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Department of Water Resources

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. 39576
Objection

34-10167-0002

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.

This form must be used to file an objection to any water right description. You may object to one water right per objection form. If you have objections to more than one water right description, you must file a separate objection for each water right. Additional forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. You must file your objection within the time deadlines shown in the information or notice that IDWR mailed to you. The time period specified for filing an objection includes weekends and holidays. The objection must be received by the court by the deadline specified. Instructions for filing this objection with the court are found at Page 5, and must be strictly followed.

Any party filing 25 (twenty-five) or more objections must make an appointment with a Clerk of the Adjudication Court and arrange for a date and time certain when the court will be able to accept multiple filings.

(OVER)

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 that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

IDENTIFICATION OF REPORTING AREA AND WATER RIGHT

The number of the water right objected to is: 34-10167 This water right is located in reporting area number: Reporting Area 1 (Basin 34) (You must use the same reporting area number used in the Director's Report.)

The water right description objected to is: (Check one)

☒ Mine or ☐ Another claimant's whose name and address are:

Name: _____

Address: _____

The water right description is:

☒ A water right acquired under state law (contained in Part One of the Director's Report), or

☐ A water right reserved under federal law (contained in Part Two of the Director's Report).

Name, address and phone number of person objecting:

Herb Whitworth 208-588-2820
Star Route
Mackay Idaho 83251

If this objection is filed by an attorney on behalf of the person objecting, enter the following:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No: _____

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

STATEMENT OF THE OBJECTION

Please check each "box" which identifies your objection.

1. ☐ Name and Address: I object to the description of the name and address of the water claimant who owns the right.
2. ☐ Source: I object to the description of the source of the water.
3. ☐ Quantity: I object to the description of:
 - ☐ the total quantity of water used in cubic feet per second
 - ☐ the total quantity of water in acre-feet per year
 - ☐ the description of the quantity of water for _____ (purpose of use)
 - ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the description of 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 a claimed instream flow.
7. ☐ Purpose(s) of Use: I object to the description of the purpose(s) of use.
8. ☐ Period of Year: I object to the description of the period of year when water is used for the purpose stated.
9. ☐ Place of Use: I object to the legal description of the place of use; or, if one of the purposes of use is irrigation, I object to the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the description of the annual volume of consumptive use.
11. ☐ Non-irrigation Use: I object to the description of non-irrigation use(s).
12. ☐ Remarks: I object to the "remarks" or the omission of "remarks" which should attach to the water right.

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13. ☐ Water Right Description: I object to.

☐ this water right being recommended at all, or

☐ this water right not being recommended.

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

15. ☐ Other: I object to _____

REASONS SUPPORTING EACH BOX CHECKED

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

4. (Priority Date) This Right should have an
Older Priority Date. Signed Statements were sent to
LDWR pertaining to this right.

CHANGES TO THE DIRECTOR'S REPORT

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

I want the priority Date changed on
Water Right Number 34-10167 to 1875

Please note that you should attach copies of documents which support your objection or request for change. Not 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:

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I mailed the original and copies of the foregoing objection, 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 for the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
Fax Phone No.: (208) 736-2121

2. One copy to the claimant/owner of the water right, and you must fill in the following information:

Claimant/owner name:

Claimant/owner address:

Herb Whitworth
Star Route
MacKay, Idaho
83251

3. One copy to:

Chief of Natural Resource Division
Office of the Attorney General
ATTN: Adjudication Bureau
Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

4. One copy to:

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

Herb Whitworth
Signature of Objector or attorney mailing
on Objector's behalf

VERIFICATION (Must be Completed)

State of

Idaho

County of

Custer

Herb Whitworth Jr, being first
duly sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Herb Whitworth
Person filing objection

By:

(Attorney signing in
representative capacity)

Subscribe and sworn to before me this 26th day of February,
1993.

Cecelia Joanne Roche
Notary Public for Custer County - Idaho
Residing at: Mackay, Idaho
My Commission expires: 3-11-98

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. It must be received on or prior to the deadline you have received from the Department of Water Resources. You may fax this form, with attachments, to the Clerk of the Court and then mail the original. You must also send a copy to the claimant/owner of the water right you objected to; to Chief of Natural Resource Division, Office of the Attorney General; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

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