

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)

Water Right No. 36-15221

(The water right number you are responding to must be inserted)

The State of Idaho, ex rel. Keith R.)
Higgenson in his official capacity as)
Director of the Idaho Department of)
Water Resources,)

STANDARD FORM 2

RESPONSE TO OBJECTION

Petitioner,)

vs.)

RECEIVED

SEP 15 1993

Department of Water Resources
Adjudication Bureau

The United States; the State of Idaho; and)
all Claimants to the Use of Water from the)
Snake River Basin Water System,)

Respondents.)

36-15221 -0001/
93-08-0553

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to all objections filed against one water right, using one response form. If you choose this option, your response should cover every issue raised in the objections. To respond to objections filed against more than one water right, you must file a separate response form for each water right. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The response must be **received** by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed you. Following the Instructions for Mailing this response (Page 5), or the court will not accept it for filing.

This form has been adopted by the court in **SRBA Administrative Order 1** (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more responses must make an appointment with the Clerk of the SRBA Court.

By filing a response form, you are certifying that the response is well-grounded in fact; is warranted by existing law or a good-faith argument for extension, modification or reversal of existing law; and that is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant responding to objection:*

Name: Idaho Department of Fish and Game

Address: PO Box 25, Boise, ID 83707

Phone: Work: _____ Home: _____

Briefly describe your interest in this water right:

Idaho Department of Fish and Game has several water rights that arise from
from Niagara Springs that may be affected by the determination for this water
right.

If this response is *filed by an attorney*:

Attorney Name: Stephen V. Goddard

Attorney Address: PO Box 25, Boise, ID 83707

Attorney Phone No.: (208) 334-3715

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Party/Claimant who filed objection:*

Name: Idaho Power Company

Address: PO Box 70

Boise, ID 83707

II. STATEMENT OF PURPOSE

Please check each "box" which identifies your response.

1. ☐ **Name and Address:** I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☐ **Source:** I respond to the objection concerning the source of water.
3. ☐ **Quantity:** I respond to the objection concerning:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ **Priority Date:** I respond to the objection concerning the priority date.
5. ☐ **Points of Diversion:** I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ **Instream Flow:** I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☐ **Purpose(s) of Use:** I respond to the objection concerning the purpose(s) of use.
8. ☐ **Period of Year:** I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☐ **Place of Use:** I respond to the objection concerning:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ **Consumptive Use:** I respond to the objection concerning the annual volume of consumptive use.

11. ☐ **Remarks:** I respond to the objection concerning the "remarks" listed with the water right.
12. ☐ **Water Right Recommendation:** I respond to the objection concerning:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ **Description of Reservation:** I respond to the objection concerning the legal description of the reservation.
14. ☒ **Other:** I respond to the objection concerning: Inclusion of the General
Provisions in the director's report.

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

IDFG believes the General Provisions should be included in the director's report
and that this objection should be dismissed.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

None.

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

- ☐ 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.

VERIFICATION (Must be Completed)

State of Idaho

County of ADA

STEPHEN GODDARD

(Name of party/claimant filing response)

, being first duly sworn, upon oath, deposes and says:

That I am the person or entity filing this response (as listed on Page 2, Section 1, "Person responding to objection"), as defined by I.C. §42-1401A(1) and (7), and I have read this response, know its contents, and that the statements are true to the best of my knowledge and belief.

Signature of party/claimant filing response

BY: Stephen Goddard
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Aug 30 1993
(Insert Date)

Henry L. Veenboer
Notary Public for Idaho
Residing at: Emmett ID
My Commission expires: 8-15-99

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy of the parties listed below in the Certificate of Mailing.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of AUGUST, 1993, I mailed the original and copies of this response, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: Idaho Power Company
Address: PO Box 70
Boise, ID 83707

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: James C. Tucker
Address: PO Box 2139
Boise, ID 83701

4. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

5. One copy to:

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, Box 33
Boise, ID 83734


Signature of party/claimant or attorney

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. 36-15221 -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,

36-15221 -0001/
93-08-0554

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: IDAHO POWER CO
Address: PO BOX 70
BOISE ID 83707-0070

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. A36-15221

3

(Over)

RESPONSE TO OBJECTION NO. 36-15221 -0001 - PAGE 3

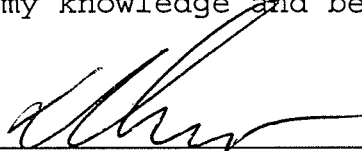
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

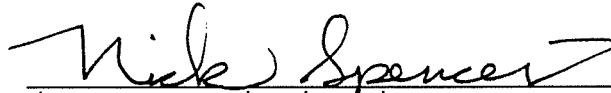
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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: JAMES C TUCKER
Address: PO BOX 2139
BOISE ID 83701-2139

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: A36-15221
Date Received: 10/7/91
Receipt No: 0021951
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO POWER CO.
Address: PO BOX 70
BOISE, ID

83707

2. Date of Priority: MAR 3, 1982

3. Source: NIAGARA SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	15E	10	NE	NE	NE	1	GOODING

5. Description of diverting works:
CONCRETE BOX WITH PIPELINE TO HOUSES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.04		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	15E	10	SE	NE	9	DOMEST	

11. Place of use in counties: GOODING

MICROFILMED
JAN 28 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02704 PURSUANT TO IDAHO CODE 42-1416(2).

RIGHT NO. 36-02704 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-02704 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 132.0 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 48180 AF.

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: _____

X For Organizations:

I do solemnly swear or affirm that I am Vice President,
General Counsel and Secretary of _____
Title

Idaho Power Company, that I have signed the foregoing
Organization
document in the space below as Vice President,
General Counsel and Secretary of _____
Title

Idaho Power Company and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent,
Vice President, General Counsel and
Secretary
Idaho Power Company
Title and Organization

October 4, 1991

Date

State of Idaho)
) SS.
County of Ada)

X Subscribed and sworn (or affirmed) before me this 4th day
of October 19 91

Gail L. Chambers
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12/31/92

X 17. Notice of Appearance:

Notice is hereby given that I, Bruce Smith will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature [Signature]

Address PO Box 2139 Boise ID 83702

Date 9/7/91

PHOTOFILMED
JAN 28 1993