

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. 36-07720 -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,)

36-07720 -0001/
93-08-0400

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: BLUE LAKES TROUT FARM INC
Address: PO BOX 1237
TWIN FALLS ID 83301

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

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. ☒ Other: I respond to the objection concerning:
NON-IRRIGATION USES

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 11 and 14, and all allegations of the objection regarding those items, IDWR responds as follows: Idaho Code Section 42-1411(2) provides that the director's reports shall include "such other matters as are necessary to define the right." The description of non-irrigation uses and the remark as to facility volume correctly describe the current use of water diverted for fish propagation purposes. Description of the current use of water diverted for fish propagation purposes is necessary to define the right and to prevent future expansions in use of the right. The remaining contested remarks are necessary for the efficient administration of water rights, which IDWR recommends be included in the decree pursuant to Idaho Code Section 42-1412(a).

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. A36-07720

4

(Over)

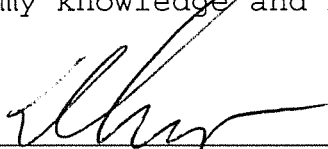
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

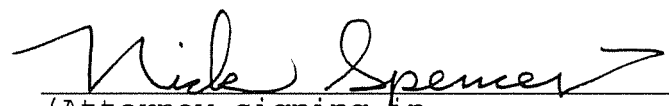
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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 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: J EVAN ROBERTSON
Address: PO BOX 1906
TWIN FALLS ID 83303-1906

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

7/15/89 AD

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

RECEIVED

OCT 13 1989

Ident. Number: A36-07720
Date Received: 4/28/1989
Receipt No: 5009/88
Received By: AD

Department of Water Resources NOTICE OF CLAIM TO A WATER RIGHT
Southern Region Office ACQUIRED UNDER STATE LAW

1. Name: BLUE LAKES TROUT FARM, INC. 208-733-4631
Address: P.O. BOX 1237
TWIN FALLS, ID 83301

2. Date of Priority: JUN 08, 1977

3. Source: WASTE WATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	17E	29	NE	SE		19	JEROME

5. Description of diverting works:
DITCH & RACEWAYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	37.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/300000-400000 LBS.YR.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	17E	29	NE	SE	19	FISH	

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:

LIC. 36-2356, 36-7210 & 36-7427.

14. Remarks:

FACILITY VOLUME = 1.5 AF.

WATER USED UNDER THIS LICENSE IF DISCHARGED INTO A NATURAL CHANNEL SHALL MEET IDAHO WATER QUALITY STANDARDS.

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 _____

Blue Lakes Trout Farm, Inc. _____, that I have signed the foregoing Organization document in the space below as _____ President _____ of _____ Title _____

Blue Lakes Trout Farm, Inc. _____ and that the statements contained in the Organization foregoing document are true and correct.

Henry M. Greene
Signature of Authorized Agent

President, Blue Lakes Trout Farm, Inc.
Title and Organization

10/5/89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of October 19 89

Seal

[Signature]
Notary Public

Residing at Twin Falls

My Commission Expires 12-3-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, J. Evan 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

Nelson, Rosholt, Robertson, Tolman & Tucker

Address

P.O. Box 1906, Twin Falls, ID 83303

Date

10-12-89

MICROFILMED

FEB 04 1993

Last Name Blue Lakes Trout Ident. Number _____

Copies White-State, Yellow-Claimant