

318

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)

RECEIVED
MAR 18 1993
Department of Water Resources
Adjudication Bureau

34-04190 -0025/
93-03-0394

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: X J. T. McPherson

Address: _____

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)

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

x Glenn T. Guthrie, 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.

x Glenn T. Guthrie
Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

1993 Subscribed and sworn to before me this 16 day of March.

Thomas D. Carroll
Notary Public for Idaho
Residing at: Arco
My Commission expires: 12-30-97

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 16 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

x *H. T. Gutierrez*
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
TRIBUTARY: SINKS						

34-04040	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/01/1958	WILDLIFE 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
			STOCKWATER	01-01 12-31	7.2	AFY
			WILDLIFE FROM	01-01 12-31	.44	CFS
			STORAGE	01-01 12-31	.44	CFS
			DIVERSION TO	01-01 12-31	243.0	AFY
			STORAGE			
			TOTAL QUANTITY:			

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11 NWNWSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11	NESE	NWSE	SESE	SWSW
S13	NWNW	SWNW	NWSW	SESW
S14	NWNE	SWE	SWSW	SESW
	NWSE	NWSW	SWSW	SESW
	NESE	NWSE	SWE	
S15	NESE	SESE	NENW	NWSW
S23	NWNE	SWE	NENW	SWSW
S24	SUNE	SENE	NESW	SWE
	SWNW	SENE	NWSE	
	SESW	NESE		
	SESE			
S25	NENE	NWNE	SUNE	NENW
	NWNW	SENE	NESW	NWSW
	SESW	NWSE		

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

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
PERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-06190

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 LOT 1 (NENE)

SENE

SWSU

SESU

R28E

NESE

NWE

SWE

S02

SESE

SESU

SWSU

NWSU

S03

SWSU

SESE

SESE

SWSU

S04

SESE

SESE

SESE

SWSU

S05

SESE

SESE

SESE

SWSU

S06

SESE

SESE

SESE

SWSU

S07

SESE

SESE

SESE

SWSU

S08

SESE

SESE

SESE

SWSU

S09

SESE

SESE

SESE

SWSU

S10

SESE

SESE

SESE

SWSU

S11

SESE

SESE

SESE

SWSU

S12

SESE

SESE

SESE

SWSU

103N R27E S20

SESE

SESE

SESE

SWSU

S21

SESE

SESE

SESE

SWSU

S22

SESE

SESE

SESE

SWSU

S23

SESE

SESE

SESE

SWSU

S24

SESE

SESE

SESE

SWSU

S25

SESE

SESE

SESE

SWSU

S26

SESE

SESE

SESE

SWSU

S27

SESE

SESE

SESE

SWSU

S28

SESE

SESE

SESE

SWSU

S29

SESE

SESE

SESE

SWSU

S30

SESE

SESE

SESE

SWSU

S31

SESE

SESE

SESE

SWSU

S32

SESE

SESE

SESE

SWSU

S33

SESE

SESE

SESE

SWSU

REMARKS:

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

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-04190
NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
PRIORITY DATE: 06/28/1934
PURPOSE OF USE: STOCKWATER
PERIOD OF USE FROM TO: 01-01 12-31
MAXIMUM QUANTITY: .23
CFS: .23
BENEFICIAL USE:
BASIS OF CLAIM:
SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

34-04190
BLM Map # 155

NON-IRRIGATION-USES:		TOTAL QUANTITY:	
STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT		.23 CFS	
POINT OF DIVERSION:			
T02N R27E S01 LOT 1 (NENE) (B)			
T03N R27E S20 SENE (B)			
T02N R28E S01 NESE (E)			
T03N R27E S35 SESE (E)			
PLACE OF USE: STOCKWATER			
T02N R27E S01 Lot 1 (NENE)		SENE	
R28E		NWSW	
S02		NUSE	
S03		SESE	
S04		SWSW	
S05		SESW	
S06		SESW	
S09		SESW	
S10		SESE	
S11		SESE	
S12		SESE	
T03N R27E S20		SESE	
S21		SESE	
S22		SESE	
S26		SESE	
S27		SESE	
S28		SESE	
S35		SESE	
REMARKS:		THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING	
		ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY	

EXHIBIT C

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

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS34-04040 US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706BLM Map
096

04/01/1958	WILDLIFE STORAGE	01-01 12-31	AFY	BENEFICIAL USE
	STOCKWATER FROM	01-01 12-31	243.0	AFY
	STORAGE		20.1	AFY
	STOCKWATER	01-01 12-31	243.0	AFY
	STORAGE		7.2	AFY
	WILDLIFE FROM	01-01 12-31	.44	CFS
	STORAGE			
	DIVERSION TO	01-01 12-31	.44	CFS
	STORAGE		243.0	AFY
	TOTAL QUANTITY:			

