

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 37-21654
(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: Danny & Valerie Van Horn
Address: P.O. Box 345; Fairfield, Idaho 83327-0345

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: See attached.

5. ☒ **Point(s) of Diversion**

Should be: See attached.

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☒ **Period of Year**

Should be: See attached.

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 recommendation describes PODs and POUs on private land, state & federal lands with a priority date of 12-31-1880 and a year-round season of use. Use of stockwater on federal land is limited to spring & summer. There does not appear to be a basis for an 1880 priority on private, state, or federal lands. The "base property" associated with the use on federal land was patented in 1939 and the recommendation does not describe the land to which the use on federal land is appurtenant as required by I.C. 42-1402.

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)

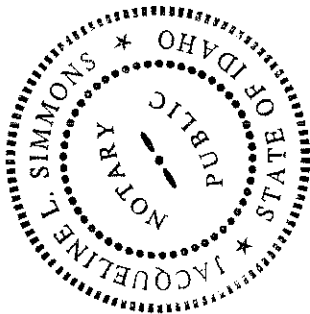
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 22, 2007



Jacqueline L. Simmons
Jacqueline L. Simmons
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 04-07-2011

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 May 22nd, 2007, 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: Danny & Valerie Van Horn
Address: P.O. Box 345; Fairfield, Idaho 83327-0345
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

12/02/2006

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

RIGHT NUMBER: 37-21654
NAME AND ADDRESS: DANNY VAN HORN
PO BOX 345
FAIRFIELD ID 83327-0345

VALERIE VAN HORN
PO BOX 345
FAIRFIELD ID 83327-0345

PODs/POUs on BLM:

**-Place of Use on BLM needs to be described
consistent with I.C. 42-1402.**

SOURCE: SPRING
SPRING

TRIBUTARY: SINKS
TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.140 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1880

POINT OF
DIVERSION: T01N R13E S4 NESENE Within CAMAS County

BLM

T01N R13E S5 SWSWSW Within CAMAS County
T01N R13E S5 NESWSE Within CAMAS County
T01N R13E S16 SWNWSW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.140 CFS

