

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 16 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 -0014/
93-03-0274

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; its warrant 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:

Albert C. Babcock

Address:

Route #1 Box 76

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)

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

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.

CHANGES TO THE DIRECTOR'S REPORT

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.

REASONS SUPPORTING EACH BOX CHECKED

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.

to fill the purpose of this claim is rising ground-water.
14. ☒ Other: I object to: The historical source of water

☒ 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

ALBERT C BABCOCK

(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.

Albert C Babcock

Signature of person filing objection

By: _____

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 19th day of March, 1993.

[Signature]
Notary Public for Butte Co. Idaho

Residing at: Pres. Adams

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. 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 15th 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:

Owner's address:

United States of America
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

Albert C. Bahrack
Signature of Objector or attorney
mailing on Objector's behalf

OBJECTION - 6

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.

AJ5856NP

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

DATE: MAY-27-1992
PAGE: A-164

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00050E

ALBERT C. BARCOCK
MARY G. BARCOCK
RT. 1 BOX 76
MOORE ID 83255

06/01/1984 IRRIGATION

05-01 10-15

1.52 CFS

DECREED

POINT OF DIVERSION:
TOSN R26E S04,
PLACE OF USE: IRRIGATION

MOORESE

TOTAL QUANTITY:

1.52 CFS

T04N R26E S03

NESW 4.0

NWSW 5.0

SWSW 36.0

SESW 22.0

REMARKS:

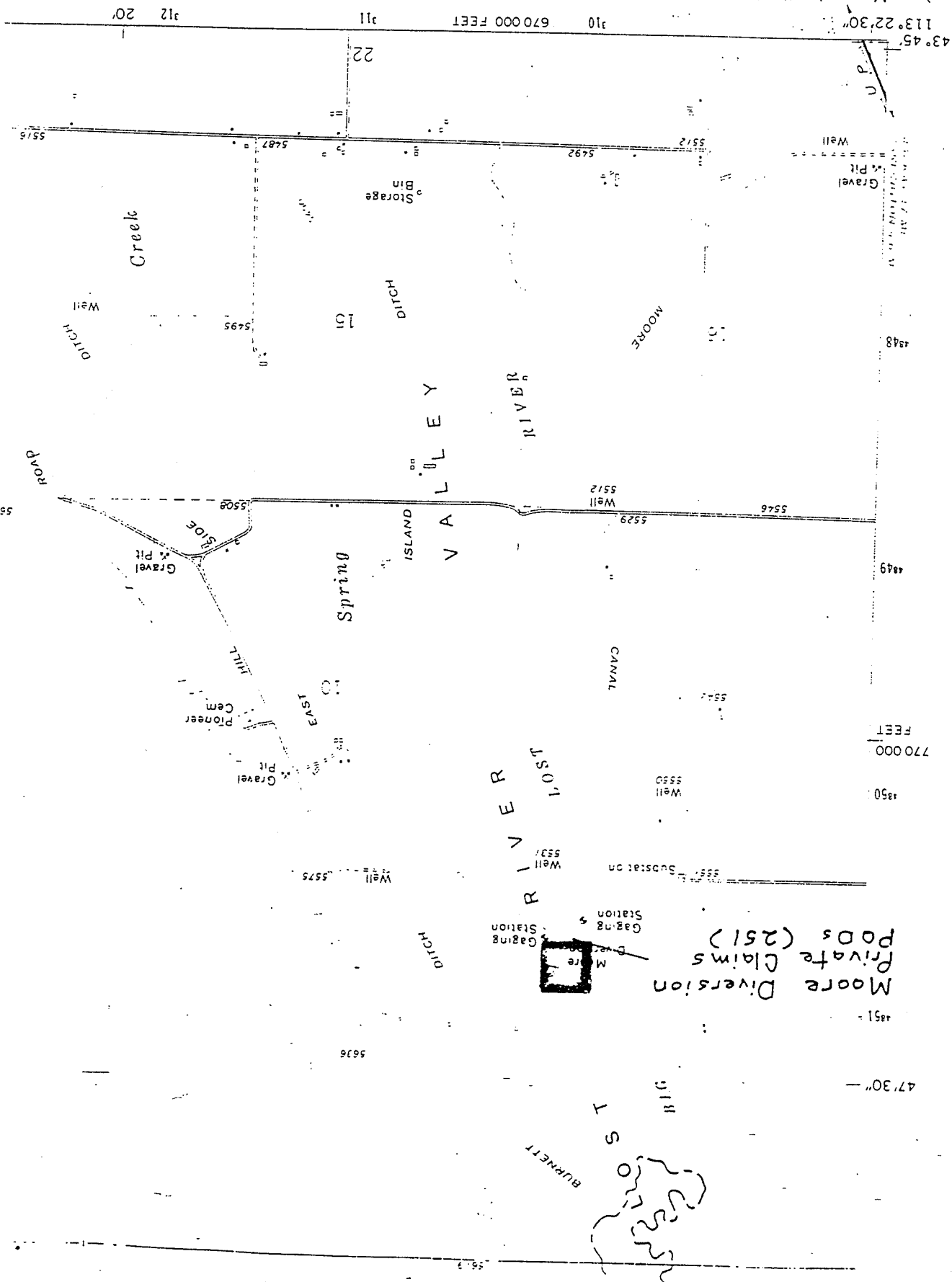
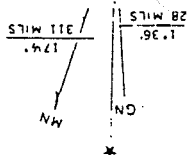
WATER DELIVERED THROUGH MOORE DIVERSION AND WESTSIDE DITCH.

USE OF THIS RIGHT WITH RIGHT NO. 34-02452 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.91 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 167.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 67 ACRES IN A SINGLE IRRIGATION SEASON.
0.34 CFS OF RIGHT NO. 34-02452 IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-02452.

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

Mapped, edited, and published by the Geological Survey
Control by USGS and USCS&GS

RAMSHORN CANYON, IDAHO



AJ5056NP

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

NON-IRRIGATION USES:
STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION:
TO2N R2BE S11
PLACE OF USE: WILDLIFE STORAGE
SAME AS OTHER USE
PLACE OF USE: STOCKWATER FROM STORAGE

TO2N R2BE S11	NESE	NUSE	SESE	
S13	NAMU	SWNU	NWSU	SWSU
S14	NAMU	SENE	SENU	SESU
	NESU	NWSU	SWSU	SESU
S15	NESE	NESE	SESE	
S23	NAMU	SWNU	NWSU	SWSU
S24	SENU	SENU	SENU	SESU
	SESU	NUSE	NUSE	
S25	SESE	SESE	SESE	
	NAMU	SWNU	NWSU	SWSU
	SESU	NUSE	NUSE	

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

