

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. 34-04164
(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,

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.

OBJECTION

RECEIVED

MAR 16 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 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 Terrac
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, PWP No. 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 page 3 were improper 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 substantiate this objection at a later date.
VERIFICATION (Must be Completed)

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, 1995.

Karen A. Harveys
Notary Public for Idaho

Residing at: More

My Commission expires: April 30, 1993

(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 15 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: Claimant: USA, BLM, US Dept. of Interior

Owner's address: Idaho State Office 3380 Americanater
Boise, ID 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

Reed Z. Essey

Signature of Objector or attorney
mailing on Objector's behalf

34-04164

REASONS SUPPORTING EACH BOX CHECKED

- 1) I, Reed Z Asay, object to the United States of America, acting through the BLM, filing water claim number 34-04164.
- 2) I object to the source of this right because Pass Creek is already over-decreed, and all senior rights should be filled first.
- 3a) I object to the quantity of stockwater (0.16/cfs) filed.
- 4) I object to priority date 06/28/1934.
- 5) I object to the point of diversion, because it is a privately owned heading, and the BLM has not stated how they plan to proceed.
- 6) I object to the legal description of the in-stream flow if it is to be carried in the old Pass Creek channel because of the loss of water. Other ditches leading away from the point of diversion are private ditches.
- 7) The purpose of use for this filing is to water livestock. There are streams of water traversing the BLM area during the time livestock are there. See attachment # 7.
- 8) I object to the period of year which BLM states necessity of water use, 1-1 to 12-31. Cattle are there about six weeks of the year and wildlife will find our other streams.
- 9a) I object to the legal description of the place of use, and/or the means for transporting water to it.
- 10) I object to the annual volume of consumptive use. The collective stock water being applied for is more than warranted for stock water and enough to adversely affect the irrigation of water users.
- 11) I object to the remarks listed with the water right.
- 12) I object to this water right being recommended at all. It will adversely affect all other senior water rights, and it is not necessary in this amount for wildlife and stock water.

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM	RIGHT NUMBER
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	44-02558
SOURCE: PASS CREEK							
TRIBUTARY: BIG LOST RIVER							

TOTAL QUANTITY: .16 CFS

NON-IRRIGATION-USES:
STOCKWATER, 668 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION:
T07N R25E S23
S34
PLACE OF USE: STOCKWATER

T07N R25E S23	NWSE	SUSE	SENW	NESW
S26	NWNE	SUNE		
S34	SWSW	SESW		
S35	SESE	SNWU	NWSU	SWSU

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

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

DATE: MAY-27-1992
PAGE: A-1619

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

34-00016	REED Z. ASAY LYNETTE B. ASAY PO BOX 415 MACKAY ID 83251	12/16/1907	IRRIGATION	05-01 10-15	3.66	CFS DECREE
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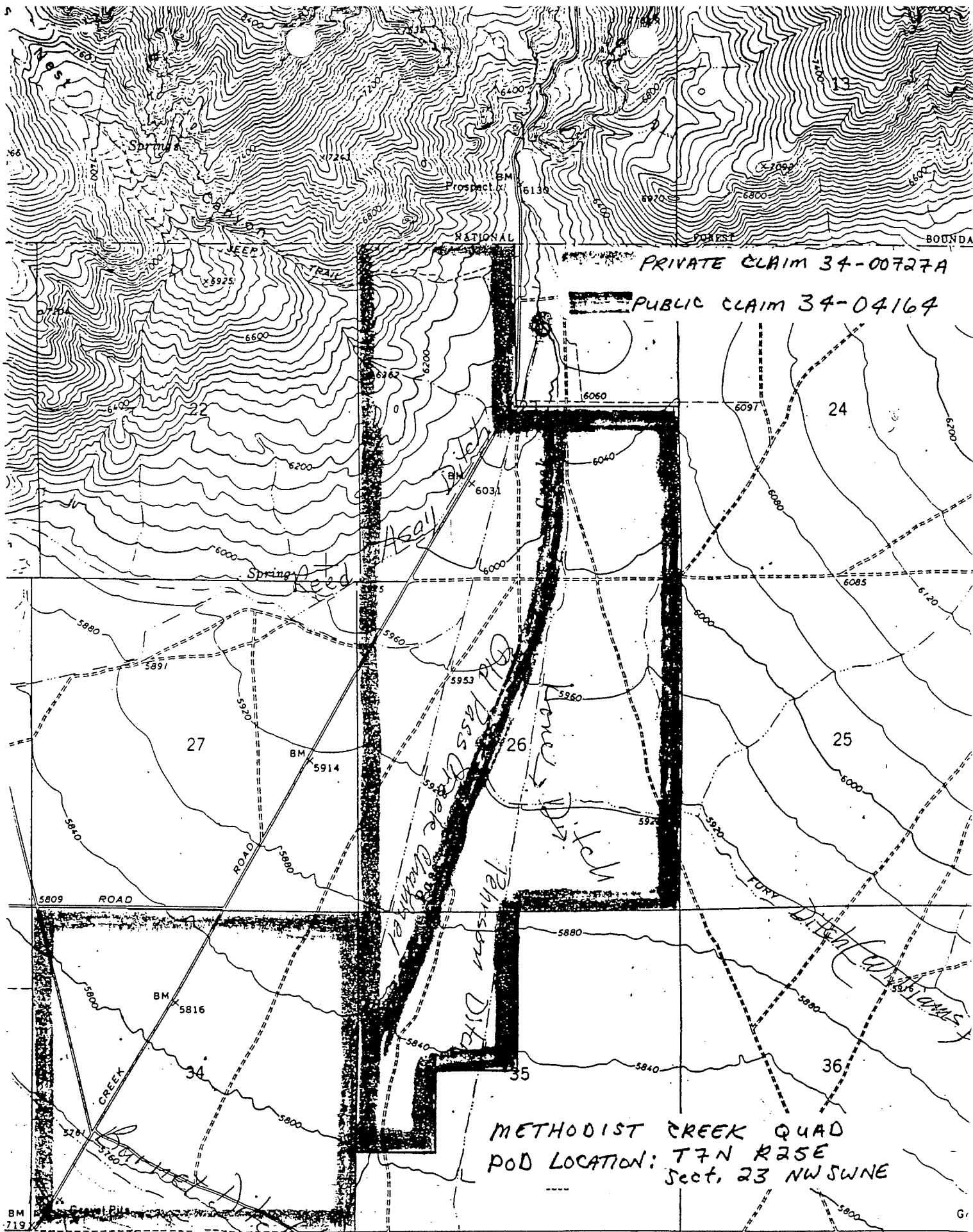
POINT OF DIVERSION:
T07N R25E S23
PLACE OF USE: IRRIGATION

TOTAL QUANTITY: 3.66 CFS

NWSWE

T07N R25E S27	NWNE 8.0	NENW 14.0	NWNW 25.0	SNW 7.0
S28	SENE 2.0	SENE 21.0	SENE 30.0	NESW 15.0
	SESW 13.0	NESE 5.0	NWSE 36.0	SWSE 39.0

246.0 ACRES TOTAL
REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
2.12 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT, RIGHT NO. 34-00254 AND RIGHT NO. 34-00727A.
RIGHT NOS. 34-00254 AND 34-00727A 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, 34-00727A AND 34-02487.



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

Attachment 1 (A2001760)

