

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. 34-04040
(You must insert the
water right number you
are objecting to)

RECEIVED
OBJECTION MAR 16 1993

Department of Water Resources
Adjudication Bureau

34-04040 -0013/
93-03-0273

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 filling an objection form, you are certifying that the objection is well-grounded in fact; it 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: Jim Scanlon, Linda Scanlon
Address: RT 1 Box 128
Moore, Idaho 83255

Briefly describe your interest in this water right:
This claim is in error as there is a
prior right that supercedes 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 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)

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

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary. Please refer to exhibit A - attached.

REASONS SUPPORTING EACH BOX CHECKED

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 water to fill the purpose of this claim is rising ground-water.

☒ 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. _____

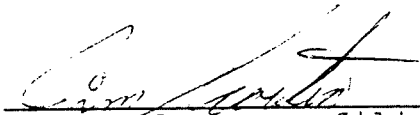
Exhibit A- one page. Exhibit B- one page. Exhibit C-

one page.

VERIFICATION (Must be Completed)

State of Idaho

County of Butte



(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.



Signature of person filing objection

By: _____

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 14 day of March, 1993.


Notary Public for Idaho
Residing at: More
My Commission expires: Apr 30, 1993

(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:

United States of America

Owner's address:

Bureau of Land Management
U.S. Dept. of Interior, Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2544

3.

One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
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

REASONS: 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 FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-00823	EVERETT T. ACOR, JR. RT 1, BOX 13 MOORE ID 83255	06/01/1896	IRRIGATION	05-01 10-15	1.6	DECREED
	SOURCE: BIG LOST RIVER					
	TRIBUTARY: SINKS					
	POINT OF DIVERSION: TOSW R26E S04					
	PLACE OF USE: IRRIGATION					
	TOSW R26E S15	NAME 32.0	SUNE 38.0	NAME 36.0		
	106.0 ACRES TOTAL					
	REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A. WATER DELIVERED THROUGH MOORE DIVERSION, ISLAND DITCH. USE OF THIS RIGHT WITH RIGHT NO. 34-00451B AND OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.47 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 265 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 106 ACRES IN A SINGLE IRRIGATION SEASON.					
	TOTAL QUANTITY: 1.6 CFS					
34-00880	JIM SCOUTEN LINDA SCOUTEN RT 1, BOX 128 MOORE ID 83255	06/01/1896	IRRIGATION	05-01 10-15	.13	DECREED
	SOURCE: BIG LOST RIVER					
	TRIBUTARY: SINKS					
	POINT OF DIVERSION: TOSW R26E S04					
	PLACE OF USE: IRRIGATION					
	TOSW R26E S21	NAME 7.0	SESW 7.0			
	7.0 ACRES TOTAL					
	REMARKS: WATER DELIVERED THROUGH MOORE DIVERSION, MOORE CANAL. USE OF THIS RIGHT WITH RIGHT NO. 34-10378 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.179 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 17.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 7 ACRES IN A SINGLE IRRIGATION SEASON.					
	TOTAL QUANTITY: .13 CFS					

