

COPY

3-12

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 17 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 -0031/
93-03-0400

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:

G. Craig And Or Jackie Stewart

Address:

Rt 1 Box 58B

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)

CESECTION - 3

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

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.

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 4449
Boise, Idaho 83711-4449

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

(Cover)

My Commission expires: 12-30-97
Residing at: ALCO
Notary Public for Idaho

[Signature]

1993

Subscribed and sworn to before me this 15 day of March,
(Attorney signing in representative capacity)

By:

Signature of person filing objection

[Signature]

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.

(Name of person filing objection)
sworn, upon oath, deposes and says:

G. Craig And/or Jackie Stewart, being first duly

State of Idaho
County of Butte

VERIFICATION (Must be completed)

one page.
Exhibit A- one page. Exhibit B- one page. Exhibit C-

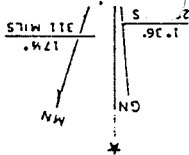
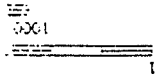
Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

EXHIBIT A

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
SOURCE: BIG LOST RIVER						
TRIBUTARY: SINKS						
34-00943	G. CRAIG STEWART JACKIE STEWART RT. 1 BOX 588 MOORE ID 83255	04/22/1804	IRRIGATION	05-01 10-15	.14	CFS DECREE
POINT OF DIVERSION: T05N R26E S04						
PLACE OF USE: IRRIGATION						
NEUSE						
T06N R26E S20						
114.0 ACRES TOTAL						
REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1). WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.24 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 530 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 212 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-024198, 34-12391, 34-00213E, 34-00214C AND 34-00589. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO IRRIGATION OF A COMBINED TOTAL OF 114 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00213E, 34-00214C, 34-00589.						
TOTAL QUANTITY: .14 CFS						
34-10126	ROBERT E. SHAW 124 N. 7TH POCATELLO ID 83201	04/22/1884	IRRIGATION	05-01 10-15	.12	CFS DECREE
POINT OF DIVERSION: T07N R23E S12						
PLACE OF USE: IRRIGATION						
NWSE						
T07N R24E S21						
5.0 ACRES TOTAL						
REMARKS: WATER DELIVERED THROUGH SHARP DITCH. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00005 AND 34-00006.						
TOTAL QUANTITY: .12 CFS CONSUMPTIVE USE: 12.5 AFY						

Exhibit B
Page 1 of 4



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Control by USGS and USCGS

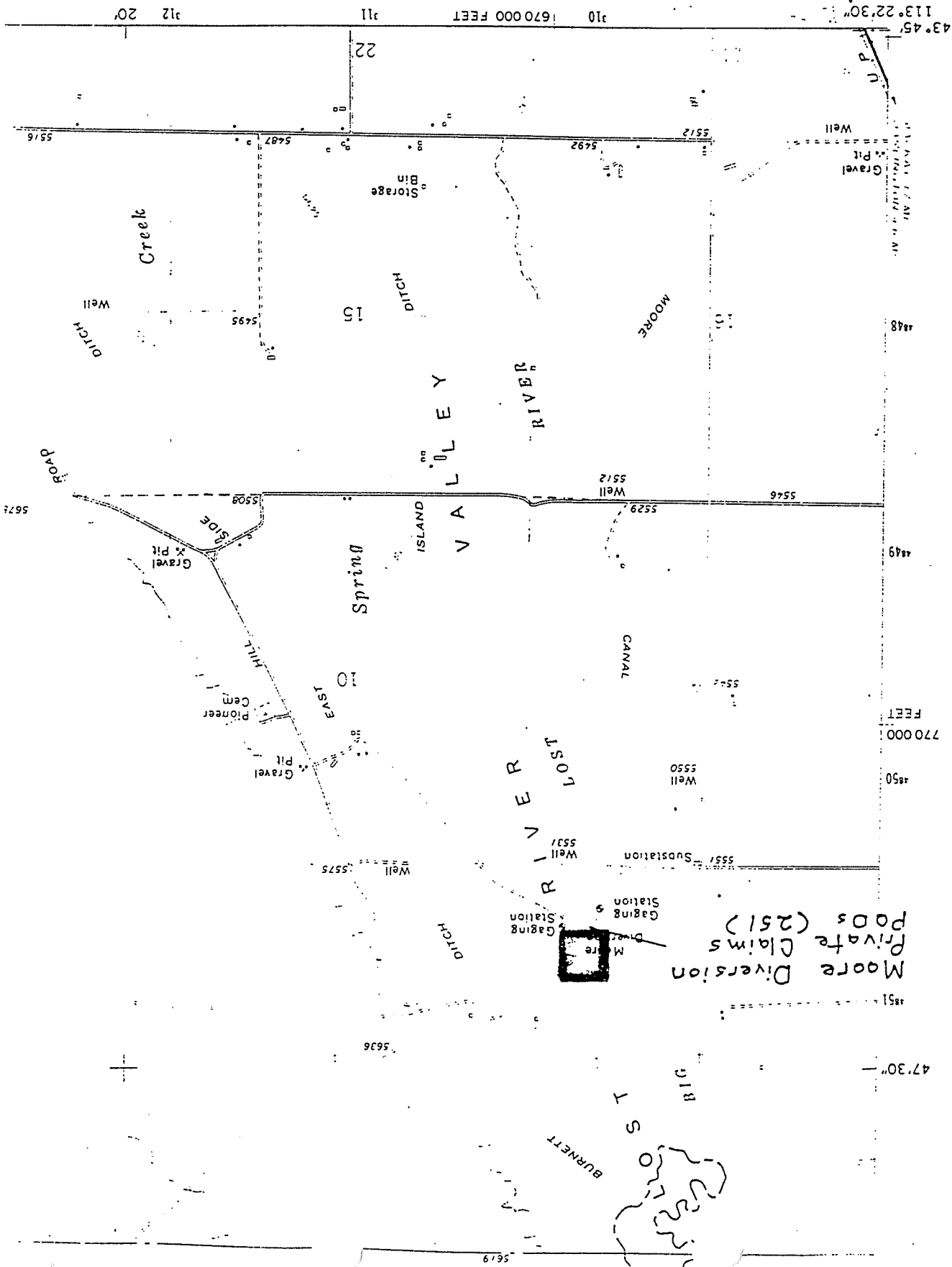
Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969

