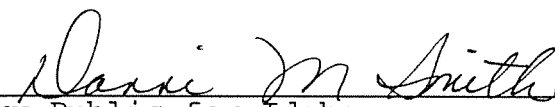
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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 10th day of September, 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 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:

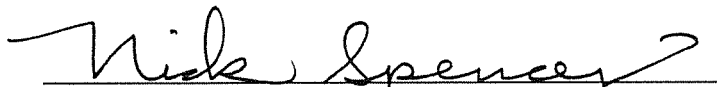
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: RAY L COMMONS
Address: ROUTE 5 BOX 64
RUPERT ID 83350

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 WEST FORT ST BOX 33
BOISE ID 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: A36-07646
Date Received: 7/05/1988
Receipt No: 0001839 *cf*
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE TRAVELERS INSURANCE CO.
Address: C/O DONALD S. REED, GEN. MGR.
960 BROADWAY AVE.
BOISE, ID 837063623

2. Date of Priority: SEP 24, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	23E	30	NW	SE		3	LINCOLN

5. Description of diverting works:
WELL, PUMP, PIPELINES & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.600		
COMMERCIAL	01/01	12/31	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses: 12,000 h.d.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	23E	30	SW	NE	2	STOCK	
			NE	SE		STOCK	

A36-07646

Page 1

Date: 07/08/88

FEB 04 1988

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	23E	30	NW	SE	3	STOCK	
			SW	SE	4	STOCK	
			SE	SE		STOCK	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

C/DUST CONTROL FEED LOTS.

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: _____

For Organizations:

I do solemnly swear or affirm that I am General Manager of
The Travelers Insurance Company, that I have signed the foregoing
Organization

document in the space below as General Manager of
Organization and that the statements contained in the
foregoing document are true and correct.

Donald S. Wood
Signature of Authorized Agent
General Manager
The Travelers Insurance Company
Title and Organization

July 8, 1988

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of July 19 88

Seal

Carsten Fritschel
Notary Public

Residing at Engle, Id

My Commission Expires 3-21-94