

3-15

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. 34-12383
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

MAR 17 1993

Department of Water Resources
Adjudication Bureau

34-12383 -0001/
93-03-0486

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 is specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

(Over)

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.

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: United States Department of Justice
Address: Environment & Natural Resources Division
550 W. Fort St., Box, 33, Boise, Idaho 83734

Briefly describe your interest in this water right: owner
of the water right.

2. Owner of the water right:

Name: United States of America Acting Through National
Address: Park Service, Pacific NW Regional Office, 83 S.
King Street, Suite 212, Seattle, WA 98121

3. If this objection is filed by an attorney:

Attorney Name: Peter C. Monson, U.S. Dept. of Justice
Attorney Address: Environment & Natural Resources Div.
550 W. Fort St., Box 33 Boise, ID 83734
Attorney Phone No.: (303) 294-1950

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: See Attachment A.
- _____
- _____
- _____
- _____

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.

See Attachment B.

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.

See Attachment C.

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. CRMO Agreement,

pages 8, 9, 17, 18, 19, 21.

VERIFICATION (Must be completed)

State of Colorado

County of Denver

Peter C. Manson, 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.

Signature of person filing objection

By: [Signature]
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 12th day of March,
1993.

Dwight Hills
Notary Public for Colorado
Residing at: 378 S. Pennsylvania, Denver, CO
My Commission expires: October 14, 1996

(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 12th day of March, 1995, 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 -- see below

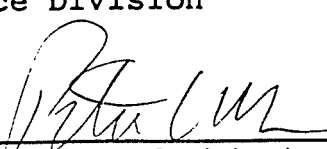
Owner's address: _____

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

OBJECTION - ATTACHMENT A

STATEMENT OF THE OBJECTION

14. Other (General Provisions): I object to the following General Provisions in the Director's Report:

- General Provision ¶1b, p.9 - Effect of Adjudication;
- General Provision ¶5, p.11 - Administration of Ground-water Within Basin 34;
- General Provision ¶6, p. 11 - Conjunctive Administration of Ground and Surface Water Rights Within Basin 34;
- General Provision ¶7, p. 12 - Administration of Basin 34 and Snake River Basin;
- General Provision ¶9, p. 13 - Measuring Devices and Control Works;
- General Provision ¶10, p. 13 - Firefighting Purposes.

The quantity consumed for fire suppression in accordance with Article 5.10, *infra*, is not limited by this Agreement.

.viii Place of Use/Legal Description of Reservation:
Any place within the boundaries of the Monument.

.ix Basis of Right: Reservation under Proclamation No. 1694.

.x Comments: No diversions presently exist.

5.3 Water Rights for Non-consumptive Use in Area A:

.1 Right No. 34-12384, also known as 36-15343.

.i Source: All surface water within Area A as shown on Attachment I.

.ii Amount of Water: Entire flow of each source in excess of amount diverted by Right No. 34-12383, also known as 36-15342 [Article 5.2.1].

.iii Date of Priority: May 2, 1924.

.iv Beginning and Ending Point of Instream Flow or Location of Each Source: Within Area A as shown on Attachment I.

.v Purpose of Use: Instream flow uses.

.vi Period of Use: January 1 - December 31.

.vii Annual Volume of Consumptive Use: None other than natural consumption.

.ix Basis of Right: Reservation under Proclamation
No. 3506.

.x Comments: None.

5.10 The United States may also divert water for fire suppression in accordance with the following paragraph to be included in the final decree in this matter:

"The use of water for fire suppression benefits the public. Water diverted for fire suppression may be taken randomly, without a definition of the specific elements of a recordable water right, and if so diverted for fire suppression, existing water rights shall not be diminished."

5.11 The rights described in this Agreement are Federal Reserved Water Rights with all the characteristics appertaining thereto. Non-use of all or any part of the Federal Reserved Water Rights shall not constitute a relinquishment, forfeiture or abandonment of the rights.

5.12 The United States shall not change any element of any Federal Reserved Water Right described in Article 5.

5.13 For purposes of this Agreement only, the surface water within the Monument boundaries and perched ground water underlying the Monument shall be treated as a self-contained water system. If the United States believes, however, that proposed or existing water uses or diversions outside the boundaries of the Monument will adversely affect or are adversely affecting the Monument's water

time the application is made, or are not physically available for use through reasonable diversion facilities.

.5 To restrict the power of the United States to reserve water in the future, in accordance with applicable law.

7.5 The parties are unable to agree upon who may administer the water rights set forth in this Agreement. Accordingly, this Agreement does not address or resolve this issue. Each party reserves the right to litigate the issue of administration, if and when the need arises.

8. Severability

8.1 This Agreement is not severable.

9. Successors

9.1 This Agreement shall bind and inure to the benefit of the respective successors of the parties.

10. Entire Agreement

10.1 This Agreement sets forth all the covenants, promises, provisions, agreements, conditions, and understandings between the parties and there are no covenants, provisions, promises, agreements, conditions, or understandings, either oral or written between them other than are herein set forth.