

316

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

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

Respondents.

Case No. 34-04190
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

MAR 18 1993

Department of Water Resources
Adjudication Bureau

34-04190 -0003/
93-03-0372

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.

OBJECTION - 1

(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: Robert D. Waddoups

Address: Box 42
Moore, Idaho 83255

Briefly describe your interest in this water right:

This claim is in error as I have a prior
right that supersedes it in all respects.

2. Owner of the water right:

Name: U. S. Department of the Interior, BLM

Address: Idaho State Office
3380 American 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.

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 U. S. Department of Interior (BIM)
claiming any water rights under theories that water rights were
established through a federal reservation of water by executive
order dated April 17, 1926, PWP No. 107

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.

Dis-allowance 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.

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Robert D. Waddoups

(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.

Robert D. Waddoups
Signature of person filing objection

By:

(Attorney signing in
representative capacity)

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

Susan J. Glavin
Notary Public for Idaho
Residing at: Arco Idaho
My Commission expires: 5-17-96

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 16th 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: Claimant: U. S. Department of Interior (BLM)

Owner's address: Idaho State Office

3380 Americana Terrace
Boise, Idaho 83706

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

Robert D. Waddoups
Signature of Objector or attorney
mailing on Objector's behalf

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 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
 3360 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

TOTAL QUANTITY: .23 CFS

POINT OF DIVERSION:

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

PLACE OF USE: STOCKWATER

T02N R27E S01 R28E	Lot 1 (NENE)	SENE	SWSW	SESW	Lot 5 (SWNU)
S02	SESW	SWSW	SWSE		
S03	SWSW	SESW	SESE		
S04	SWNE	SESW	SESE		
S05	SWNE	SENE	SESE		
S06	Lot 1 (NENE)	SENE	SESE		
S09	SENE	SENE	SESE		
S10	SENE	SENE	SESE		
S11	SENE	SENE	SESE		
S12	SENE	SENE	SESE		
T03N R27E S20 S21	Lot 2 (NENE)	SENE	SESE		
S22	SENE	SENE	SESE		
S26	SENE	SENE	SESE		
S27	SENE	SENE	SESE		
S28	SENE	SENE	SESE		
S35	SENE	SENE	SESE		

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

BASIC OF CLAIM

TRIBUTARY: SINKS

BENEFICIAL USE

243.0	AFY
20.1	AFY
243.0	AFY
7.2	AFY
.44	CFS
.44	CFS

PLACE OF USE: STOCKWATER FROM STORAGE

•

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

PAGE: A-160

34-00311A

ROBERT D. WOODRUFFS
P.O. BOX 42
MOORE ID 83255

07/15/1984 IRRIGATION

05-01 10-15

.8 CFS

DECREED

POINT OF DIVERSION:

TOSH R26E S04

PLACE OF USE: IRRIGATION

MSESE

TOTAL QUANTITY:

.8 CFS

TOSH R26E S08

SENE 40.0

SENE 40.0

REMARKS: WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.

USE OF THIS RIGHT WITH RIGHT NOS. 34-024168 AND 34-006220 IS

LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.29 CFS AND

TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 200 ACRE

FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES

IN A SINGLE IRRIGATION SEASON.

34-00311B JEAN P ANDERSEN

JAY A ANDERSEN
RT 1 BOX 41
MOORE ID 83255

07/15/1984 IRRIGATION

05-01 10-15

.8 CFS

DECREED

POINT OF DIVERSION:

TOSH R26E S04

PLACE OF USE: IRRIGATION

MSESE

TOTAL QUANTITY:

.8 CFS

TOSH R26E S05

35.5 ACRES TOTAL

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

IDAHO CODE 42-1416A.

WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.

