

210

C

C

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

Petitioner,

vs.

RECEIVED

MAR 16 1993

Department of Water Resources
Adjudication Bureau

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

34-04040 -0025/
93-03-0285

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)

OBJECTION - 1

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:

Le Anne Waddups
Wade Waddups

Address:

Rt 1, Box 20
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.

disavowance 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

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-~~

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

☒ 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

Helene Waddoups
Helene Waddoups, 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.

Helene Waddoups
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 15 day of March, 1993.

Karen A. Waddoups
Notary Public for Idaho
Residing at: Moore
My Commission expires: April 30, 1993

(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. 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 15 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

Signature of Objector or attorney
mailing on Objector's behalf

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

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

DATE: MAY-27-1992
PAGE: A-381

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00890A

LE ANNE WADDOLPS
WADE WADDOLPS
RT. 1 BOX 20
MOORE ID 83255

06/01/1889 IRRIGATION

05-01 10-15

.2

CFS

DECREED

POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

~~MUSESE~~

TOTAL QUANTITY:
CONSUMPTIVE USE:

.2

CFS

AFY

T04N R26E S18
20.7 ACRES TOTAL

MUNE 13.6

SUNE 7.1

34-00890B

MARY KEITH JOHNSON
2654 N. 25TH E.
IDAHO FALLS ID 83401

06/01/1889 IRRIGATION

05-01 10-15

.544

CFS

DECREED

POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:
CONSUMPTIVE USE:

.544

CFS

AFY

T04N R26E S19

MUNE 28.0

28.0 ACRES TOTAL
REMARKS: WATER IS DELIVERED THROUGH MOORE DIVERSION.

34-00890C

CLYDE SMITH
R. WANDA SMITH
P.O. BOX 827
ARCO ID 83213

06/01/1889 IRRIGATION

05-01 10-15

.2

CFS

DECREED

POINT OF DIVERSION:
T05N R26E S04
PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:
CONSUMPTIVE USE:

.2

CFS

AFY

T04N R26E S18
S19

SUSE 11.0
MUNE 2.0

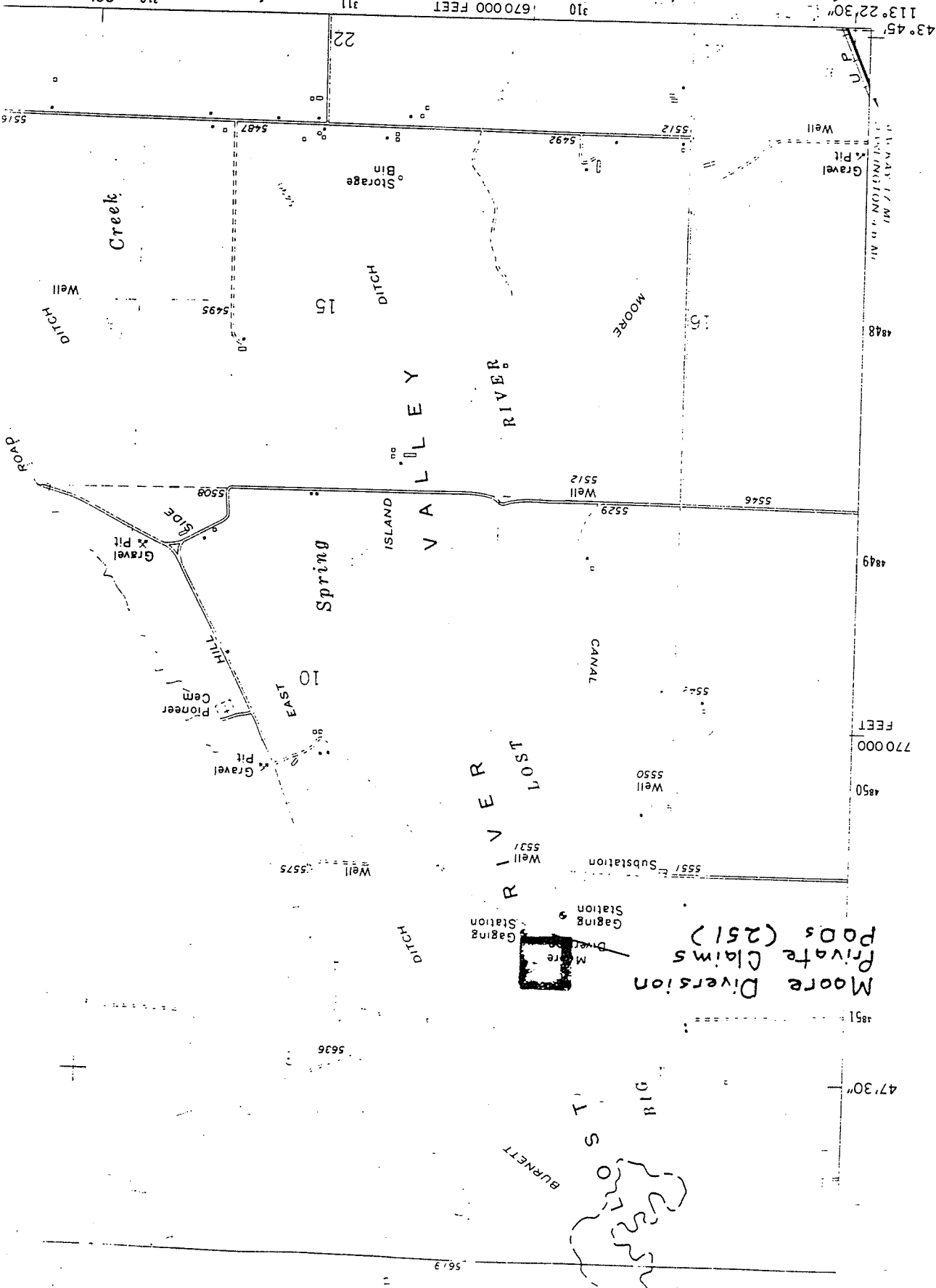
13.0 ACRES TOTAL

REMARKS: WATER DELIVERED THROUGH MOORE DIVERSION, MOORE CANAL.

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

APPENDIX HILL
337' IN NW

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



Moore Division
Private Claims
PODS (251)

LOST
BIG
BURNETT

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
PERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-04040 US DEPT OF INTERIOR 04/01/1958 WILDLIFE 01-01 12-31 243.0 AFY BENEFICIAL USE
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

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

TOTAL QUANTITY: 243.0 .44 CFS

243.0 AFY

NON-IRRIGATION USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

102N R28E S11

NWNWSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

102N R28E S11

NESE

NWSE

SESE

SWSW

S13

NWNW

SWNW

NWSW

SWSW

S14

NWNW

SWNW

NWSW

SWSW

S15

NESE

NWSE

SESE

SWSW

S23

NWNW

SWNW

NWSW

SWSW

S24

NWNW

SWNW

NWSW

SWSW

S25

NESE

NWSE

SESE

SWSW

S25

NWNW

SWNW

NWSW

SWSW

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

Ex. C

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-17-1992
PAGE: A-34

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

34-04190

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

NON-IRRIGATION-USES:

STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

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

PLACE OF USE: STOCKWATER

TOTAL QUANTITY: .23 CFS

	Lot 1 (NENE)	Lot 2 (NENE)	Lot 3 (NENE)	Lot 4 (NENE)	Lot 5 (NENE)
T02N R27E S01	SENE	SENE			
R28E	NWSW	NWSW	SWSW	SWSW	SESW
	NESE	NWSE	SWSE		
S02	SESE				
S03	SWSW	SESW			
S04	SWNE	SWNW	SENW		NWSW
	NESE	NWSE	SESE		
S05	SWNE	SENE		Lot 4 (NENE)	SWNW
	SENW	NESE			
S06	Lot 1 (NENE)	Lot 2 (NENE)	Lot 3 (NENE)		Lot 5 (NENE)
	SENW				
S09	NENE				
S10	NENE	NWNE	NENE		NWNW
S11	NENE	SWNE	SENE		NWNW
	SWNW	SENW	NWSE		
S12	NWNE	NENE			
T03N R27E S20	SENE				
S21	SWNW	NWSW	SWSW		SESW
	NESE	SWSE	SESE		
S22	NWSW	NWSW	SWSW		SESW
S26	NWSW	SWNE			
S27	SWNE	SENE	NENE		SENW
	NESE	NWSE			
S28	NWNE	NWNW			
S35	NWNW	NWSE	SWNW		SESW
	NESE		SWSE		

