

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 22 1995

By _____ Clerk

Deputy Clerk

COPY

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MAR 2 1995
Department of Water Resources

A. LYNNE KROGH
SUSAN E. HAMLIN
Deputy Attorney(s) General
Department of Water Resources
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 327-7900

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. 34-00503A
	)	
Case No. 39576	)	RESPONSE TO OBJECTION
	)	

I. GENERAL INFORMATION

95-02-0022

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: CHARLES P. (JOHN) TRAUGHBER
ELSIE TRAUGHBER
Address: PO BOX 818
ARCO ID 83213

3. If this response is filed by an attorney:

Attorney Name(s): A. LYNNE KROGH
SUSAN E. HAMLIN
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

12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 12 and 12.b, and all allegations of the objection regarding those items, IDWR responds as follows:

This claim was recommended for disallowal on the basis that the right has been forfeited by nonuse pursuant to Idaho Code §42-222. Water district records indicate that some water has been available for this water right each and every year from 1976 to 1987. The water district records further show that there was no delivery of water pursuant to this right during any of the times this water was available. IDWR denies the objection and any 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. A34-00503A

4

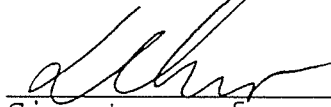
(Over)

VERIFICATION (Must be Completed)

State of IDAHO
County of ADA

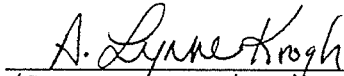
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.



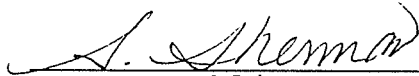
Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at: Boise ID

My Commission expires: 11-14-1998

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of February, 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: WILLIAM R. HOLLIFIELD
Address: HOLLIFIELD & TOLMAN, P.A.
249 THIRD AVENUE EAST
PO BOX 66
TWIN FALLS ID 83303-0066

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

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: A34-00503A
Date Received: 7/12/1988
Receipt No: E000698
Received By: TD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES P. (JOHN) TRAUGHBER 208-527-3920
Address: P.O. BOX 818
ARCO, ID 83213

AND/OR

Name: ELSIE F. TRAUGHBER 208-527-3920
Address: P.O. BOX 818
ARCO, ID 83213

2. Date of Priority: JUN 01, 1898

3. Source: BIG LOST RIVER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	26E	14	SW	SE			BUTTE
		23	NE	NW			BUTTE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/15	1.600		

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

8. Total consumptive use is 87.3 Acre Feet Per Annum.

9. Non-irrigation uses:
S/40 HEAD OF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	26E	23	NW	SE		STOCK IRR	34.9
						Section Acres	34.9
						Total Acres	34.9

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/D PRIVATE DITCHES
RIGHT #34-0503 SPLIT BY TRANSFER #2338, SEE ALSO 34-0503B
CLAIMANT INDICATES RIGHT HAS NOT BEEN USED SINCE PURCHASE OF
PROPERTY IN 1976 BECAUSE OF WATER AVAILABILITY.
THIS RIGHT REFLECTS HALF OF 34-0503A.
CLAIMANT WAS NOT AWARE OF LOCATION OF PRESENT DITCHES.

15. Basis of Claim: DECREED
Water Right Number: 0503A
Case Number:
Court :
Decree date:

UTAH CONSTRUCTION

Decree Plaintiff

vs

JOHN F. ABBOTT, ET AL

Decree Defendant

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: 1

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): Elsie F. Traugott Date: 7/12/88

Date: _____

State of Idaho)
County of Bonner) ss.

Subscribed and sworn (or affirmed) before me this 12th day
of July 19 88 Deena Green
Notary Public

Seal

Residing at Rigby
My Commission Expires 4-22-1994

CHURCHMEN
PICK
PICK

T# 37-84

T# 87

USA

Merlin Phillips

Wm. J. ...
P.O. ...

MIC-79
8/26/79

T# 88
T# 4N R26E
NW SE SEC 23

Luther Winger
T# 9-79

% Charles P. Traubner

T# 8-79

Kenneth M. Af.
T# 35-

Gary Sprele
T# 40.7

Clyde M. Affee

LYNN R.
T# 44.7

T# 7.1

T# 44

13276

MICROFILMED

NOV 23 1979

William H. Toone