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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 Number: 37-2478

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho,
Department of Lands
Address: 954 W. Jefferson
P. O. Box 83720
Boise, Idaho 83720-0050
Daytime Phone: (208) 334-0200

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
Joe R. Williams Bldg.
700 W. State St., 2nd Floor
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

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

Name: Gary N. Nelson
Address: 5422 N 400 E
Hagerman, ID 83332

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. ☐ **Points 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: The State of Idaho, Department of Lands, hereinafter the "IDL," owns the SW¹/₄SW¹/₄ of section 36, Twp. 04S., Rge. 14E., B.M. The claimant does not have any authorization to claim a water right on this land. This land should be deleted from the authorized place of use.

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 IDL acquired on July 3, 1890 the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 36, Twp. 04S, Rge. 14E, B.M. The claimants have no authorization to claim this land as a place of use of a water right. Attachment I is a map that shows the land owned by the IDL and the water right claimed by the claimant.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

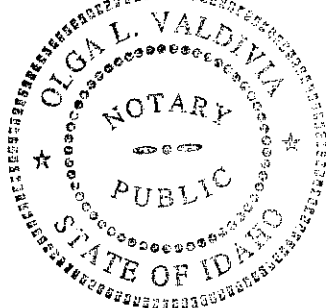
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

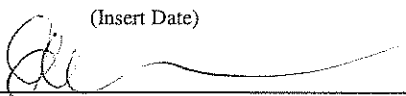
LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: May 22, 2007

(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/5/2012

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

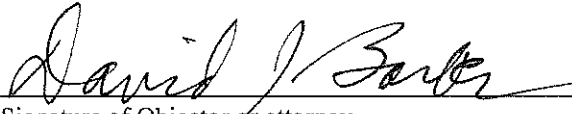
I certify that on May 22, 2007 I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

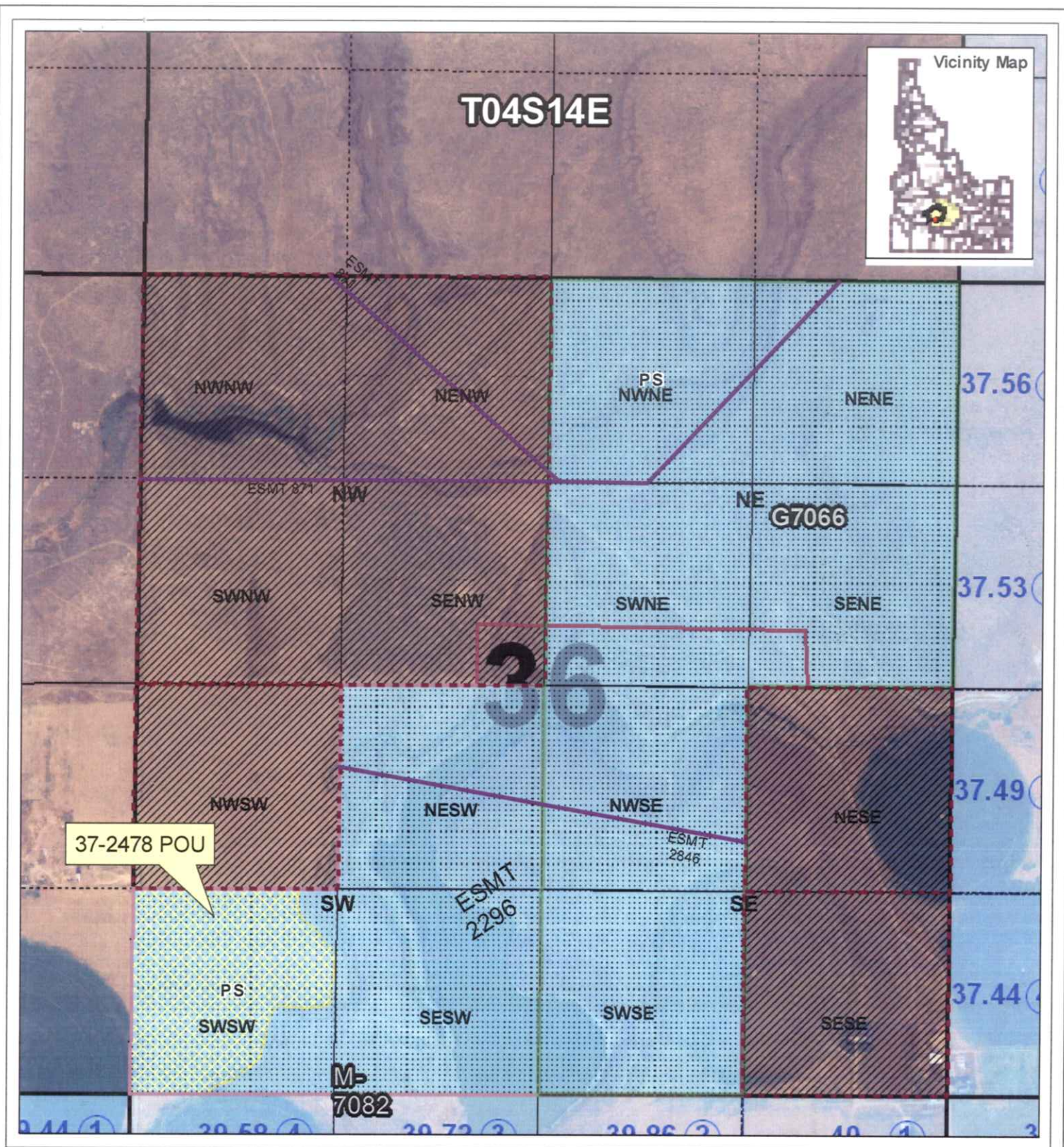
1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303
HAND DELIVERY
2. One copy to the owner of the water right at the following address:
Gary N. Nelson
5422 N 400 E
Hagerman, ID 83332
U.S. MAIL
3. Copies to:
State of Idaho,
Department of Lands
954 W. Jefferson
P. O. Box 83720
Boise, ID 83720—0050
STATEHOUSE MAIL

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
STATEHOUSE MAIL

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449
(not applicable)


Signature of Objector or attorney
Mailing on Objector's behalf



- Legend**
- ★ POD_Intersect
 - POU_Int_Clip
 - State Land
 - Deeds
 - Easement
 - Easement Lines
 - GRAZING LEASE
 - Basin 37 Part2 Bndry
 - IDL ACTIVITIES
 - LEASE
 - MINING CLAIM
 - OTHER
 - RESIDENCE
 - PERMIT
 - 1 - Mineral, Surface
 - 2 - Surface, Restricted Mineral
 - 3 - State Minerals Only
 - 4 - Mineral Rights Only

Place of Use
Basin 37 Part 2
Sequence Number 37-2478
T04S14E - SEC 36

05/19/2007

Scale 1:10,000

0 0.125 0.25 Miles



Map Notes

Projection: Idaho Transverse Mercator, NAD 27
 Map Notes and Data Sources
 Place of Use 37-2478 Priority Date 04/29/1947
 Idaho Ownership: 07/03/1890
 Grazing Lease: G-XXXX
 Easement: ESMT 2296
 Misc Lease: M-7082
 State Land 05/19/2007
 Public Land Survey System (PLSS)
 2004 NAIP Imagery
 Disclaimer:
 This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

ATTACHMENT 1