

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 79-04426
(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: Clinton R. & Darell Bentz
Address: 1309 Powers Ave.; Lewiston, Idaho 83501

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 federal public 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.

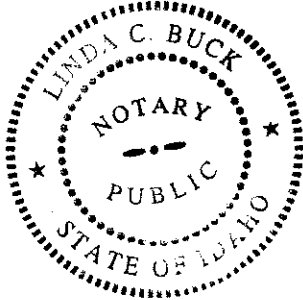
Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 21, 2007

Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

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 June 12th, 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: Clinton R. & Darell Bentz
Address: 1309 Powers Ave.; Lewiston, Idaho 83501
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

10/23/2006

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

RIGHT NUMBER: 79-4426
NAME AND ADDRESS: CLINTON R BENTZ
1309 POWERS AVE
LEWISTON ID 83501

DARELL BENTZ
1309 POWERS AVE
LEWISTON ID 83501

Unauthorized POU on BLM:

-Claimant is not authorized for domestic purposes
on public land at this location.

SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER
QUANTITY: 0.040 CFS
The quantity of water under this right shall not exceed 2,500 gallons per
day.

PRIORITY DATE: 05/05/1969

POINT OF
DIVERSION: T31N R03W S24 NESENW Within LEWIS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC Within LEWIS County

BLM T31N R03W S24 Lot 3 SWNE

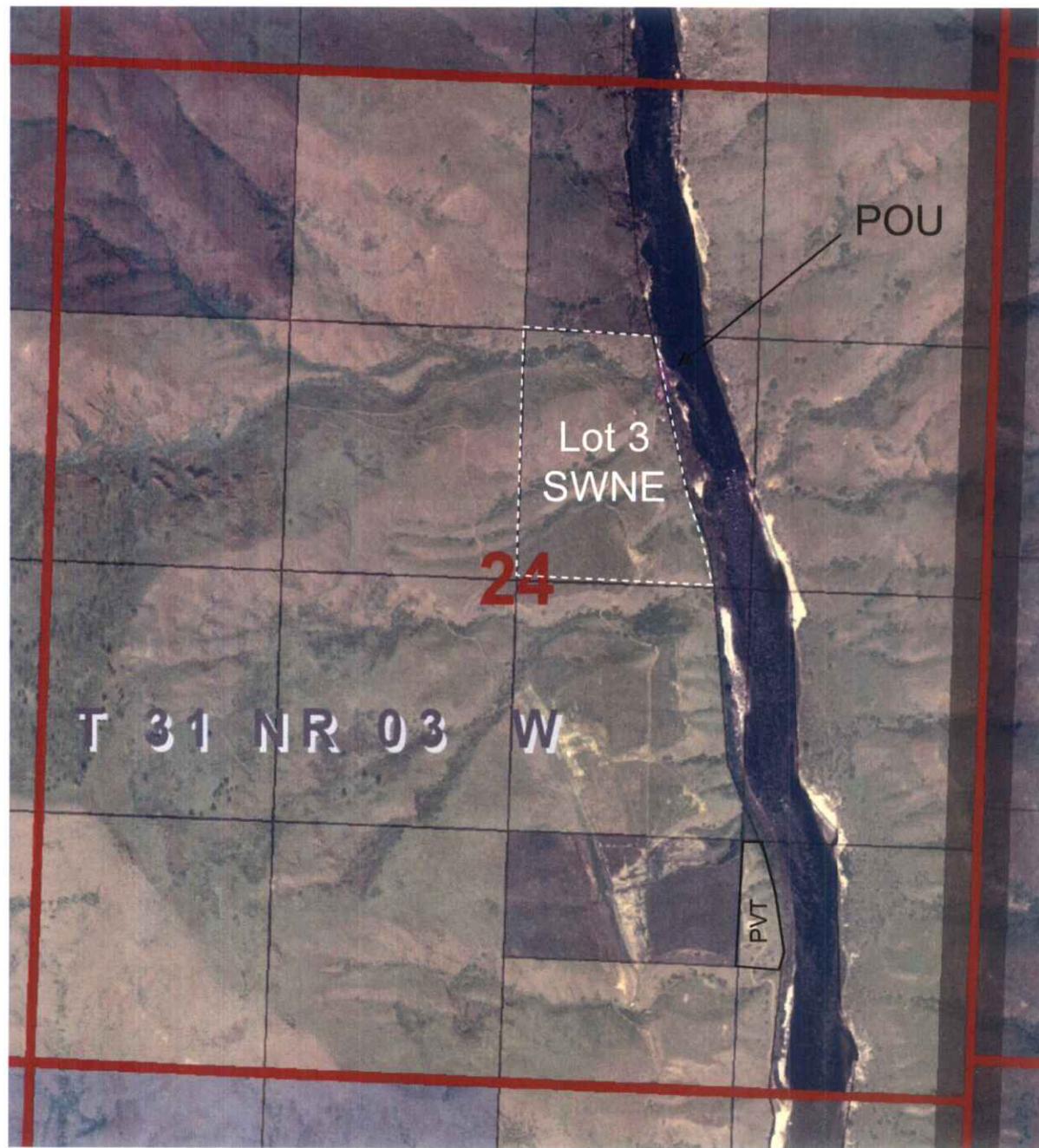
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

