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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 75-11618
(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: Leonard & Esther Theriault

Address: P.O. Box 538; Salmon, Idaho 83467

Name: Leonard & Esther Theriault

Address: 249 Diamond Creek Road; Salmon, Idaho 83467

Name: -diamond ck may be an alternate address-

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 description of the Place of Use element describes federal public land. The description should be specific enough to exclude Federal land, which can be done by clarifying how the claim is described.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

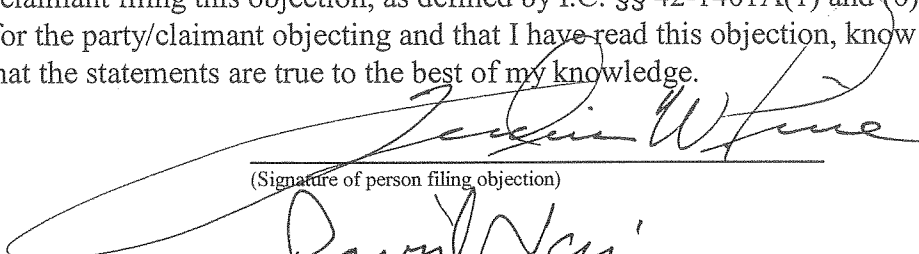
County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

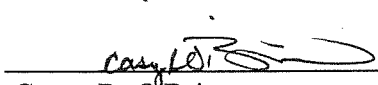
(Name of person filing objection)

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)

David Naji
(Attorney signing in representative capacity)

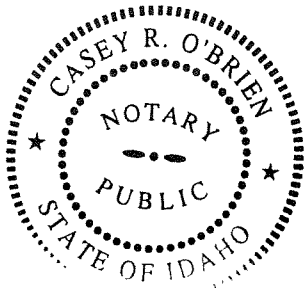
Subscribed and sworn to before me on: October 15, 2007


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:

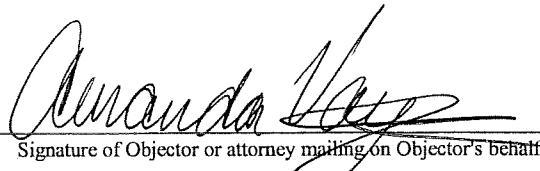
Name: Leonard & Esther Theriault
Address: P.O. Box 538; Salmon, Idaho 83467
Name: Leonard & Esther Theriault
Address: 249 Diamond Creek Road; Salmon, Idaho 83467
Name: -diamond ck may be an alternate address-
Address: ;
Name: ;
Address: ;

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: 75-11618

NAME AND ADDRESS: ESTHER THERIAULT
PO BOX 538
SALMON ID 83467

LEONARD THERIAULT
PO BOX 538
SALMON ID 83467

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 03/31/1965

POINT OF

DIVERSION: T22N R22E S7 NENENW Lot 13 Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.030 CFS

