

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. 34-04190
(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.

34-04190 -0009/
93-03-0378

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

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:

Fred Burt + Mary Ann Burt

Address:

Box 628

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)

- 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

Shed G. Rust, 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.

Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this ____ day of _____,
199__.

Notary Public for _____
Residing at: _____
My Commission expires: _____

(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:

United States of America

Owner's address:

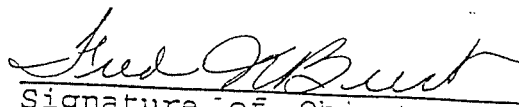
Bureau of Land Management
U.S. Dept. of Interior, Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2544

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

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.

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

34-00061B

FRED BURT
MARY ANN BURT
P.O. BOX 628
MOORE ID 83255

08/10/1883 IRRIGATION

05-01 10-15

.85 CFS DECREED

POINT OF DIVERSION:

T05N R26E S04
PLACE OF USE: IRRIGATION

NWSESE

T05N R26E S28
S29WNW 35.0
NENE 38.0
NENW 21.0SWNW 38.0
NWNE 39.0
SENW 9.0SENE 38.0
NWSE 33.0

TOTAL QUANTITY: .85 CFS

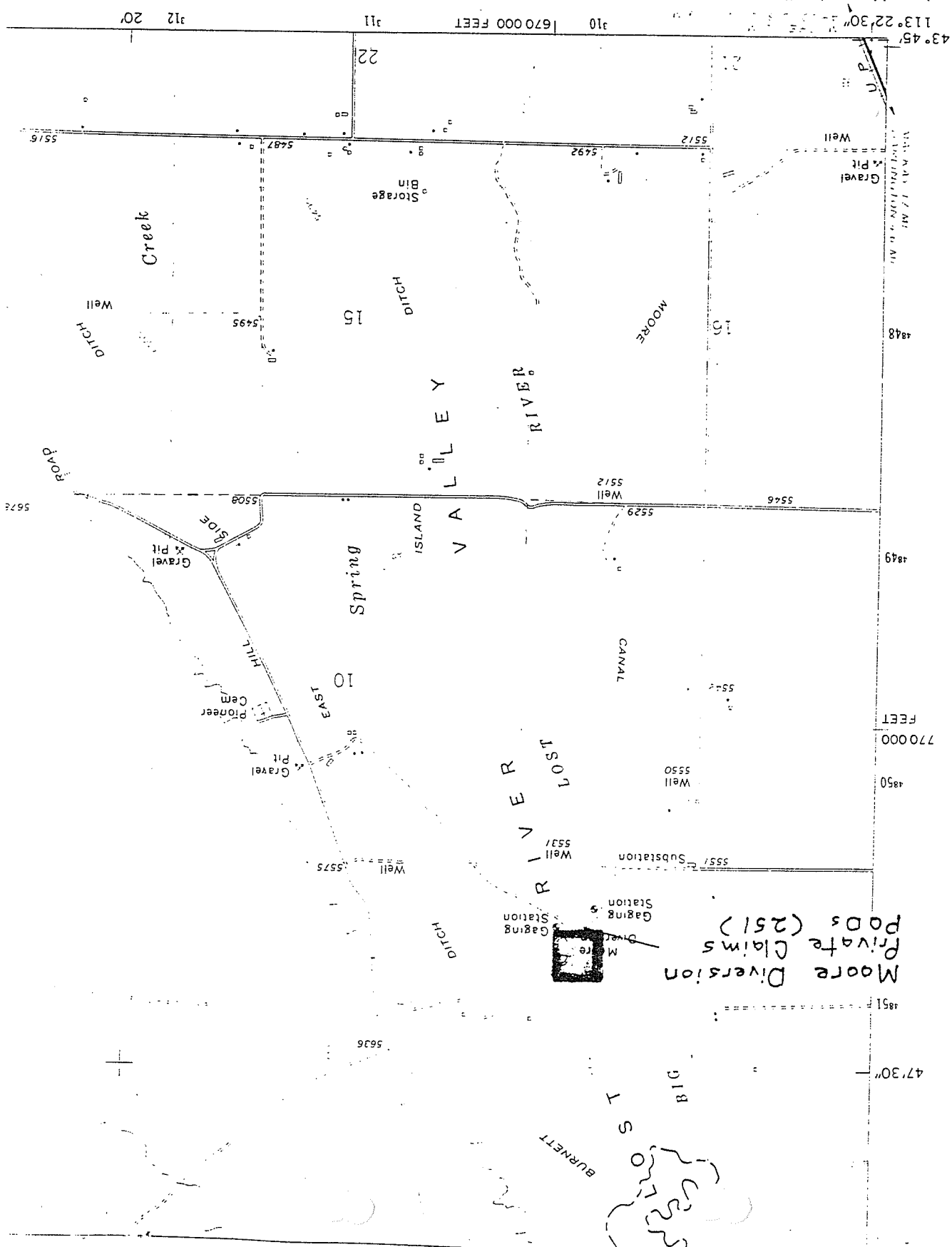
323.0 ACRES TOTAL

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

WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.48 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.: 34-00092, 34-00117C, 34-10129, 34-10130,
34-10131, 34-00896, 34-02398, 34-2387 AND 34-10132.

Mapped, edited, and published by the Geological Survey



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

34-00061B	FRED BURT MARY ANN BURT P.O. BOX 628 MOORE ID 83255	08/10/1883	IRRIGATION	05-01 10-15	.85	CFS	DECREED
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POINT OF DIVERSION:
TOSH R26E S04
PLACE OF USE: IRRIGATION

NWSE

TOSH R26E S28
S29NW 35.0
NE 38.0
NW 21.0
SW 38.0
NE 39.0
SE 9.0

TOTAL QUANTITY: .85 CFS

SENE 38.0
NWSE 33.0

323.0 ACRES TOTAL

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

WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.48 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.: 34-00092, 34-00117C, 34-10129, 34-10130,
34-10131, 34-00896, 34-02398, 34-2387 AND 34-10132.

RAMSHORN CANYON, IDAHO

Control by USGS and USCGS
 Mapped, edited, and published by the Geological Survey
 Topography by photogrammetric methods from aerial
 photographs taken 1967. Field checked 1969
 Polyconic projection. 1927 North American datum
 10,000-foot grid based on Idaho coordinate system,
 central zone
 1000-meter Universal Transverse Mercator grid ticks,
 zone 12, shown in blue

