

317

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. 34-09190
(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 19 1993

Department of Water Resources
Adjudication Bureau

Petitioner,

vs.

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

34-04190 -0028/
93-03-0397

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)

By filling 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: ROBERT L. SPRAKER/JOSEPHINE SPRAKER

Address: Rt. 1, Box 438

Arco, Idaho 83213

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. Department of Interior, BLM

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.

DISALLOWANCE OF THIS CLAIM.

THE DIRECTOR'S REPORT SHOULD BE CHANGED TO RECOMMEND

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

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

RISING GROUNDWATER.

OF WATER TO FILL THE PURPOSE OF THIS CLAIM IS

14. ☒ Other: I object to: THE HISTORICAL SOURCE

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:

☒ 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

Exhibit B (4pages) B-1, B-2, B-3, B-4

Exhibit C - 2 pages

VERIFICATION (Must be Completed)

State of IDAHO

County of BUTTE

ROBERT L. SPRAKER/JOSEPHINE SPRAKER, 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.

Robert Spraker
Josephine Spraker
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th day of March,
19993.

Renae Roney
Notary Public for Idaho
Residing at: ARCO, Id. 83213
My Commission expires: 11-18-1994

(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 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. Department 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

Robert J. Spivey
Signature of Objector or attorney
mailing on Objector's behalf

EXHIBIT A -

REASONS: THE CLAIMANT OBJECTS TO THIS WATER RIGHT RECOMMENDATIONS 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

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

SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

34-02252	ROBERT L SPRAKER JOSEPHINE SPRAKER RT 1 BOX 438 ARCO ID 83213	04/10/1926	IRRIGATION	05-01 10-15	.8	CFS	LICENSE
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POINT OF DIVERSION: T05N R26E S04 S03
T04N R26E S14
PLACE OF USE: IRRIGATION

NWSESE
SWSWW (1)
NNW (R)

TOTAL QUANTITY: .8 CFS

T04N R26E S14	40.0 ACRES TOTAL	NEW 5.0	NNW 11.0	SUNW 1.0	SENW 23.0
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REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.

POINT OF DIVERSION IS ON LINE DIVIDING NNWENW AND SUNENW, S14, T4N, R26E.
POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM SPRING CREEK.

THE AMOUNT OF WATER DIVERTED FROM SPRING CREEK SHALL BE REDUCED WHERE NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER DOWNSTREAM FROM THE POINT OF REDIVERSION.

USE OF THIS RIGHT WITH RIGHT NO. 34-00302 AND OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.52 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON.

