

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 18 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 -0041/
93-03-0410

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. If you are certain 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: Richard E. Beal & Thora Beal

Address: Box 31

Moore, Idaho 83255

Briefly describe your interest in this water right:

This claim is in error as there is a
prior right that supercedes 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

Richard 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.

Richard E. Beal
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

Deanna E. Jardine
Notary Public for Idaho
Residing at: Arco
My Commission expires: 4-17-97

(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 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:

Owner's address:

United States of America
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 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

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.

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-000628
NAME & ADDRESS: THORA BEAL, RICHARD E BEAL, BOX 31, MOORE ID 83255
PRIORITY DATE: 07/31/1884
PURPOSE OF USE: IRRIGATION
PERIOD OF USE FROM TO: 05-01 10-15
BASIS OF CLAIM: DECEED

SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

POINT OF DIVERSION: TOSN R26E S04
PLACE OF USE: IRRIGATION
TOTAL QUANTITY: .8 CFS

TOWN R26E S04
75.0 ACRES TOTAL
REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
USE OF THIS RIGHT WITH RIGHT NOS. 34-00738C AND 34-02397C IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.14 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 187.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 75 ACRES IN A SINGLE IRRIGATION SEASON.
WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.

34-00647
SUSAN PEARSON
JAY F. PEARSON
RT. 1 BOX 47
MOORE ID 83255
TOTAL QUANTITY: 1.6 CFS
DECEED

POINT OF DIVERSION: TOSN R26E S04
PLACE OF USE: IRRIGATION
TOTAL QUANTITY: 1.6 CFS

TOWN R26E S09
113.0 ACRES TOTAL
REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 34-00646 AND 34-02412A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.08 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 282.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.
WATER IS DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.

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

 DATE: MAY-27-1992
 PAGE: A-394

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

34-00738C	RICHARD E BEAL THORA BEAL BOX 31 MOORE ID 83255	06/30/1891	IRRIGATION	05-01 10-15	.8	CFS DECREE
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POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY:

.8 CFS

T04N R26E S04 NESW 36.0 SESW 39.0

75.0 ACRES TOTAL

 REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
 IDAHO CODE 42-1416(1).

 USE OF THIS RIGHT WITH RIGHT NOS. 34-000628 AND 34-02397C IS
 LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.14 CFS AND TO A
 TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 187.5 ACRE FEET
 AND TO THE IRRIGATION OF A COMBINED TOTAL OF 75 ACRES IN A SINGLE
 IRRIGATION SEASON.

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.

 GERALD J. STEVART
 RELLA O. STEVART
 RT. 1 BOX 59
 MOORE ID 83255

06/30/1891 IRRIGATION 05-01 10-15

.48 CFS DECREE

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY:

.48 CFS

T04N R26E S04 SWSW 33.0

33.0 ACRES TOTAL

 REMARKS: DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL
 USE OF THIS RIGHT WITH RIGHT NOS. 34-00259E 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.

TRIBUTARY: SINKS

BENEFICIAL USE

PLACE OF USE: STOCKWATER FROM STORAGE

SESE
MSM
SENE
MSM
SASE

SWNE
NENW
NENW
NESW
NWSE

SWMS
NESM

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

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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
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

TOTAL QUANTITY: .23 CFS

NON-IRRIGATION-USES:
STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

LOT 1 (NENE) (B)
T02N R27E S01 SENE (B)
T03N R27E S20 NESE (E)
T02N R28E S01 SESE (E)
T03N R27E S35

PLACE OF USE: STOCKWATER

T02N R27E S01	Lot 1 (NENE)	SENE	SESW	Lot 5 (SWNW)
R28E	NESE	SWSE		
S02	SESE	SWSE		
S03	SWSW	SESW		
S04	SWNE	SWNW	SESW	Lot 4 (SWNW)
S05	NESE	SESE		
	SWNE	SENE		
	SENE	SENE		
S06	Lot 1 (NENE)	Lot 2 (NWNE)	Lot 3 (NENN)	Lot 5 (SWNW)
	SENE	SENE		
	SENE	SENE		
	SENE	SENE		
S09	NENE	NENE	NENN	Lot 5 (SWNW)
S10	NENE	SENE	SENE	
S11	NENE	SENE	SENE	
	SWNW	SENE	SENE	
S12	NWNE	NWNE	NWNE	Lot 5 (SWNW)
T03N R27E S20	SENE	SENE		
S21	SWNW	SENE		
	NESE	SENE		
S22	NESE	SENE	SENE	Lot 5 (SWNW)
S26	SWSW	SENE		
S27	SWNE	SENE		
	NESE	SENE		
S28	NWNE	NWNE	NWNE	Lot 5 (SWNW)
S35	NWNE	NWNE		
	NESE	SENE		
	NESE	SENE		

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