

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. 36-10870 -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,

36-10870 -0001/
93-08-0466

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)

RESPONSE TO OBJECTION NO. 36-10870 -0001 - PAGE 1

2. Person who filed objection:

Name: DONNIE MC FADDEN
Address: 2726 S 1050 E
HAGERMAN ID 83332

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

12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 12 and 12.b, and all allegations of the objection regarding these items, IDWR responds as follows: (1) This water right was not recommended for disallowal, but recommended the amount of water it determined was being beneficially used for the recommended water uses. (2) The claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code sections 42-104 and 42-1402).

In further response to this item of the objection, IDWR responds as follows: (1) The domestic use for this claim was recommended as water right 36-10826. (2) The irrigation use was not recommended because IDWR found no diversion, no irrigation system and other evidence establishing at least five years of non-use.

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. A36-10870

4

(Over)

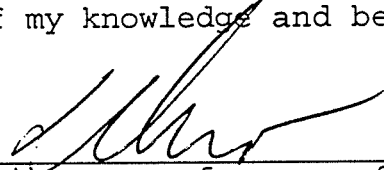
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

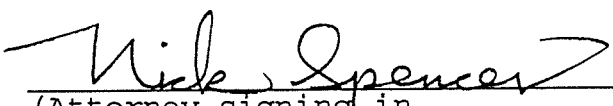
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.



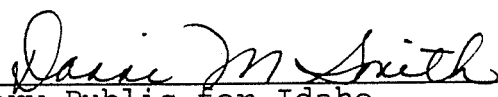
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 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: JOHN A RSHOLT
Address: PO BOX 1906
TWIN FALLS ID 83303

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: DONNIE MC FADDEN
Address: 2726 S 1050 E
HAGERMAN ID 83332

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: A36-10870
Date Received: 10/11/1988
Receipt No: M001544
Received By: J. J. J.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARREN A. PETERSON 208-837-6594
Address: P.O. BOX 488
HAGERMAN, ID 83332

2. Date of Priority: MAY 01, 1915

3. Source: SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	19	SW	SE	SW		GOODING

5. Description of diverting works:
CONCRETE HDBOX SHARED WITH CITY OF HAGERMAN, (SEE REMARKS.)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
STOCKWATER	01/01	12/31	0.200		
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is 27.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 2 HOUSE, 2200 EWES, 3080 LAMBS, 225 RANGE CATTLE MAX.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	19	SE	SW		IRR	9.0

A36-10870

Page 1

Date: 10/11/88

MICROFILMED

FEB 07 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	19	SE	SW		DOMEST	
			SE	SW		STOCK	
					Section Acres		9.0
					Total Acres		9.0

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:
NONE.

14. Remarks:

CONTINUED, WATER IS PICKED UP IN A DITCH FROM THE CITIES
OVERFLOW. AT THIS TIME FLOOD IRRIGATION IS USED
HOWEVER IN THE FUTURE APPLICANT MAY SPRINKLE FROM THE
CITIES PIPE LINE. WATER IS PUMPED TO HOUSE FOR DOMESTIC AND
STOCK NEAR HOUSE.

15. Basis of Claim: BENEFICIAL USE

(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.

For Individuals:

Signature of Claimant(s): Carren A. Peterson Date: 10-11-88
Date:

Subscribed and sworn (or affirmed) before me this 11 day
of Oct 19 42 John D. [illegible]

Residing at Bone Isl
My Commission Expires 6/2/94