APPENDIX HILL
 3271 III NW



AJ5856NP

Exhibit 12

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

DATE: MAY-27-1992
PAGE: A-480

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

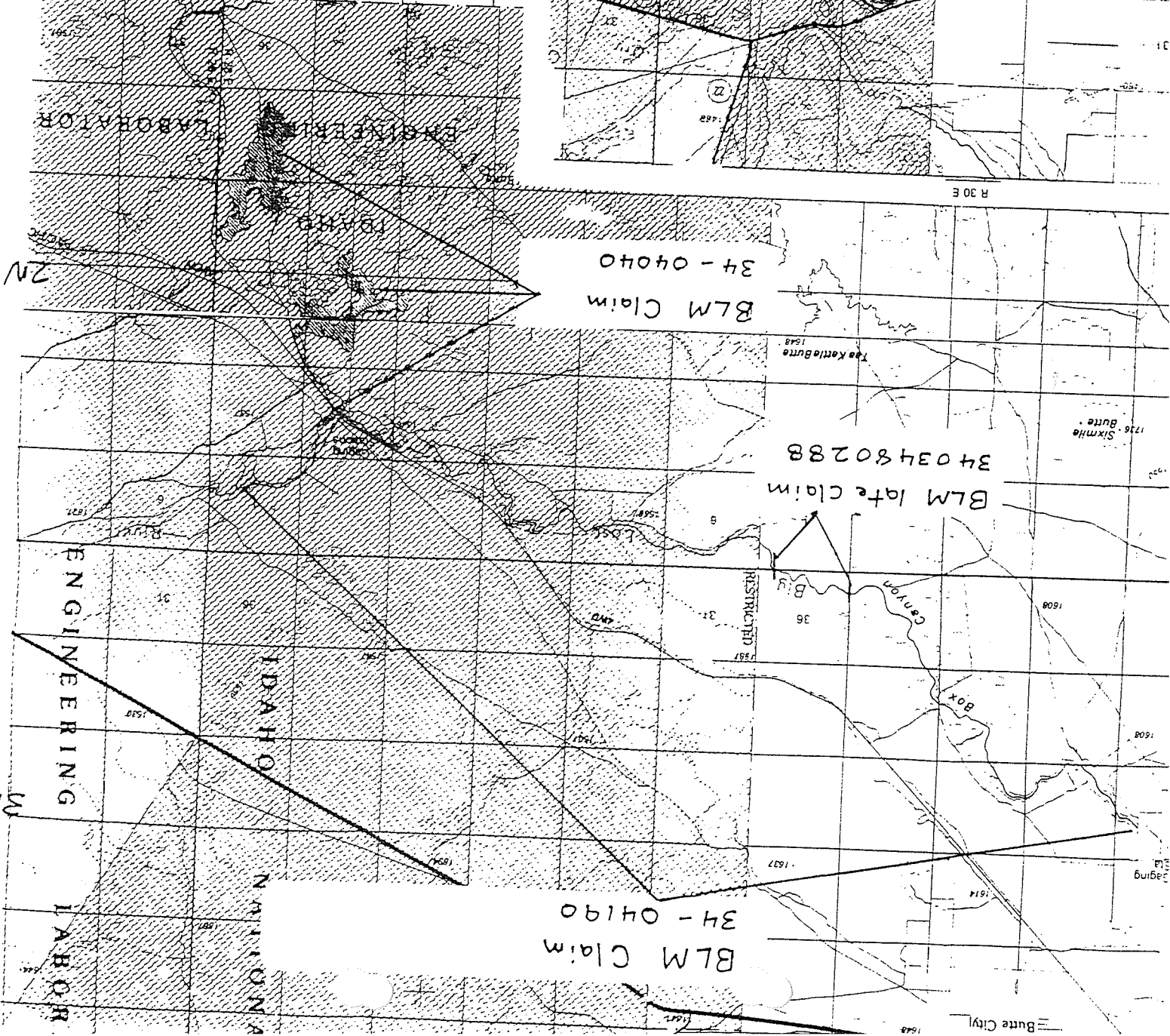
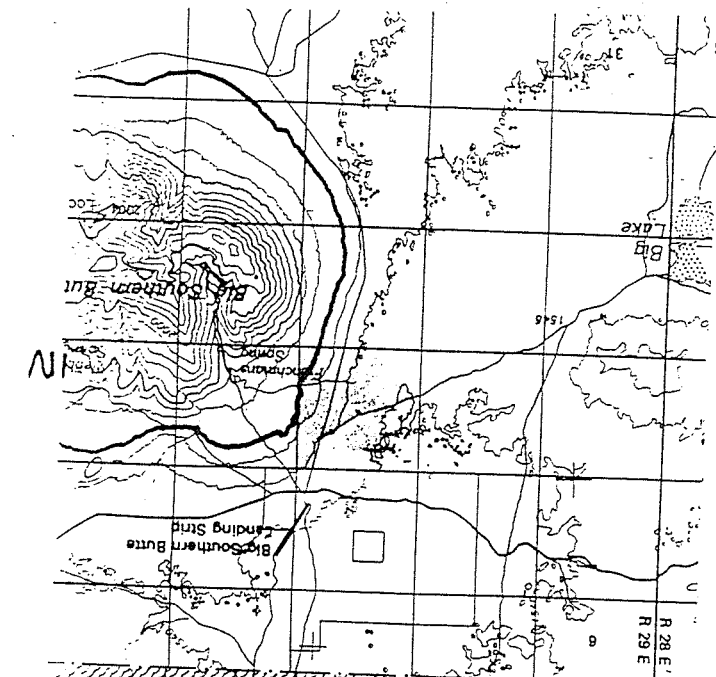