USE OF THIS RIGHT WITH RIGHT NO. 34-00623A IS LIMITED TO A TOTAL

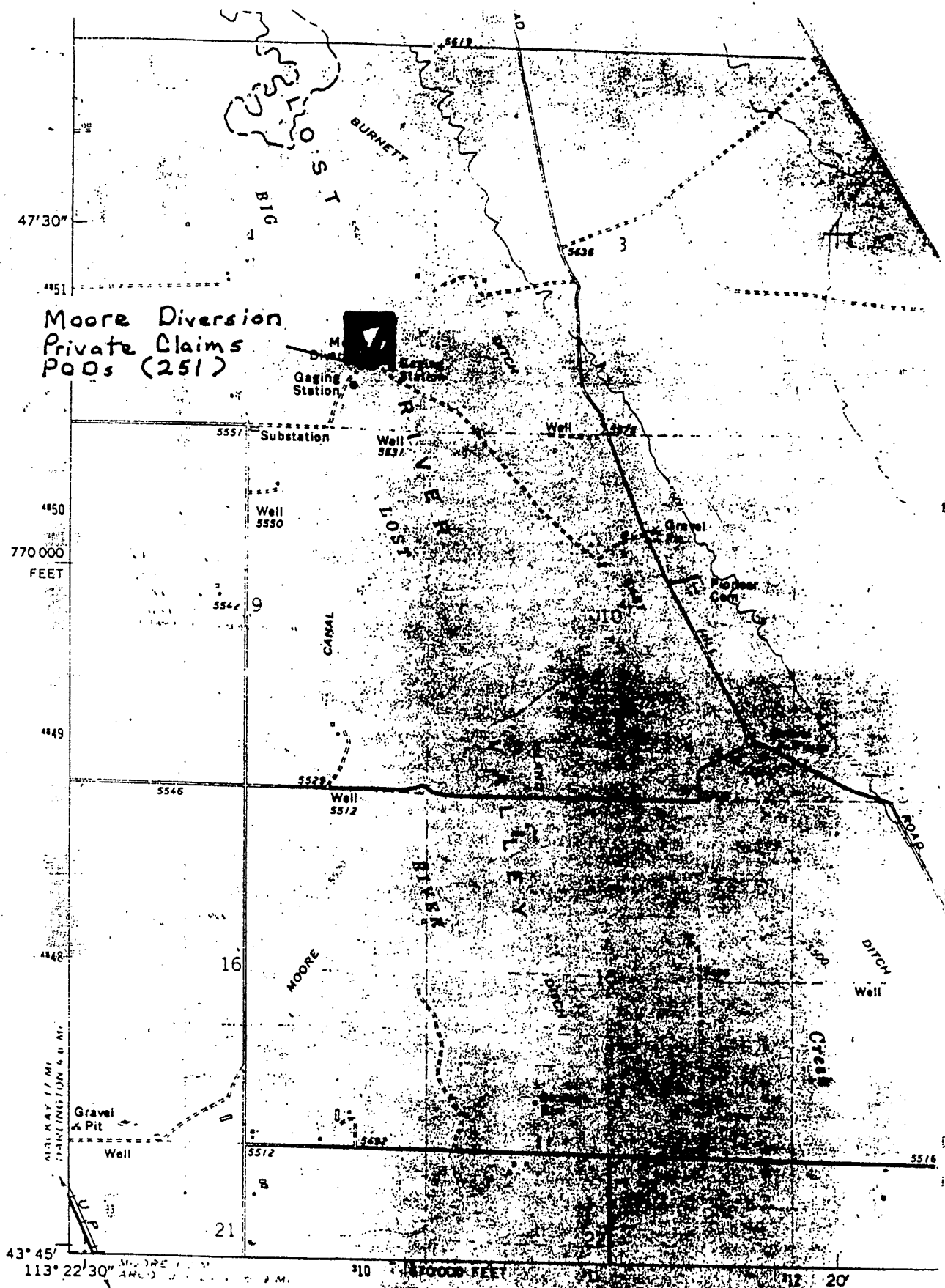
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 80.8 ACRE FEET AND TO

THE IRRIGATION OF A COMBINED TOTAL OF 35.5 ACRES IN A SINGLE

IRRIGATION SEASON.

0.90 CFS OF RIGHT NO. 34-00623A IS LIMITED TO USE FOR

CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.



APPENDIX HILL
2071 & 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, zone 12, shown in blue

MOORE CANYON, IDAHO

Butte City

BLM Claim
34-04190

Big Canyon

BLM late claim
34 03480288

Sierra Butte

Kettle Butte

BLM Claim
34-04040

IDAHO

LABOR ENGINEERING

A topographic map showing a shaded area representing a BLM late claim. The map includes a grid, contour lines, and labels such as "VALLEY" and "BLM late claim 3403480291". A north arrow is visible in the upper right corner.

LABORATORY

Big Southern Butte Landing Strip

Pachana Springs

Big Southern Butte

Big Lake

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

458

459

460

461

462

463

464

465

466

467

468

469

470

471

472

473

474

475

476

477

478

479

480

481

482

483

484

485

486

487

488

489

490

491

492

493

494

495

496

497

498

499

500

501

502

503

504

505

506

507

508

509

510

511

512

513

514

515

516

517

518

519

520

521

522

523

524

525

526

527

528

529

530

531

532

533

534

535

536

537

538

539

540

541

542

543

544

545

546

547

548

549

550

551

552

553

554

555

556

557

558

559

560

561

562

563

564

565

566

567

568

569

570

571

572

573

574

575

576

577

578

579

580

581

582

583

584

