

RECEIVED

JUN 30 2006

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 74-01832
(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: Terry & Jessica McNellis Family Trust
Address: P.O. Box 834; Rancho Sante Fe, CA 92029

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 legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho

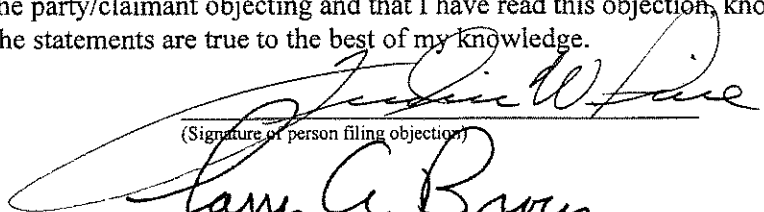
)
) ss.

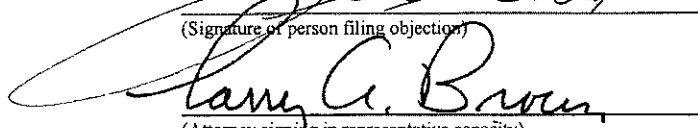
County of ADA

)

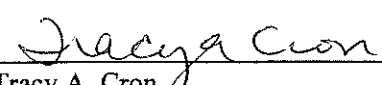
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)


(Attorney signing in representative capacity)

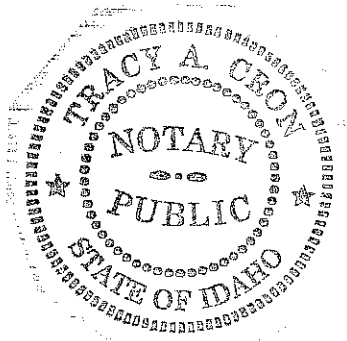
Subscribed and sworn to before me on: June 28, 2006


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: Terry & Jessica McNellis Family Trust
Address: P.O. Box 834; Rancho Sante Fe, CA 92029

Name:
Address: ;

Name:
Address: ;

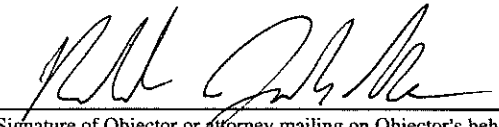
Name:
Address: ;

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: 74-1832

NAME AND ADDRESS: TERRY & JESSICA MC NELLIS FAMILY TRUST
PO BOX 834
RANCHO SANTA FE CA 92029

SOURCE: REESE CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 0.260 CFS

Mixed POU:

-The places of use described below contains both private and public lands.

PRIORITY DATE: 08/22/1913

-Clarify such that it is clear only private land is intended.

POINT OF

DIVERSION: T17N R25E S6 NWSW 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	0.260 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

Mixed	T17N R24E S12	SWSE	2.00	T17N R24E S12	SESE	8.00	Mixed
	T17N R24E S13	NENE	10.00	T17N R24E S13	NWNE	28.00	
	T17N R24E S13	NENW	29.00	T17N R24E S13	NWNW	10.00	
Mixed	T17N R24E S13	SWNW	2.00	T17N R24E S13	SENW	6.00	