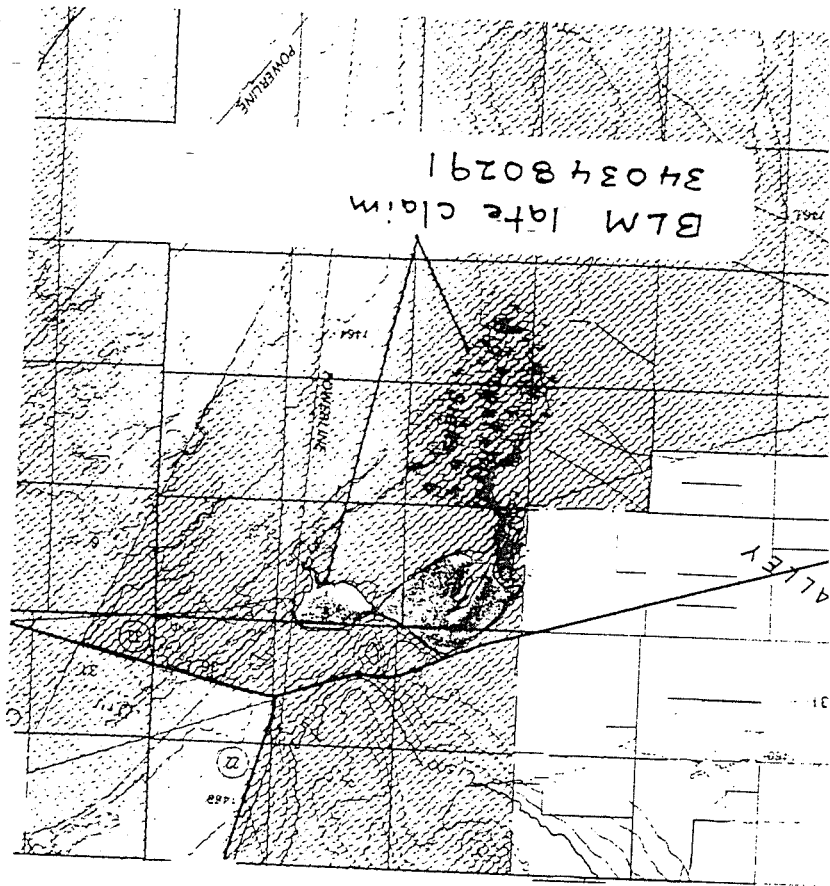
34-10129	FRED BURT MARY ANN BURT P.O. BOX 628 MOORE ID 83255	06/01/1896	IRRIGATION	05-01 10-15	1.64 CFS	DECREED
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POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

