

FEB - 8 2013

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

1. Person responding to objection:

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

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).

RESPONSE TO OBJECTION NO. 36-07731 -0001 - PAGE 1

2. Person who filed objection:

Name: CLEAR LAKES TROUT CO INC
Address: 1301 VISTA AVENUE
BOISE ID 83705

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:
GENERAL PROVISIONS 5 & 7

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 11, and all allegations of the objection regarding this item, IDWR responds as follows:

The language objected to by the claimant is not included in IDWR's recommendation of this right. This portion of the objection is an error.

In response to Statement of the Objection item 14 and all allegations of the objection regarding this item, IDWR responds as follows:

IDWR 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. A36-07731

3

(Over)

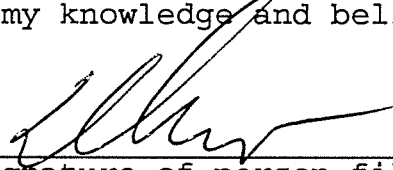
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

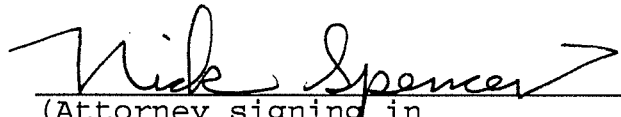
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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 1st 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 1st 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:

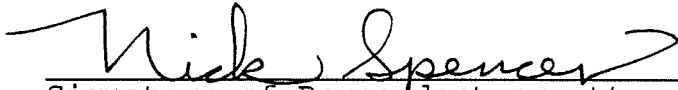
See No. 3

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: WILLIAM F RINGERT
Address: PO BOX 2773
BOISE ID 83701

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: A36-07731
Date Received: 8/30/1988
Receipt No: C002459
Received By: *ca*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
SEP 01 1988

1. Name: CLEAR LAKES TROUT CO., INC.
Address: 1301 VISTA AVE.
BOISE, ID

83705-0000

2. Date of Priority: JUL 08, 1977

Department of Water Resources

3. Source: SPRINGS

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	13	NE NE		GOODING

5. Description of diverting works:
HEADGATES, WEIRS, PIPELINE & PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	18.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

~~★~~ ☒ FISH PROP.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	13	NE NE		FISH	
			NW NE		FISH	
			NE NW		FISH	

A36-07731

Page 1

Date: 08/30/88

MICROFILMED
FEB 04 1993

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
36-7080.

14. Remarks:
1 P/D KNOWN LOCALLY AS HAGERMAN WATER USERS SPRING.

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: NONE

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Clear Lakes Trout Company, Inc., that I have signed the foregoing
Organization
document in the space below as President of
Title
Clear Lakes Trout Company, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Edith M. Hardy
Signature of Authorized Agent
President,

Clear Lakes Trout Company, Inc.
Title and Organization

September 1, 1988
Date

MICROFILMED

FEB 04 1993

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of September 19 88

Mary Anne Johnson
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 1-11-92

SCANNED

FEB - 8 2013

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. 36-07779 -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,)

36-07779 -0001/
93-08-0403

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 LAND MANAGEMENT
Address: DEPT OF INTERIOR
3380 AMERICANA TERRACE
BOISE ID 83706

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 conditions imposed by the United States. IDWR denies that any terms of any agreement between the United States and the claimant regarding use of land owned by the United States are appropriately included in the description of 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. A36-07779	5

(Over)

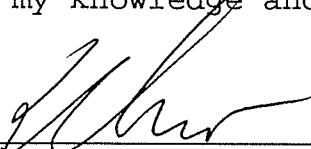
VERIFICATION (Must be Completed)

State of IDAHO

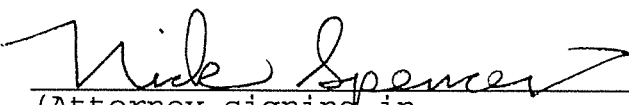
County of ADA

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 16th day of Aug.,
1993.