PLACE OF USE: IRRIGATION in LEMHI County

BLM T22N R22E S07 Lot 13 NENW 1.00

1 ACRES TOTAL

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 - Beneficial Use

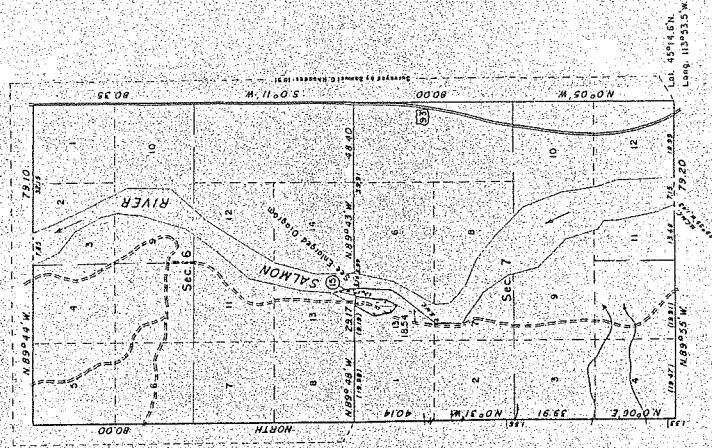
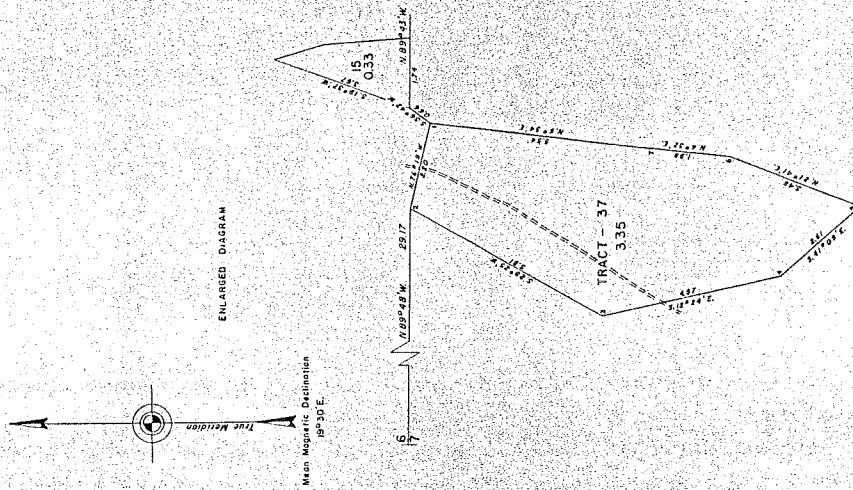
POU on BLM:

-The recommended POU T22N R22E S07 Lot 13 (NENW) describes BLM land. The claim is located in Tract 37 which is private land.

-Please describe the POU as T22N R22E S07 NENW and insert the following language under place of use:

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

TOWNSHIP 22 NORTH, RANGE 22 EAST, OF THE BOISE MERIDIAN, IDAHO DEPENDENT RESURVEY AND SURVEY OF TRACT 37



The history of previous surveys is contained in the field notes record.

This plat represents the dependent resurvey of a portion of the boundary of a portion of the subdivision of the Boise Meridian, a portion of the Boise Meridian, and the remainder of the left bank of the Salmon River in Sec. 7; survey of new meanders of the left bank of the Salmon River in Secs. 6 and 7 and the survey of Tract 37, T. 22 N., R. 22 E., Boise Meridian, Idaho.

Except as indicated hereon, the locations and areas are as shown on the plat approved August 8, 1892.

This dependent resurvey and survey were executed by Donald E. Duren, Supervisory Cadastral Surveyor, from April 22 through April 27, 1970, pursuant to Specific Instructions dated April 17, 1970 for Group No. 249, Idaho.

The dependent resurvey shown hereon were designed to restore the corners in their true original locations.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C.

March 8, 1973

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Clark L. Lunn

Chief, Division of Cadastral Survey

Scale in Chains
0 10 20 30 40 50
Scale in Chains

Area resurveyed: 278.44 acres

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

LEMHI COUNTY 059
IDAHO FALLS DISTRICT SEC 3

MT PLAT

[illegible]

EQ 04/04/1917 Wdi Pwr Proj 595 affects all
unpatented land lying within 50' of center line