Polconic projection, 1927 North American datum, 10,000-foot grid based on Idaho coordinate system,

Central zone

1000-meter Universal Transverse Mercator grid ticks,

APPENDIXES HILL
3371 NW



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

DATE: MAY-27-1992
PAGE: A-313

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						

34-00213E

JACKIE STEWART
G. CRAIG STEWART
RT. 1 BOX 588
MOORE ID 83255

03/13/1887 IRRIGATION

05-01 10-15

.7 CFS DECREED

POINT OF DIVERSION:

T05N R26E S04
PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY:

.7

CFS

T04N R26E S20

WENE 38.0

SENE 36.0

NESE 40.0

114.0 ACRES TOTAL

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

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.24 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 530 AF, AND TO THE IRRIGATION OF
A COMBINED TOTAL OF 212 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-02419B, 34-12391, 34-00943, 34-00214C
AND 34-00589.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 114 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00943, 34-00214C,
34-00589.

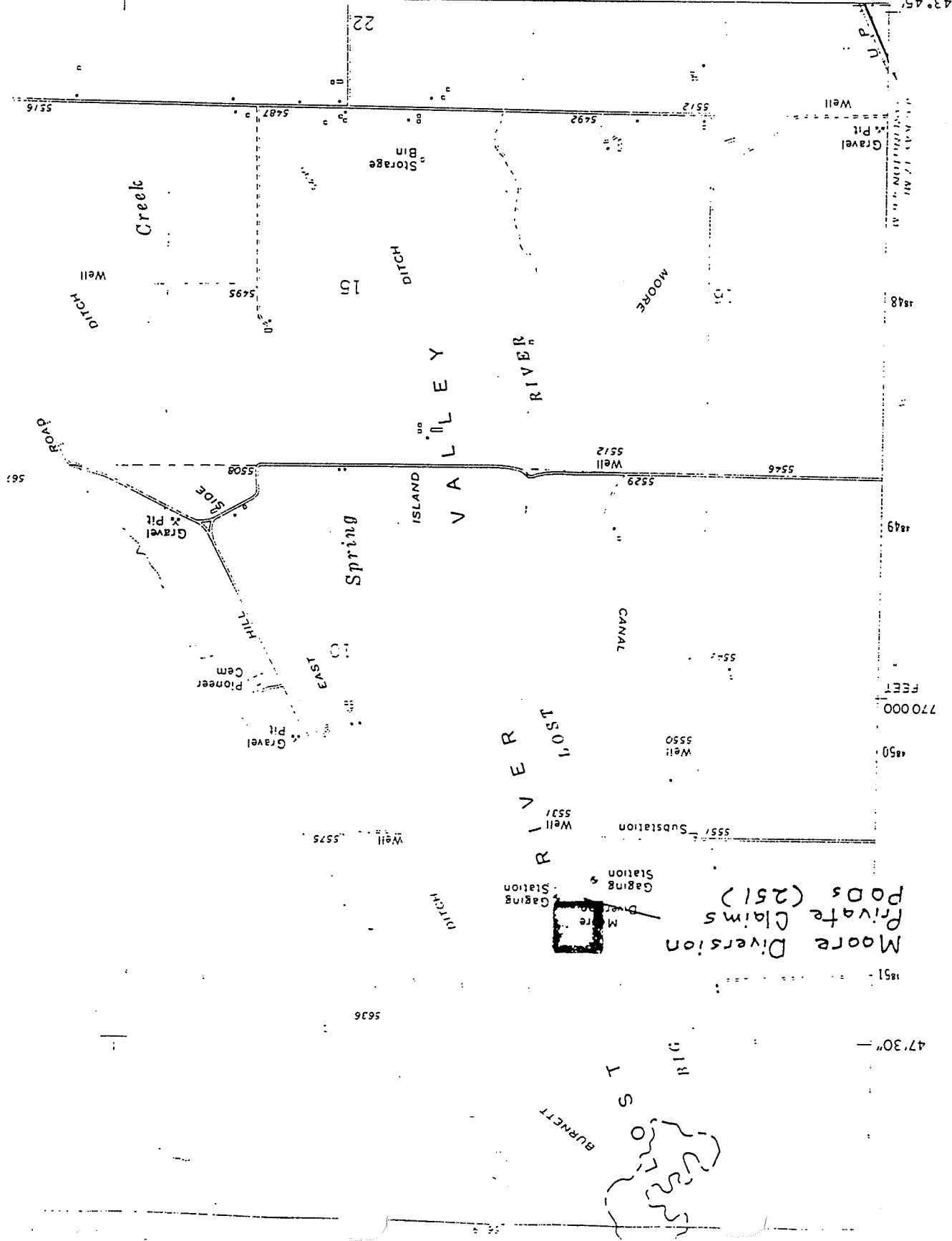
Exhibit B
Page 2 of 4

(APPENDIX HILL)
3371 III NW

Mapped, edited, and published by the Geological Survey

3001

113.22'30"



RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-00214C	JACKIE STEWART G. CRAIG STEWART RT. 1 BOX 58B MOORE ID 83255	09/01/1901	IRRIGATION	05-01 10-15	.5	DECREED

SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

POINT OF DIVERSION:

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY: .5 CFS

TO4N R26E S20
114.0 ACRES TOTAL
NENE 38.0 SENE 36.0 NESE 40.0

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

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.24 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 530 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 212 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-024198, 34-12391, 34-00213E, 34-00943
AND 34-00589.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO IRRIGATION
OF A COMBINED TOTAL OF 114 ACRES IN A SINGLE IRRIGATION SEASON
COMBINED RIGHT NOS.: 34-00213E, 34-00943, 34-00589.

Exhibit B
Page 3 of 4

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-203

