

RECEIVED

JUN 30 2005

DEPARTMENT OF
WATER RESOURCES

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 74-01831
(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 Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Darrell J. and Verna M. Nef
Address: 1019 Lee Creek Road; Leadore, Idaho 83464

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

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

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: See attached.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include these POUs. This recommendation is not consistent with the approve transfer.

F.

VERIFICATION (Must be Completed)

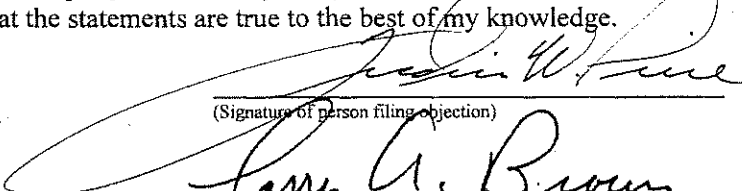
State of Idaho)

) ss.

County of ADA)

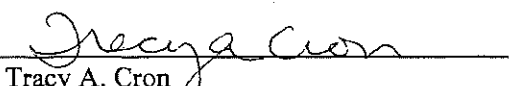
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

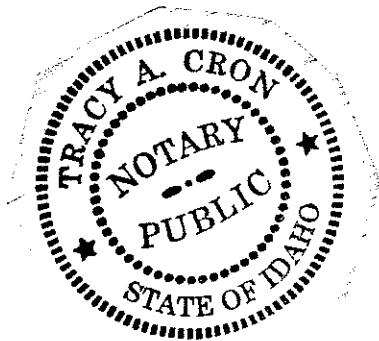

(Signature of person filing objection)

Larry G. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 28, 2006


Tracy A. Cron

Notary Public for State of Idaho
Residing at: Meridian, Idaho
My Commission Expires: 08-22-2009



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 6-28, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

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:

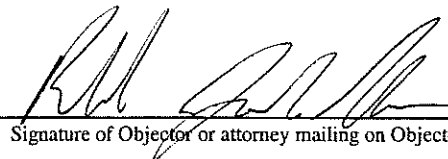
Name: Darrell J. and Verna M. Nef
Address: 1019 Lee Creek Road; Leadore, Idaho 83464
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

01/19/2006

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

RIGHT NUMBER: 74-1831
NAME AND ADDRESS: VERNA M NEF
1019 LEE CREEK RD
LEADCRE ID 83464

DARRELL J NEF
1019 LEE CREEK RD
LEADCRE ID 83464

POU on BLM:

-Claimant is not authorized to farm public land.

SOURCE: LEE CREEK TRIBUTARY: LEMHI RIVER
QUANTITY: 0.240 CFS
PRIORITY DATE: 06/28/1912
POINT OF
DIVERSION: T16N R25E S30 NESE Within LEMHI County
PURPOSE AND
PERIOD OF USE:

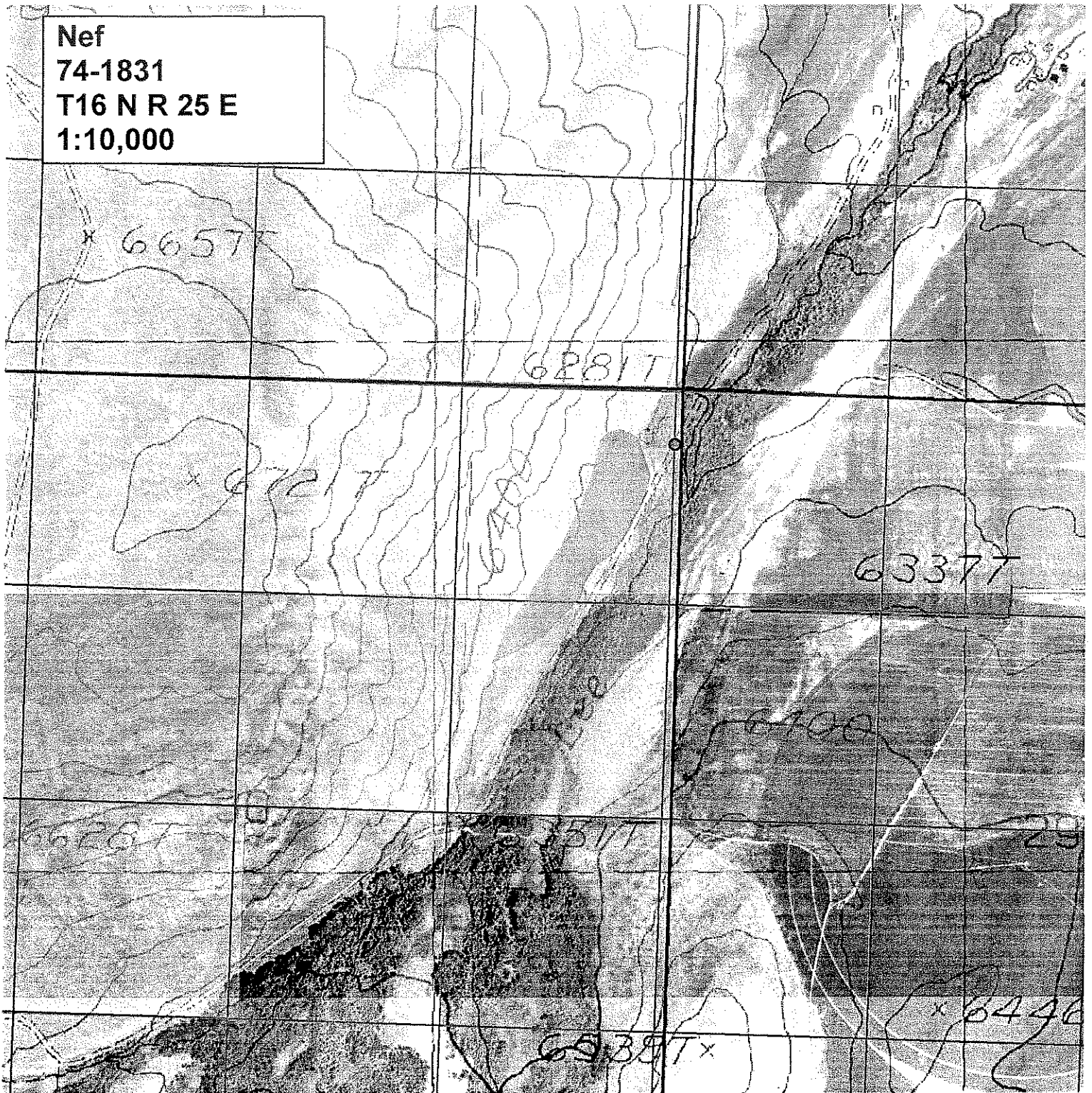
	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	3/15 11/15	0.240 CFS
PLACE OF USE:	IRRIGATION Within LEMHI County		
BLM	T16N R25E S30 NENE 10.00	T16N R25E S30 SENE 2.00	
	12 ACRES TOTAL		

