

518

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. 34-04190
(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,

34-04190 -0001/
34-03-0370

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 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. Babcock - Marjorie J Babcock
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 supersedes 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.

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.

Gene A. Woodhull
Notary Public for Butte Co. State of Idaho
Residing at: Idaho
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. 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 12 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

Deuben H. Burtch
Signature of Objector or attorney
mailing on Objector's behalf

REASON: 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.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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34-00354	MARJORIE J. BABCOCK REUBEN H. BABCOCK BOX 14 MOORE ID 83255	03/27/1896	IRRIGATION	05-01 10-15	1.6	CFS DECREED
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POINT OF DIVERSION: T05N R26E S04		NWSESE				
PLACE OF USE: IRRIGATION		TOTAL QUANTITY: 1.6 CFS				

T05N R26E S29	SESE 8.0	SESE 37.0				
S32	SENE 31.0	SENE 24.0	NESE 25.0			SESE 31.0

156.0 ACRES TOTAL

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.: 34-02330A, 34-10397 AND 34-12377.

Exhibit B

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

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

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

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

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

Exhibit C

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

PLACE OF USE: WILDLIFE STORAGE
SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R28E S11	NESE	NWSE	SESE	SUSW
S13	NWNW	SWNW	NWSW	SENW
S14	NWNE	SWNE	SWSE	SESW
	NESW	NWSW		
S15	NESE	NWSE		
S23	NWNE	SWNE	NENW	NWNW
S24	SWNE	SENE	NENW	SWSW
	SWNW	SENW	NWSE	SWSE
	SESW	NESE		
S25	NENE	NWNE	SWNE	NENW
	NWNW	SENW	NESW	NWSW
	SESW	NWSE		

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