

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 79-07094B
(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: Elbert J. & Gertrude E. Poynor
Address: HC 01 Box 57; White Bird, Idaho 83554

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: See attached.
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:

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

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.

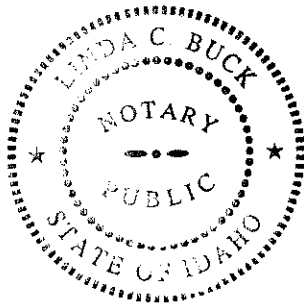
Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 11 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: Elbert J. & Gertrude E. Poynor
Address: HC 01 Box 57; White Bird, Idaho 83554
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: 79-7094E
NAME AND ADDRESS: ELBERT J POYNOR
HC 01 BOX 57
WHITE BIRD ID 83554
CETRUDE E POYNOR
HC 01 BOX 57
WHITE BIRD ID 83554

Unauthorized POD on BLM:

-The point of diversion described below is located on public land.

-POD is not authorized

SOURCE: SLATE CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.020 CFS
4.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 79-7101 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4 AF.

PRIORITY DATE: 11/17/1981

POINT OF DIVERSION: T27N R02E S33 SWSW Within IDAHO County BLM

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.020 CFS 4.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS FEBRUARY 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 10, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within IDAHO County
T27N R02E S33 NWSW 1.00
1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 79-7101 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1 ACRE IN A SINGLE IRRIGATION SEASON.

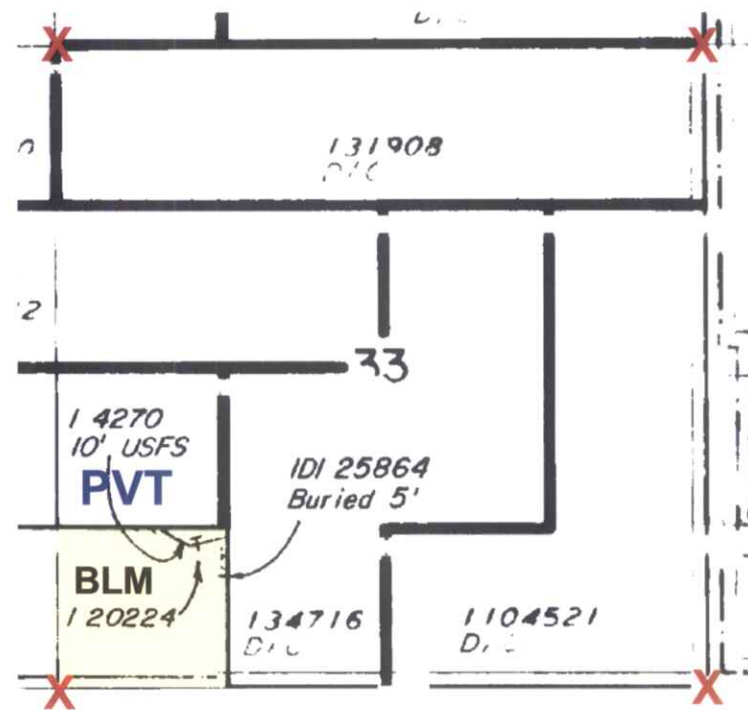
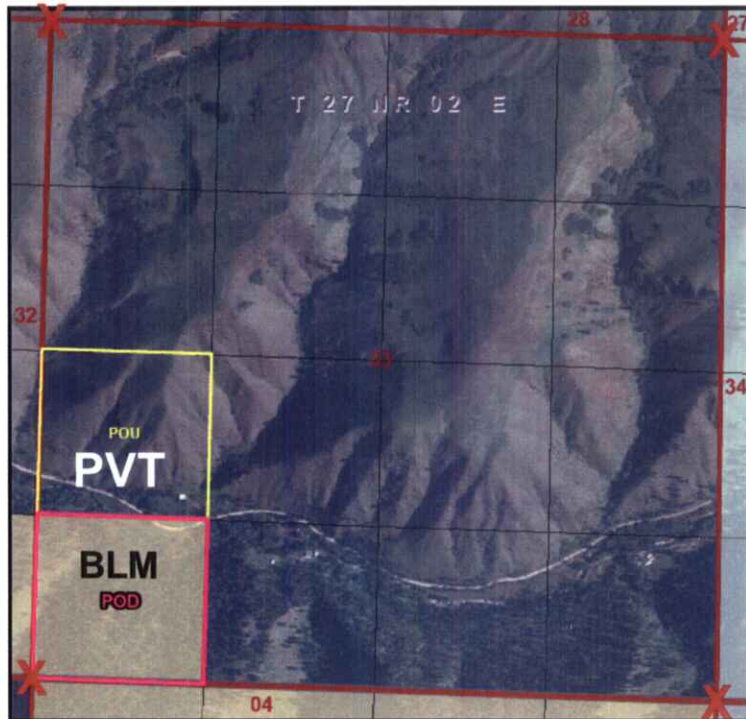
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - License