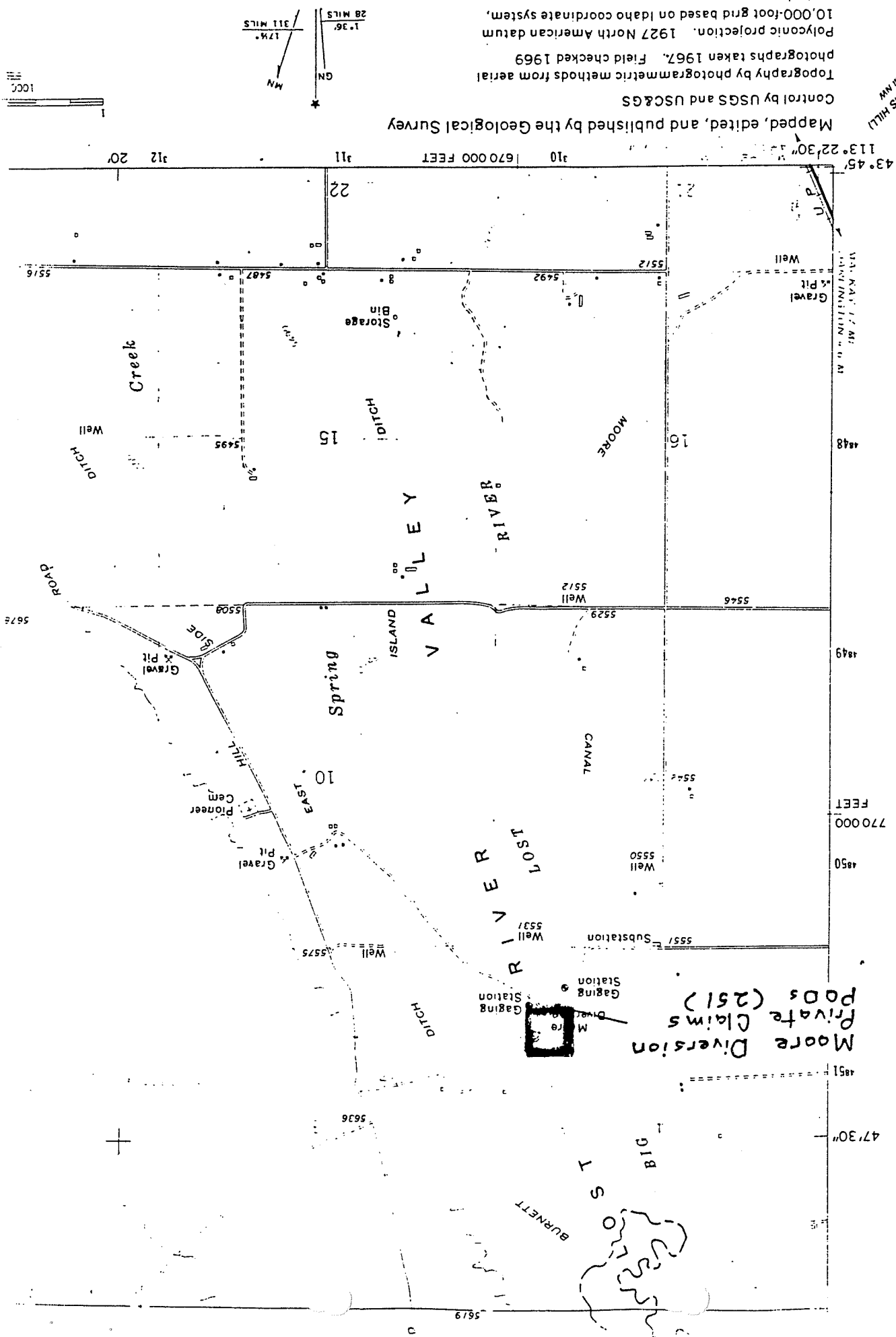
AJ5856NP Exhibit B-2

DATE: MAY-27-1992
PAGE: A-368

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
SOURCE: BIG LOST RIVER						
TRIBUTARY: SINKS						
34-00302	ROBERT L SPRAKER JOSEPHINE SPRAKER RT 1 BOX 438 ARCO ID 83213	04/22/1889	IRRIGATION	05-01 10-15	2.12 CFS	DECREED
POINT OF DIVERSION: T05N R26E S04 PLACE OF USE: IRRIGATION						
T04N R26E S14 53.0 ACRES TOTAL NWNW 18.0 SENW 33.0 SENW 2.0						
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A. WATER IS DELIVERED THROUGH EASTSIDE CANAL. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.52 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02252, 34-07019 & 34-10056.					TOTAL QUANTITY: 2.12 CFS	

