

3-11

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.)
_____)

34-04190 -0033/
93-03-0402

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

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: Ned R. & Reva W. Walker

Address: P.O. Box 32, Arco, Idaho

~~Moore, Idaho 83255~~

83213

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

Rera M. Walker, 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.

Rera M. Walker *
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

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

Thomas D. Cannon
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 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

Geneva M. Walker
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.

L x h r b 7 + B

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

34-00789 NED R WALKER 05/01/1892 IRRIGATION 05-01 10-15 3.1 CFS DECREED

REVA W WALKER
PO BOX 32
ARCO ID 83213

POINT OF DIVERSION:

T05N R26E S04

S03

T04N R26E S14

PLACE OF USE: IRRIGATION

NWSESE

SWSWSW (1)

SESENW (R)

TOTAL QUANTITY:

3.1 CFS

T04N R26E S14

NESW 4.0

SWSE 6.0

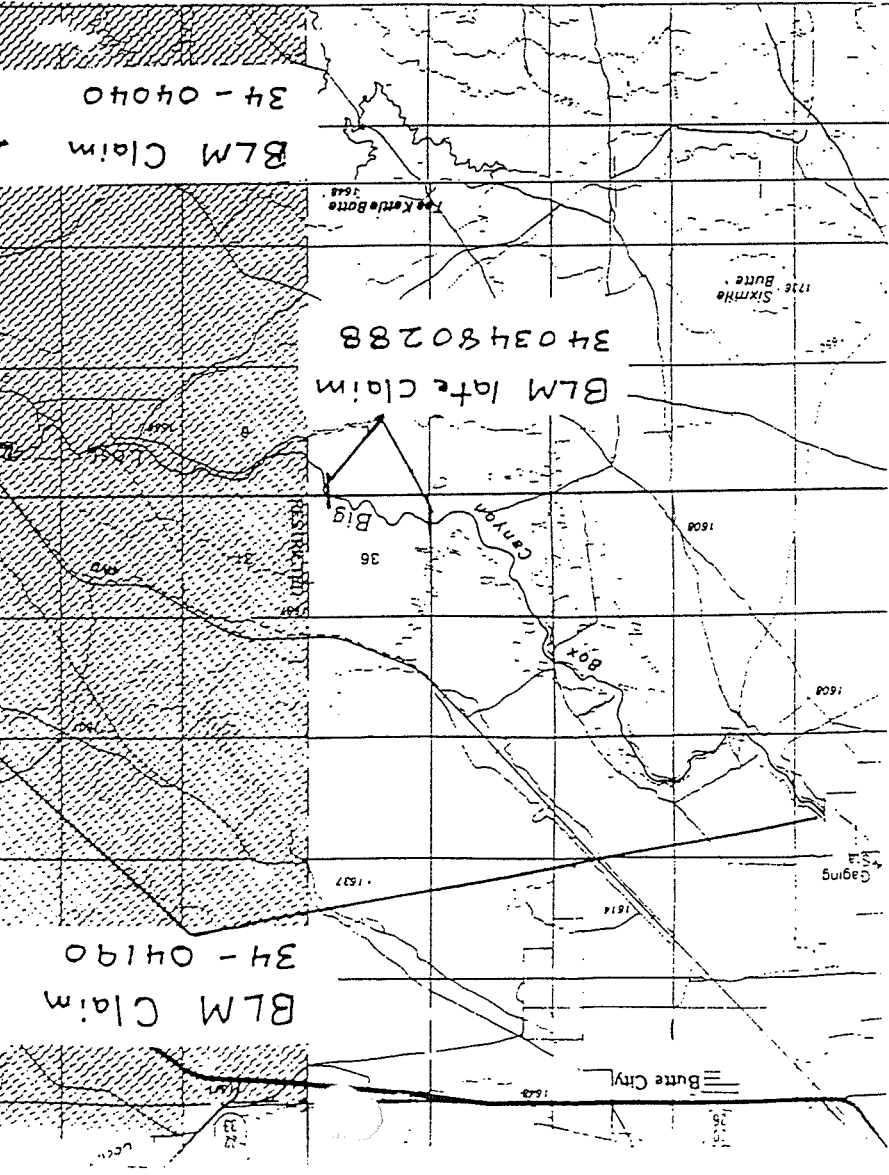
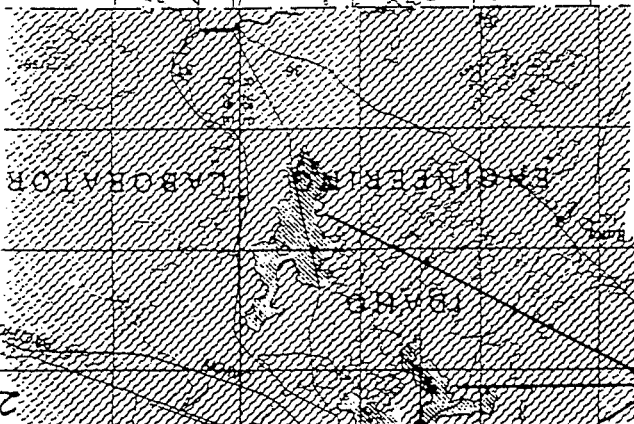
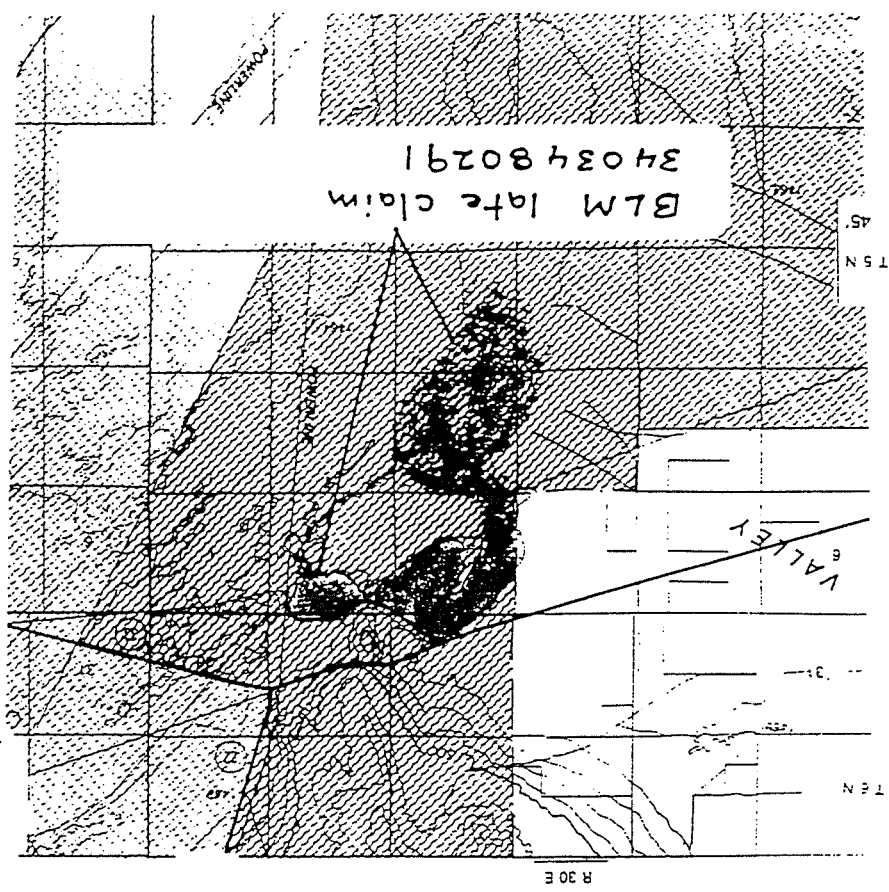
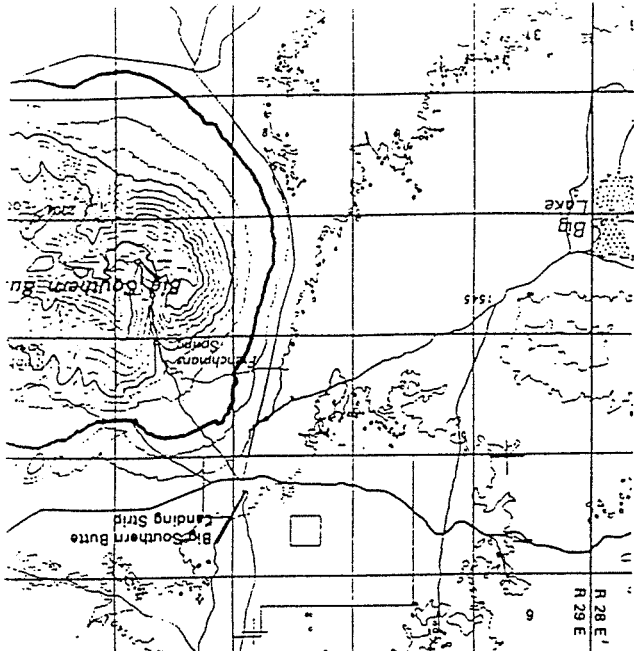
NWSW 38.0

