

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. 34-04190
(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 17 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:

FRANK DUNN

Address:

Moore, Idaho 83255

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. 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)

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.

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

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

water.

to fill the purpose of this claim is rising ground-

14. ☒ Other: I object to: The historical source of water

13. ☐ Description of Reservation: I object to the legal descrip- tion of the reservation.

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

b. ☐ this water right not being recommended.

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- one page. Exhibit B- one page. Exhibit C-
one page.

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Randal/Sandra Duvuana for Fred Dundas, 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.

Randal Duvuana for Fred Dundas
Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

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

Rita M. Hendry
Notary Public for Idaho
Residing at: Marathon, Id.
My Commission expires: 3/19/97

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: 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

Randal Dunnington for Fred Dunnington
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.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-461

AJ5856NP

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE

PERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

RIGHT
NUMBER

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00387A

F. W. DUNDAS
1912 UKIAH WAY
UPLAND CA 91786

06/01/1896 IRRIGATION

05-01 10-15

.725 CFS DECREED

34-00410

POINT OF DIVERSION:

T05N R26E S04

NWSESE

TOTAL QUANTITY:

.725 CFS

PLACE OF USE: IRRIGATION

T05N R26E S09

NESE 35.0

NWSE 37.0

SWSE 32.0

SESE 28.0

132.0 ACRES TOTAL

REMARKS:

WATER DELIVERED THROUGH MOORE DIVERSION, WESTSIDE DITCH.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00386A AND 34-02406B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.54 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON.

0.22 CFS OF RIGHT NO. 34-02406B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NOS. 34-02406B AND 34-00386A.

EXHIBIT "B."

AJ5856NP

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

DATE: NOV-17-1992
PAGE: A-36

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

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	BENEFICIAL USE
			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 MNWSE
PLACE OF USE: WILDLIFE STORAGE
SAME AS OTHER USE
PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11	NESE	WUSE	SESE	SWSW	SESW
S13	MNWW	SWNW	MWSE	SENE	SESW
S14	MWNE	SWNE	MWSE	SENE	SESW
	MWSE	MWSE	MWSE	SENE	SESW
S15	NESE	MWSE	SESE	SENE	SESW
S23	MWNE	SWNE	SENE	SENE	SESW
S24	SWNW	SESW	SENE	SENE	SESW
	SESE	SESE	SENE	SENE	SESW
S25	MWNE	MWNE	SENE	SENE	SESW
	MNWW	SESW	SENE	SENE	SESW
	SESW	MWSE	SENE	SENE	SESW

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

EXHIBIT C

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Figure 1

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