

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. 34-04190
(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 -0034/
93-03-0403

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:

James E. Matthews & Edwin Matthews

Address:

P.O. Box 558 ARCO ID 83213

~~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

James E. Matthews & Erwin Matthews 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.

James E. Matthews & Erwin Matthews
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

James T. Thompson
Notary Public for Butte Co. Idaho
Residing at: 1000 1st St
My Commission expires: 996

(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 12 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

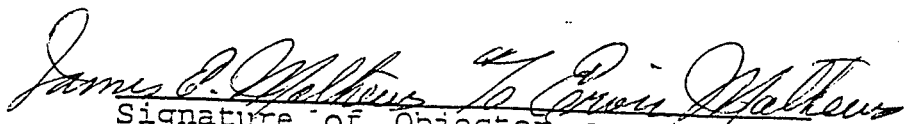

Signature of Objector or attorney
mailing on Objector's behalf

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-221

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

34-00301E RICHARD REYNOLDS
RT 1 BOX 73
MOORE ID 83255

05/01/1885 IRRIGATION

05-01 10-15

1.8 CFS DECREED

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NMSESE

TOTAL QUANTITY:
CONSUMPTIVE USE:

1.8 CFS
237.5 AFY

T04N R26E S15

NENE 10.0

NMNE 35.0

SNNE 38.0

SENE 12.0

REMARKS: WATER IS DELIVERED THROUGH MOORE CANAL.

34-00301F JAMES E. MATHEWS
C/O ERVIN MATHEWS
P.O. BOX 553
ARCO ID 83213

05/01/1885 IRRIGATION

05-01 10-15

.2 CFS DECREED

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NMSESE

TOTAL QUANTITY:

.2 CFS

T04N R26E S15

NENE 9.0

REMARKS:

9.0 ACRES TOTAL

WATER IS DELIVERED THROUGH EASTSIDE DITCH.

USE OF THIS RIGHT WITH RIGHT NO. 34-02496 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.24 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 22.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 9.0 ACRES IN A SINGLE IRRIGATION SEASON.

