

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 18 1993
Department of Water Resources
Adjudication Bureau

34-04040 -0046/
93-03-0306

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:

Richard E. Reynolds

Address:

Box 73

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

Richard D. Reynolds, 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.

Richard D. Reynolds
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16 day of March,
199 3.

Bashara Chavira
Notary Public for State of Idaho
Residing at: Butte, ID
My Commission expires: 3/21/97

(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 16 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 4449
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

BASIS OF CLAIM

DECLASSIFIED

SENW 34.0

USE OF THIS RIGHT WITH RIGHT NO. 34-02408A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.82 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 357.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 143 ACRES IN A SINGLE IRRIGATION SEASON. 0.12 CFS OF RIGHT NO. 34-02408A IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-02408A.

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.

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

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

[illegible]

SOURCE: BIG LOST RIVER

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:

LOT 1 (MENE) (B)
T02N R27E S01
T03N R27E S20
T02N R28E S01
T03N R27E S35

PLACE OF USE: STOCKWATER

TOTAL QUANTITY:	.23	CFS
-----------------	-----	-----

T02N	R27E	S01	Lot 1	(NENE)	SENE NWSW NWSE	SWSW SWSE	SESW
	R28E			NESW NESE SESE			
		S02			SESW SWSW SWNE	SEMW SESE (NMNW)	NMSW
		S03			NESE		
		S04			SUNE		
		S05			SENE SENE SENE	Lot 4	SUNW
		S06	Lot 1	(NENE) SENE	Lot 2 (NWNE)	Lot 3 (NENW)	Lot 5 (SUNW)

	NAME	NAME	NAME
S09	NENE	NONE	NENH
S10	NENE	SWNE	SENE
S11	NENE	SENU	NUSE
	SENU		

NAME	STATUS	DATE	TIME	LOCATION	REMARKS
S12	NONE				
T03N R27E S20	SENE				
S21	SUNW				
	MSUN				
	MSWS				
	MSW				

MS3S	MSM	MSM	MSH	\$22
MS3S	MSM	MSM	MSH	\$26
MS3S	MSM	MSM	MSH	\$27

S28	NESE	NAME	SENA	SESE
S35	NUNE	NENI	SNNA	SESE
	NENI	NENI	SNSE	SESE
	NESU	NASE		

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 LAW

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

SOURCE: BIG LOST RIVER

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:
102N R28E S11 NW/4SE
PLACE OF USE: WILDLIFE STORAGE
SAME AS OTHER USE
PLACE OF USE: STOCKWATER FROM STORAGE

102N R28E S11 S13 S14 S15 S23 S24 S25	NESE	NWSE	SESE	SWSW
	NW/4W	SW/4W	NW/4W	SW/4W
	NW/4E	SW/4E	NW/4E	SW/4E
	NW/4S	NW/4S	NW/4S	SW/4S
	NESE	NWSE	SESE	SWSW
	NESE	NWSE	SESE	SWSW
	NW/4E	SW/4E	NW/4E	SW/4E
	SW/4W	SW/4W	NW/4W	SW/4W
	SESW	NESE	NWSE	SWSE
	SESE	NW/4E	SW/4E	NW/4W
	NW/4W	SW/4W	NW/4W	SW/4W
	SESW	NWSE	SW/4S	NW/4S

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