

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)
)

Case No. 34-04190 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

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.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: REUBEN H & MARJORIE BABCOCK
Address: RT 1 BOX 14
MOORE ID 83255

3. If this response is filed by an attorney:

Attorney Name(s): A. LYNNE KROGH-HAMPE
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

4. ☒ Priority Date: I respond to the objection concerning the priority date.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 4, and all allegations of the objection regarding this item, IDWR responds as follows.

The priority date recommended is the same as the priority date claimed. The United States improperly seeks to use the objection process to amend its notice of claim. IDWR believes that a claimant must obtain leave of court to amend a notice of claim after the director's report is filed, just as a party must obtain leave of court to file a late claim after the director's report is filed.

If leave to amend is granted, IDWR further responds as follows. The priority date recommended is the same as the priority date shown on the statutory claim filed with IDWR by the United States pursuant to Idaho Code section 42-242 et seq. IDWR denies the objection and any allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ 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:

No. of
Pages

Notice of Claim No. A34-04190

4

(Over)

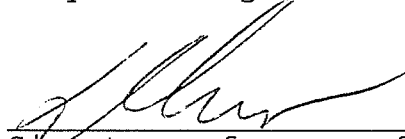
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

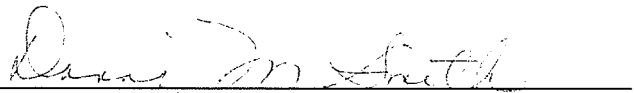


Signature of person filing response

By:

A. Lynne Kugh-Hampse
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 9th day of July, 1993.



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

Danni Smith, Notary Public

Residing at Boise, Idaho

My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of July, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared 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:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
BOX 33
BOISE ID 83734

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: REUBEN H & MARJORIE BABCOCK
Address: RT 1 BOX 14
MOORE ID 83255

A. Lynne Kogh - Hampel
Signature of Respondent or attorney
mailing on Respondent's behalf

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1934-06-28
IDWR WATER RIGHT NO. 3404190
BLM NUMBER: 3403488155
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 34

SOURCE	TRIBUTARY TO
BIG LOST RIVER	SINKS

DESCRIPTION OF DIVERSION WORKS

INSTREAM STOCK WATERING

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
WILDLIFE	0.010	0.00	0101	1231
STOCKWATER	0.230	0.00	0401	0123
TOTAL:	0.240 CFS	0.00 AF		

NON-IRRIGATION USES

1000 RANGE CATTLE, 200 ANTELOPE, 30 DEER, 5 ELK, SAGE GROUSE

TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
02N	28E	01		NE	SW	00	BUTTE
02N	28E	01		NW	SE	00	BUTTE
02N	28E	01		NW	SW	00	BUTTE
02N	28E	01		SE	SW	00	BUTTE
02N	28E	01		NE	SE	00	BUTTE
02N	27E	01		NE	NE	01	BUTTE
02N	27E	01		SE	NE	00	BUTTE
02N	28E	03		SE	SW	00	BUTTE
02N	28E	05		NE	SE	00	BUTTE
02N	28E	03		SW	SW	00	BUTTE
02N	28E	05		NW	NW	04	BUTTE

02N	28E	04	NW	SE	00	BUTTE
02N	28E	05	SE	NE	00	BUTTE
02N	28E	04	SE	NW	00	BUTTE
02N	28E	05	SE	NW	00	BUTTE
02N	28E	04	SW	NE	00	BUTTE
02N	28E	04	NE	SE	00	BUTTE
02N	28E	04	NW	SW	00	BUTTE
02N	28E	04	SE	SE	00	BUTTE
02N	28E	04	SW	NW	00	BUTTE
02N	28E	05	SW	NE	00	BUTTE
02N	28E	05	SW	NW	00	BUTTE
02N	28E	06	NE	NE	01	BUTTE
02N	28E	06	NE	NW	03	BUTTE
02N	28E	06	NW	NE	02	BUTTE
02N	28E	02	SE	SE	00	BUTTE
02N	28E	01	SW	SW	00	BUTTE
02N	28E	09	NE	NE	00	BUTTE
03N	27E	22	NE	SW	00	BUTTE
02N	28E	10	NE	NE	00	BUTTE
03N	27E	22	NW	SW	00	BUTTE
02N	28E	10	NW	NE	00	BUTTE
03N	27E	22	SE	SW	00	BUTTE
02N	28E	11	NE	NE	00	BUTTE
03N	27E	22	SW	SW	00	BUTTE
02N	28E	11	NW	SE	00	BUTTE
03N	27E	26	NW	SW	00	BUTTE
02N	28E	11	SE	NW	00	BUTTE
03N	27E	26	SW	SW	00	BUTTE
02N	28E	11	SW	NW	00	BUTTE
03N	27E	27	NE	NW	00	BUTTE
02N	28E	12	NW	NE	00	BUTTE
03N	27E	27	NE	SE	00	BUTTE
03N	27E	21	NE	SE	00	BUTTE
03N	27E	27	NW	SE	00	BUTTE
03N	27E	21	SE	SE	00	BUTTE
03N	27E	27	SE	NE	00	BUTTE
03N	27E	21	SW	NW	00	BUTTE
03N	27E	27	SE	NW	00	BUTTE
03N	27E	21	SW	SW	00	BUTTE
03N	27E	27	SW	NE	00	BUTTE
02N	28E	10	NW	NW	00	BUTTE
03N	27E	28	NE	NW	00	BUTTE
02N	28E	11	SE	NE	00	BUTTE
03N	27E	28	NW	NE	00	BUTTE
02N	28E	12	NE	NW	00	BUTTE
03N	27E	35	NE	NW	00	BUTTE
03N	27E	21	NW	SW	00	BUTTE
03N	27E	35	NE	SW	00	BUTTE
03N	27E	21	SW	SE	00	BUTTE
03N	27E	35	NW	NW	00	BUTTE
02N	28E	11	NW	NW	00	BUTTE
03N	27E	20	SE	NE	00	BUTTE
03N	27E	21	SE	SW	00	BUTTE