*27B 1
44C 2*

X

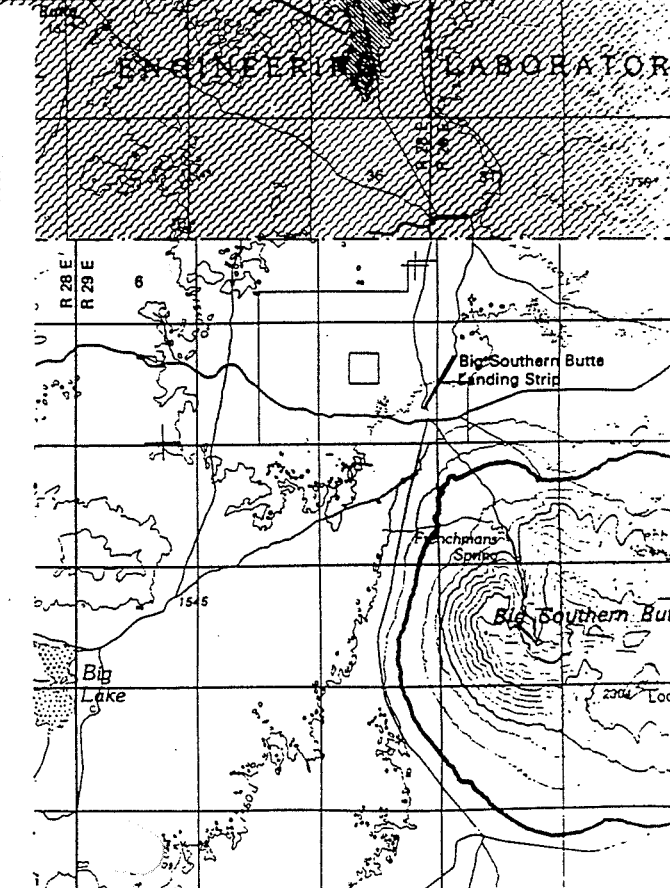