TOTAL QUANTITY: 1.64 CFS

T05N R26E S28	NWNW 35.0	SNW 38.0			
S29	NENE 38.0	NWNE 39.0	SWNE 36.0	SENE 38.0	
	NENW 21.0	SENW 9.0	NESE 36.0	NUSE 33.0	

323.0 ACRES TOTAL
REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
FROM ITEM 12: 34-10131, 34-00896, 34-02387, 34-02398, 34-10132.
WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.
THIS RIGHT IS A COMBINATION OF FORMER WATER RIGHTS 34-00120 AND 34-00303.
USE OF THIS RIGHT WITH RIGHT NO. 34-00061B AND THE OTHER WATER RIGHTS LISTED THEREIN SHALL BE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.48 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 807.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 323 ACRES IN A SINGLE IRRIGATION SEASON.



[illegible]

TRIBUTARY: SINKS

DECREED

3535MH

SWNE	36.0
NESE	36.0

SENE	38.0
WUSE	33.0

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
THIS RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00373B AND A PORTION OF 34-00373A.
USE OF THIS RIGHT WITH WATER RIGHT NO. 34-00061B AND THE OTHER RIGHTS LISTED THEREIN SHALL BE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.48 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 807.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 323 ACRES IN A SINGLE IRRIGATION SEASON.

