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Department of Water Resources
Adjudication Bureau

Movant's Name: Idaho Conservation League, Idaho Rivers
United, Idaho Wildlife Federation, and
Northwest Resource Information Center

Attorney Name: Laird J. Lucas
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Sub-case Nos. 36-02080
) and 36-15127
Case No. 39576)
) AMENDED OBJECTIONS

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Idaho Conservation League, Inc. (ICL)
Idaho Rivers United, Inc. (IRU)
Idaho Wildlife Federation, Inc. (IWF)
Northwest Resource Information Center, Inc. (NWRIC)

Address: ICL: P.O. Box 844
Boise, ID 83701

IRU: P.O. Box 633
Boise, ID 83701

IWF: P.O. Box 6426
Boise, ID 83703

NWRIC: P.O. Box 427
Eagle, ID 83616

Briefly describe your interest in this water right:

Respondents ICL, IRU, IWF and NWRIC (collectively the Conservation Groups or Groups), as nonprofit organizations concerned with water resource issues, all have interests in preserving streamflows and associated public interest values in the Snake River Basin and in Reporting Area 3 (Basin 36). In addition, ICL, IRU and IWF have members who use and enjoy the waterways of Basin 36 and the Snake River for recreational purposes, scientific study and ecological appreciation, and who own rights for the beneficial use of water in Basin 36. The Groups have an interest in these and other rights in Basin 36 because the exercise of these rights affects the quantity and quality of water in the rivers and streams of Basin 36 and in the Snake River. Illegal "water spreading" is one of the issues in which the groups are interested and which affects them and their members. Reductions in streamflows can adversely affect the rights and interests of the Conservation Groups and their members. See accompanying Affidavit of Marti Bridges; Amended Motion For Leave to Intervene.

2. Owner of the water rights:

Name: United States of America acting through
Regional Director, PN Region
Bureau of Reclamation

Address: Box 043
550 West Fort St.
Boise, ID 83724

3. If this objection is filed by an attorney:

Attorney Name: Laird J. Lucas

Attorney Address: Land and Water Fund of the Rockies
P.O. Box 1612
Boise, ID 83701

Attorney Phone No.: (208) 342-7024

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.
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: General Provision 12. We also object to the General Provisions because they do not state that all surface and ground water in Basin 36 is owned by the people of Idaho, and that the Director may limit the exercise of any or all water rights in meeting

his responsibilities under the Public Trust Doctrine.
See the attached sheets.

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 the attached sheets.

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 the attached sheets.

No documents are attached.

VERIFICATION (Must be Completed)

State of Idaho

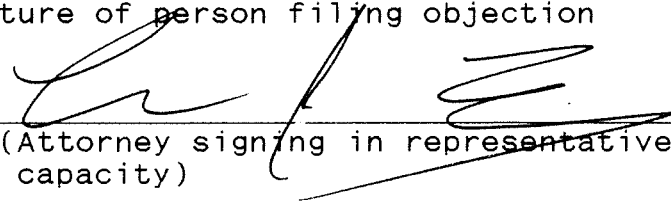
County of Ada

Laird J. Lucas, being first duly sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am an applicant to intervene as 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.

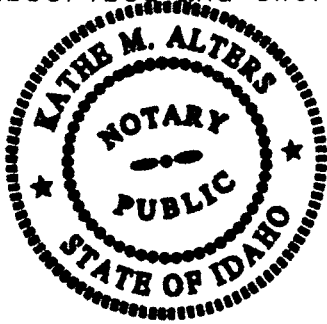
Signature of person filing objection

By:



(Attorney signing in representative capacity)

Subscribed and sworn to before me this ____ day of February, 1994.



Kathe Alters
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 2/23/2000

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 25 day of February, 1994, I mailed the original and copies of the foregoing Amended 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, acting through Bureau of Reclamation, PN Region Director
Owner's address:	Box 043 550 West Fort Street Boise, ID 83724
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:
Daria Zane
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

5. One copy to:
Roger Ling
PO Box 396
Rupert Idaho 83350

A handwritten signature in black ink, consisting of several fluid, connected strokes, positioned above a horizontal line.

Signature of Objector or attorney
mailing on Objector's behalf

ADDITIONAL SHEETS FOR AMENDED OBJECTION
TO RIGHT NUMBERS 36-02080 and 36-15127

NARRATIVE DESCRIPTION OF PLEADING

This pleading is an Amended Objection, filed pursuant to the Order Denying Motion for Leave to Intervene, entered January 25, 1994 by Special Master Dolan in these sub-cases, to the recommendation for rights number 36-02080 and 36-15127, rights claimed by the U.S. Bureau of Reclamation for the purpose of irrigation. These rights, in conjunction with rights 36-15192, 36-15193, 36-15194, 36-15195, and 36-15196, are recommended for a diversion rate of 1100 cfs, an annual diversion volume of 265,221.2 AF, and an annual consumptive use volume of 198,915.9 AF. Diversions would be made by pumping ground water from the Snake Plain Aquifer through approximately 177 wells. The recommended season of use for this right is April 1-October 31.

The "remarks" sections in the director's report for Basin 36 reveal that these rights have been recommended as "expansions" under Idaho Code 42-1416(2); and as "accomplished changes" in both points of diversion and places of use, pursuant to Idaho Code 42-1416A. Documents filed by A&B Irrigation District in connection with these rights also indicate that these changes and expansions are the result of "spreading," i.e., use of water outside Bureau district boundaries or other unauthorized uses.

