

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 19 1993
Department of Water Resources
Adjudication Bureau

34-04040 -0040/
93-03-0300

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 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: ROBERT L. SPRAKER/JOSEPHINE SPRAKER
Address: Rt. 1, Box 438
Arco, Idaho 83213

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. Department of Interior, BLM
Address: Idaho State Office
3380 American 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
GROUNDWATER.

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 - four pages B-1, B-2, B-3, B-4

Exhibit C - two pages

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

ROBERT L. SPRAKER / JOSEPHINE SPRAKER, 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.

Robert Spraker
Josephine Spraker
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 16th day of March, 1993.

Berna Berger
Notary Public for Idaho
Residing at: Butte, ID
My Commission expires: 11-18-1994

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 16th 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. Department 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

Robert Spraker

Robert Spraker
Signature of Objector or attorney
mailing on Objector's behalf

EXHIBIT A -

REASONS: THE CLAIMANT OBJECTS TO THIS WATER RIGHT RECOMMENDATIONS 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
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

34-02252	ROBERT L SPRAKER JOSEPHINE SPRAKER RT 1 BOX 438 ARCO ID 83213	04/10/1926	IRRIGATION	05-01 10-15	.8	CFS LICENSE
----------	--	------------	------------	-------------	----	-------------

POINT OF DIVERSION:
T05N R26E S04
S03

PLACE OF USE: IRRIGATION
T04N R26E S14
NWSE
SWSW (1)
NNW (R)

T04N R26E S14
NNW 5.0
NNW 11.0
SWW 1.0
SEW 23.0

40.0 ACRES TOTAL
TOTAL QUANTITY: .8 CFS

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.

POINT OF DIVERSION IS ON LINE DIVIDING NNNW AND SWNW, S14,
T4N, R26E.

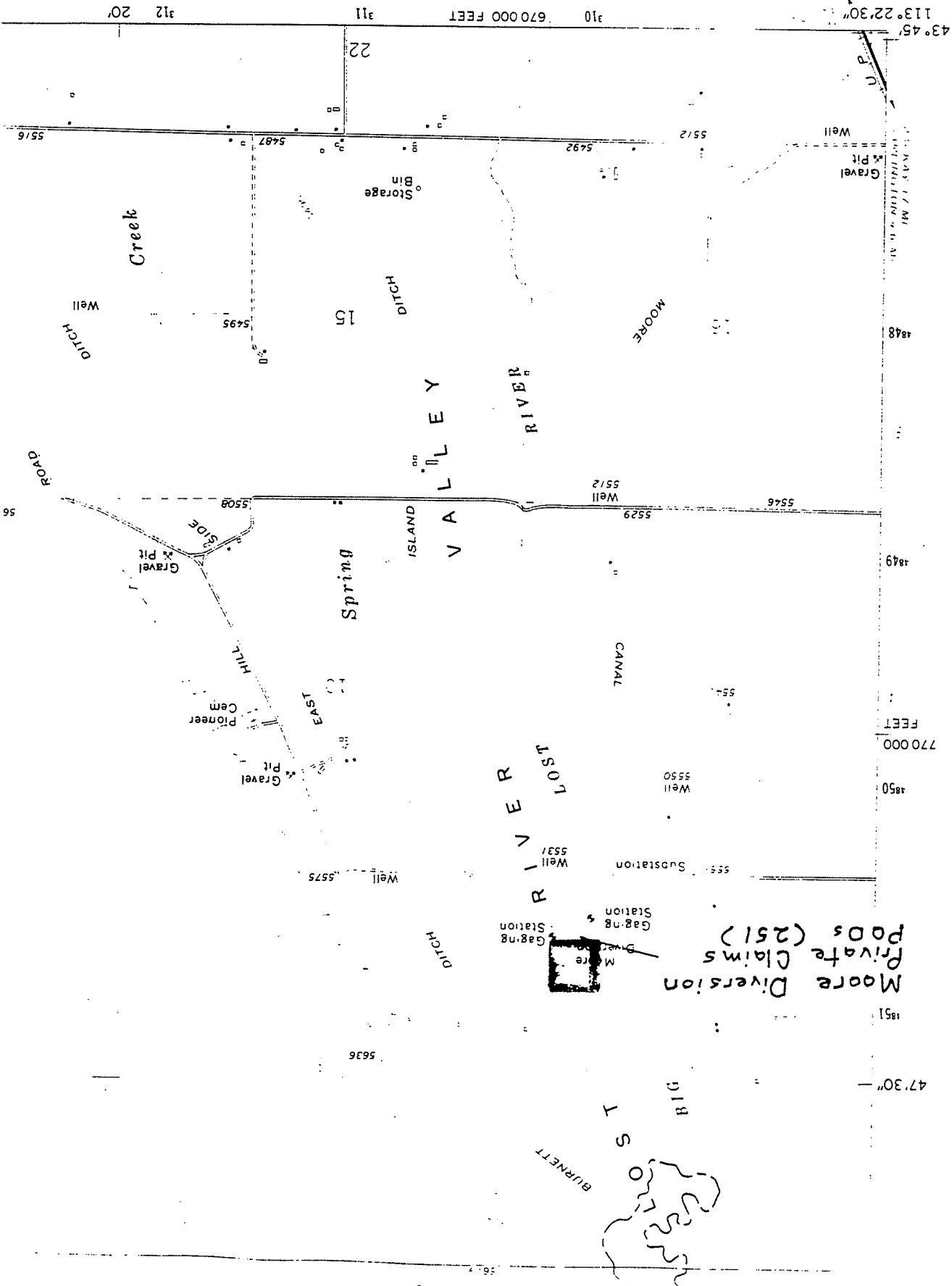
POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM SPRING
CREEK.

