

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)

RECEIVED

MAR 18 1993

Department of Water Resources
Adjudication Bureau

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

vs.

34-04190 -0036/
93-03-0405

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)

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:

Marshal Todd Perkins

Address:

Rt 1 Box 69

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 Office
Base, 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.

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

Refer to exhibit A-attached

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

REASONS SUPPORTING EACH BOX CHECKED

Water to fill the purpose of this claim is rising ground water.

14. ☒ Other: I object to: *The historical source of*

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 - One page Exhibit B - Two pages
Exhibit C - Two pages

VERIFICATION (Must be Completed)

State of Idaho
County of Butte

Marshal Todd Perkes, 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.

M Todd Perkes
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

R. Lane Hansen
Notary Public for State of Idaho
Residing at: Butte County
My Commission expires: 2-27-93

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 _____ day of _____, 199____, 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 Village
Boise, Idaho 83706-2549

3. One copy to:
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
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

REASON: 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		MAXIMUM QUANTITY	BASIS OF CLAIM
				FROM	TO		
34-00510A	BILLY L. HARALSON ROUTE 1 BOX 450 ARCO ID 83213	06/01/1902	IRRIGATION	05-01	10-15	.92	CFS DECREED
SOURCE: BIG LOST RIVER							
TRIBUTARY: SINKS							
POINT OF DIVERSION: T05N R26E S04 PLACE OF USE: IRRIGATION							
TOTAL QUANTITY: .92 CFS							
T04N R26E S15 152.0 ACRES TOTAL MENW 38.0 NUNW 39.0 SUNW 35.0 SEWU 40.0							
REMARKS: USE OF THIS RIGHT WITH WATER RIGHT NO. 34-00509A AND THE OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.59 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 515 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 206 ACRES IN A SINGLE IRRIGATION SEASON.							
34-00510B	MARSHAL TODD PERKES RT. 1 BOX 69 MOORE ID 83255	06/01/1902	IRRIGATION	05-01	10-15	.66	CFS DECREED
POINT OF DIVERSION: T05N R26E S04 PLACE OF USE: IRRIGATION							
TOTAL QUANTITY: .66 CFS							
T04N R26E S16 115.0 ACRES TOTAL NENE 37.0 NUNE 39.0 SENE 39.0							
REMARKS: WATER IS DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL. USE OF THIS RIGHT WITH RIGHT NOS. 34-00509B AND 34-10569 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.70 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 287.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 115 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
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BILLY L. MARALSON
ROUTE 1 BOX 450
ARCO ID 83213

06/01/1886 IRRIGATION 05-01 10-15 2.52 CFS DECREED

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

MUSESE

TOTAL QUANTITY: 2.52 CFS

104N R26E S15 152.0 ACRES TOTAL
REMARKS: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.59 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 515 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 206 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00510A, 34-00577B, 34-10370 AND 34-10961.

MENW 39.0

MWME 39.0

SEMW 35.0

SEMW 40.0

34-005098 MARSHAL TODD PERKES
RT. 1 BOX 69
MOORE ID 83225

06/01/1886 IRRIGATION 05-01 10-15 .68 CFS DECREED

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

MUSESE

TOTAL QUANTITY: .68 CFS

104N R26E S16 115.0 ACRES TOTAL
REMARKS: WATER IS DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL.
USE OF THIS RIGHT WITH RIGHT NOS. 34-00510B AND 34-10369 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.70 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 287.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 115 ACRES IN A SINGLE IRRIGATION SEASON.

MENE 37.0

MWME 39.0

SENE 39.0

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG Lost RIVER

TRIBUTARY: SINKS

34-06190

06/28/1934 STOCKWATER

01-01 12-31

.23

CFS

BENEFICIAL USE

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

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

SENE

NWSU

NESE

NWE

SESE

SWSU

S03

S04

S05

S06

S09

S10

S11

S12

S20

S21

S22

S26

S27

S28

S35

Lot 1 (NENE)

Lot 2 (NENE)

Lot 3 (NENE)

Lot 4 (NENE)

Lot 5 (NENE)

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

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
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-06040

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

06/01/1958 WILDLIFE

01-01 12-31

243.0

AFY

BENEFICIAL USE

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:
.44
243.0 CFS
AFY

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE, WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

102N R28E S11

NW1/4SE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

102N R28E S11

NESE

NWSE

SESE

SWSW

S13

NW1/4

SWSW

SENE

SESW

S14

NW1/4

SWSW

SENE

SESW

S15

NESE

NESE

SESE

SESW

S23

NW1/4

SWSW

SENE

SESW

S24

NW1/4

SWSW

SENE

SESW

S25

NESE

NESE

SESE

SESW

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

