

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. 34-09190
(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 19 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 filling 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: ROBERT L. SPRAKER/JOSEPHINE SPRAKER

Address: Rt. 1, Box 438

Arco, Idaho 83213

Briefly describe your interest in this water right:

THIS CLAIM IS IN ERROR AS THERE IS A PRIOR

RIGHT THAT SUPERCEDES IT IN ALL RESPECTS.

2. Owner of the water right:

Name: U. S. Department of Interior, BLM

Address: Idaho State Office

3380 American 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)

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

DISALLOWANCE OF THIS CLAIM.

THE DIRECTOR'S REPORT SHOULD BE CHANGED TO RECOMMEND

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

PLEASE REFER TO EXHIBIT A (attached)

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

RISE IN GROUNDWATER.

OF WATER TO FILL THE PURPOSE OF THIS CLAIM IS

14. ☒ Other: I object to: THE HISTORICAL SOURCE

13. ☐ Description of Reservation: I object to the legal description of the reservation.

b. ☐ this water right not being recommended.

a. ☒ this water right being recommended at all; or

12. ☒ Water Right Recommendation: 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. _____

Exhibit A _____

Exhibit B (4pages) B-1, B-2, B-3, B-4 _____

Exhibit C - 2 pages _____

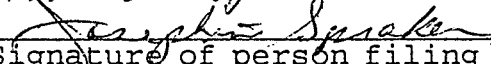
VERIFICATION (Must be Completed)

State of IDAHO

County of BUTTE

ROBERT L. SPRAKER/JOSEPHINE SPRAKER _____, 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 16th day of March,
19993.



Notary Public for Idaho
Residing at: ARCO, Id. 83213
My Commission expires: 11-18-1994

(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 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. Department 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 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

Robert J. Spack
Signature of Objector or attorney
mailing on Objector's behalf

EXHIBIT A -

REASONS: THE CLAIMANT OBJECTS TO THIS WATER RIGHT RECOMMENDATIONS 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

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE OF WATER RESOURCES

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-02252	ROBERT L SPRAKER JOSEPHINE SPRAKER RT 1 BOX 438 ARCO ID 83213	04/10/1926	IRRIGATION	05-01 10-15	.8 CFS	LICENSE

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

T05N R26E S04

T04N R26E S14

PLACE OF USE: IRRIGATION

POINT OF DIVERSION:

TOTAL QUANTITY: .8 CFS

SENW 23.0

SENW 1.0

NUNW 11.0

NENW 5.0

40.0 ACRES TOTAL

REMARKS:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

IDAHO CODE 42-1416A.

POINT OF DIVERSION IS ON LINE DIVIDING NUNENW AND SUNENW, S14,

T4N, R26E.

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM SPRING

CREEK.

THE AMOUNT OF WATER DIVERTED FROM SPRING CREEK SHALL BE REDUCED

WHERE NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER

DOWNSTREAM FROM THE POINT OF REDIVERSION.

USE OF THIS RIGHT WITH RIGHT NO. 34-00302 AND OTHER RIGHTS

LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF

3.52 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330

AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A

SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
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
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34-00302	ROBERT L SPRAKER JOSEPHINE SPRAKER RT 1 BOX 438 ARCO ID 83213	04/22/1889	IRRIGATION	05-01 10-15	2.12 CFS	DECREED
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SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

POINT OF DIVERSION:
T05N R26E S04

PLACE OF USE: IRRIGATION

NWSESE

T04N R26E S14
53.0 ACRES TOTAL

SEW 2.0

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.

WATER IS DELIVERED THROUGH EASTSIDE CANAL.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.52 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 330 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-02252, 34-07019 & 34-10056.