384 SAC 25. E2SE SWSE

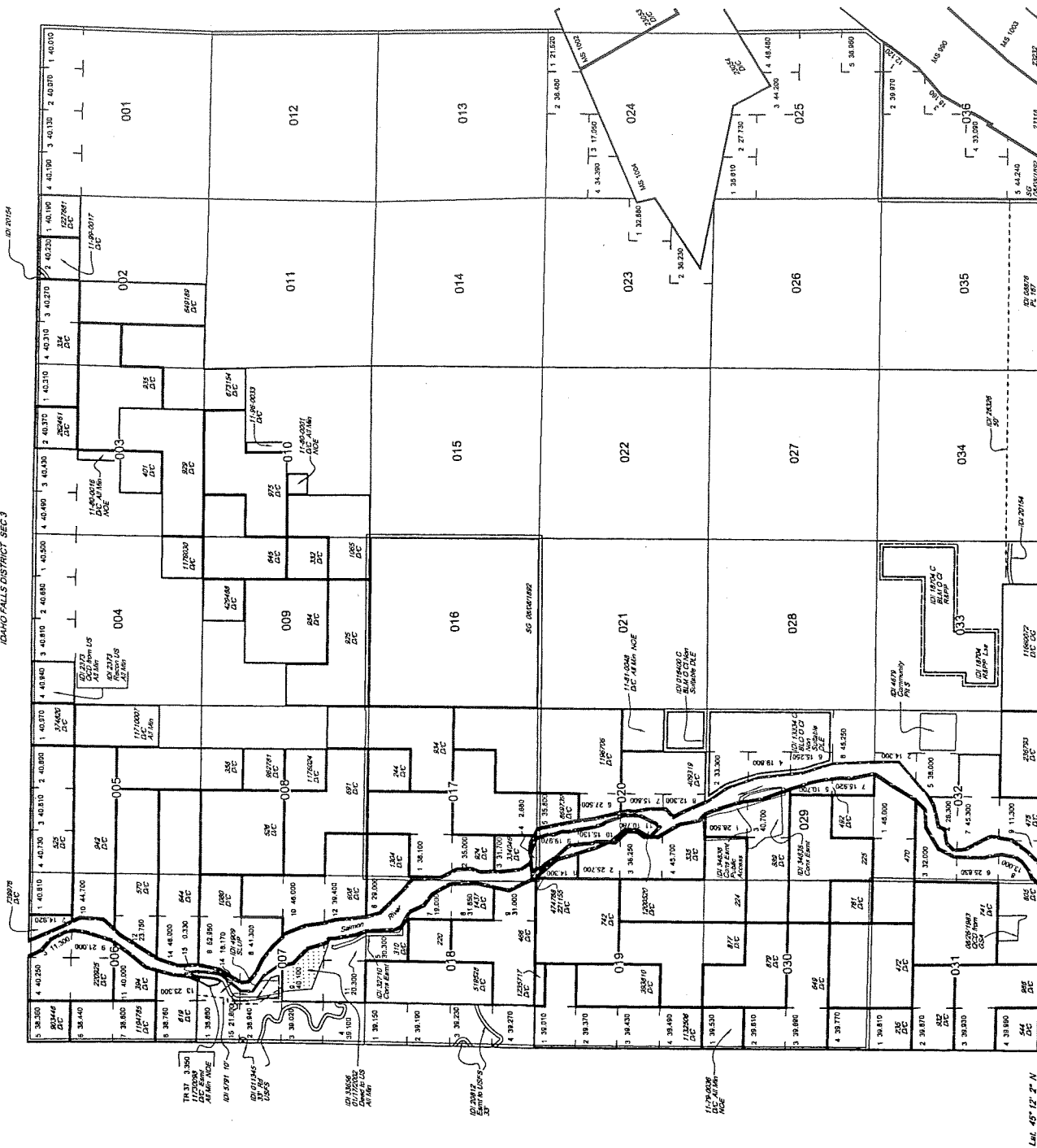
Soc 36: SWNE, SENW, N2SW, SWSW

DOI 08876 Del PL 167 (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: 1006220520205-INFO002a.dwg	BY: DWH
CONTENDED TFP: 04/18/2007	BY: DWH
LAST UPDATED: 05/10/2007	
GAGE #1: EG 04/27/2007	GAGE #2: DWH 05/02/2007
POSTED TO PUBLIC RECORDS: May 11, 2007	
BY: 011	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
LAND ACQ. ACQUIRED:	04/06/2005
BY:	DWH
PROJECTED COORDINATE SYSTEM: UTM ZONE 32N, NAD 1983	
NOTES:	
USE PLATS:	

Bates & Bates
T. 22 N
R. 22 E



Lat. 45° 12' 2" N
Long. 113° 49' 35" W

Abstract

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records hereon do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

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 each withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or for any other purpose is not guaranteed. These data are not to be used for any purpose other than the one for which they were collected.



NORTH



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

75-11618
Theriault



POU on BLM:

-The recommended POU T22N R22E S07 Lot 13 (NENW) describes BLM land. The claim is located in Tract 37 which is private land.

-Please describe the POU as T22N R22E S07 NENW and insert the following language under place of use:

“Place of use does not include federal public lands.”

-Please adjust shapefile to only include the private land within Tract 37.