

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. 34-13078
(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 16 1993

Department of Water Resources
Adjudication Bureau

Petitioner,

vs.

34-13078 -0001/
93-03-0745

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

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: Reed Z Asay

Address: Rt 1 Box 30 E

Mackay, ID 83251

Briefly describe your interest in this water right:

This water is a primary
source of water for irrigation
on my deeded property. The
water is decreed for my property.

2. Owner of the water right:

Name: Claimant: USA, BLM, US Dept. of Interior

Address: IDAHO STATE OFFICE 3380 Americana Terrace
Boise, ID 83706 - 2544

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 April 17, 1926, PWP #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.

The United States (BLM) has filed duplicate claims asserting water rights under both state and federal law. I do not believe these "dual" rights exist and all elements checked on p. 3 were improperly claimed
See page seven.

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 US Dept. of Interior has not established federal reserve water rights and the right claimed should be disallowed

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. _____

9 Map, # 9 Copies of water rights

9 Photo copy of irrigated land

We request the right to submit additional documents or information relative to, or to substantiate this objection.

VERIFICATION (Must be Completed) at a later date,

State of IDAHO

County of CLUSTER

Reed Z Asay, 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.

Reed Z Asay
Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 15 day of March
1995.

Kenneth A. Haddad
Notary Public for Idaho
Residing at: Moore
My Commission expires: April 30, 1993

(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 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: Claimant: USA, BLM, US Dept. of Interior
Owner's address: Idaho State Office 3380 Americana Terrace
Boise, ID 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

34-13078

REASONS SUPPORTING EACH BOX CHECKED (p. 4)

- 1) I, Reed Z Asay, object to the United States of America, acting through the BLM, filing a water right on my decreed water because the United States of America guarantees me, as part of the public, the right to own decreed water for private land which I cultivate and irrigate.
- 2) I object to the source of water because it has already been claimed, used and approved.
- 3 a and c) I object to the quantity for livestock and wildlife.
- 4) I object to the priority date of 1884.
- 5) I object to the point of diversion, because that is my point of diversion and I already have it diverted into a pipe line with BLM right of way. I use part of it in my house as culinary water and part as irrigation water.
- 6) I object to the beginning and ending of instream flow.
- 7) I object to limiting the purpose to wildlife and stock water. Livestock already have water available in the many springs and ditches.
- 8) We would object to the BLM using this water for the period 1-12-31.
- 9 a and b) I object to the place of use. We admit an error in filing the legal description, but we have not cultivated nor irrigated BLM ground. Correction will be made. Limiting water to stockwater in that quarter section would be a waste--especially of my \$20,000 pipe-line. See map.
- 10) I object to the volume of consumptive use which limits water to what cattle and wildlife on BLM use.
- 11) I object to the remarks listed with the water right.
- 12 a) I object to this water right being recommended at all.

AJ5856NP

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

DATE: MAY-27-1992
PAGE: A-1543

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: JENSEN SPRINGS

TRIBUTARY: SINKS

34-00044

REED Z. ASAY
LYNETTE B. ASAY
PO BOX 415
MACKEY ID 83251

06/01/1884 IRRIGATION

05-01 10-15

.8

CFS

DECREED

POINT OF DIVERSION:

TOTW R25E S21

PLACE OF USE: IRRIGATION

MINUSE

TOTAL QUANTITY:

.8

CFS

TOTW R25E S21

S27
S28

SWSE 6.0
NENW 5.0
NENE 31.0
NENW 5.0
NESE 5.0

SESE 3.0
NUNW 25.0
NUNE 30.0
SENW 2.0
NWSE 36.0

SUNW 7.0
SUNE 21.0
NESW 15.0
SWSE 39.0

SENW 2.0
SENE 30.0
SESW 13.0
SESE 3.0

278.0 ACRES TOTAL

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO

IDAHO CODE 42-1416(1).

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
TO IDAHO CODE 42-1416A.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.917 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 807.5 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 323 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00045, 34-02253, 34-00727A, 34-00254,
34-00016 AND 34-02487.

