

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 17 1993

Department of Water Resources
Adjudication Bureau

34-04190 -0016/
93-03-0385

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.

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: Pearson, Jay, F. and Susan

Address: Rte 1 Box 47

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. RECEIVED

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.

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

Jay F. Pearson, 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. S 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.

Jay F. Pearson
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

Susan L. Glenn
Notary Public for Idaho
Residing at: Arco Idaho
My Commission expires: 5-17-96

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

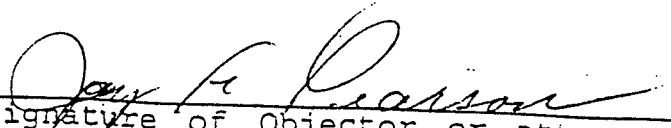

Signature of Objector or attorney
mailing on Objector's behalf

EXHIBIT A

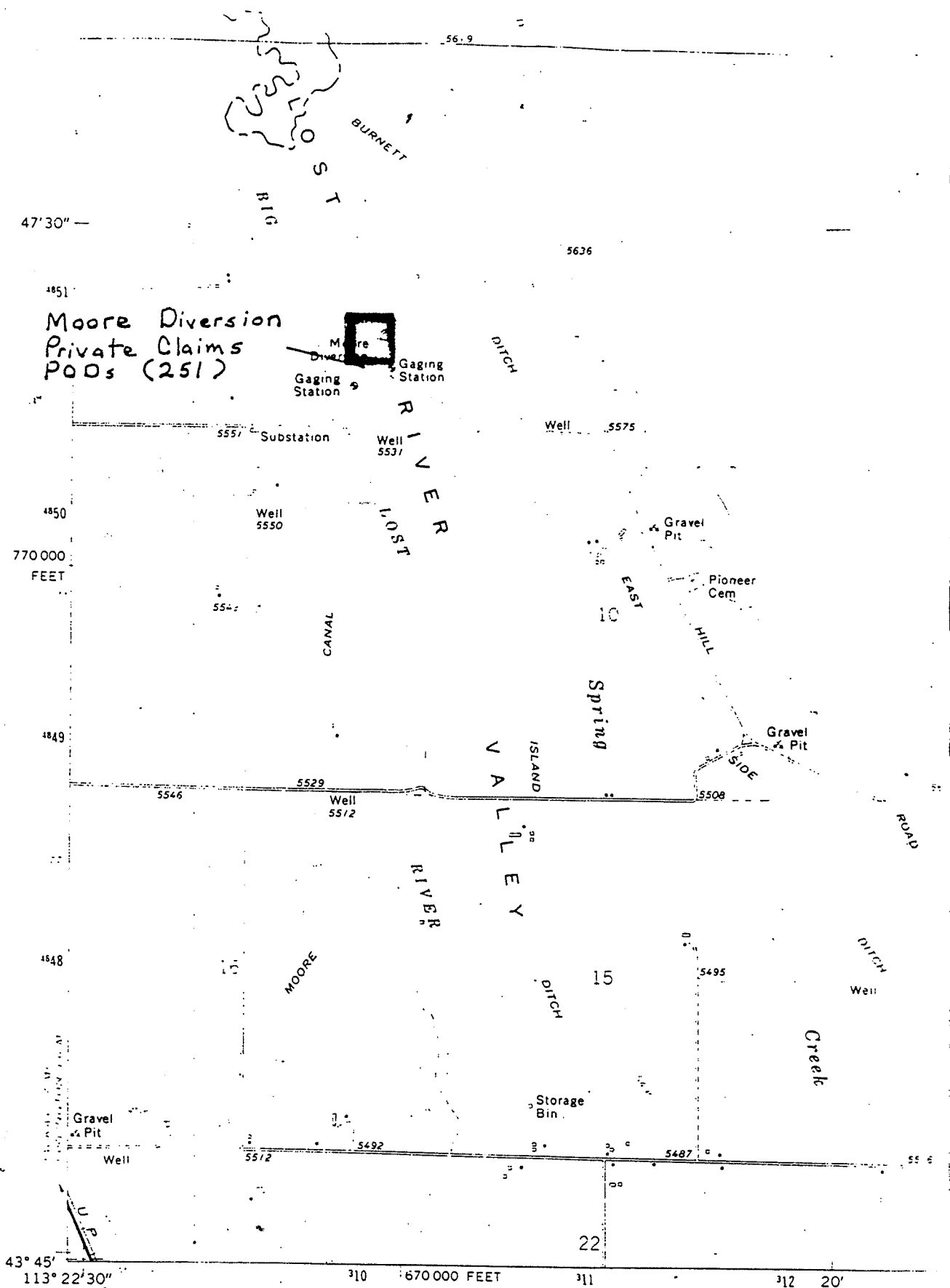
REASONS: THE CLAIMANT OBJECTS TO THIS WATER RIGHT RECOMMENDATION BECAUSE THE CLAIMANT HAS AN EARLIER PRIORITY DATE AND HAS USED THE WATER RIGHT EXCLUSIVELY SINCE THE WATER RIGHT WAS ESTABLISHED. THE CLAIMANT FOR THESE REASONS OBJECTS TO THE WATER RIGHT IN ITS ENTIRETY, INCLUDING THE NAME OF THE OWNER, SOURCE, PRIORITY DATE, PLACE OF USE, POINT OF DIVERSION/QUANTITY, AND PERIOD OF USE.