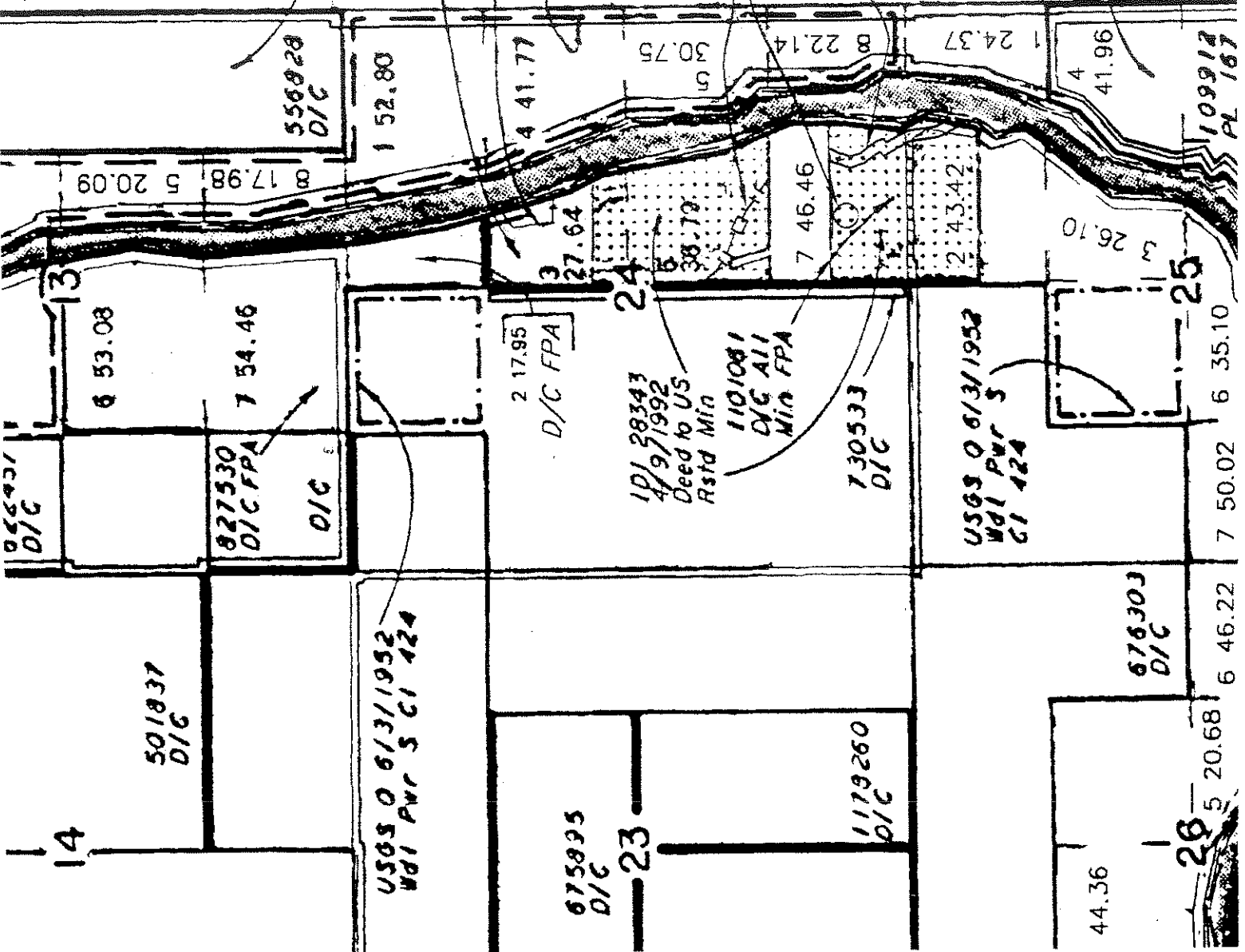
The quantity of water decreed for this water right is not a determination
of historical beneficial use.

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

79-04426 Bentz





000000103
DISPATCHED 04 MAR 68

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

0561/8/6 0561/92/6 0561/51/9 0561/11/1 5 11/17/1931

Sec 13: 0123456789
2161/11/21 0123456789

Sec 24: 1011, 1013, 1018, 1021

Sec 25: 1012, 1, 2, 8

Sec 26: 1018, 4, 7, 0, 50, 501

SAC 27: 1010 100 1001
 SAC 28: 1010 4, 3
 SAC 27: 1010 3

Sec 33: Info S, 2, 4
09/12 Oct PL 167 (Act of Cong 7/23/1955)

completed 9/28/1960. All PD surface kept by SLM

expedited 4/4/1968. All PD surfaces kept by BLH

head within 1/4 mile of Simpson River. No. 101.
potential addition to wild & scenic rivers

SZ1675

13088 SAT, 10/24/1965

6. Months within 500' of Salmon River
 54.8 12, 13, 24, 29, 30, 27, 28, 32, 33

12308 Sales Act 10/24/1993
BLM lands within 800' of Spring Creek to
C. M.

1 25008 SUB A-1074/1983

Sgt. J. A. JO

125000 \$/acre del. 10/29/2005
 5000 loads, sublo. 500' of Blue Gumbo
 Dec. 24

12300 Silver Act 12/21/86
Page 13: Late 1, 4, 5, 8

135735 7 10 1 32 335
 135735 7 10 1 32 335
 135735 7 10 1 32 335

ESTABLISHED 1907
545 E. 10TH ST.
SEATTLE, WASH.