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

APPENDIXES (HILL)
 3071 W. NW

Exhibit B-3

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

DATE: MAY-27-1992
PAGE: A-274

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						

34-00904 ROBERT SPRAKER
RT 1 BOX 438
ARCO ID 83213

05/01/1886 IRRIGATION 05-01 10-15

1.2 CFS DECREE

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

WUSESE

T04N R26E S22 78.0 ACRES TOTAL SNW 28.0 SENW 31.0 NESW 13.0 NWSW 6.0

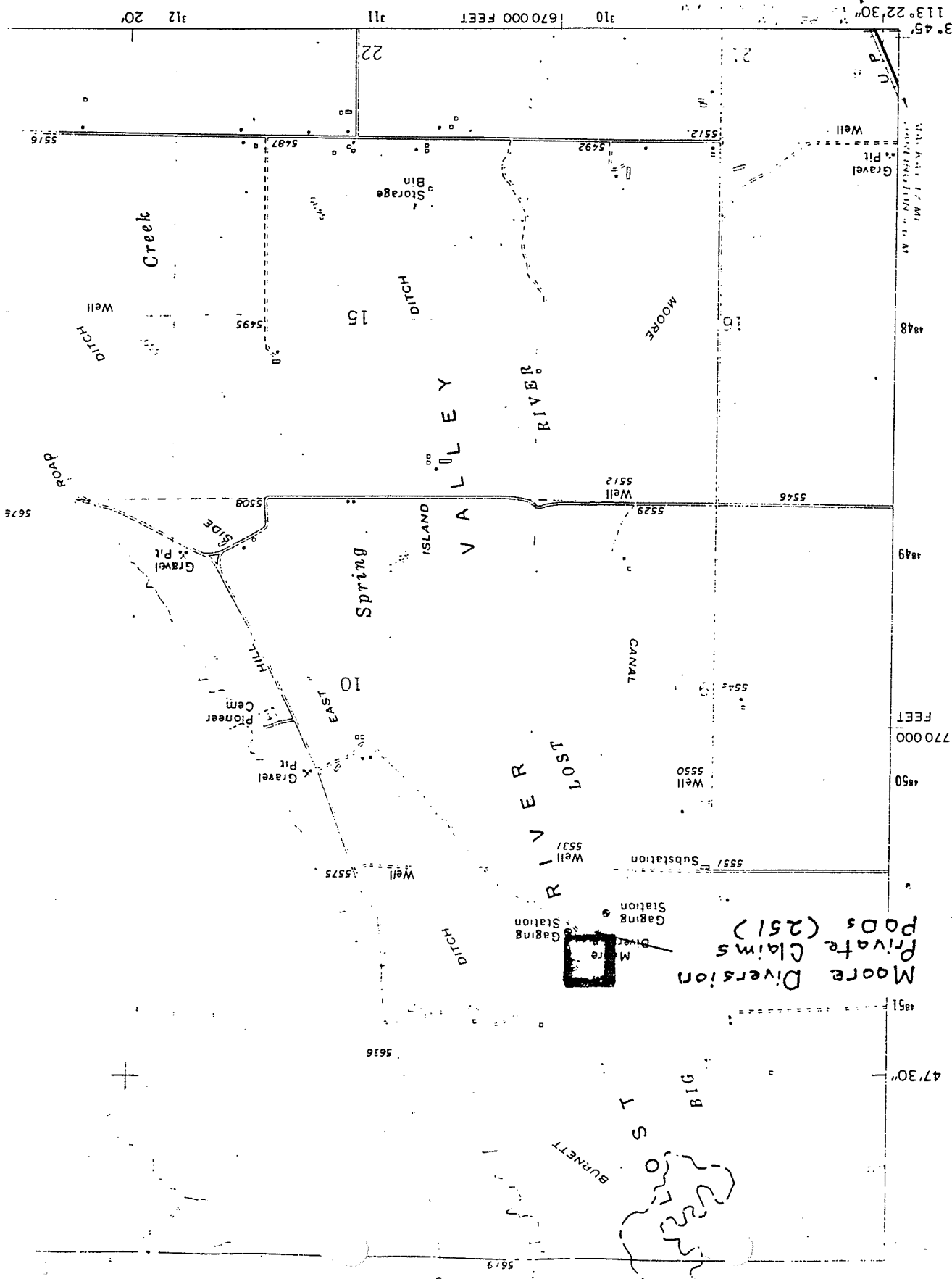
TOTAL QUANTITY: 1.2 CFS

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

USE OF THIS RIGHT WITH RIGHT NOS. 34-00905, 34-023688 AND
34-07208 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.40
CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 557.5 AF,
AND TO THE IRRIGATION OF A COMBINED TOTAL OF 183 ACRES IN A
SINGLE IRRIGATION SEASON.
WATER IS DELIVERED THROUGH THE WESTSIDE DITCH.

