

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. 34-041611
(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 16 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: Reed Z Asay

Address: Rt. 1 Box 30 E

Mackay, ID 83251

Briefly describe your interest in this water right:

This water is a primary
source of water for irrigation
on my deeded property. The
water is decreed for my property

2. Owner of the water right:

Name: Claimant: USA, BLM, US Dept. of Interior

Address: Idaho State Office 3380 Americana Terrace
Boise, ID 83706-2544

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)

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: The US Dept. of Interior (BLM) claiming any water rights under theories that water rights were established through a federal reservation of water by executive order dated April 17, 1926, IPWD #107

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 (BLM) has filed duplicate claims asserting water rights under both state and federal law. I do not believe these "dual" rights exist and all elements checked on p. 3 were improperly claimed. See page seven.

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 US Dept. of Interior has not established federal reserve water rights and the right claimed should be disallowed.

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. _____

Copies of water rights

#7 Map

I request the right to submit additional documents or information relative to, or to

VERIFICATION (Must be Completed)

Substantiate this objection at a later date.

State of IDAHO

County of CLUSTER

Reed Z Asay, 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.

Reed Z Asay
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 15 day of March, 1993.

Loren A. Haddoups
Notary Public for Idaho
Residing at: More
My Commission expires: April 30, 1993

(Over)

AJ5856NP

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

DATE: MAY-27-1992
PAGE: A-1606

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: PASS CREEK

TRIBUTARY: BIG LOST RIVER

34-00727A

REED Z. ASAY
LYNETTE B. ASAY
PO BOX 415
MACKAY ID 83251

06/01/1983 IRRIGATION

05-01 10-15

.8 CFS DECREED

POINT OF DIVERSION:

107N R25E S23
PLACE OF USE: IRRIGATION

MUSUNE

TOTAL QUANTITY:

.8 CFS

107N R25E S27

MUNE 8.0

MUNU 14.0

MUNU 25.0

SUMU 7.0

S28

SENU 2.0

SUNE 21.0

SENE 30.0

MESU 15.0

SESU 13.0

MESE 5.0

MUSE 36.0

MSSE 39.0

246.0 ACRES TOTAL

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1416(1).

2.12 CFS OF RIGHT NO. 34-00016 IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT, RIGHT NO. 34-00254

AND RIGHT NO. 34-00016.
RIGHT NOS. 34-00254 AND 34-00016 ARE ALSO DIVERTED THROUGH

POINT OF DIVERSION DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL

COMBINED DIVERSION RATE OF 8.917 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 807.5 AF, AND TO THE IRRIGATION OF A

COMBINED TOTAL OF 323 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00044, 34-00045, 34-00254, 34-00016 AND

34-02487.

Crawford

AJ5856NP

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

DATE: NOV-17-1992
PAGE: A-177

AJ5856NH

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

34-04164	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	.16	CFS BENEFICIAL USE	34-02558
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NON-IRRIGATION-USES: TOTAL QUANTITY: .16 CFS

STOCKWATER, 668 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

107N R25E S23

NUSE (B)
SESE (E)

PLACE OF USE: STOCKWATER

107N R25E S23
S26
S34
S35

NUSE
NUNE
SUSW
SESE
NUNW

NESW

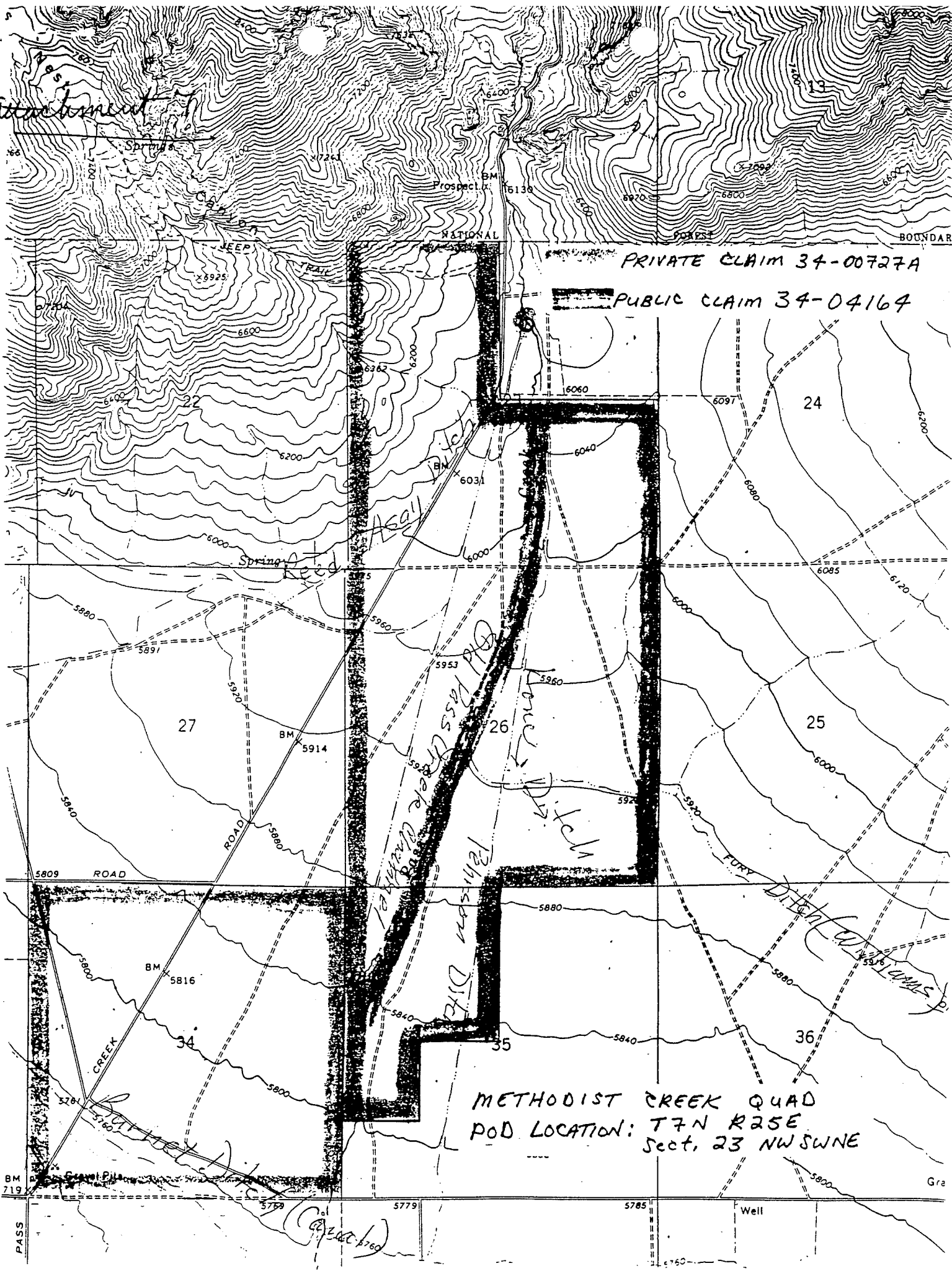
SESW

SUSW

NUSW

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 = 3403488129

Attachment 1



PRIVATE CLAIM 34-00727A

PUBLIC CLAIM 34-04164

METHODIST CREEK QUAD
POD LOCATION: T7N R25E
Sect. 23 NWSWNE

BM 719
PASS
Creek
ROAD
WELL
Gr