NON-IRRIGATION-USES:
STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

TO2N R28E S11 NUNWSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

TO2N R28E S11
S13
S14

NESE

NUNW

NUNE

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

NUNW

TO2N R28E S11

S13

S14

S15

S23

S24

S25

S26

S27

S28

S29

S30

S31

S32

S33

S34

S35

S36

S37

S38

S39

S40

S41

S42

S43

S44

S45

S46

S47

S48

S49

S50

S51

S52

S53

S54

S55

S56

S57

S58

TO2N R28E S11

S13

S14

S15

S23

S24

S25

S26

S27

S28

S29

S30

S31

S32

S33

S34

S35

S36

S37

S38

S39

S40

S41

S42

S43

S44

S45

S46

S47

S48

S49

S50

S51

S52

S53

S54

S55

S56

S57

S58

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

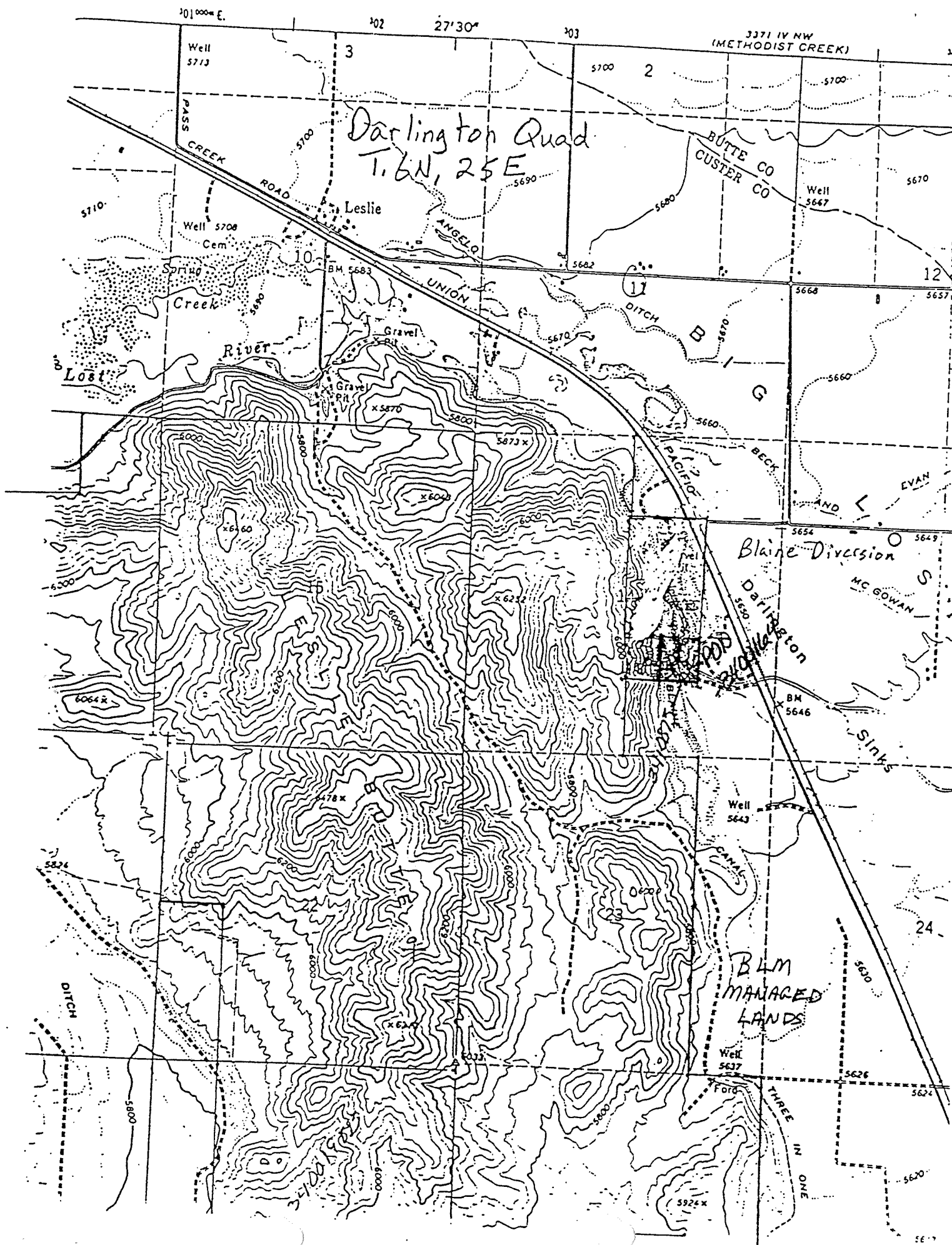
RIGHT NUMBER 444 NAME & ADDRESS GLENN GUTHRIE
TOMMY E GUTHRIE
PO BOX 319
ARCO ID 83213

34-00194C SOURCE: BIG LOST RIVER
PRIORITY DATE 05/10/1897 PURPOSE OF USE IRRIGATION
PERIOD OF USE FROM 05-01 TO 10-15
MAXIMUM QUANTITY .7 CFS
BASIS OF CLAIM DECREEED

POINT OF DIVERSION: T06N R25E S14
PLACE OF USE: IRRIGATION
T06N R26E S31
SENWSE
TOTAL QUANTITY: .7 CFS

25.0 ACRES TOTAL
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.
USE OF THIS RIGHT WITH RIGHT NO. 34-023798 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.93 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 90 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 36 ACRES IN A SINGLE IRRIGATION SEASON.