SWSW 38.0

SESW 28.0

114.0 ACRES TOTAL

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
TO IDAHO CODE 42-1416A.RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.USE OF THIS RIGHT WITH RIGHT NOS. 34-04087 AND 34-02389 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.22 CFS, A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 285.0 AF, AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 114 ACRES IN A SINGLE
IRRIGATION SEASON.WATER IS DELIVERED THROUGH THE EASTSIDE DITCH, OR WATER CAN BE
INJECTED INTO AND REDIVERTED FROM SPRING CREEK.
THE AMOUNT OF WATER DIVERTED FROM SPRING CREEK SHALL BE REDUCED
WHERE NECESSARY TO PROTECT APPROPRIATORS OF WATER DOWNSTREAM
FROM THE POINT OF REDIVERSION.



EX-1-C

AJ5856NP

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
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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: TOTAL QUANTITY: .23 CFS

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION: LOT 1 (NENE) (B)

102N R27E S01 SENE (B)

103N R27E S20 NESE (E)

102N R28E S01 SESE (E)

103N R27E S35 SESE (E)

PLACE OF USE: STOCKWATER

102N R27E S01 Lot 1 (NENE)

R28E NESW

S02 NESE

S03 SESE

S04 SWSW

S05 SWNE

S06 SWNE

S09 (NENE)