95 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

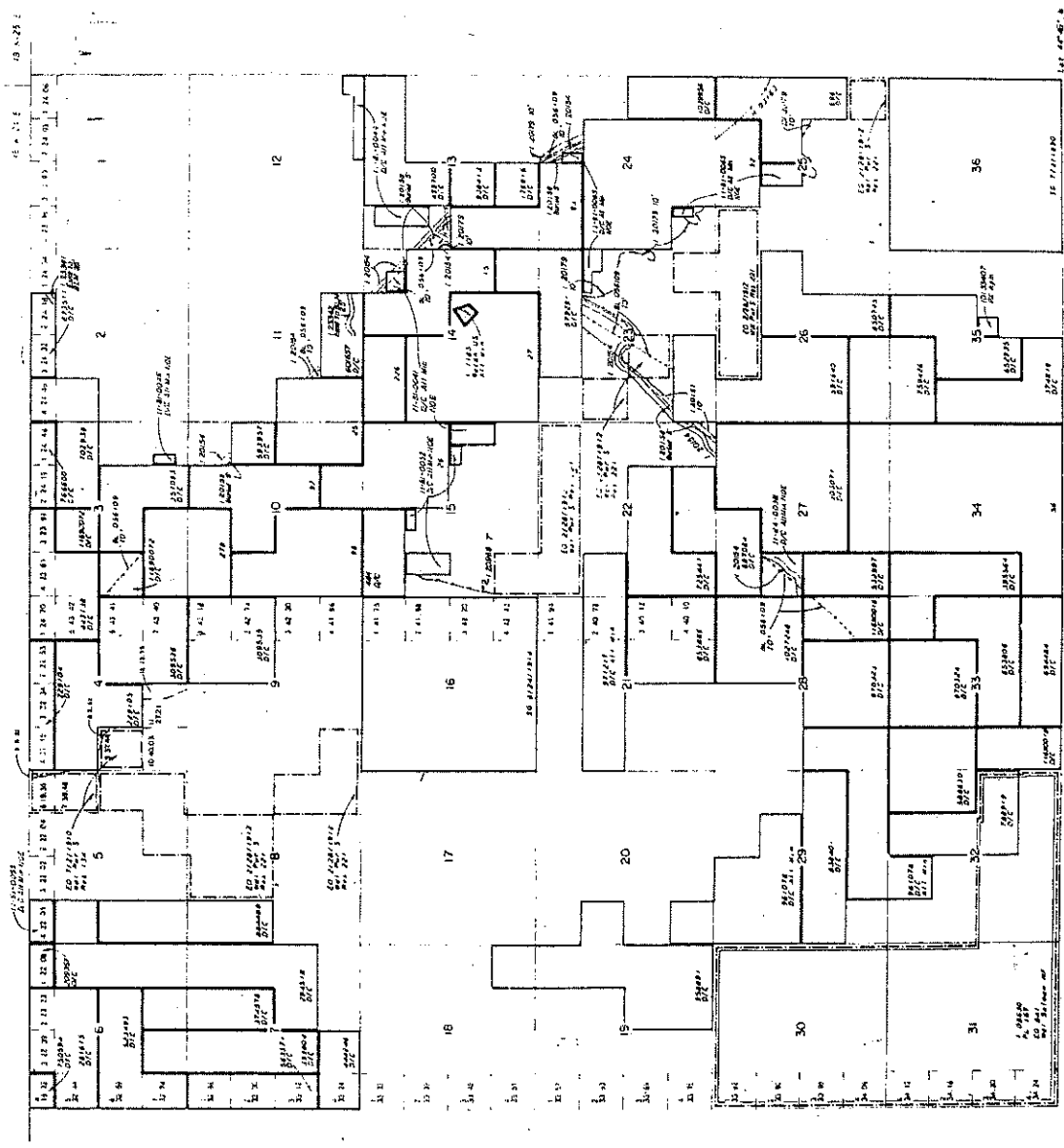
TOWNSHIP 17 NORTH RANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO

LEMHI COUNTY D59
SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	ACRES	DATE	REMARKS
1	1.0000	1/27/1900	1/27/1900
2	1.0000	1/27/1900	1/27/1900
3	1.0000	1/27/1900	1/27/1900
4	1.0000	1/27/1900	1/27/1900
5	1.0000	1/27/1900	1/27/1900
6	1.0000	1/27/1900	1/27/1900
7	1.0000	1/27/1900	1/27/1900
8	1.0000	1/27/1900	1/27/1900
9	1.0000	1/27/1900	1/27/1900
10	1.0000	1/27/1900	1/27/1900
11	1.0000	1/27/1900	1/27/1900
12	1.0000	1/27/1900	1/27/1900
13	1.0000	1/27/1900	1/27/1900
14	1.0000	1/27/1900	1/27/1900
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33	1.0000	1/27/1900	1/27/1900
34	1.0000	1/27/1900	1/27/1900
35	1.0000	1/27/1900	1/27/1900
36	1.0000	1/27/1900	1/27/1900



SCALE IN CHAINS
0 10 20 30 40 50 60 70 80 90 100

NOTED: This plat was prepared by the Lemhi County Surveyor, and is subject to the same conditions and limitations as all other plats prepared by him. It is not to be used as evidence in any court, and no person is to be held liable for any error or omission herein.

