

RECEIVED

OCT 18 2007

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 75-04366
(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: Robert Heber & Jean Stokes
Address: 153 Diamond Creek Road; Salmon, Idaho 83467
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 legal descriptions of the place of use element may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

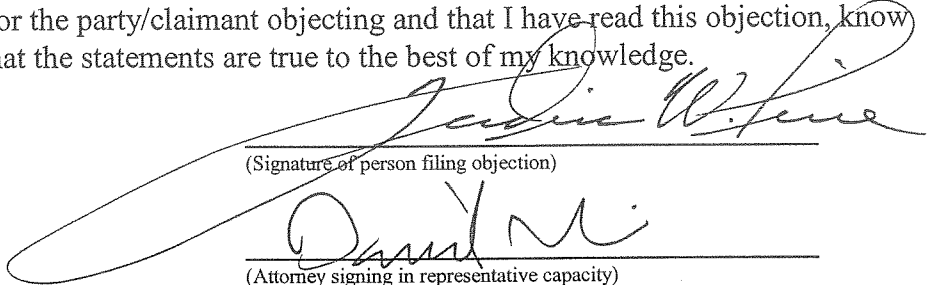
) ss.

County of ADA

)

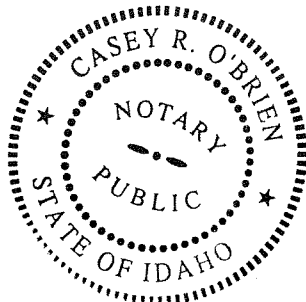
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

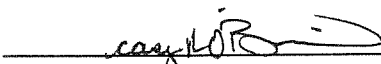
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 15, 2007




Casey R. O'Brien

Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

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 Oct. 16, ²⁰⁰⁷~~2006~~, 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: Robert Heber & Jean Stokes
Address: 153 Diamond Creek Road; Salmon, Idaho 83467

Name:
Address: ;

Name:
Address: ;

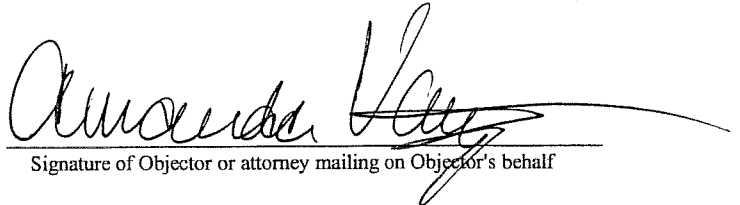
Name:
Address: ;

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

01/08/2007

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

RIGHT NUMBER: 75-4366

NAME AND ADDRESS: ROBERT HEBER STOKES
153 DIAMOND CRK RD
SALMON ID 83467

JEAN STOKES
153 DIAMOND CRK RD
SALMON ID 83467

SOURCE: WASTE WATER

TRIBUTARY: SALMON RIVER

QUANTITY: 1.880 CFS

Right Nos. 75-4366 and 75-4367 are limited to a total combined diversion rate of 0.02 cfs/acre.

PRIORITY DATE: 04/01/1886

POINT OF
DIVERSION: T22N R22E S18 NWNE Lot 5 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	1.880 CFS

PLACE OF USE: IRRIGATION in LEMHI County

Mixed

T22N R22E S07 Lot 9 NESW	5.00	T22N R22E S07	SESW	28.00
T22N R22E S07 Lot 11 SWSE	20.00	T22N R22E S18 Lot 5 NWNE		31.00
T22N R22E S18	NENW	10.00		

94 ACRES TOTAL

Right Nos. 75-4366 and 75-4367 are limited to the irrigation of a combined total of 94 acres 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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Mixed POUs:

-The places of use in T22N R22E S07 Lot 9 (NESW) and Lot 11 (SWSE) contains both private and public land.

-Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

LEMHI COUNTY 059
IDAHO FALLS DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

EO 04/04/1917 Wdl Pwr Proj 595 affects all
unpatented land lying within 50' of center line
H-015984

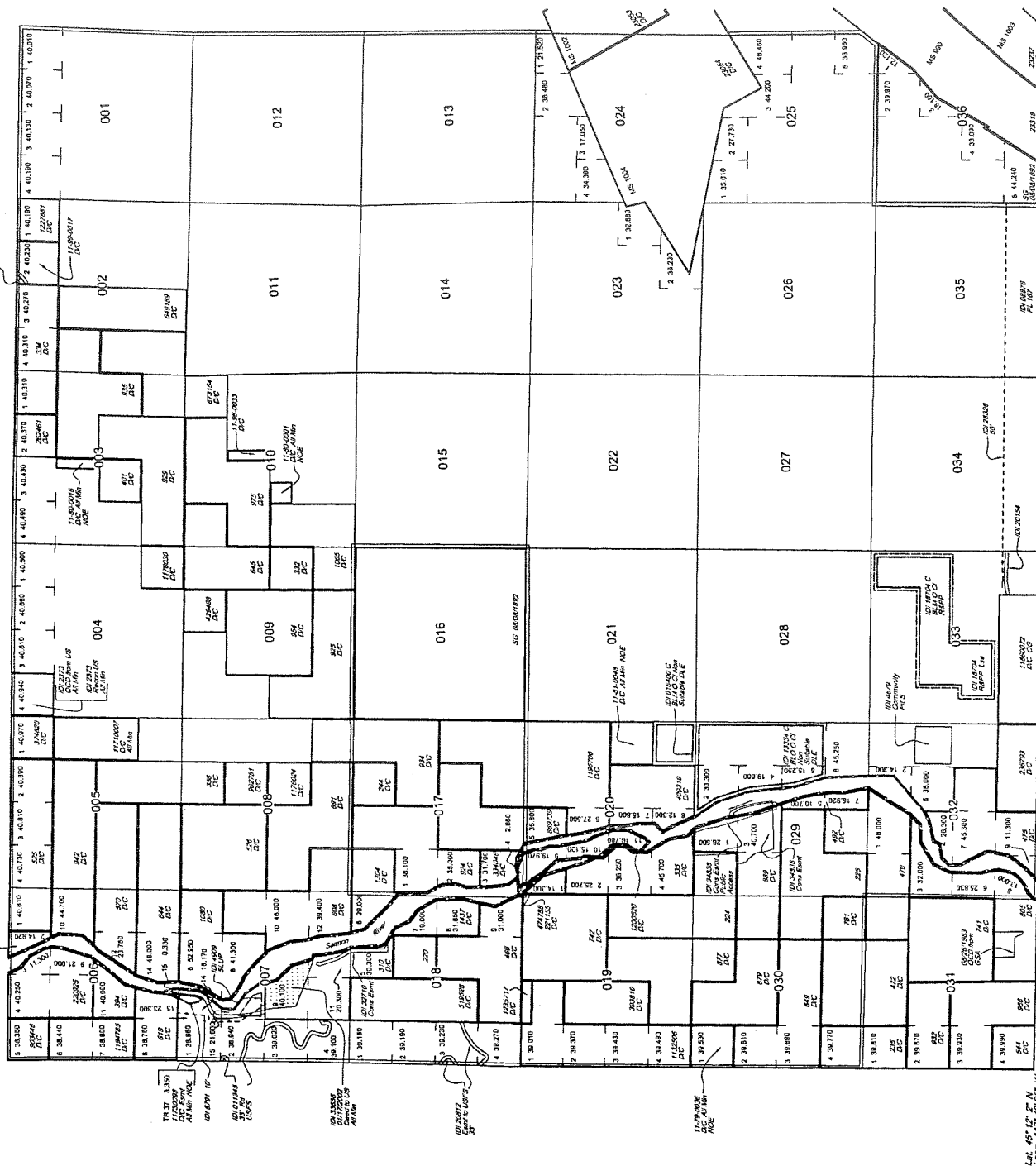
Sec 25: E2SE, SWSE

500 30: SWNE, SENW, N2SW, SWSW

DI 08876 Del PL 107 (Act of Cong 07/23/1955)
completed 08/13/1962. All PD surface Mgmt by BLM

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: D0802208206401000a.dwg	BY: DWB
CONVERTED TIF: 04/15/2007	BY: DWB
LAST UPDATED: 04/15/2007	
QUOTE FT: EG 4707.2007	QUOTE #2: D/14 04/32/2007
POSTED TO PUBLIC RECORDS	May 11, 2007
BY:	
PUBLIC LAND SURVEY SYSTEM (P.L.SS)	
DATE ACQUIRED:	04/26/2006
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 18N, WAD 1983	
NOTES:	
USE PLATS:	



DISCLAIMER:

This plan is only a graphic display of the Bureau of Land Management (BLM) Record of Title and Boundary Survey data. Records herein are not to be used for any purpose other than that for which they were collected. No warranty is made by the Bureau of Land Management, or completeness of these data for individual use or aggregate use by other data not guaranteed.

