

Original claim at SRBA
COPY 10-2-96
U.S. 93 Rest Area, Well 2
Jerome Co.

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: A36-02660
Date Received: 4/04/1988
Receipt No: C002215
Received By: CJ

RECEIVED

AUG 12 1988

Department of Water Resources
Twin Falls Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
P.O. BOX 7129
BOISE, ID 83707
208-334-8505

2. Date of Priority: SEP 13, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	17E	9	SE	SW			JEROME

5. Description of diverting works:
8" WELL AND PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
OPERATION OF REST AREA.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	17E	9	SE	SW		DOMEST	

A36-02660

Page 1

Date: 07/01/88

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MICROFILMED
JUL 27 1988
FEB 15 1988

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11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
NONE

14. Remarks:
U.S. 93 REST AREA, WELL #2.

15. Basis of Claim: LICENSE
Water Right Number: 33186

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 Organizations:

I do solemnly swear or affirm that I am Senior R/W Agent of
I.T.D. Div. of Hwy's, that I have signed the foregoing
I.T.D. Div. of Hwy's document in the space below as Senior R/W Agent of
I.T.D. Div. of Hwy's and that the statements contained in the
foregoing document are true and correct.

Swain S. Gould
Signature of Authorized Agent

SR/WA, I.T.D., Div. of Hwy's
Title and Organization

7/14/88
Date

COPY

State of Idaho

County of

Ada

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 14th day

of July 19 88

Rick A. Bachman
Notary Public

Seal

Residing at Boise

My Commission Expires 5-11-93

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

+-----+-----ADJUDICATION RIGHTS DATES AND FLAGS AREA-----+

Rest Area East Bound
I-84

ENTERED 7-16
CHECKED CH DLD 2/13/92

Topo Map/Ortho-PQ	Topo Map/Ortho-PQ
ASCS Map	ASCS Map
Watermaster Records	Watermaster Records
NAPP Photos	NAPP Photos
Field Exam	Field Exam
Other (See Remarks)	Other (See Remarks)
County Records	County Records
Water Records	Water Records
Project Records	Project Records
Other Records	Other Records

VERIFIED
FEB - 1991

CERTIFIED
FEB 18 1991
WATER EXAMINER

COPY

1996 OCT -4 PM 3:11
Logged
DISTRICT COURT-SRBA
TWINFALLS CO., IDAHO
FILED _____

IDWR REPORT RE: CLAIMS IN SUBCASE NOS. 36-02660

In Re SRBA

**Twin Falls County Civil Case No. 39576
Sub-Case Nos. 36-02660**

Report to the SRBA District Court

**Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Adjudication Bureau Chief**

October 2, 1996

DESCRIPTIVE SUMMARY

Pursuant to the Court's request, IDWR submits this report to transmit the original claims in the above referenced subcases to the Court. IDWR submits these claims in order to ensure that the Court's records are complete.

Dated this 2nd day of October, 1996

Charles L. Honsinger

Charles L. Honsinger
Deputy Attorney General
Idaho Department of Water Resources

RECEIVED

DEC 15 1995

Department of Water Resources
Southern Region

RECEIVED

DEC 6 8 1995

Department of Water Resources
Adjudication Bureau

1995 DEC -1 PM 1:48
DISTRICT COURT - SRBA
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 SRBA

) Subcase No.: 36-02660
)
)
)

Case No. 39576

**ORDER GRANTING MOTION TO
FILE LATE OBJECTION**

On August 18, 1995, claimant State of Idaho Transportation Department (ITD) filed its *Motion to File Late Objection to the Director's Report*. The *Motion* alleges that ITD failed to file a timely objection to erroneous recommendations in the Director's Report concerning the point of diversion and place of use because it relied on IDWR to represent all state agencies' proprietary water right interests. After the Director and IDWR were removed as parties to the SRBA, ITD first learned of errors in the legal descriptions.

A hearing was held before the Special Master on November 22, 1995, at the SRBA Courthouse in Twin Falls, Idaho. George M. Parham appeared in person on behalf of ITD and Brent R. King appeared in person on behalf of IDWR.

After considering the pleadings and hearing arguments of counsel, it is clear that ITD has (1) timely filed its *Motion*, (2) shown good cause to file a late objection and (3) alleged facts which constitute a meritorious position.

ORDER GRANTING MOTION TO FILE LATE OBJECTION
December 1, 1995

Therefore, IT IS ORDERED that the *Motion* is **granted**. The Objection lodged with the *Motion* is deemed filed the date of this Order. Responses to the objection shall be filed no later than January 31, 1996.

DATED: December 1, 1995.



