

393 #2
3-16

1993 MAR 16 PM 2:10

DISTRICT COURT - SRBA

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. 34-02261
(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.

34-02261 -0002/
93-03-0243

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

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: TAMES C. LAMBERT

Address: RT#1 BOX 20 MACKAY, IDAHO 83251

Briefly describe your interest in this water right:

I HAVE A DOMESTIC FILING ON
SLAUGHTERHOUSE SPRING DATED 5-17-1936
THIS SOURCE DOES NOT SUPPLY ENOUGH
WATER FOR B.L.M.'S 1947 FILING AND
OUR DOMESTIC (HOUSE WATER). I HAVE
A VALID WATER RIGHT. THERE IS

NO OPPORTUNITY TO OBTAIN GROUND WATER
FOR THIS PURPOSE OUR RESIDENCE IS SITUATED

2. Owner of the water right: ON BED ROCK,

Name: CLAIMANT B.L.M.

Address: U.S. DEPT. OF INTERIOR IDAHO STATE

OFFICE 3380 AMERICAN TERRACE BOISE, IDA.
83706 2544

3. If this objection is filed by an attorney:

Attorney Name: L

Attorney Address: L

L

Attorney Phone No.: L

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. *BLM*
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 OBJECT TO BLM. MOVING IN AND TAKING MY
HOUSE WATER THAT HAS BEEN USED FOR THIS PURPOSE
FOR 55 YEARS. I HAVE BEEN THE STEWARD OF THIS SPRING
I HAVE SUPPLIED THE ADDER CREEK CATTLE ASSOCIATION WITH STOCK
WATER SINCE 1947. I HAVE SPENT MONEY TO MAINTAIN THIS
SYSTEM. I REPAIR THIS SYSTEM AFTER 1983 EARTHQUAKE ON MY
MONEY 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.

I WOULD LIKE IT TO BE LEFT AS IS. THE
BLM. SHOULDN'T BE ALLOWED TO TAKE MY DRINKING
WATER.

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.

I REQUEST THE RIGHT TO SUBMIT
ADDITIONAL DOCUMENTATION AND OR
INFORMATION PERTAINING TO THIS OBJECTION
AT A FUTURE DATE
VERIFICATION (Must be Completed)

State of IDAHO

County of CUSTER

JAMES C. LAMBERT, 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.

James C. Lambert
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

Lita M. Hundig
Notary Public for Idaho
Residing at: Machay, Id.
My Commission expires: 3/19/97

(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 15 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:

JAMES C. LAMBERT

Owner's address:

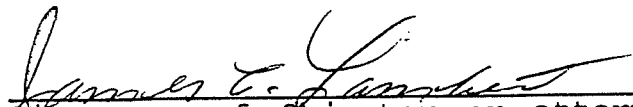
RT#1 MACKAY, IDAHO 83251

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



Signature of Objector or attorney
mailing on Objector's behalf

(Form No. 1)

Address all communications to

Lawrence Goff

P. O. Mackay, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 25382

Permit No. 18132

District No. 27 -- B.

1. Name of applicant: Lawrence Goff
Postoffice address Mackay County Custer State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand: \$

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 0.8 cubic feet per second.

3. Source of water supply: A spring tributary to Slaughter House Creek.
which is a tributary of Slaughter House Creek.

4. Location of point of diversion: S. 60° 20' East 3410 feet distant from the N. W. corner
of Section 11, T. 6 N., R. 24 E., B. M., and is in the NW 1/4 SW 1/4
of Section 11, T. 6 N., R. 24 E., B. M., County of Custer

5. Water is to be used for: Irrigation and Domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T., R., B. M., in the of Section, T., R., B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section, T., R., B. M., in the

of Section, T., R., B. M.

7. Estimated cost of works: \$500.00

8. Kinds of works: Small dam and ditch and very small reservoir, and galvanized pipe. Small reservoir with pipe of cement holding about 300 gallons. SEE REMARKS.

9. Height of dam one feet; length of dam at top 20 feet; length of dam at bottom one
(If height of dam will exceed 10 feet, send to Department of Reclamation for Regulations)

feet; material used in dam earth

10. Size of headgate: Width one feet; Height one feet

11. Ditch: Width at bottom 1 feet; Width at water line 1 1/2 feet; Depth of water 1 feet;

Dimensions of flume Diameter of pipe 2 inches; for
one-fourth mile and 1 inch for three-fourths mile.
Length of conduit 1 miles. Average grade per mile 26 2/3 feet

- (Give Irrigable acreage in each 40-acre subdivision.)