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

34-00589

G. CRAIG STEWART
JACKIE STEWART
RT. 1 BOX 58B
MOORE ID 83255

10/12/1884 IRRIGATION

05-01 10-15

1.25 CFS DECEED

POINT OF DIVERSION:

TOSN R26E S04

NUSESE

PLACE OF USE: IRRIGATION

TOTAL QUANTITY:

1.25 CFS

TOSN R26E S20

NENE 38.0

SENE 36.0

NESE 40.0

114.0 ACRES TOTAL

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1416(1).WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.24 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 530 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 212 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-024198, 34-12391, 34-00213E, 34-00214C
AND 34-00943.USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
IRRIGATION OF A COMBINED TOTAL OF 114 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 34-00213E, 34-00214C,
34-00943.Exhibit B
Page 4 of 4

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

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

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						

34-04190 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

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

	Lot 1 (NENE)	Lot 2 (NENE)	Lot 3 (NENE)	Lot 4 (NENE)	Lot 5 (NENE)	TOTAL QUANTITY:
102N R27E S01	SENE					.23 CFS
R28E	NWSW					
	NESE					
	SESE					
S02	SESE					
S03	NWSW					
S04	NWNE					
	NESE					
S05	NWNE					
	SENE					
	SENE					
	NESE					
S06	SENE					
	SENE					
	SENE					
	SENE					
S09	SENE					
S10	SENE					
S11	SENE					
	SENE					
S12	SENE					
103N R27E S20	SENE					
S21	SENE					
	SENE					
S22	SENE					
S26	SENE					
S27	SENE					
	SENE					
S28	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

2 7:19:43

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

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11 NW/4SE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11	NESE	W/4SE	SESE	S/4SW	SESW
S13	NW/4W	SW/4W	SENE	SW/4W	SESW
S14	NW/4E	SW/4E	SENE	SW/4W	SESW
	NESE	W/4SE	SESE	SW/4E	
S15	NESE	SW/4E	SENE	NW/4W	NW/4W
S23	NW/4E	SW/4E	SENE	SW/4W	SW/4W
S24	SW/4W	SESW	NESE	SW/4E	SW/4E
	SESE	W/4SE	SESE		
S25	NW/4E	SW/4E	SENE	SW/4W	NW/4W
	NW/4W	SW/4W	SENE	SW/4W	NW/4W
	SESW	W/4SE			

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