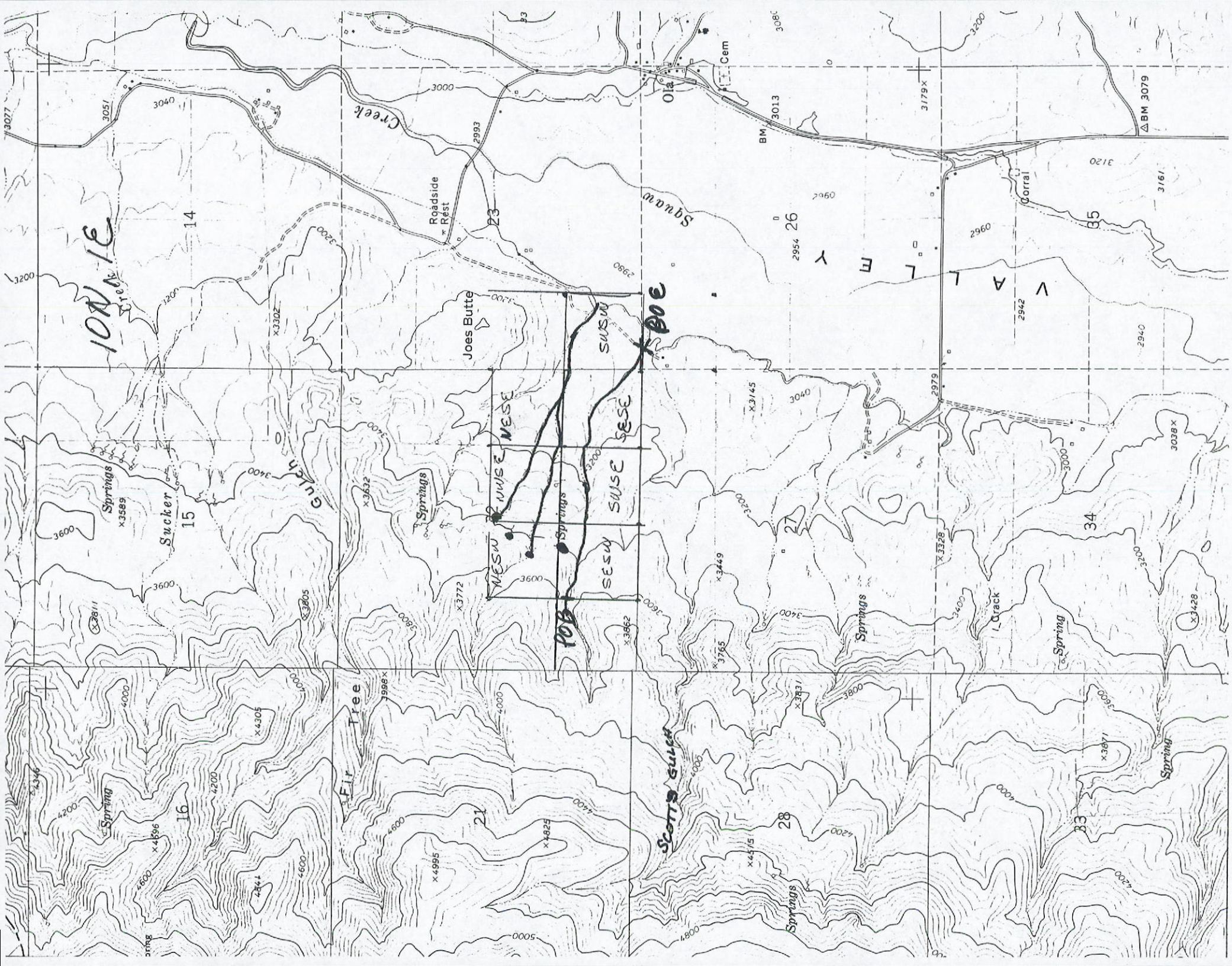




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MAY 01 2001

WATER RESOURCES  
WESTERN REGION

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-22373  
Date Received: 5/1/01  
Receipt No: W027676  
Received By: MTS