02N	28E	10	NE	NW	00	BUTTE
02N	28E	11	SW	NE	00	BUTTE
03N	27E	35	NW	SE	00	BUTTE
03N	27E	35	SE	NW	00	BUTTE
03N	27E	35	SE	SE	00	BUTTE
03N	27E	35	SW	NW	00	BUTTE
03N	27E	35	SW	SE	00	BUTTE
02N	28E	06	SE	NW	00	BUTTE
02N	28E	06	SW	NW	05	BUTTE
02N	28E	01	SW	SE	00	BUTTE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
---	---	---	-----	-----	---	-----	-----	-----
02N	28E	01	NE	SE	00	BUTTE		0.0
02N	27E	01	SE	NE	00	BUTTE		0.0
02N	28E	01	SE	SW	00	BUTTE		0.0
02N	28E	01	SW	SE	00	BUTTE		0.0
02N	28E	01	SW	SW	00	BUTTE		0.0
02N	28E	02	SE	SE	00	BUTTE		0.0
02N	27E	01	NE	NE	01	BUTTE		0.0
02N	28E	01	NW	SE	00	BUTTE		0.0
02N	28E	01	NW	SW	00	BUTTE		0.0
02N	28E	04	NW	SE	00	BUTTE		0.0
02N	28E	05	SE	NE	00	BUTTE		0.0
02N	28E	04	NW	SW	00	BUTTE		0.0
02N	28E	05	SE	NW	00	BUTTE		0.0
02N	28E	04	SE	SE	00	BUTTE		0.0
02N	28E	05	SW	NE	00	BUTTE		0.0
02N	28E	04	SW	NW	00	BUTTE		0.0
02N	28E	05	NW	NW	04	BUTTE		0.0
02N	28E	04	SE	NW	00	BUTTE		0.0
02N	28E	04	SW	NE	00	BUTTE		0.0
02N	28E	05	NE	SE	00	BUTTE		0.0
02N	28E	05	SW	NW	00	BUTTE		0.0
02N	28E	06	NE	NE	01	BUTTE		0.0
02N	28E	06	NE	NW	03	BUTTE		0.0
02N	28E	06	NW	NE	02	BUTTE		0.0
02N	28E	06	SE	NW	00	BUTTE		0.0
02N	28E	04	NE	SE	00	BUTTE		0.0
02N	28E	03	SE	SW	00	BUTTE		0.0
02N	28E	03	SW	SW	00	BUTTE		0.0
02N	28E	10	NE	NW	00	BUTTE		0.0
03N	27E	22	NW	SW	00	BUTTE		0.0
02N	28E	10	NW	NE	00	BUTTE		0.0
03N	27E	22	SE	SW	00	BUTTE		0.0
02N	28E	11	NE	NE	00	BUTTE		0.0
03N	27E	22	SW	SW	00	BUTTE		0.0
02N	28E	11	NW	SE	00	BUTTE		0.0
03N	27E	26	NW	SW	00	BUTTE		0.0
02N	28E	11	SE	NW	00	BUTTE		0.0
03N	27E	26	SW	SW	00	BUTTE		0.0

02N	28E	11	SW	NW	00	BUTTE	0.0
03N	27E	27	NE	NW	00	BUTTE	0.0
02N	28E	12	NW	NE	00	BUTTE	0.0
03N	27E	27	NE	SE	00	BUTTE	0.0
03N	27E	21	NE	SE	00	BUTTE	0.0
03N	27E	27	NW	SE	00	BUTTE	0.0
03N	27E	21	SE	SE	00	BUTTE	0.0
03N	27E	27	SE	NE	00	BUTTE	0.0
03N	27E	21	SW	NW	00	BUTTE	0.0
03N	27E	27	SE	NW	00	BUTTE	0.0
03N	27E	21	SW	SW	00	BUTTE	0.0
03N	27E	27	SW	NE	00	BUTTE	0.0
02N	28E	10	NW	NW	00	BUTTE	0.0
03N	27E	28	NE	NW	00	BUTTE	0.0
02N	28E	11	SE	NE	00	BUTTE	0.0
03N	27E	28	NW	NE	00	BUTTE	0.0
02N	28E	12	NE	NW	00	BUTTE	0.0
03N	27E	35	NE	NW	00	BUTTE	0.0
03N	27E	21	NW	SW	00	BUTTE	0.0
03N	27E	35	NE	SW	00	BUTTE	0.0
03N	27E	21	SW	SE	00	BUTTE	0.0
03N	27E	35	NW	NW	00	BUTTE	0.0
02N	28E	11	NW	NW	00	BUTTE	0.0
03N	27E	20	SE	NE	00	BUTTE	0.0
03N	27E	21	SE	SW	00	BUTTE	0.0
03N	27E	22	NE	SW	00	BUTTE	0.0
02N	28E	11	SW	NE	00	BUTTE	0.0
03N	27E	35	NW	SE	00	BUTTE	0.0
03N	27E	35	SE	NW	00	BUTTE	0.0
03N	27E	35	SE	SE	00	BUTTE	0.0
03N	27E	35	SW	NW	00	BUTTE	0.0
03N	27E	35	SW	SE	00	BUTTE	0.0
02N	28E	10	NE	NE	00	BUTTE	0.0
02N	28E	06	SW	NW	05	BUTTE	0.0
02N	28E	09	NE	NE	00	BUTTE	0.0
02N	28E	01	NE	SW	00	BUTTE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

