

COPY

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

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. 34-04171
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

MAR 18 1993

Department of Water Resources
Adjudication Bureau

34-04171 -0002/
93-03-0346

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:

BILLY L. HARALSON

Address:

RT. 1 Box 450

ARCO, IDAHO 83213

2. Briefly describe your interest in this water right:

THIS CLAIM IS AN 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 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)

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

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.

CHANGES TO THE DIRECTOR'S REPORT

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

REASONS SUPPORTING EACH BOX CHECKED

PRIVATE USE RECORD FOR LIVESTOCK
 PRIOR TO B.L.M. CLAIM.
 THERE IS A HISTORICAL

13. ☐ Description of Reservation: I object to the legal description of the reservation.

a. ☒ this water right being recommended at all; or
 b. ☐ this water right not being recommended.

12. ☒ Water Right Recommendation: I object to:

14. ☒ Other: I object to:

☒ 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-1 PAGE EXHIBIT B-2 PAGE

EXHIBIT C-4 PAGE

VERIFICATION (Must be Completed)

State of IDAHO

County of BUTTE

BILLY L. HARALSON, 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.

Billy L. Haralson
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

Barbara Chantler
Notary Public for State of ID
Residing at: Asco ID
My Commission expires: 3/20/97

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. DEPT. OF INTERIOR, IDAHO STATE OFFICE
3380 AMERICAN TERRACE
BOISE, IDAHO 83706-2544

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

Billy J. Thacker
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

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

DATE: MAY-27-1992
PAGE: A-1656

34-12409-
BILLY L HARALSON
RT 1 BOX 450
ARCO ID 83213

05/01/1937 STOCKWATER

01-01 12-31 .02 CFS BENEFICIAL USE

RIGHT NUMBER NAME & ADDRESS

PRIORITY DATE PURPOSE OF USE PERIOD OF USE

MAXIMUM QUANTITY

BASIS OF CLAIM

SOURCE: SPRING

TRIBUTARY: HAMMOND SPRING CREEK

NON-IRRIGATION-USES:
STOCKWATER FOR 300 HEAD OF RANGE CATTLE
POINT OF DIVERSION:
T03N R24E S01
PLACE OF USE: STOCKWATER

TOTAL QUANTITY: .02 CFS

REMARKS: T03N R24E S01 SUSU
SOURCE IS ALSO KNOWN AS TIMBER DOME SPRING.

34-12410
BILLY L HARALSON
RT 1 BOX 450
ARCO ID 83213

05/01/1937 STOCKWATER

01-01 12-31 .02 CFS BENEFICIAL USE

NON-IRRIGATION-USES:
STOCKWATER FOR 300 HEAD OF RANGE CATTLE
POINT OF DIVERSION:
T03N R24E S11
PLACE OF USE: STOCKWATER

TOTAL QUANTITY: .02 CFS

REMARKS: T03N R24E S11 NESE
SOURCE IS ALSO KNOWN AS CHOKE CHERRY SPRING.

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

EXHIBIT C

RIGHT NUMBER: 434-02562
NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

PRIORITY DATE: 10/13/1947
PURPOSE OF USE: STOCKWATER
PERIOD OF USE FROM TO: 01-01 12-31
SOURCE: CHOKECHERRY SPRING
TRIBUTARY: SINKS

MAXIMUM QUANTITY: .01 CFS
BASIS OF CLAIM: LICENSE

NON-IRRIGATION-USES:
STOCKWATER, 69 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:
T03N R24E S13

PLACE OF USE: STOCKWATER
T03N R24E S13

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 = 3403488048

TOTAL QUANTITY: .01 CFS

RIGHT NUMBER NAME & ADDRESS SOURCE: HAMMOND SPRING CREEK PRIORITY DATE PURPOSE OF USE PERIOD OF USE FROM TO MAXIMUM QUANTITY BASIS OF CLAIM

34-12406

BILLY L. HARALSON
RT 1 BOX 450
ARCO ID 83213

05/01/1906 STOCKWATER 01-01 12-31

.07 CFS

BENEFICIAL USE

NON-IRRIGATION-USES:

STOCKWATER FOR 300 HEAD OF RANGE CATTLE

TOTAL QUANTITY:

.07 CFS

POINT OF DIVERSION:

T03N R24E S11

PLACE OF USE: STOCKWATER

MESENE (B) ✓
MESENE (E) ✓

T03N R24E S11

S12

MESENE ✓
MESENE ✓
MESENE ✓

SENE ✓
MESENE ✓
SENE ✓

MESENE ✓
SENE ✓
SENE ✓

MESENE

34-12424

P U RANCH
4500 IMPERIAL AVE
SAN DIEGO CA 92113

05/01/1914 STOCKWATER

01-01 12-31

.04 CFS

BENEFICIAL USE

NON-IRRIGATION-USES:

STOCKWATER, 2000 HEAD RANGE CATTLE

TOTAL QUANTITY:

.04 CFS

T03N R25E S17

PLACE OF USE: STOCKWATER

MESENE (B)
MESENE (E)

T03N R25E S09

S16

SENE ✓
MESENE ✓
SENE ✓

SENE ✓
MESENE ✓
SENE ✓

SENE ✓
SENE ✓
SENE ✓

SENE

EXHIBIT C

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

PAGE: A-74

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE

PERIOD OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: CHOKECHERRY SPRING

TRIBUTARY: SINKS

834-02562

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

10/13/1947 STOCKWATER

01-01 12-31

.01 CFS LICENSE

NON-IRRIGATION-USES:

STOCKWATER, 69 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T03N R24E S13

PLACE OF USE: STOCKWATER

TOTAL QUANTITY:

.01 CFS

T03N R24E S13

SUNW

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 = 3403488048

DATE: NOV-17-1992

7861-1

BASIS OF CLAIM

BASIS OF CLAIM

BENEFICIAL USE

10

EXHIBIT C

IDAHO DEPARTMENT OF WATER RESOURCES
ABSTRACTED CLAIMS TO WATER RIGHTS BASED UPON FEDERAL LAWDATE: NOV-17-1992
PAGE: A-405

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-12507A	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/17/1926	STOCKWATER	01-01 12-31	.09	CFS RESERVED
NON-IRRIGATION-USES: 373 RANGE CATTLE POINT OF DIVERSION: TO4N R24E S10 PLACE OF USE: STOCKWATER SESE TO4N R24E S10 REMARKS: BLM RECORD ID = 3403480084 FIRST DATE OF BENEFICIAL USE - 1884; WATER ALSO FEDERALLY RESERVE BY EXECUTIVE ORDER DATED APRIL 17, 1926, PWR NO. 107						
US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706						
NON-IRRIGATION-USES: 225 RANGE CATTLE POINT OF DIVERSION: TO3N R24E S11 PLACE OF USE: STOCKWATER NEMENE TO3N R24E S11 REMARKS: BLM RECORD ID = 3403480085 FIRST DATE OF BENEFICIAL USE - 1884; WATER ALSO FEDERALLY RESERVE BY EXECUTIVE ORDER DATED APRIL 17, 1926, PWR NO. 107						
TOTAL QUANTITY:					.07	CFS RESERVED
TOTAL QUANTITY:					.07	CFS