

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 22 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 -0004/
93-03-0264

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 filing an action 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: HR 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 supersees 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)

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

disallowance of this claim.

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

CHANGES TO THE DIRECTOR'S REPORT

Please refer to exhibit A - attached.

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

water.

to fill the purpose of this claim is rising ground-

14. ☒ Other: I object to: The historical source of water

13. ☐ Description of Reservation: I object to the legal description of the reservation.

b. ☐ this water right not being recommended.

a. ☒ this water right being recommended at all; or

12. ☒ Water Right Recommendation: I object to

INSTRUCTIONS FOR MAIL

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 16 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:

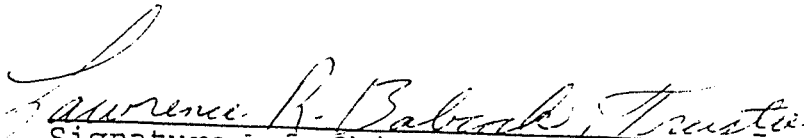
Owner name: United States of America
Owner's address: Bureau of Land Management
U.S. Dept. of Interior, Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2544

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


Signature of Objector or attorney
mailing on Objector's behalf

☒ 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

James R. Bunker Hunt, being first duly sworn, upon oath, deposes and says:
(Name of person filling objection)

That I am the person or entity filling 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.

James R. Bunker Hunt
Signature of person filling objection

By:

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 16 day of March, 1993.

Richard A. Smith
Notary Public for Idaho
Residing at: Idaho
My Commission expires: 3/20/97

(Over)

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.

EXHIBIT 15

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-763RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOPERIOD OF USE
MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00004

RODGER SORESENSEN
MARY SORESENSEN
245 N. HOOPER
SODA SPRINGS ID 83276

04/17/1913 IRRIGATION

05-01 10-15

3.1

CFS

DECREED

POINT OF DIVERSION:

T07N R20E S03
T08N R20E S36SUNE
NUNW

TOTAL QUANTITY:

3.1

CFS

PLACE OF USE: IRRIGATION

T08N R20E S25
S36SWSE 29.0
NUNE 36.0
SENW 40.0SESE 15.0
NENU 40.0
NWSW 31.0

NUNW 16.0

SUNW 36.0

243.0 ACRES TOTAL

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
IDAHO CODE 42-1416(1).
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
TO IDAHO CODE 42-1416A.
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 ACRES
IN A SINGLE IRRIGATION SEASON.

34-00911

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

05/17/1913 IRRIGATION

05-01 10-15

.8

CFS

DECREED

POINT OF DIVERSION:

T05N R26E S04

NWESE

TOTAL QUANTITY:

.8

CFS

PLACE OF USE: IRRIGATION

T04N R26E S16

SUNE 33.0

33.0 ACRES TOTAL

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 ACRES
IN A SINGLE IRRIGATION SEASON.

AJ5856NP

EX 1211

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

DATE: MAY-27-1992
PAGE: A-657

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:

T05N R26E S04

PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:

2.7

CFS

T04N R25E S21

R26E

WENE 37.0
MUNE 19.0

SUNE 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
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

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

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:

1.6

CFS

T04N R26E S16

74.0 ACRES TOTAL

MESE 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

TOTAL QUANTITY:
CONSUMPTIVE USE:

.14
15.0

CFS
AFY

POINT OF DIVERSION:

T05N R26E S04

PLACE OF USE: IRRIGATION

MUSESE

T04N R26E S16

6.0 ACRES TOTAL

MUSE 6.0

REMARKS: WATER DELIVERED THROUGH WESTSIDE DITCH.

AJ5856NP

Exhibit C

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
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-04040

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

04/01/1958 WILDLIFE

01-01 12-31

243.0 AFY

BENEFICIAL USE

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

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION:

T02N R28E S11

NW1/4SE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11

NESE

NWSE

SESE

SWSW

S13

NW1/4

SWNE

SENE

SESW

S14

NESE

NWSE

SESE

SESW

S15

NESE

SESE

SENE

SESW

S23

NWNE

SENE

SESW

SESW

S24

SWNW

SESE

SENE

SESW

S25

SESE

SENE

SESW

SESW

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

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-06190

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

TOTAL QUANTITY:

.23

CFS

NON-IRRIGATION-USES:

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R27E S01 LOT 1 (NENE) (B)
T03N R27E S20 SENE (B)
T02N R28E S01 MESE (E)
T03N R27E S35 SESE (E)

PLACE OF USE: STOCKWATER

T02N R27E S01	Lot 1 (NENE)	SENE			
R28E	NESE	NWSU	SWSU	SESU	
	MESE	NWSE	SWSE		
S02	SESE				
S03	SWSU	SESU		NWSU	
S04	SWNE	SWNE			
	NESE	NWSE			
S05	SWNE	SENE	Lot 4 (NWNW)	SWNW	
	SENU	NESE			
S06	Lot 1 (NENE)	SENE	Lot 3 (NWNW)	Lot 5 (SWNW)	
	SENU				
S09	NENE	NWNE		NWNW	
S10	NENE	SWNE	SENE	NWNW	
S11	SWNW	SENU	NWSE		
	NWNE				
S12	SENE				
T03N R27E S20	SENU	NWSU	SWSU	SESU	
S21	SWNW	SWSE	SWSE		
	NESE	NWSU	SWSU	SESU	
S22	NWSU	SWSU			
S26	SWNW	SENE	NWNW	SENU	
S27	SENU				
	NESE				
S28	NWNE	NWNE			
S35	NWNW	NWSE	SWNW	SENU	
	NESE		SWSE	SESE	

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