

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. 36-13320 -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,

vs.

36-13320 -0001/
93-08-0490

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: J R SIMPLOT CO
Address: C/O RONALD N GRAVES SECRETARY
PO BOX 27
BOISE ID 83707

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 Objection items 12 and 12b., and all allegations of the objection regarding these items, IDWR responds as follows: IDWR recommended the claim for disallowal because the use of the water described in the claim ceased in 1981. The objection asserts that after 1981 a change occurred in the use of a least a portion of the water claimed for this right. However, a new claim was not filed nor was the original claim amended to describe the use of this water after 1981. IDWR further responds that by identifying in the objection a use of the water that is different from the use described in the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the

director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

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. A36-13320

3

(Over)

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

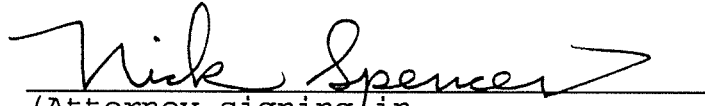
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.

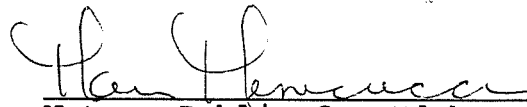
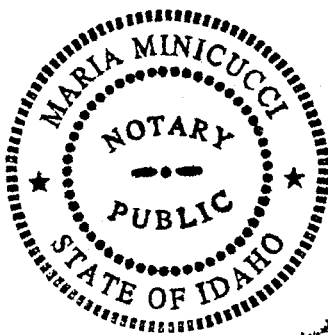


Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 9th day of September, 1993.



Notary Public for Idaho

Residing at: Boise Idaho

My Commission expires: 6/25/1999

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:

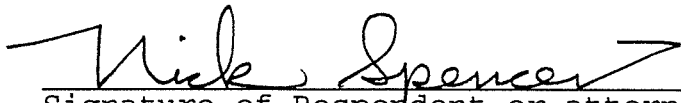
See No. 3

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: GRAY YOUNG
Address: BRUCE BELZER
J R SIMPLOT CO LEGAL DEPT
PO BOX 27
BOISE ID 83707-0027

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: A36-13320
Date Received: 10-12-89
Receipt No: CO/2178
Received By: hkt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
OCT 12 1989

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID

83707

2. Date of Priority: JAN 06, 1953

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	23E	14	NW	NW			MINIDOKA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	5.500		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/25000 HEAD OF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	23E	14	NW	NW		STOCK	

11. Place of use in counties: MINIDOKA

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Date: 10/11/89

MICROFILMED
FEB 08 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: One Map

For Organizations:

I do solemnly swear or affirm that I am Secretary of Title

J. R. SIMPLOT COMPANY, that I have signed the foregoing Organization

document in the space below as Secretary of Title

J. R. SIMPLOT COMPANY and that the statements contained in the Organization

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Secretary, J. R. SIMPLOT COMPANY
Title and Organization

10/12/89

Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of October 19 89

[Signature]
Notary Public

Seal

Residing at Boise, Idaho

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My Commission Expires 10/13/92
Date: 10/11/89

MICROFILMED
FEB 08 1993

Green. Please! Work file for more info.

LR# A36-13320

= point of Diversion

= place of Use

1348

Well

Well

R 22 E
R 23 E

LINCOLN CO.

MINIDOKA CO.

36

R 23 E
R 24 E

Well

Ste. Young
PC 1985
R 23 E
R 24 E

Kimama

1312

10

Well

Landing
Strut

25

24

Well

Audiatde

Well

Cawson
Substation

21

Norland

1319

Main

UNION

Wells

Well

36

31

FEB 8 1993

Well
4348