

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. 36-14908 -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.

36-14908 -0001/
93-08-0525

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: NORTH SIDE PUMPING CO
Address: 921 N LINCOLN
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:
INCLUSION OF THE GENERAL PROVISIONS IN THE
DIRECTOR'S REPORT

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 14 and all allegations of the objection regarding this item, IDWR responds as follows.

IDWR denies the objection.

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. A36-14908

3

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 02-01-2001 BY 60322
UCBAW/STP/STP/STP/STP/STP

(Over)

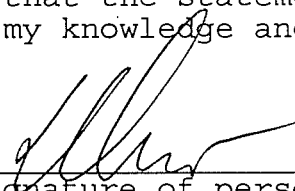
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

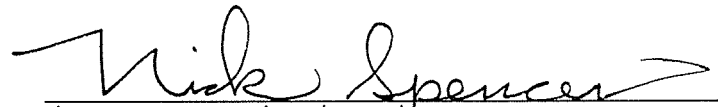
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.



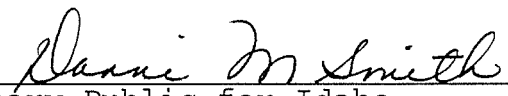
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th 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:

See No. 3

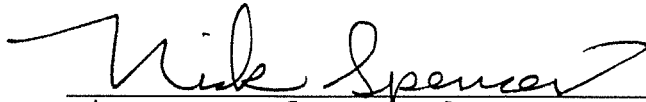
Name: MARIA S KOHTZ
Address: JEROME ID 83338

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: JOHN A ROSHOLT
Address: PO BOX 1906
TWIN FALLS ID 83303-1906

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. A36-14908
Date Received 4/12/90
Receipt Number 5012011

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

APR 12 1990

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

Department of Water Resources
Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) North Side Pumping Company and/or Kohtz, a widow Maria S. Phone (208) 324-2310

Mailing Address 921 North Lincoln, Jerome, Idaho Zip 83338

2. Date of Priority (Only one per claim) 6-2-52 Month/Day/Year

3. Source of water supply (Check one) (xx) Groundwater or Other () (a) _____

which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township Ten (10) Range Nineteen (19) East,

Section (14), _____ 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____, BM.,

County of Jerome

Additional points of diversion if any: None

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. T/D 354' 3-7/8" Well & Pump at Plant No. 3

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

		Month/Day	Month/Day	(cfs)
For	<u>Domestic</u>	purposes from	<u>1-1</u> to <u>12-31- annually</u>	amount <u>.04</u>
			(Both dates are inclusive)	
For	<u>Stock</u>	purposes from	<u>01-01</u> to <u>12-31</u>	amount <u>.04</u>

7. Total quantity claimed .04 (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) 1 household (up to 5 or 6 cows or horses) presently has under

MICROFILMED

MAR 20 1993

10. Place of use is: Township: Ten (10) South Range Nineteen (19) East,

Section (14), NW 1/4 of NE 1/4, Govt. Lot _____, B.M.,

County of Jerome for (Circle One) Domestic Stock X Domestic and Stock

Additional places of use, if any None

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 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

14. Remarks: _____

15. Basis of Claim (Circle One) X 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 xx wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Daniel Johnson Date 2-6-90

Date _____

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

1/2 interest in well at Plant No. 3 Title
of North Side Pumping Company that I have signed the foregoing

Organization
document in the space below as Secretary of North Side Pumping Company
Title Organization

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

Signature of Authorized Agent Daniel Johnson Date 2-6-90

Title and Organization Secretary of North Side Pumping Company

State of Idaho/or Idaho)
County of Jerome) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19____

SEAL

Notary Public William J. Dick

Residing at Jerome, Idaho

My Commission Expires 6-28-91

Last Name NORTH SIDE PUMPING CO. Ident No. _____

Copies: White-State, Yellow-Idaho

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MAR 20 1993

10. Place of use is: Township: Ten (10), South Range Nineteen (19) East,
Section Fourteen (14), NW 1/4 of NE 1/4, Govt. Lot _____, B.M.,
County of Jerome 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? Jerome

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

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) Marina S. Kohtz Date 2-6-90
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Owner of 1/2 interest in well & pump Pl. No. 3

of North Side Pumping Company, 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 Marina S. Kohtz Date 2-6-90
Title and Organization _____

State of Idaho/or Idaho)
County of Jerome) SS.

Subscribed and sworn (or affirmed) before me this 6th day of February 19 90

SEAL

Notary Public Daniel O. Jensen
Residing at Jerome, Idaho

My Commission Expires 7-15-91

Last Name NORTH SIDE PUMPING CO. Ident No. _____

Copies: White-State, Yellow-Idaho

MICROFILMED

MAR 20 1993