TOTAL QUANTITY: 2.12 CFS

APPENDIX HILL
3371 M. NW

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,
zone 12 shown in blue

Mapped, edited, and published by the Geological Survey

Control by USGS and USCGS

RAMSHORN CANYON, IDAHO

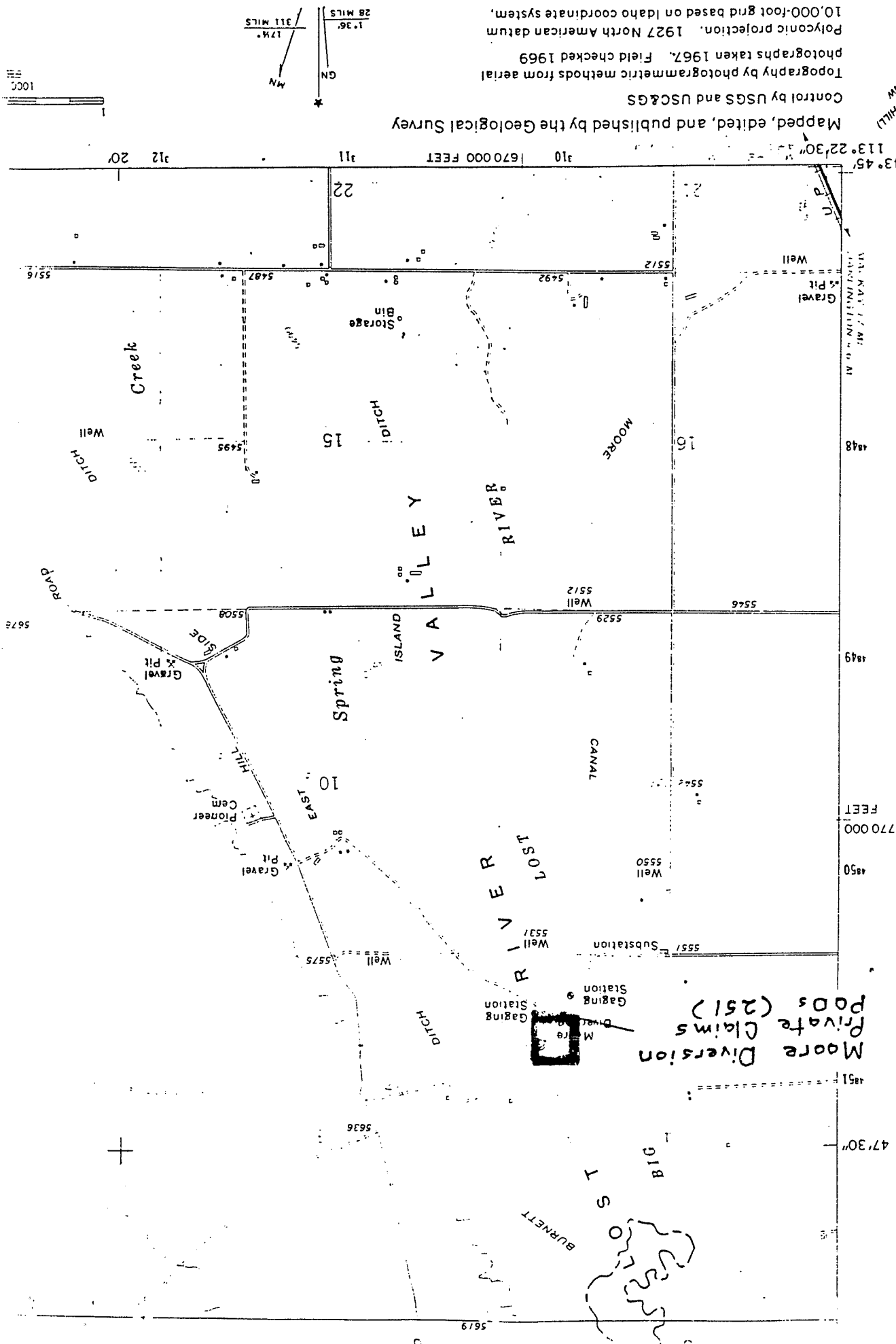


Exhibit B-3

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-274

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BIG LOST RIVER						
34-00904	ROBERT SPRAKER RT 1 BOX 438 ARCO ID 83213	05/01/1886	IRRIGATION	05-01 10-15	1.2	CFS DECREEED

POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

T04N R26E S22
78.0 ACRES TOTAL
SNW 28.0 SENW 31.0 NESW 13.0 NUSW 6.0

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00905, 34-023688 AND
34-07208 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.40
CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 557.5 AF,
AND TO THE IRRIGATION OF A COMBINED TOTAL OF 183 ACRES IN A
SINGLE IRRIGATION SEASON.
WATER IS DELIVERED THROUGH THE WESTSIDE DITCH.

