

3-17

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

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 19 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 -0044/
93-03-0304

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: DR JACK SOWARDS

Address: BOX 100 ARCO, IDAHO
83213-0100

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

DR. JACK SOWARDS, 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.

Jack Sowards D.S.C. P.E.
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 17 day of March,
1993.

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

(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 14 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

Arch E. Lowmich D. Sc, P.E.
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.

Exhibit B

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

34-000640 SHELTON FAMILY TRUST
C/O LEONARD A SHELTON, TRUSTEE
100 POMONA MALL W., 6TH FLOOR
POMONA CA 91766-1788
08/31/1887 IRRIGATION 05-01 10-15 1.2 CFS DECREEED

POINT OF DIVERSION:
T07N R24E S34
PLACE OF USE: IRRIGATION
SENW
TOTAL QUANTITY: 1.2 CFS
T06N R26E S28
NENE 40.0
SENW 15.0
NWNE 40.0
SENE 40.0
SENE 35.0

210.0 ACRES TOTAL
REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1416(1).
USE OF THIS RIGHT WITH RIGHT NO. 34-00049G AND OTHER RIGHTS
LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
5.46 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 525
AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 210 ACRES IN A
SINGLE IRRIGATION SEASON.

34-00304 DR. JACK W. SOWARDS
P.O. BOX 100
ARCO ID 83213
10/22/1887 IRRIGATION 05-01 10-15 3.2 CFS DECREEED

POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION
NWSE
TOTAL QUANTITY: 3.2 CFS
T04N R26E S10
S11
NENE 30.0
NWNE 12.0
SENE 26.0
SENE 23.0

91.0 ACRES TOTAL
REMARKS: WATER IS DELIVERED THROUGH EASTSIDE DITCH.
0.60 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHT NO. 34-02467 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.20 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 227.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 91 ACRES IN A SINGLE IRRIGATION SEASON.

EXHIBIT C

AJ5856NP

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

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
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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
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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 R28E	Lot 1 (NENE)	SENE NWSW NWSE	SESW SWSW SWSE			
S02		SESE				
S03		SWSW	SESW			
S04		SWNE	SWNW			
S05		NESE	NWSE			
		SWNE	SENE	Lot 4 (NWNW)		
S06	Lot 1 (NENE)	SENW SENE	NESE			
S09	Lot 1 (NENE)	SENW	Lot 3 (NWNW)	Lot 5 (SWNW)		
S10	NENE					
S11	NENE	NWNE SWNE	NWNW SENE	NWNW NWSE		
S12	NWNE	SENW				
103N R27E S20 S21	SENE	NWSW SWNE	SWSW SESE	SWSW SESE		
S22	NESE	NWSE	SESW	SESW		
S26	NWSW	SWSW	SESW	SESW		
S27	SWNE	SENE	SENW	SENW		
S28	NESE	NWSE				
S35	NWNE	NWNW	SENW	SESE		

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

