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DEC 05 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 02-10297  
(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: Quey L. Johns (Dir Rpt Addr)  
Address: 48803 State Hwy 78; Mountain Home, Idaho 83647  
Name: Kenneth H. Johns (Dir Rpt Addr)  
Address: 48803 State Hwy 78; Mountain Home, Idaho 83647  
Name: Quey L. Johns (whitepages addr)  
Address: 48803 State Hwy 78; Hammett, Idaho 83627  
Name: Kenneth Johns (whitepages addr)  
Address: 1310 N. 10 E.; Mountain Home, Idaho 83647

**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: 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. This claim should not exist.

E.

VERIFICATION (Must be Completed)

State of Idaho

County of ADA

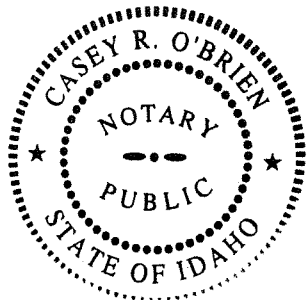
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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)

Casey R. O'Brien  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 03, 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 12-3, 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:

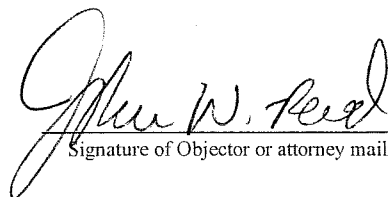
Name: Quey L. Johns (Dir Rpt Addr)  
Address: 48803 State Hwy 78; Mountain Home, Idaho 83647  
Name: Kenneth H. Johns (Dir Rpt Addr)  
Address: 48803 State Hwy 78; Mountain Home, Idaho 83647  
Name: Quey L. Johns (whitepages addr)  
Address: 48803 State Hwy 78; Hammett, Idaho 83627  
Name: Kenneth Johns (whitepages addr)  
Address: 1310 N. 10 E.; Mountain Home, Idaho 83647

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

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

RIGHT NUMBER: 2-10297

NAME AND ADDRESS: QUEY L JOHNS  
48803 STATE HWY 78  
MOUNTAIN HOME ID 83647

**POUs on BLM:****-The Places of use are not authorized.**

KENNETH H JOHNS  
48803 STATE HWY 78  
MOUNTAIN HOME ID 83647

**-This claim should not exist.**

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.640 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 2036 AF. COMBINED RIGHT  
NOS.: 2-2136, 2-2174, 2-10296

PRIORITY DATE: 02/10/1981

POINT OF

DIVERSION: T06S R06E S2 NESWNE Lot 2 Within OWYHEE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

0.640 CFS

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 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 in OWYHEE County

|            |                |      |       |               |      |       |
|------------|----------------|------|-------|---------------|------|-------|
| <b>BLM</b> | T06S R06E S02  | NESE | 36.00 | T06S R06E S02 | NWSE | 12.00 |
|            | 48 ACRES TOTAL |      |       |               |      |       |

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

Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum streamflows.

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

A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 2-2136, 2-2174, 2-10296

This right is a split from former right 2-7318 .



## 02-10297; Kenneth & Quey Johns

### POUs on BLM:

-The Places of use are not authorized.

-This claim should not exist.