S10 NESW

S11 NESE

S12 SWNW

103N R27E S20 SENE

S21 SWNW

S22 NESE

S26 NESW

S27 NWSW

S28 SWNE

S35 NESE

SENE

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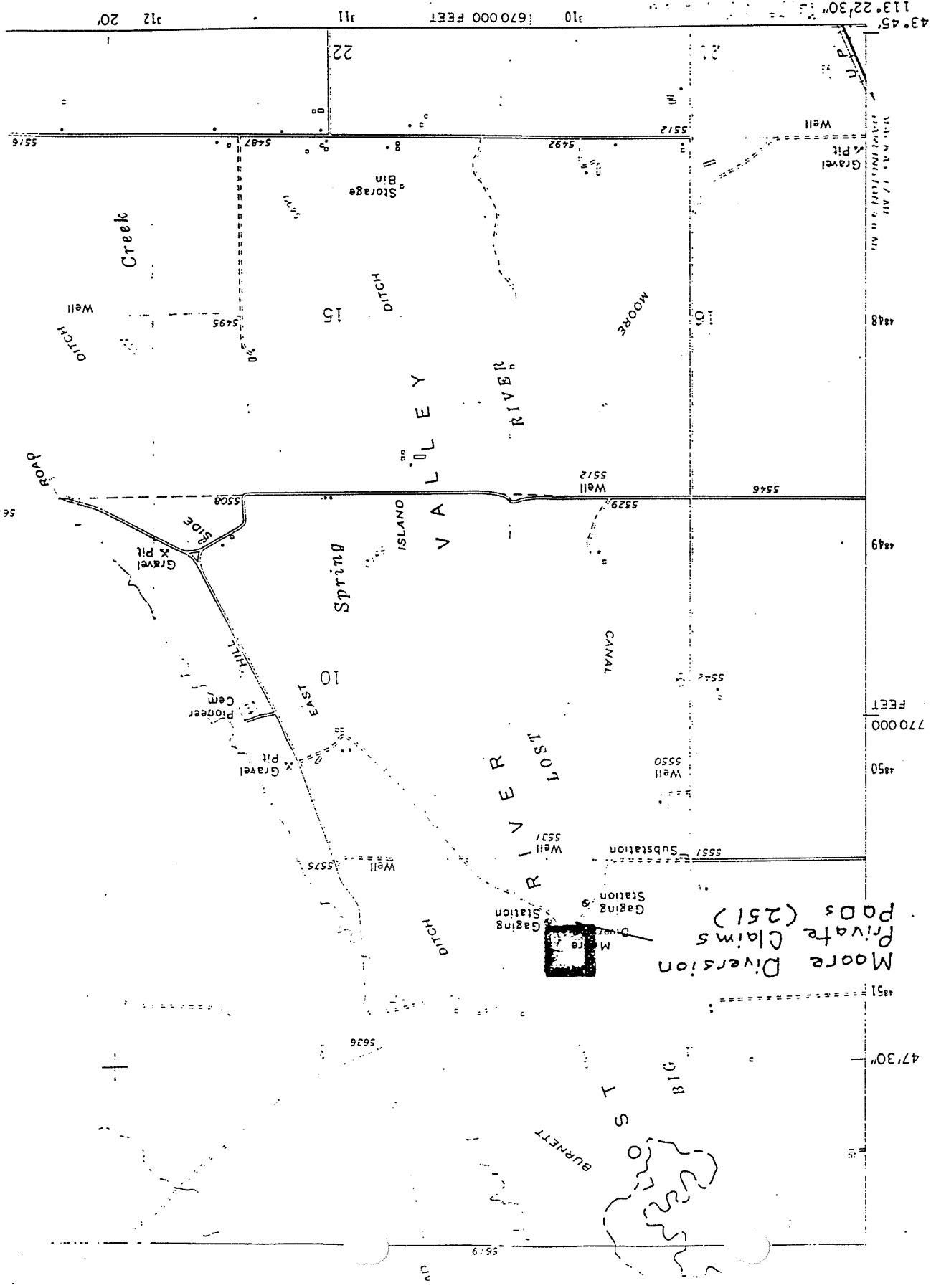
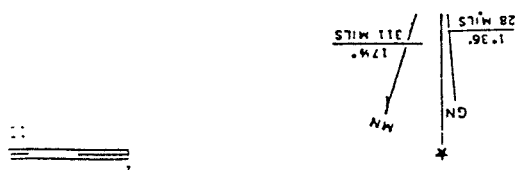
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY

RAMSHORN CANYON, IDAH

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,
 1983 12 shown in blue

LAPEENOCITS HILL
 3271 M NW

Mapped, edited, and published by the Geological Survey
 Control by USGS and USCS&GS



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

RIGHT NUMBER: 34-04040
NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
PRIORITY DATE: 04/01/1958
PURPOSE OF USE: WILDLIFE STORAGE
PERIOD OF USE FROM TO: 01-01 12-31
MAXIMUM QUANTITY: 243.0
BENEFICIAL USE: AFY
BASIS OF CLAIM: AFY
SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

102N R28E S11 NW/4SE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

102N R28E S11

S13

S14

S15

S23

S24

S25

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

NESE	WUSE	SESE	
NW/4	NW/4	NW/4	SW/4
NW/4	NW/4	SENE	SENE
NW/4	NW/4	NW/4	SENE
NESE	NW/4	NW/4	SENE
NESE	SESE	SESE	SESE
NESE	SENE	NE/4	NE/4
NW/4	SENE	NE/4	NE/4
NW/4	SENE	NE/4	NE/4
SESW	NESE	NW/4	SESW
SESE	NW/4	NW/4	SESE
NE/4	SENE	SENE	NE/4
NW/4	SENE	SENE	NE/4
SESW	NESE	NE/4	SESW
SESE	NW/4	NE/4	SESE
NE/4	SENE	NE/4	NE/4
NW/4	SENE	NE/4	NE/4
SESW	NESE	NE/4	SESW
TOTAL QUANTITY:			
243.0			AFY

