

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. 36-15465 -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.)

36-15465 -0001/
93-08-0578

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: NADA F & JAMES R JOHNS
Address: 47 EAST FRONTAGE RD SOUTH
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

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:
Domestic and stock water not being allocated.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 12, 12b., 14, and all allegations regarding these items, IDWR responds as follows.

The objector's claim was inadvertently omitted from the director's report. The right should be determined 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. A36-15465

2

Recommended Water Rights Acquired under State Law

1

(Over)

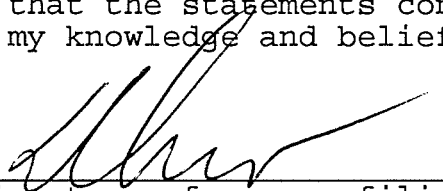
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

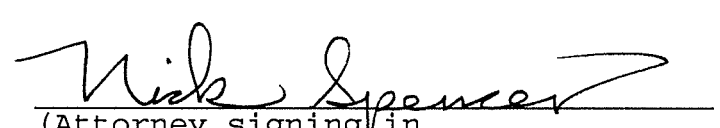
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.



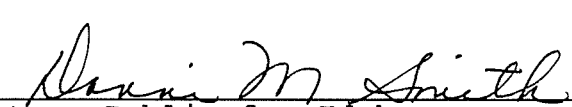
Signature of person filing response

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:

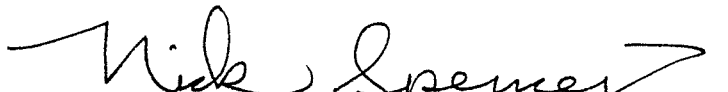
See No. 3

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: NADA F & JAMES R JOHNS
Address: 47 EAST FRONTAGE RD SOUTH
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. A36-15465Date Received 2/21/90Receipt Number CO14831

NOTICE OF CLAIM
TO A
WATER RIGHT **RECEIVED**
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes FEB 21 1990
Where Daily Use is less than 13,000 gallons per day.
Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) JOHNS, Nada Fay
OR Johns, James Robert Phone (208) 324-4785

Mailing Address 47 East Frontage Rd. 50. Zip 83338

2. Date of Priority (Only one per claim) 7-3-63 Month/Day/Year

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

4. Location of point of diversion is: Township 9 South Range 17 East
Section 6, part lot (2) 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.,
lying south west right way deeded to state of Idaho
County of Jerome for interstate 80N

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. pump well 6" casing, 252' deep, pipe to house
pipe to canal 1 1/4" line

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</u> amount <u>0.04</u>			
(Both dates are inclusive)			
For <u>stockwater</u> purposes from <u>1-1</u> to <u>12-31</u> amount <u>0.0</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) Domestic 1 home; stockwater, cattle 30

10. Place of use is: Township: 9 South Range 17 East
Section 6, Part of Ref 2 1/4 of _____ 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 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 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.

X Signature of Claimant (s) James Robert Johns Date 2-15-90
_____ 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 15th day of February 19 90

SEAL

Notary Public Carlene Jan Smith

Residing at Jerome

My Commission Expires 6-92

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
36-15465	NADA PAV JOHNS JAMES ROBERT JOHNS 47 E FRONTAGE RD S JEROME ID 83338	07/03/1963	DOMESTIC	01-01 12-31	.04 CFS	BENEFICIAL USE
			STOCKWATER	01-01 12-31	.02 CFS	
				TOTAL QUANTITY:	.04 CFS	
	NON-IRRIGATION USES:					
	DOMESTIC, 1 HOUSE, STOCKWATER, 30 RANGE CATTLE					
	POINT OF DIVERSION:					
	T09S R17E S06 LOT 2 (NWNE)					
	PLACE OF USE: DOMESTIC					
	T09S R17E S06 Lot 2 (NWNE)					
	PLACE OF USE: STOCKWATER					
	T09S R17E S06 Lot 2 (NWNE)					
	REMARKS: PARCEL NO. RP09S17E060625A					