

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. 34-04040
(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

RECEIVED

MAR 18 1993

Department of Water Resources
Adjudication Bureau

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

34-04040 -0038/
93-03-0298

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 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: Seth E. Beal & Shelley Beal

Address: Box 46B

Moore, Idaho 83255

Briefly describe your interest in this water right:

This claim is in error as there is a
prior right that supersedes 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)

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.

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.

Please refer to exhibit A -attached.

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. _____

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

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Seth E. Beal, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

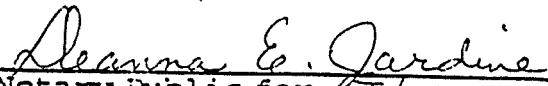
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

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


Notary Public for Idaho
Residing at: Arco
My Commission expires: 4-17-97

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

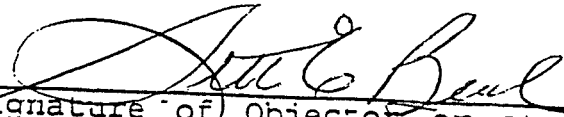
Owner's address: Bureau of Land Management
U.S. Dept. of Interior, Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2544

3. One copy to:

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

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.

AJ5856NP

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

DATE: MAY-27-1992
PAGE: A-391

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						

34-00169C KAREN M MONSON
TERRY V. MONSON
RT 1 BOX 30
DARLINGTON ID 83231

06/30/1891 IRRIGATION 05-01 10-15 1.6 CFS DECREED

POINT OF DIVERSION:
T07N R24E S34
PLACE OF USE: IRRIGATION

TOTAL QUANTITY: 1.6 CFS

T06N R25E S12 115.0 ACRES TOTAL
NWSE 40.0 SWSE 35.0 NWSE 40.0

REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 34-02376 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.78 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 287.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 115 ACRES IN A SINGLE IRRIGATION SEASON.
WATER IS DELIVERED THROUGH BURNETT DITCH.

34-00504A SETM E BEAL
SHELLEY BEAL
BOX 468
MOORE ID 83255

06/30/1891 IRRIGATION 05-01 10-15 .76 CFS DECREED

POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

TOTAL QUANTITY: .76 CFS

T04N R26E S09 112.0 ACRES TOTAL
SESW 38.0 NWSE 35.0 SWSW 39.0

REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 34-00062A, 34-00505 AND
34-02397B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.20
CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 280 AF,
AND TO THE IRRIGATION OF A COMBINED TOTAL OF 112 ACRES IN A
SINGLE IRRIGATION SEASON.

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.
0.12 CFS OF RIGHT NO. 34-02397B IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS
LISTED ABOVE.

EXHIBIT B

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-181

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

TRIBUTARY: SINKS

34-00505	SETH E BEAL SHELLEY BEAL BOX 468 MOORE ID 83255	07/15/1884	IRRIGATION	05-01 10-15	.8	CFS DECEED
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POINT OF DIVERSION:

T05M R26E S04

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY: .8 CFS

T04N R26E S09
112.0 ACRES TOTAL

REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 34-00062A, 34-00504A AND 34-02397B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.20 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 280 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 112 ACRES IN A SINGLE IRRIGATION SEASON.

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.

0.12 CFS OF RIGHT NO. 34-02397B IS LIMITED TO USE FOR

CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS LISTED ABOVE.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-185

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

TRIBUTARY: SINKS

34-00062A	SHELLEY BEAL SETH E BEAL BOX 468 MOORE ID 83255	07/31/1884	IRRIGATION	05-01 10-15	.8	CFS DECEED
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POINT OF DIVERSION:

T03M R26E S04

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY: .8 CFS

T04N R26E S09
112.0 ACRES TOTAL

REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 34-00504A, 34-00505 AND 34-02397B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.20 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 280 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 112 ACRES IN A SINGLE IRRIGATION SEASON.

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.

0.12 CFS OF RIGHT NO. 34-02397B IS LIMITED TO USE FOR

CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS LISTED ABOVE.

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

DATE: NOV-17-1992
PAGE: A-36

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

TRIBUTARY: SINKS

34-04040	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/01/1958	WILDLIFE STORAGE	01-01 12-31	243.0	AFY
			STOCKWATER FROM STORAGE	01-01 12-31	20.1	AFY
			STOCKWATER STORAGE	01-01 12-31	243.0	AFY
			WILDLIFE FROM STORAGE	01-01 12-31	7.2	AFY
			DIVERSION TO STORAGE	01-01 12-31	.44	CFS
			TOTAL QUANTITY:		.44	CFS
					243.0	AFY

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

TO2N R28E S11 NW/4SE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

TO2N R28E S11	NESE	NWSE	SESE	SWSE
S13	NW/4	SW/4	SE/4	SW/4
S14	NW/4	SW/4	SE/4	SW/4
	NW/4	SW/4	SE/4	SW/4
S15	NESE	NWSE	SESE	SWSE
S23	NW/4	SW/4	SE/4	SW/4
S24	NW/4	SW/4	SE/4	SW/4
	NW/4	SW/4	SE/4	SW/4
S25	NESE	NWSE	SESE	SWSE
	NW/4	SW/4	SE/4	SW/4
	NW/4	SW/4	SE/4	SW/4

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 A

AJ5856NP

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

DATE: NOV-17-1992
PAGE: A-34

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

34-04190

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

06/28/1934 STOCKWATER

01-01 12-31

.23 CFS

BENEFICIAL USE

NON-IRRIGATION-USES:

TOTAL QUANTITY:

.23 CFS

STOCKWATER, 1000 RANGE CATTLE, WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

102N R27E S01 LOT 1 (MENE) (B)
103N R27E S20 SESE (B)
102N R28E S01 MESE (E)
103N R27E S35 SESE (E)

PLACE OF USE: STOCKWATER

102N R27E S01 LOT 1 (MENE)

SENE

SWSW

SESW

R28E

MESE

MSW

SWSE

SESW

S02

SESE

MSW

SWSE

SESW

S03

SWSW

SESW

SESW

MSW

S04

SESE

MSW

SESE

MSW

S05

SESE

SESE

SESE

MSW

S06

Lot 1 (MENE)

SESE

Lot 2 (MENE)

Lot 3 (MENE)

Lot 5 (MSW)

S09

SESE

MSW

SESE

MSW

S10

SESE

MSW

SESE

MSW

S11

SESE

MSW

SESE

MSW

S12

SESE

MSW

SESE

MSW

103N R27E S20

SESE

MSW

SESE

MSW

S21

SESE

MSW

SESE

MSW

S22

SESE

MSW

SESE

MSW

S26

SESE

MSW

SESE

MSW

S27

SESE

MSW

SESE

MSW

S28

SESE

MSW

SESE

MSW

S35

SESE

MSW

SESE

MSW

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