

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 18 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)

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: Marshal Todd Parks
Name: Marshal Todd Parks
Address: Rt 1 Box 69
Maure 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 Office
Base, 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.

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

CHANGES TO THE DIRECTOR'S REPORT

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 water.

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*

☒ 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 - Two pages
Exhibit C - Two pages

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Marshal Todd Perkes, 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.

M Todd Perkes
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

R. Lane Hanson
Notary Public for State of Idaho
Residing at: Butte County
My Commission expires: 2-27-93

(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 _____ day of _____, 199____, 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 Village
Boise, Idaho 83706-2579

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

Signature of Objector or attorney
mailing on Objector's behalf

EXHIBIT A

REASON: 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.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE		MAXIMUM QUANTITY	BASIS OF CLAIM
				FROM	TO		
34-00510A	BILLY L. HARALSON ROUTE 1 BOX 450 ARCO ID 83213	06/01/1902 IRRIGATION	05-01 10-15	.92	CFS	DECREED	
SOURCE: BIG LOST RIVER							
TRIBUTARY: SINKS							
POINT OF DIVERSION: T05N R26E S04							
PLACE OF USE: IRRIGATION							
T04N R26E S15							
152.0 ACRES TOTAL							
REMARKS: USE OF THIS RIGHT WITH WATER RIGHT NO. 34-00509A AND THE OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.59 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 515 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 206 ACRES IN A SINGLE IRRIGATION SEASON.							
34-00510B	MARSHAL TODD PERKES RT. 1 BOX 69 MOORE ID 83255	06/01/1902 IRRIGATION	05-01 10-15	.66	CFS	DECREED	
POINT OF DIVERSION: T05N R26E S04							
PLACE OF USE: IRRIGATION							
T04N R26E S16							
115.0 ACRES TOTAL							
REMARKS: WATER IS DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL. USE OF THIS RIGHT WITH RIGHT NOS. 34-00509B AND 34-10369 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.70 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 287.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 115 ACRES IN A SINGLE IRRIGATION SEASON.							

RTN DIT

Exhibit B

RIGHT NUMBER NAME & ADDRESS SOURCE: BIG LOST RIVER

BILLY L. MARLSON
ROUTE 1 BOX 450
ARCO ID 83213

06/01/1886 IRRIGATION

05-01 10-15

2.52 CFS DECREED

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

MUSESE

TOTAL QUANTITY:

2.52 CFS

REMARKS: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 5.59 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 515 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 206 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00510A, 34-00577B, 34-10370 AND 34-10941.

34-005098 MARSHAL TODD PERKES
RT. 1 BOX 69
MOORE ID 83225

06/01/1886 IRRIGATION

05-01 10-15

.68 CFS DECREED

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

MUSESE

TOTAL QUANTITY:

.68 CFS

REMARKS: WATER IS DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL.
USE OF THIS RIGHT WITH RIGHT NOS. 34-00510B AND
34-10369 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.70 CFS AND TO A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 287.5 ACRE FEET AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 115 ACRES IN A SINGLE
IRRIGATION SEASON.

T04N R26E S16
115.0 ACRES TOTAL

WENE 37.0

WUNE 39.0

SENE 39.0

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG Lost RIVER

TRIBUTARY: SINKS

34-04190

06/28/1934 STOCKWATER

01-01 12-31

.23 CFS

BENEFICIAL USE

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

TOTAL QUANTITY:

.23 CFS

NON-IRRIGATION-USES:

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

102N R27E S01 LOT 1 (NENE) (B)
103N R27E S20 SENE (B)
102N R28E S01 NESE (E)
103N R27E S35 SESE (E)

PLACE OF USE: STOCKWATER

102N R27E S01	Lot 1 (NENE)	SENE			
R28E	NESE	NWSU	SUSU	SESU	
	NESE	NWSE	SUSE		
S02	SESE				
S03	SWSU	SESU			
S04	SUNE	SUNU	SENU	NWSU	
	NESE	NWSE	SESE		
S05	SUNE	SENE	Lot 4 (NWNW)	SUNU	
	SENU	NESE			
S06	Lot 1 (NENE)	Lot 2 (NWNW)	Lot 3 (NWNW)	Lot 5 (SUNU)	
	SENU				
S09	NENE	NWNE	NWNW	NWNW	
S10	NENE	SUNE	SENE	NWNW	
S11	NENE	SENU	NWSE		
	SUNU	NWNU			
S12	NWNE				
103N R27E S20	SENE	NWSU	SUSU	SESU	
S21	SUNU	NESE	SESE		
	NESE	NWSU	SUSU	SESU	
S22	NWSU	SWSU			
S26	NWSU	SUNE	NWNU	SENU	
S27	SUNE	NESE			
	NESE	NWNU			
S28	NWNE	NWNU	SUNU	SENU	
S35	NWNU	NWSE	SUSE	SESE	

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

EXHIBIT C

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
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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:		243.0	CFS

NON-IRRIGATION-USES:
STOCKWATER, 2000 RANGE CATTLE, WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION:
102N R28E S11 N4NWSE
PLACE OF USE: WILDLIFE STORAGE
SAME AS OTHER USE
PLACE OF USE: STOCKWATER FROM STORAGE

102N R28E S11	NESE	NWSE	SESE	
S13	N4NW	N4SW	S4SW	S4SW
S14	N4NE	S4NE	SENE	SENE
	N4SW	N4SW	S4SW	S4SW
	NESE	NWSE	SESE	
S15	NESE	S4NE	SENE	SENE
S23	N4NE	S4NE	SENE	SENE
S24	N4NE	S4NE	SENE	SENE
	S4SW	N4SW	S4SW	S4SW
	SESE	NWSE	SESE	
S25	SESE	NWSE	SESE	
	N4NE	S4NE	SENE	SENE
	N4NW	S4NW	SENE	SENE
	N4SW	S4SW	SENE	SENE

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

