

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. 34-11581
(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 19 1964

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,)

34-11581 -0001/
93-03-0472

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)

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: GORDON FULTON

Address: STAR RD

MACKAY, ID 83257

Briefly describe your interest in this water right:

PRIME EXISTING WATER RIGHT
ON THIS STREAM.

2. Owner of the water right:

Name: U.S. DA FOREST SERVICE

Address: 324 25TH ST

PO BOX, UTAH, 84401-2394

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: U.S. DA FOREST SERVICE
CLAIMING ANY WATER RIGHTS UNDER THEORIES
THAT WATER RIGHTS WERE ESTABLISHED THROUGH
A FEDERAL RESERVATION PROGRAM.

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.

(2) SOURCE HAS PRIOR EXISTING RIGHT
(3) QUANTITY (4) PRIORITY DATE
(4)

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 DIS-ALLOW 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. MAP & COPY OF VES.

CLAIM —

I RESERVE THE RIGHT TO PROVIDE FURTHER DOCUMENTATION
AT A LATER DATE IF NECESSARY.

VERIFICATION (Must be Completed)

State of

IDA

County of

CLUSTER

Gordon Fulton, 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.

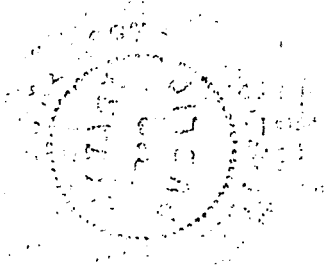
Gordon Fulton
Signature of person filing objection

By:

(Attorney signing in
representative capacity)

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

Carolyn Jane Parke
Notary Public for Idaho State # 940
Residing at: Madison, ID
My Commission expires: 3-1-98



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 17 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:

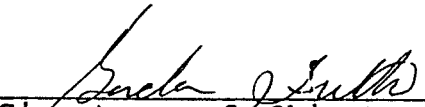
Owner name: USPA UNITED STATES FOREST SERVICE
Owner's address: 324 25th St
OGDEN, UTAH 84401-2394

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

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

DATE: NOV-17-1992
PAGE: A-201

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: ROCK CREEK

TRIBUTARY: SINKS

34-11581

UNITED STATES OF AMERICA ACTING THROUGH 05/01/1876 STOCKWATER 06-01 10-31 .02 CFS BENEFICIAL USE
USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 84401-2394

NON-IRRIGATION-USES:

STOCKWATER, 468 CATTLE

POINT OF DIVERSION:

T10N R23E S31

SENWSE (B)

T09N R22E S03

LOT 4 (SWNNW) (E)

PLACE OF USE: STOCKWATER

T09N R22E S03

T10N R22E S25

Lot 3 (NENW)

SWSW

SWSE

S34

S35

NENE

NESE

NNNW

R23E S30

S31

SWSW

NNNW

NNW

NESE

Lot 4 (NNNW)

SESW

SESE

SESE

SENE

NWSE

SWNW

SWSW

NNNW

NNW

NESE

NESE

SESW

SESE

SESE

SENE

NWSE

SWNW

SWSW

NNNW

NNW

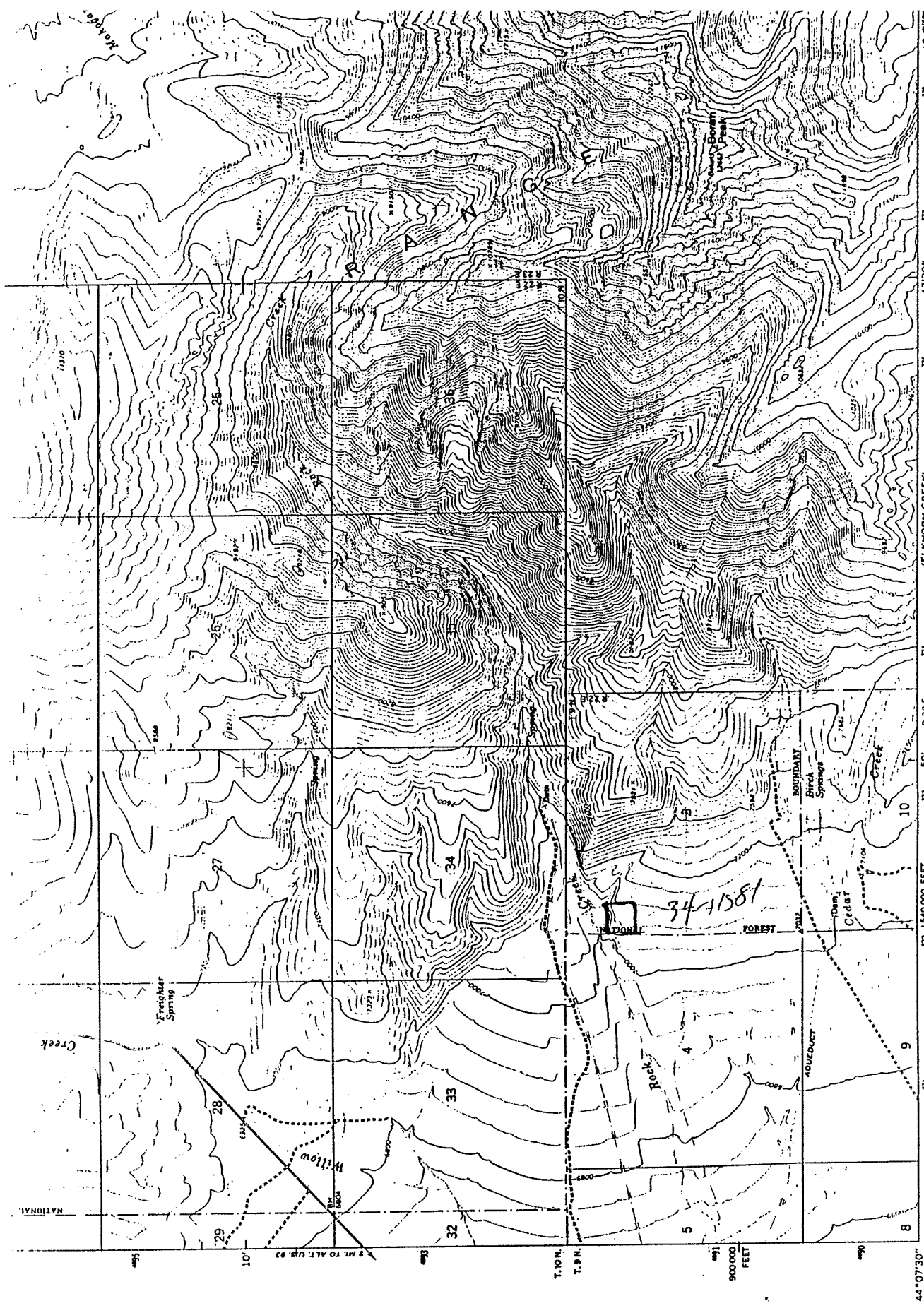
NESE

TOTAL QUANTITY:

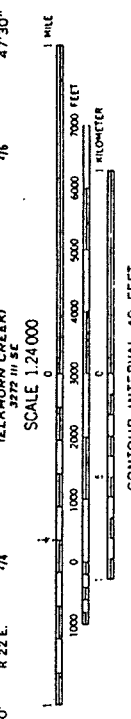
.02 CFS

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.
FOREST SERVICE RECORD ID = 04061704021815 9990



34-11581



Maped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography by photogrammetric methods from aerial
photographs taken 1966. Field checked 1967
Polyconic projection, 1927 North American datum

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