Terrence A. Dolan
Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of **ORDER GRANTING MOTION TO FILE LATE OBJECTION** was mailed on December 1, 1995, with sufficient first class postage prepaid to the following:

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83201-4449

United States Dept. Of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

George M. Parham
Dept. Of Transportation
P.O. Box 7129
Boise, ID 83707-1129


Deputy Clerk

COPY

RECEIVED

AUG 21 1995

Department of Water Resources
Adjudication Bureau

CLAIMANT: STATE OF IDAHO
TRANSPORTATION DEPARTMENT

ALAN G. LANCE
ATTORNEY GENERAL

JOHN J. McMAHON
Chief, Contracts and Administrative Law Division
Office of the Attorney General

GEORGE M. PARHAM
Deputy Attorney General
Idaho Transportation Department
3311 West State Street
P.O. Box 7129
Boise, Idaho 83707-1129
Telephone: (208) 334-8815
Facsimile: (208) 334-4498

1995 AUG 21 10:53
DISTRICT COURT
CLERK'S OFFICE
BOISE, IDAHO

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	)	MOTION TO FILE LATE
Rights to the Use of Water from	)	OBJECTION TO THE
the Snake River Basin Water System	)	DIRECTOR'S REPORT
	)	
Case No. 39576	)	Subcase No. 36-02660
	)	

DESCRIPTIVE SUMMARY

This document is the State of Idaho Transportation Department's motion to file late objection. The objection is necessary to clarify the actual area of diversion and use of the above referenced water right which is used presently used to supply water for the operation of a highway safety rest stop.

MOTION TO FILE LATE OBJECTION TO DIRECTOR'S REPORT - 1

MOTION

The Idaho Transportation Department (ITD) by and through its undersigned attorney and pursuant to the Idaho Rules of Civil Procedure and the SRBA Rules of Procedure as set forth in SRBA Administrative Order 1 and the Order Granting in Part, and Denying in Part, Joint Motions For Amendment of Administrative Order 1, moves this court to allow the filing of a late objection to the Report of the Director of the State of Idaho Department of Water Resources. The completed Objection is attached hereto.

This motion is made upon the grounds and for the reasons that the water right described in the Director's Report is in error regarding the area of diversion and use. The water right as described in the Directors Report does in fact correspond with the location described in ITD's claim. However, recent investigation indicates the diversion and use actually occurs on an area directly adjacent to that described in the Director's Report. More particularly, the diversion occurs in the NW 1/4 of the NE 1/4 of Section 16 of Township 9, South, Range 17 East instead of the SE 1/4 of the SW 1/4 of Section 9 and that the use of the water occurs in the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 16 of Township 9. South, Range 17 East, instead of the SE 1/4 of the SW 1/4 of Section 9. ITD does not otherwise object to the amounts or use of the water recommended by the Director in his report.

GOOD CAUSE

Relying on the standards set forth in I.R.C.P. Rules 55(c) and 60(b) ITD asks this Court to relieve it from the original deadline for filing objections. ITD's failure to file a timely objection is the result of mistake, inadvertence and/or excusable neglect and as such there is good cause to allow ITD a late filing of its objection.

Since the Idaho Department of Water Resources (IDWR) and its Director were originally parties to the SRBA, ITD reasonably assumed that IDWR as a state agency, represented the proprietary water rights interests of all state agencies including ITD. Because of its reasonably founded beliefs, ITD did not question the accuracy of the Director's findings nor did it actively participate in the SRBA. ITD had no reason to contest the Director's Report insofar as this claim was concerned because the Director's Report delineating the place of diversion and use corresponded to the area described in the permit application and license granted to ITD.

Since ITD was not participating as a party it did not receive any of the notices, orders or other documents relative to its respective water rights in this sub basin. It was not until after the Supreme Court ruled that the IDWR and its Director were not parties that ITD became aware of a need to actively participate in the SRBA. Since then, ITD has diligently investigated its claims in the respective sub basins where

reports have been issued and it was pursuant to that investigative process that the error regarding the legal description was discovered. Failure to allow ITD to participate in the SRBA regarding this sub basin will result in severe prejudice to the state and its residents since the water right is essential to the operation of a highway safety rest area on Interstate highway 84.

Counsel requests oral argument on this motion.

DATED This 18th of August, 1995.



George M. Parham
Deputy Attorney General for the
Idaho Transportation Department

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of August, 1995, I caused a true and accurate copy of the foregoing document to be served by depositing same in the U.S. Mail, postage prepaid, addressed to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

COPY

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

Lodged
DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
JUL 12 1993

In Re the General Adjudication of Rights
to the Use of Water from the Snake River
Basin Water System

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department of
Water Resources,

Petitioner,

vs.

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

Respondents.