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES E MACKENZIE Phone: (208)459-9188

PO BOX 1005  
CALDWELL ID USA 83606

CONNIE MACKENZIE Phone: (208)459-9188

PO BOX 1005  
CALDWELL ID USA 83606

2. Date of Priority: 05/01/1880

3. Source: SPRINGS , UNNAMED STREAM Trib. to: SQUAW CREEK , SQUAW CREEK

4. Point of Diversion:

| Township | Range | Section          | 1/4 of 1/4 of 1/4 Lot | County | Type            |
|----------|-------|------------------|-----------------------|--------|-----------------|
| 10N      | 01E   | 22               | NE SW                 | GEM    |                 |
| 10N      | 01E   | 22               | SE SW                 | GEM    |                 |
| 10N      | 01E   | 22               | NW SE                 | GEM    |                 |
| 10N      | 01E   | 22               | SE SW                 | GEM    | Beginning Point |
| 10N      | 01E   | 22 <sup>23</sup> | SW SW                 | GEM    | Ending Point    |

5. Description of diverting works:

IN STREAM STOCKWATER

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| STOCKWATER | 01/01 | 12/31 | 0.02   |            |

7. Total Quantity Appropriated is:  
0.02 C.F.S.

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WATER RESOURCES  
WESTERN REGION

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|----------|-------|---------|------------|-----|------------|-------|
| 10N      | 01E   | 22      | NE         | SE  | STOCKWATER |       |
|          |       |         | SE         | SE  | STOCKWATER |       |
| 10N      | 01E   | 23      | SW         | SW  | STOCKWATER |       |

11. Place of use in counties: GEM

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT DESCRIBES THE HISTORICAL STOCKWATER USE FROM THE SPRINGS AND UNNAMED STREAMS LISTED AS SOURCES. THE SPRING SOURCES ARE ON THE ADJOINING OWNERS PROPERTY BUT HAVE HISTORICALLY BEEN THE PRIMARY IN FLOW OF WATER TO THE UNNAMED STREAMS ALSO LISTED AS SOURCES. THE CLAIMANTS OWN THE PLACES OF USE DESCRIBED. THIS RIGHT IS INTENDED TO PROTECT THE INSTREAM STOCKWATER RIGHT DEVELOPED UNDER IDAHO CODE SECTION 42-113.

STOCKWATER, 400 RANGE CATTLE.

15. Basis of Claim: Beneficial Use

16. Signature(s)

*Charles Mackenzie*

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: one

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Charles E. McKenna Date: 5-1-001

\_\_\_\_\_  
Date:

State of Idaho )  
County of Ada ) SS.