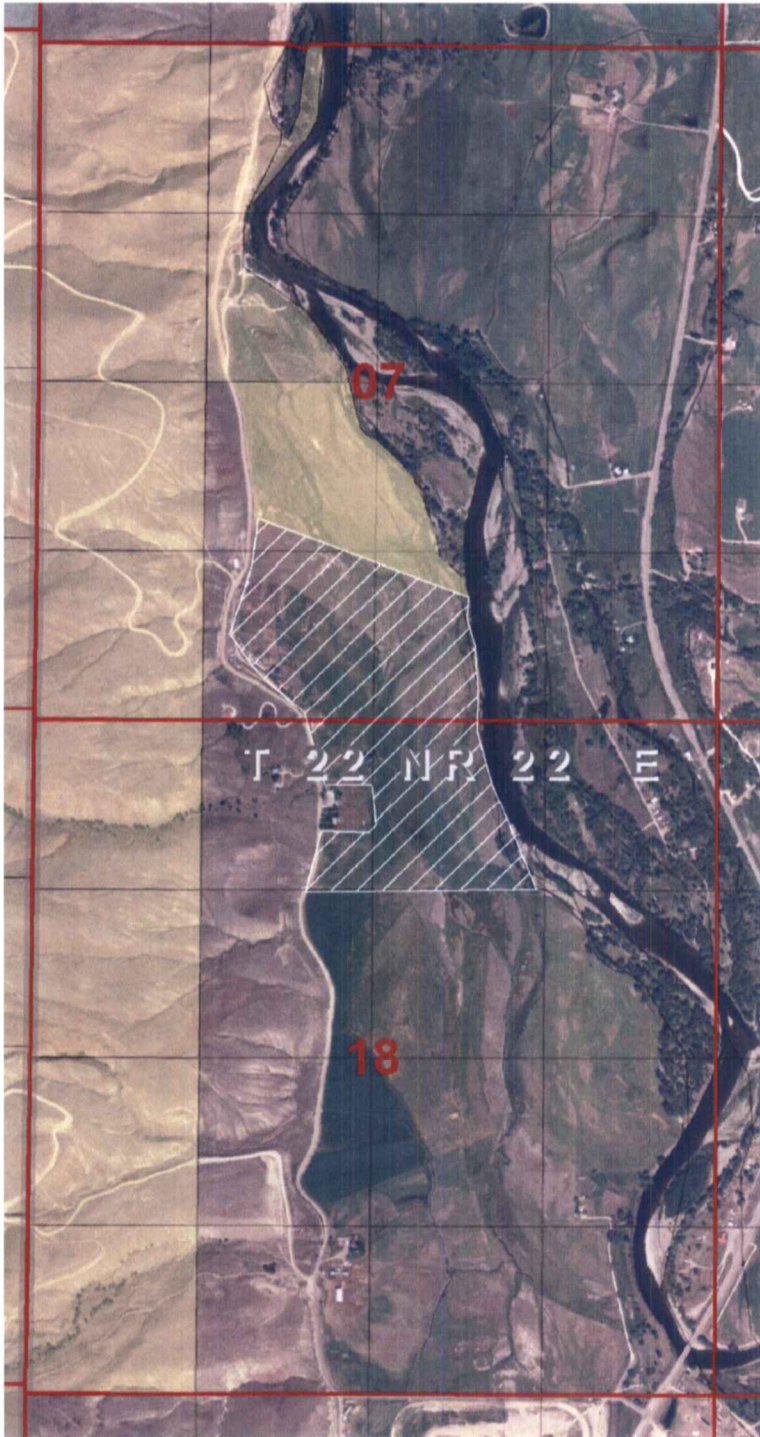


J.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000

Lat. 45° 12' 2" N
Long. 113° 49' 25" W

2
3
4
5
6
7
8

Bcdre Mer.
 T. 22 N
 R. 22 E



75-04366
Stokes

Mixed POUs:

-The places of use in T22N R22E S07 Lot 9 (NESW) and Lot 11 (SWSE) contains both private and public land.

-Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."