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Department of Water Resources

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DISTRICT COURT-SRB
TWIN FALLS CO., IDAHO
FILED

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)

Case No. 36-07460B

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.)

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

95-01-0101

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).

2. Person who filed objection:

Name: MICHAEL & KATHERINE BRANCHFLOWER
Address: PO BOX 392
WENDELL ID 83355

3. If this response is filed by an attorney:

Attorney Name: NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY 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 as to:

☒ the total quantity of water used in cubic feet per second

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: IDWR recommended that amount of water the claimant is entitled to based on the portion of the original license on which the claim was filed, and in accordance with transfer #3684 approved by IDWR in 1990.

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:

The notice of claim is attached to IDWR's Response to Objection No. 36-07460A.

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]
Signature of person filing response

By:

Wick Spencer
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 18th day of
January, 1995.

Danni M. Smith
Notary Public for Idaho

Residing at:

Danni M. Smith, Notary Public

My Commission expires:

Residing at Boise, Idaho

My Commission Expires December 5, 2000

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of JANUARY, 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:

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: KEVIN F TRAINOR
Address: STEPHAN KVANVIG GREENWOOD
STONE & TRAINOR
PO BOX 83
TWIN FALLS ID 83303-0083

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 person filing response
or attorney mailing on Respondent's
behalf