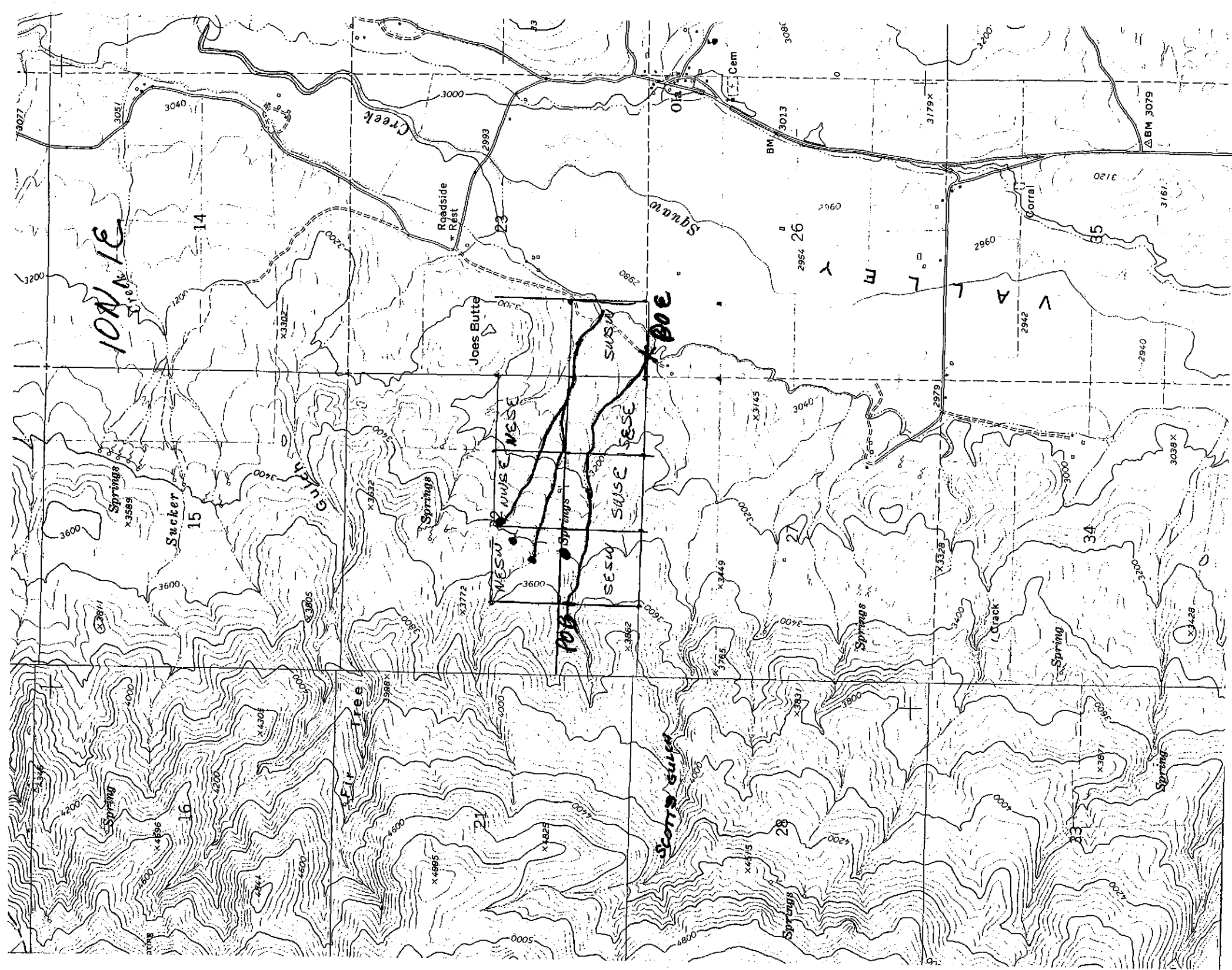
Subscribed and sworn (or affirmed) before me this  
of 5-1- 2001

Melvin T. Schulte

Notary Public

Residing at Bouse, Idaho

My commission Expires 7-24-2001



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JAN 24 2002

WATER RESOURCES  
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

Case No. 39576 )

A. Subcase 65-22373  
(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,  
Bureau of Reclamation, Regional Director PN Code-3100  
Address: 1150 N. Curtis Rd. Suite 100  
Boise, Idaho 83706-1234  
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:  
David W. Gehlert (303 312-7352)  
Trial Attorney, General Litigation Section  
Environment and Natural Resource Division  
U.S. Department of Justice  
999 18th Street, Suite N 945  
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Charles E. Mackenzie & Connie MacKenzie  
Address: PO Box 1005  
Caldwell, ID 83606

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**  
Should be:
  2. ☐ **Source**  
Should be:
  3. ☐ **Quantity**  
Should be:
  4. ☐ **Priority Date**  
Should be:
  5. ☐ **Point(s) of Diversion**  
Should be:
  6. ☐ **Instream Flow Description**  
Should be:
  7. ☐ **Purpose(s) of Use**  
Should be:
  8. ☐ **Period of Year**  
Should be:
  9. ☐ **Place of Use**  
Should be:
  11. **I object because:**
    - ☐ This water right should not exist.
    - ☐ This water right was not recommended, but should be recommended with the elements described.

