

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. 34-04190
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

MAR 22 1993

Department of Water Resources
Adjudication Bureau

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: Lawrence Babcock, Trustee

Address: RR 1, Box 66

Moore, Idaho 83255

Briefly describe your interest in this water right:

This claim is in error as there is a
prior right that supercedes it in all
pects.

2. Owner of the water right:

Name: U.S. Dept. of Interior, B.L.M.

Address: Idaho State Office
3380 Americana Terrace
Boise, Idaho 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.

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The Director's report should be changed to recommend disallowance of this claim.

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

REASONS SUPPORTING EACH BOX CHECKED

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 historical source of water to fill the purpose of this claim is rising ground-water.

☒ 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. _____

Exhibit A- one page. Exhibit B- ³ ~~one~~ page. Exhibit C- _____

one page. _____

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Laurina R. Babcock, Trustee, 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.

Laurina R. Babcock, Trustee
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16 day of March,
199 3.

Bushua Phares
Notary Public for State of Id.
Residing at: Missoula
My Commission expires: 3/2/97

(Over)

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.

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:

- Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Borse, Idaho 83711-4449

Owner name: United States of America

OWNER'S address:
Bureau of Land Management
U.S. Dept. of Interior, Idaho State Office
3360 Americana Terrace
Boise, Idaho 83706-2544

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho

Borse, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Boise, Idaho 83734

Signature of Objector or Attorney
mailing on Objector's behalf

EXHIBIT A

REASONS: THE CLAIMANT OBJECTS TO THIS WATER RIGHT RECOMMENDATION BECAUSE THE CLAIMANT HAS AN EARLIER PRIORITY DATE AND HAS USED THE WATER RIGHT EXCLUSIVELY SINCE THE WATER RIGHT WAS ESTABLISHED. THE CLAIMANT FOR THESE REASONS OBJECTS TO THE WATER RIGHT IN ITS ENTIRETY, INCLUDING THE NAME OF THE OWNER, SOURCE, PRIORITY DATE, PLACE OF USE, POINT OF DIVERSION/QUANTITY, AND PERIOD OF USE.

Exhibits

DATE: MAY-27-1992
PAGE: A-763

BASIS OF CLAIM

TRIBUTARY: SINKS

DECREED

CFS

0.93 MNMS

USE OF THIS RIGHT WITH RIGHT NOS. 34-00002 AND 34-02508; IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 607.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 243 AC IN A SINGLE IRRIGATION SEASON.

CFS DECREED

CFS

REMARKS: WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH. USE OF THIS RIGHT WITH RIGHT NO. 34-00508 AND OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.75 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 527.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 211 AC IN A SINGLE IRRIGATION SEASON.

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00508

GRANITE TRUST ORGANIZATION
P. O. BOX 66
MOORE ID 83255

05/01/1902 IRRIGATION

05-01 10-15

2.7

CFS

DECREED

POINT OF DIVERSION:

TOSH R26E S04

MUSESE

TOTAL QUANTITY:

2.7

CFS

PLACE OF USE: IRRIGATION

TOSH R25E S21

R26E

MENE 37.0
MUNE 19.0

SAME 10.0

SENE 34.0

NESE 4.0

REMARKS: WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL

COMBINED DIVERSION RATE OF 5.75 CFS, A TOTAL COMBINED ANNUAL

CONSUMPTIVE USE VOLUME OF 527.5 AF, AND TO THE IRRIGATION OF A

COMBINED TOTAL OF 211 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00911, 34-00559, 34-10272 AND 34-10939.

AJ5856NP

Exhibit 4

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

DATE: MAY-27-1992
PAGE: A-670

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

34-00559	GRANITE TRUST ORGANIZATION P. O. BOX 66 MOORE ID 83255	05/17/1904	IRRIGATION	05-01 10-15	1.6	CFS DECREED
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POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

TOTAL QUANTITY: 1.6 CFS

T04N R26E S16
74.0 ACRES TOTAL
NESE 37.0 SESE 37.0

REMARKS: DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.
USE OF THIS RIGHT WITH RIGHT NO. 34-00508 AND OTHER RIGHTS
LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
5.75 CFS, AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
VOLUME OF 527.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF
211 ACRES IN A SINGLE IRRIGATION SEASON.

34-00577A	STEVEN W. TIBBITTS JOYCE B. TIBBITTS BOX 65A MOORE ID 83255	05/17/1904	IRRIGATION	05-01 10-15	.14	CFS DECREED
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POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

TOTAL QUANTITY:
CONSUMPTIVE USE: .14 CFS
15.0 AFY

T04N R26E S16
6.0 ACRES TOTAL
NWSE 6.0

REMARKS: WATER DELIVERED THROUGH WESTSIDE DITCH.

Exhibit C

DATE: NOV-17-1992
PAGE: A-36

BASIS OF CLAIM

TRIBUTARY: SINKS

BENEFICIAL USE

AFY

AFY

PLACE OF USE: STOCKWATER FROM STORAGE

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 = 3403488096

