

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

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. 34-12554
(You must insert the
water right number you
are objecting to)

RECEIVED
OBJECTION
MAR 19 1993

Department of Water Resources
Adjudication Bureau

34-12554 -0001/
93-03-0553

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 Route

Mackay, Idaho 83251

Briefly describe your interest in this water right:

Historical water use holds seniority over
BLM's claims and are protected by 1886 Water
Protection Act.

2. Owner of the water right:

Name: U. S. Dept of Interior

Address: Bureau of Land Management

Idaho State Office, 3330 Americana Terrace

Boise, ID 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 US DEPT OF INTERIOR
(BLM) CLAIMING ANY WATER RIGHTS UNDER
THEORIES THAT WATER RIGHTS WERE ESTABLISHED
THROUGH A FEDERAL RESERVATION OF WATER BY
EXECUTIVE ORDER DATED APR. 17, 1926 DWP NO. 107.

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.

I OBJECT TO ALL ASPECTS OF THIS CLAIM,
SPECIFICALLY SOURCE, QUANTITY, PRIORITY DATE,
AND PERIOD OF USE BECAUSE OF PRIOR
EXISTING BENEFICIAL USE.

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 DIRECTORS 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. (1) MAP OF AREA

(2) COPY OF BLM'S ALLEGED CLAIM.

I RESERVE THE RIGHT TO SUBMIT FURTHER INFORMATION OR DOCUMENTATION IN THE FUTURE.

VERIFICATION (Must be Completed)

State of IDAHO

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.

Cecelia Jean Porbe
Notary Public for Idaho
Residing at: Malheur, Id.
My Commission expires: 3-11-98

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 17th 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:

Owner's address:

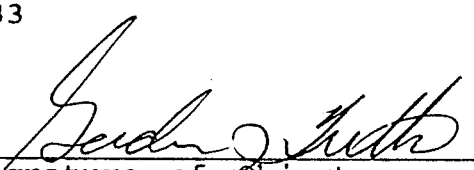
U.S. DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, IDAHO 83706

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

AJ5856NP

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

DATE: NOV-17-1992
PAGE: A-1189

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

PERIOD OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: SPRING

TRIBUTARY: WILLOW CREEK

34-12554

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

01/01/1884 STOCKWATER

01-01 12-31

.01

CFS

BENEFICIAL USE

NON-IRRIGATION-USES:

STOCKWATER, 234 RANGE CATTLE

POINT OF DIVERSION:

T10N R22E S17

PLACE OF USE: STOCKWATER

NWNE

NENE

T10N R22E S17

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 = 3404582950

01/01/1884 STOCKWATER

01-01 12-31

.01

CFS

BENEFICIAL USE

34-12556

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

TOTAL QUANTITY:

.01

CFS

NON-IRRIGATION-USES:

STOCKWATER, 240 RANGE CATTLE

POINT OF DIVERSION:

T10N R22E S18

PLACE OF USE: STOCKWATER

SEWNE

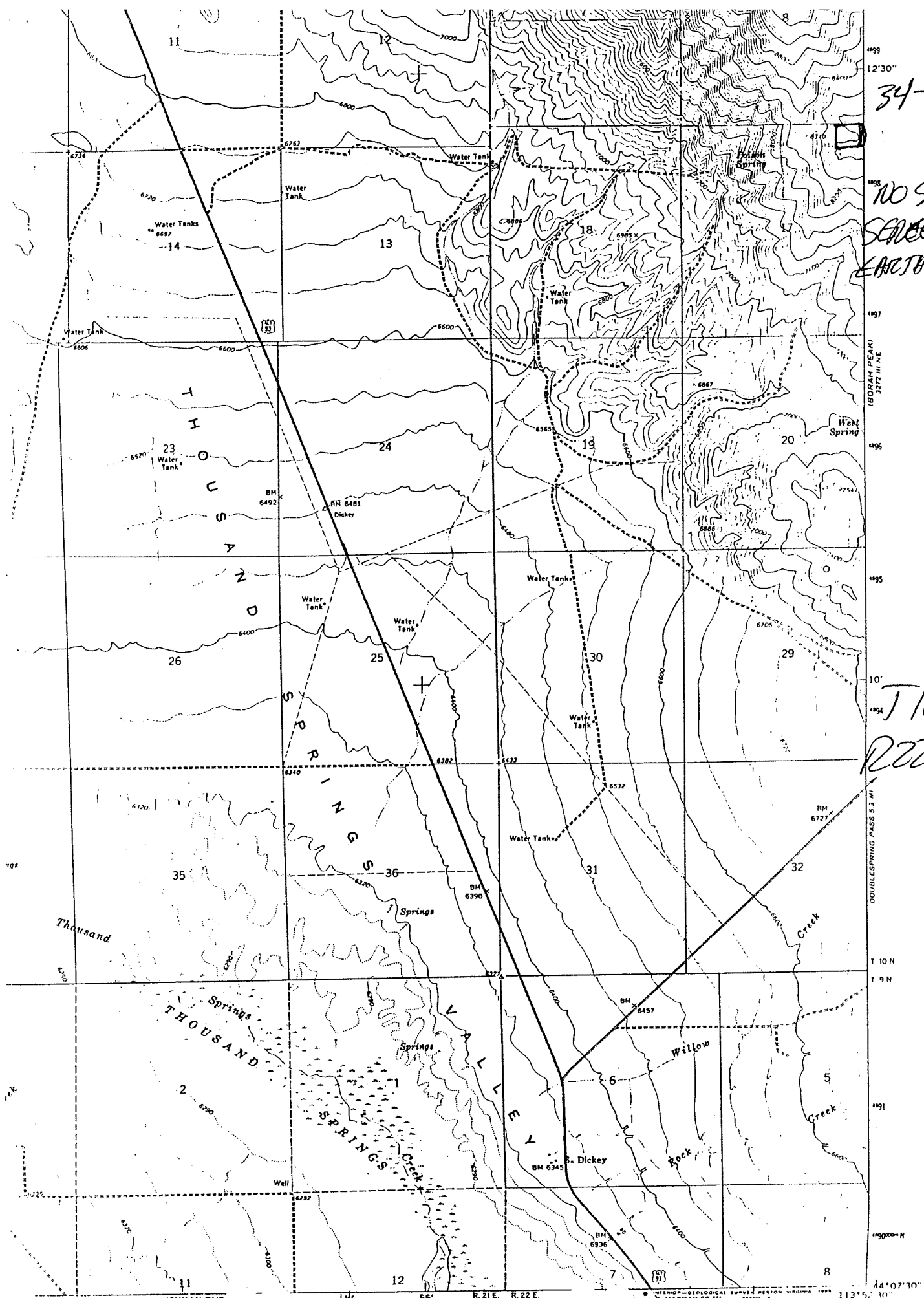
T10N R22E S18

NWNE

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 = 3404582952

NO SOURCE OF WATER SINCE 1933
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34-125
NO SOURCE
SCHE ME
EARTHQUAKE

TION
R22E

CHILLY BUT
1272 III. SW
SCALE 1:24 000

1 MILE

UNITED STATES GEOLOGICAL SURVEY REGIONAL MAPS
MACKEY 32 MI
ARCO 49 MI

ROAD CLASSIFICATION