

8-3
3-16

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. 34-04164
(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 16 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,

34-04164 -0002/
93-03-0337

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)

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: Reed Z Asay

Address: Rt. 1 Box 30 E
Mackay, ID 83251

Briefly describe your interest in this water right:

This water is a primary
source of water for irrigation
on my deeded property. The
water is decreed for my property

2. Owner of the water right:

Name: Claimant: USA, BLM, U.S Dept. of Interior

Address: Idaho State Office 3380 Americana Terrac
Boise, ID 83706-2544

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 US Dept. of Interior (BLM) claiming any water rights under theories that water rights were established through a federal reservation of water by executive order dated April 17, 1926, IPWD #107

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.

The United States (BLM) has filed duplicate claims asserting water rights under both state and federal law. I do not believe these "dual" rights exist and all elements checked on p. 3 were improperly claimed. See page seven.

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 US Dept. of Interior has not established federal reserve water rights and the right claimed should be disallowed.

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. _____

Copies of water rights

#7 Map

I request the right to submit additional documents or information relative to, or to

VERIFICATION (Must be Completed)

Substantiate this objection at a later date.

State of IDAHO

County of CUSTER

Reed Z Asay, 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.

Reed Z Asay
Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

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

Loren A. Haddoups
Notary Public for Idaho
Residing at: More
My Commission expires: April 30, 1993

(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 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: Claimant: USA, BLM, US Dept. of Interior

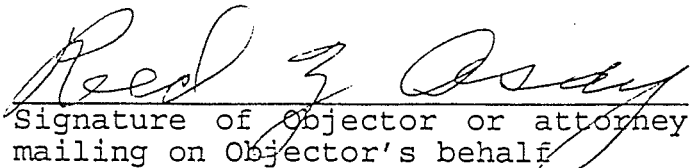
Owner's address: Idaho State Office 3380 Americana Terra
Boise, ID 83706-2544

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

34-04164

REASONS SUPPORTING EACH BOX CHECKED

- 1) I, Reed Z Asay, object to the United States of America, acting through the BLM, filing water claim number 34-04164.
- 2) I object to the source of this right because Pass Creek is already over-decreed, and all senior rights should be filled first.
- 3a) I object to the quantity of stockwater (0.16/cfs) filed.
- 4) I object to priority date 06/28/1934.
- 5) I object to the point of diversion, because it is a privately owned heading, and the BLM has not stated how they plan to proceed.
- 6) I object to the legal description of the in-stream flow if it is to be carried in the old Pass Creek channel because of the loss of water. Other ditches leading away from the point of diversion are private ditches.
- 7) The purpose of use for this filing is to water livestock. There are streams of water traversing the BLM area during the time livestock are there. See attachment # 7.
- 8) I object to the period of year which BLM states necessity of water use, 1-1 to 12-31. Cattle are there about six weeks of the year and wildlife will find our other streams.
- 9a) I object to the legal description of the place of use, and/or the means for transporting water to it.
- 10) I object to the annual volume of consumptive use. The collective stock water being applied for is more than warranted for stock water and enough to adversely affect the irrigation of water users.
- 11) I object to the remarks listed with the water right.
- 12) I object to this water right being recommended at all. It will adversely affect all other senior water rights, and it is not necessary in this amount for wildlife and stock water.

p. 7

Crawford

AJ5856NP

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

DATE: MAY-27-1992
PAGE: A-1606

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: PASS CREEK

TRIBUTARY: BIG LOST RIVER

34-00727A

REED Z. ASAY
LYNETTE B. ASAY
PO BOX 415
MACKAY ID 83251

06/01/1883 IRRIGATION

05-01 10-15

.8 CFS DECREED

POINT OF DIVERSION:

TOTN R25E S23

MUSWNE

TOTAL QUANTITY:

.8 CFS

PLACE OF USE: IRRIGATION

TOTN R25E S27

S28

MWNE 8.0
SENU 2.0
MENE 31.0
SESW 13.0

NEW 14.0

SHNE 21.0
NESE 5.0

MWNU 25.0
SENE 30.0
MWSE 36.0

SHNU 7.0

MESE 15.0
SASE 39.0

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1416(1).
2.12 CFS OF RIGHT NO. 34-00016 IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT, RIGHT NO. 34-00254
AND RIGHT NO. 34-00016.
RIGHT NOS. 34-00254 AND 34-00016 ARE ALSO DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.917 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 807.5 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 323 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00044, 34-00045, 34-00254, 34-00016 AND
34-02487.

