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. 34-12368 (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 0 2 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.

(Over)

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.

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: The Big Lost River Waterusers Association

   Address: P.O. Box 66

   Moore, ID 83255

   Briefly describe your interest in this water right:

   The members of the Association have surface and groundwater rights which are affected adversely by the allowance of this water claim.

2. Owner of the water right:

   Name: Ralph S. Parkinson

   Address: P.O. Box 228

   Arco, ID 83213

3. If this objection is filed by an attorney:

   Attorney Name: William R. Hollifield

   Attorney Address: P.O. Box 66

   Twin Falls, ID 83303-0066

   Attorney Phone No.: (208)734-5610

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 ecah 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: See attached.

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.

This is a beneficial use right with priority date of August 1, 1985.
It is from the same groundwater source as No. 34-07176.

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.

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.

VERIFICATION (Must be Completed)

State of IDAHO

County of Twin Falls

WILLIAM R. HOLLIFIELD, 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 01 day of mar, 1993.

Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 10-16-98

(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 1st 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: Ralph S. Parkinson
   Owner's address: P.O. Box 228
   Arco, ID 83213

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 83724

Signature of Objector or attorney mailing on Objector's behalf

OBJECTIONS TO GENERAL PROVISIONS

I. We object generally to the General Provisions because Groundwater users have groundwater rights which are used as supplemental water sources to surface water rights. The General Provisions do not define or recognize supplemental well use.

II. We object to General Provision paragraph 4 c. iv, page 11, because the UC Decree provides the water users of the Back Channel pay for the installation and maintenance of diversion works, not the water users of Water District 34.

III. We object to General Provisions paragraph 5, page 11, because ground water appropriators shall be able to maintain pumping levels that will have rising water rights at the Arco Diversion, or a study conducted using well diggers records to establish a pumping level.

IV. We object to General Provisions paragraph 6 a, page 11, because this provision does not protect senior surface water rights, and is designed to implement the Director's mitigation plan.

V. We object to General Provision 8 b., page 12, because the storage under rotation should not accumulate more than fourteen days and then they revert to the Big Lost River Irrigation District The rotation should be determined by the Big Lost River Irrigation District and not the Director.

VI. We object to General Provision 8 c., page 13, because the Director should be deleted and the Big Lost Irrigation District substituted. The determination should be made by the District, not the Director.

VII. We object to the General Provisions because it does not take into consideration or provide for any environmental water rights for wildlife, birds or wetlands.

AGENT REVIEW OF OBJECTIONS

CLAIM NO 34-07176
Date:
Agent:

- List of statements in the objection -

Qa. - P.O.U. charged without benefit of transfer.

Statements known (not believed, presumed, concluded, etc.) to be true.

- Licensed P.O.U. is included in P.O.U.

Statements known to be untrue.

Statements not known to be true or not.

Basis for recommendation in DR

- Licensing exams conducted 1 Aug 1985 & 12 Sept. 1990 found entire P.O.U being irrigated. Permissible P.O.U. reconciled with expansion claim A34-12368.

Water rights needing to be changed if description of the contested right changes. (mark each as to whether or not it is contested).

A34-12368

Changes that should be made in the recommendation.

None.

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. 34-12387
(You must insert the water right number you are objecting to)

OBJECTION

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(Over)

12. [X] Water Right Recommendation: I object to:

a. [X] 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. [X] 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.

boxes #1-12,#14: The United States (BLM) has filed duplicate claims asserting water rights under both state and federal laws. I/We do not believe these "duel" rights exist and all elements of all rights claimed under "RESERVED" doctrine are improperly claimed.

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 (BLM) has not established federal reserved water rights and all claimed rights should be disallowed and deleted.

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. _____

_____

_____

_____

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Mitchell D. Sorensen
(Name of person filing objection), being first duly 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.

Mitchell D. Sorensen
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

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

Susan L. Glenn
Notary Public for Idaho
Residing at: Arco Idaho
My Commission expires: 5-17-96

(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, 199 3, 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: US Dept. of Interior (BLM)

   Owner's address: Idaho State Office
   3380 Americana Terrace
   Boise, Idaho 83706

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

Mitchell D Sorensen
Signature of Objector or attorney mailing on Objector's behalf