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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. 36-07308
	)	
Case No. 39576	)	
	)	**RESPONSE TO OBJECTION**
	)	

I. GENERAL INFORMATION

1. Person responding to objection: 95-06-0020

Name: KARL J. DREHER, 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: DENNIS L. NEWTON
RANDY W. NEWTON

Address: RT 1, BOX 1486
PAUL, ID 83347

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 83720
BOISE, ID 83720-0098

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

4. |X| Priority Date: I respond to the objection concerning the priority date.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 4, and all allegations of the objection regarding this item, IDWR responds as follows: this claim as filed was based on water right license 36-07308 having a priority date of March 2, 1973, which is the priority date claimed and recommended. The claimants assert that the priority date of this right should be changed to April 1, 1958. There is evidence indicating that water may have been diverted at this point of diversion as early as 1958. The claimants should have filed a separate beneficial use claim for any water use predating the priority date of the license. IDWR would then have investigated the claim and reviewed the evidence supporting the earlier priority date, including all evidence regarding quantities diverted prior to the priority date of the license and number of acres irrigated thereby. IDWR would then have recommended the beneficial use right to the full extent

(Over)

supported by the evidence, and adjusted its recommendation of the licensed right to delete the acres and quantity, if any, recommended pursuant to the beneficial use right.

However, since a separate claim was not previously filed, IDWR proposes that the claimant's amended claim/objection be treated as a separate beneficial use claim. IDWR will investigate the claim, and will both recommend a separate beneficial use right, if appropriate, and adjust its recommendation of the licensed right to the extent supported by the evidence.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

|X| 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. A36-07308.	3

(Over)

VERIFICATION (Must be Completed)

State of IDAHO
County of ADA

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

That Karl J. Dreher, 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 Karl J. Dreher, 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: Mike Spearman
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 22nd day of June, 1995.

Notary Public for Idaho

Residing at: Boise ID

My Commission expires: 12-5-2000

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 22ND day of JUNE, 1995, 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:

   Dennis Newton
   Randy Newton
   Rt 1 Box 1468
   Paul ID 83347

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:

   see #2

4. One copy to:

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

Mike Spencer
Signature of person filing response or attorney mailing on Respondent's behalf

(Over)

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: A36-07308
Date Received: 1/18/1989
Receipt No: S006012
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIS NEWTON 208-532-4396
   Address: RT 1 BOX 1468
   PAUL, ID 83347
   AND/OR
   Name: RANDY NEWTON 208-532-4552
   Address: RT. 1 BOX 1468
   PAUL, ID 83347

2. Date of Priority: MAR 02, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	23E	23	NW NE		MINIDOKA

5. Description of diverting works:
   WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		1504.00
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
   6.000 C.F.S. (and/or) 1504.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   D/1 TRAILER HOME, 1 LABOR HOUSE

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FEB 0 3 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	23E	14	SW	SW		IRR	34.0
			SE	SW		IRR	21.0
			SW	SE		IRR	10.0
			SE	SE		IRR	1.0
					Section Acres		66.0
		23	NE	NE		IRR	33.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			NE	NW		IRR	40.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
					Section Acres		310.0
					Total Acres		376.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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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 ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Benj W. Hunt Date: 1-18-89.

_____ Date: _____

State of Idaho)
) SS.
County of TF)

Subscribed and sworn (or affirmed) before me this 18th day of Jan 19 89

Tom White
Notary Public

Seal

Residing at TF

My Commission Expires 5/94

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FEB 03 1993