

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. 34-12467
(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,

and additional #
34-12468
OBJECTION 34-04178
34-04173
34-04169
34-12467A
34-12468A
(All the same source)

Petitioner,

vs.

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

34-12467 -0001/
93-03-0511

RECEIVED

MAR 22 1993

Department of Water Resources
Adjudication Bureau

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
respects.

2. Owner of the water right:

Name: U.S. Dept. of Interior, B.I.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 prior exclusive use of this water includes irrigation and/or stockwater with a senior priority date.
- _____
- _____
- _____

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 Directors 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-four pages.

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.

Barbara Shreiner
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission expires: 3/21/97

(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 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

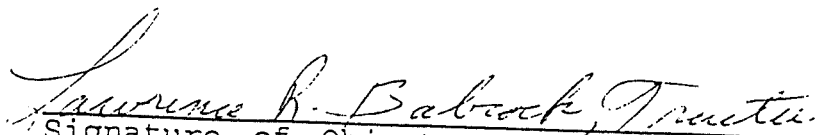

Signature of Objector or attorney
mailing on Objector's behalf

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.

Exhibit B

DATE: MAY-20-1992
PAGE: A-1770

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

AJ5856NP

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

PERIOD OF USE

MAXIMUM
QUANTITY

TRIBUTARY: BECK CANYON

SOURCE: UNNAMED STREAM

BASIS OF CLAIM

LICENSE

.5 CFS

04-15 10-15

03/10/1915 IRRIGATION

34-02207 GRANITE TRUST ORGANIZATION

87.5 AFY

04-15 10-15

STOCKWATER

PO BOX 66

.07 CFS

STOCKWATER

MOORE ID 83255

MOORE ID 83255

.5 CFS

TOTAL QUANTITY:

CONSUMPTIVE USE:

NON-IRRIGATION-USES:

87.5 AFY

STOCKWATER FOR 300 HEAD OF RANGE CATTLE

POINT OF DIVERSION:

T04N R25E S20

62.5 AFY

STOCKWATER

WENESSE

WENESSE

.07 CFS

STOCKWATER

WENESSE (1)

WENESSE (1)

.07 CFS

STOCKWATER

WENESSE (R)

WENESSE (R)

.07 CFS

STOCKWATER

WENESSE (R)

WENESSE (R)

.07 CFS

STOCKWATER

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STOCKWATER

WENESSE (R)

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.07 CFS

STOCKWATER

WENESSE (R)

WENESSE (R)

Exhibit C

AJ5856NP

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

DATE: NOV-17-1992
PAGE: A-21

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

SOURCE: BECK CANYON CREEK

TRIBUTARY: SINKS

34-04169	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	.12	CFS	BENEFICIAL USE
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NON-IRRIGATION-USES:

TOTAL QUANTITY: .12 CFS

STOCKWATER, 479 RANGE CATTLE, WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

TO4N R24E S25	SWNE (B)
R25E S21	NESE (E)

PLACE OF USE: STOCKWATER

TO4N R24E S25	NESE
R25E S19	SESW
S20	SENE

SENE	SWNE	SENE
SESW	NESE	SESE
SENE	NESE	SWSW
NESE	NESE	SESW
SESW	NESE	
SENE	NESE	

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 = 3403488134

Exhibit C

AJ5856NP

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

DATE: NOV-17-1992
PAGE: A-921

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-12467	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/01/1884	STOCKWATER	01-01 12-31	.02	CFS BENEFICIAL USE
NON-IRRIGATION-USES: STOCKWATER, 4 HORSES, 100 RANGE CATTLE						
POINT OF DIVERSION: T04N R25E S09						
PLACE OF USE: STOCKWATER						
T04N R25E S09						
WESH						
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 = 3403480044						
TOTAL QUANTITY:		.02 CFS				
34-12468	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/01/1884	STOCKWATER	01-01 12-31	.03	CFS BENEFICIAL USE
NON-IRRIGATION-USES: STOCKWATER, 91 RANGE CATTLE.						
POINT OF DIVERSION: T04N R25E S28						
PLACE OF USE: STOCKWATER						
T04N R25E S28						
WWSNW						
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 = 3403480045						
TOTAL QUANTITY:		.03 CFS				

AJ5856NP

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

DATE: NOV-17-1992
PAGE: A-1277

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

34-06.173

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

.03 CFS

BENEFICIAL USE

NON-IRRIGATION-USERS:

TOTAL QUANTITY:

.03 CFS

STOCKWATER, 91 RANGE CATTLE, WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION:

TD4N R25E S29

S21

SUNESE (B)
SESESW (E)

PLACE OF USE: STOCKWATER

TD4N R25E S21

S28

SESW
NESE

MMNW

SNMW

NMSW

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 = 3403488138

AJ5856NP

Exhibit C

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-17-1992
PAGE: A-1233

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

TRIBUTARY: BECK CANYON CREEK

34-04178	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	.03	CFS
					.03	CFS

NON-IRRIGATION-USES:

STOCKWATER, 91 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T04N R25E S21	NWSWSW (B)
S29	SWNWNE (B)
	SENWSW (B)
S21	SENESW (E)
S29	NESENW (E)
	NESENW (E)

TOTAL QUANTITY:

PLACE OF USE: STOCKWATER

T04N R25E S21	NESW	NWSW	SWSW
S29	NWNE	SENW	NESW

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 = 3403488143

Exhibit C

IDAHO DEPARTMENT OF WATER RESOURCES
ABSTRACTED CLAIMS TO WATER RIGHTS BASED UPON FEDERAL LAWDATE: NOV-17-1992
PAGE: A-392RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOPERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: SPRING

TRIBUTARY: SINKS

34-12467A

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

04/17/1926 STOCKWATER

01-01 12-31

.02

CFS

RESERVED

POINT OF DIVERSION:

4 HORSES, 100 RANGE CATTLE

STOCKWATER

01-01 12-31

.03

CFS

NON-IRRIGATION-USES:

TOTAL QUANTITY:

.05

CFS

POINT OF DIVERSION:

4 HORSES, 100 RANGE CATTLE

STOCKWATER

01-01 12-31

.03

CFS

PLACE OF USE: STOCKWATER

SENESM

STOCKWATER

01-01 12-31

.03

CFS

PLACE OF USE: STOCKWATER

NESM

STOCKWATER

01-01 12-31

.03

CFS

REMARKS: BLM RECORD ID = 3403480044

SAME AS OTHER USE

STOCKWATER

01-01 12-31

.03

CFS

REMARKS: BLM RECORD ID = 3403480044
FIRST DATE OF BENEFICIAL USE - 1884; WATER ALSO FEDERALLY RESERVE
BY EXECUTIVE ORDER DATED APRIL 17, 1926, PWR NO. 107

34-12468A

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

04/17/1926 STOCKWATER

01-01 12-31

.03

CFS

RESERVED

NON-IRRIGATION-USES:

TOTAL QUANTITY:

.03

CFS

POINT OF DIVERSION:

91 RANGE CATTLE

STOCKWATER

01-01 12-31

.03

CFS

PLACE OF USE: STOCKWATER

NMSNM

STOCKWATER

01-01 12-31

.03

CFS

REMARKS: BLM RECORD ID = 3403480045

SAME AS OTHER USE

STOCKWATER

01-01 12-31

.03

CFS

REMARKS: BLM RECORD ID = 3403480045
FIRST DATE OF BENEFICIAL USE - 1884; WATER ALSO FEDERALLY RESERVE
BY EXECUTIVE ORDER DATED APRIL 17, 1926, PWR NO. 107

