

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. 34-04040
(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,)

34-04040 -0001/
93-03-0261

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)

By filling 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. Boback - Margorie D. Boback

Address:

RT-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 supercedes it in all

respects.

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.

(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.
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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.

James T. Broadhead
Notary Public for Butte Co. State of Idaho
Residing at: Idaho
My Commission expires: 1996

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 19 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 4449
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

Steven X. Bartlett
Signature of Objector or attorney
mailing on Objector's behalf

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.

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

NAME & ADDRESS
SOURCE: BIG LOST RIVER

PRIORITY
DATE

PURPOSE OF USE

PERIOD OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

34-10397

REUBEN H. BABCOCK
MARJORIE J. BABCOCK
BOX 14
MOORE ID 83255

01/24/1913

IRRIGATION

05-01 10-15

2.18 CFS

DECREED

POINT OF DIVERSION:
T05N R26E S04

PLACE OF USE: IRRIGATION

NWSESE

T05N R26E S29
S32

SESE 8.0
SESE 31.0

SESE 37.0
SESE 24.0

NESE 25.0

SESE 31.0

TOTAL QUANTITY: 2.18 CFS

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.: 34-00354, 34-02330A AND 34-12377.

34-00147

MILT BUTLER
MACKAY ID 83251

02/05/1913

IRRIGATION

05-01 10-15

.85 CFS

DECREED

POINT OF DIVERSION:
T08N R21E S12

PLACE OF USE: IRRIGATION

NENWNW

T09N R22E S30
130.0 ACRES TOTAL

NESE 40.0
NWSE 20.0

SWSE 30.0

SESE 40.0

TOTAL QUANTITY: .85 CFS

REMARKS: WATER DELIVERED THROUGH CHILLY CANAL
USE OF THIS RIGHT WITH RIGHT NO. 34-00148 IS LIMITED TO A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 325 AF, AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 130 ACRES IN A SINGLE
IRRIGATION SEASON.

Exhibit B11

LAPENDICITS HILL
3371 M NW

Control by USGS and USC&GS
Topography by photogrammetric methods from aerial
- photographs taken 1967 Field checked 1969
Polyconic projection 1927 North American datum
10,000-foot grid based on Idaho coordinate system.
Central zone

