

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

Case No. 34-02562
(You must insert the
water right number you
are objecting to)

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

OBJECTION

RECEIVED

MAR 18 1993

Department of Water Resources
Adjudication Bureau

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.

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)

OBJECTION - 1

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: BILLY L... HARALSON
Address: RT. 1 Box 450
ARCO, 83213
Moore, Idaho 83213

Briefly describe your interest in this water right:

This claim is in error as there is a
prior right that supersedes it in all
respects.

2. Owner of the water right:

Name: U.S. Dept. of Interior. B.L.M.
Address: Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706

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.

(Over)

OBJECTION - 3

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: THERE IS A HISTORICAL
PRIVATE USE RECORD FOR LIVESTOCK
PRIOR TO B.L.M. CLAIM.

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.

PLEASE REFER TO EXHIBIT A: 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.

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.

Exhibit A- one page. Exhibit B- ~~one~~ ^{Two} page. Exhibit C- ~~one~~ ^{Four} page.

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

BILLY L. HARALSON, 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.

Billy L. Haralson
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 15 day of March,
199 9.

Barbara J. Haralson
Notary Public for State of Id
Residing at: Ass 2nd
My Commission expires: 3/26/92

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 16TH 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: United States of America

Owner's address: Bureau of Land Management
U.S. Dept. of Interior, Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2544

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

Billy L. Harabon
Signature of Objector or attorney
mailing on Objector's behalf

EXHIBIT A

REASONS: THE CLAIMANT OBJECTS TO THIS WATER RIGHT RECOMMENDATION BECAUSE THE CLAIMANT HAS AN EARLIER PRIORITY DATE AND HAS USED THE WATER RIGHT EXCLUSIVELY SINCE THE WATER RIGHT WAS ESTABLISHED. THE CLAIMANT FOR THESE REASONS OBJECTS TO THE WATER RIGHT IN ITS ENTIRETY, INCLUDING THE NAME OF THE OWNER, SOURCE, PRIORITY DATE, PLACE OF USE, POINT OF DIVERSION/QUANTITY, AND PERIOD OF USE.

EXHIBIT D

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-27-1992
PAGE: A-1656

34-12409-ARCO ID 83213
BILLY L HARALSON
RT 1 BOX 450
ARCO ID 83213

05/01/1937 STOCKWATER

01-01 12-31

.02 CFS BENEFICIAL USE

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
	SOURCE: SPRING					
	TRIBUTARY: HAMMOND SPRING CREEK					

NON-IRRIGATION-USES:
STOCKWATER FOR 300 HEAD OF RANGE CATTLE
POINT OF DIVERSION:
TO3N R24E S01
PLACE OF USE: STOCKWATER
TOTAL QUANTITY: .02 CFS

34-12410-ARCO ID 83213
BILLY L HARALSON
RT 1 BOX 450
ARCO ID 83213
05/01/1937 STOCKWATER
01-01 12-31
.02 CFS BENEFICIAL USE

NON-IRRIGATION-USES:
STOCKWATER FOR 300 HEAD OF RANGE CATTLE
POINT OF DIVERSION:
TO3N R24E S11
PLACE OF USE: STOCKWATER
TOTAL QUANTITY: .02 CFS
REMARKS: SOURCE IS ALSO KNOWN AS TIMBER DOME SPRING.
REMARKS: SOURCE IS ALSO KNOWN AS CHOKO CHERRY SPRING.