TOTAL QUANTITY:

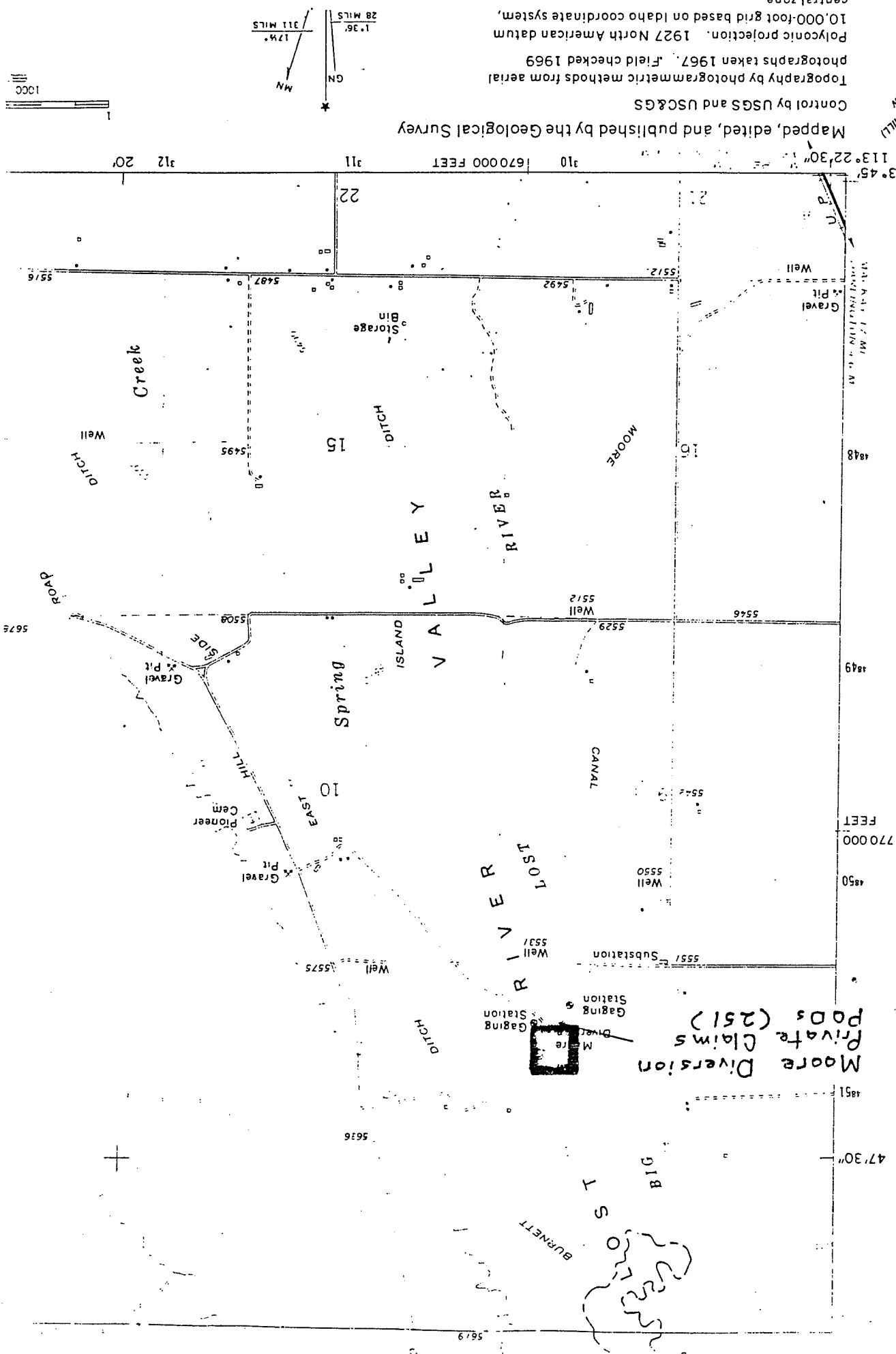
1.2 CFS

APPENDIX HILL
3271 M NW

Control by USGS and USCGS
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,
Zone 12 shown in blue

