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RECEIVED

JAN 18 1993

Department of Water Resources
Adjudication Bureau

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. 34-12417A

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

AFFIDAVIT OF LAWRENCE
BABCOCK IN
OPPOSITION TO
MOTION TO EXTEND
ORDER FOR INTERIM
ADMINISTRATION

Petitioner;

vs.

The United States; the State of Idaho;)
and all claimants to the use of Water)
from the Snake River Basin Water)
System,)

39576/
94-01-0012

Respondents.)
_____)

STATE OF IDAHO)
) ss.
County of Twin Falls)

LAWRENCE BABCOCK, being first duly sworn upon oath,
deposes and says:

I.

Your affiant is a lifelong resident of the Big Lost River Valley. Your affiant is the Trustee of the Granite Trust Organization, which owns real property and has water rights in the Big Lost River Valley consisting of decreed surface water rights and ground water rights.

II.

Your affiant has served as a ditch rider for 2 years for the Big Lost River Irrigation District.

III.

Your affiant is submitting this affidavit in opposition to the extension of the Order of Interim Administration.

IV.

During 1993, the surface water flows and levels were high in Basin 34. However, it is projected that the surface water levels will be substantially lower in 1994.

V.

The Idaho Department of Water Resources has not adopted any rules or regulations for the administration of the water rights in Basin 34.

VI.

The following surface water rights claims in the Directors Reports for Basin 34 have been expanded from what was set forth in the Utah Construction Decree. This has happened since 1971 to include new and/or additional places of use with no change in the original priority date, thus creating a large increase in the acre-feet delivered under these claims.

The following ground water claims are wells originally drilled as supplemental wells to existing Decrees, then expanded to a new place of use or to replace a decree, or exchanged with a

decree to a new place of use resulting in 1) no recharge from the use of the original decree and 2) excessive use of an already overallocated ground water supply resulting in further depletion.

SURFACE		GROUND	
<u>PAGE #</u>	<u>DECREE #</u>	<u>PAGE #</u>	<u>LICENSE #</u>
ACOR:			
A-377	34-00256	A-1477	34-07179
A-462	34-00416	A-1393	34-02330B
A-193	34-00618	A-1396	34-12376
A-397	34-00621A	A-1475	34-02426C
A-182	34-00692C		
DON AIKELE:			
A-572	34-00654B	A-1163	34-02358D
A-102	34-00168G	A-1172	34-02417B
A-144	34-00017C	A-1763	34-02308A
A-569	34-00375	A-1164	34-02358E
A-157	34-10832		
SORENSEN:			
A-463	34-00469A	A-1480	34-12416
A-183	34-00692D	A-1431	34-02428
PU:			
A-269	34-00170	A-1056	34-02332
A-273	34-00556	A-1443	34-07079
		A-1499	34-02512
HERMAN AIKELE:			
A-145	34-0017D	A-1374	34-07164
A-101	34-00168F	A-1468	34-12417
A-571	34-00654A		
JUEL AIKELE:			
		A-1486	34-12417A
		A-1183	34-02492B
		A-1497	34-02419A

VII.

Additionally, these 17 surface water rights and 18 ground water rights all transfer water out of the irrigation district and out of the immediate aquifer to the Era Flats.

VIII.

Further, the Director's Report recommends that these water rights be expanded to new places of use without complying with Idaho Code §42-108 by failing to abandon land "which is receiving the benefit of the same," and failing to obtain "consent"

of the irrigation district for the change in place of use of such water.

IX.

Further, the Director's Report recommends practices that are in violation of Idaho Code §42-231 by allowing depletion of the ground water reserves. It is in violation of the Memorandum Decision Re: Petition for Preliminary Injunction dated July 30, 1992, wherein water right numbers 34-2332 and 34-7079 were limited to 435 AF per year. The Director's Report recommends 507.5 AF for these same water rights. See Director's Report, pages A-1056 and A-1443.

X.

Further, the Director's Report attempts to override or ignore Idaho Code §42-222 by recommending changes that constitute an enlargement in use of the original right. (See I.D.W.R. denial of Sorensen application for transfer numbers 34-00496A; 34-00692D; and 34-02428).

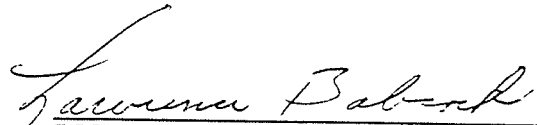
XI.

Your Affiant requests the Order for Interim Administration not be extended.

XII.

Further, your affiant sayeth naught.

DATED This 14 day of January, 1994.



LAWRENCE BABCOCK

SUBSCRIBED AND SWORN TO Before me this 14 day of January, 1994.



NOTARY PUBLIC FOR IDAHO
Residing at 9th Falls
My commission expires 1994

CERTIFICATE OF MAILING

WILLIAM R. HOLLIFIELD hereby certifies that on the 14th day of January, 1994, he served the foregoing document by placing a true and correct copy thereof in the United States Mail, postage prepaid, addressed as follows:

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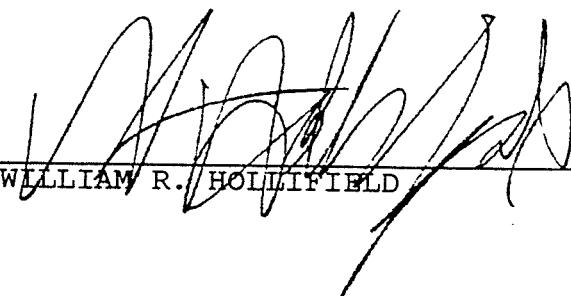
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