

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. 34-00312B
(Insert the Case No.
from the Objection
you are responding to)

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,

RECEIVED

vs.

MAR 17 1993

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

Department of Water Resources
Adjudication Bureau

Respondents.

34-00312B-001
93-03-0233

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 objections filed against one water right, using one response form. The water right number listed as the "Case No." on the Objection you are responding to must be inserted above as the "Case No." If you choose to file one form to respond to all objections filed against the same water right, 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, as long as it is identical to the court's form. You must file your response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for filing this response are found at Page 5, and must be strictly followed.

(Over)

Any party physically filing 25 (twenty-five) or more responses must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

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 the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person responding to objection:

Name: Estate of Chester E Harper
Address: C/O Shelia Tranter
Rt Box 413 Arco ID 83421

Briefly describe your interest in this water right:

Property in part of family
property mostly held
by Tarrow Phillips
We hold lease to title

2. Person who filed objection:

Name: United States of America
Address: Bureau of Land Management
US Department of Interior
Idaho State office

3. If this response is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

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

II. STATEMENT OF THE RESPONSE

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.

(Over)

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: _____
- _____
- _____
- _____

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.

3, 4, 10 This is a legal water right in effect from 1894 it appears to me Blms claim 1934, 1958
13 Subject to first claim.

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.

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: Description of

Water Right

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Sherlene Traughber, being first duly
(Name of person filing response)

sworn, upon oath, deposes and says:

That I am the person or entity filing this response, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), 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.

Sherlene Traughber
Signature of person filing response

By:

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 12th day of March,
1993.

[Signature]
Notary Public for State of Idaho
Residing at: Arco, ID
My Commission expires: 8-20-93

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 to the owner of the water right you responded to, if other than yourself; to the party who filed the objection to which you are responding, if different from the owner of the water right; to the office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 12 day of March, 1992, 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 prepaid 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:

Name:

Darrah Phillips

Address:

R1 Box 23

Ada Moore Id 83285

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:

United States of America

Address:

Bureau of Land Management

U.S. Dept. of Interior

Idaho State Office

3380 Americana Terrace

4. One copy to: Boise Idaho 83706 2544

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

5. One copy to:

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

Shuline Traugott
Signature of Respondent or attorney
mailing on Respondent's behalf

for Ed Harper Estate

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDA
PA

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY
SOURCE: BIG LOST RIVER		TRIBUTARY: SINKS			
34-003128	ESTATE OF CHESTER E. HARPER C/O SHERLENE TRAUGHBER RT. 1 BOX 413 ARCO ID 83213	05/31/1894	IRRIGATION	05-01 10-15	.06 CFS
POINT OF DIVERSION: T05N R26E S04 PLACE OF USE: IRRIGATION					TOTAL QUANTITY: CONSUMPTIVE USE: .06 CFS 3.7 AFY
T05N R26E S33 1.5 ACRES TOTAL REMARKS: WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.					
34-00555	DALE SMITH RT. 1, BOX 22 MOORE ID 83255	05/31/1894	IRRIGATION	05-01 10-15	1.4 CFS
POINT OF DIVERSION: T05N R26E S04 PLACE OF USE: IRRIGATION					TOTAL QUANTITY: 1.4 CFS
T05N R26E S33 66.0 ACRES TOTAL REMARKS: WATER DELIVERED THROUGH MOORE DIVERSION, WESTSIDE DITCH. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.08 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 185 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 66 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00117E, 34-00641, 34-10234 AND 34-02404. 0.35 CFS OF RIGHT NO. 34-10234 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 34-00117E, 34-00641, 34-00555 AND 34-10234. A DIVERSION RATE OF 0.038 CFS PER ACRE AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.					