RAMSHORN CANYON, IDAHO

Mapped, edited, and published by the Geological Survey



Moore Diversion
Private Claims
PODS (251)

BURNETTS
CREEK
BIG
ST

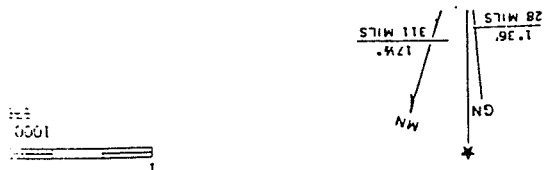
AJ5856NP

Exhibit B-4

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-585

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE FROM TO	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BIG LOST RIVER						
TRIBUTARY: SINKS						
34-00905	ROBERT SPRAKER RT 1 BOX 438 ARCO ID 83213	05/20/1899	IRRIGATION	05-01 10-15	.8 CFS	DECREED
POINT OF DIVERSION: T05N R26E S04						
PLACE OF USE: IRRIGATION						
T04N R26E S22						
78.0 ACRES TOTAL						
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A. USE OF THIS RIGHT WITH RIGHT NOS. 34-00904, 34-023688 AND 34-07208 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.40 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 557.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 183 ACRES IN A SINGLE IRRIGATION SEASON. WATER IS DELIVERED THROUGH THE WESTSIDE DITCH.						
TOTAL QUANTITY: .8 CFS						
SENW 31.0 NESW 13.0 NWSW 6.0						

RAMSHORN CANYON, IDAHO



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&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,
 zone 12, shown in blue