Notary Public for Idaho
Residing at: Boise ID
My Commission expires: 11-14-1998

CERTIFICATE OF MAILING

I hereby certify that on the 16th 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:

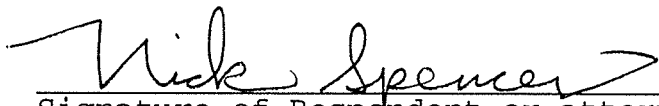
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: A N AMBROSE
Address: PO BOX 247
WENDELL ID 83355

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: A36-07779
Date Received: 7/19/1988
Receipt No: 5002043
Received By: ADA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A. N. AMBROSE 208-536-5332
Address: P.O. BOX 247
WENDELL, ID 83355

2. Date of Priority: FEB 22, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	15E	29	SW	NE	NW		GOODING
		31	NE	SE	NE		GOODING
			SW	NE	SW		GOODING
			SE	NW	SE		GOODING
		32	SE	NW	NE		GOODING
			SE	NE	NW		GOODING
			NE	NW	NW		GOODING
			SW	NW	SW		GOODING
			NE	SE	SW		GOODING
			NE	SE	SE		GOODING
		33	SE	NE	NW		GOODING
			NE	SE	SW		GOODING
			NE	SE	SE		GOODING
09S	15E	3	NE	NE	NW	3	GOODING
		4	NE	NE	NE	1	GOODING

5. Description of diverting works:
15 WELLS & PUMPS DELIVERING TO COMMON PIPELINE NETWORK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.700		

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

A36-07779

Page 1

A.F.A.

Date: 07/19/88

MICROFILMED

FEB 04 1993

8. Total consumptive use is 1347.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	15E	31	NE		NE		IRR	38.0
			NW		NE		IRR	33.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	9.0
			SW		NW	2	IRR	24.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	35.0
			SW		SW	4	IRR	10.0
			SE		SW		IRR	12.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	12.0
			SE		SE		IRR	38.0

Section Acres 450.0

Total Acres 450.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
36-2161, 36-2113, 36-2311, 36-2500

14. Remarks:

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): A. N. Amberg Date: 8-17-88

Date: _____

State of Idaho)
County of Gooding) ss.

Subscribed and sworn (or affirmed) before me this 17th day
of August 19 88 William Cooper
Notary Public

Seal

Residing at Wendell, Idaho
My Commission Expires 4-28-91

Received 12/4/80
Southern

Edward D. Ahrens
WHITE, AHRENS, PETERSON & PERRY, P.A.
Attorneys for Personal Representative
104 Ninth Avenue South
Post Office Box 247
Nampa, Idaho 83653-0247
Telephone: (208) 466-9272
888-1482

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

Magistrate Division

In the Matter of the Estate of	)	Case No. <u>2110?</u>
A. NEAL AMBROSE,	)	LETTERS TESTAMENTARY
Deceased.	)	

The Will of A. Neal Ambrose, deceased, having been admitted to informal probate, Leona Ambrose, the person who is named personal representative therein, is hereby appointed personal representative.

WITNESS: THOMAS R. CUSHMAN, Magistrate of the District Court, County of Gooding, State of Idaho, with the seal of the Court affixed this 51 day of July, 1989.

THOMAS R. CUSHMAN
Magistrate

MICROFILMED
FEB 04 1993

STATE OF IDAHO)
)
County of Gooding) : ss

I hereby accept the duties of personal representative of the Estate of A. Neal Ambrose, and do solemnly swear that I will perform, according to law, the duties of personal representative.

Leona Ambrose
Leona Ambrose

SUBSCRIBED AND SWORN to before me this 7th day of July, 1989.

William Cooper
Notary Public for Idaho
Commission expires: 4-28-91

(SEAL)

03/12311.2

STATE OF IDAHO }
COUNTY OF GOODING }

I hereby certify that the foregoing is a true copy of the original instrument as the same is on file in my office.

Dated 7-31 19 89

JOHN L. STEPHENS
County Clerk

By Dorothy Stephens