

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. 36-15152 -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.

36-15152 -0001/
93-08-0531

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: ROOST POTATO CO INC
Address: C/O CALVIN JONES PRESIDENT
952 S 1400 E
EDEN ID 83325

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:

TRANSFER NUMBER 3912 OF WATER RIGHT NOS.
36-02324 & A36-15152 WAS NOT ADDED TO THE
RECOMMENDATION.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection 14, and all allegations of the objection regarding this item, IDWR admits there are errors in the description of the point of diversion, place of use and remarks of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

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. A36-15152

3

Recommended Water Rights Acquired Under State Law

1

(Over)

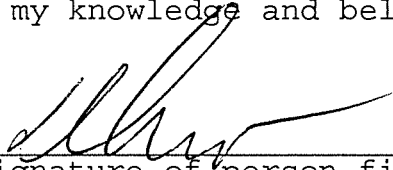
VERIFICATION (Must be Completed)

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.



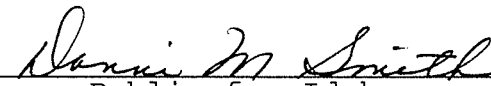
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30th 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 30th 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:

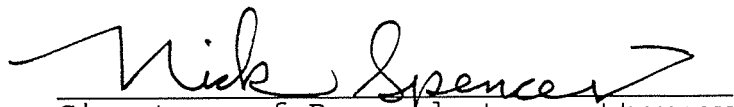
See No. 3

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: ROOST POTATO CO INC
Address: C/O CALVIN JONES PRESIDENT
952 S 1400 E
EDEN ID 83325

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: A36-15152
Date Received: 10/31/1990
Receipt No: S012791
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROOST POTATO COMPANY 208-825-5007
Address: 952 S. 1400 E.
EDEN, ID 83325

2. Date of Priority: MAY 01, 1957

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	19E	28	NE	SE	NW		JEROME

5. Description of diverting works:
WELL WITH 200 H.P. PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		

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

8. Total consumptive use is 54.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	19E	28	SW	NE		IRR	18.0

Section Acres 18.0

Total Acres 18.0

A36-15152

Page 1

Date: 10/31/90

MICROFILMED

FEB 09 1993

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:

NONE: A36-02324 OUT OF SAME SYSTEM.

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of _____
Title

Roost Potato Co., that I have signed the foregoing
Organization

document in the space below as President of _____
Title

Roost Potato Co. and that the statements contained in the
Organization

foregoing document are true and correct.

Calvin Jones
Signature of Authorized Agent

President of Roost Potato Co.
Title and Organization

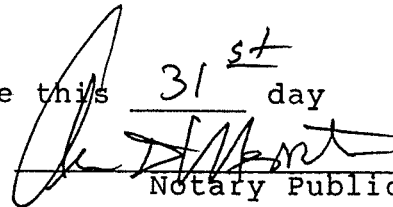
10-31-90
Date

State of Idaho

County of Thiell } ss.

Subscribed and sworn (or affirmed) before me this 31st day

of Oct. 19 90


Notary Public

Seal

Residing at Kimberly, ID.

My Commission Expires 6/30/98

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: GROUNDWATER					
36-15152	ROOST POTATO CO 952 S 1400 E EDEN ID 83325	08/30/1984	IRRIGATION	04-01 10-31	.08 CFS BENEFICIAL USE

POINT OF DIVERSION:
T099S R19E S28
T08S R20E S36
T08S R20E S36

PLACE OF USE: IRRIGATION

NESENW
SWSESW
SWSESE

SWNE 24-0
NENE 40
SENE 40-0
NENE 14
SENE 10

REMARKS: THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-02324 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.20 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 256 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 192 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 64 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02324 PURSUANT TO IDAHO CODE 42-1416(2).

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF POINTS OF DIVERSION DESCRIBED ABOVE: 36-02324, 36-07000, 36-07554, 36-07829 AND 36-13931 36-15152.

TOTAL QUANTITY: .08 CFS