**E. REASONS SUPPORTING EACH OBJECTION(S):**

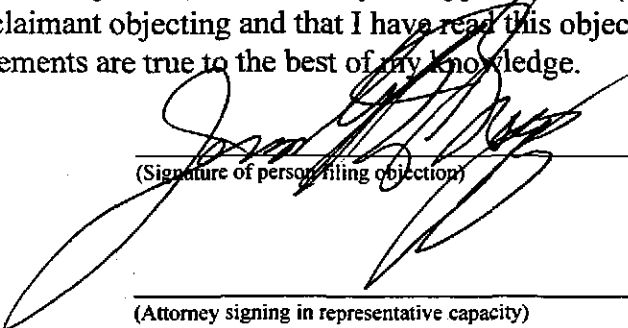
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

**F. VERIFICATION (Must be Completed)**

State of Idaho )  
 ) ss.  
County of Ada )

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

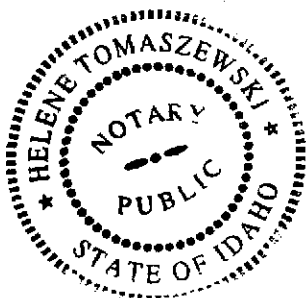
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

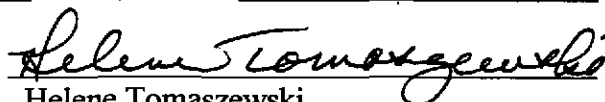
  
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002



  
Helene Tomaszewski  
Notary Public for: Idaho  
Residing at: Meridian  
My Commission Expires: 01-16-2002

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or 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, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Charles E. Mackenzie & Connie MacKenzie  
Address: PO Box 1005  
Caldwell, ID 83606

3. Copies to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

IDWR Document Depository  
P.O. Box 83720  
Boise, Idaho 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

  
\_\_\_\_\_  
Signature of Objector or attorney mailing on Objector's behalf

05/18/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-22373

NAME AND ADDRESS: CHARLES E MACKENZIE  
CONNIE MACKENZIE  
PO BOX 1005  
CALDWELL, ID 83606

SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK  
UNNAMED STREAM SQUAW CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED  
13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1880

|                     |               |      |                          |
|---------------------|---------------|------|--------------------------|
| POINT OF DIVERSION: | T10N R01E S22 | NESW | Within GEM County        |
|                     | T10N R01E S22 | NESW | Within GEM County        |
|                     | T10N R01E S22 | SESW | Within GEM County        |
|                     | T10N R01E S22 | SESW | Beginning of Stream Flow |
|                     | T10N R01E S22 | NWSE | Within GEM County        |
|                     | T10N R01E S23 | SWSW | End of Stream Flow       |
|                     |               |      | Within GEM County        |

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 01-01 12-31          | 0.02 CFS        |

PLACE OF USE:

|                                     |      |               |      |
|-------------------------------------|------|---------------|------|
| <u>STOCKWATER Within GEM County</u> |      |               |      |
| T10N R01E S22                       | NESE | T10N R01E S22 | SESE |
| T10N R01E S23                       | SWSW |               |      |

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE  
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE  
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER  
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),  
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IN STREAM STOCK WATER

STOCKWATER, 400 RANGE CATTLE

# Important Message



Time: 10:06 Date: 7/13  
For: Mel  
From: Charles McKenzie  
Telephone: 455-1720

- |                                              |                                                 |
|----------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Telephoned          | <input checked="" type="checkbox"/> Please call |
| <input type="checkbox"/> Wants to see you    | <input type="checkbox"/> Will call again        |
| <input type="checkbox"/> Returned your call  | <input type="checkbox"/> URGENT                 |
| <input type="checkbox"/> Was here to see you |                                                 |

Message: \_\_\_\_\_

Taken by: DR