

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)

A. Subcase 74-02226
(Insert water right number)

Case No. 39576)

**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: Zach A. and Esther J. Johnson
Address: 115 Neyman St.; Salmon, Idaho 83467

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 a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

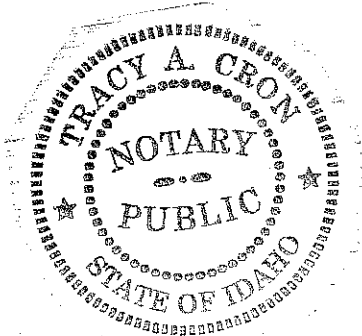
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Fredric W. Price
(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
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: Zach A. and Esther J. Johnson
Address: 115 Neyman St.; Salmon, Idaho 83467
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: 74-2226

POU on BLM:

NAME AND ADDRESS: ZACH A JOHNSON
115 NEYMAN ST
SALMON ID 83467

-Claimant is not authorized to farm public land.

ESTHER J JOHNSON
115 NEYMAN ST
SALMON ID 83467

SOURCE: KIRTLEY CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 05/31/1917

POINT OF

DIVERSION: T22N R23E S31 SWNW 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	1.200 CFS
PLACE OF USE:	<u>IRRIGATION Within LEMHI County</u>		
BLM:	T21N R22E S01 Lot 1 NENE	9.00	
	T21N R22E S01 NWSE	20.00	

58 ACRES TOTAL

This right authorizes the irrigation of 58.7 total acres.

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.

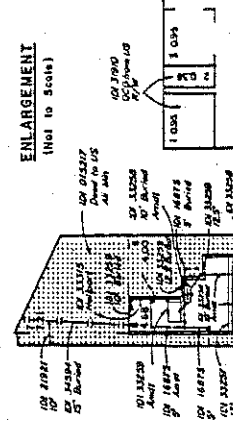
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

LEWIS COUNTY 059
SALMON DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

[illegible]

EO 04/4/1917 Mod Pwr S Res 595 all land lying within 50' of collection of R/W H 015964 Sec 1: SE5W, S25E Sec 2: NW12, S25E Sec 3: NW1W Sec 4: E2NE, NW1E Sec 5: E2NE	EO 6/29/1917 Mod Pwr S Res 595 EO 4/4/1917 to permit R/W
Acq by Condemnation 6/19/1933 USFS Sec 6: NE4B in B&M 1, Shogpe Subdiv. Section City Trs	Acq by Condemnation 6/19/1933 USFS Sec 6: NE4B in B&M 1, Shogpe Subdiv. Section City Trs
Acq MO to US 7/17/1933 USFS Sec 6: Lots 1,2, 18, 20, 2, Road's Addition No 1 to Village of North Salmon	Acq MO to US 7/17/1933 USFS Sec 6: Lots 1,2, 18, 20, 2, Road's Addition No 1 to Village of North Salmon
Acq MO to US Bureau of Fisheries 11/10/1936 Sec 6: Lots 1,2,1, Beach Subdiv	Acq MO to US Bureau of Fisheries 11/10/1936 Sec 6: Lots 1,2,1, Beach Subdiv
Acq MO to US 6/7/1937 USFS Sec 6: Lots 1,2,2, 20, 2, Shogpe's Subdiv to Section City Trs	Acq MO to US 6/7/1937 USFS Sec 6: Lots 1,2,2, 20, 2, Shogpe's Subdiv to Section City Trs
EO 6/17/1955 Reassigned from US Bureau of Sport Fisheries to BLM Sec 6: Lots 1,2,1, Beach Subdiv	EO 6/17/1955 Reassigned from US Bureau of Sport Fisheries to BLM Sec 6: Lots 1,2,1, Beach Subdiv
EO 08/16 Dkt PL 167 (Act of Cong 7/23/1955) completed 6/17/1962, AM PD surface right by BLM Sec 6: Port SINW	EO 08/16 Dkt PL 167 (Act of Cong 7/23/1955) completed 6/17/1962, AM PD surface right by BLM Sec 6: Port SINW
EO 1371 Exmt to US Sec 6: Port SINW	EO 1371 Exmt to US Sec 6: Port SINW

