

3-17

COPY

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. 34040
(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 17 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 -0041/
33-03-0301

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: G. Craig And Or Jackie Stewart
Address: Rt. 1 Box 58 B
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. Dent. of Interior, P.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.

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

☒ 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

G. Craig And/or Jackie Stewart 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.

G. Craig Stewart
Signature of person filing objection

By:

(Attorney signing in
representative capacity)

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

Thomas D. Farnsworth
Notary Public for Idaho
Residing at: Arco
My Commission expires: 12-30-97

(Over)

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.

A55856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-128RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00943.

G. CRAIG STEWART
JACKIE STEWART
RT. 1 BOX 588
MOORE ID 83255

04/22/1984 IRRIGATION

05-01 10-15

.14

CFS

DECREED

POINT OF DIVERSION:

T05N R26E S04

NWSESE

TOTAL QUANTITY:

.14

CFS

PLACE OF USE: IRRIGATION

T06N R26E S20

NENE 38.0

SENE 36.0

NESE 40.0

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1416(1).WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.24 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 530 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 212 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-024198, 34-12391, 34-00213E, 34-00214C
AND 34-00589.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
IRRIGATION OF A COMBINED TOTAL OF 114 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00213E, 34-00214C,
34-00589.

34-10126

ROBERT E. SHAW
124 N. 7TH
POCATELLO ID 83201

04/22/1984 IRRIGATION

05-01 10-15

.12

CFS

DECREED

POINT OF DIVERSION:

T07N R23E S12

NWNWSE

TOTAL QUANTITY:

.12

CFS

DECREED

PLACE OF USE: IRRIGATION

T07N R24E S21

SWSW 5.0

REMARKS: WATER DELIVERED THROUGH SHARP DITCH.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00005 AND
34-00006.Exhibit B
Page 1 of 4

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-313

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE FROM TO	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-00213E	JACKIE STEWART G. CRAIG STEWART RT. 1 BOX 588 MOORE ID 83255	03/13/1887	IRRIGATION	05-01 10-15	.7	CFS DECREED
SOURCE: BIG LOST RIVER						
TRIBUTARY: SINKS						
POINT OF DIVERSION: T05N R26E S04 PLACE OF USE: IRRIGATION						
TOTAL QUANTITY: .7 CFS						
T04N R26E S20 114.0 ACRES TOTAL REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1). WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.24 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 530 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 212 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-024198, 34-12391, 34-00943, 34-00214C AND 34-00589. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 114 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00943, 34-00214C, 34-00589.						

Exhibit B
Page 2 of 4

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

 DATE: MAY-27-1992
 PAGE: A-627

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						

34-00214C

 JACKIE STEWART
 G. CRAIG STEWART
 RT. 1 BOX 588
 MOORE ID 83255

09/01/1901 IRRIGATION

05-01 10-15

.5 CFS

DECREED

 JACKIE STEWART
 G. CRAIG STEWART
 RT. 1 BOX 588
 MOORE ID 83255

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:

