IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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| In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System | Case No. 34-13409 (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 17 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.

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:

Name: Herb Whitworth

Address: Star Route
Mackay, Idaho 83251

Briefly describe your interest in this water right:

This Beneficial Use Right will adversly effect my Decreed Water Right! No Beneficial Use right should be Allowed to move in front of a Decreed Right!

2. Owner of the water right:

Name: U.S. Dept of Interior

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: _____

## 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.

I feel no Beneficial use Right should be allowed to move in front of a Decreed Water right. Thus all Box's checked are invalid and should not be part of Directors Report.

## 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 Directors 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. _____

_____

_____

_____

VERIFICATION (Must be Completed)

State of Idaho

County of Custer

Herb Whitworth, 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.

Herb Whitworth
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

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

Celeste Jones Rohe
Notary Public for Idaho
Residing at: Mackay, ID
My Commission expires: 3-11-98

(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 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: U.S. Dept of Interior

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

Hoyt Whitworth
Signature of Objector or attorney mailing on Objector's behalf