

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. 34-04190
(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 15 1993

Department of Water Resources
Adjudication Bureau

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.)

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: Reuben H. Babcock - Marjorie J Babcock

Address: Bt. 1 Box 14
Moore, Idaho 83255

Briefly describe your interest in this water right:

This claim is in error as there is a
prior right that supersedes it in all
respects.

2. Owner of the water right:

Name: U.S. Dept. of Interior, E.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.

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

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.

Please refer to exhibit A -attached.

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 Director's 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. _____

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

one page. _____

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Reuben H Babcock, 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.

Reuben H. Babcock
Reuben H. Babcock
Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 12th day of March,
1993.

[Signature]
Notary Public for Butte Co. State of Idaho
Residing at: Butte, Idaho
My Commission expires: 1996

(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 12 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:

United States of America

Owner's address:

Bureau of Land Management
U.S. Dept. of Interior, Idaho State Office
3380 Americana Terrace
Boise, Idaho 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

Deuben H. Babcock
Signature of Objector or attorney
mailing on Objector's behalf

REASON: 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.

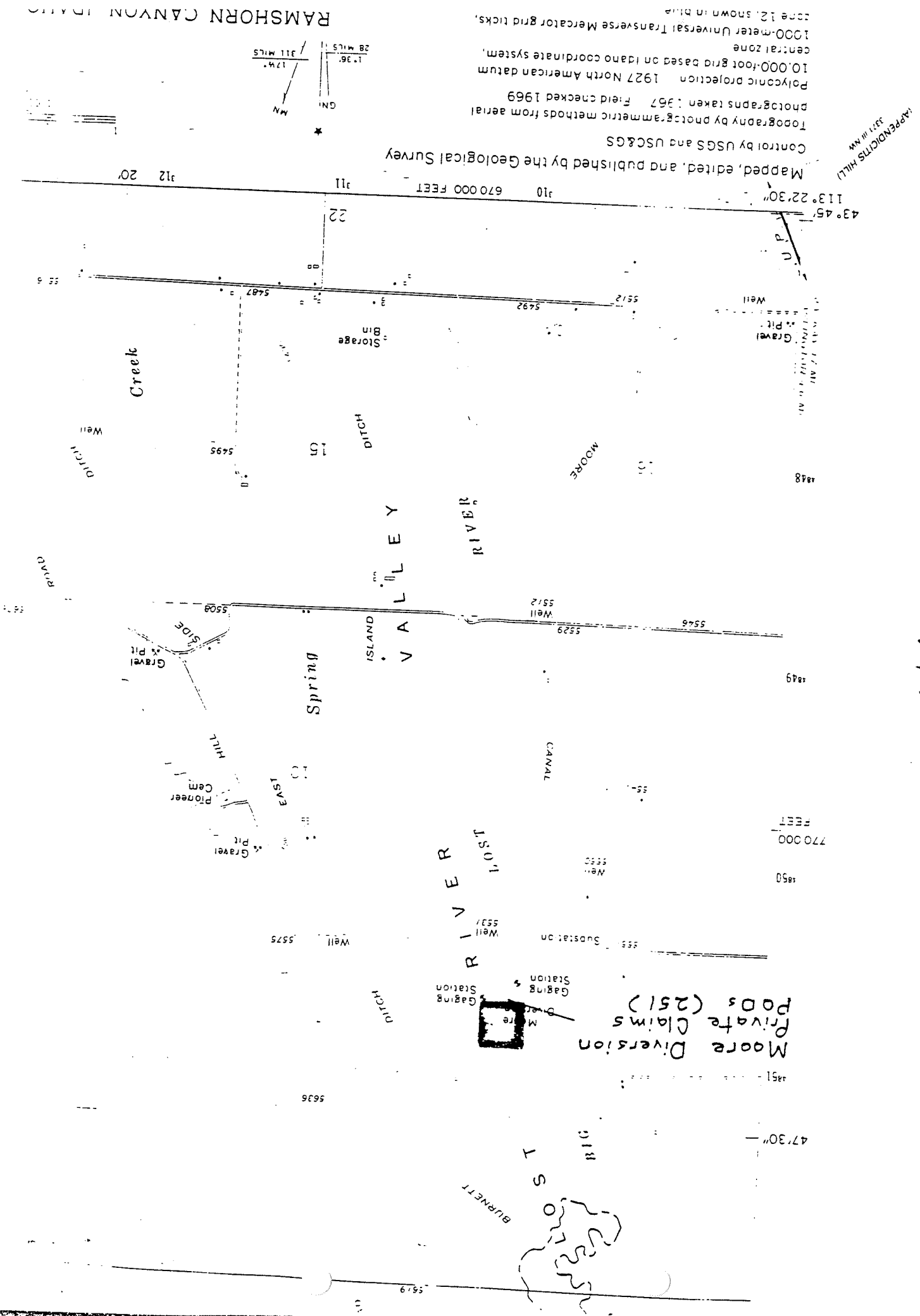
IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BIG LOST RIVER						
TRIBUTARY: SINKS						
34-00354	MARJORIE J. BABCOCK REUBEN H. BABCOCK BOX 14 MOORE ID 83255	03/27/1896	IRRIGATION	05-01 10-15	1.6 CFS	DECREED
POINT OF DIVERSION: T05N R26E S04						
PLACE OF USE: IRRIGATION						
NWSESE						
TOTAL QUANTITY: 1.6 CFS						
T05N R26E S29 SESE 8.0 SESE 37.0 SESE 31.0						
S32 NENE 31.0 SENE 24.0 NESE 25.0						
156.0 ACRES TOTAL						
REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1). WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.254 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 390 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 156 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02330A, 34-10397 AND 34-12377.						