.5 CFS

T04N R26E S20

MENE 38.0

SENE 36.0

MESE 40.0

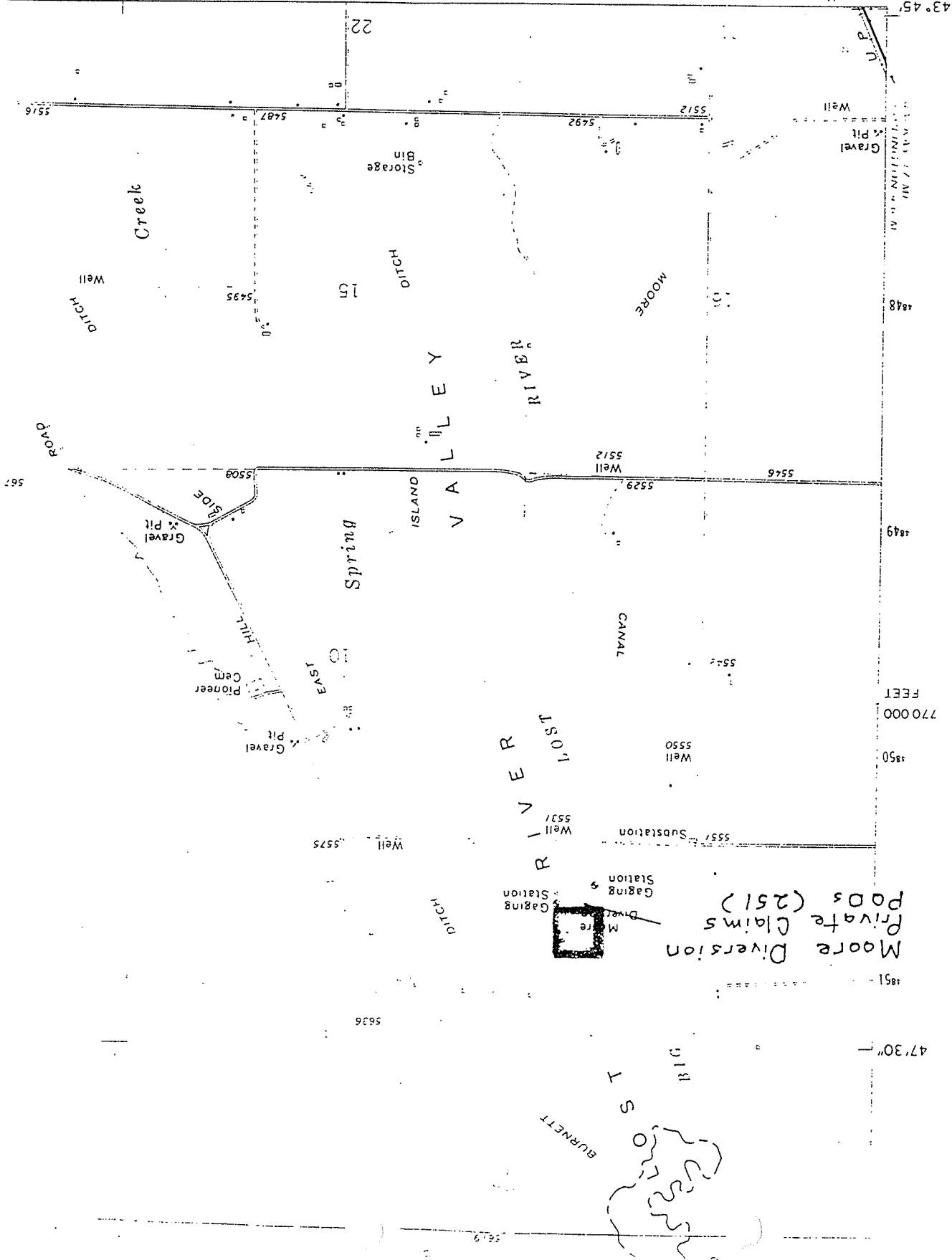
 REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
 IDAHO CODE 42-1416(1).

 WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL.
 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
 COMBINED DIVERSION RATE OF 4.24 CFS, A TOTAL COMBINED ANNUAL
 CONSUMPTIVE USE VOLUME OF 530 AF, AND TO THE IRRIGATION OF A
 COMBINED TOTAL OF 212 ACRES IN A SINGLE IRRIGATION SEASON.
 COMBINED RIGHT NOS.: 34-02419B, 34-12391, 34-00213E, 34-00943
 AND 34-00589.

 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO IRRIGATION
 OF A COMBINED TOTAL OF 114 ACRES IN A SINGLE IRRIGATION SEASON
 COMBINED RIGHT NOS.: 34-00213E, 34-00943, 34-00589.

 Exhibit B
 Page 3 of 4

113.22'30" 10 670 000 FEET 11 20' 20'



RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00589

G. CRAIG STEWART
JACKIE STEWART
RT. 1 BOX 588
MOORE 10 83255

10/12/1884 IRRIGATION

05-01 10-15

1.25 CFS DECREED

POINT OF DIVERSION:

T05N R26E S04

NWESE

TOTAL QUANTITY:

1.25 CFS

PLACE OF USE: IRRIGATION

T04N R26E S20

NENE 38.0

SENE 36.0

NESE 40.0

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO

IDAHO CODE 42-1416(1).

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL

COMBINED DIVERSION RATE OF 4.24 CFS, A TOTAL COMBINED ANNUAL

CONSUMPTIVE USE VOLUME OF 530 AF, AND TO THE IRRIGATION OF A

COMBINED TOTAL OF 212 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-024198, 34-12391, 34-00213E, 34-00214C

AND 34-00943.

