

LARRY ECHOHAWK
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

NICHOLAS B. SPENCER
Deputy Attorney(s) General
Department of Water Resources
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 327-7900

94-04-0044

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. 36-10221 -0002
	)	
Case No. 39576	)	RESPONSE TO OBJECTION
	)	AND, IN THE ALTERNATIVE,
		SUPPLEMENTAL DIRECTOR'S REPORT

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: SHIRLEY D & J GLEN ANDERSON
Address: 2920 S 2000 E
WENDELL ID 83355

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

3. ☒ Quantity: I respond to the objection concerning:

3a. ☒ The total quantity of water used in cubic feet
per second.

REASONS SUPPORTING EACH BOX CHECKED

IDWR HEREBY SUBMITS THIS RESPONSE PURSUANT TO THE COURT'S FEBRUARY 15, 1994, ORDER GRANTING MOTION TO FILE LATE OBJECTION. IDWR ALSO INTENDS THIS RESPONSE TO CONSTITUTE ITS SUPPLEMENTAL DIRECTOR'S REPORT REGARDING THIS RECOMMENDED WATER RIGHT, SUBMITTED PURSUANT TO THE PROVISIONS OF IDAHO CODE SECTION 42-1412 (2) AND (4), AS AMENDED EFFECTIVE APRIL 12, 1994, TO THE EXTENT IT SHOULD BE DETERMINED THAT SUCH AMENDMENT MAY BE APPLICABLE TO THIS SUBCASE.

With regard to Statement of the Objection item 3.a., and all allegations of the objection regarding that objection item, IDWR reports as follows: It recommended the same quantity of water as claimed. IDWR further reports that it typically recommends the quantity of water used as an instantaneous diversion rate expressed in cubic feet per second, as provided for by Idaho Code

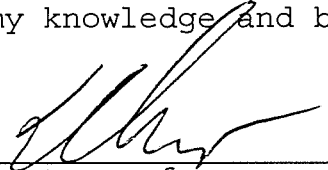
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

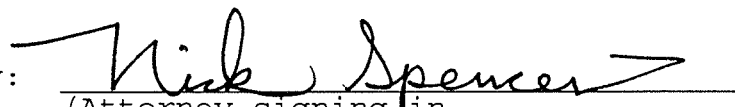
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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 18th day of APRIL,
1994.



Notary Public for Idaho
Residing at: Boise ID
My Commission expires: 11-14-1998

Section 42-1411. Where a right is recommended for more than one use, the diversion rates for the separate uses are not necessarily additive, since the limit for each use is the quantity of water that is beneficially used, and since the total quantity recommended for a water right cannot exceed the claimant's diversion capacity. This claimant has provided IDWR with information indicating that his present maximum diversion (pumping) capacity is approximately .05 cfs. In the present case the quantity of water that the claimant has claimed, and is entitled to use under this right as recommended, is .05 cfs, of which the total diversion rate of .05 cfs may be used for watering 200 head of stock and .04 cfs may be used for domestic purposes. This means that the claimant may divert any amount of water up to a maximum diversion rate of .04 cfs for domestic use, any amount of water up to a maximum diversion rate of .05 cfs for stock watering, or any amount of water for both uses together so long as the total amount diverted for both uses together at any given point in time does not exceed .05 cfs.

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

The notice of claim is attached to IDWR's response
to Objection No. 36-10221-0001

(Over)

CERTIFICATE OF MAILING

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

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: SHIRLEY D & J GLEN ANDERSON
Address: 2920 S 2000 E
WENDELL ID 83355

4. One copy to:

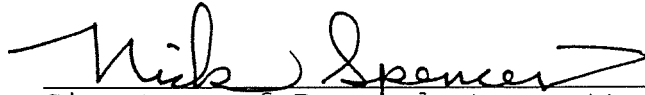
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724

5. One copy to:

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

(Over)

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83724


Signature of Respondent or attorney
mailing on Respondent's behalf