

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

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.

Case No. 34-04190
(You must insert the
water right number you
are objecting to)

RECEIVED
MAR 18 1993
Department of Water Resources
Adjudication Bureau

OBJECTION

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:

X H. T. McIntire

Address:

Moore, Idaho 83255

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)

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 historical source of water
to fill the purpose of this claim is rising ground-
water.

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 page. Exhibit C- _____

one page. _____

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

x Glenn T. Gutwile, 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.

x Glenn T. Gutwile
Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16 day of March,
1993.

Thomas D. Carroll
Notary Public for Idaho
Residing at: Arco
My Commission expires: 12-30-97

(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 16 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

x *M. T. Gutierrez*
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.

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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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:

TO2N R28E S11 NWNWSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

TO2N R28E S11
S13
S14

NESE

NWNW

NWNW

NWNW

NWNW

NWNW

NWNW

NWNW

NWNW

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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

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

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

NON-IRRIGATION-USES:

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

TOTAL QUANTITY:

.23

CFS

POINT OF DIVERSION:

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	FROM	TO	MAXIMUM QUANTITY	BASIS OF CLAIM
102N R27E S01	LOT 1 (NENE)	(B)	SENE				
103N R27E S20	SENE (B)						
102N R28E S01	NESE (E)						
103N R27E S35	SESE (E)						

PLACE OF USE: STOCKWATER

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	FROM	TO	MAXIMUM QUANTITY	BASIS OF CLAIM
102N R27E S01	LOT 1 (NENE)		SENE				
R28E	NESE		SESE				
S02	SESE		SESE				
S03	SUSU		SESE				
S04	SUNE		SESE				
S05	NESE		SESE				
S06	SUNE		SESE				
S09	SENU		SESE				
S10	SENU		SESE				
S11	SENU		SESE				
S12	SENU		SESE				
103N R27E S20	SENE		SESE				
S21	SUNE		SESE				
S22	SENU		SESE				
S26	SENU		SESE				
S27	SENU		SESE				
S28	SENU		SESE				
S35	SENU		SESE				

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-04190
NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
PRIORITY DATE: 06/28/1934
PURPOSE OF USE: STOCKWATER
PERIOD OF USE FROM TO: 01-01 12-31
MAXIMUM QUANTITY: .23
BASIS OF CLAIM: BENEFICIAL USE
SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

34-04190
BLM Map # 155

NON-IRRIGATION-USES:
STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

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

PLACE OF USE: STOCKWATER

T02N R27E S01	Lot 1 (NENE)	SENE	
R28E	NESE	NWSW	
	SESE	NWSE	
S02	SWSW	SESW	
S03	SUNE	SESW	
S04	NESE	SESW	
S05	SENE	SESE	
S06	SENE	SESE	
	SENE	SESE	
S09	Lot 1 (NENE)	SENE	
S10	SENE	SESE	
S11	SENE	SESE	
S12	SENE	SESE	
T03N R27E S20	SENE	SESE	
S21	SENE	SESE	
S22	SENE	SESE	
S26	SENE	SESE	
S27	SENE	SESE	
S28	SENE	SESE	
S35	SENE	SESE	