AJ5856HP

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-17-1992
PAGE: A-177

AJ5856HP

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY

DATE

PURPOSE OF USE

PERIOD OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

RIGHT
NUMBER

SOURCE: PASS CREEK

TRIBUTARY: BIG LOST RIVER

34-04164

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

.16 CFS BENEFICIAL USE

NON-IRRIGATION-USES:

STOCKWATER, 668 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

107N R25E S23

S34

PLACE OF USE: STOCKWATER

NVSE (B)

SESE (E)

TOTAL QUANTITY: .16 CFS

107N R25E S23
S26

NVSE

NVNE

SWSW

SESE

NVNW

SUSE

SUNE

SESW

SESW

NESW

REMARKS:

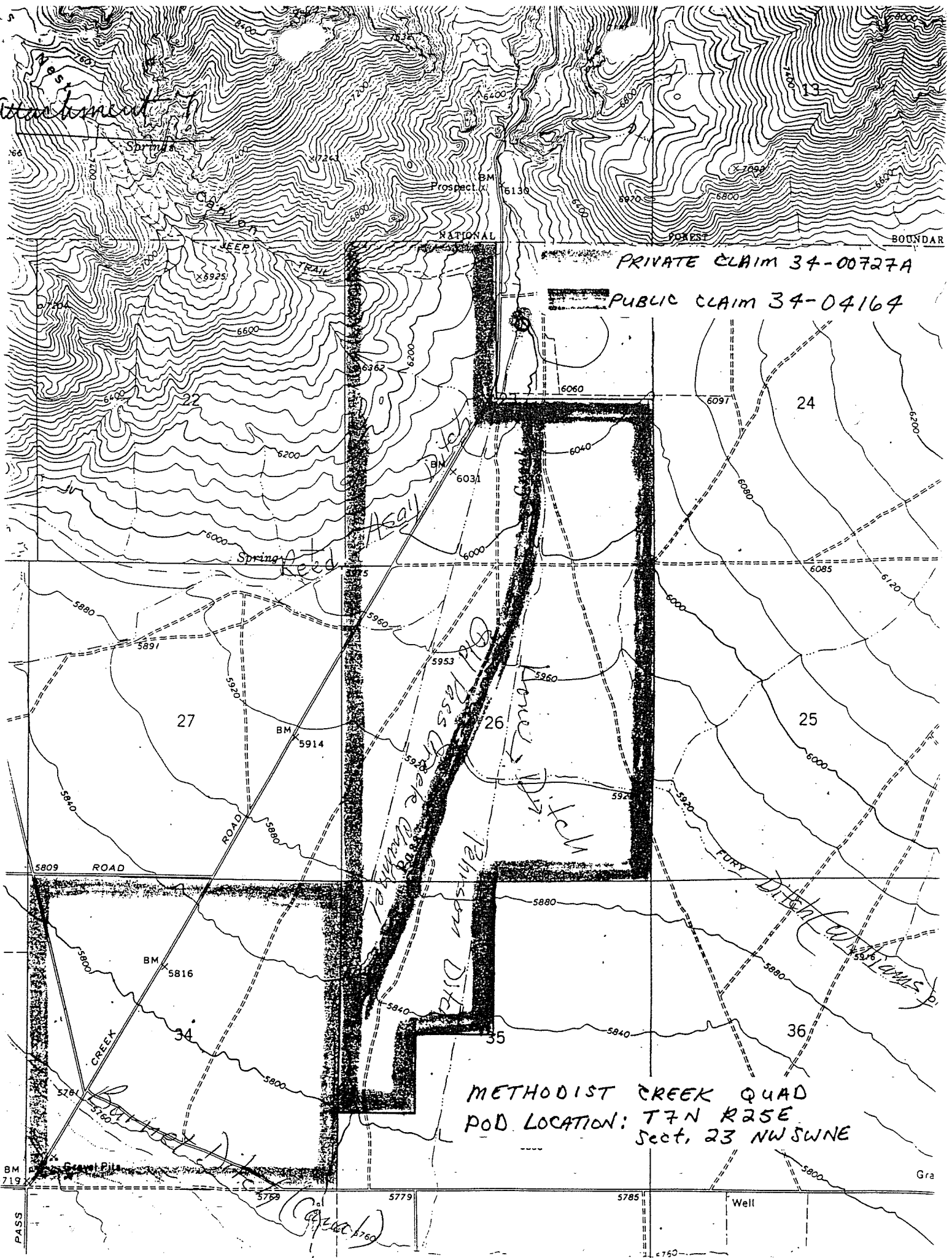
THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