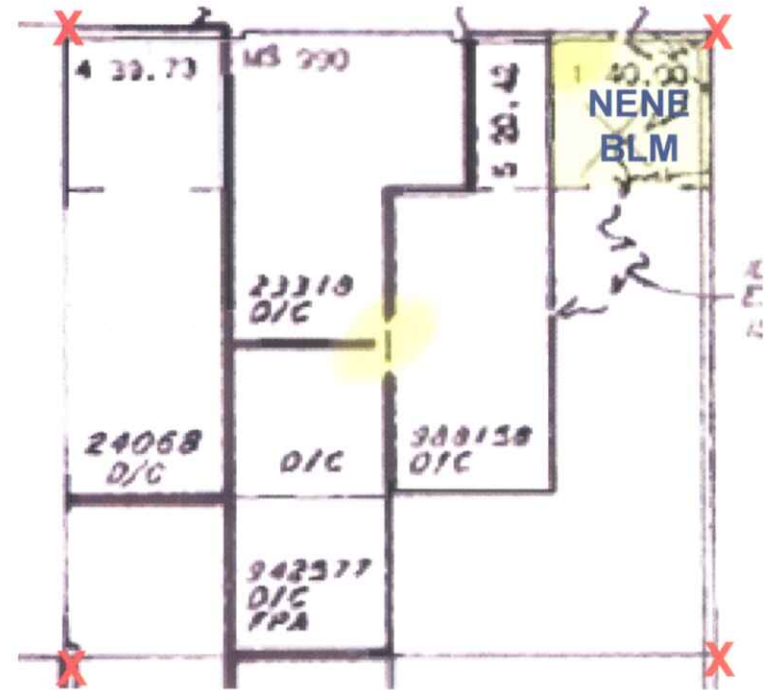
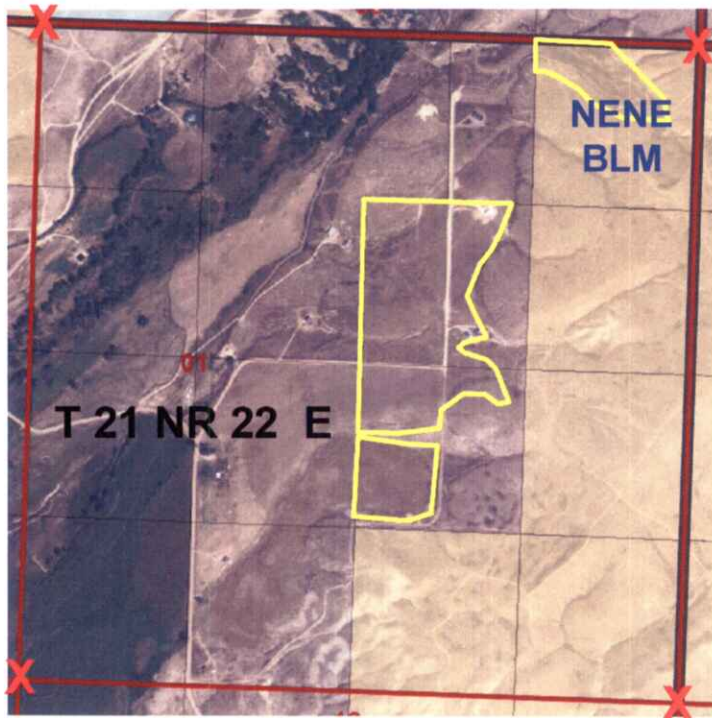


FOR ORDERS EFFECTING DISPOSAL OF USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CURRENT TO AUG 16 2004	CURRENT TO
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USE PLATS

74-02226



1. Claimant is not authorized to farm public land. Remove Lot 1 (NENE) S01 T21N R22E from the recommendation.

-Adjust shapefile accordingly.