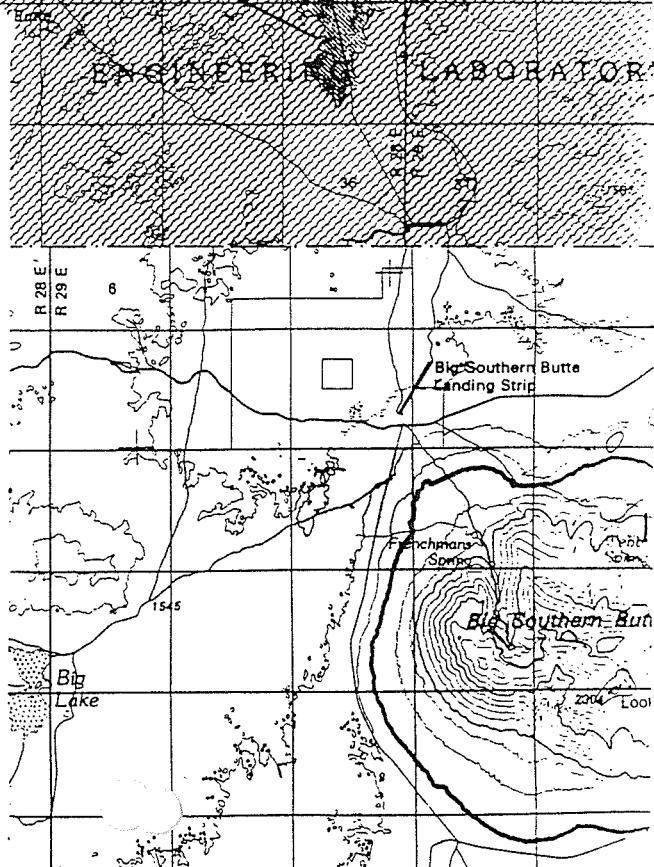
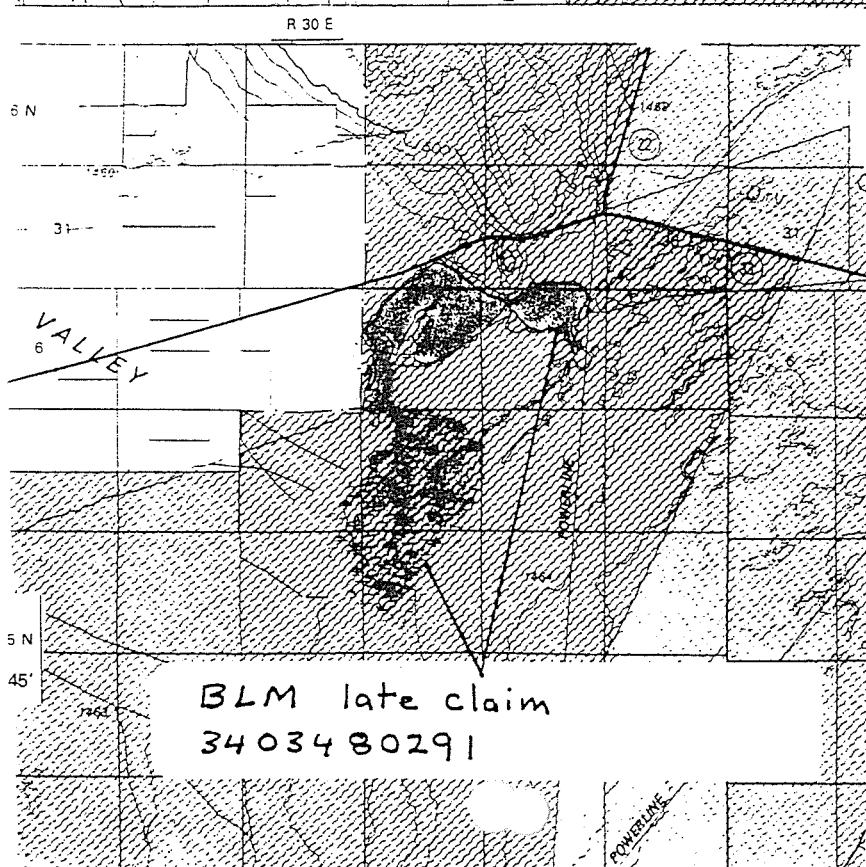
