

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 17 1993

Department of Water Resources
Adjudication Bureau

34-04190 -0045/
93-03-0414

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: Gerald J. And/or Rella Stewart

Address: Rt. 1 Box 59
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.

OBJECTION - 2000

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.

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

☒ 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

Gerald J. And/or Rella Stewart 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.

Gerald Stewart by
Signature of person filing objection
Craig Stewart

By: _____
(Attorney signing in representative capacity)

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

Thomas D. Cannon
Notary Public for Idaho
Residing at: Arco
My Commission expires: 12-30-97

(Over)

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.

AJS856NP

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

DATE: MAY-27-1992
PAGE: A-311

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00213C

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

03/13/1887 IRRIGATION

05-01 10-15

.65 CFS

DECREED

32,500

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY:

.65 CFS

T04N R26E S20

NEW 37.0

SEW 39.0

NEW 37.0

113.0 ACRES TOTAL

REMARKS: DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00587A AND THE OTHER RIGHTS

LISTED THEREIN IS LIMITED TO A TOTAL COMBINED

DIVERSION RATE OF 2.978 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.

Exhibit B
Page 1 of 5

47°30"

Moore Diversion
Private Claims
Pools (251)

770 000
FEET

4849

4848

43°45'
113°22'30"

(APPENDIX HILL)
3371 H NW

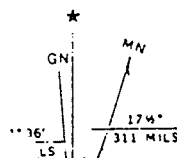
Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

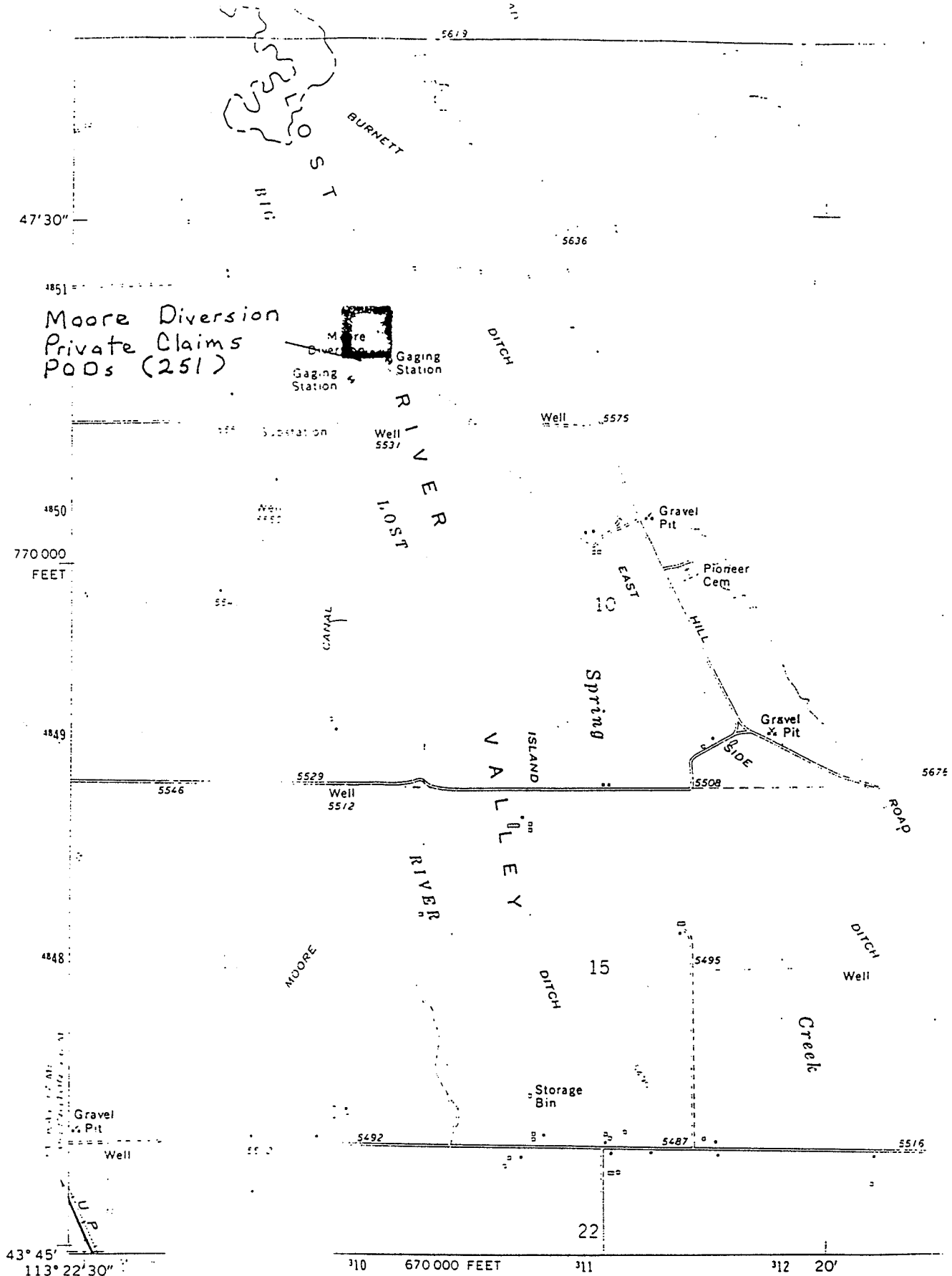
Topography by photogrammetric methods from aerial
photographs taken 1967. Field checked 1969

