

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. 36-10197 -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,)

36-10197 -0001/
93-08-0439

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

3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
9. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3, 3a., 9, 9a., and 10 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 the

subject of an agreement between the United States and the claimant. IDWR admits that if the place of use is reduced by the court, the quantity of water allocated to this water right should likewise be reduced. 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. A36-10197

3

(Over)

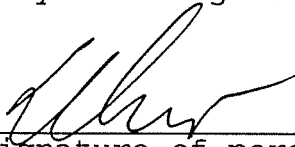
VERIFICATION (Must be Completed)

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.

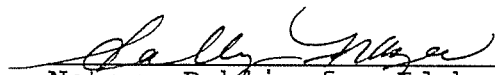


Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th day of Aug.,
1993.



Notary Public for Idaho
Residing at: Boise ID
My Commission expires: 11-19-1998

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:

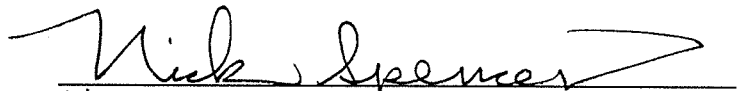
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: PATRICIA & MICHAEL WOODLAND
Address: ROUTE 2 BOX 2542
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 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: A36-10197

Date Received: 7/12/1988

Receipt No: _____

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MICHAEL D. WOODLAND

Address: RT. 2 BOX 2542

PAUL, ID

83347

AND

Name: PATRICIA WOODLAND

Address: ROUTE 2, BOX 2542

PAUL, ID

83347

RECEIVED

AUG 07 1991

Department of Water Resources
Southern Region Office

2. Date of Priority: JUN 1, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	22E	19	NE	SW	SE		LINCOLN
		28	SE	SE	SW		LINCOLN

5. Description of diverting works:
WELLS AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.720		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
FEB 07 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	22E	19	SW	SE		IRR	28.0
			Section Acres				28.0
		28	SW	NW		IRR	30.0
			SE	NW		IRR	33.0
			NE	SW		IRR	36.0
			NW	SW		IRR	38.0
			SW	SW		IRR	17.0
			SE	SW		IRR	29.0
			Section Acres				183.0
		29	SW	NE		IRR	37.0
			SE	NE		IRR	37.0
			NW	NW		IRR	29.0
			SW	NW		IRR	15.0
			SE	NW		IRR	24.0
			NE	SW		IRR	4.0
			NE	SE		IRR	38.0
			NW	SE		IRR	22.0
			SE	SE		IRR	2.0
			Section Acres				208.0
		30	NE	NE		IRR	37.0
			NW	NE		IRR	31.0
			SE	NE		IRR	4.0
			Section Acres				72.0
			Total Acres				491.0

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:

A36-02207, A36-2567, A36-02674, AND A36-15179

14. Remarks:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.24 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2024 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1518 AF, AND TO THE IRRIGATION OF A COMBINED

14. Remarks: Continued

TOTAL OF 491 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: A36-02567, A36-02207, A36-10179, AND A36-02674.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. A36-02207 PURSUANT TO IDAHO CODE 42-1416(2).

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 23953

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): Michael J. Woodard Date: 7/31/91

Date: _____

State of Idaho)
County of Mink) SS.
idoka)

Subscribed and sworn (or affirmed) before me this 31st day

of July 19 91

G. J. Paine
Notary Public

Seal

Residing at Burley

My Commission Expires 2-25-97

RECEIVED

AUG 30 1993

Department of Water Resources
Adjudication Bureau

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)

Case No. 36-10197 -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

36-10197 -0001/
93-08-0440

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.)

I. GENERAL INFORMATION

1. Party/Claimant responding to objection:

Name: Michael D. Woodland
Address: Route 2, Box 2542
Paul, Idaho 83347

Briefly describe your interest in this water right:

Michael D. Woodland and Patricia Woodland, husband
and wife, are the claimants who have diverted and
applied the water under this claim to beneficial use.

If this response is filed by an attorney:

Attorney Name: Roger D. Ling
Attorney Address: P.O. Box 396
Rupert, Idaho 83350
Attorney Phone No.: (208) 436-4717

2. Party/Claimant who filed objection:

Name: U.S. Bureau of Land Management
Address: Department of Interior
3380 Americana Terrace
Boise, Idaho 83706

II. STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

3. x Quantity: I respond to the objection concerning:
- a. x the total quantity of water used in cubic feet per second; or
9. x Place of Use: I respond to the objection concerning:
- a. x the legal description of the place of use; or
10. x Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

In response to the statement of the objection, items 3, 3a., 9, 9a., and 10 and all allegations of the objection regarding these items, claimant responds as follows:

Although four (4) acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29 and four (4) acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, all in Township 6 South, Range 22 East of the Boise Meridian are owned by the United States, these lands were irrigated by the claimant through 1992, and claimant has not forfeited or abandoned his water right for the irrigation of eight (8) acres. The lack of ownership does not defeat the water right duly perfected by the diversion and application to beneficial use of water on said acres, and the claim should not be denied in the absence of a forfeiture or abandonment of said water right.

RECEIVED
BUREAU OF LAND MANAGEMENT

NOV 10 1993

RECEIVED

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Claimant proposes no changes to the description of this claim in the Director's Report.

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

— 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:

Said claimant will rely upon the documents originally submitted to support his claim.

VERIFICATION

STATE OF IDAHO

County of Minidoka

Roger D. Ling, being first duly sworn, upon oath, deposes and says:

That I am the person or entity filing this response (as listed on Page 2, Section 1 "Person responding to objection"), as defined by I.C., §42-1401A(1) and (7), and I have read the foregoing response, know its contents and that the statements are true to the best of my knowledge and belief.

Michael Woodland
Signature of person filing response

By: Roger D. Ling

Roger D. Ling

SUBSCRIBED AND SWORN to before me this 26th day of August, 1993.

Rene A. Hamm
Notary Public for Idaho
Residing at: Burley, Idaho
My Commission Expires: 9-13-97

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of August, 1993, I mailed the original and copies of this Response including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid 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:

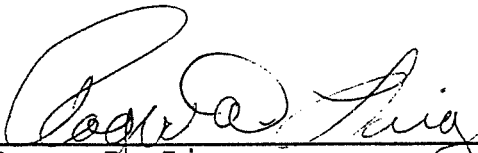
Name: Michael Woodland
Address: Route 2, Box 2542
Paul, Idaho 83347

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Roger D. Ling
Attorney for Respondent