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94-03-0054

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

In Re SRBA	)	Subcase No. 36-07092A -0001
	)	
Case No. 39576	)	RESPONSE TO OBJECTION
	)	

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: RONALD H ADAMS
Address: 3028 CHISHOLM
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY(S) GENERAL
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. |☒| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
9. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
- 9b. |☒| 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.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items, 1, 3.a, 9.a, 9.b, 10 and 11, and all allegations of the objection regarding those items, IDWR responds as follows: The 15 acres asserted by the objector as allegedly being within the place of use of this right were not claimed by the claimant (Norwood Subdivision/Ruby Springs Water Company) as being within the place of use of this right. IDWR further responds that the attachments to the objection reveal that the objector no longer owns land upon which water is diverted or used pursuant to this right. In response to the allegations of the objector, contained in the attachments to his objection, asserting that the claimant is legally or contractually obligated to include the objector's use within its claim under this right, IDWR lacks sufficient information to form a belief as to the truth or falsity of such allegations and, accordingly, denies the same for lack of information. IDWR denies all other allegations of the objection not expressly admitted herein.

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. A36-07092A	3

(Over)

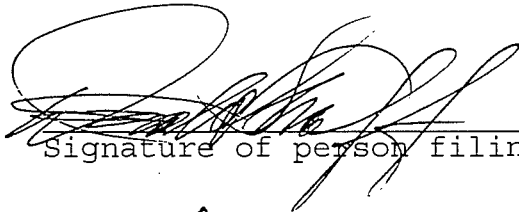
VERIFICATION (Must be Completed)

State of IDAHO

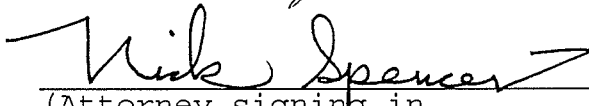
County of ADA

Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

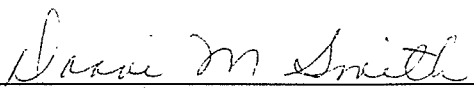
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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 18th day of March,
1994.


Notary Public for Idaho
Residing at: Danni Smith, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 18TH day of MARCH, 1994, 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:

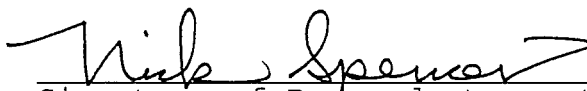
Name: NORWOOD SUBD. RUBY SPRINGS WATER CO
Address: C/O RODERICK R HOWARD
2638 ACCESS RD N
HAGERMAN ID 83332

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: RONALD H ADAMS
Address: 3028 CHISHOLM
HAGERMAN ID 83332

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724



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: A36-07092A
Date Received: 8/03/1988
Receipt No: S001266
Received By: LW JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORWOOD SUBDIVISION 208-837-6633
Address: RUBY SPRINGS WATER CO.
C/O RODERICK R. HOWARD
BOX 658
HAGERMAN, ID 83332

2. Date of Priority: NOV 06, 1969

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	13		NE	NE		GOODING

5. Description of diverting works:
SHAFT, PIPE, COLLECTION BOX

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.100		
DOMESTIC	01/01	12/31	0.170		

7. Total Quantity Appropriated is:
1.100 C.F.S. (and/or) 220.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/13 HOUSES PRESENTLY, 22 LOTS TOTAL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	SW	NE		IRR	20.0
			SE	NE		IRR	25.0
			NW	SE		IRR	10.0
						Section Acres	55.0
						Total Acres	55.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

15. Basis of Claim: LICENSE

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 X 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

Ruby Springs Water Corp. Organization, that I have signed the foregoing document in the space below as President Title of

Ruby Springs Water Corp Organization and that the statements contained in the foregoing document are true and correct.

Roderick R. Howard
Signature of Authorized Agent

Ruby Springs
Title and Organization

1 August 1988
Date

State of Idaho)
County of T.F.) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of August 19 88

Loni White
Notary Public

Seal

Residing at T.F.

My Commission Expires 5/95