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

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 - Decreed

Nef
74-1831
T16 N R 25 E
1:10,000

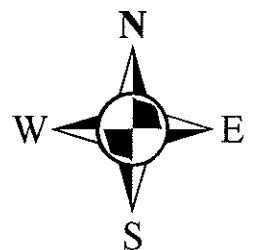


Legend

- | | | |
|---|---------------|--------------------------|
| ● | Photo Point | Ownership |
| ● | GPS Diversion | ☐ |
| ● | IDWR POD | ☐ |
|  | IDWR POU | ☐ |
| | | ☐ |

0 0.125 0.25 0.5 Miles

 No warranty is made by the Bureau of Land Management (BLM) for use of this data for purposes not intended by the BLM

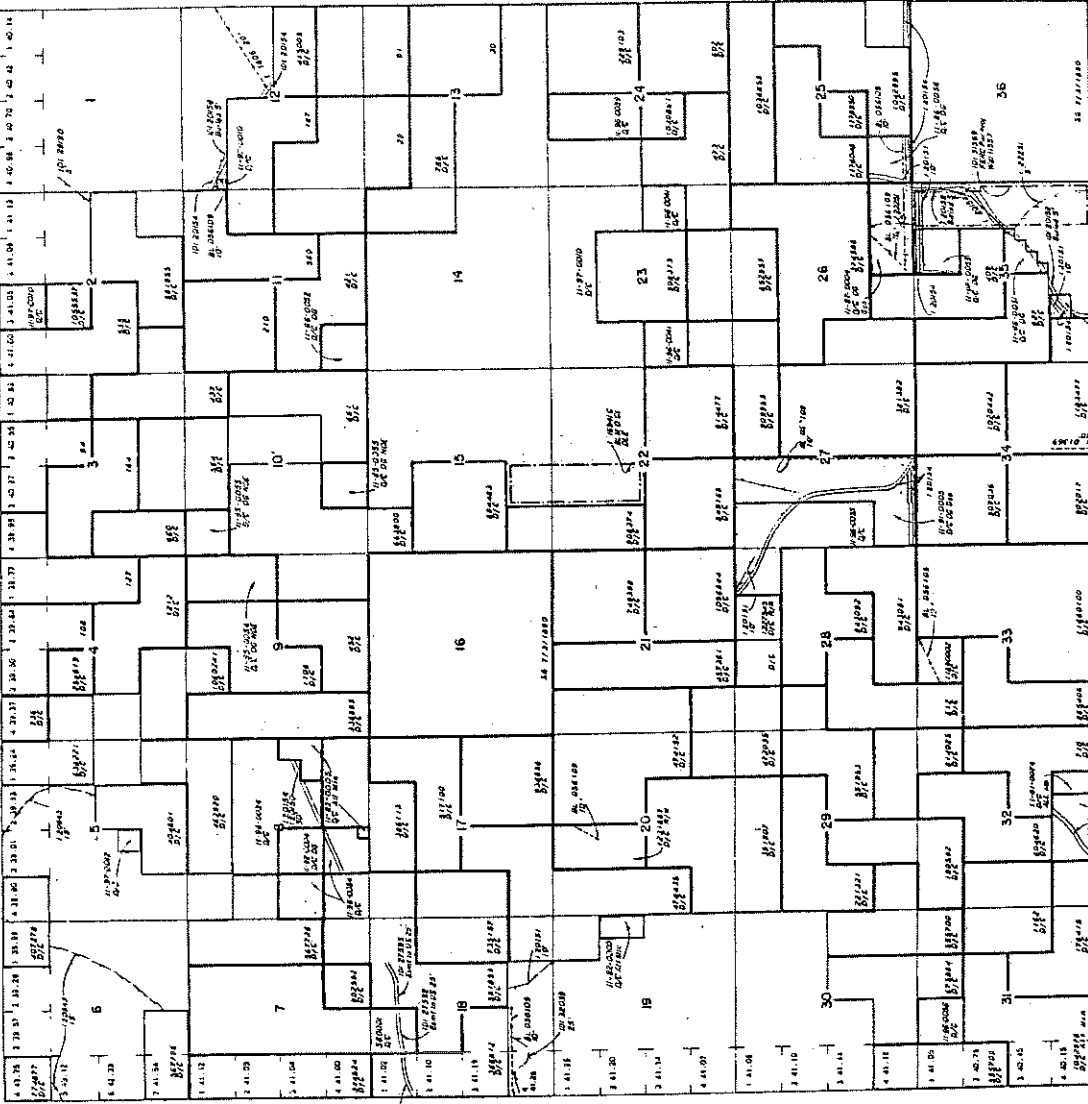


TOWNSHIP 16 NORTH RANGE 25 EAST OF THE BOISE MERIDIAN, IDAHO

LENGHI COUNTY 059
SALMON DISTRICT SEC 2

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS			
TRACT NO.	T.	R.	E.
1	16	25	1
2	16	25	2
3	16	25	3
4	16	25	4
5	16	25	5
6	16	25	6
7	16	25	7
8	16	25	8
9	16	25	9
10	16	25	10
11	16	25	11
12	16	25	12
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29	16	25	29
30	16	25	30
31	16	25	31
32	16	25	32
33	16	25	33
34	16	25	34
35	16	25	35
36	16	25	36

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

DATE	10/1/1980
CURRENT TO	
DATE	10/1/1980
CURRENT TO	

THE NOTATION SHOWN ON HYPOTHETICALS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER

WARNING: THIS MAP IS A SUMMARY OF THE RECORDS OF THE
BUREAU OF LAND MANAGEMENT AND DOES NOT REPRESENT THE
ACTUAL SURFACE OF THE LAND. IT IS NOT TO BE USED FOR
CONVEYANCE OF LAND OR FOR ANY OTHER PURPOSE.

SCALE IN CHAINS
0 10 20 30

DATE 10/1/1980
BY [Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 4, 2004

DARRELL J NEF
VERNA M NEF
1019 LEE CREEK RD
LEADORE ID 83464

RE: Transfer No.: 70952 - Water Right 74-1831 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camille S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

