

3-17

COPY

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

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.

Case No. 34-04190
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

MAR 18 1993

Department of Water Resources
Adjudication Bureau

34-04190 -0044/
93-03-0413

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: BILLY L. HARALSON

Address: RT. 1 Box 450
ARCO, Idaho 83213
~~Idaho~~, 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~~ ^{four} page. Exhibit C- ~~one~~ ^{two} page.

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

BILLY L. HARALSON, 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.

Billy L. Haralson
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 15 day of March,
199 3.

Barbara Shrentz
Notary Public for State of Id.
Residing at: Ass. St.
My Commission expires: 7/30/97

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 16TH 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

Billy L. Harbo
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 C

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-281

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE FROM TO	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00509A	BILLY L. HARALSON ROUTE 1 BOX 450 ARCO ID 83213	06/01/1886	IRRIGATION	05-01 10-15	2.52	CFS	DECREED
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POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

TOTAL QUANTITY: 2.52 CFS

T04N 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 34-10941.

34-00509B	MARSHAL T000 PERKES RT. 1 BOX 69 MOORE ID 83225	06/01/1886	IRRIGATION	05-01 10-15	.68	CFS	DECREED
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POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

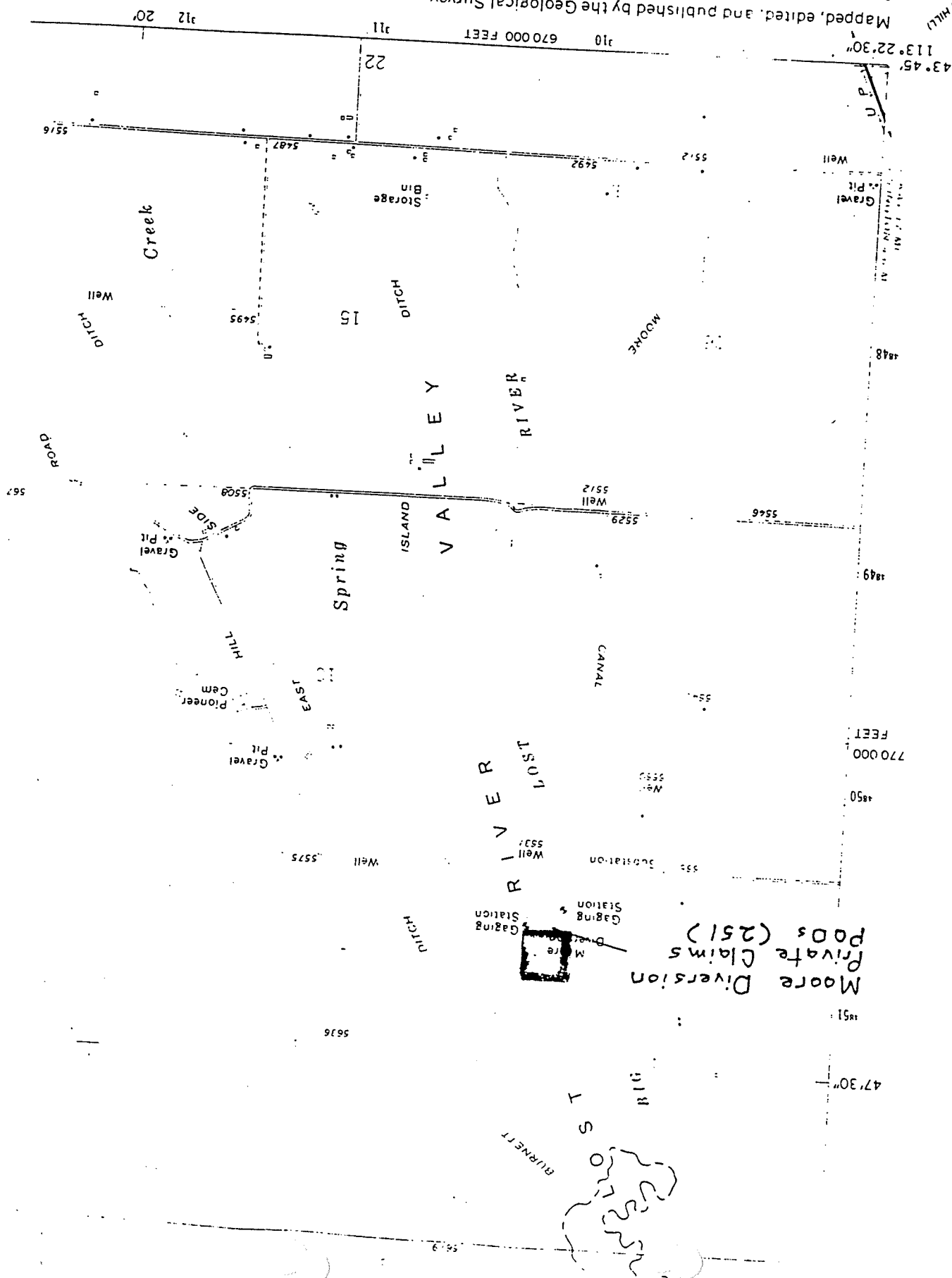
TOTAL QUANTITY: .68 CFS

T04N 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.

Control by USGS and USCGS
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 Universal Transverse Mercator grid ticks
zone 12 shown

Mapped, edited, and published by the Geological Survey
Control by USGS and USCGS



DATE: MAY-27-1992
PAGE: A-671

BASIS OF CLAIM

TRIBUTARY: SINKS

DECREED

1.46 CFS

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.

OF 513 AC, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 206 ACRES IN A SINGLE IRRIGATION SEASON.

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

DATE: MAY-27-1992
PAGE: A-659

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

PERIOD OF USE
FROM TO

MAXIMUM
QUANTITY

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

PERIOD OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

TRIBUTARY: SINKS

34-00510A

BILLY L. HARALSON
ROUTE 1 BOX 450
ARCO ID 83213

06/01/1902 IRRIGATION

05-01 10-15

.92 CFS DECREED

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NUSESE

TOTAL QUANTITY:

.92 CFS

T04N R26E S15

152.0 ACRES TOTAL

NEWU 38.0

MANU 39.0

SENU 35.0

SENU 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

NUSESE

TOTAL QUANTITY:

.66 CFS

T04N R26E S16

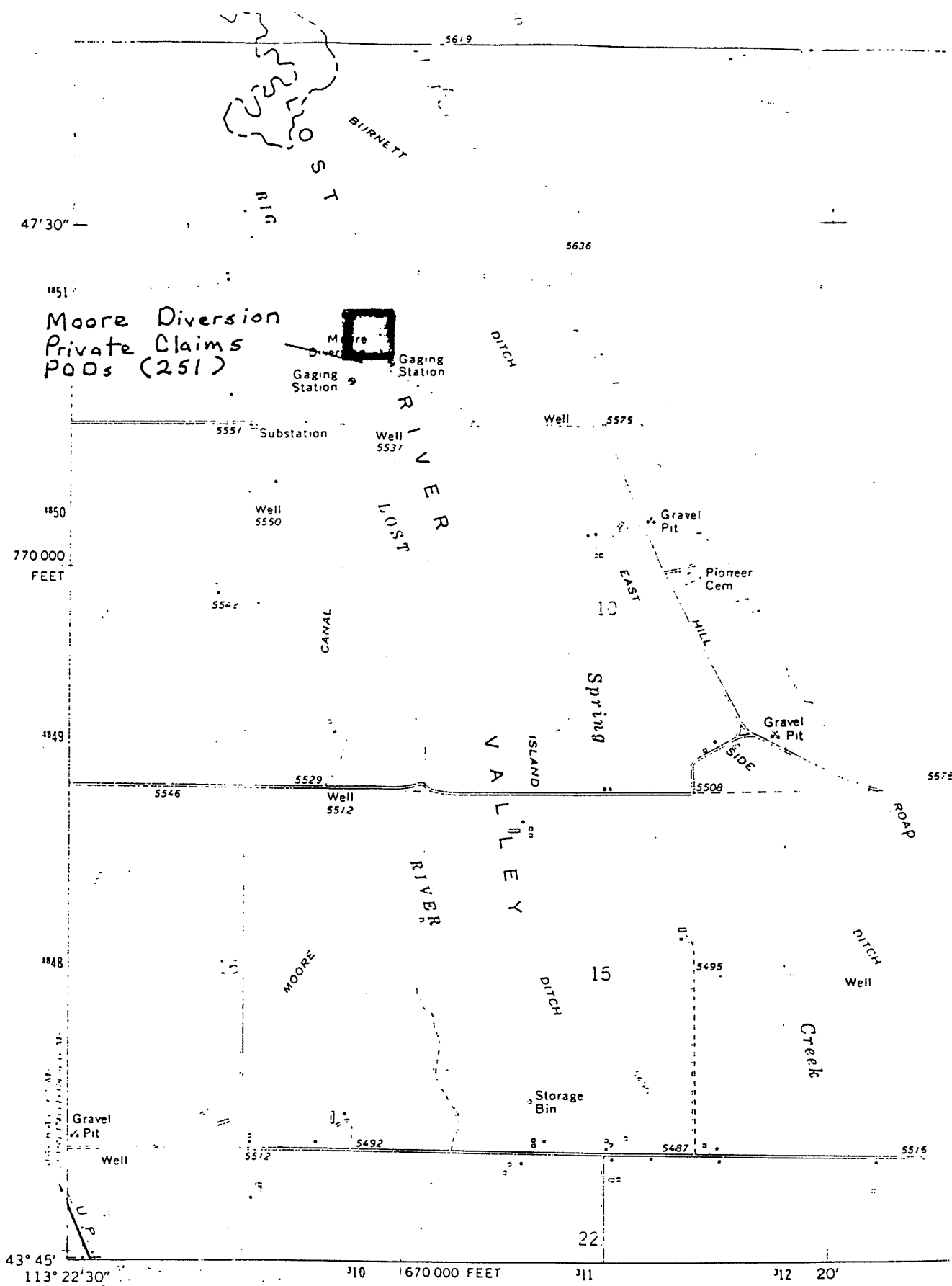
115.0 ACRES TOTAL

NEWU 37.0

MANU 39.0

SENU 39.0

REMARKS: WATER IS DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL. USE OF THIS RIGHT WITH RIGHT NOS. 34-005098 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.



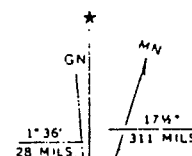
Mapped, edited, and published by the Geological Survey

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 Universal Transverse Mercator grid ticks,
zone 12, shown in blue



AMSHORN CANYON, IDAHO

(APPENDIX HILL)
3271 III NW

EXHIBIT B

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-458RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOPERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00088

BILLY L. HARALSON
CLAIRE SUZANNE HARALSON
RT. 1 BOX 450
ARCO ID 83213

06/01/1896 IRRIGATION

05-01 10-15

1.17

CFS

DECREED

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:

1.17

CFS

T04N R26E S10
137.0 ACRES TOTAL

NESW 32.0

SESW 39.0

MUSE 34.0

SUSE 32.0

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO

IDAHO CODE 42-1416(1).

WATER IS DELIVERED THROUGH ISLAND DITCH.

USE OF THIS RIGHT WITH RIGHT NO. 34-07237 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.09 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 342.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 137 ACRES IN A SINGLE IRRIGATION SEASON.

MADE WADDUPS

TE ANNE WADDUPS

RT. 1 BOX 20

MOORE ID 83255

06/01/1896 IRRIGATION

05-01 10-15

1.6

CFS

DECREED

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:

1.6

CFS

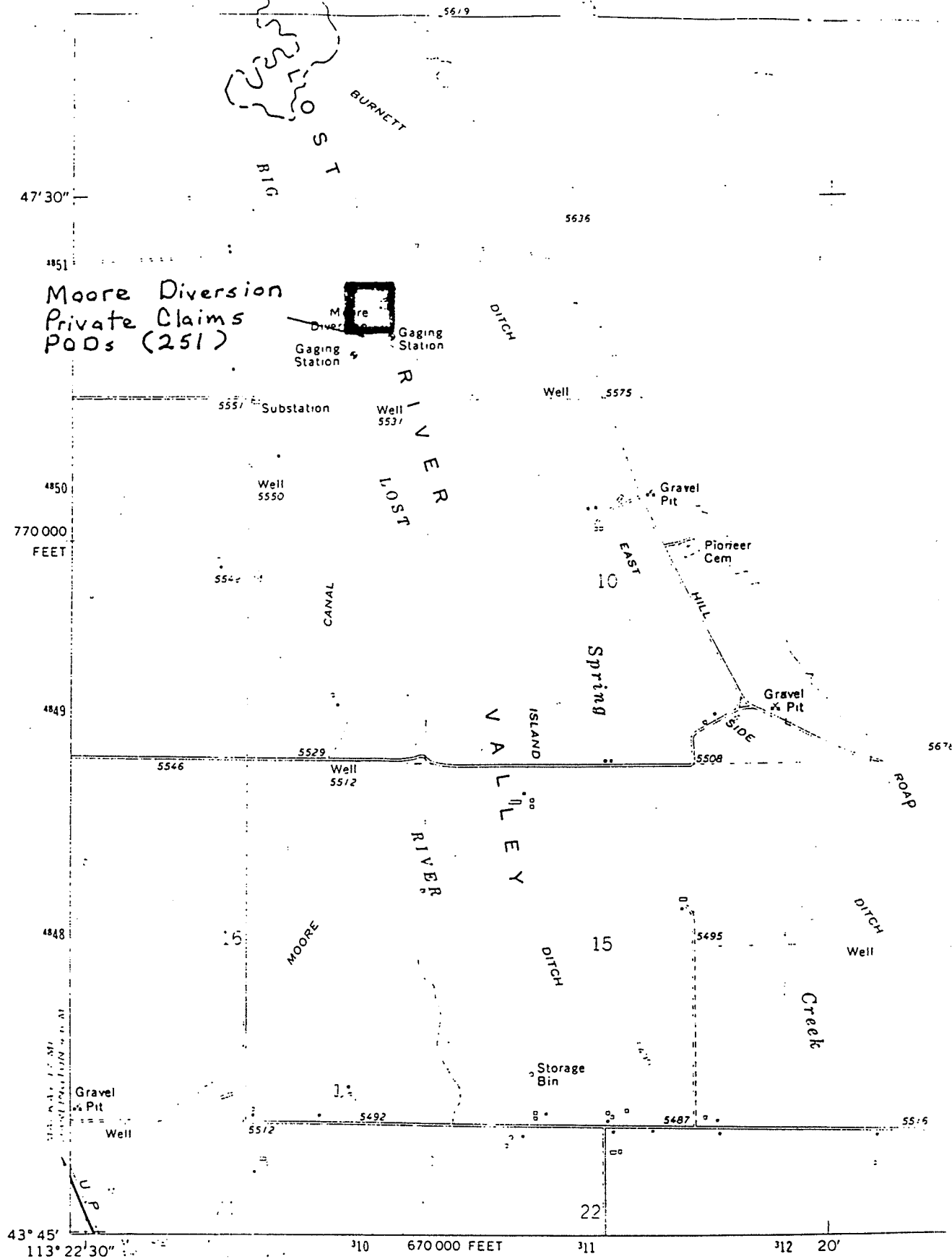
REMARKS:

DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH
68.0 ACRES TOTALUSE OF THIS RIGHT WITH RIGHT NO. 34-024268 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.84 CFS AND TO A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 170 ACRE FEET AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 68 ACRES IN A SINGLE IRRIGATION
SEASON.0.30 CFS OF RIGHT NO. 34-024268 IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO.
34-024268.

T05N R26E S33

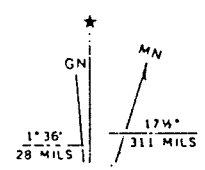
NENW 37.0

NNW 31.0



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 Universal Transverse Mercator grid ticks, zone 12, shown



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 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
			STOCKWATER FROM	01-01 12-31	20.1	AFY
			STOCKWATER	01-01 12-31	243.0	AFY
			STOCKWATER FROM	01-01 12-31	7.2	AFY
			STOCKWATER	01-01 12-31	.44	CFS
			DIVERSION TO	01-01 12-31	.44	CFS
			STORAGE		243.0	AFY
			TOTAL QUANTITY:			

NON-IRRIGATION-USES:
STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:	TO2N R28E S11	NWSE	SESE	SWSW	SESW
PLACE OF USE: WILDLIFE STORAGE		NWSE	SESE	SWSW	SESW
SAME AS OTHER USE		NWSE	SESE	SWSW	SESW
PLACE OF USE: STOCKWATER FROM STORAGE		NWSE	SESE	SWSW	SESW
	TO2N R28E S11	NWSE	SESE	SWSW	SESW
	S13	NWSE	SESE	SWSW	SESW
	S14	NWSE	SESE	SWSW	SESW
	S15	NWSE	SESE	SWSW	SESW
	S23	NWSE	SESE	SWSW	SESW
	S24	NWSE	SESE	SWSW	SESW
	S25	NWSE	SESE	SWSW	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