APPENDIX HILL
 3071 M. NW

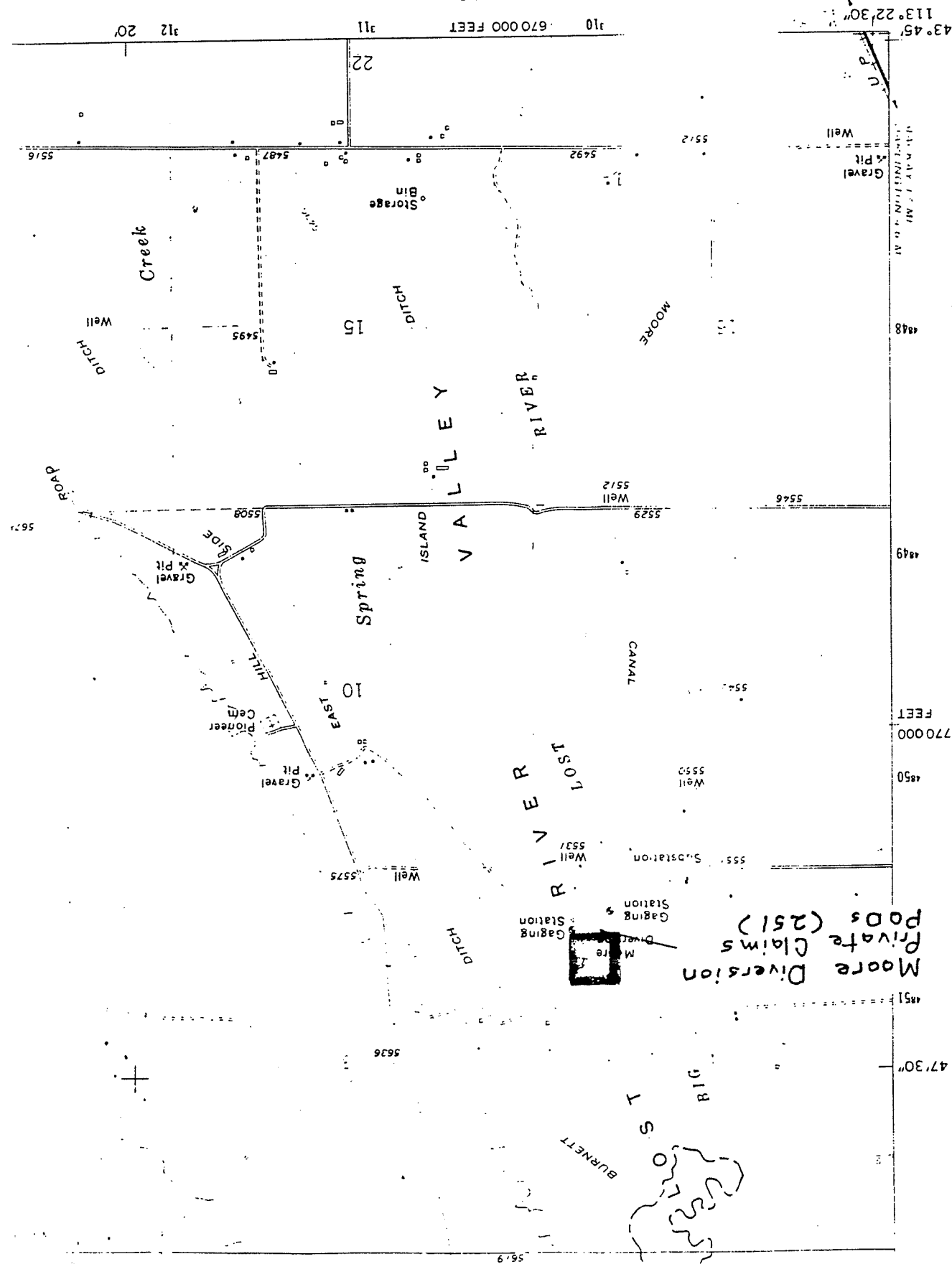


Exhibit C

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

DATE: NOV-17-1992
PAGE: A-34

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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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
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TOTAL QUANTITY: .23 CFS

NON-IRRIGATION-USES:

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSTION:

LOT 1 (NENE) (B)
T02N R27E S01 SENE (B)
T03N R27E S20 NESE (E)
T02N R28E S01 SESE (E)
T03N R27E S35

PLACE OF USE: STOCKWATER

T02N R27E S01 R28E	Lot 1 (NENE)	SENE NWSW NWSE	SWSW SWSE	SESU
S02	SESE			
S03	SWSW	SESW		NWSW
S04	SUNE	SUNW	SESW	
S05	NESE	NWSE	SESE	SUNW
	SUNE	SENE	(NUNW)	
S06	SESW	NESE		
	Lot 1 (NENE)	Lot 2 (NUNE)	Lot 3 (NENW)	Lot 5 (SUNW)
S09	SESW			
S10	NENE	NWNE	NENW	NUNW
S11	NENE	SUNE	SENE	NUNW
	SUNW	SESW	NWSE	
S12	NUNE	NENW		
T03N R27E S20 S21	SENE	NWSW	SWSW	SESW
	NESE	SWSE	SESE	SESW
S22	NWSW	SWSW	SWSW	SESW
S26	NWSW	SUNE		SESW
S27	SUNE	SENE	NENW	SESW
	NESE	NWSE		
S28	NENE	NENW		SESW
S35	NENW	NWSE	SUNW	SESE
	SESW		SWSE	

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
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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 NW/4SE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11	NESE	NWSE	SESE
S13	NWNW	SUNW	NWSW
S14	NWNE	SUNE	SENW
	NESW	NWSW	SESW
	NESE	NWSE	SWSE
S15	NESE	SESE	
S23	NWNE	SUNE	NENW
S24	SUNE	SENW	SWSW
	SUNW	NESE	NESW
	SESW		NWSE
S25	SESE	NWNE	SUNE
	NENE	SENW	NENW
	NWNW		NWSW
	SESW	NWSE	

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

