

In Re the General Adjudication)
of Rights to the Use of Water)
from the Snake River Basin)
Water System)

Plaintiff,

v.

Defendants.

ORDER ON
UNITED STATES' MOTION TO
REINSTATE OBJECTION

ORDERED that the United States' motion should be and hereby is GRANTED. The United States' motion as to the above captioned water right, No. 34-10873, shall be reinstated as to place of use and quantity.

DANIEL C. HURLBUTT
District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 29th day of December, 1993, the foregoing United States' Motion to Reinstate Objection and proposed Order has been served via first class mail, postage prepaid, upon the following individuals:

Arthur W. Quist
Route 1, Box 203
Arco, Idaho 83213

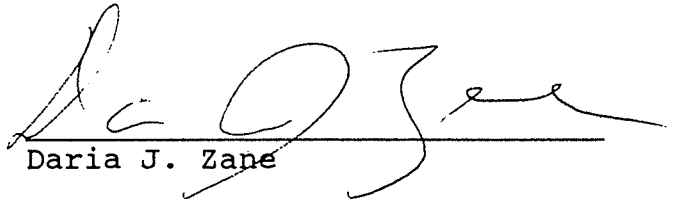
Big Lost River Irrigation District
P.O. Box 205
Mackay, Idaho 83251

Kent W. Foster
P.O. Box 50130
Idaho Falls, Idaho 83405

Roger Ling
P.O. Box 396
Rupert, Idaho 83350

Young Harvey Walker
Route 1, Box 200
Arco, Idaho 83213

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449


Daria J. Zane

**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**

CIVIL CASE NUMBER: 39356

Ident. Number A34-10873Date Received 11-4-91Receipt Number ED15704

AMENDED CLAIM

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED
NOV 04 1991

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Big Lost River Irrigation District Phone (208) 588-2231Mailing Address P.O. BOX 205 Mackay, Idaho Zip 832512. Date of Priority (Only one (1) per claim) ~~5/23/1905~~ 10/2/19053. Source of water supply (a) Big Lost River
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 7N Range 23EBM Section 12,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Custer

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

Mackay Reservoir-ASSV/Burnett/Beck/McGown/Darlington/Harris-Vaught/Lower Burnett/Sharp/
Swauger/B & J/Moore/Westside west/westside east/U.C. (Blaine)/Arco/Middle/Eastside/
Island/Miller/McLoughlin/Munsey/3 & 1 canals.

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Copies: White-State, Yellow-Claimant

Exh. b, f, i

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 5/1 to 10/15 amount 1200 or 1000x
For storage purposes from 10/16 to 4/30 amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1000 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Butte & custer

12. Do you own the property listed above as place of use? Yes _____ No xx
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

Big lost River Irrigation District is a conveyance system who owns these
and the right to store in the Mackay reservoir, for delivery to valley members.

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Ben al Use _____ Posted Notice _____ L se _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Assistant Secretary-treasurer (office mgr)
Big Lost River Irrigation District _____ Title _____

of _____, that I have signed the foregoing
Organization _____ Office Manager _____ Big Lost River Irrig. Dist.
document in the space below as _____ of _____
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Rita M. Lundy _____

Title and Organization Office Mgr. Big Lost River Irrig. Dist. Date _____

State of Idaho/or _____)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 31st day of October 19 91

SEAL

Notary Public James D. McKelvey

Residing at Mackay

My Commission Expires 5-31-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED

DEC 09 1992

Copies White-State, Yellow-Claimant

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. 34-10873
(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

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

Exh. b. 2

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: United States of America
Bureau of Land Management
Address: U.S. Department of Interior
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2544

Briefly describe your interest in this water right:

The United States, through the Bureau of Land
Management (BLM), has a license from IDWR for the
water claimed.

2. Owner of the water right:

Name: Claimant: Big Lost River Irrigation Dist
Address: P.O. Box 205
Mackay, ID 83251

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane

Attorney Address: U.S. Department of Justice
550 West Fort Street
P.O. Box 33
Boise, Idaho 83734

Attorney Phone No.: 202-272-4134/8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

I. 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 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:

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.