THE AMOUNT OF WATER DIVERTED FROM SPRING CREEK SHALL BE REDUCED
WHERE NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER
DOWNSTREAM FROM THE POINT OF REDIVERSION.

USE OF THIS RIGHT WITH RIGHT NO. 34-00302 AND OTHER RIGHTS
LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
3.52 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330
AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A
SINGLE IRRIGATION SEASON.

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969

Mapped, edited, and published by the Geological Survey



RAMSHORN CANYON, IDAHO

Exhibit B-2

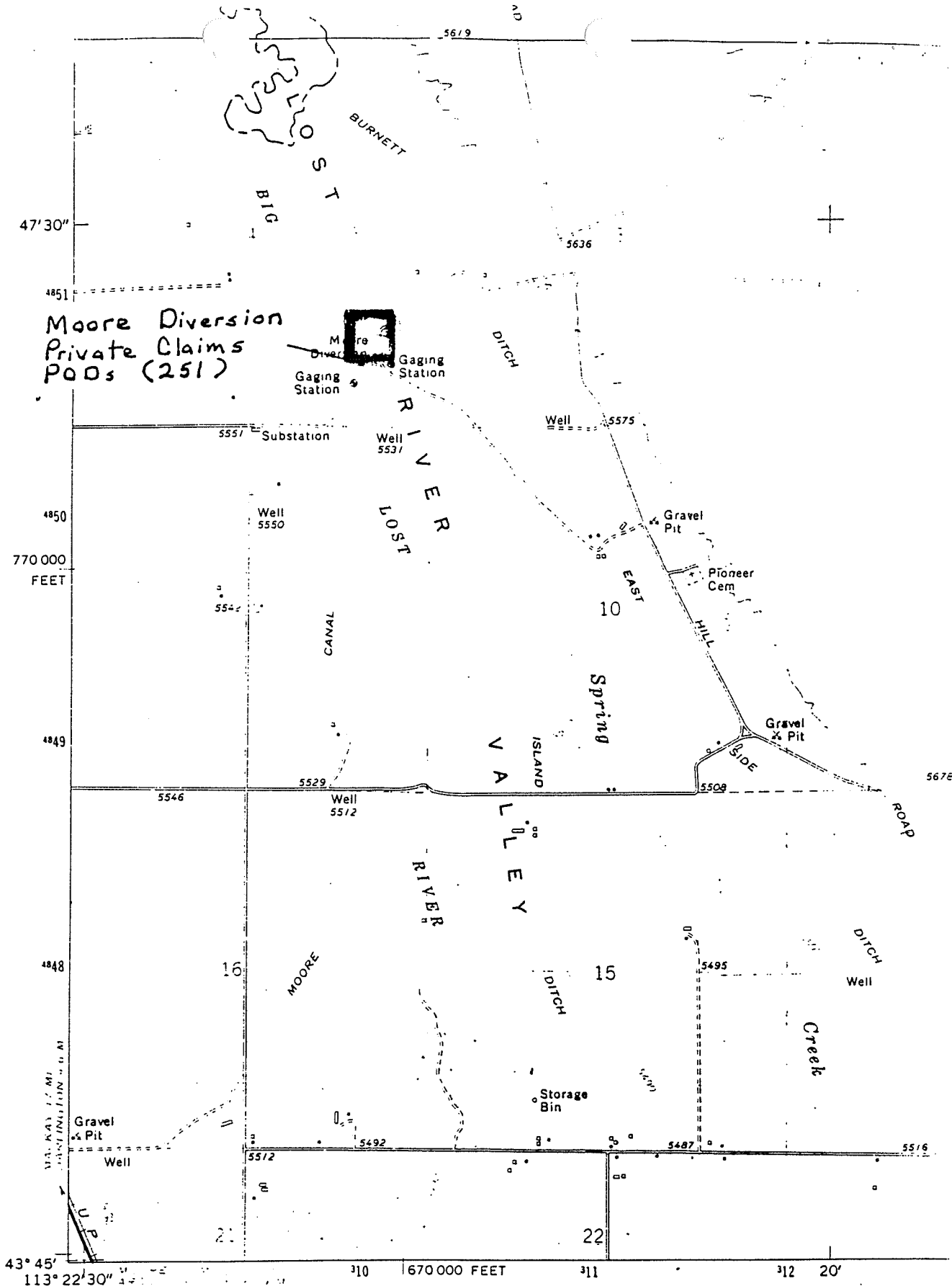
RIGHT NUMBER NAME & ADDRESS PRIORITY DATE PURPOSE OF USE PERIOD OF USE FROM TO MAXIMUM QUANTITY BASIS OF CLAIM
----- SOURCE: BIG LOST RIVER TRIBUTARY: SINKS -----

34-00302 ROBERT L SPRAKER 04/22/1889 IRRIGATION 05-01 10-15 2.12 CFS DECREED
JOSEPHINE SPRAKER
RT 1 BOX 438
ARCO ID 83213

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

T04N R26E S14 NWNW 18.0 SUMW 33.0 SENW 2.0
53.0 ACRES TOTAL
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.
WATER IS DELIVERED THROUGH EASTSIDE CANAL.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.52 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 330 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-02252, 34-07019 & 34-10056.

TOTAL QUANTITY: 2.12 CFS



(APPENDIX HILL)
3571 NW

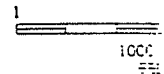
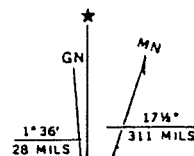
Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system, central zone

1000-meter Universal Transverse Mercator grid ticks,



RAMSHORN CANYON, IDAHO

Exhibit B-3

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

DATE: MAY-27-1992
PAGE: A-274

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						

34-00904

ROBERT SPRAKER
RT 1 BOX 438
ARCO ID 83213

05/01/1886 IRRIGATION 05-01 10-15 1.2 CFS DECREED

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY:

1.2

CFS

T04N R26E S22

78.0 ACRES TOTAL

SNWJ 28.0

SEWJ 31.0

NESW 13.0

NWSW 6.0

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00905, 34-02368B AND
34-07208 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.40
CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 557.5 AF,
AND TO THE IRRIGATION OF A COMBINED TOTAL OF 183 ACRES IN A
SINGLE IRRIGATION SEASON.