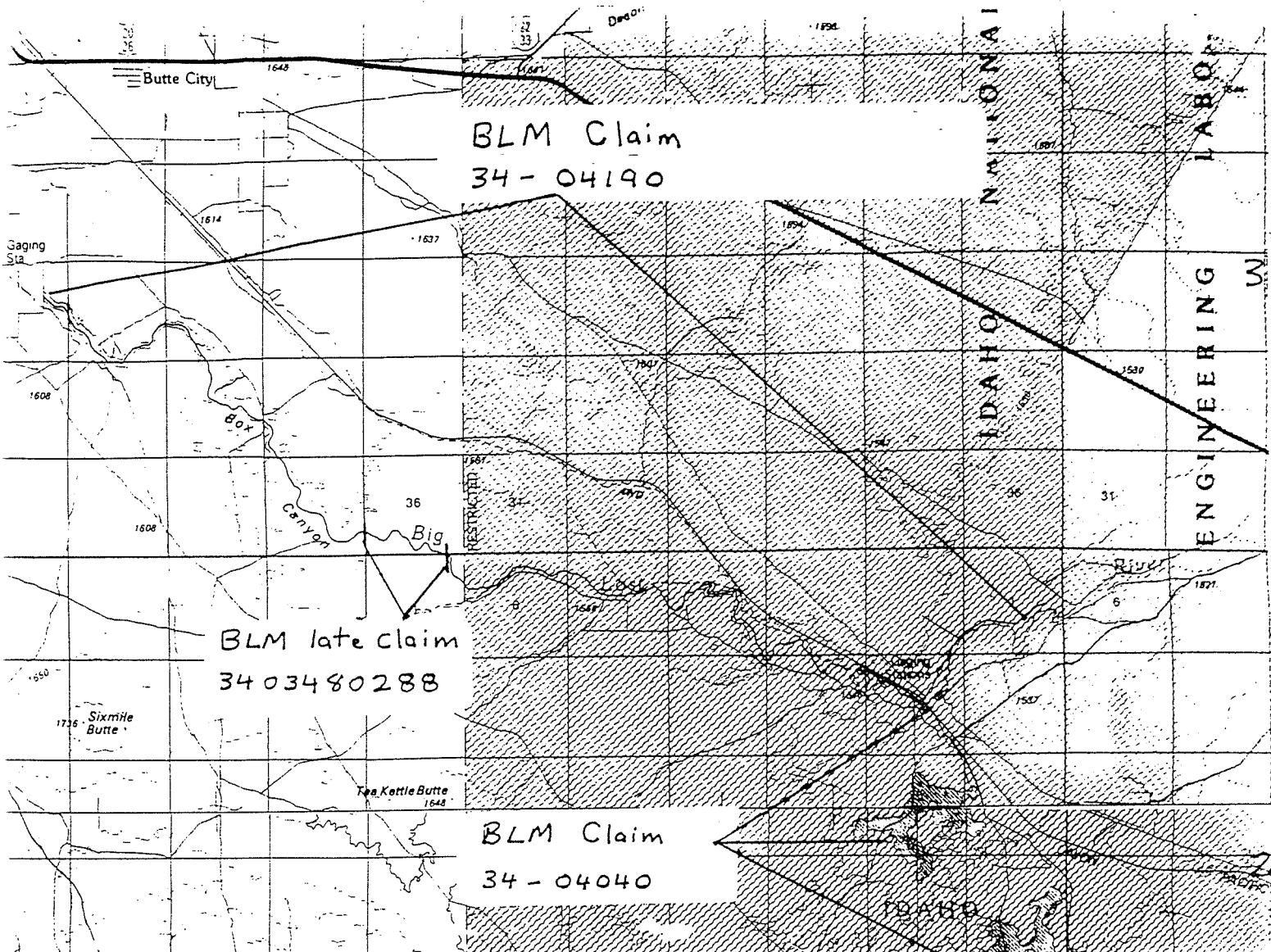
DECREED