EXHIBIT B



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						

34-00710A	GLENN T. GUTHRIE FERN B. GUTHRIE P.O. BOX 319 ARCO ID 83213	06/01/1896	IRRIGATION	05-01 10-15	.2	CFS
					.2	CFS

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

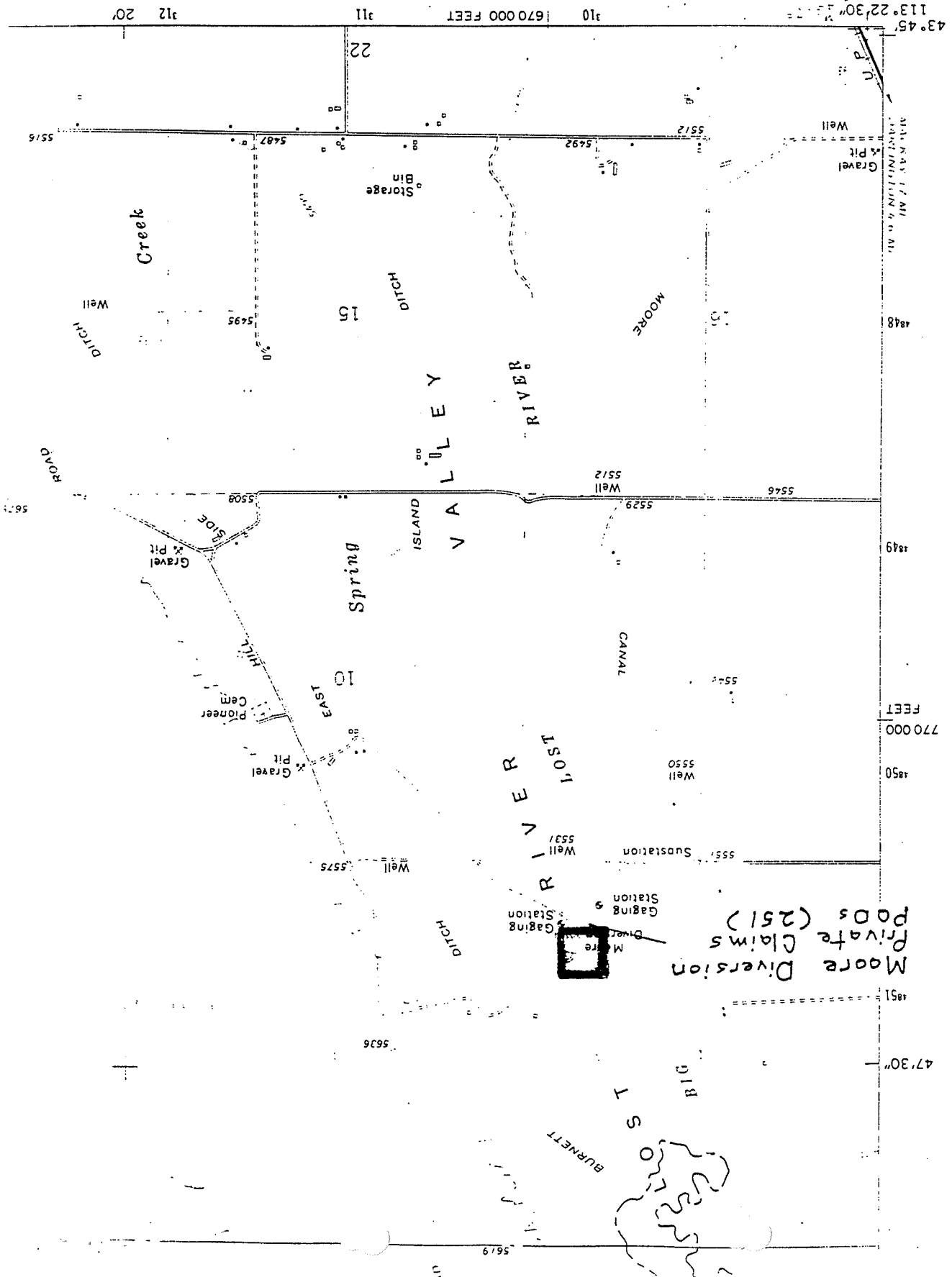
T05N R26E S28
16.0 ACRES TOTAL
SUME 8.0 NWSE 8.0

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.

WATER IS DELIVERED THROUGH WESTSIDE CANAL.
USE OF THIS RIGHT WITH RIGHT NO. 34-07107 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.38 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 40 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 16 ACRES IN A SINGLE IRRIGATION SEASON.

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,

Mapped, edited, and published by the Geological Survey



RAMSHORN CANYON, IDAHO