WATER IS DELIVERED THROUGH THE WESTSIDE DITCH.

AJ5856NP *Exhibit B-4*

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

34-00905	ROBERT SPRAKER RT 1 BOX 438 ARCO ID 83213	05/20/1899	IRRIGATION	05-01 10-15	.8	CFS DECREE
----------	---	------------	------------	-------------	----	------------

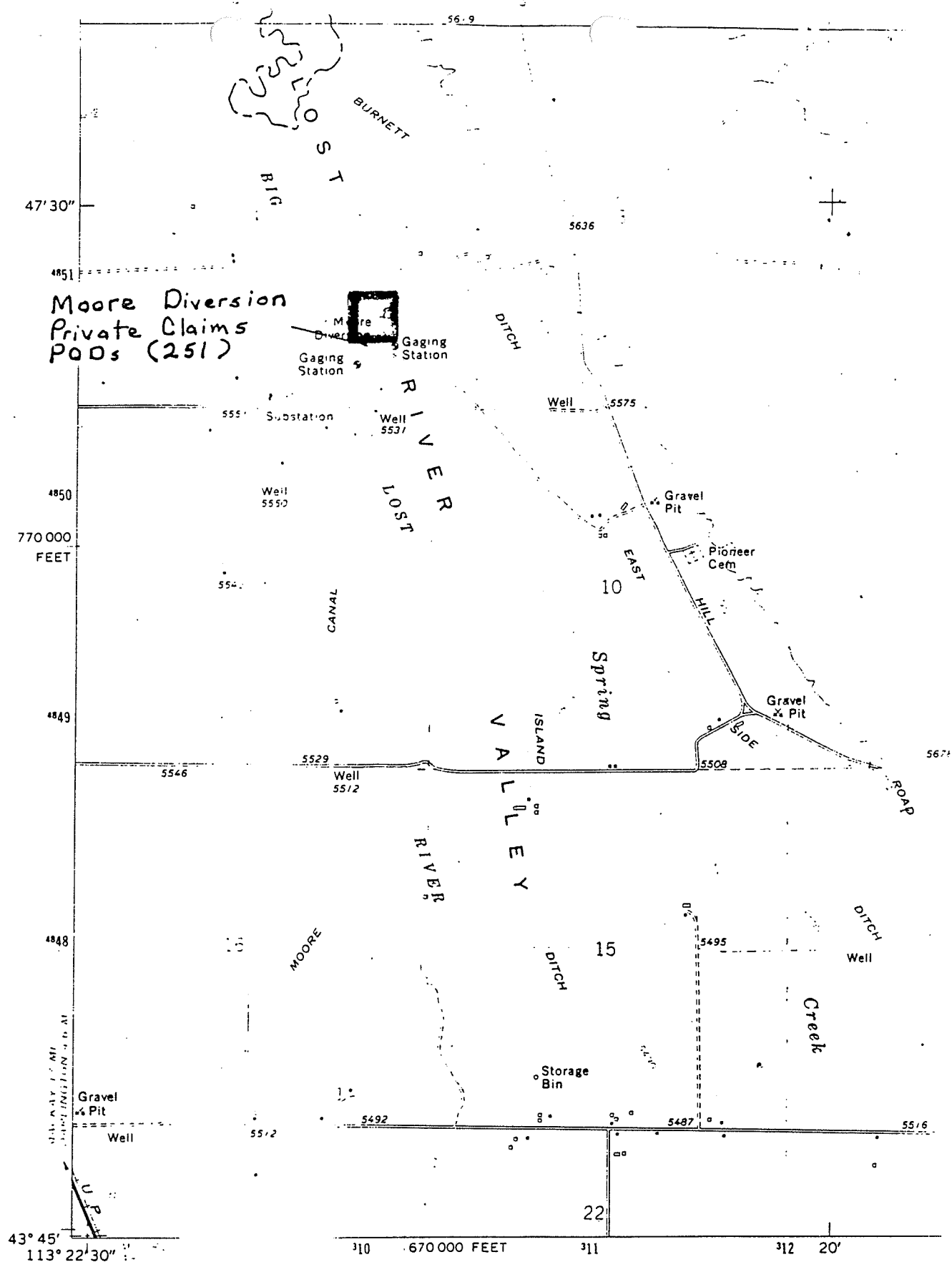
POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