APPENDIX (HILL)
3271 NW

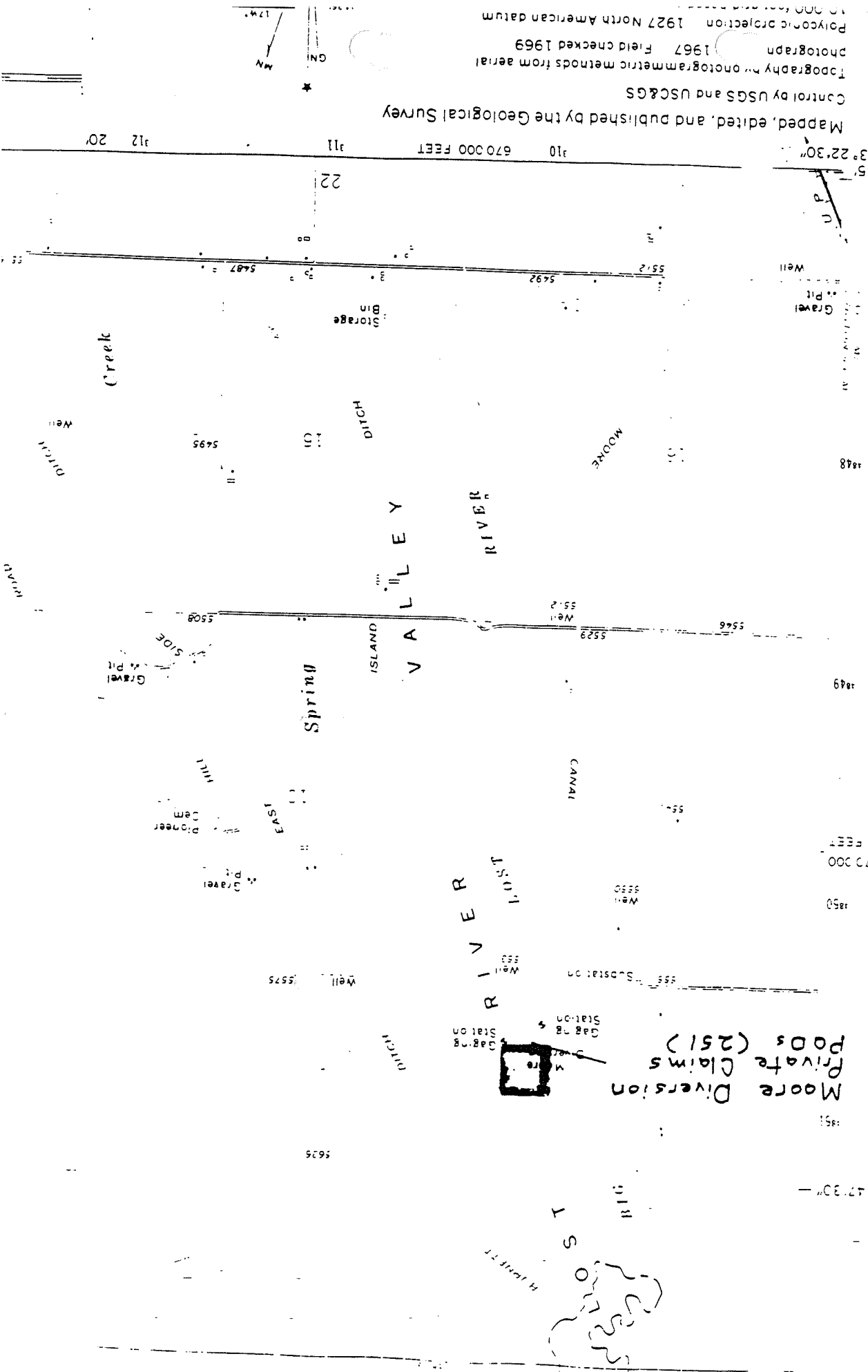
Control by USGS and USCGS
Topography by photogrammetric methods from aerial
photograph 1967 Field checked 1969
Polyconic projection 1927 North American datum

Mapped, edited, and published by the Geological Survey

12 20'

670 000 FEET

43° 45' 113° 22' 30"



RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34 04190	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	06/28/1934	STOCKWATER	01-01 12-31	.23	CFS BENEFICIAL USE
	SOURCE: BIG LOSS RIVER		TRIBUTARY: SINKS			
	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	NWSW	NWSW			
		NESE	NWSE			SESW
	S02	SESE				
	S03	SWSW	SESW			
	S04	SUNE	SUNW			NWSW
	S05	NESE	NWSE			
		SUNE	SENE	Lot 4 (NUNW)		SUNW
	S06	SENW	NESE			
		Lot 1 (NENE)	Lot 2 (NUNE)	Lot 3 (NENW)	Lot 5 (SUNW)	
	S09	SENW				
	S10	NENE	NUNE			NUNW
	S11	NENE	SUNE	SENE		NUNW
		NENW	SENW	NWSE		
	S12	NUNE	NENW			
	103N R27E S20	SENE				
	S21	SUNW	NWSW			SESW
		NESE	NWSE			
	S22	NESW	NWSW			SESW
	S26	NWSW	SWSW			
	S27	SUNE	SENE			SENW
		NESE	NWSE			
	S28	NUNE	NENW			
	S35	NENW	NUNW			SENW
		NESE	NWSE			SESE

TOTAL QUANTITY: .23 CFS

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

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV 17 1992
PAGE: A 36

RIGHT
NUMBER

NAME & ADDRESS

SOURCE: BIG, LOSI RIVER

PRIORITY	PURPOSE OF USE	PERIOD OF USE	MAXIMUM QUANTITY	BASIS OF CLAIM
DATE		FROM TO		

TRIBUTARY: SINKS

36-06040
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3580 AMERICANA TERRACE
BOISE ID 83706

04/01/1958 WILDLIFE

01-01 12-31

243.0

ATY

BENEFICIAL USE

STORAGE	STOCKWATER FROM	01 01 12 31	20.1	ATY
STORAGE	STOCKWATER	01 01 12-31	243.0	ATY
STORAGE	WILDLIFE FROM	01 01 12-31	7.2	ATY
STORAGE	DIVERSION TO	01-01 12-31	.44	CFS
STORAGE	TOTAL QUANTITY:		243.0	CFS

NON-IRRIGATION USES:
STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:
102N R2BE S11

MUNUSE

PLACE OF USE: WILDLIFE STORAGE
SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

102N R2BE S11

NESE

MUSE

SESE

SUSU

S13

MUNE

SMNE

SENE

SESU

S14

MESU

MUSU

SUSE

SESU

S15

NESE

SESE

SENE

MUNE

S23

MUNE

SENE

SENE

SUSU

S24

SMNE

SENE

SENE

SUSE

S25

SESE

SENE

SENE

NEMU

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 = 3603488096