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY

EXHIBIT C

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

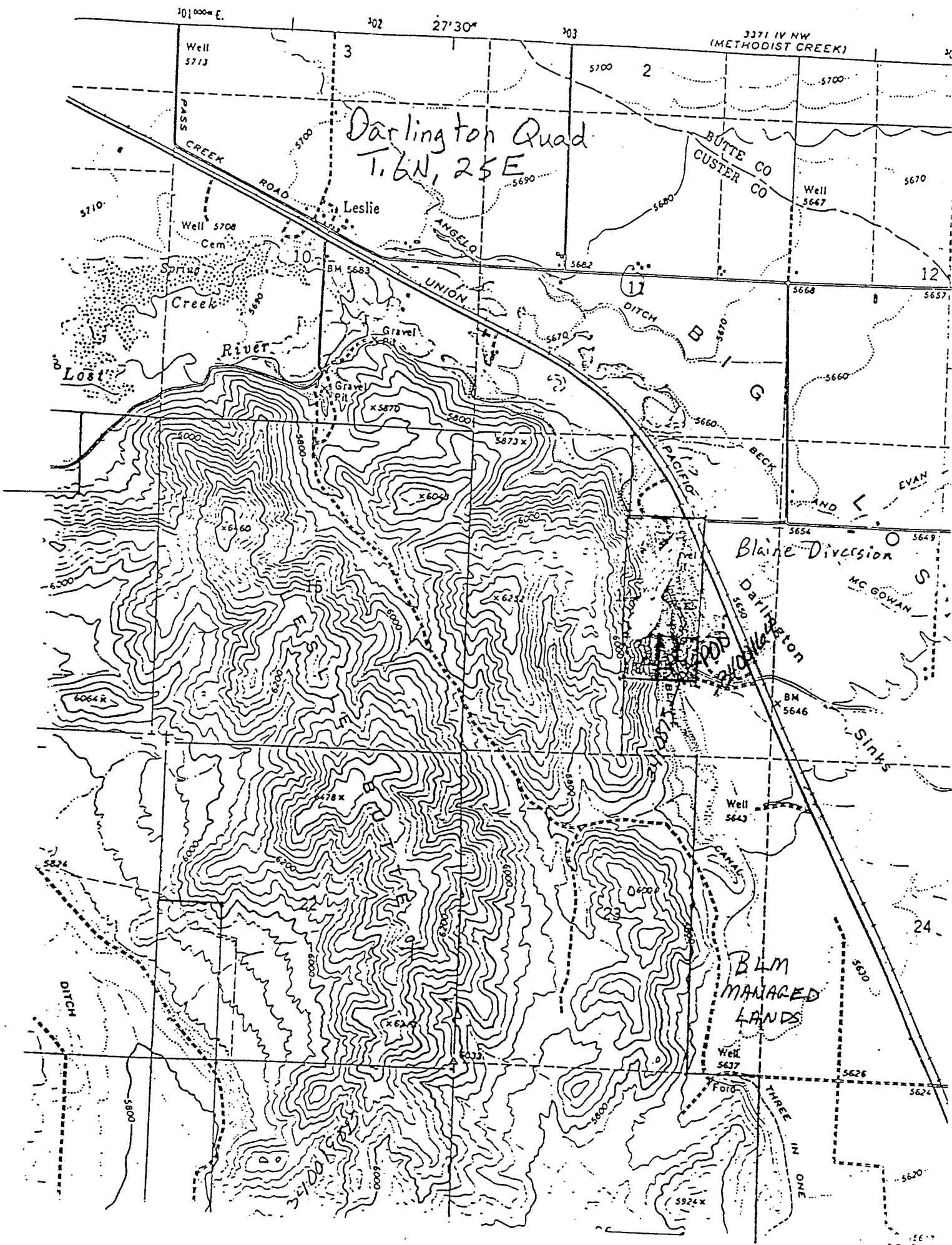
RIGHT NUMBER 441 NAME & ADDRESS SOURCE: BIG LOST RIVER
PRIORITY DATE PURPOSE OF USE PERIOD OF USE FROM TO MAXIMUM QUANTITY BASIS OF CLAIM
TRIBUTARY: SINKS

34-00194C GLENN GUTHRIE 05/10/1897 IRRIGATION 05-01 10-15 .7 CFS DECREE
TOMMY E GUTHRIE
PO BOX 319
ARCO ID 83213
POINT OF DIVERSION: T06N R25E S14
PLACE OF USE: IRRIGATION SENESE

T06N R26E S31
25.0 ACRES TOTAL
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.
USE OF THIS RIGHT WITH RIGHT NO. 34-023798 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.93 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 90 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 36 ACRES IN A SINGLE IRRIGATION SEASON.

TOTAL QUANTITY: .7 CFS

EXHIBIT B



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

DATE: MAY-27-1992
PAGE: A-473

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						

34-00710A	GLENN T. GUTHRIE FERN B. GUTHRIE P.O. BOX 319 ARCO ID 83213	06/01/1896	IRRIGATION	05-01 10-15	.2	CFS DECREE
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POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

T05N R26E S28 SWNE 8.0 NWSE 8.0

16.0 ACRES TOTAL

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

WATER IS DELIVERED THROUGH WESTSIDE CANAL.

USE OF THIS RIGHT WITH RIGHT NO. 34-07107 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.38 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 40 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 16 ACRES IN A SINGLE IRRIGATION SEASON.

TOTAL QUANTITY: .2 CFS

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969
Polycenic projection. 1927 North American datum, 10,000-foot grid based on Idaho coordinate system, 1000-meter Universal Transverse Mercator grid ticks, central zone

Control by USGS and USC&GS
Mapped, edited, and published by the Geological Survey

APPENDIX HILL
3271 III NW