79-07094B Poynor

T27N R02E



Unauthorized POD on BLM:

- The point of diversion as described on the Director's Report is on public land
- Since the Right of Way has been abandoned since 2004, the POD on public land is not authorized

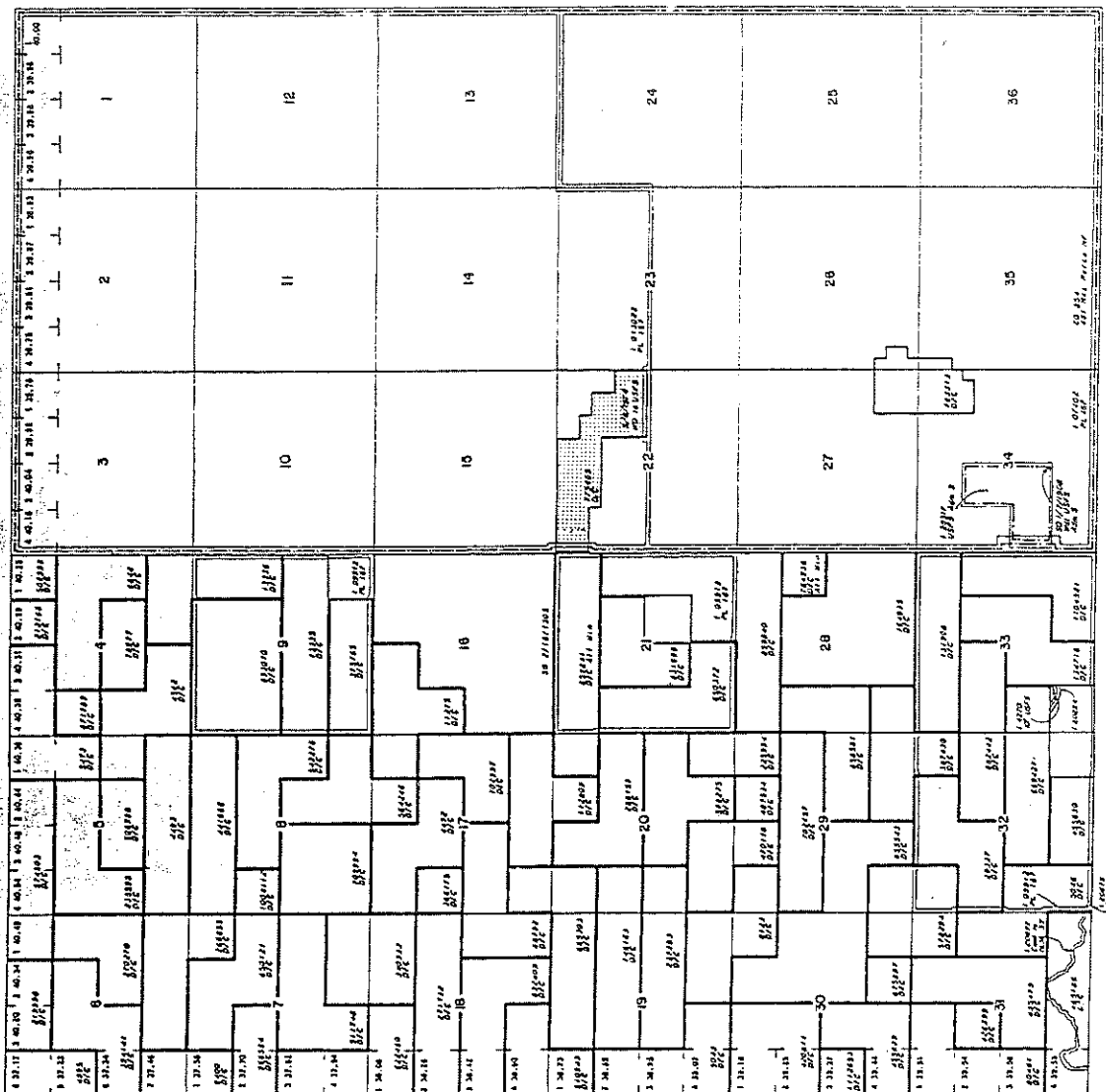
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

[illegible]

012012 Oct PL 187 Tact of Cong 1/23/1953
 completed 3/20/1960. All PD surface Vmat of 256
 01202 Oct PL 187 Tact of Cong 1/23/1953
 completed 3/22/1961. All NF surface Vmat of 256
 01203 Oct PL 187 Tact of Cong 1/23/1953
 completed 3/21/1962. All NF surface Vmat of 256

FDH ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO IDENTICAL
MISCELLANEOUS DOCUMENTS

[illegible]

SCALE in Chains

0 10 20 30 40

WARNING ISSUED

This year is the Bureau's second of full, and should be used only as a graphic display of the limited money that Americans have to live on. It is not their lack of money which may have been suggested by fiscal mismanagement of their government, but the fact that the American people are suffering under an administration

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE WITHDRAWAL ORDER.