

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. 36-15396 -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.)

36-15396 -0001/
93-08-0570

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: US BUREAU OF LAND MANAGEMENT
Address: DEPT OF INTERIOR
3380 AMERICANA TERRACE
BOISE ID 83706

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

3. |☒| Quantity: I respond to the objection concerning:
- 3b. |☒| The total quantity of water stored in acre feet per year.
- 3c. |☒| 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.
7. |☒| Purposes 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:
- 9a. ☒ The legal description of the place of use.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.
14. ☒ Other: I respond to the objection concerning:

BASIS OF CLAIM

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3, 3b., 3c., 4, 5, 7, 8, 9, 9a., 12, 12b., and 14. and all allegations of the objection regarding these items IDWR responds as follows: This notice of claim was recommended for disallowal because the claimed priority date is after the May 20, 1971, mandatory permit requirement date for the appropriation of water from a surface water source. Idaho Code section 42-201. The United States also seeks a description of elements of the right different than stated on their notice of claim. The United States improperly seeks to use the objection process to amend its notice of claim. IDWR believes that a claimant must obtain leave of the court to amend a claim after the 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. IDWR therefore denies the objection and all allegations of 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:

(Over)

No. of
Pages

Notice of Claim No. A36-15396

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CERTIFICATE OF MAILING

I hereby certify that on the 24th 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:

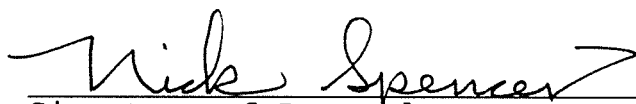
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 WEST FORT ST BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

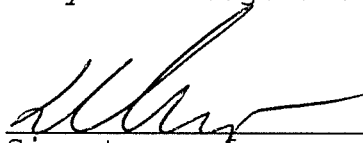
VERIFICATION (Must be Completed)

State of IDAHO

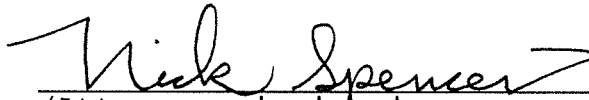
County of ADA

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 23rd 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

(Over)

736-15396

IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1971-06-01
IDWR WATER RIGHT NO. 3602480014
BLM NUMBER: 3602480014
BASIS OF CLAIM: BENEFICIAL USE CLAIM
BASIN NO.: 36

SOURCE	TRIBUTARY TO
UNNAMED STREAM	SINKS

DESCRIPTION OF DIVERSION WORKS

RESERVOIR

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.000	0.20	0401	1231
WILDLIFE STORAGE	0.000	0.10	0101	1231
TOTAL:	0.000 CFS	0.30 AF		

NON-IRRIGATION USES

15,000 RANGE SHEEP VARIOUS WILDLIFE

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
05S	24E	25		SW	SW	00	MINIDOKA

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
05S	24E	25	SW	SW	00	MINIDOKA		0.0

TOTAL ACRES IRRIGATED 0.0
FEB 09 1993

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

BLM NUMBER: 3602480014

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OTHER WATER RIGHTS

NONE

REMARKS

MICROFILMED
FEB 09 1993