

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. 34-02379B
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

MAR 17 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.

(Over)

By filling an objection form, you are certifying that the objection is well-grounded 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: Robert H. Moss or Carol C. Moss.

Address:

Rt. #1 Box 120

Moore, Idaho 83255

Briefly describe your interest in this water right:

Owner of Water Right 34-0837H

Revolity Date 6-01-87 - on

Same Tailwater, Antelope Creek.

2.

Owner of the water right:

Name:

U.S. Forest Service

Address:

324 25th St

Ogden, Utah 83401-2394

3.

If this objection is filed by an attorney:

Attorney Name:

Attorney Address:

Attorney Phone No.:

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.

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

Do not allow this recommendation

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

CHANGES TO THE DIRECTOR'S REPORT

maintain water right #34-06837A my reservation rights

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

REASONS SUPPORTING EACH BOX CHECKED

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:

☐ 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. _____

Warranty Deed - One page

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Carol C. Moss, 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.

x Carol C. Moss
Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th day of March,
1993.

Susan L. Bleniz
Notary Public for Idaho
Residing at: Idaho
My Commission expires: 5-17-96

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 16 day of March, 1997, 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:

U.S. Forest Service

Owner's address:

324 25st
Ogden, Utah 83401-2394

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
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 Objector or attorney
mailing on Objector's behalf

OBJECTION - 6

(Optional)

Recorded ☐
Microfilmed ☐
Indexed ☐

Platted ☐
Deed Card ☐
Compared ☐

Key Punched ☐
Master File ☐
Abstracted ☐

To Treasurer ☐

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

HARVEL L. PENROD and ANNETTE PENROD, husband and wife
hereby CONVEYS, GRANTS and WARRANTS TO
ROBERT K. MOSS and CAROL C. MOSS, husband and wife,

GRANTOR(S)
State of ~~Idaho~~ California

of MOORE County of BUTTE
for the sum of TEN AND NO/100

GRANTEE(S)
State of Idaho
Dollars (\$10.00)

the following described tract(s) of land in

BUTTE & CUSTER

Counties
County, State of Idaho:

Township 6 North, Range 26 East, Boise Meridian, Butte County, Idaho.
Section 32: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
N $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
running north and east of the B & J Canal. A tract of
land in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ beginning at the Southwest
corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence East 2 $\frac{1}{2}$ rods; thence North 100
rods; thence West 2 $\frac{1}{2}$ rods; thence South 100 rods to the
true point of beginning.

Township 6 North, Range 26 East, Boise Meridian, Custer County, Idaho.
Section 32: All that portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, lying North and
West of the Big Lost River & Antelope Creek, in Custer County.

A water right including, but not limited to:
Fifty (50) inches of Decreed Irrigation Water
Right, with a priority date of 6/1/1887, with
500 inches of storage in Mackay Reservoir.
Subject to all easements of record affecting
the following is also transferred to grantee:
A certain Oil and Gas Lease, as recorded in
Butte and Custer Counties, number 1001031 with
Ronan Inc., 1242 North 28th Street, Billings,
Montana 59101, Butte County Records No. 10891
recorded Oct. 30, 1981.

21615

No. FILED

OCT 28 1988

A.M. P.M.
BUTTE COUNTY RECORDER

Location of above described property 1 mile South 1 mile East of Darlington, Idaho
House No. 207A Street

WITNESS the hand of said Grantors this

day of Oct A.D. 19 88

Harvel L. Penrod

Annette Penrod

(NOTARY SEAL)

California,

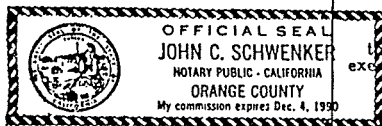
State of ~~Idaho~~
County of Orange

ss. On the 20th day of Oct A.D. 19 88

personally appeared before me

HARVEL J. PENROD and ANNETTE PENROD,
husband and wife.

the signer(s) of the within instrument, who duly acknowledged to me that he
executed the same.



Residing at: 255 Orange Thorne
Fullerton CA

My Commission expires: 12-4-90

MAIL DEED TO:

MAIL TAX NOTICE TO:

Name Robert K. Moss

Address Rt. 1, Box 120

City & State Moore, Idaho Zip 83255