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

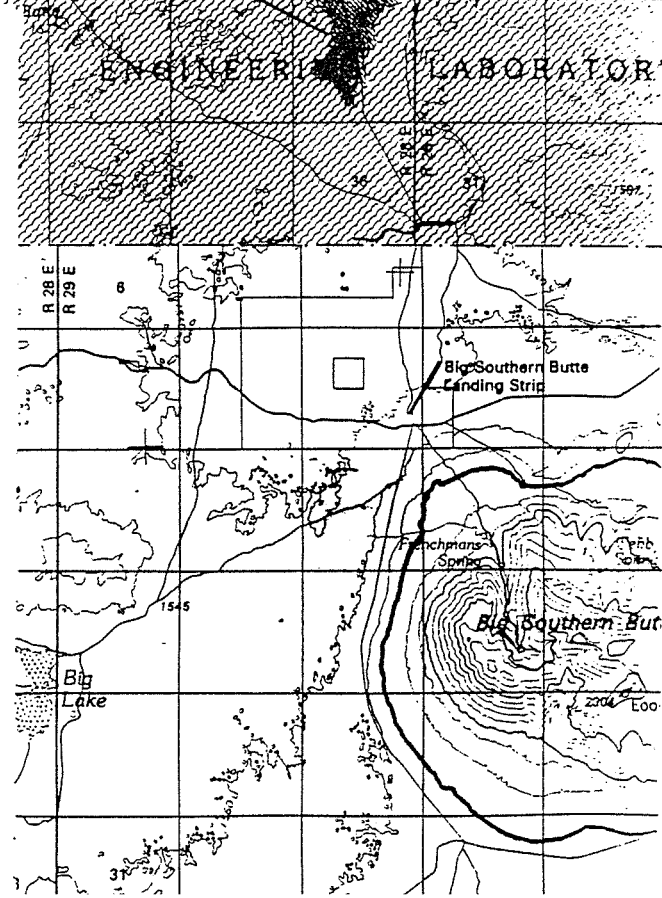
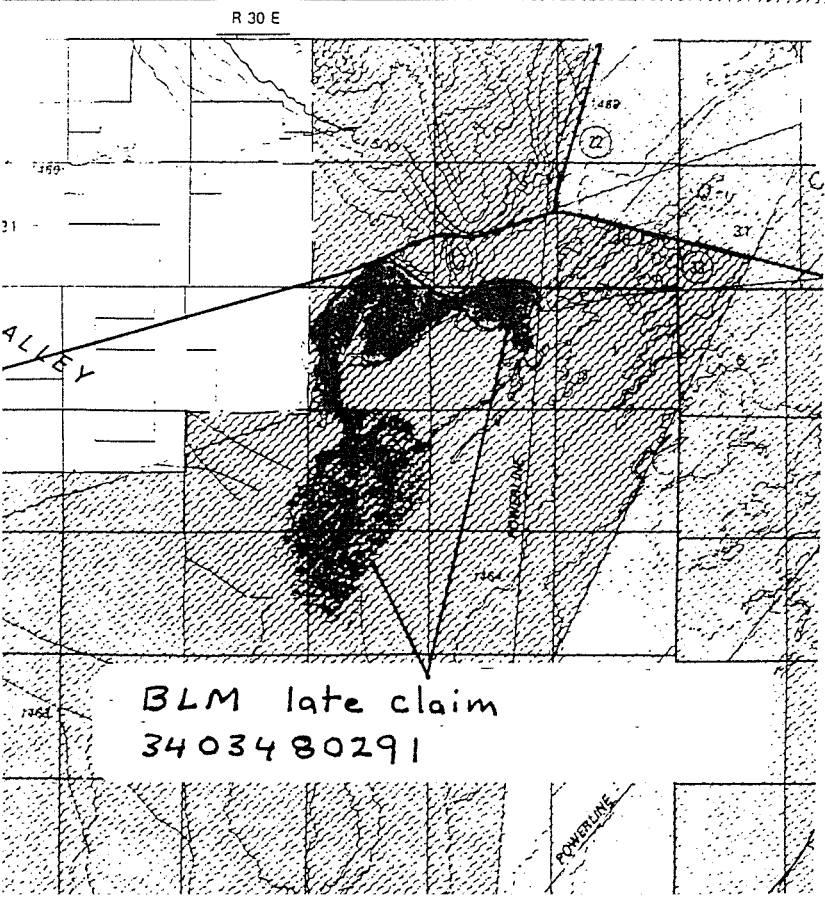
