

RECEIVED

OCT 17 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

75-14107  
(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Address:

Daytime Phone:

Zanik Corp. c/o Michael E. Motter  
3431 Fairfield Ct.  
Lafayette, IN. 47909  
765-471-8899

Name & Address of Attorney, if any:

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

Name:

Address:

Same

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: 7.1 Acres
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 Attachments

F.

VERIFICATION (must be completed)

State of Idaho )  
 )ss.  
County of Lemhi )

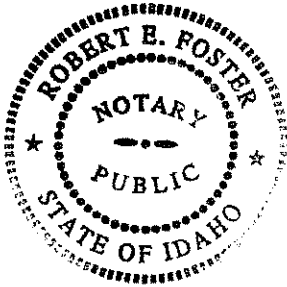
Michael E. Matter, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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.

Michael E. Matter  
(Signature of person filing objection)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 10/16/2007



Robert E. Foster  
Notary Public for Idaho  
Residing at: Salmon  
My Commission Expires: 3-6-2013

## 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 10-16, 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:

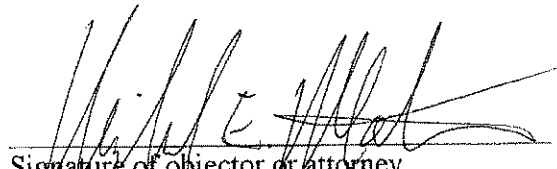
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

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

10/15/07

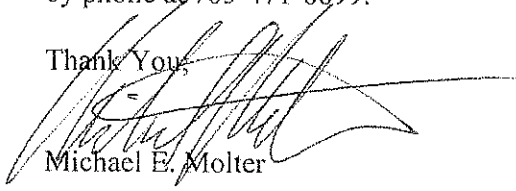
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098

Re: Water Right 75-14107  
Zanik Corp.  
C/O Michael E. Molter  
3431 Fairfield Ct.  
Lafayette, IN. 47909

Dear Sirs,

This letter shall serve as notice of our objection to the proposed recommendation for water right # 75-14107. We purchased 7.17 acres of irrigated land. We purchased the irrigated acreage from the Smiths, who's previous water right was #75-4350. The water right was to transfer propotional to the irrigated land. We did not buy their house, garage or shop building. Therefore the percentage of the previous water right that would transfer to us should be greater than the percentage of land purchased. Of their 12.6 total acres, our 7.17 = 57%. If you subtract 1.5 acres for their home, buildings and driveways, that would make our percentage closer to 65%. The map created from the arial photo that's included with the SRBA recommendation is inaccurate in reference to the irrigated land. There is an irrigation ditch that runs adjacent and parallell to Highway 93 the full length of the property. That ditch and the others within the property effectively irrigate all but the building. I have enclosed copies of the correct water right labelled "A" and of the incorrect map labelled "B". I have also included a copy of our survey, labelled "C", on which I have illustrated the location of the aforementioned irrigation ditch. See other supporting documents enclosed that reference the acreage. We bought the irrigated Ag land they kept the residence. Please review, make the necessary adjustments, and notify us. You may reach me by phone at 765-471-8899.

Thank You,



Michael E. Molter

10/15/07

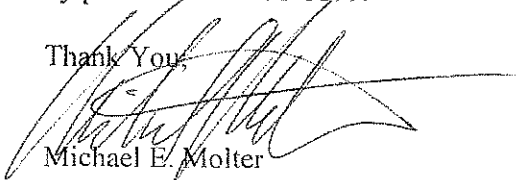
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098

Re: Water Right 75-14107  
Zanik Corp.  
C/O Michael E. Molter  
3431 Fairfield Ct.  
Lafayette, IN. 47909

Dear Sirs,

This letter shall serve as notice of our objection to the proposed recommendation for water right # 75-14107. We purchased 7.17 acres of irrigated land. We purchased the irrigated acreage from the Smiths, who's previous water right was #75-4350. The water right was to transfer propotional to the irrigated land. We did not buy their house, garage or shop building. Therefore the percentage of the previous water right that would transfer to us should be greater than the percentage of land purchased. Of their 12.6 total acres, our 7.17 = 57%. If you subtract 1.5 acres for their home, buildings and driveways, that would make our percentage closer to 65%. The map created from the arial photo that's included with the SRBA recommendation is inaccurate in reference to the irrigated land. There is an irrigation ditch that runs adjacent and parallell to Highway 93 the full length of the property. That ditch and the others within the property effectively irrigate all but the building. I have enclosed copies of the correct water right labelled "A" and of the incorrect map labelled "B". I have also included a copy of our survey, labelled "C", on which I have illustrated the location of the aforementioned irrigation ditch. See other supporting documents enclosed that reference the acreage. We bought the irrigated Ag land they kept the residence. Please review, make the necessary adjustments, and notify us. You may reach me by phone at 765-471-8899.