Exhibit B

Exhibit B



Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969. Polycyclic projection 1927 North American datum 10,000-foot grid based on Idaho coordinate system. Central zone 1000-meter Universal Transverse Mercator grid ticks. Zone 12 shown in blue.

BURNETTS HILL 33° 11' 11" N

Mapped, edited, and published by the Geological Survey Control by USGS and USGS

43° 45' 113° 22' 30" 10 670 000 FEET 11 22 12 20'

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

DATE: NOV-17-1992
PAGE: A-34

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

34-04190	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	06/28/1934	STOCKWATER	01-01 12-31	.23	CFS BENEFICIAL USE
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NON-IRRIGATION-USES:

TOTAL QUANTITY: .23 CFS

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

LOT 1 (NENE) (B)
102N R27E S01 SENE (B)
103N R27E S20 NESE (E)
102N R28E S01 SESE (E)
103N R27E S35

PLACE OF USE: STOCKWATER

102N R27E S01 R28E	Lot 1 (NENE)	SENE NWSW NWESE	SWSW SWSE	SESW
S02				
S03		SESW		
S04		SWSW SWNE	SESW SESE	NWSW
S05		NESE SWNE	SESE (NWNW)	SWNW
S06	Lot 1 (NENE)	SESW NWESE	SESE (NWNW)	SWNW
S09	Lot 2 (NENE)	SENE NWSW NWESE	SESE (NWNW)	SWNW
S10				
S11		NENE SWNE SWNW	SESE NWESE	NWNW NWNW
S12		NENE SWNE SWNW	SESE NWESE	SESW
103N R27E S20 S21		SENE SWNW NWESE	SESE NWESE	SESW
S22		NENE SWNE SWNW	SESE NWESE	SESW
S26		SENE SWNE SWNW	SESE NWESE	SESW
S27		SENE SWNE SWNW	SESE NWESE	SESW
S28		SENE SWNE SWNW	SESE NWESE	SESW
S35		SENE SWNE SWNW	SESE NWESE	SESW
	Lot 5 (SWNW)			

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY

Exhibit C

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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34-04040	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/01/1958	WILDLIFE STORAGE	01-01 12-31	243.0	AFY
					20.1	AFY
					243.0	AFY
					7.2	AFY
					.44	CFS
					.44	CFS
					243.0	AFY
					TOTAL QUANTITY:	
					243.0	
					AFY	

NON-IRRIGATION-USES:
STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:
T02N R28E S11 NWNWSE

PLACE OF USE: WILDLIFE STORAGE
SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11	NESE	NWSE	SESE	SWSH
S13	NWNW	SUNW	NWSW	SENE
S14	NWNE	SUNE	SWSH	SESW
	NESW	NWSW	SWSH	
	NESE	NWSE	SWSH	
S15	NESE	SESE	NENW	NWNW
S23	NWNE	SUNE	NENW	SWSH
S24	SUNW	SENE	NENW	SWSH
	SESW	NESE	NWSE	SWSH
	SESE	NWSE	SWSH	
S25	NWNE	SUNE	SWSH	NENW
	NWNW	SENE	NWSE	NWSE
	SESW	NWSE	SWSH	

PLACE OF USE: STOCKWATER STORAGE
SAME AS OTHER USE

PLACE OF USE: WILDLIFE FROM STORAGE
SAME AS OTHER USE

PLACE OF USE: DIVERSION TO STORAGE
SAME AS OTHER USE

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

Exhibit C