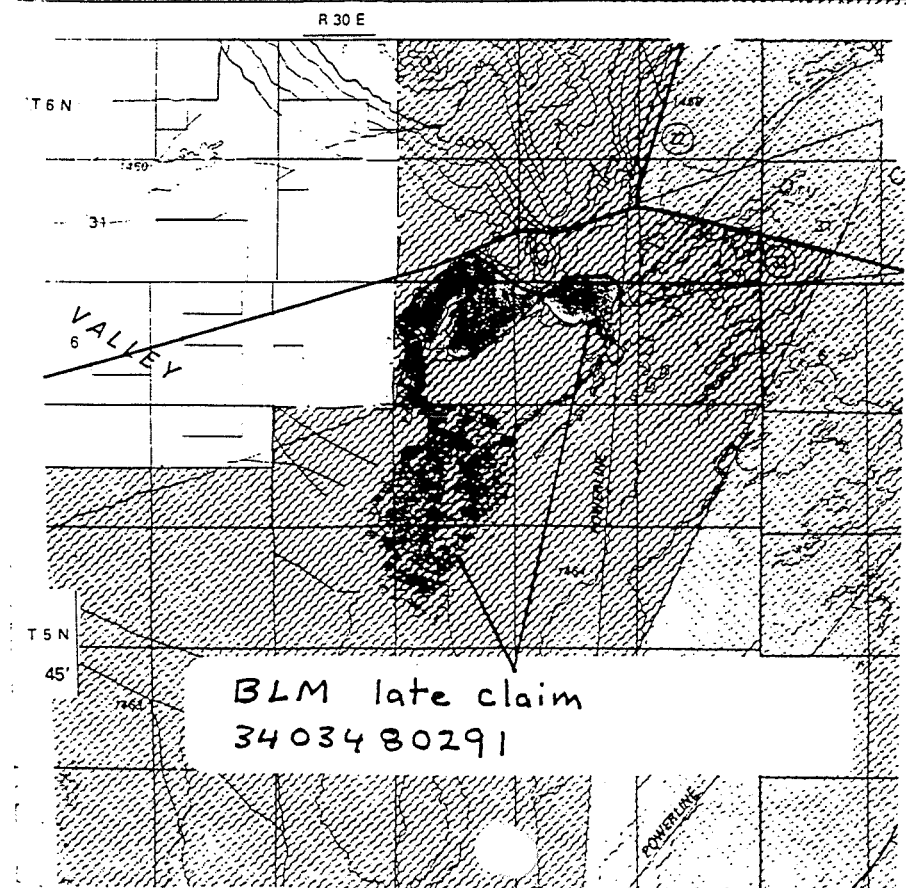
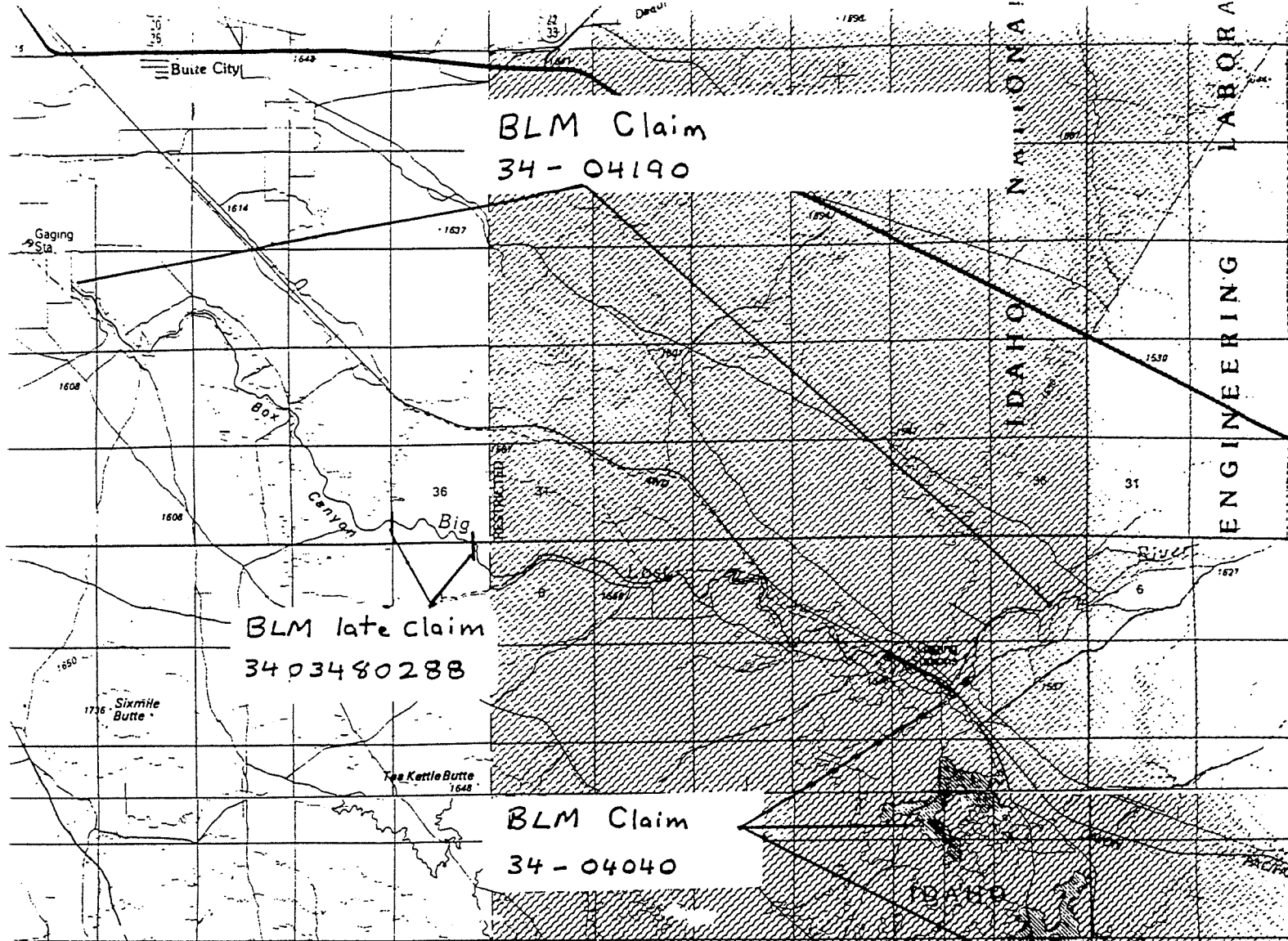