BLM RECORD ID = 3403488129

NVSW

SWSW

Attachment M



PRIVATE CLAIM 34-00727A

PUBLIC CLAIM 34-04164

METHODIST CREEK QUAD
POD LOCATION: T7N R25E
Sect. 23 NWSWNE

BLM NUMBER: 3403808129

PAGE: 2

7N	25E	23	SW	SE	00	BUTTE
7N	25E	26	NW	NE	00	BUTTE
7N	25E	26	SE	SW	00	BUTTE
7N	25E	26	SW	NE	00	BUTTE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
7N	25E	23	NW	SE	00	BUTTE		
7N	25E	26	SE	NW	00	BUTTE		0.0
7N	25E	26	SE	SW	00	BUTTE		0.0
7N	25E	26	SW	NE	00	BUTTE		0.0
7N	25E	26	SW	SW	00	BUTTE		0.0
7N	25E	34	SE	SE	00	BUTTE		0.0
7N	25E	35	NW	NW	00	BUTTE		0.0
7N	25E	35	NW	SW	00	BUTTE		0.0
7N	25E	35	SW	NW	00	BUTTE		0.0
7N	25E	23	SW	SE	00	BUTTE		0.0
7N	25E	26	NE	SW	00	BUTTE		0.0
7N	25E	26	NW	NE	00	BUTTE		0.0
7N	25E	23	NW	SE	00	BUTTE		0.0
7N	25E	26	SE	NW	00	BUTTE		0.0
7N	25E	26	SE	SW	00	BUTTE		0.0
7N	25E	26	SW	NE	00	BUTTE		0.0
7N	25E	26	SW	SW	00	BUTTE		0.0
7N	25E	34	SE	SE	00	BUTTE		0.0
7N	25E	35	NW	NW	00	BUTTE		0.0
7N	25E	35	NW	SW	00	BUTTE		0.0
7N	25E	35	SW	NW	00	BUTTE		0.0
7N	25E	23	SW	SE	00	BUTTE		0.0
7N	25E	26	NE	SW	00	BUTTE		0.0
7N	25E	26	NW	NE	00	BUTTE		0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY AWARDED STATUTORY WATER RIGHT - BLM ID -> 3403488129

IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1880-01-01
AGENCY NUMBER: 3403808129
BLM NUMBER: 3403808129
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 34

SOURCE

TRIBUTARY TO

PASS CREEK

SINKS

INSTREAM STOCK WATERING

DESCRIPTION OF DIVERSION WORKS

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM TO
STOCKWATER	0.160	0.00	0501 0615
WILDLIFE	0.010	0.00	0101 1231
TOTAL: 0.160 CFS 0.00 AF			

NON-IRRIGATION USES

668 RANGE CATTLE, 50 ANTELOPE, 20 DEER, SAGE GROUSE

POINT OF DIVERSION

TWP RING SEC TRACT1 TRACT2 TRACT3 LOT COUNTY

7N	25E	35	NW	NW	00	BUTTE
7N	25E	35	NW	NW	00	BUTTE
7N	25E	26	NE	SW	00	BUTTE
7N	25E	35	NW	SW	00	BUTTE
7N	25E	26	NE	SW	00	BUTTE
7N	25E	35	NW	SW	00	BUTTE
7N	25E	26	NE	SW	00	BUTTE
7N	25E	35	NW	SW	00	BUTTE
7N	25E	26	NE	SW	00	BUTTE
7N	25E	26	SE	NW	00	BUTTE
7N	25E	23	NW	SE	00	BUTTE
7N	25E	26	SW	SW	00	BUTTE
7N	25E	34	SE	SE	00	BUTTE