

3-16

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 22 1993

Department of Water Resources
Adjudication Bureau

Petitioner,)

vs.)

34-04190 -0005/
93-03-0374

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

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: Lawrence Babcock, Trustee

Address: RR 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 supersedes it in all
pects.

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)

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.

REASONS SUPPORTING EACH BOX CHECKED

Water.

~~to fill the purpose of this claim is rising ground-~~

12. ☒ Water Right I 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 descrip-
tion 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- ³ ~~one~~ page. Exhibit C-
one page.

VERIFICATION (Must be Completed)

State of Idaho

County of Butte

Lawrence R. Babcock, Trustee, 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.

Lawrence R. Babcock, Trustee
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 16 day of March,
199 3.

Baibara D. Phares
Notary Public for State of Id.
Residing at: Miss. Id.
My Commission expires: 3/2/97

(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 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 4449
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

William R. Baskin, Director
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.

Exhibits

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

34-00004 RODGER SORESENSEN 04/17/1913 IRRIGATION 05-01 10-15 3.1 CFS DECREED
MARY SORESENSEN
245 N. HOOPER
SODA SPRINGS ID 83276
POINT OF DIVERSION:
T07N R20E S03 SUNE
T08N R20E S36 NWNW
PLACE OF USE: IRRIGATION
T08N R20E S25 SWSE 29.0 SESE 15.0
S36 NUNE 36.0 NWNW 16.0
SENW 40.0 NWSW 31.0
TOTAL QUANTITY: 3.1 CFS
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 05/17/1913 IRRIGATION 05-01 10-15 .8 CFS DECREED
P. O. BOX 66
MOORE ID 83255
POINT OF DIVERSION:
T05N R26E S04 NWSESE
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

NENE 37.0
MUNE 19.0

SWNE 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.

Exhibit 4

AJ5856NP

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	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

34-00559 GRANITE TRUST ORGANIZATION
P. O. BOX 66
MOORE ID 83255

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

T04N R26E S16
74.0 ACRES TOTAL
NESE 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.

TOTAL QUANTITY: 1.6 CFS

1.6 CFS DECREED

34-00577A STEVEN W. TIBBITTS
JOYCE B. TIBBITTS
BOX 65A
MOORE ID 83255

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

T04N R26E S16
6.0 ACRES TOTAL
NWSE 6.0

REMARKS: WATER DELIVERED THROUGH WESTSIDE DITCH.

TOTAL QUANTITY:
CONSUMPTIVE USE:

.14 CFS DECREED

.14 CFS
15.0 AFY

A05856NP

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-17-1992
PAGE: A-36

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
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

BENEFICIAL USE

STORAGE

01-01 12-31

20.1

AFY

STORAGE

01-01 12-31

243.0

AFY

STORAGE

01-01 12-31

7.2

AFY

STORAGE

01-01 12-31

.44

CFS

243.0

CFS

TOTAL QUANTITY:

NON-IRRIGATION-USES:

STOCKWATER, 2000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

102N R28E S11

MANWSE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

102N R28E S11

NESE

WUSE

SESE

SWSU

S13

MANW

SWNU

SENU

SENU

S14

WUSE

SWNU

SENU

SENU

S15

NESE

WUSE

SESE

SENU

S23

WUSE

SWNU

SENU

SENU

S24

WUSE

SWNU

SENU

SENU

S25

WUSE

SWNU

SENU

SENU

S25

WUSE

SWNU

SENU

SENU

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