Mapped, edited, and published by the Geological Survey

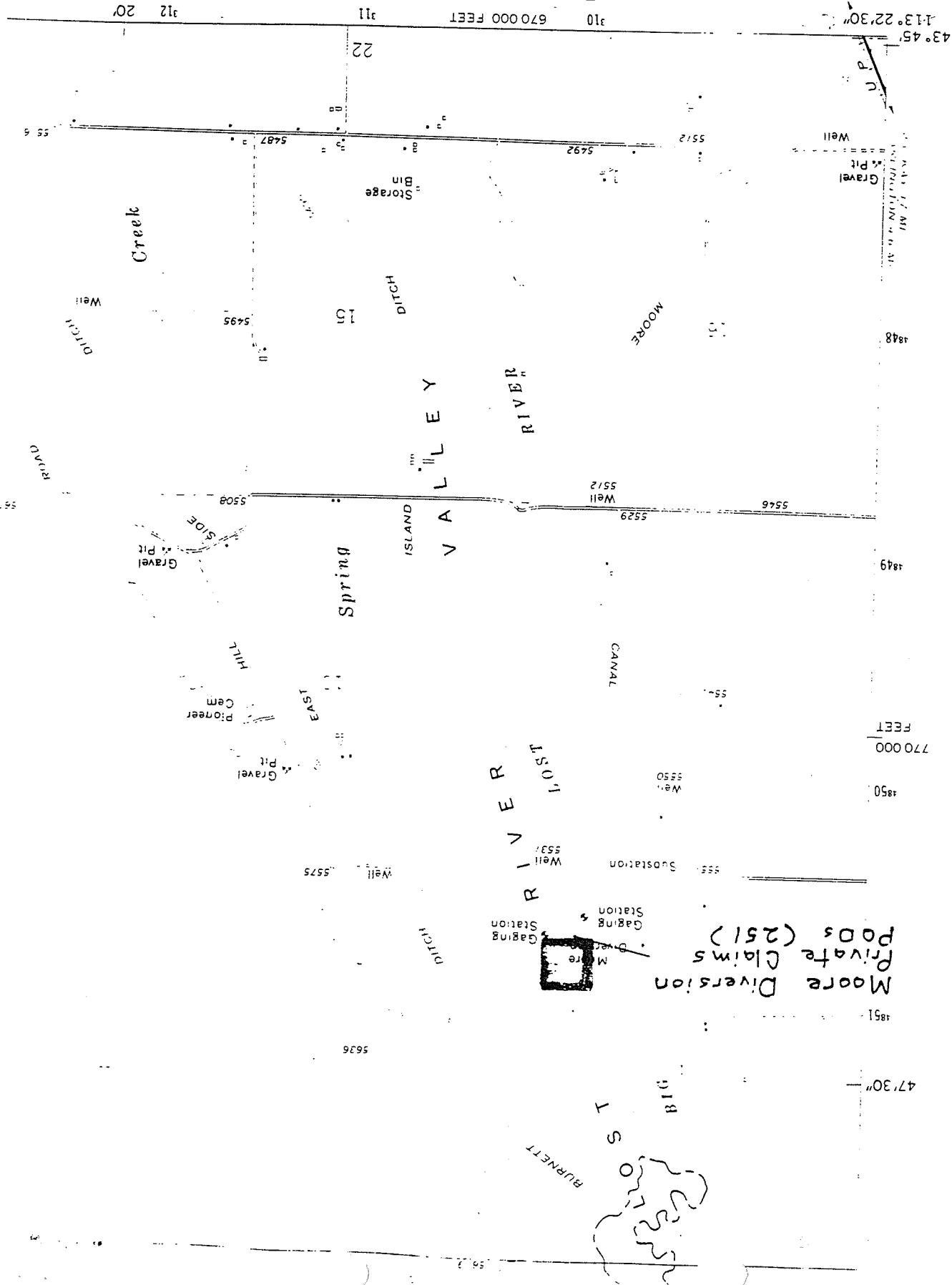


Exhibit B

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: 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
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SOURCE: BIG Lost RIVER

TRIBUTARY: SINKS

34-04040

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 8370604/01/1958 WILDLIFE
STORAGE 01-01 12-31
STOCKWATER FROM 01-01 12-31
STORAGE
STOCKWATER 01-01 12-31
STORAGE
WILDLIFE FROM 01-01 12-31
STORAGE
DIVERSION TO 01-01 12-31
STORAGE

243.0	AFY	BENEFICIAL USE
20.1	AFY	
243.0	AFY	
7.2	AFY	
.44	CFS	
.44	CFS	
243.0	AFY	

TOTAL QUANTITY:

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11 NW/4SE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11
S13
S14

NESE

NW/4

NW/4

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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

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

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

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

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

NON-IRRIGATION-USES:

TOTAL QUANTITY:

.23 CFS

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

102N R27E S01 LOT 1 (NENE) (B)
103N R27E S20 SENE (B)
102N R28E S01 NESE (E)
103N R27E S35 SESE (E)
PLACE OF USE: STOCKWATER

RIGHT NUMBER	NAME & ADDRESS	SOURCE	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
102N R27E S01	Lot 1 (NENE)	SENE					
R28E	NESE	NWSE					
S02	SESE	NWSE					
S03	SWSW	SESE					
S04	SWSW	SESE					
S05	SWSW	SESE					
S06	Lot 1 (NENE)	SENE					
S09	NESE	NWSE					
S10	NESE	NWSE					
S11	NESE	NWSE					
S12	NESE	NWSE					
103N R27E S20	SENE	NWSE					
S21	SWSW	SESE					
S22	SESE	NWSE					
S26	SWSW	SESE					
S27	SWSW	SESE					
S28	SESE	NWSE					
S35	SESE	NWSE					
103N R27E S20	SENE	NWSE					
S21	SWSW	SESE					
S22	SESE	NWSE					
S26	SWSW	SESE					
S27	SWSW	SESE					
S28	SESE	NWSE					
S35	SESE	NWSE					
103N R27E S20	SENE	NWSE					
S21	SWSW	SESE					
S22	SESE	NWSE					
S26	SWSW	SESE					
S27	SWSW	SESE					
S28	SESE	NWSE					
S35	SESE	NWSE					

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

Exhibit C