

COPY

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

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.

Case No. 34-00351

(You must insert the  
water right number you  
are objecting to)

OBJECTION

RECEIVED

MAR 04 1993

Department of Water Resources  
Adjudication Bureau

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

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.

### I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Sally Johnson  
Address: Star Route  
Mackay, Idaho 83257

Briefly describe your interest in this water right:

These rights have been used since 1915, the water has been applied to a beneficial use and the denial would create a great hardship and render almost valueless the irrigated farm ground to which they are appurtenant. Justice would require that this clerical error or omission be corrected in the interest of equity and fairness, in the interest of carrying out the constitutional goal of applying the waters of the State of Idaho to a beneficial use as to maximize the benefit to all of the citizens of the State of Idaho.

2. Owner of the water right:

Name: Decreed to W.C. Hunter (forfeited)  
Address: Unknown

3. If this objection is filed by an attorney:

Attorney Name: Harry De Haan  
Attorney Address: 317 6th Ave North  
Twin Falls, Idaho 83301  
Attorney Phone No.: (208) 733-0731

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

## 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.

(Over)

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: this water right not being recommended at all.  
These rights were not recommended although decreed rights because no claim  
was filed. No claims were filed in this matter because of inadvertence the  
lands in question are in litigation.

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.

See attached

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.

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

Title is held in the name of Preston Price Estate. The Personal Representative resigned in September of 1992. The current first mortgage is to the Farmers Home Administration who, through the United States Attorney, is attempting to foreclose on this mortgage. The United States Attorney represented to all other parties that the FHA had filed the proper claims. When it was discovered that the bar date was approaching, claimant, Sally Johnson who is the assignee of an heir of Preston Price Estate and a judgment creditor petitioned the Court in the foreclosure action to appoint her the proper person to both object to the non-recommendation of these claims and to file a Motion for Permission to File a Claim for the other three (3) decreed water rights which the director did not comment on in his 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. \_\_\_\_\_

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

Sally Johnson, being first duly  
(Name of person filing objection)  
sworn, upon oath, deposes and says:

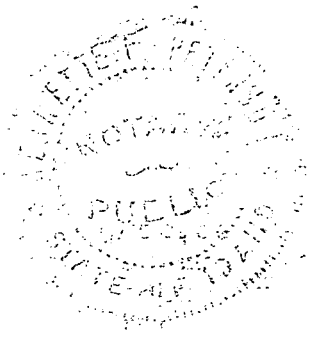
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Sally Johnson  
Signature of person filing objection

By: Harry Selk  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 3rd day of March,  
199 3.

Jeanette P. Petersen  
Notary Public for Idaho  
Residing at: Boiler  
My Commission expires: Jan. 23, 1997



(Over)

### 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 the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; 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.

### CERTIFICATE OF MAILING

I hereby certify that on the 3<sup>rd</sup> day of March, 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 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: \_\_\_\_\_

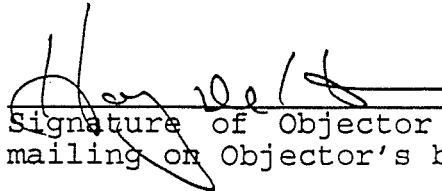
Owner's address: \_\_\_\_\_  
\_\_\_\_\_

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 83724

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

