

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 75-4026

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Erik F. Storlie & Tamara L. Kaiser

Address: 3217 Humboldt Avenue South
Minneapolis, Minnesota 55408

Daytime Phone: 612-822-8555

Name & Address of Attorney, if any:

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

Name: Jordan P. Smith / Salmon River Properties Inc.

Address: Box 4495
Chatsworth California 91313

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 of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☒ **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 OBJECTIONS(S):** _____
see addendum

**Addendum to Objection Form, Water Right 75-4026
Salmon River Properties on Hat Creek**

D.

Objection #10

This water right should not exist.

E.

Reasons Supporting Objections:

As holders of a water license and water rights pending adjudication on Hat Creek, we believe this claim should not be allowed.

At the first filing and public notice of this water claim in 1973, the ranch owners upstream on Hat Creek at that time, Mr. Woodrow Conklin, Mr. Ed Corbett, and Mr. Sidney Dowton, protested this claim and filed an exception with the Idaho Department of Water Administration. It reads, in part:

"This exception is filed on the grounds and for the reason that said water claim has not been used continually; said water has not been used for irrigation on the number of acres claimed; and contestants believe there is not adequate water in Hat Creek to justify the granting of this claim." (see copy attached)

Our concerns, 34 years later, are the same.

We would add that the evidence filed for this claim by Salmon River Properties, consisting of numerous bills from Idaho Power, appears to have no relation to irrigation or to Hat Creek, with the exception of one bill for "irrigation" service for \$10.50 in 1986 (the "service location" is labeled as "irrigation pump 7 hp") and two bills (in 1986 and in 1995, totaling \$8.50) for "residential" service at a "Hat Creek house." None of the other bills are for irrigation service (two are for "general service" and the rest are for "residential" service) and none of the other service locations are on Hat Creek. This suggests that there is no valid evidence of any use by Salmon River Properties of irrigation water from Hat Creek.

Further, we note that in the back file for 75-4025, in which Ezra Creek and Hat Creek are confused, Mr. Rex Christensen, the Pahsimeroi Area Manager for the BLM, in a letter dated May 23, 1973, notes that

"The land that Salmon River Properties is claiming a water right for has never been irrigated out of Ezra Creek, but was proved upon with water pumped out of the main Salmon River." (see copy attached)

Finally, this claim of a water right is not in the public interest. It would drain Hat Creek, which runs below 6 CFS much of the year, disrupting the connectivity of fish habitat and potentially depriving legitimate water rights holders of water.

Snook & Snook

ATTORNEYS AT LAW
SNOOK BUILDING
SALMON, IDAHO 83467

FREDERICK HUGHES SNOOK
FREDERICK HAMILTON SNOOK

May 21, 1973

TELEPHONE
AREA CODE 208
756-2714
P. O. BOX 1227

RECEIVED

MAY 23 1973

Department of Water Administration
Eastern District Office

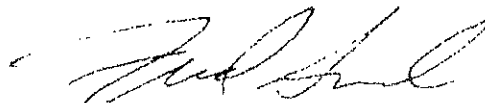
Idaho Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Re: Notice of Claim to Water Right #75-4026

Gentlemen:

Please be advised that Mr. Woodrow Conklin, Mr. Ed Corbett and Mr. Sidney Dowton have requested that we file an exception on their behalf to the claim filed by Salmon River Properties, Inc., to establish a water right for 6.0 cubic feet per second from Hat Creek. This exception is filed on the grounds and for the reason that said water claim has not been used continually; said water has not been used for irrigation on the number of acres claimed; and contestants believe there is not adequate water in Hat Creek to justify the granting of this claim.

Sincerely yours,



FRED SNOOK

FS/ea
cc/ Woodrow Conklin
Ed Corbett
Sidney Dowton

75-4026



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salmon District Office

P. O. Box 430

Salmon, Idaho 83467

IN REPLY REFER TO:

May 21, 1973

RECEIVED

MAY 23 1973

Department of Water Administration
Eastern District Office

R. Keith Higginson, Director
Idaho Dept. of Water Administration
240 S. Holmes
Idaho Falls, Idaho 83401

Dear Sir:

We would like to take exception to the Claim of a Water Right for Salmon River Properties as published in the Salmon Recorder-Herald on May 17, 1973.

In the Notice of Claim No. 75-4025, Salmon River Properties is claiming 1.8 cubic feet of water per second out of Upper Hat Creek, with a point of diversion in the NW-1/4 NE-1/4, Sec. 8, T. 17 N., R. 21 E. This claim is not true and has mislead people into thinking the water right would have no effect on them. The point of diversion is on Federal land in Ezra Creek and not in Upper Hat Creek. The land that Salmon River Properties is claiming a water right for has never been irrigated out of Ezra Creek, but was proved upon with water pumped out of the main Salmon River. }

At the present time, all of the water originating in Ezra Creek is being utilized by the Joe Denny ranch in Findley Basin now owned by Tom Tingle and livestock owned by Rex Tolman which are licensed by the Bureau of Land Management.

We made an inspection of the diversion point which is located in Section 8 on Federal land and could find no evidence of ditches being used to bring water out of Ezra Creek to Salmon River Properties' private land.

We would like to be notified of any hearings which may be held when the Ezra Creek water is adjudicated.

Thank you.

Sincerely yours,

Rex L. Christensen
Rex L. Christensen
Pahsimeroi Area Manager

75-4025

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 September 28, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Jordan P. Smith / Salmon River Properties Inc.
Address: Box 4495
Chatsworth California 91313

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Signature of objector or attorney
mailing on Objector's behalf