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

EXHIBIT C

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
434-02562	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	10/13/1947	STOCKWATER	01-01 12-31	.01 CFS	LICENSE
SOURCE: CHOKECHERRY SPRING						
NON-IRRIGATION-USES:						
STOCKWATER, 69 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION:						
T03N R24E S13						
PLACE OF USE: STOCKWATER						
T03N R24E S13						
SWW						
TOTAL QUANTITY:						
.01 CFS						
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 = 3403488048						

L-7H1617 D

UNITED STATES DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-27-1992
PAGE: A-1518

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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34-12426

BILLY L. HARALSON
RT 1 BOX 450
ARCO ID 83213

05/01/1906 STOCKWATER

01-01 12-31

.07

CFS

BENEFICIAL USE

SOURCE: HAMMOND SPRING CREEK

TRIBUTARY: TIMBERED DOCK CREEK

TOTAL QUANTITY:

.07

CFS

NON-IRRIGATION-USES:
STOCKWATER FOR 300 HEAD OF RANGE CATTLE
POINT OF DIVERSION:
T03N R24E S11
S13
PLACE OF USE: STOCKWATER

NEENE (B) ✓
NEENESE (E) ✓

NEENE /
S12
S13

SENE
S12
S13

S12
S13

NESE

34-12424
P U RANCH
4500 IMPERIAL AVE
SAN DIEGO CA 92113

05/01/1914 STOCKWATER

01-01 12-31

.04

CFS

BENEFICIAL USE

NON-IRRIGATION-USES:
STOCKWATER, 2000 HEAD RANGE CATTLE
POINT OF DIVERSION:
T03N R25E S17
S09
PLACE OF USE: STOCKWATER

NEENESE (B)
NEENESE (E)

TOTAL QUANTITY:

.04

CFS

S16
S17

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S16
S17

SESW
SESW

EXHIBIT C

RIGHT NUMBER: 834-02562
NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
SOURCE: CHOKECHERRY SPRING
PRIORITY DATE: 10/13/1947
PURPOSE OF USE: STOCKWATER
PERIOD OF USE FROM TO: 01-01 12-31
MAXIMUM QUANTITY: .01
BASIS OF CLAIM: CFS LICENSE

NON-IRRIGATION-USES:
STOCKWATER, 69 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION: T03N R24E S13
PLACE OF USE: STOCKWATER
TOTAL QUANTITY: .01 CFS

REMARKS: T03N R24E S13
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 = 3403488048

EXHIBIT C

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-17-1992
PAGE: A-121

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: HAMMOND SPRING CREEK

TRIBUTARY: SINKS

834-04177

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

.05

CFS

BENEFICIAL USE

NON-IRRIGATION-USES:

TOTAL QUANTITY:

.05

CFS

POINT OF DIVERSION:
STOCKWATER, 185 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

TO3N R24E S01

SESU (B)

PLACE OF USE: STOCKWATER

SESU (E)

TO3N R24E S01

SESU

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S12

S13

SENE

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REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIAALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID = 3403488136

EXHIBIT C

IDAHO DEPARTMENT OF WATER RESOURCES
ABSTRACTED CLAIMS TO WATER RIGHTS BASED UPON FEDERAL LAWDATE: NOV-17-1972
PAGE: A-405

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-12507A	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICAN TERRACE BOISE ID 83706	04/17/1926	STOCKWATER	01-01 12-31	.09	CFS RESERVED
NON-IRRIGATION-USES: 373 RANGE CATTLE POINT OF DIVERSION: T04N R24E S10 PLACE OF USE: STOCKWATER SESE T04N R24E S10 REMARKS: BLN RECORD ID = 3403480084 FIRST DATE OF BENEFICIAL USE - 1884; WATER ALSO FEDERALLY RESERVE BY EXECUTIVE ORDER DATED APRIL 17, 1926, PWR NO. 107 US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICAN TERRACE BOISE ID 83706 04/17/1926 STOCKWATER 01-01 12-31 .07 CFS RESERVED TOTAL QUANTITY: .07 CFS NON-IRRIGATION-USES: 225 RANGE CATTLE POINT OF DIVERSION: T03N R24E S11 PLACE OF USE: STOCKWATER NENE T03N R24E S11 REMARKS: BLN RECORD ID = 3403480088 FIRST DATE OF BENEFICIAL USE - 1884; WATER ALSO FEDERALLY RESERVE BY EXECUTIVE ORDER DATED APRIL 17, 1926, PWR NO. 107						