

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 18 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.

OBJECTION - 1

(Over)

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: Robert D. Waddoups

Address: Box 42
Moore, Idaho 83255

Briefly describe your interest in this water right:

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

2. Owner of the water right:

Name: U. S. Department of the Interior, BLM

Address: Idaho State Office
3380 American 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.

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 U. S. Department 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 No. 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.

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.

Dis-allowance 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.

VERIFICATION (Must be Completed)

State of Idaho
County of Butte

Robert D. Waddoups

(Name of person filing objection), being first duly 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.

Robert D. Waddoups
Signature of person filing objection

By:

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 15th day of March,
199 3.

Susan J. Olsen
Notary Public for Idaho
Residing at: Arco Idaho
My Commission expires: 5-17-96

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 16th 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: U. S. Department of Interior (BIM)

Owner's address: Idaho State Office

3380 Americana Terrace
Boise, Idaho 83706

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

Robert D. Waddoups
Signature of Objector or attorney
mailing on Objector's behalf

AJ5856NP

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

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

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						

34-04100 US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3360 AMERICANA TERRACE
BOISE ID 83706

06/28/1934 STOCKWATER 01-01 12-31 .23 CFS BENEFICIAL USE

MCN-IRRIGATION-USES:

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

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

PLACE OF USE: STOCKWATER

TOTAL QUANTITY: .23 CFS

102N R27E S01 R28E	Lot 1 (NENE)	SENE	SUSW	SESW
	MESE	WUSE		
	SESE			
S02	SUSW	SESW		
S03	SWNE	SESW		
S04	WESE	SESE		
S05	SWNE	SENE	Lot 4 (MANU)	
	SESW	NESE		
S06	Lot 1 (NENE)	Lot 2 (NENE)	Lot 3 (NENE)	Lot 5 (SWNW)
	SESW			
S09	WESE	WESE		
S10	WESE	SWNE	SENE	
S11	WESE	SESW	WUSE	
	SWNW	WESE		
S12	WESE	SESW		
103N R27E S20	SENE	SESE		
S21	SWNW	SESW		
	NESE	SESE		
S22	SESW	SESW		
S26	SWNW	SESW		
S27	SWNE	SENE		
	WESE	WESE		
S28	WESE	WESE		
S35	WESE	WESE		
	SESW	SESE		

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

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-04040

04/01/1956 WILDLIFE

01-01 12-31

243.0 AFY

BENEFICIAL USE

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

STORAGE	01-01 12-31	243.0	AFY
STOCKWATER FROM STORAGE	01-01 12-31	20.1	AFY
STOCKWATER	01-01 12-31	243.0	AFY
WILDLIFE FROM STORAGE	01-01 12-31	7.2	AFY
DIVERSION TO STORAGE	01-01 12-31	.44	CFS
TOTAL QUANTITY:		243.0	CFS
		243.0	AFY

NON-IRRIGATION USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11

MUNUSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11

MUSE

S13

MUSE

MUSE

SESE

SUSU

S14

MUSE

MUSE

SESE

SUSU

S15

MUSE

MUSE

SESE

SUSU

S23

MUSE

MUSE

SESE

SUSU

S24

MUSE

MUSE

SESE

SUSU

S25

MUSE

MUSE

SESE

SUSU

S25

MUSE

MUSE

SESE

SUSU

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 = 3403468096

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE FROM TO	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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34-00311A	ROBERT D. WOODRUP P.O. BOX 42 MOORE ID 83255	07/15/1884	IRRIGATION	05-01 10-15	.8 CFS	DECREED
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POINT OF DIVERSION:
TOSM R26E S04
PLACE OF USE: IRRIGATION
MSESE
TOTAL QUANTITY: .8 CFS

REMARKS: WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.
USE OF THIS RIGHT WITH RIGHT NOS. 34-02416R AND 34-00622D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.29 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 200 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON.

34-00311B	JEAN P ANDERSEN JAY A ANDERSEN RT 1 BOX 41 MOORE ID 83255	07/15/1884	IRRIGATION	05-01 10-15	.8 CFS	DECREED
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POINT OF DIVERSION:
TOSM R26E S04
PLACE OF USE: IRRIGATION
MSESE
TOTAL QUANTITY: .8 CFS

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDADO CODE 42-1416A.
WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.
USE OF THIS RIGHT WITH RIGHT NO. 34-00623A IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 80.8 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 35.5 ACRES IN A SINGLE IRRIGATION SEASON.
0.90 CFS OF RIGHT NO. 34-00623A IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

TOSM R26E S05
35.5 ACRES TOTAL
MSESE 35.5



