

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

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. 34-04190

(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

MAR 16 1993

Department of Water Resources
Adjudication Bureau

34-04190 -0012/
93-03-0381

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 filling an objection form, you are certifying that the objection is well-grounded in fact; its warrant 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: Gaven Knighton C Glen Knighton
Address: RI Box 115B
Moore, Idaho 83255

Briefly describe your interest in this water right:
This claim is in error as there is a
prior right that supercedes 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)

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

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.

☒ 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- 3 page ~~one page~~. Exhibit C-
one page.

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Laven C. Knighton, 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.

Laven C. Knighton
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 13 day of March,
1993.

Karen A. Waddoups
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. 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 _____ day of _____, 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:

Owner's address:

United States of America
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

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.

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

DATE: MAY-77-1992
PAGE: A-759

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-00595	GAVEN KNIGHTON C. GLEN KNIGHTON RT 1 BOX 115B MOORE ID 83255	11/11/1912	IRRIGATION	05-01 10-15	.54	CFS DECEED

TRIBUTARY: SINKS

POINT OF DIVERSION:
T05N R26E S04
T06N R26E S32
PLACE OF USE: IRRIGATION

TOTAL QUANTITY: .54 CFS

T05N R26E S09	SENW 38.0				
T05N R26E S15	SENW 37.0	NNW 24.0	SENW 22.0		SENW 39.0

160.0 ACRES TOTAL

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.
WATER DELIVERED THROUGH THE B & J AND/OR MOORE DIVERSION, ISLAND CANAL.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 480 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00668 AND 34-00887.

Exhibit B

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-455RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00887

C. GLEN KNIGHTON
RT. 1
MOORE ID 83255

03/02/1896 IRRIGATION

05-01 10-15

.8

CFS

DECREED

GAVEN KNIGHTON
RT. 1, BOX 1158
MOORE ID 83255

POINT OF DIVERSION:

T05N R26E S04
T06N R26E S32MUSESE
MUSEMU

TOTAL QUANTITY:

.8

CFS

PLACE OF USE: IRRIGATION

T05N R26E S09
S15SESM 38.0
NEMU 37.0

HUMU 24.0

SHMU 22.0

SEMU 39.0

160.0 ACRES TOTAL

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1416(1).RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
TO IDAHO CODE 42-1416A.WATER DELIVERED THROUGH THE B & J AND/OR THE MOORE DIVERSION,
ISLAND CANAL.USE OF THIS RIGHT WITH RIGHT NO. 34-00595 AND OTHER RIGHTS
LISTED THEREIN IS LIMITED A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
VOLUME OF 480 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF
160 ACRES IN A SINGLE IRRIGATION SEASON.

AJ5856NP

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

DATE: MAY-27-1992
PAGE: A-290

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

34-00668 C. GLEN KNIGHTON
RT. 1
MOORE ID 83255

GAVEN KNIGHTON
RT. 1, BOX 1158
MOORE ID 83255

POINT OF DIVERSION:

T05N R26E S04
T06N R26E S32

PLACE OF USE: IRRIGATION

NWSESE
NWSEHW

T05N R26E S09
S15

SESW 38.0
NENW 37.0

NWNW 24.0

SWMW 22.0

SEHW 39.0

160.0 ACRES TOTAL

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO

IDAHO CODE 42-1416(1).

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
TO IDAHO CODE 42-1416A.

WATER DELIVERED THROUGH THE B & J AND/OR THE MOORE DIVERSIONS,
ISLAND CANAL.

USE OF THIS RIGHT WITH RIGHT NO. 34-00595 AND OTHER RIGHTS
LISTED THEREIN IS LIMITED A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
VOLUME OF 400 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF
160 ACRES IN A SINGLE IRRIGATION SEASON.

TOTAL QUANTITY: 2.4 CFS

DECREED

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-17-1992
PAGE: A-36RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-04040

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3300 AMERICANA TERRACE
BOISE ID 83706

04/01/1958 WILDLIFE

01-01 12-31

243.0 AFY

BENEFICIAL USE

STORAGE	01-01 12-31	243.0	AFY
STOCKWATER FROM	01-01 12-31	20.1	AFY
STOCKWATER	01-01 12-31	243.0	AFY
STORAGE	01-01 12-31	7.2	AFY
WILDLIFE FROM	01-01 12-31	.44	CFS
STORAGE	01-01 12-31	243.0	AFY
DIVERSION TO	01-01 12-31	.44	CFS
STORAGE			

TOTAL QUANTITY:

243.0 CFS

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11

MNMUSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11

NESE

MUSE

SESE

SUSU

S13

MNMU

SMUW

SENE

SUSU

S14

MNMU

SMUW

SENE

SUSU

MNMU

SMUW

SENE

SUSU

S15

NESE

MUSE

SESE

SUSU

S23

MNMU

SMUW

SENE

SUSU

S26

MNMU

SMUW

SENE

SUSU

MNMU

SMUW

SENE

SUSU

S25

NESE

MUSE

SESE

SUSU

MNMU

SMUW

SENE

SUSU

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

EXC

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

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

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

TOTAL QUANTITY:

.23

CFS

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	SUSU	SESE
S02	SESE	SESE	SUSU	SESE
S03	SUSU	SESE	SUSU	SESE
S04	SUNE	SESE	SUSU	SESE
S05	SESE	SESE	SUSU	SESE
S06	Lot 1 (NENE)	SENE	SUSU	SESE
S09	SESE	SESE	SUSU	SESE
S10	SESE	SESE	SUSU	SESE
S11	SESE	SESE	SUSU	SESE
S12	SESE	SESE	SUSU	SESE
103N R27E S20 S21	SESE	SESE	SUSU	SESE
S22	SESE	SESE	SUSU	SESE
S26	SESE	SESE	SUSU	SESE
S27	SESE	SESE	SUSU	SESE
S28	SESE	SESE	SUSU	SESE
S35	SESE	SESE	SUSU	SESE

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

EX C