ESASHI

SENE 20.0

80.0 ACRES TOTAL

REMARKS: WATER DELIVERED THROUGH THE MOORE DIVERSION, EASTSIDE CANAL.



AJ5856NP

34-00092

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

DATE: MAY-27-1992
PAGE: A-148

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

34-00092	FRED BURT MARY ANN BURT P.O. BOX 628 MOORE ID 83255	05/20/1884	IRRIGATION	05-01 10-15	1.04	CFS DECREE
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POINT OF DIVERSION:
TDSN R26E S04
PLACE OF USE: IRRIGATION

NWSESE

T05N R26E S28
S29

NW1W 35.0
NENE 38.0
NENW 21.0
SW1W 38.0
NWNE 39.0
SE1W 9.0

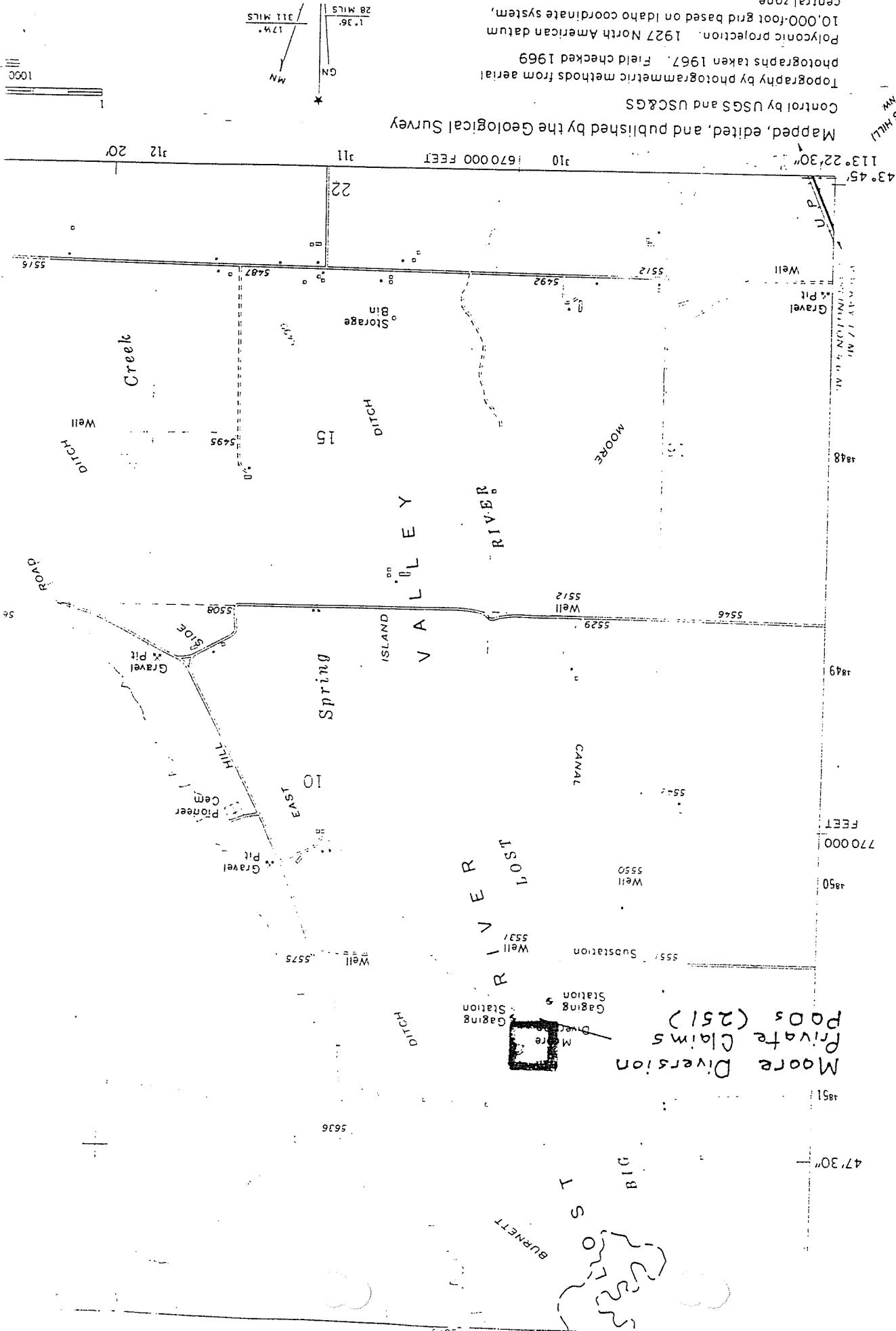
SENE 38.0
NWSE 33.0

TOTAL QUANTITY: 1.04 CFS

323.0 ACRES TOTAL

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS A PART OF THE DIVERTING WORKS.
WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.
USE OF THIS RIGHT WITH RIGHT NO. 34-00061B AND OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.48 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.

RAMSHORN CANYON, IDAHO



Mapped, edited, and published by the Geological Survey

Control by USGS and USCGS
Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
Central zone
1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue

APPENDIX HILL
3271 M. NW

Moore Divergence
Private Claims
P.O. (251)

BURNETTS BIG
LOST RIVER

AJ5856NP

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

DATE: MAY-27-1992
PAGE: A-481

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE FROM TO	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-10131	MARY ANN BURT FRED BURT P.O. BOX 628 MOORE ID 83255	06/01/1896	IRRIGATION	05-01 10-15	1.3 CFS	DECREED

SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

TOTAL QUANTITY: 1.3 CFS

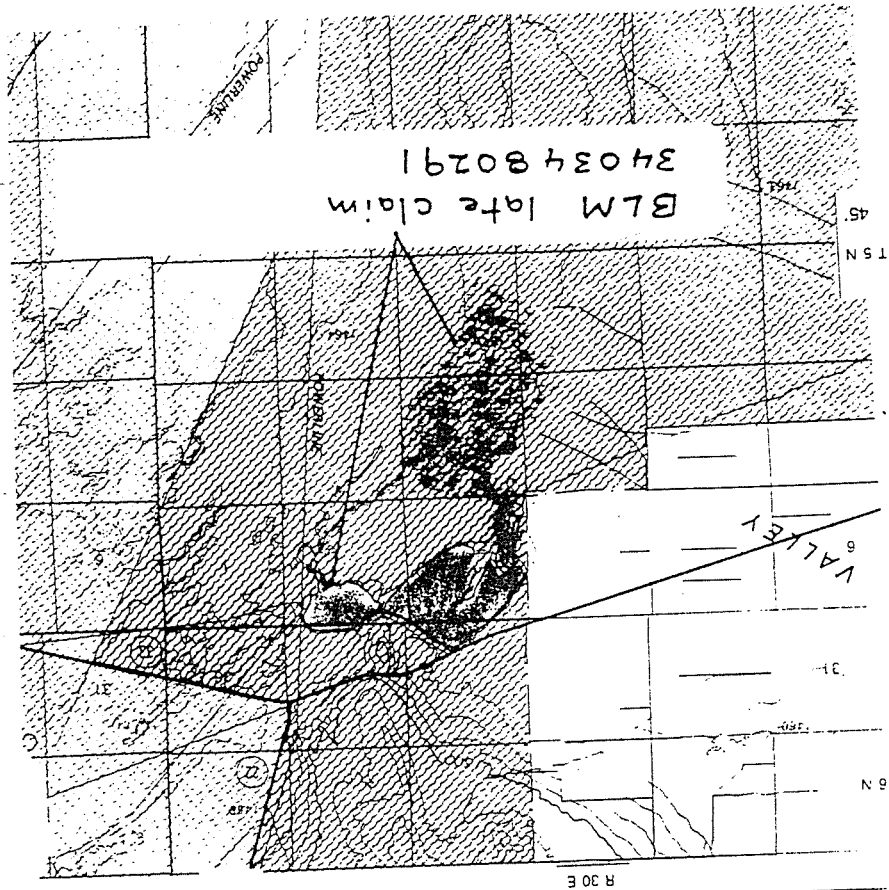
T05N R26E S28
S29

NW1/4 35.0
NENE 38.0
NENW 21.0
SW1/4 38.0
HNWE 39.0
SE1/4 9.0

SENE 36.0
NESE 36.0

323.0 ACRES TOTAL

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1416(1).
WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.
THIS RIGHT IS A COMBINATION OF OLD RIGHTS 34-00407, 34-00597,
34-00632 AND 34-00822.
USE OF THIS RIGHT WITH WATER RIGHTS NO. 34-00061B AND THE OTHER
RIGHTS LISTED THEREIN SHALL BE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.48 CFS AND TO A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 807.5 ACRE FEET AND TO THE IRRIGATION
OF 323 ACRES IN A SINGLE IRRIGATION SEASON.



RIGHT
 NUMBER

NAME & ADDRESS

PRIORITY

DATE PURPOSE OF USE PERIOD OF USE FROM TO

SOURCE: BIG LOST RIVER

MAXIMUM
 QUANTITY

TRIBUTARY: SINKS

BASIS OF CLAIM

34-00061B

FRED BURT
 MARY ANN BURT
 P.O. BOX 628
 MOORE ID 83255

08/10/1883 IRRIGATION

05-01 10-15

DECREED

CFS

.85

POINT OF DIVERSION:

T05N R26E S04
 PLACE OF USE: IRRIGATION

NWSE

TOTAL QUANTITY:

CFS

.85

T05N R26E S28
 S29

NW 35.0
 NE 38.0
 NW 21.0

SW 38.0
 NW 39.0
 SE 9.0

SW 36.0
 NE 36.0

SE 38.0
 NW 33.0

REMARKS: 323.0 ACRES TOTAL
 THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
 IDAHO CODE 42-1416(1).
 WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
 COMBINED DIVERSION RATE OF 8.48 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.: 34-00092, 34-00117C, 34-10129, 34-10130,
 34-10131, 34-00896, 34-02398, 34-2387 AND 34-10132.

AJ5856NP *Spotted*

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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TOTAL QUANTITY: .23 CFS

NON-IRRIGATION-USES:
STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

- LOT 1 (NENE) (B)
- 102N R27E S01 SENE (B)
- 103N R27E S20 NESE (E)
- 102N R28E S01 SESE (E)
- 103N R27E S35

PLACE OF USE: STOCKWATER

102N R27E S01 R28E	Lot 1 (NENE)	SENE	SESW	Lot 5 (SUNW)
S02	NESE	NWSW	SWSE	
S03	SESE	NWSE		
S04	SWSW	SESW		
S05	SWNE	SWNW	SESW	
S06	NESE	NWSE	SESE	
S09	SENE	SENE	SENE	
S10	SENE	SENE	SENE	
S11	SENE	SENE	SENE	
S12	SENE	SENE	SENE	
103N R27E S20 S21	SENE	SENE	SENE	
S22	SENE	SENE	SENE	
S26	SENE	SENE	SENE	
S27	SENE	SENE	SENE	
S28	SENE	SENE	SENE	
S35	SENE	SENE	SENE	

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