AJ5856NP

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

DATE: NOV-17-1992
PAGE: A-328

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
--------------	----------------	---------------	----------------	-----------------------	------------------	----------------

TRIBUTARY: BIG LOST RIVER

SOURCE: SPRING

34-13076

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, 463 RANGE CATTLE

POINT OF DIVERSION:

T06N R24E S06 NWSWSE

PLACE OF USE: STOCKWATER

TOTAL QUANTITY: .01 CFS

(T06N R24E S06 SWSE

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 = 3404583473

34-13078

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, 48 RANGE CATTLE

POINT OF DIVERSION:

T07N R25E S21 NWSWSE

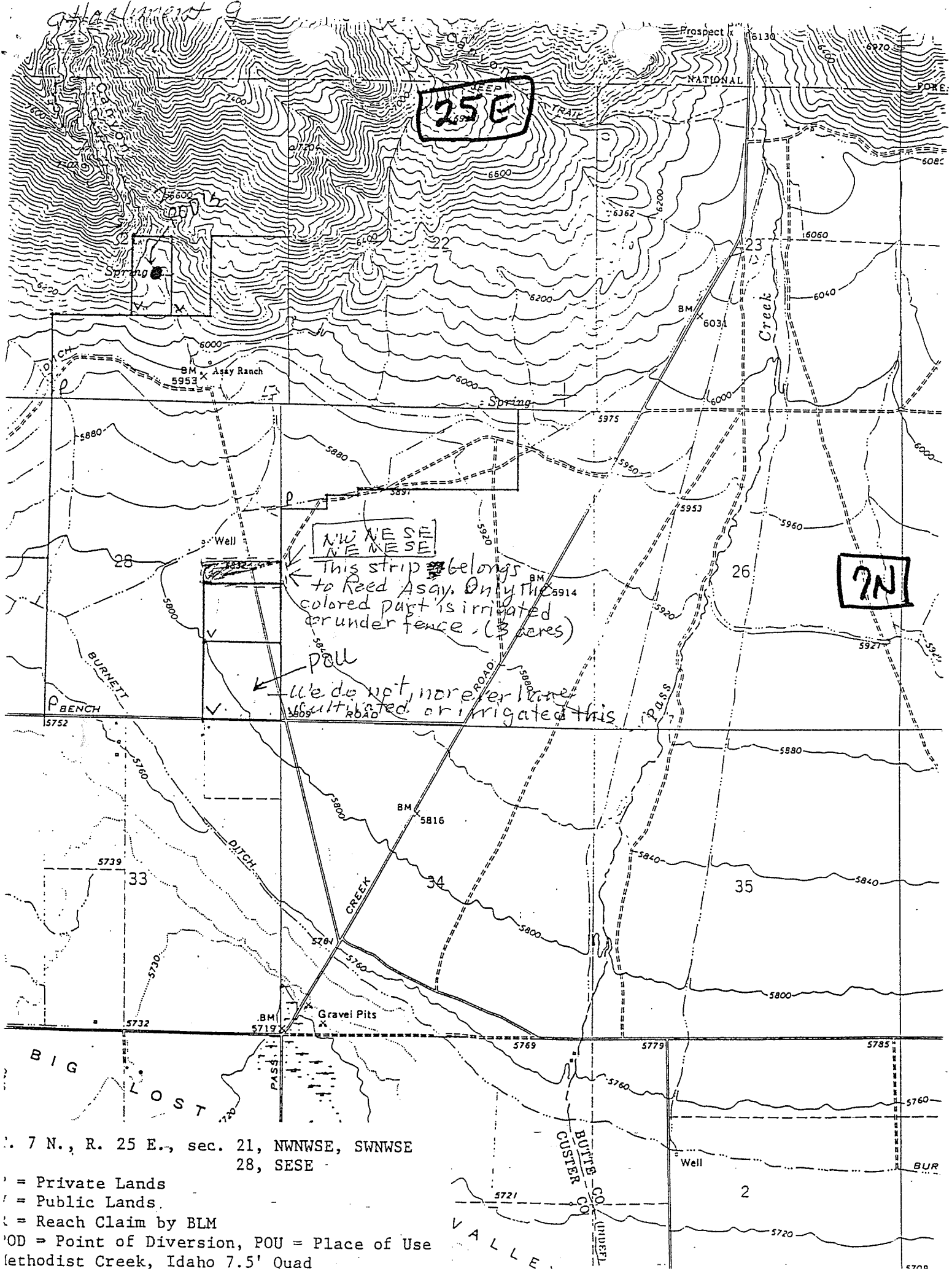
PLACE OF USE: STOCKWATER

TOTAL QUANTITY: .01 CFS

T07N R25E S21 NWSWSE

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 = 3404583475



T. 7 N., R. 25 E., sec. 21, NWNWE, SWNWE
 28, SESE
 P = Private Lands
 / = Public Lands
 C = Reach Claim by BLM
 'OD = Point of Diversion, POU = Place of Use
 Methodist Creek, Idaho 7.5' Quad

IR-32



21 22
28 27

NHEL NW
11.1

NHEL NW
28.4

NHEL NW
75.9

NW

28 27
28 27