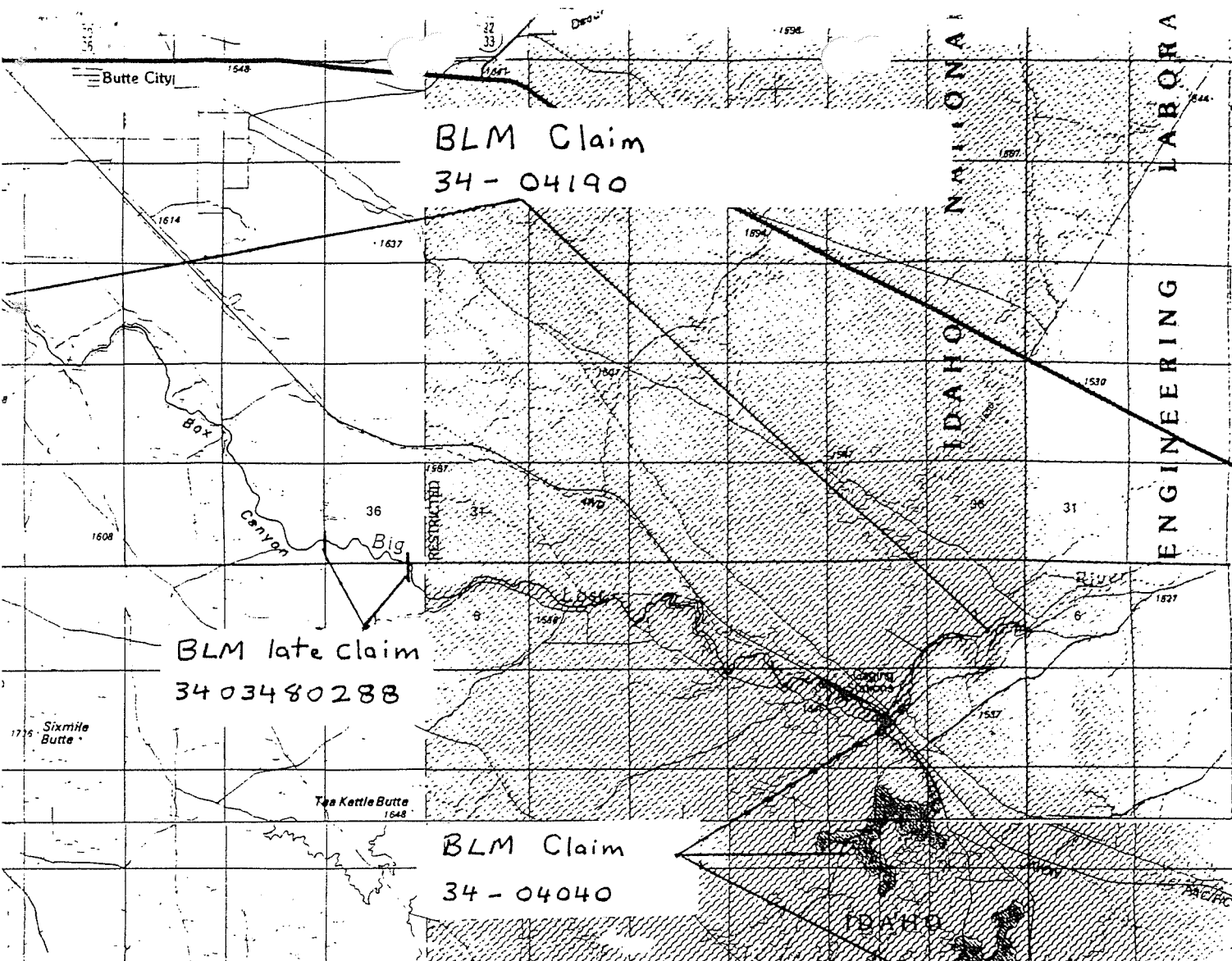


EXHIBIT A

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 B.

