

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. 36-12691 -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,

36-12691 -0001/  
93-08-0487

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: IDAHO STATE OFFICE  
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.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 9 and 9a. 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. 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. A36-12691                     | 2               |
| Recommended Water Rights Acquired under State Law | 1               |

(Over)

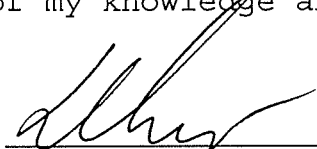
VERIFICATION (Must be Completed)

State of IDAHO

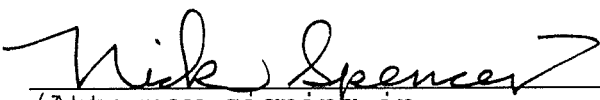
County of ADA

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

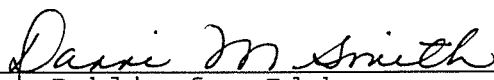
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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 30<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 30<sup>th</sup> 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: TIM G & DEELYN DUDLEY  
Address: RT 3 BOX 90 A  
RUPERT ID 83350

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 W 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

Identification No. A36-12691Date Received 9-26-1989Receipt Number 5009409

NOTICE OF CLAIM  
TO A  
WATER RIGHT

ACQUIRED UNDER STATE LAW  
For Domestic and/or Stockwater Purposes  
Where Daily Use is less than 13,000 gallons per day.

RECEIVED

SEP 26 1989

Department of Water Resources  
Southern Region Office

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) Tim G and/or Declyn Dudley Phone (208) 436-0233  
Mailing Address Route #3 Box 90A Rupert, ID Zip 83350
- Date of Priority (Only one per claim) April 15 1982 Month/Day/Year
- Source of water supply (Check one) (☒ Groundwater or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_ Name or kind of source
- Location of point of diversion is: Township 8 South Range 24 East of the Boise Meridian  
Section 33, SE 1/4 of SW 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_, BM.,  
County of Minidoka  
Additional points of diversion if any: \_\_\_\_\_
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Submersible well, 1 1/4 HP, 140 feet, 4" casing, 1 1/4 pipe.
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)  
For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount .04 (cfs)  
(Both dates are inclusive)  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_
- Total quantity claimed .04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1.

MICROFILMED  
FEB 15 1993

10. Place of use is: Township: South Range 21 E. of the 101st Meridian

Section 33, SE 1/4 of SW 1/4, Govt. Lot 215, B.M.,

for (Circle One) Domestic Stock Domestic and Stock  
Additional places of use, if any none

11. In which county (ies) are lands listed above as place of use located? Minidoka

12. Do you own the property listed above as place of use? Yes ☒ No ☐  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
(☒ None or \_\_\_\_\_)

14. Remarks: \_\_\_\_\_

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff vs Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Tim A. Dudley Date 14 Sept-89  
\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of Minidoka ) SS.

**NOTARIZATION REQUIRED FOR EACH CLAIM**

Subscribed and sworn (or affirmed) before me this 18th day of September 1989

SEAL

Notary Public Maurice Wickum

Residing at Boysen

My Commission Expires 8-24-94

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

| RIGHT<br>NUMBER | NAME & ADDRESS | PRIORITY<br>DATE | PURPOSE OF USE | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY | BASIS OF<br>CLAIM |
|-----------------|----------------|------------------|----------------|--------------------------|---------------------|-------------------|
|-----------------|----------------|------------------|----------------|--------------------------|---------------------|-------------------|

SOURCE: GROUNDWATER

|          |                                                                   |            |          |             |     |                    |
|----------|-------------------------------------------------------------------|------------|----------|-------------|-----|--------------------|
| 36-12691 | TIM G DUDLEY<br>DEELYN DUDLEY<br>RT 3 BOX 90 A<br>RUPERT ID 83350 | 04/15/1982 | DOMESTIC | 01-01 12-31 | .04 | CFS BENEFICIAL USE |
|----------|-------------------------------------------------------------------|------------|----------|-------------|-----|--------------------|

NON-IRRIGATION-USES:  
DOMESTIC 1 HOME  
POINT OF DIVERSION:  
T08S R24E S33  
PLACE OF USE: DOMESTIC

SESWSW

TOTAL QUANTITY: .04 CFS

T08S R27E R24E S33  
REMARKS: PARCEL NO. RP08S24E336590

SESWSW