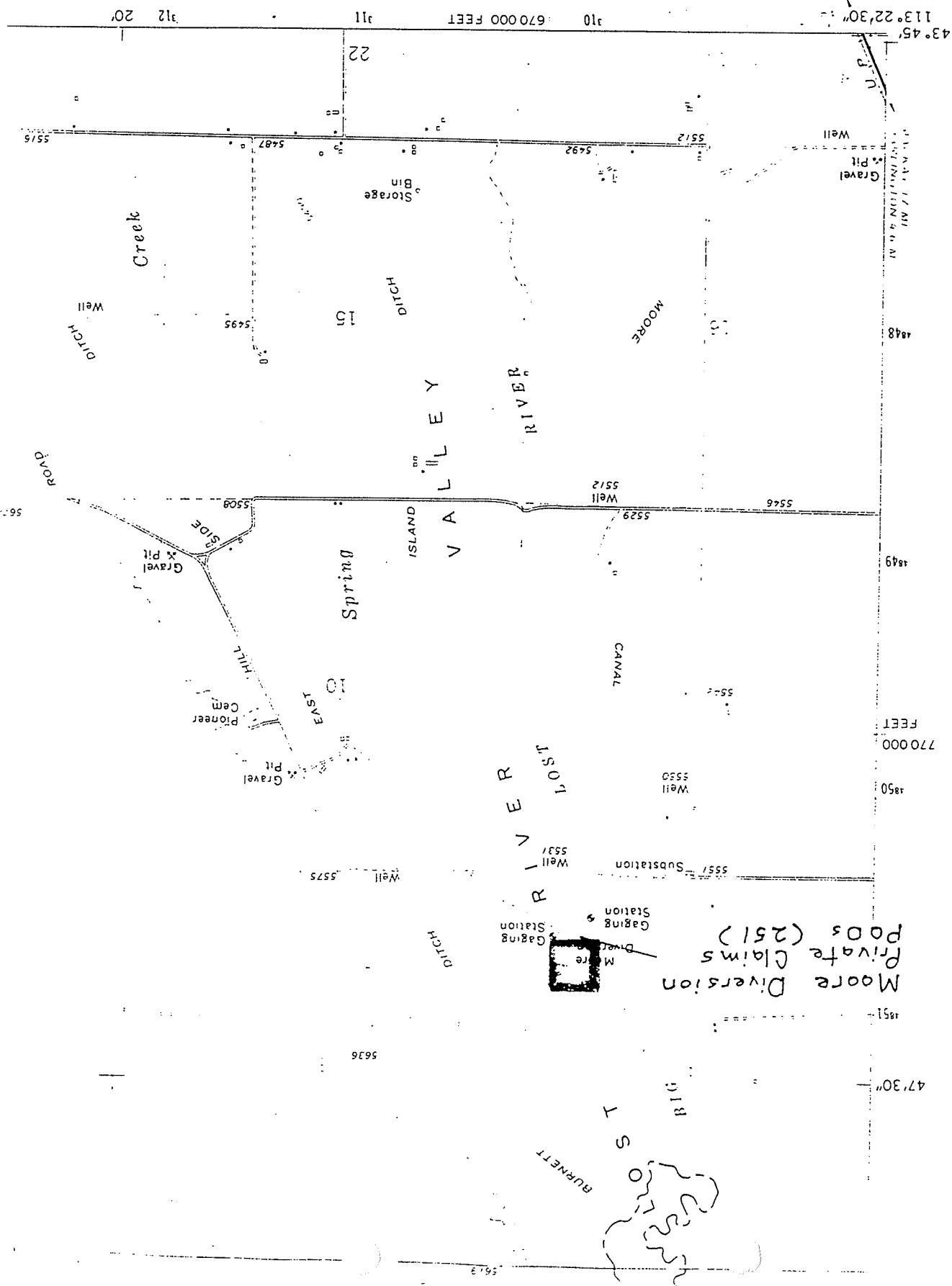
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO

IRRIGATION OF A COMBINED TOTAL OF 114 ACRES IN A SINGLE

IRRIGATION SEASON. COMBINED RIGHT NOS. 34-00213E, 34-00214C,

34-00943.

Exhibit B
Page 4 of 4



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

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

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
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

TOTAL QUANTITY:

.23

CFS

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

SWSW

SESW

R28E

NESE

NWSE

SWSE

S02

SESE

SESW

SWSE

S03

SWSW

SESW

SWSW

S04

SENE

SESW

SESE

S05

SENE

SENE

SESE

S06

SENE

SENE

SESE

S09

SENE

SENE

SESE

S10

SENE

SENE

SESE

S11

SENE

SENE

SESE

S12

SENE

SENE

SESE

S20

SENE

SENE

SESE

S21

SENE

SENE

SESE

S22

SENE

SENE

SESE

S26

SENE

SENE

SESE

S27

SENE

SENE

SESE

S28

SENE

SENE

SESE

S35

SENE

SENE

SESE

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

Exhibit C

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-17-1992
PAGE: A-36RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE 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:

-44
243.0 CFS
AFY

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE, WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11

NWNWSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11

NESE

NWSE

SESE

SWSW

S13

NWNW

SWNW

SENE

SWSW

SESW

SESW

SESW

SESW

SESW

SESW

SESW

S15

NESE

NESE

SESE

SWSW

SESW

SESW

SESW

SESW

SESW

SESW

SESW

S23

NWNW

SWNW

SENE

SWSW

SESW

SESW

SESW

SESW

SESW

SESW

SESW

S24

NWNW

SWNW

SENE

SWSW

SESW

SESW

SESW

SESW

SESW

SESW

SESW

S25

NWNW

SWNW

SENE

SWSW

SESW

SESW

SESW

SESW

SESW

SESW

SESW

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