The grounds for this objection are that the recommended rights represent changes or expansions in the original rights which have

never been subject to requisite approval, including by the IDWR, or by appropriate federal procedures and authorities. There has been no determination that the exercise of the rights, as recommended and as changed over the years, is in the "local public interest," or that such uses are not "contrary to the conservation of water resources within the state of Idaho," as specified under Idaho Code 42-203A(5). There has been no public notice or public proceedings involving the changes or expansions of these rights.

Further, expansions of water rights which are not approved according to statutory procedures in Title 42 of the Idaho Code, are illegal and cannot receive the priority date of earlier water uses.

Moreover, it appears that the changes and expansions in the recommended rights represent illegal "water spreading" contrary to legal requirements applicable to Bureau of Reclamation projects. Such "water spreading" should not be recommended, and is not in the public interest, if it violates the applicable legal requirements.

In accordance with the Court's Order Denying Motion in the Adjudication Case, dated April 20, 1993, and the Order Denying Motion for Leave to Intervene, dated January 25, 1994, this Amended Objection is submitted subject to disposition of the accompanying Amended Motion for Leave to Intervene.

REASONS SUPPORTING BOXES CHECKED

Box 3. Quantity: We object to the total quantity of water used in cubic feet per second because General Provision 12, which appears on pages 13-14 of the Director's Report, could result in

diversions at rates higher than 1100 cfs. General Provision 12 would allow the Director to authorize the claimant to divert at rates exceeding 1100 cfs without fulfilling the requirements for a new appropriation or a change of water right set forth in Title 42, Chapter 2 of the Idaho Code. Even though General Provision 12 would require the Director to consider the public interest, it does not provide for public notice and participation as required by Title 42, Chapter 2. Diversions at rates exceeding 1100 cfs could adversely affect objectors' rights and interests.

Box 7. Purpose(s) of use: We object to the purpose of use specified for this right because General Provision 12, which appears on pages 13-14 of the Director's Report, could result in this right being used for purposes other than irrigation. General Provision 12 would authorize the use of this right for "incidental stockwatering" in addition to irrigation. Allowing this right to be used for stockwatering would effect a change of use of this right without fulfilling the requirements for a change of water right set forth in Title 42, Chapter 2 of the Idaho Code. Even though General Provision 12 would require the Director to consider the public interest, it does not provide for public notice and participation as required by Title 42, Chapter 2. This additional purpose of use may result in greater stream depletions due to the exercise of this right, which could adversely affect objectors' rights and interests.

Box 8. Period of year: We object to the period of year when water is used for irrigation because General Provision 12,

which appears on pages 13-14 of the Director's Report, could result in diversions for irrigation at any time of the year. General Provision 12 would allow the Director to authorize the claimant to divert under this right outside the April 1-October 31 "irrigation season" without fulfilling the requirements for a new appropriation or a change of water right set forth in Title 42, Chapter 2 of the Idaho Code. Even though General Provision 12 would require the Director to consider the public interest, it does not provide for public notice and participation as required by Title 42, Chapter 2. Diversions during the November 1-March 31 period could adversely affect objectors' rights and interests.

Box 12. Water right recommendation: As set forth above, we object to these water rights being recommended at all because the Director has not yet met his responsibilities under the Idaho Code to conduct public proceedings concerning changes or expansions in the claimed rights; they are not in the "local public interest" and are contrary to the conservation of water resources in Idaho; and they may not be approved to the extent that the changes or expansions represent illegal "water spreading."

These rights, in combination with the four smaller rights listed above, carry a recommended diversion rate of 1100 cfs, annual diversions of 265,221.2 AF, and annual consumption of 198,915.9 AF. Diversions and consumption at these rates could have serious adverse effects on the Snake Plain Aquifer and the Snake River, both in the short and long term, and will adversely impact public interests and the interests of the Conservation Groups.

14. Other: We object to General Provision 12 of the Director's Report in its entirety. General Provision 12 is titled, "Irrigation Use," and appears on pages 13-14 of the Director's Report. We object because General Provision 12 expands all irrigation rights by potentially enlarging the diversion season, increasing the allowable diversion rate and consumptive use, and authorizing the use of irrigation rights for stock watering purposes. General Provision 12 would allow any irrigation right to be substantially changed and enlarged, subject only to the consent of the Director. Idaho law forbids such changes and enlargements, except in accordance with the procedures set forth in Title 42, Chapter 2 of the Idaho Code. Idaho Code § 42-201. Even though General Provision 12 would require the Director to consider the public interest, it does not provide for public notice and participation as required by Title 42, Chapter 2. The expansion of irrigation rights which could be authorized under General Provision 12 could adversely affect objectors' rights and interests.

CHANGES TO THE DIRECTOR'S REPORT

The entire Director's Report (including the recommendation for right 36-02080) should be remanded to the Director with instructions to review and revise the Report to ensure that the recommended rights, in aggregate, do not impair public values in Idaho's waters contrary to the public interest and the public trust in which such waters are held by the State of Idaho.

In the resubmitted report, the following language should be added as a new general provision:

The State of Idaho holds all surface and ground water in Basin 36 in trust for the benefit of the public. All persons who use this water do so subject to the trust and to action by the State necessary to fulfill its trust responsibilities. Trust interests include property values, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality.