

341

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,

Petitioner,

vs.

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

Respondents.

OBJECTION

RECEIVED

MAR 18 1993

Department of Water Resources
Adjudication Bureau

34-04190 -0039/
93-03-0408

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

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: Seth E. Beal & Shelley Beal

Address: Box 46B

Moore, Idaho 83255

Briefly describe your interest in this water right:

This claim is in error as there is a
prior right that supersees it in all
respects.

2. Owner of the water right:

Name: U.S. Dept. of Interior, E.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.

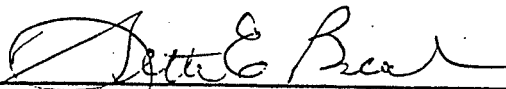
VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Seth E. Beal, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

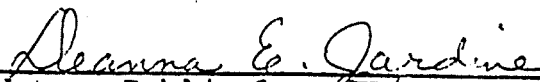
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

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


Notary Public for Idaho
Residing at: Arco
My Commission expires: 4-17-97

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

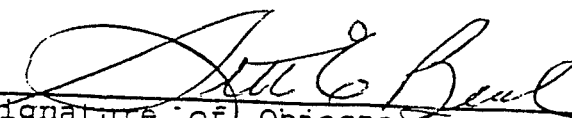
Owner's address: Bureau of Land Management
U.S. Dept. of Interior, Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2544

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



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.

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

DATE: MAY-27-1992
PAGE: A-391

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						

34-00169C

KAREN M MONSON
TERRY V. MONSON
RT 1 BOX 30
DARLINGTON ID 83231

06/30/1891 IRRIGATION

05-01 10-15

1.6 CFS DECREED

POINT OF DIVERSION:

T07N R24E S34

PLACE OF USE: IRRIGATION

SENNW

TOTAL QUANTITY:

1.6 CFS

T06N R25E S12

115.0 ACRES TOTAL

NUNE 40.0

SUNE 35.0

NWSW 40.0

REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 34-02376 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.78 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 287.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 115 ACRES IN A SINGLE IRRIGATION SEASON.
WATER IS DELIVERED THROUGH BURNETT DITCH.

34-00504A-~~SETH E BEAL~~

SHELLEY BEAL
BOX 468
MOORE ID 83255

06/30/1891 IRRIGATION

05-01 10-15

.76 CFS DECREED

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NWESE

TOTAL QUANTITY:

.76 CFS

T04N R26E S09

112.0 ACRES TOTAL

SENNW 38.0

NWSW 35.0

SWSW 39.0

REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 34-00062A, 34-00505 AND
34-02397B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.20
CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 280 AF,
AND TO THE IRRIGATION OF A COMBINED TOTAL OF 112 ACRES IN A
SINGLE IRRIGATION SEASON.

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.
0.12 CFS OF RIGHT NO. 34-02397B IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS
LISTED ABOVE.

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00505

SETH E BEAL
SHELLEY BEAL
BOX 468
MOORE ID 83255

07/15/1884 IRRIGATION

05-01 10-15

.8 CFS

DECREED

POINT OF DIVERSION:
TOSM R266 S04
PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:

.8 CFS

T04N R26E S09
112.0 ACRES TOTAL

SEWU 38.0

MWSU 35.0

SWSU 39.0

REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 34-00062A, 34-00504A AND 34-02397B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.20 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 280 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 112 ACRES IN A SINGLE IRRIGATION SEASON.

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.
0.12 CFS OF RIGHT NO. 34-02397B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS LISTED ABOVE.

AJ5856HP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-185RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00062A

SHELLEY BEAL
SETH E BEAL
BOX 468
MOORE ID 83255

07/31/1884 IRRIGATION

05-01 10-15

.8 CFS

DECREED

POINT OF DIVERSION:
T04N R26E S04
PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:

.8 CFS

T04N R26E S09
112.0 ACRES TOTAL

SEWU 38.0

MWSU 35.0

SWSU 39.0

REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 34-00504A, 34-00505 AND 34-02397B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.20 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 280 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 112 ACRES IN A SINGLE IRRIGATION SEASON.

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.
0.12 CFS OF RIGHT NO. 34-02397B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS LISTED ABOVE.

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
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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	BENEFICIAL USE
	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:		243.0	CFS	

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11
S13
S14

S15
S23
S24

S25

NESE	WUSE	SESE
NUNW	SNW	NUNW
NUNE	SNW	SENE
NESW	WUSE	SNW
NESE	WUSE	SNW
NESE	SESE	SNW
NUNE	SESE	SENE
SNW	SENE	SENE
SNW	SENE	SENE
SESE	SENE	SENE
SESE	SENE	SENE
NUNE	SENE	SENE
NUNW	SENE	SENE
SESE	SENE	SENE

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-17-1992
PAGE: A-34RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
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:

TOTAL QUANTITY:

.23 CFS

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

102N R27E S01

LOT 1 (MENE) (B)

103N R27E S20

SENE (B)

102N R28E S01

NESE (E)

103N R27E S35

SESE (E)

PLACE OF USE: STOCKWATER

102N R27E S01
R28E

LOT 1 (MENE)

HESE

NESE

SESE

S02

S03

S04

S05

S06

S09

S10

S11

S12

103N R27E S20

S21

S22

S26

S27

S28

S35

SENE

MUSE

SESE

MUSE

SENE

MUSE

SENE

MUSE

SENE

MUSE

SENE

MUSE

SENE

MUSE

SENE

MUSE

SENE

MUSE

SENE

MUSE

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