RIGHT NUMBER NAME & ADDRESS DATE PRIORITY PURPOSE OF USE PERIOD OF USE FROM TO MAXIMUM QUANTITY BASIS OF CLAIM

SOURCE: BIG LOST RIVER TRIBUTARY: SIMKS

34-00088

BILLY L. HARALSON
CLAIRE SUZANNE HARALSON
RT. 1 BOX 450
ARCO ID 83213

06/01/1896 IRRIGATION

05-01 10-15

1.17 CFS DECREED

POINT OF DIVERSION:

PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:

1.17 CFS

104N R26E S10

NEW 32.0

SESW 39.0

MUSE 34.0

SWSE 32.0

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).

WATER IS DELIVERED THROUGH ISLAND DITCH.
USE OF THIS RIGHT WITH RIGHT NO. 34-07237 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.09 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 342.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 137 ACRES IN A SINGLE IRRIGATION SEASON.

34-00115

MADE WADDOUPS
LE ANNE WADDOUPS
RT. 1 BOX 20
MOORE ID 83255

06/01/1896 IRRIGATION

05-01 10-15

1.6 CFS DECREED

POINT OF DIVERSION:

PLACE OF USE: IRRIGATION

MUSESE

TOTAL QUANTITY:

1.6 CFS

105N R26E S04

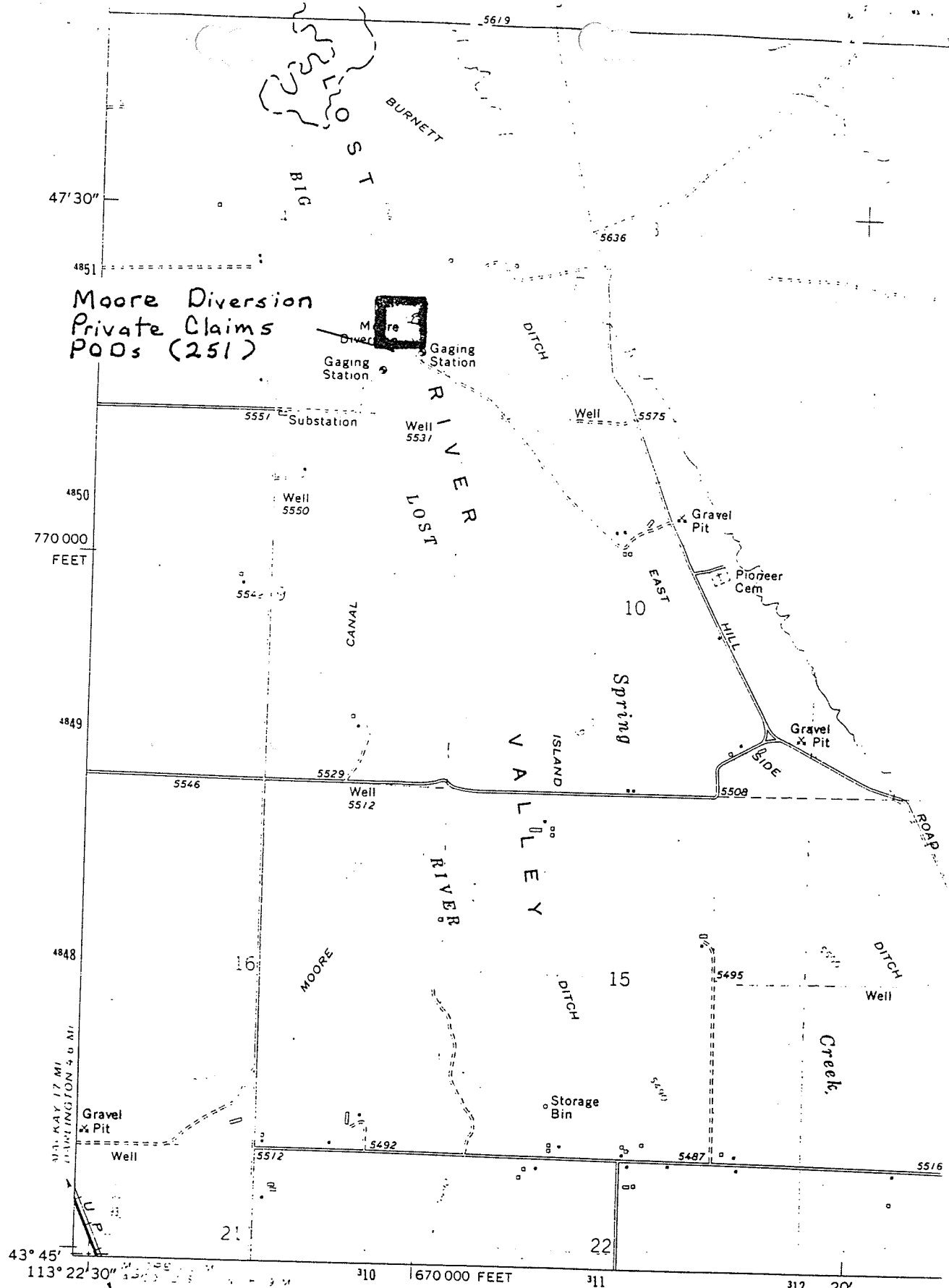
NEW 37.0

MMNW 31.0

REMARKS:

DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH
USE OF THIS RIGHT WITH RIGHT NO. 34-024268 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.84 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 170 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 68 ACRES IN A SINGLE IRRIGATION SEASON.
0.30 CFS OF RIGHT NO. 34-024268 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-024268.

Exhibit B



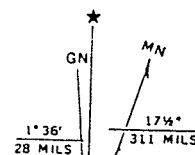
(APPENDIX HILL)
3971 III NW

Mapped, edited, and published by the Geological Survey
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

1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue



RAMSHORN CANYON, IDAH

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-04190

06/28/1934 STOCKWATER

01-01 12-31

.23

CFS

BENEFICIAL USE

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

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 NESE (E)

T03N R27E S35 SESE (E)

PLACE OF USE: STOCKWATER

T02N R27E S01 LOT 1 (NENE)

R28E NESE

S02 SESE

S03 SWSW

S04 SWSW

S05 SENE

S06 Lot 1 (NENE)

SESW

S09 NENE

S10 NENE

S11 SWSW

S12 NENE

T03N R27E S20 SENE

S21 SWSW

S22 NESE

S26 NWSW

S27 SENE

S28 NESE

S35 NENE

SESW

NENE

NENE

NENE

NENE

NENE

NENE

NENE

NENE

NENE

NENE

NENE

NENE

NENE

NENE

NENE

NENE

SENE

NWSW

NWE

SESW

SWSW

SESE

SWSW

SESE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SWSW

SWE

SESW

SWSW

SESE

SWSW

SESE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SESW

NWSW

SESW

NWSW

SESW

SESE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

SENE

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING

ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY

Ex. C

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
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

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 STORAGE	01-01 12-31	243.0	AFY
			STOCKWATER FROM STORAGE	01-01 12-31	20.1	AFY
			STOCKWATER STORAGE	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:		.44	CFS
					243.0	AFY

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T02N R28E S11

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11

S13

S14

S15

S23

S24

S25

NESE	SESE	
NWNW	NWSW	
NWNE	SENE	
NESW	SWSW	
NESE	SWSE	
NESE		
NWNE	NENW	
SWNE	NENW	
SWNW	NESW	
SESW	NWSE	
SESE		
NENE	SUNE	
NWNW	NENW	
SESW	NWSW	

