

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. 36-10800 -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, )

36-10800 -0001/  
93-08-0456

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.  
14. ☒ Other: I respond to the objection concerning:

OMISSION OF INFORMATION CONCERNING THE LOCATION  
OF THE PLACES OF USE

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 9, 9.a, and 14, and all allegations of the objection regarding these items, IDWR responds as follows.

There is an error in the description of the place of use of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law." IDWR denies the objection and all allegations of the objection except as expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ 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<br>Pages |
|---------------------------------------------------|-----------------|
| Notice of Claim No. A36-10800                     | 3               |
| Recommended Water Rights Acquired Under State Law | 1               |

(Over)

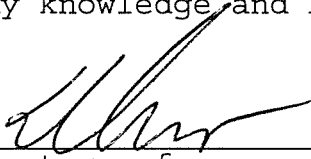
VERIFICATION (Must be Completed)

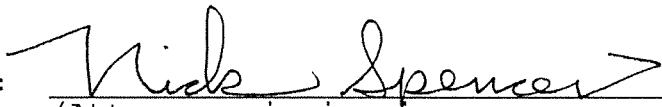
State of IDAHO

County of ADA

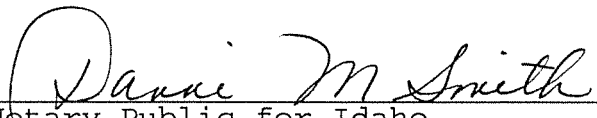
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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 16<sup>th</sup> 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 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: ADRIAN K BOER  
Address: 466 S 200 W  
JEROME ID 83338

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: A36-10800  
Date Received: 8/31/1988  
Receipt No: S001986  
Received By:                     

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ADRIAN K. BOER 208-324-5048  
Address: 466S 200W  
JEROME, ID 83338

2. Date of Priority: DEC 01, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 09S      | 16E   | 7       | NE     | NE     | SE     |     | GOODING |
|          |       |         | NE     | SW     | SE     |     | GOODING |

5. Description of diverting works:  
2 WELLS, 2 PUMPS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.040 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/1 HOUSE, S/25 HOLSTEIN CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use   | Acres |
|----------|-------|---------|--------|--------|-----|-------|-------|
| 09S      | 16E   | 7       |        |        |     | STOCK |       |

A36-10800

Page 1

Date: 08/31/88  
MICROFILMED  
FEB 10 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 09S      | 16E   | 7       | SE     | SE  |     | DOMEST |       |

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:  
NONE

14. Remarks:  
CLAIMANT USED LATER PRIORITY DATE OF THE 2 WELLS, AND FILED  
THEM BOTH ON ONE CLAIM.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED  
FEB 10 1993

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): Adrian Boer Date: 8-31-88  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of TF ) SS.

Subscribed and sworn (or affirmed) before me this 31<sup>st</sup> day  
of August 19 88 Lois White  
Notary Public

Seal

Residing at TF  
My Commission Expires 5/95

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: AUG-6-1993  
PAGE: A-1RIGHT  
NUMBER

NAME &amp; ADDRESS

PRIORITY  
DATEPURPOSE OF USE  
FROM TOMAXIMUM  
QUANTITYBASIS OF  
CLAIM

SOURCE: GROUNDWATER

36-10800

ADRIAN K BOER  
466S 200W  
JEROME ID 83338

12/01/1945 DOMESTIC

01-01 12-31

.04 CFS

BENEFICIAL USE

JEROME ID 83338

STOCKWATER

01-01 12-31

.02 CFS

TOTAL QUANTITY: .04 CFS

## NON-IRRIGATION-USES:

D/1 HOUSE, S/25 HOLSTEIN CATTLE  
POINT OF DIVERSION:

T09S R16E S07

NENESE  
NESWSE

PLACE OF USE: DOMESTIC

T09S R16E S07

SESE

PLACE OF USE: STOCKWATER

T09S R16E S07

SESE

REMARKS: PARCEL NO. 09S16E077200