Water Right No. 36-2660

(The water right number you are objecting to must be inserted here)

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to a water right recommended in the director's report. *Only one party/claimant may object to one water right per objection form.* To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The objection must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this objection (Page 6) or the court will not accept it for filing. This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more objections must make an appointment with the Clerk of the SRBA Court.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: State of Idaho, Transportation Department
Address: P.O. Box 7129
Boise, ID 83707-1129
Phone: Work: (208) 334-8000 Home: _____

Briefly describe your interest in this water right: _____

Water right pursuant to license, for domestic
use at highway rest area.

If this objection is *filed by an attorney*:

Attorney Name: George M. Parham, Deputy Attorney General
Attorney Address: P.O. Box 7129
Boise, ID 83707-1129
Attorney Phone No.: (208) 334-8815

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:*

Name: State of Idaho
Address: Idaho Transportation Department
P.O. Box 7129
Boise, ID 83707-1129

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ *Name and Address*: I object to the name and/or address of the owner of the water right.
2. ☐ *Source*: I object to the source of water.
3. ☐ *Quantity*: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ *Priority Date*: I object to the priority date.
5. ☒ *Points of Diversion*: I object to the legal description of the point(s) of diversion.
6. ☐ *Instream Flow*: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ *Purpose(s) of Use*: I object to the purpose(s) of use.
8. ☐ *Period of Year*: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ *Place of Use*: I object to:
 - a. ☒ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ *Consumptive Use*: I object to the annual volume of consumptive use.
11. ☐ *Remarks*: I object to the "remarks" listed with the water right.
12. ☐ *Water Right Recommendation*: I object to:
 - a. ☐ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.

13. ☐ *Description of Reservation*: I object to the legal description of the reservation.

14. ☐ *Other*. I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

#5 The point of diversion is different from that stated
_____ in the Director's report.

#9 The place of use is different from that stated in
_____ the Director's report.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The Director's report should be changed to indicate

_____ that the point of diversion and use is in Township 09

_____ South, 17 East, Section 16 NW 1/4 NE 1/4 and point of use

_____ is Township 09 South, 17 East, Section NW 1/4, NE 1/4 and
_____ and Section NE 1/4 NW 1/4.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ 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.

_____ Proof of Application of Water to Beneficial Use and

_____ Geometric Layout Eastbound

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

GEORGE M. PARHAM D.A.G. FOR

STATE OF IDAHO TRANSPORTATION DEPT., being first duly sworn, upon oath, deposes and says:
(Name of party/claimant filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant Objecting"), as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of party/claimant filing objection

By: George M. Parham D.A.G.
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 18, 1995
(Insert Date)

Yvonne A. Dwyer
Notary Public for Idaho
Residing at: Boise
My Commission expires: 11-21-99

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to all of the parties listed below in the Certificate of Mailing.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on August 18, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons by mailing the original and/or 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:

Owner name: _____

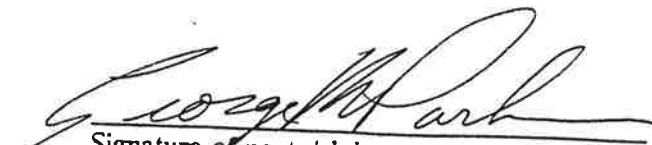
Owner's address: _____

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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 party/claimant or attorney

Identification No.

Permit No. G-33186/36-2660

?

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder State of Idaho, Department of Highways
b) Post Office Address Box 7129, Boise, Idaho 83707
2. Permit Number G-33186/35-2660
3. Date of Priority that you are prepared to establish September 13, 1966
4. a) Source from which water was appropriated Subterranean
b) Location of the point of diversion: NE SE 1/4 NW SW 1/4, Section 9 11,
Township 9 South, Range 17 East Boise Meridian, Other points of diversion:
E. B.
5. a) The amount of water and use to which the water has been applied:
800 x 447 = 206,447 G.P.M.
amount 0.044 cfs for Domestic purposes from Jan 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Used Calibrated pump, checked by pumping into
55 gal. drum. By R.S. Mickelson, Proj. Insp.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: NA
b) Describe the agreement or understanding by which you take water from the works: NA
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Pump size 2 H.P. Fairbanks 20 gpm,
8" Std. well casing. Depth 200 ft. pump at 160 ft. water level 104 ft.
b) Describe the type and size of measuring device which you have installed at your point of diversion: NA
c) Give well drillers name and address and date the well was completed Harry King Drilling Co., Grandview Addn, Rte #3, Rupert, Idaho. Well
completed July 24, 1967.

T.9S,R.17E,B.M.

FEDERAL AID PROJECT NO.	STATE	FEDERAL AID PROJECT NO.	DATE	BY
8	IDAHO	ADON 3(35)81	20	4

Scale 1" = 40'