Exhibit C

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
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SIMKS

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:

TOTAL QUANTITY:

.23

CFS

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

102N R27E S01 Lot 1 (NENE)
R28E NESE

SENE
NWSW
NWE

SESW

S02
S03
S04

SESE
SESW
SENE

SESW
SENE

SESW

NWSW

S05
S06

SENE
SENE

SENE
SENE

Lot 4 (NWSW)
Lot 5 (SENE)

SESW

S09
S10
S11

SENE
SENE
SENE

SENE
SENE
SENE

SENE
SENE
SENE

SENE
SENE
SENE

103N R27E S20
S21

SENE
SENE

SENE
SENE

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S22
S26
S27

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S28
S35

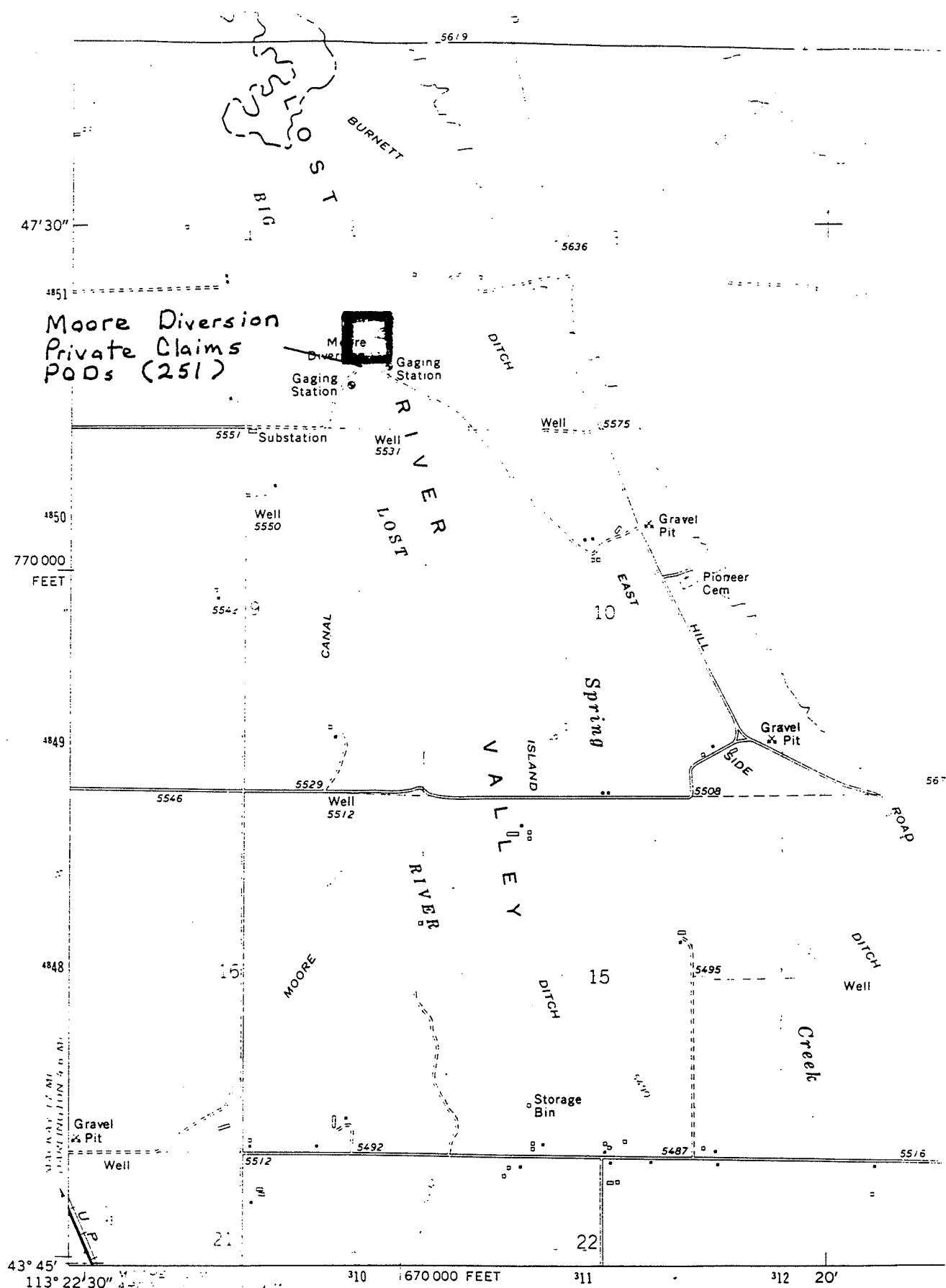
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REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY



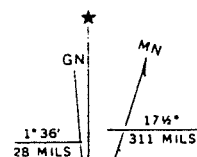
(APPENDIX HILL)
3371 III NW

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 grid based on Idaho coordinate system,
central zone
1000-meter Transverse Mercator grid ticks,
zone 12, shown in blue



RAMSHORN CANYON, IDAHO

EXHIBIT C

AJ5856NP

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

DATE: 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: SINKS

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

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE, WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION:

102N R28E S11

MMNWS

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

102N R28E S11

NESE

NWSE

SESE

SWSW

S13

MMNW

SWNW

SENE

SWSW

S14

MMNE

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