Exhibit B

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

DATE: MAY-27-1992
PAGE: A-104

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE		MAXIMUM QUANTITY	BASIS OF CLAIM
				FROM	TO		
34-00590	RAYMOND W. NOBLE ARABELL M. NOBLE RT. 1 BOX 33 MOORE ID 83255	06/01/1883	IRRIGATION	05-01	10-15	1.6	CFS DECREED
	SOURCE: BIG LOST RIVER TRIBUTARY: SINKS						
	POINT OF DIVERSION: TOSN R26E S04					1.6	CFS
	PLACE OF USE: IRRIGATION					187.5	AFY
	T04N R26E S09 75.0 ACRES TOTAL						
	REMARKS: WATER DELIVERED THROUGH WESTSIDE DITCH FROM MOORE DIVERSION.						
34-00646	SUSAN PEARSON JAY F. PEARSON RT. 1 BOX 47 MOORE ID 83255	06/30/1883	IRRIGATION	05-01	10-15	1.13	CFS DECREED
	POINT OF DIVERSION: T05N R26E S04					1.13	CFS
	PLACE OF USE: IRRIGATION						
	T04N R26E S09 113.0 ACRES TOTAL						
	REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 34-00647 AND 34-02412A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.08 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 282.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON. WATER IS DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.						
	MESE 36.0						
	SENE 39.0						
	MESE 33.0						
	SESE 32.0						
	MESE 29.0						
	SESE 19.0						



Mapped, edited, and published by the Geological Survey

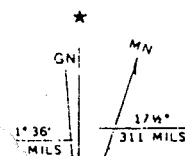
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969

Polyconic projection. 1927 North American datum 10,000-foot based on Idaho coordinate system, central zone.

1000-meter Universal Transverse Mercator grid ticks, zone 12, shown in blue

(APPENDICITIS HILL)
3371 NW



RAMSHORN CANYON, IDAHO

EXHIBIT 10

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-186RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOPERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00062B

THORA BEAL
RICHARD E BEAL
BOX 31
MOORE ID 83255

07/31/1884 IRRIGATION

05-01 10-15

.8 CFS DECREED

TOTAL QUANTITY: .8 CFS

POINT OF DIVERSION:
105M R26E S04
PLACE OF USE: IRRIGATION

MUSESE

104M R26E S04

NE8W 36.0

SESW 39.0

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1466(1).
USE OF THIS RIGHT WITH RIGHT NOS. 34-00738C AND 34-02397C IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.14 CFS AND TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 187.5 ACRE FEET
AND TO THE IRRIGATION OF A COMBINED TOTAL OF 75 ACRES IN A SINGLE
IRRIGATION SEASON.
WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.

