

3-16

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 -0047/
93-03-0416

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:

Jay A. Andersen
Jean P. Andersen

Address:

Rt. 1 Box 41

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, F.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)

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

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

other: I object to: The historical source of water
to fill the purpose of this claim is rising around-
water.

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.

☒ 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

Jay A. Andersen, 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.

Jay A. Andersen
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

Barbara J. Hunter
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission expires: 3/31/97

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 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.

AJ5856NP

EX h. b. f. B

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

DATE: MAY-27-1992
PAGE: A-180

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

PERIOD OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00311A

ROBERT D. WADDUPS
P.O. BOX 42
MOORE ID 83255

07/15/1884 IRRIGATION

05-01 10-15

.8

CFS

DECREED

POINT OF DIVERSION:
TOSH R26E S04

MUSESE

TOTAL QUANTITY:

.8

CFS

PLACE OF USE: IRRIGATION

TOSH R26E S08

SWNE 40.0

SENE 40.0

REMARKS: WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.

USE OF THIS RIGHT WITH RIGHT NOS. 34-024,168 AND 34-00622D IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.29 CFS AND
TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 200 ACRE
FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES
IN A SINGLE IRRIGATION SEASON.

34-00311B: JEAN P ANDERSEN

JAY A ANDERSEN
RT 1 BOX 41
MOORE ID 83255

07/15/1884 IRRIGATION

05-01 10-15

.8

CFS

DECREED

POINT OF DIVERSION:
TOSH R26E S04

MUSESE

TOTAL QUANTITY:

.8

CFS

PLACE OF USE: IRRIGATION

TOSH R26E S05

SWSE 35.5

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

IDAHO CODE 42-1416A.

WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.

USE OF THIS RIGHT WITH RIGHT NO. 34-00623A IS LIMITED TO A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 88.8 ACRE FEET AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 35.5 ACRES IN A SINGLE
IRRIGATION SEASON.

0.90 CFS OF RIGHT NO. 34-00623A IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

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
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

NON-IRRIGATION-USES:

TOTAL QUANTITY:

.23

CFS

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)

R28E NESU

S02 SESE

S03 SESU

S04 SHNU

S05 SENE

S06 Lot 1 (NENE)

S09 NENE

S10 NENE

S11 SHNU

S12 SHNU

103N R27E S20 SENE

S21 SHNU

S22 NESU

S26 SHNU

S27 SENE

S28 NENE

S35 NESU

SENE

NESU

SESE

SESU

SHNU

SENE

Lot 2 (NENE)

Lot 3 (NENE)

Lot 4 (NENE)

Lot 5 (SHNU)

SENE

SHNU

SESE

SESU

SHNU

SENE

SHNU

SESE

SESU

SHNU

SESE

SESU

SHNU

SESE

SESU

SHNU

SESE

SESU

SHNU

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

DATE: NOV-17-1992
PAGE: A-36

Exhibit C

BASIS OF CLAIM

TRIBUTARY: SINKS

BENEFICIAL USE

243.0	CFS
.44	AFY

HOUSE

PLACE OF USE: STOCKWATER FROM STORAGE

SMS

SESH

MINN
SUSU
SUSE

NEAR
MUSH

ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID = 3403488096

BLM RECORD ID = 3403488096