PLACE OF USE: STOCKWATER STORAGE

SAME AS OTHER USE

PLACE OF USE: WILDLIFE FROM STORAGE

SAME AS OTHER USE

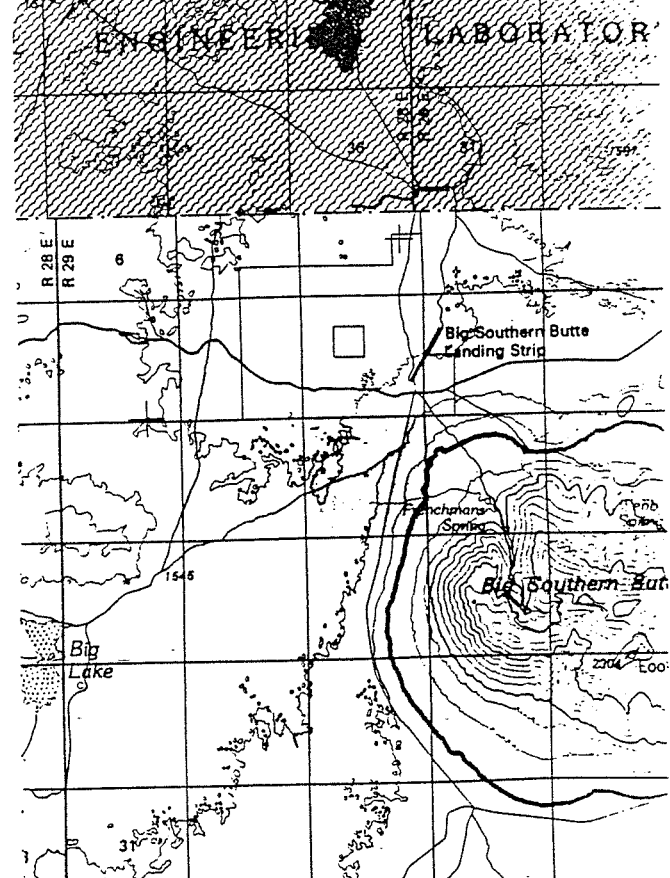
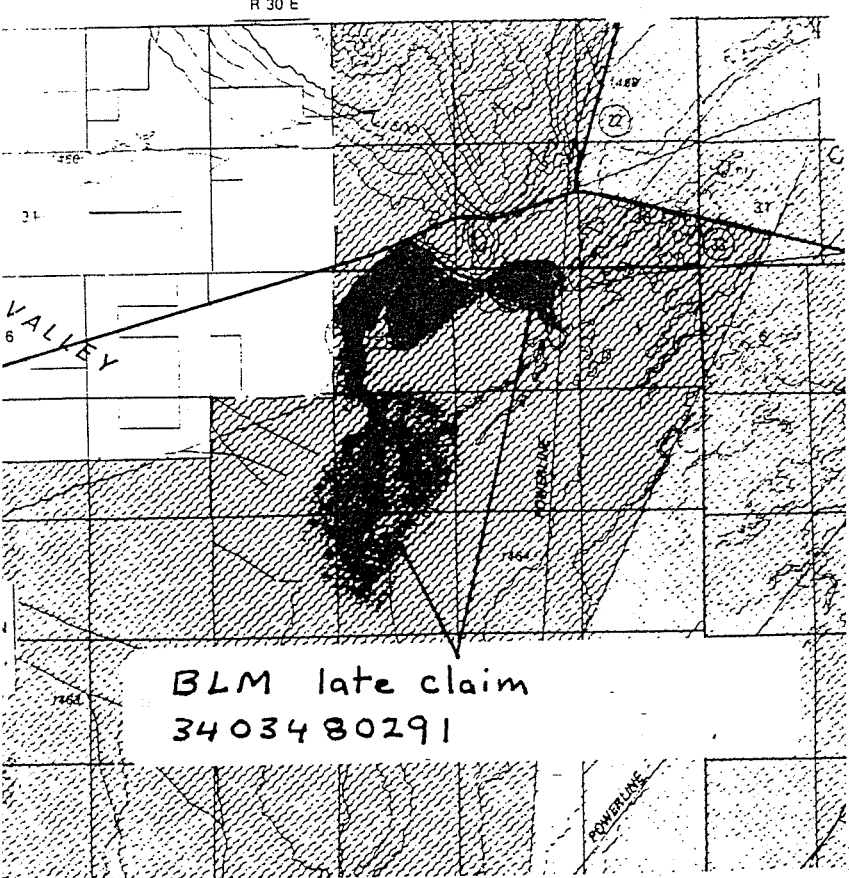
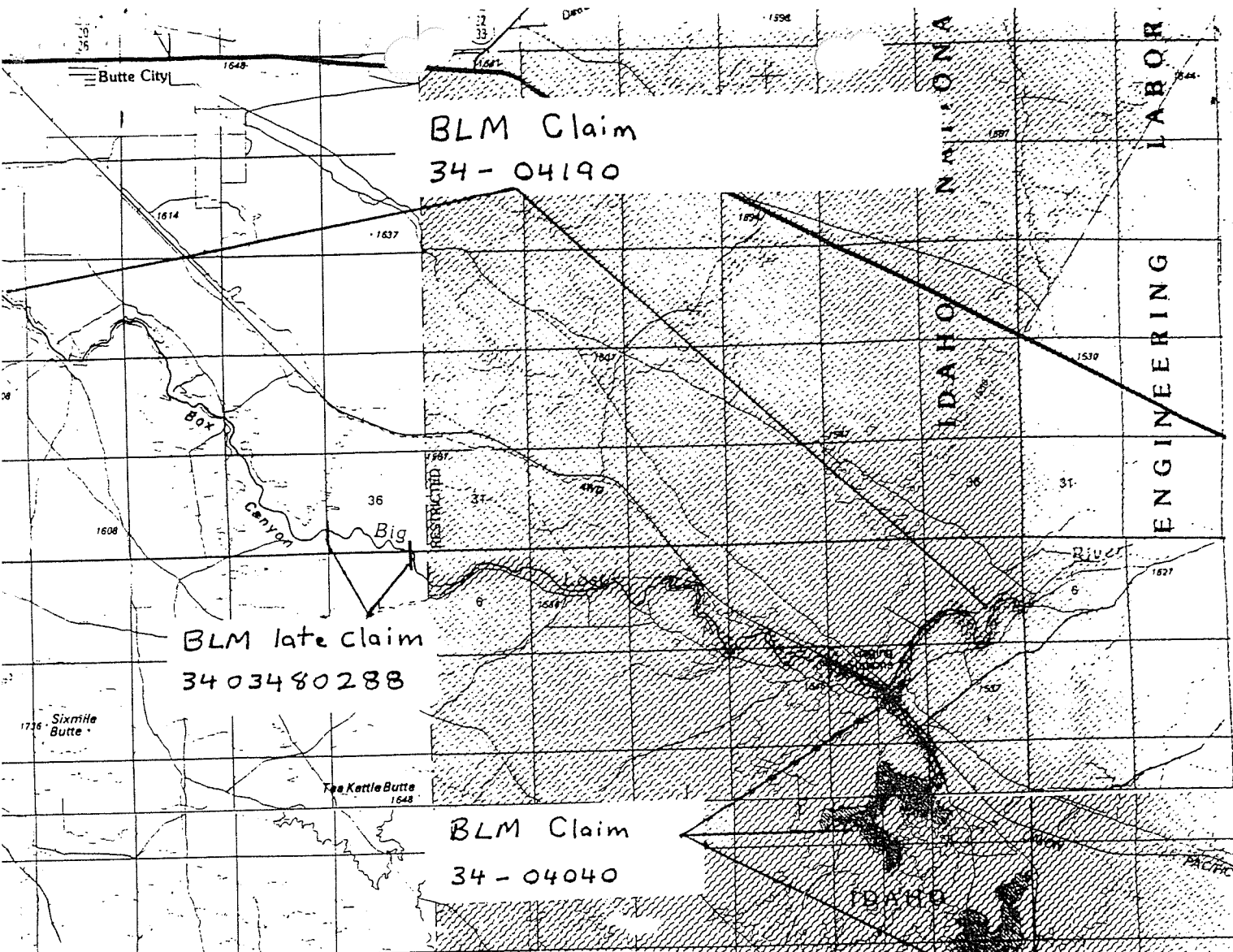
PLACE OF USE: DIVERSION TO STORAGE

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



3

3

3