The United States of America, acting through the BLM, objects to this water right recommendation because the claimant is a private individual claiming a water right on public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water rights or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because the claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source. See Objection page 7.

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. Director's Report copy

of private claim (1), Map of private claims at Moore

Diversion (1), Director's Report copy of impacted BLM
claims (2), ~~Map of private claims at Moore~~

Map of four impacted BLM claims(1).

VERIFICATION (Must be Completed)

State of Idaho

County of Bonneville

Lloyd H Ferguson, District Manager, 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.

LH Ferguson
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

Walter A. Jones
Notary Public for State of Idaho
Residing at: Bonneville County
My Commission expires: 12/12/94

(Over)

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						

34-10673	BIG LOST RIVER IRRIGATION DISTRICT PO BOX 205 MACLAY ID 83251	10/02/1905	IRRIGATION STORAGE	01-01 12-31	20646.0	AFY
			IRRIGATION FROM STORAGE	05-01 10-15	20646.0	AFY
			TOTAL QUANTITY:		20646.0	AFY

POINT OF DIVERSION:

107N R25E S12	SENU (R)
103W R26E S01	MESEU (R)
S12	MEUSE (R)
104W R26E S26	MUNNU (R)
105W R26E S04	MUSE (R)
106W R26E S01	MESEU (R)
R25E S04	SENU (R)
S10	MESEU (R)
S11	SENU (R)
S14	SENU (R)
S24	MEUSE (R)
R26E S12	MUNNU (R)
107W R25E S12	MUNNU (R)
R26E S10	SENU (R)
S20	SENU (R)
S33	MEUSE (R)
S34	SENU (R)

PLACE OF USE: IRRIGATION STORAGE

NAME AS OTHER USE:

PLACE OF USE: IRRIGATION FROM STORAGE

103W R26E S01	Lot 1 (MESE)	Lot 2 (MUNE)	SENE
	Lot 3 (MUNU)	Lot 4 (MUNU)	SENU
	MESE	MUSE	SESE
	MESE	MUSE	SESE
S02	Lot 1 (MENE)	Lot 2 (MUNE)	SENE
	MESE	MUSE	SENE
S12	MENE	MUNE	SENE
	MENE	MUNE	SENU
	MESE	MUSE	SESE
	MENE	MUNE	SESE
S13	MENE	MUNE	SENE
	MENE	MUNE	SENU
R27E S05	Lot 4 (MUNU)	MESE	SESE
S06	Lot 1 (MENE)	SENU	SENU
	Lot 2 (MUNE)	SENE	SENE

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

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
14 02100	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 5500 AMERICAN TERRACE BOISE ID 83706	06/28/1934	STOCKWATER	01-01 12 31	.23	CFS BENEFICIAL USE

TOTAL QUANTITY: .23 CFS

HOW IRRIGATION USES:
STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION:
102W 027N S01 LOT 1 (W 1/4) (B)
103W 027N S20 W 1/4 (B)
102W 027N S01 W 1/4 (B)
103W 027N S15 W 1/4 (B)
POINT OF USE: STOCKWATER

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
102W 027N S01 LOT 1 (W 1/4) (B)			STOCKWATER			SESW
102W 027N S20 W 1/4 (B)			STOCKWATER			SESW
102W 027N S01 W 1/4 (B)			STOCKWATER			SESW
103W 027N S15 W 1/4 (B)			STOCKWATER			SESW
103W 027N S01 LOT 1 (W 1/4) (B)			STOCKWATER			SESW
103W 027N S20 W 1/4 (B)			STOCKWATER			SESW
103W 027N S21 W 1/4 (B)			STOCKWATER			SESW
103W 027N S22 W 1/4 (B)			STOCKWATER			SESW
103W 027N S26 W 1/4 (B)			STOCKWATER			SESW
103W 027N S27 W 1/4 (B)			STOCKWATER			SESW
103W 027N S28 W 1/4 (B)			STOCKWATER			SESW
103W 027N S35 W 1/4 (B)			STOCKWATER			SESW

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

BLM Claim
34-04190

BLM late claim
3403480288

BLM Claim
34-04040

ENGINEERING LABORATORY

BLM late claim
3403480291

Big Southern Butte
Landing Strip

Big Southern Bu