[illegible]

15. (a) Is reservoir to be used? No., except as noted. (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remark NO. 1. This spring is located on unappropriated vacant

Remarks: public land of the United States of America.

Remark No. 2. --- Description of Land is as follows:--

That part of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, lying south of Rogers
Ditch, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 11, and that part of N $\frac{1}{2}$ NE $\frac{1}{4}$,
Sec. 11, lying south of Rogers Ditch, all in Twp. 6 N.,
R. 24 E., B. M., Custer County, Idaho, containing 120
acres, more or less.

Remark No. 2. ---- Of the water appropriated 10 inches is to
be used for purely household and domestic purposes and
the balance of 30 inches to be used for irrigation
purposes.

Remark No. 3. A galvanized pipe is to be run from this spring a dis-
tance of about 1 mile to the land of applicant.
A cement reservoir holding about 300 gallons is to
be built around the spring with ditch and pipe there-
from, so as to secure the maximum amount of water. Two inch
pipe for 1/4th mile 1 inch pipe for 3/4th mile.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lawrence Hoff
Applicant

By..... Agent.....

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, ..., of, County of, State of, do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of is located, to-wit: and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO,

County of

ss.

On this.....day of....., 193....., before me a Notary Public for the State of Idaho, residing at....., personally appeared..... known to me to be the person.... whose name..... subscribed to the foregoing certificate, and acknowledged to me that he.... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

Approval of Commissioner of Reclamation

The number of this permit is 18152

Recorded in Book 66 Page 18152 Approved August 2, 1935

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$.....to be filed on or before.....

Work to begin on or before October 1, 1935, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before February 2, 1938

The whole of said work to be completed on or before August 2, 1940

Beneficial use of water appropriated in accordance herewith, to be made on or before August 2, 1942

Witness my hand this 2nd day of August, 1935

[Signature]
Commissioner of Reclamation.

No. 18152

PERMIT

Date of first receipt at office of Commissioner
of Reclamation

9:00 A.M. July 22, 1935

Returned to applicant for correction

July 24, 1935

Corrected application received

Aug 1, 1935

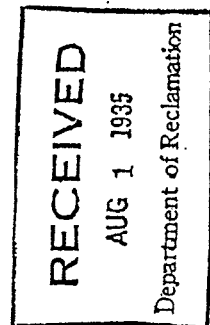
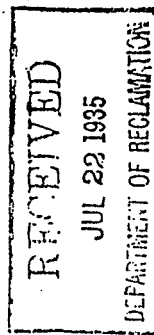
Fees, \$.....

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or fraction

thereof .25



WATER RIGHT LICENSE

License of Water Right No. 18152/34-2261 Priority May 17, 1936 Amount 0.022 cfs

THIS IS TO CERTIFY, that LAWRENCE GOFF
of Mackay, Idaho, has complied with the terms and conditions of Permit
No. 18152/34-2261 issued pursuant to Application for Permit dated July 22, 1935
and has submitted proof to the Department of Water Resources on May 28, 1943 (late proof)
that he has applied water to a beneficial use: an examination by the Department indicates that the works have a
capacity for the diversion of 0.022 cfs of water from an unnamed spring
tributary to Slaughter House Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.022</u> cfs and <u>1.2</u> acre feet			
_____ from _____ to _____ at _____ cfs and _____			
_____ from _____ to _____ at _____ cfs and _____			

(both dates inclusive)

Subject, however, to the condition that no more than 0.022 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NW¹/₄SW¹/₄ of Sec. 11,
Twp. 6 N, Rge. 24 E, B. M. in the County of Custer

Description and location of place of use:

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
6 N	24 E	11		X															

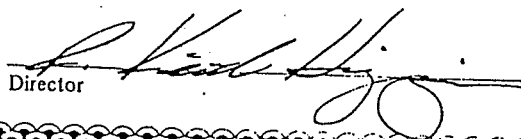
Total number of acres irrigated _____

The issuance of this license in no way grants any right-of-way or easement across
the land of another person.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of
January, 19 76.


Director