(Continued on Supplement No 2)

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

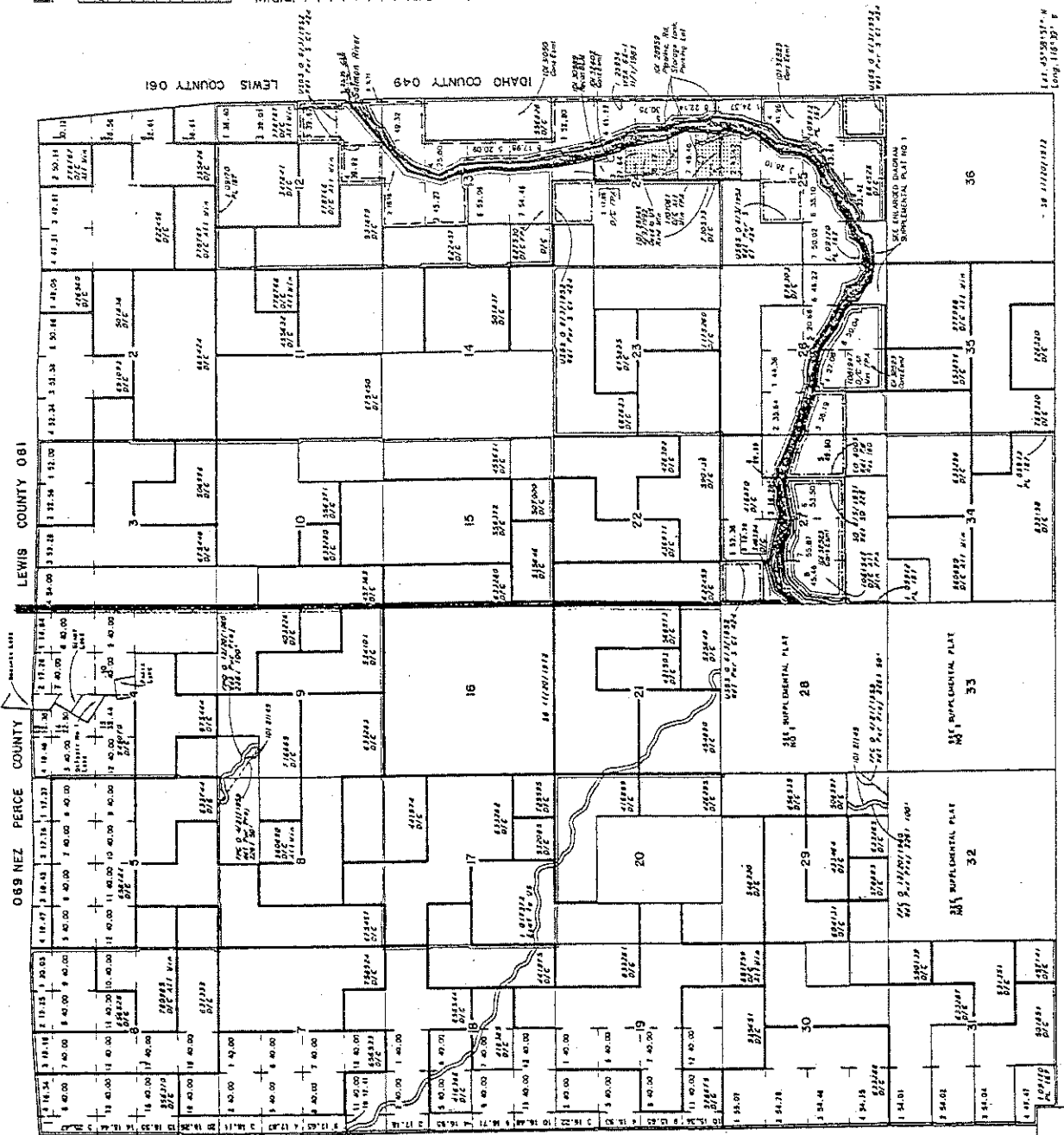
MISCELLANEOUS DOCUMENTS.

[illegible]

USE PLAYS:

WITHDRAWALS REPRESENT THE LAST
NOT BE THE EFFECTIVE DATE. SEE

FOR THE DATE OF THE ORIGINAL WITH-



WARNING STATEMENT

This plot is the Bureau's Record of Title, and should be used only as a graphic display of the town's survey data. Remarks or words hereon do not reflect title changes which may have been effected by lateral movements of shore or other bodies of water. Refer to the cadastral surveys for official survey information.

DATE OF CHANGE