PLACE OF USE: STOCKWATER in CAMAS County

T01N R13E S04 SENE

T01N R13E S05

SWSW

BLM

BLM

T01N R13E S05 SWSE

T01N R13E S16

NWSW

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

TOWNSHIP 1 NORTH RANGE 13 EAST OF THE BUISE MERIDIAN, IDAHO

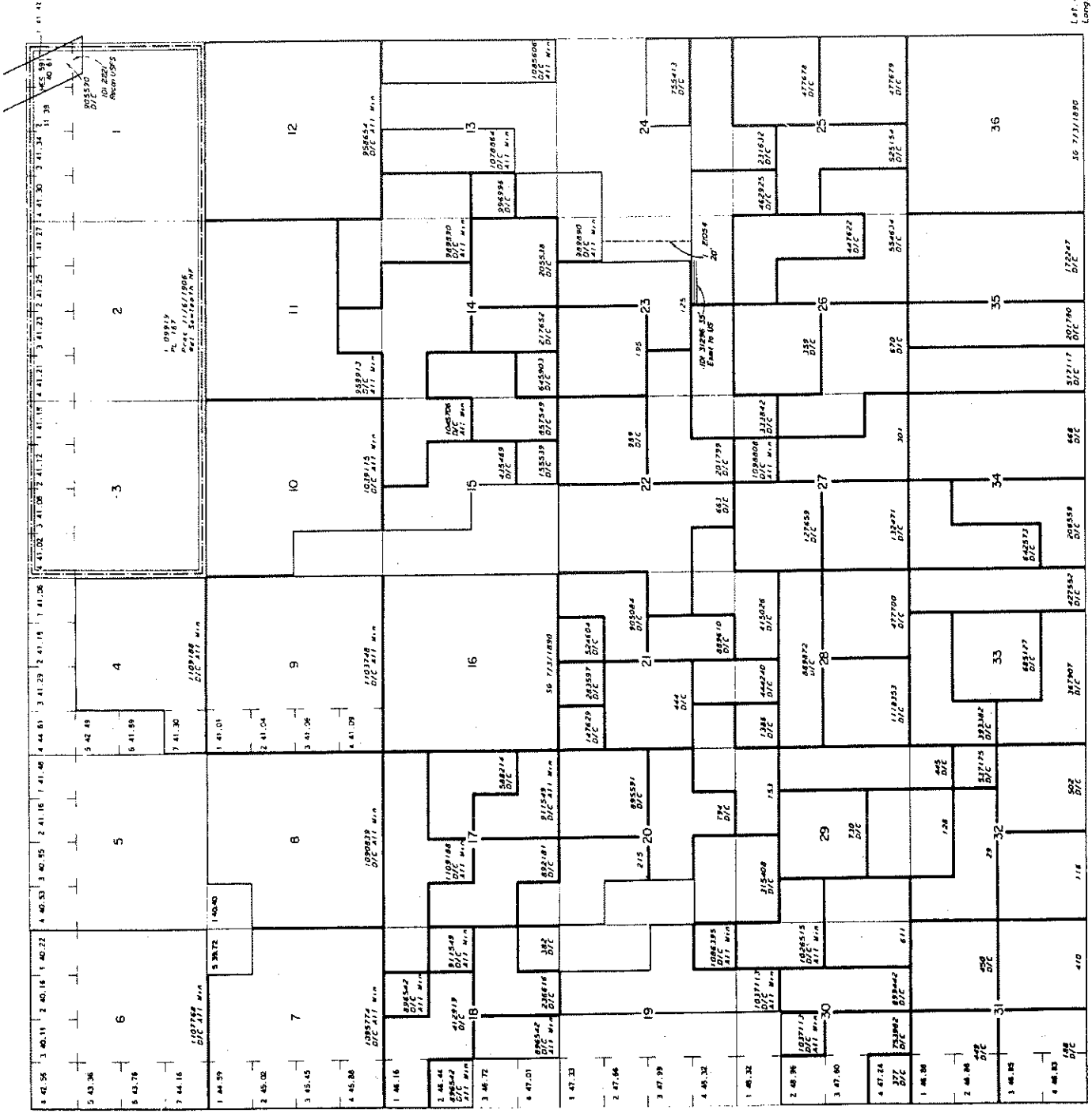
CAMAS COUNTY 025
SHOSHONE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS		
TRACT NO.	SEC.	SUBDIVISION
1	1	109590 D/C 10/22/00 Acres USFS
2	2	109591 D/C 10/22/00 Acres USFS
3	3	109592 D/C 10/22/00 Acres USFS
4	4	109593 D/C 10/22/00 Acres USFS
5	5	109594 D/C 10/22/00 Acres USFS
6	6	109595 D/C 10/22/00 Acres USFS
7	7	109596 D/C 10/22/00 Acres USFS
8	8	109597 D/C 10/22/00 Acres USFS
9	9	109598 D/C 10/22/00 Acres USFS
10	10	109599 D/C 10/22/00 Acres USFS
11	11	109600 D/C 10/22/00 Acres USFS
12	12	109601 D/C 10/22/00 Acres USFS
13	13	109602 D/C 10/22/00 Acres USFS
14	14	109603 D/C 10/22/00 Acres USFS
15	15	109604 D/C 10/22/00 Acres USFS
16	16	109605 D/C 10/22/00 Acres USFS
17	17	109606 D/C 10/22/00 Acres USFS
18	18	109607 D/C 10/22/00 Acres USFS
19	19	109608 D/C 10/22/00 Acres USFS
20	20	109609 D/C 10/22/00 Acres USFS
21	21	109610 D/C 10/22/00 Acres USFS
22	22	109611 D/C 10/22/00 Acres USFS
23	23	109612 D/C 10/22/00 Acres USFS
24	24	109613 D/C 10/22/00 Acres USFS
25	25	109614 D/C 10/22/00 Acres USFS
26	26	109615 D/C 10/22/00 Acres USFS
27	27	109616 D/C 10/22/00 Acres USFS
28	28	109617 D/C 10/22/00 Acres USFS
29	29	109618 D/C 10/22/00 Acres USFS
30	30	109619 D/C 10/22/00 Acres USFS
31	31	109620 D/C 10/22/00 Acres USFS
32	32	109621 D/C 10/22/00 Acres USFS
33	33	109622 D/C 10/22/00 Acres USFS
34	34	109623 D/C 10/22/00 Acres USFS
35	35	109624 D/C 10/22/00 Acres USFS
36	36	109625 D/C 10/22/00 Acres USFS

SD 7/13/1908 Rel USFS Act 5
Secs 2, 3, 16B
T 09919 Act PL 167 Act of Cong 7/23/1953
completed 7/12/1962 All NF surface Mps by USFS



Scale Bar: 0 10 20 30 40
Scale in Chains
T. 1N
R. 13E
Warning Statement: This plat is the Bureau's Record of Title and should be used only as a graphic display of the recording information. It is not intended to be used for any other purpose.

37-21654

32

33

T02N R13E

T01N R13E

ROUGH CK

05

04

Patent 1109188
09-09-1940

SWSW
BLM

SWSE
BLM

08

09

Base Property
Patent # 1103748
07/13/1939

17

16

State Land
Lease G-7233
New Hope Road, LLC
Danny Van Horn