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969
 Polyconic projection. 1927 North American datum
 100,000-foot grid based on Idaho coordinate system,
 central zone
 1000-meter Universal Transverse Mercator grid ticks,
 zone 12, shown in blue

Mapped, edited, and published by the Geological Survey



RAMSHORN CANYON, IDAHO

AJ5856NP

Exhibit B-4

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

DATE: MAY-27-1992
PAGE: A-585

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						

34-00905 ROBERT SPRAKER
RT 1 BOX 438
ARCO ID 83213

05/20/1899 IRRIGATION 05-01 10-15 .8 CFS DECREED

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

NWSESE

TOTAL QUANTITY: .8 CFS

T04N R26E S22 78.0 ACRES TOTAL
SENW 28.0 SENW 31.0 NESW 13.0 NWSEW 6.0

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

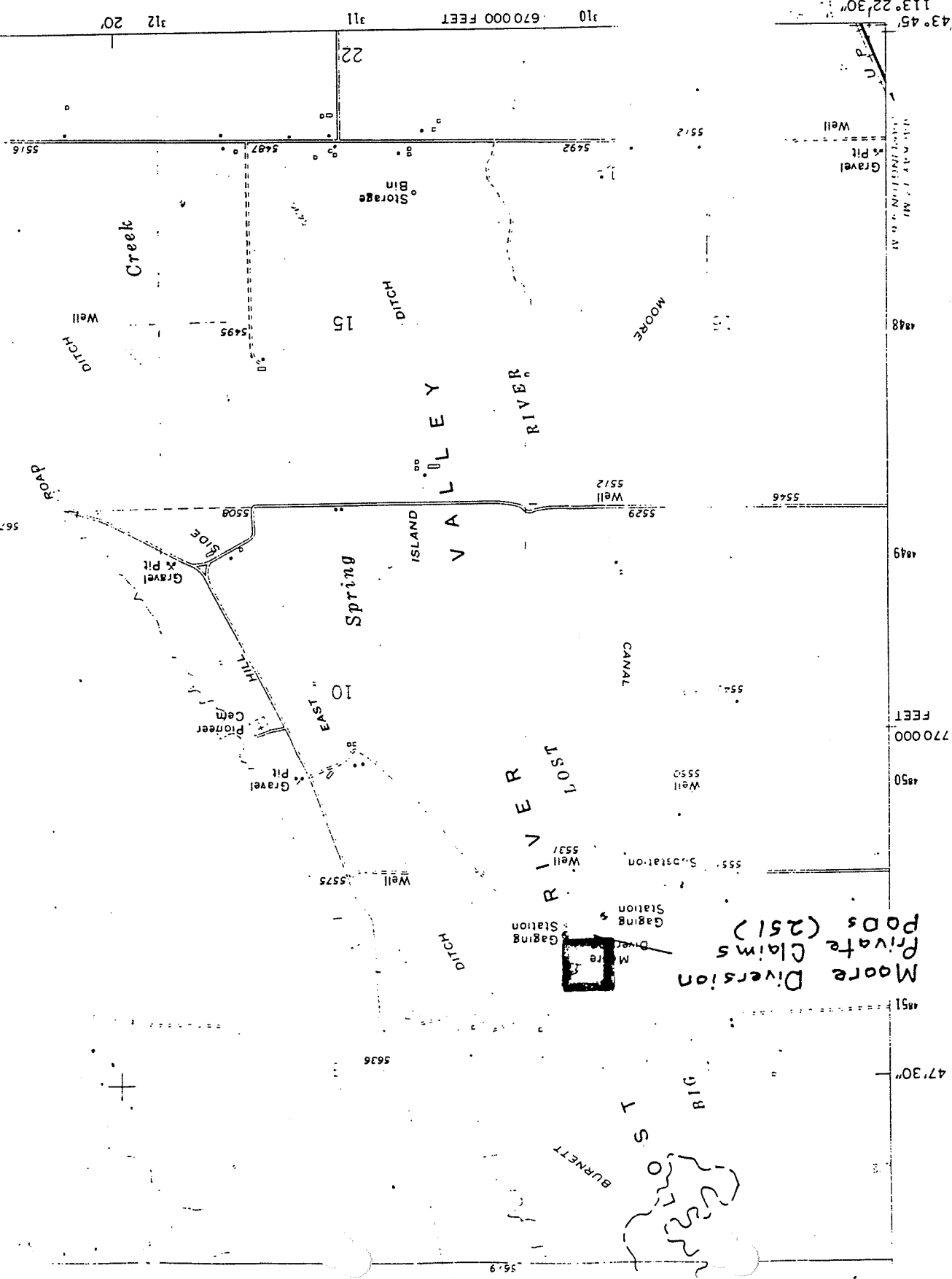
USE OF THIS RIGHT WITH RIGHT NOS. 34-00904, 34-023688 AND
34-07208 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.40
CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 557.5 AF,
AND TO THE IRRIGATION OF A COMBINED TOTAL OF 183 ACRES IN A
SINGLE IRRIGATION SEASON.
WATER IS DELIVERED THROUGH THE WESTSIDE DITCH.

