

7-17

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

Petitioner,

vs.

34-04190 -0038/
93-03-0407

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: Joel S. Andersen

Address: RT # 1 Box 49
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.

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
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SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

34-00259E	RELLA O. STEWART GERALD J. STEWART RT. 1 BOX 59 MOORE ID 83255	05/20/1884	IRRIGATION	05-01 10-15	.36	CFS DECREED 1911
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POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY: .36 CFS

T04N R26E S04
33.0 ACRES TOTAL
SWSW 33.0REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 34-00738D AND 34-07184 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.912 CFS
AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 82.5
ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 33
ACRES IN A SINGLE IRRIGATION SEASON.
WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL.

34-00259F	LARMAN D. ANDERSEN ANN S. ANDERSEN RT. 1 BOX 52 MOORE ID 83255	05/20/1884	IRRIGATION	05-01 10-15	.42	CFS DECREED
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POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

NWSESE

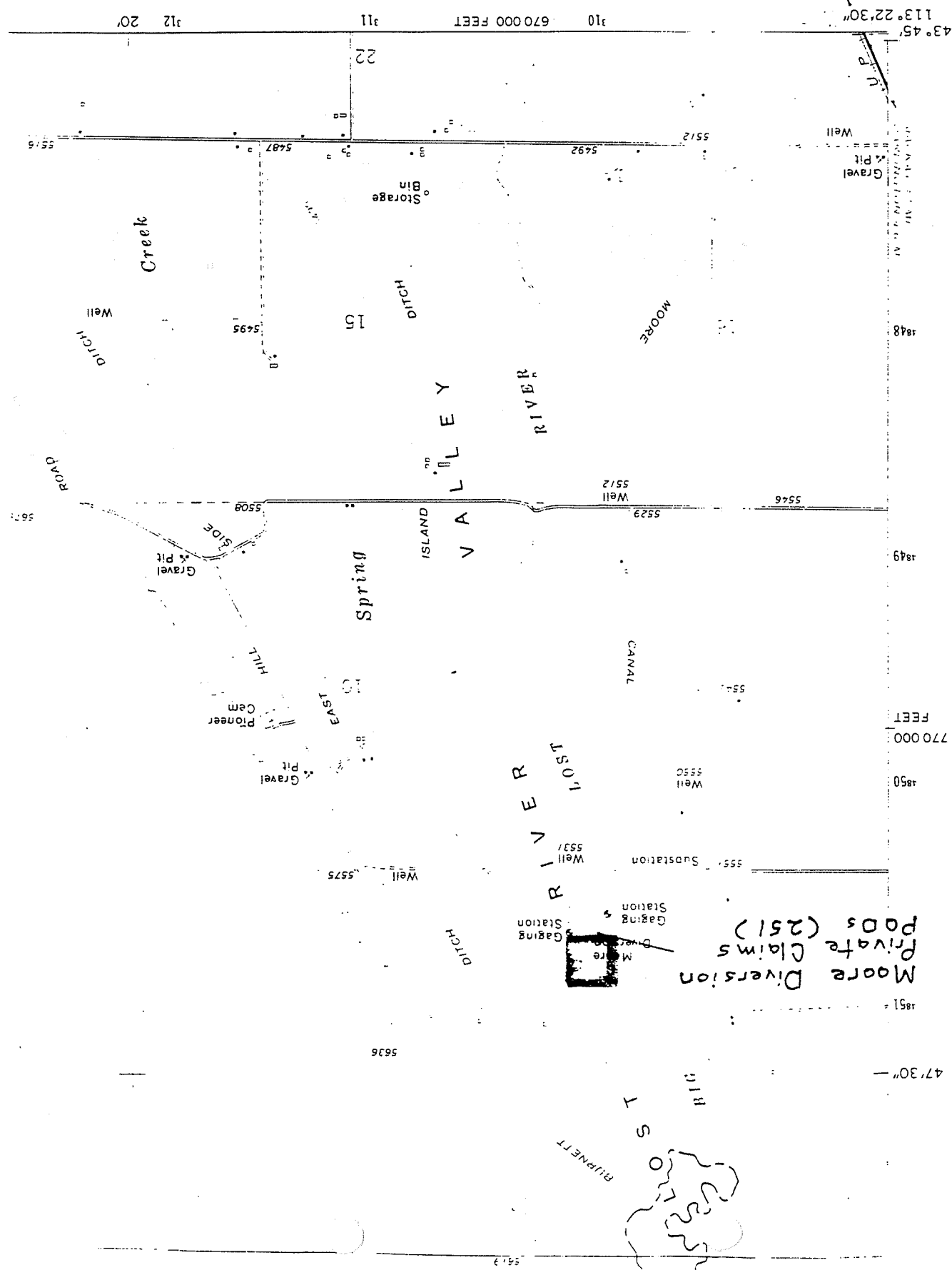
TOTAL QUANTITY: .42 CFS

T04N R26E S04
42.0 ACRES TOTAL
NWSW 38.0 SWSW 4.0REMARKS: WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.
USE OF THIS RIGHT WITH RIGHT NO. 34-00738E IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 42 ACRES IN A SINGLE IRRIGATION
SEASON.USE OF THIS RIGHT WITH RIGHT NO. 34-02412C AND OTHER RIGHTS
LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
3.70 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 250.3
AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 142.1 ACRES IN A
SINGLE IRRIGATION SEASON.

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 225. **SUBJECT:** _____
 226. **TOPIC:** _____

Mapped, edited, and published by the Geological Survey

(APPENDICITS HILL)
3371 III NW



SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

Handwritten signature: *Handwritten signature*

POINT OF DIVERSION:

PLACE OF USE: STOCKWATER

TOTAL QUANTITY:

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
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-04040

04/01/1958 WILDLIFE

01-01 12-31

243.0 AFY

BENEFICIAL USE

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

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

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11

NWNWSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11

NESE

NWNWSE

SESE

SWSW

S13

NWNW

SWSW

SENE

SWSW

S14

NWNW

SWSW

SENE

SWSW

S15

NWNW

SWSW

SESE

SWSW

S23

NWNW

SWSW

SENE

SWSW

S24

NWNW

SWSW

SENE

SWSW

S25

NWNW

SWSW

SENE

SWSW

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

Exhibit 1