

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. 36-14805A -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,

36-14805A -0001/
93-08-0515

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: CARL E & NANCY J JACKSON
Address: 819 16TH AVE E
JEROME ID 83338

Name: CARL E & CHRISTINE L JACKSON
Address: 819 16TH AVE E
JEROME ID 83338

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

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

ASSERTED NEED TO AMEND LEGAL DESCRIPTION DUE TO
A SALE

REASONS SUPPORTING EACH BOX CHECKED

There is an error in the description of the non-irrigation uses of this right in the director's report. The recommendation should have shown non-irrigation uses as:

DOMESTIC, 2 HOMES; STOCKWATER, 200 HEAD CATTLE

In response to Statement of the Objection item 14, and all allegations regarding this item, IDWR responds as follows: 1) The notice of change of ownership as required by Idaho Code 42-1409(7) was filed with IDWR after the director's report was

filed with the court. 2) IDWR will change its records to that shown on the objection. 3) The water right recommended should be divided between the owners as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law." IDWR further responds that this, however, may not change the records of the SRBA Court to reflect the change in ownership shown on the objection. The Court has developed its "Standard Form 3" to be used for reporting matters such as address changes and changes in ownership. The claimant may need to file this form with the SRBA Court.

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 Pages
Notice of Claim No. A36-14805	2
Recommended Water Rights Acquired Under State Law	2

(Over)

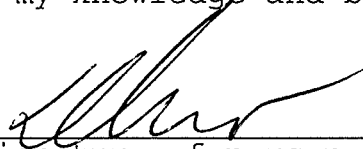
VERIFICATION (Must be Completed)

State of IDAHO

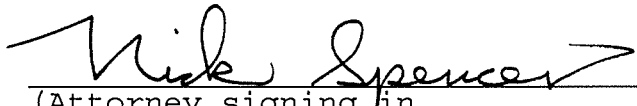
County of ADA

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

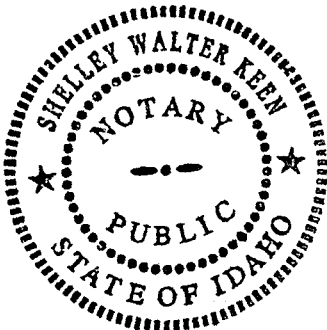
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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.

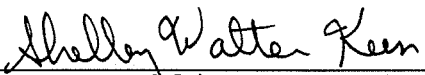

Signature of person filing response

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: July 31, 1997

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

Name: DIANE E ODEN
Address: STUART WILLIAMS
304 E 350 N
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: CARL E & NANCY J JACKSON
Address: 819 16TH AVE E
JEROME ID 83338

Name: CARL E & CHRISTINE L JACKSON
Address: 819 16TH AVE E
JEROME ID 83338

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

Identification No. A36-14805
Date Received 4-6-1990
Receipt Number 5011926

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

APR 6 1990

Department of Water Resources
Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) GARY D. STOKER Phone () 208-324-2671
Mailing Address 350 N 303 EAST Jerome Id. Zip 83338

2. Date of Priority (Only one per claim) 6-29-36 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
Name or kind of source
which is tributary to (b) _____

4. Location of point of diversion is: Township 7S Range 17E
Section 34, _____ 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of Jerome
Additional points of diversion if any: _____

5. 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. 6" well TD 336

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 to 12-31 amount .04 (cfs)
(Both dates are inclusive)
For Stock purposes from 1-1 to 12-31 amount .02

7. Total quantity claimed .06 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 3 households 100 cattle

MICROFILMED
FEB 18 1993

10. Place of use is: Township: 15 Range 17 E
Section 34, NW 1/4 of 54 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes X 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 X 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) Nancy Jackson Date 4-5-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
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 Jerome) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 5th day of April 19 90

SEAL

Notary Public Nancy J. Jackson

Residing at Jerome

My Commission Expires 3-1-92

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

FILED
FEB 18 1993

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: AUG-30-1993
PAGE: A-1RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY
BASIS OF
CLAIM

SOURCE: GROUNDWATER

36-14805C

NANCY J JACKSON
CARL E JACKSON
819 16TH AVE E
JEROME ID 83338

06/29/1930 DOMESTIC

01-01 12-31

.02

CFS

BENEFICIAL USE

NON-IRRIGATION-USES:

DOMESTIC 1 HOME, STOCKWATER 200 CATTLE

POINT OF DIVERSION:

T07S R17E S34

PLACE OF USE: DOMESTIC

T07S R17E S33

NENE

REMARKS: PARCEL NO. RP07S17E330001A

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO .06 CFS. OTHER
RIGHT NOS. 36-14805B, 36-14805D

TOTAL QUANTITY:

.02

CFS

36-14805D

DIANE C ODEN
304E 350N
JEROME ID 83338

06/29/1930 DOMESTIC

01-01 12-31

.02

CFS

BENEFICIAL USE

STUART WILLIAMS
304E 350N
JEROME ID 83338

NON-IRRIGATION-USES:

DOMESTIC 1 HOME

POINT OF DIVERSION:

T07S R17E S34

PLACE OF USE: DOMESTIC

T07S R17E S34

SWNW

REMARKS: PARCEL NO. RP07S17E3440401

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO .06 CFS. OTHER
RIGHT NOS. 36-14805B, 36-14805C

TOTAL QUANTITY:

.02

CFS

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: GROUNDWATER

36-14805A	NANCY J JACKSON CARL E JACKSON 819 16TH AVE E JEROME ID 83338	06/29/1930	DOMESTIC	01-01-12-31	-04	BENEFICIAL USE
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TOTAL QUANTITY: -04 CFS

NON IRRIGATION USES:
DOMESTIC, 1 HOUSE, STOCKWATER, 200 CATTLE
POINT OF DIVERSION:
T07S R17E S34 SWNW
PLACE OF USE: DOMESTIC
T07S R17E S34 SWNW
REMARKS: PARCEL NOS. RP07S17E343001, RP07S17E330001