11

0501

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(APPENDICITS HILL)
3371 III NW



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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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 SESE (E)
T03N R27E S35

PLACE OF USE: STOCKWATER

TOTAL QUANTITY: .23 CFS

T02N R27E S01 R28E	Lot 1 (NENE)	SENE	SWSW	SESW
	NESW	NWSW	SWSE	
	NESE	NWSE		
S02	SESE			
S03	SWSW	SESW	SESW	NWSW
S04	SWNE	SWNW	SESE	
	NESE	NWSE		
S05	SWNE	SENE	Lot 4 (NWNW)	SWNW
	SESW	NESE		
S06	Lot 1 (NENE)	Lot 2 (NWNW)	Lot 3 (NWNW)	Lot 5 (SWNW)
	SESW			
S09	NENE	NWNE	NENW	NWNW
S10	NENE	SWNE	SENE	NWNW
S11	NENE	SESW	NWSE	
S12	NWNE	SESW	SESW	SESW
T03N R27E S20 S21	SENE	SWSW	SESE	
	SWNW	NWSE	SWSW	SESW
S22	NESE	SWSW	SESW	SESW
S26	NWSW	SWSW	SESW	SESW
S27	SWNE	SENE	NENW	SESW
	NESE	NWSE		
S28	NWNE	NENW		
S35	NENW	NWNW	SWNW	SESW
	NESW	NWSE	SWSE	SESE

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

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

34-04040	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
			STORAGE	01-01 12-31	243.0	AFY
			STOCKWATER	01-01 12-31	7.2	AFY
			STORAGE	01-01 12-31	.44	CFS
			WILDLIFE FROM	01-01 12-31	.44	CFS
			STORAGE	01-01 12-31	243.0	AFY
			DIVERSION TO	01-01 12-31		
			STORAGE			
			TOTAL QUANTITY:			

BENEFICIAL USE

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

TOZN R28E S11

NNWSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

TOZN R28E S11	NESE	NESE	SESE
S13	NNNW	NNNW	NNNW
S14	NNNE	NNNE	NNNE
	NNSW	NNSW	NNSW
	NNSE	NNSE	NNSE
S15	NESE	SESE	NNNW
S23	NNNE	NNNE	NNNW
S24	NNNE	NNNE	NNNW
	NNSW	NNSW	NNNW
	NNSE	NNSE	NNNW
S25	NNNE	NNNE	NNNW
	NNNW	NNNW	NNNW
	NNSE	NNSE	NNNW

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