DATE: 1/27/1900

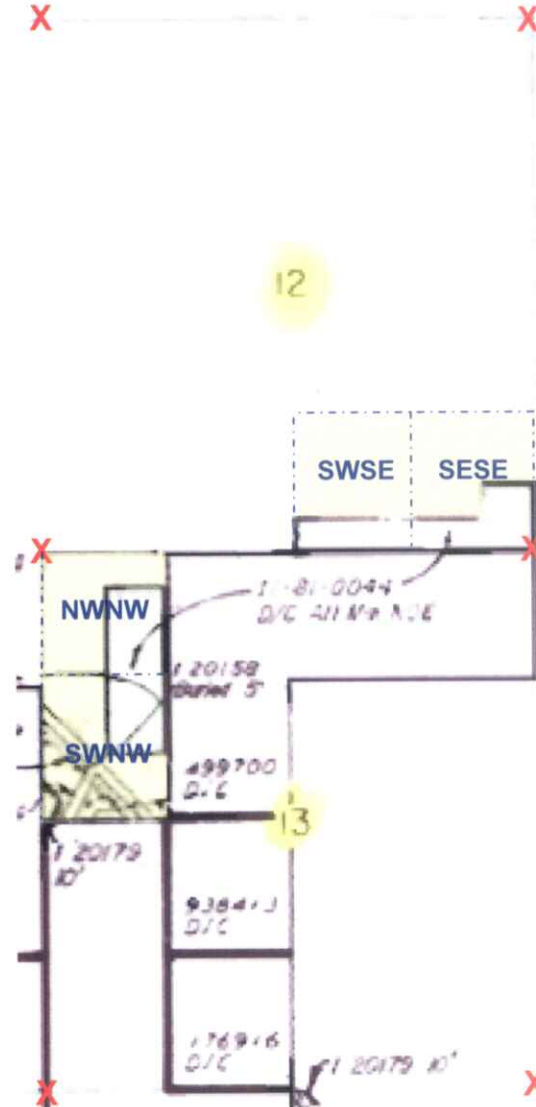
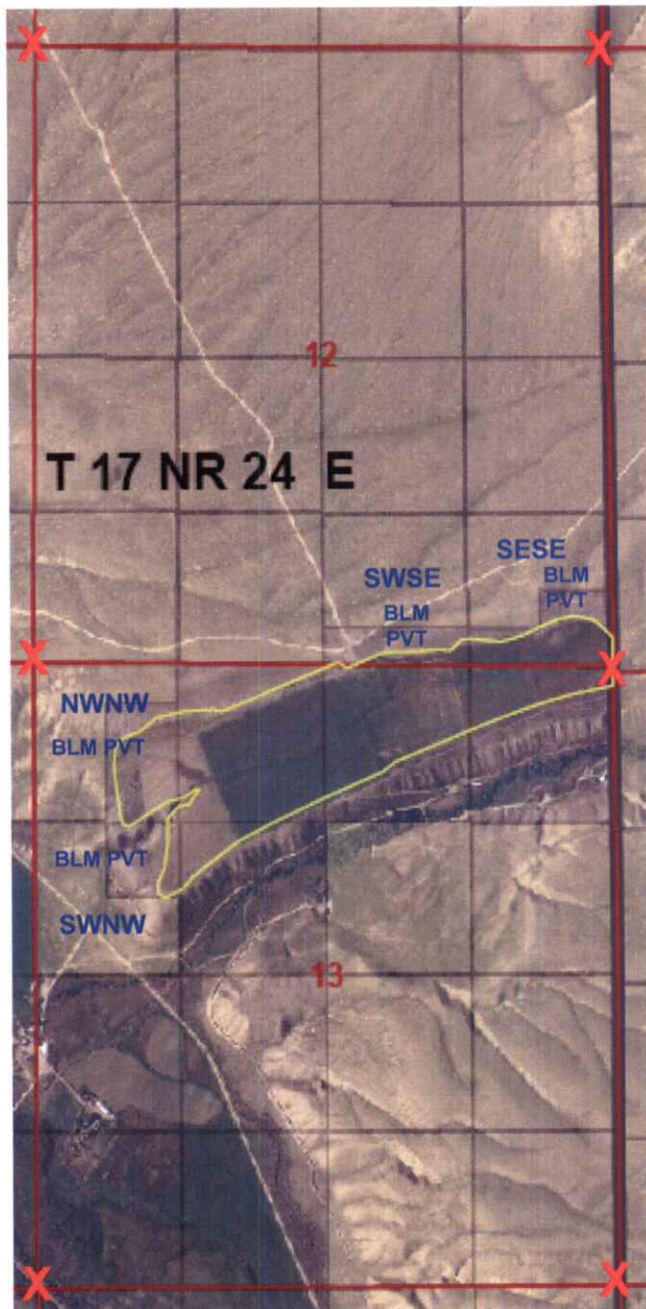
BY: [Signature]

FOR UNDERSTANDING PURPOSES, OR USE OF
UNDEVELOPED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

INDEX TO
DIRECT TO
MAY 10 1900

THE PLAT

74-01832 & 74-02057



Since S12 SESE, SWSE and S13 NWWN, SWNW contains both private and public lands, please insert the following language under place of use to clarify these POUs such that only private land is intended:

"Place of use does not include federal public lands."