34-00647

SUSAN PEARSON
JAY F. PEARSON
RT. 1 BOX 47
MOORE ID 83255

07/31/1884 IRRIGATION

05-01 10-15

1.6 CFS DECREED

TOTAL QUANTITY: 1.6 CFS

POINT OF DIVERSION:
105M R26E S04
PLACE OF USE: IRRIGATION

MUSESE

104M R26E S09

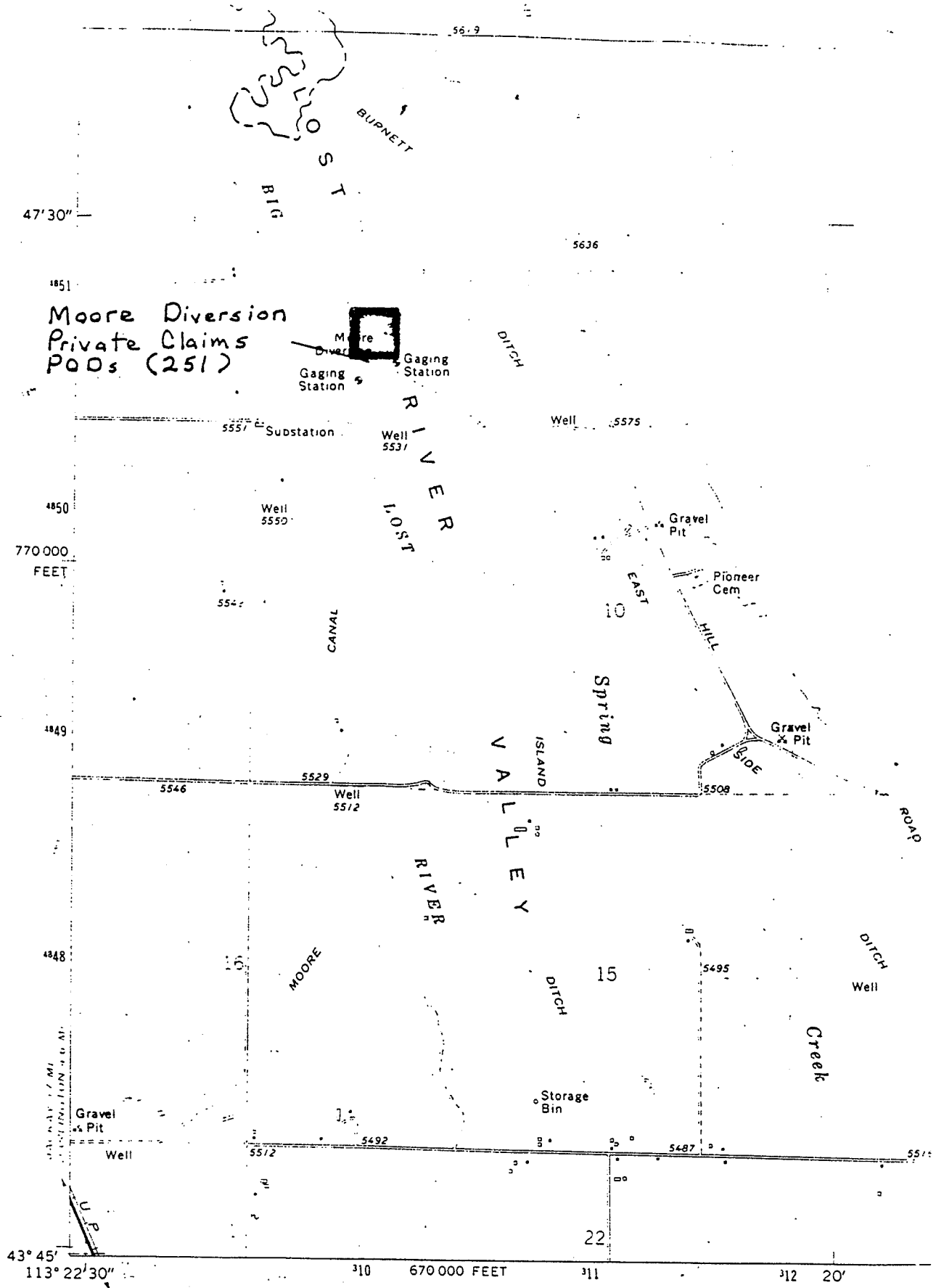
NESW 33.0

SESW 32.0

MUSE 29.0

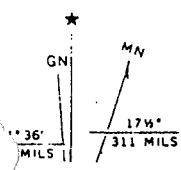
SUSE 19.0

REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 34-00646 AND
34-02412A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
3.08 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF
282.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113
ACRES IN A SINGLE IRRIGATION SEASON.
WATER IS DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.



(APPENDIX HILL)
3371 m NW

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



RAMSHORN CANYON, IDAHO

Exhibit C

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-06060

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

04/01/1958 WILDLIFE

01-01 12-31

BENEFICIAL USE

STORAGE

STOCKWATER FROM

243.0

AFY

STORAGE

STOCKWATER

20.1

AFY

STORAGE

STOCKWATER

243.0

AFY

STORAGE

WILDLIFE FROM

7.2

AFY

STORAGE

DIVERSION TO

.44

CFS

TOTAL QUANTITY:

243.0

CFS

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

102N R28E S11

N4WSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

102N R28E S11

NESE

S13

N4WSE

S14

N4WSE

N4WSE

N4WSE

N4WSE

N4WSE

N4WSE

N4WSE

N4WSE

N4WSE

N4WSE

N4WSE

N4WSE

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N4WSE

N4WSE

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

Exhibit C

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

AJ5856NP

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)
T02N R27E S01 SENE (B)
T03N R27E S20 NESE (E)
T02N R28E S01 NESE (E)
T03N R27E S35 SESE (E)

PLACE OF USE: STOCKWATER

T02N R27E S01 R28E	Lot 1 (NENE)	SENE NWSW NWSE	SESW SWSE	SESW
S02		SESE		
S03		SWSW		
S04		SWNE	SESW SWNW NWSE	NWSW SESE SWNW
S05		NESE		
		SWNE	Lot 4 (NWNW)	
S06	Lot 1 (NENE)	SENW SENE SESW	Lot 3 (NENW)	Lot 5 (SWNW)
S09	SENW			
S10	NENE	NWNE SWNE	NENW SENE NWSE	NWNW NWNW
S11	NENE	SENW		
S12	NWNE	NENW		
T03N R27E S20 S21	SENE	NWSW NWSE	SESW SESE	SESW
S22	NESE	NWSW	SESW	SESW
S26	NWSW	NWSW		
S27	SWNE	SENE NWSE	NENW	SENW
S28	NESE	NWNE		
S35	NWNE NENW NENW	SWNW SWSE		SENW SESE

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