Polyconic projection 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
central zone

1000-meter Universal Transverse Mercator grid ticks,



RAMSHORN CANYON, IDAHO



AJ5856NP

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

DATE: MAY-27-1992
PAGE: A-443

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						

34-00082C LORI B. KING
STEPHEN K. KING
RT. 1 BOX 107A
MOORE ID 83255

06/01/1895 IRRIGATION 05-01 10-15

.8 CFS DECREED

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY:

.8 CFS

T05N R26E S22

NWSE 2.0

SWNE 38.0

SWSE 38.0

SWNW 36.0

SENW 35.0

187.0 ACRES TOTAL

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

WATER IS DELIVERED THROUGH ISLAND CANAL.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.94 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 467.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 187 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-000308, 34-10221, 34-10225, 34-00462A, 34-024498 AND 34-12393.

34-00082D RELLIA O STEWART
GERALD J STEWART
RT 1 BOX 59
MOORE ID 83255

06/01/1895 IRRIGATION

05-01 10-15

.8 CFS DECREED

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY:
CONSUMPTIVE USE:

.8 CFS
95.0 AFY

T04N R26E S19

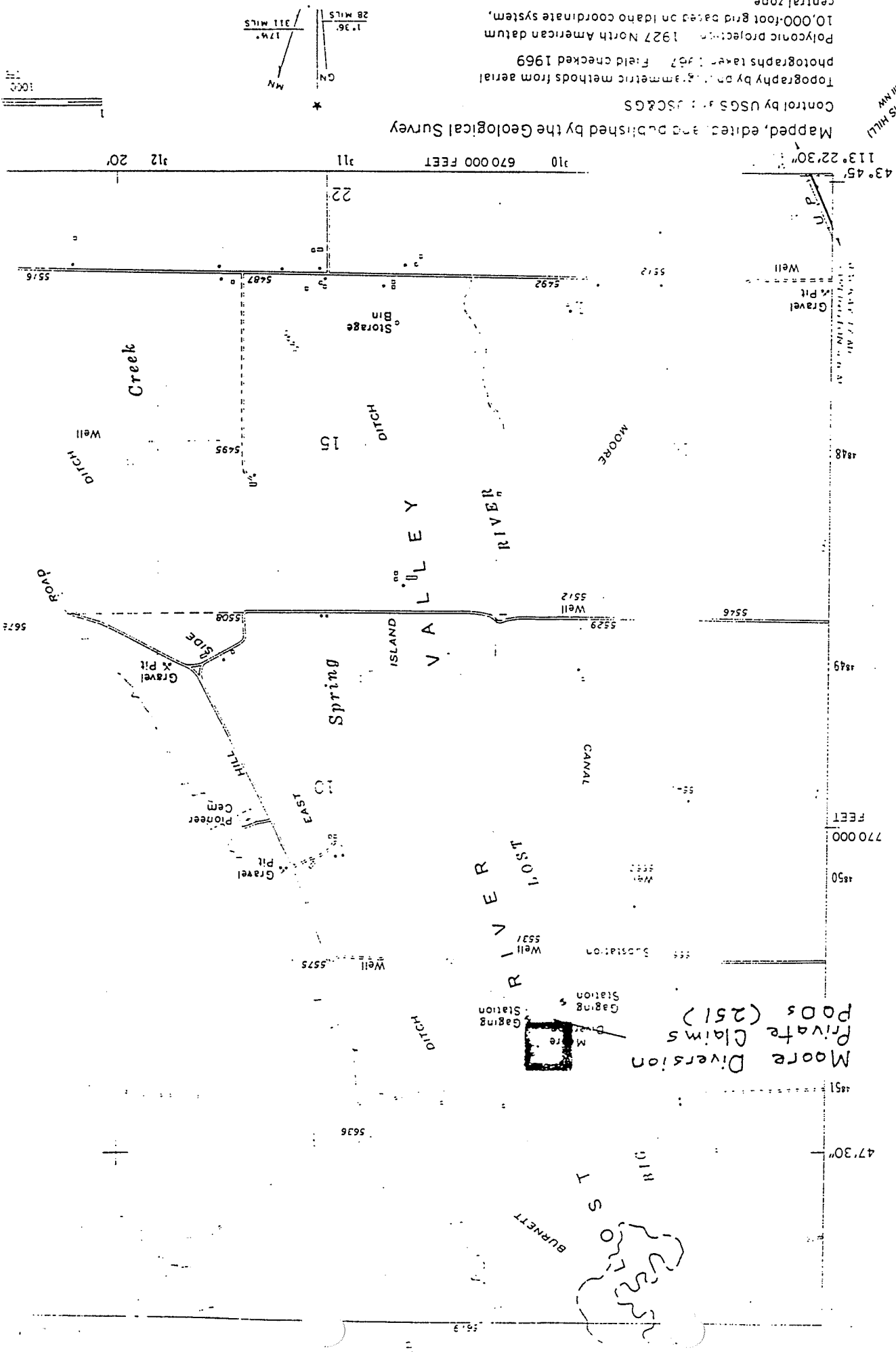
SWNE 38.0

38.0 ACRES TOTAL

REMARKS: DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL

EXHIBIT B
Page 2 of 5

RAMSHORN CANYON, IDAHO



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Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969

Polycoric projection 1927 North American datum 10,000-foot grid based on Idaho coordinate system,

central zone

1000-meter Universal Transverse Mercator grid ticks,

LAPEENOCITTS HILL
3271311 NW

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-626

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

34-00214A	RELLA O. STEWART GERALD J. STEWART RT. 1 BOX 59 MOORE ID 83255	09/01/1901	IRRIGATION	05-01 10-15	.35	CFS DECREED 17.5"
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POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY:

.35 CFS

T04N R26E S20
113.0 ACRES TOTAL
SENW 37.0
NESW 37.0

REMARKS: DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL
USE OF THIS RIGHT WITH RIGHT NOS. 34-00587A AND THE OTHER RIGHTS
LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 2.978 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.

34-00214B	LEO M. JENSEN BONNIE M. JENSEN RT. 1 BOX 58A MOORE ID 83255	09/01/1901	IRRIGATION	05-01 10-15	.35	CFS DECREED
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POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

NWSESE

TOTAL QUANTITY:

.35 CFS

T04N R26E S20
106.0 ACRES TOTAL
NWNE 30.0
SWNE 40.0
NWSE 36.0

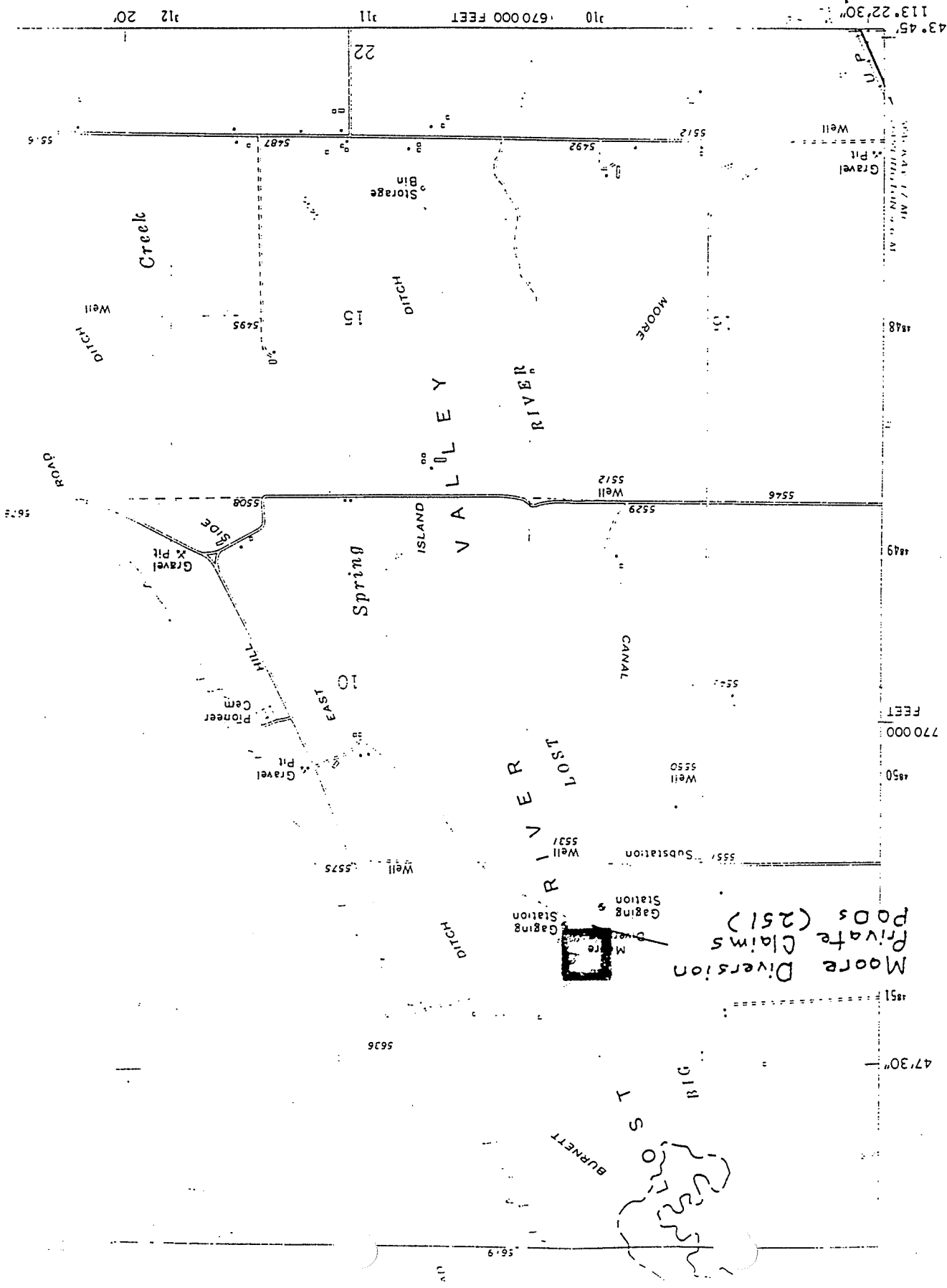
REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1416(1).
WATER IS DELIVERED THROUGH MOORE DIVERSION, MOORE CANAL.
USE OF THIS RIGHT WITH RIGHT NO. 34-00213D AND OTHER RIGHTS
LISTED THEREIN IS LIMITED TO
A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 265 AF, AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 106 ACRES IN A SINGLE
IRRIGATION SEASON.

Exhibit B
Page 3 of 5

1000-meter Universal Transverse Mercator grid ticks,
central zone
Polycronic projection 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
photographs taken 1967. Field checked 1969
Topography by photogrammetric methods from aerial
Control by USGS and USCGS

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APPENDIX HILLS
3271 III NW



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

DATE: MAY-27-1992
PAGE: A-201

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						

34-00587A GERALD J. STEWART
RELLA O. STEWART
RT. 1 BOX 59
MOORE ID 83255

10/12/1884 IRRIGATION 05-01 10-15

.892 CFS DECREE

45.6 "

POINT OF DIVERSION:

105N R26E S04
PLACE OF USE: IRRIGATION

HWSESE

TOTAL QUANTITY:

.892 CFS

104N R26E S20 NENW 37.0 SENW 39.0 NESH 37.0

113.0 ACRES TOTAL

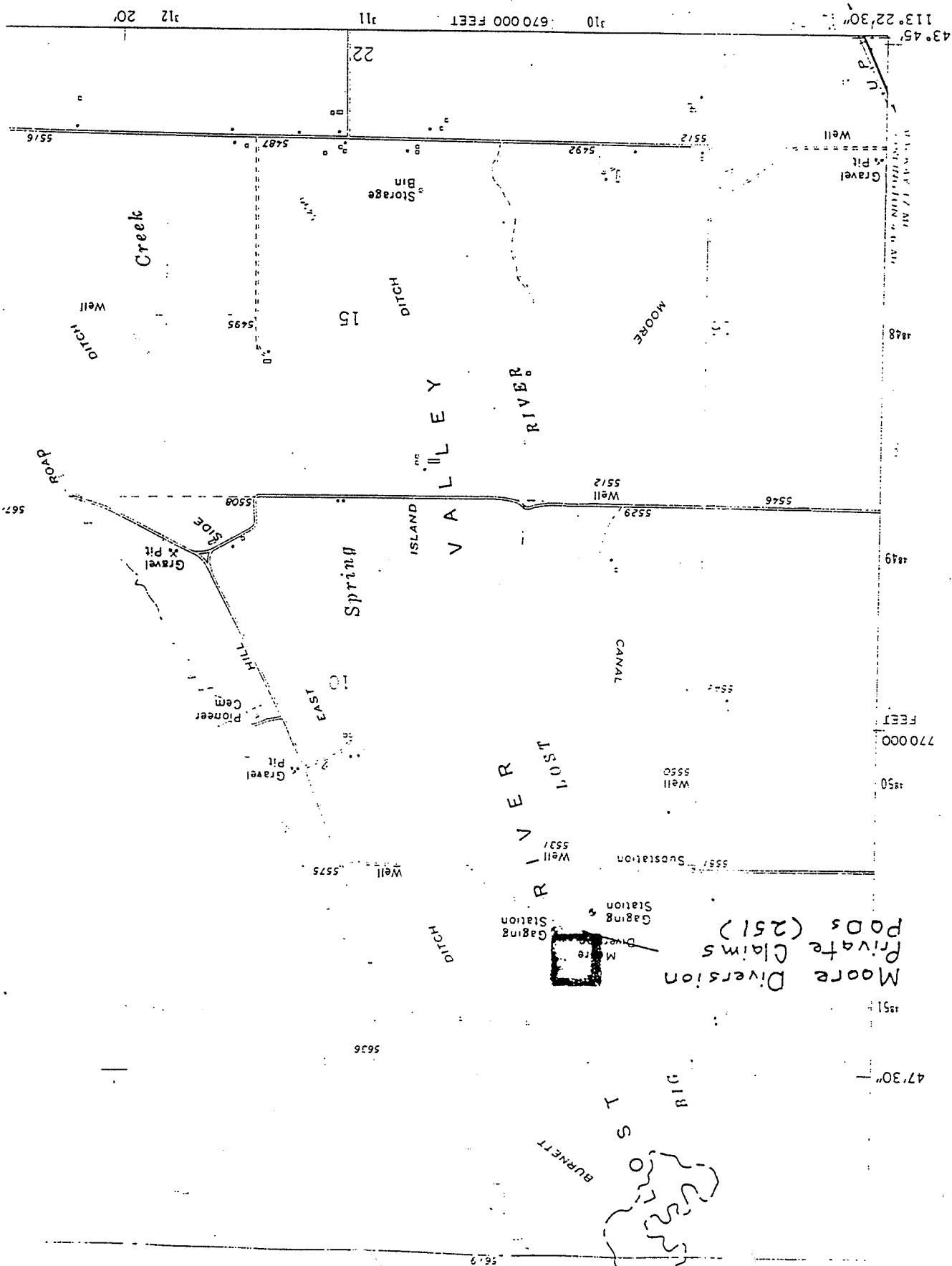
REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1416(1).

DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL
USE OF THIS RIGHT WITH RIGHT NOS. 34-00214A, 34-00588A,
34-00213C AND 34-02429A IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 2.978 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.

Exhibit B

Exhibit B
Page 5 of 5

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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					

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:

- 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)	SENE			
R28E	NESW	NWSW			
	NESE	NWSE			
S02	SESE				
S03	SWSW	SESW			
S04	SWNE	SWNW			
	NESE	NWSE			
S05	SWNE	SENE			
	SENW	SENE			
S06	Lot 1 (NENE)	NESE			
	SENW	(NENE)			
S09	NENE				
S10	NESE				
S11	NESE				
	SWNW	SENW			
S12	NWNE	NWNE			
103N R27E S20	SENE				
S21	SENE				
	NESE				
S22	NESW	NWSE			
S26	NWSW	NWSE			
S27	SWNE	SENE			
	NESE	NWSE			
S28	NWNE	SENE			
S35	SENW	SENE			
	NESW				

SESW

NWSW

SESW

Lot 5 (SWNW)

NWNW

NWNW

SESW

SESW

SESW

SESW

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

Exhibit C

Exhibit C

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

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

102N R28E S11 NW/4SE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

102N R28E S11	NESE	W/4SE	SESE	S/4SW	S/4SW
S13	NW/4W	SW/4W	SENE	SW/4W	SENE
S14	NW/4E	SW/4E	NW/4W	SW/4W	SENE
	NW/4W	NW/4W	SW/4W	SW/4W	SENE
	NESE	W/4SE	SESE	SW/4W	SENE
S15	NESE	SESE	SESE	SW/4W	SENE
S23	NW/4E	SW/4E	SENE	SW/4W	SENE
S24	SW/4W	SW/4W	SENE	SW/4W	SENE
	SESW	NESE	W/4SE	SW/4W	SENE
S25	SESE	NW/4E	SW/4E	SW/4W	SENE
	NW/4E	SW/4W	SW/4W	SW/4W	SENE
	SESW	NW/4E	SW/4W	SW/4W	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