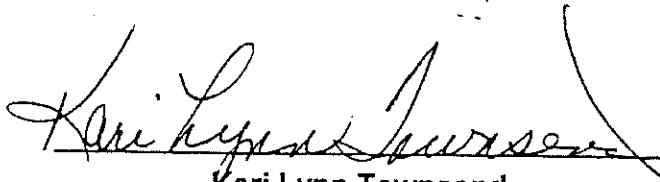
CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70952

WATER RIGHT 74-1831

**DARRELL J NEF
VERNA M NEF
1019 LEE CREEK RD
LEADORE ID 83464**


**Kari Lynn Townsend
Secretary**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70952

This is to certify that: VERNA M NEF And/Or
DARRELL J NEF
1019 LEE CREEK RD
LEADORE ID 83464
(208)768-2402

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-1831	AJC/Decreed	06/28/1912	0.24 cfs	N/A	N/A	12.0	LEE CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-1831	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-1831	74-1831	0.24 cfs	N/A	N/A	12.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.24 cfs	N/A	N/A	12.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of March, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 74-1831
As Modified by Transfer No. 70952

In accordance with the approval of Transfer No. 70952, Water Right No. 74-1831 is now described as follows.

Right Holder: DARRELL J NEF And
VERNA M NEF
1019 LEE CREEK RD
LEADORE ID 83464

Priority Date: June 28, 1912

Source: LEE CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	0.24 CFS	
			0.24 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LEE CREEK NWNW Sec. 29 Twp 16N Rge 25E LEMHI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 25E 20												12.0					12.0

Total Acres: 12

WATER RIGHT NO. 74-1831
As Modified by Transfer No. 70952

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74-Z.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of March, 2004



Chief, Water Allocation Bureau