T04N R26E S22
78.0 ACRES TOTAL
SENW 28.0 SENW 31.0 NESW 13.0 WUSW 6.0

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.
USE OF THIS RIGHT WITH RIGHT NOS. 34-00904, 34-023688 AND
34-07208 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.40
CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 557.5 AF,
AND TO THE IRRIGATION OF A COMBINED TOTAL OF 183 ACRES IN A
SINGLE IRRIGATION SEASON.
WATER IS DELIVERED THROUGH THE WESTSIDE DITCH.

TOTAL QUANTITY: .8 CFS

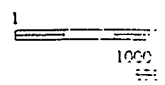
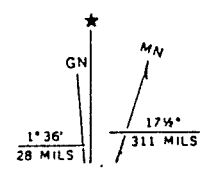
SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS



Moore Diversion
Private Claims
POOs (251)

(APPENDICITS HILL)
3271 NW

Mapped, edited, and published by the Geological Survey
Control by USGS and JSC&GS
Topography by photogrammetric methods from aerial
photographs taken 1967. Field checked 1969
Polyconic projection 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
central zone
1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue



RAMSHORN CANYON, IDAHO

Exhibit C

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 3380 AMERICANA TERRACE BOISE ID 83706	06/28/1934	STOCKWATER	01-01 12-31	.23	CFS	BENEFICIAL USE
----------	--	------------	------------	-------------	-----	-----	----------------

NON-IRRIGATION-USES:

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R27E S01	LOT 1 (NENE) (B)
T03N R27E S20	SENE (B)
T02N R28E S01	NESE (E)
T03N R27E S35	SESE (E)

PLACE OF USE: STOCKWATER

T02N R27E S01	Lot 1 (NENE)	SENE	SENE	Lot 2 (NENE)	Lot 3 (NENE)	Lot 4 (NENE)	Lot 5 (NENE)
R28E	NENE	NENE	NENE	NENE	NENE	NENE	NENE
	SESE	SESE	SESE	SESE	SESE	SESE	SESE
S02	S02	SESE	SESE	SESE	SESE	SESE	SESE
S03	S03	S03	S03	S03	S03	S03	S03
S04	S04	S04	S04	S04	S04	S04	S04
S05	S05	S05	S05	S05	S05	S05	S05
S06	S06	S06	S06	S06	S06	S06	S06
S09	S09	S09	S09	S09	S09	S09	S09
S10	S10	S10	S10	S10	S10	S10	S10
S11	S11	S11	S11	S11	S11	S11	S11
S12	S12	S12	S12	S12	S12	S12	S12
T03N R27E S20	S20	S20	S20	S20	S20	S20	S20
S21	S21	S21	S21	S21	S21	S21	S21
S22	S22	S22	S22	S22	S22	S22	S22
S26	S26	S26	S26	S26	S26	S26	S26
S27	S27	S27	S27	S27	S27	S27	S27
S28	S28	S28	S28	S28	S28	S28	S28
S35	S35	S35	S35	S35	S35	S35	S35

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

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
PERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

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

01-01 12-31

243.0

AFY

BENEFICIAL USE

STORAGE

STOCKWATER FROM 01-01 12-31

STORAGE

STOCKWATER 01-01 12-31

STORAGE

WILDLIFE FROM 01-01 12-31

STORAGE

DIVERSION TO 01-01 12-31

STORAGE

TOTAL QUANTITY:

243.0

CFS

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11

NUNUSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11

NESE

S13

NUNU

NUSE

SESE

SUSU

S14

NUNE

SUNE

SENE

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

NUNUSE

NUNUSE

SUSU

SENU

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

