

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. 34-00620C
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources

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.

(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.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: United States of America
Bureau of Land Management
Address: U.S. Department of Interior
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2544

Briefly describe your interest in this water right:

The United States, through the Bureau of Land
Management (BLM), has a license from IDWR for the
water claimed.

2. Owner of the water right:

Name: Claimant: R. M. Flory
Address: Rt. 1 Box 96-A
Moore, ID 83255

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U.S. Department of Justice
550 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Phone No.: 202-272-4134/8351

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 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:

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.

The United States of America, acting through the BLM, objects to this water right recommendation because the claimant is a private individual claiming a water right on public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water rights or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because the claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source. See Objection page 7.

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 recommend disallowance of this claim.

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. Director's Report copy of private claim (1), Map of private claims at Moore Diversion (1), Director's Report copy of impacted BLM claims (2), ~~Map of four impacted BLM claims (1)~~, Map of four impacted BLM claims (1).

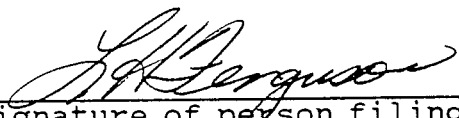
VERIFICATION (Must be Completed)

State of Idaho

County of Bonneville

Lloyd H Ferguson, District Manager, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

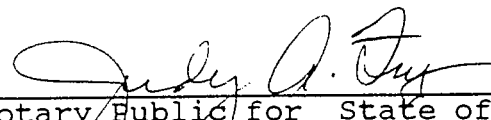
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I. C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 12th day of February,
1993.



Notary Public for State of Idaho
Residing at: Bonneville County
My Commission expires: 12/12/94

(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 26th day of Feb, 1993, I ~~mailed~~ ^{filed} the original and ~~copies~~ ^{correct} 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: Claimant: R. M. Flory
Owner's address: Rt. 1 Box 96-A
Moore, ID 83255

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 Resources Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Gary A. Madala
Signature of Objector or attorney
mailing on Objector's behalf

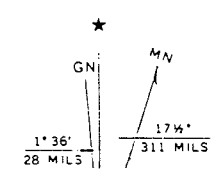
IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-467

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE		MAXIMUM QUANTITY	BASIS OF CLAIM
				FROM	TO		
SOURCE: BIG LOST RIVER							
TRIBUTARY: SINKS							
34-00620C	R M FLORY RT 1 BOX 96-A MOORE ID 83255	06/01/1896	IRRIGATION	05-01	10-15	.06	CFS DECREASED
POINT OF DIVERSION: T05N R26E S04							
PLACE OF USE: IRRIGATION							
T05N R26E S28							
3.0 ACRES TOTAL							
REMARKS: WATER IS DELIVERED THROUGH WESTSIDE CANAL.							
34-00622A	GLORIA LOFTUS OWEN LOFTUS RT. 1 BOX 11A MOORE ID 83255	06/01/1896	IRRIGATION	05-01	10-15	1.57	CFS DECREASED
POINT OF DIVERSION: T05N R26E S04							
PLACE OF USE: IRRIGATION							
T04N R25E S25							
80.0 ACRES TOTAL							
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A. WATER DELIVERED THROUGH MOORE CANAL TO CROSSOVER DITCH INTO TIMBERDOME CANAL.							
T04N R25E S25							
5.0							
37.0							
38.0							
TOTAL QUANTITY: CONSUMPTIVE USE: 1.57 CFS							
200.0 AFY							



APPENDIX HILL
3571 III NW

Mapped, edited, and published by the Geological Survey
Control by USGS and USO&GS
Topography by photogrammetric methods from aerial
photographs taken 1967. Field checked 1969
Polyconic projection - 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
central zone
1000-meter Universal Transverse Mercator grid ticks,



RAMSHORN CANYON, IDAHO

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE

PERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-04190

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

06/28/1934 STOCKWATER

01-01 12-31

.23

CFS

BENEFICIAL USE

NON-IRRIGATION-USES:

TOTAL QUANTITY:

.23

CFS

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION:

102N R27E S01 LOT 1 (NENE) (B)

103N R27E S20 SE NE (B)

102N R28E S01 NE SE (E)

103N R27E S35 SE SE (E)

PLACE OF USE: STOCKWATER

102N R27E S01 LOT 1 (NENE)

R28E NE NE

S02 SE SE

S03 SWSW

S04 SE NE

S05 SE NE

S06 Lot 1 (NENE)

S09 NE NE

S10 NE NE

S11 SE NE

S12 NE NE

103N R27E S20 SE NE

S21 SWSW

S22 NE SE

S26 SWSW

S27 SE NE

S28 NE NE

S35 NE NE

SE NE

SWSW

NE SE

SE SE

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REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING

ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BIG LOST RIVER						
TRIBUTARY: SINKS						
34-04040	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/01/1958	WILDLIFE STORAGE	01-01 12-31	243.0	AFY
			STOCKWATER FROM STORAGE	01-01 12-31	20.1	AFY
			STOCKWATER STORAGE	01-01 12-31	243.0	AFY
			WILDLIFE FROM STORAGE	01-01 12-31	7.2	AFY
			DIVERSION TO STORAGE	01-01 12-31	.44	CFS
			TOTAL QUANTITY:		.44	CFS
					243.0	AFY

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11 N4N45E

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11	NESE	N45E	SESE
S13	N4N45	N45W	N45W
S14	N4NE	S4NE	SENE
	N4SW	N4SW	S4SW
	NESE	N4SE	S4SE
S15	NESE	SESE	
S23	N4NE	S4NE	N4N45
S24	S4NE	SENE	N4N45
	S4N45	SENE	S4SW
	SESW	NESE	N4SE
S25	SESE	N4NE	S4NE
	N4NE	S4N45	N4SW
	N4N45	N4SE	N4SW
	SESW		

PLACE OF USE: STOCKWATER STORAGE

SAME AS OTHER USE

PLACE OF USE: WILDLIFE FROM STORAGE

SAME AS OTHER USE

PLACE OF USE: DIVERSION TO STORAGE

SAME AS OTHER USE

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID = 3403488096

