

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)

OBJECTION

RECEIVED

MAR 17 1993

Department of Water Resources
Adjudication Bureau

34-04040 -0023/
93-03-0283

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; 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:

PAUL & SANDRA DAMIAN

Address:

51 Box 113A

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.

(Over)

John M. Huntley
Notary Public for Idaho
Residing at: Meridian, Id.
My Commission expires: 3/19/97

1997

Subscribed and sworn to before me this 15 day of March,
(Attorney signing in
representative capacity)

By:

Constance A. Brown
Signature of person filing objection

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 objec-
tion, know its contents and that the statements contained therein
are true to the best of my knowledge and belief.

(Name of person filing objection)
Constance A. Brown, being first duly
sworn, upon oath, deposes and says:

State of Idaho
County of Butte

VERIFICATION (Must be completed)

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

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.

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to 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 follow these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of March 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, mailing the original and/or true and correct copies, post 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
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 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

Randal A. Williams

Signature of Objector or attorney
mailing on Objector's behalf

EXHIBIT A

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.

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

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						

34-02373	RANDAL G. DAMIANA SANDRA L. DAMIANA ROUTE 1 BOX 113A MOORE ID 83255	07/05/1960	IRRIGATION	04-15 10-15	3.66 640.5	CFS AFY LICENSE
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POINT OF DIVERSION:
T05N R26E S10
PLACE OF USE: IRRIGATION

T05N R26E S10	NWNEW					
	NUNE 8.0 SENE 17.0 NNESE 37.0		SWNE 19.0 SESW 35.0	NEW 30.0 SESW 28.0		NUNW 4.0 NESE 5.0

183.0 ACRES TOTAL
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.
USE OF THIS RIGHT WITH RIGHT NO. 34-00378 IS LIMITED
TO A TOTAL COMBINED DIVERSION RATE OF 7.17 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 825 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 330 ACRES IN A SINGLE IRRIGATION SEASON.

EXHIBIT B

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

AJ5856NP

RIGHT NUMBER: 34-04040
NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
PRIORITY DATE: 04/01/1958
PURPOSE OF USE: WILDLIFE STORAGE
PERIOD OF USE FROM TO: 01-01 12-31
MAXIMUM QUANTITY: 243.0
BASIS OF CLAIM: AFY
SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

BENEFICIAL USE	
243.0	AFY
20.1	AFY
243.0	AFY
7.2	AFY
.44	CFS
.44	CFS
243.0	AFY

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

POINT OF DIVERSION:
T02N R28E S11
PLACE OF USE: WILDLIFE STORAGE
SAME AS OTHER USE
PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11	NESE	WUSE	SESE	SUSW
S13	WUNW	SWNW	WUNW	SENU
S14	WUNE	SWNE	WUNE	SESW
	WESW	WUSW	WUSE	
	WENE	WUSE	WENE	
S15	WENE	WENE	WENE	
S23	WUNE	SWNE	WUNE	
S24	SWNE	SENU	WESW	
	SESW	WENE	WUSE	
S25	WENE	WUNE	SWNE	
	WUNW	SENU	WESW	
	SESW	WUSE		

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 = 3403488096

EXHIBIT C