Thank You,



Michael E. Molter

A

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 75-14107

WATER RIGHT NUMBER: 75-14107

Owner Type                      Name and Address  
Current Owner                      ZANIK CORP  
                                                 3431 FAIRFIELD CT  
                                                 LAFAYETTE, IN 47909  
                                                 (208)865-2001

Priority Date: 07/01/1879  
Basis: Statutory Claim  
Status: Active

Source                                              Tributary  
NORTH FORK SALMON RIVER                      SALMON RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION STORAGE    | 01/01 to 12/31          | 0.140 CFS             | 0.24 AF              |
| IRRIGATION            | 04/01 to 11/01          | 0.140 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.140 CFS             |                      |

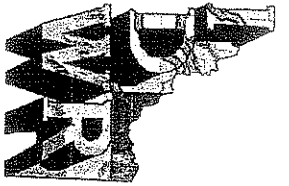
Location of Point(s) of Diversion  
NORTH FORK SALMON RIVER                      NW1/4SE1/4NE1/4                      Sec. 21, Twp 25N, Rge 21E, B.M.  
                                                 LEMHI County  
NORTH FORK SALMON RIVER                      NE1/4SW1/4NE1/4                      Sec. 21, Twp 25N, Rge 21E, B.M.  
                                                 LEMHI County

Place of Use  
IRRIGATION Within LEMHI County  
T25N R21E S21      SWNE      4.8                      T25N R21E S21      SENE      2.3  
Total Acres: 7.1

Conditions of Approval:  
1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4350

Remarks:

*This is what the water Right  
should be.*



# Idaho Department of Water Resources

15

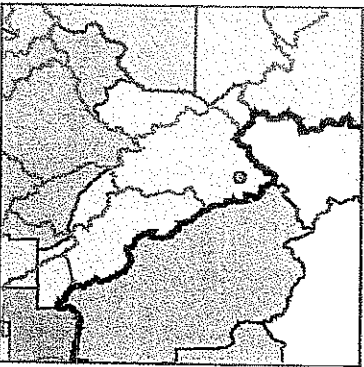
SRBA Recommendation:

75-14107

(Irrigation)

## Legend

- Point of Diversion  
Place of Use
- Townships
- PLS Sections
- Quarter Quarters

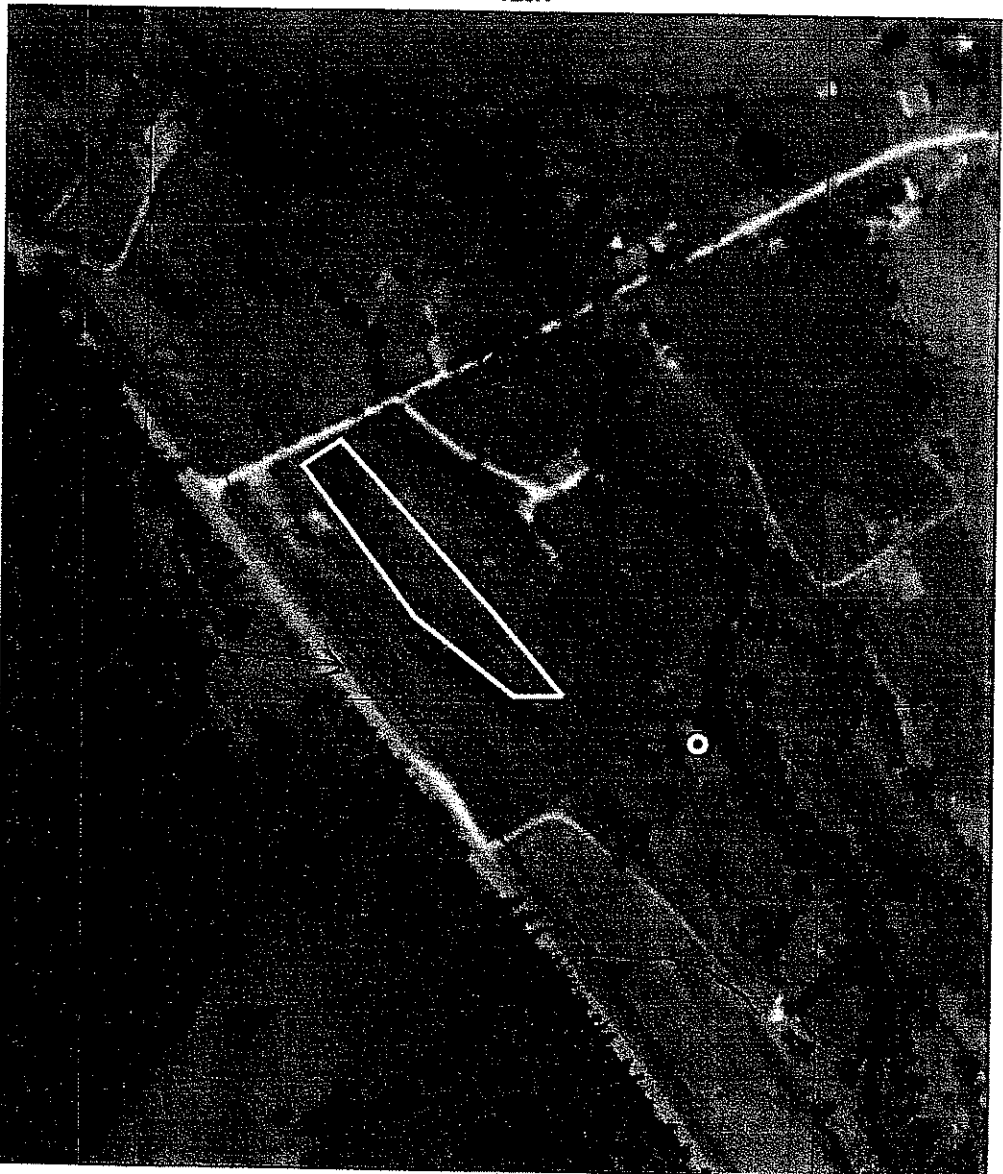


Lenth County  
IDWR Basin 75



Prepared by M. Ciscell  
On Monday, November 20, 2006  
2004 Aerial Photography

T25N



R21E

0 0.1 0.2 Miles

*Irreversible*

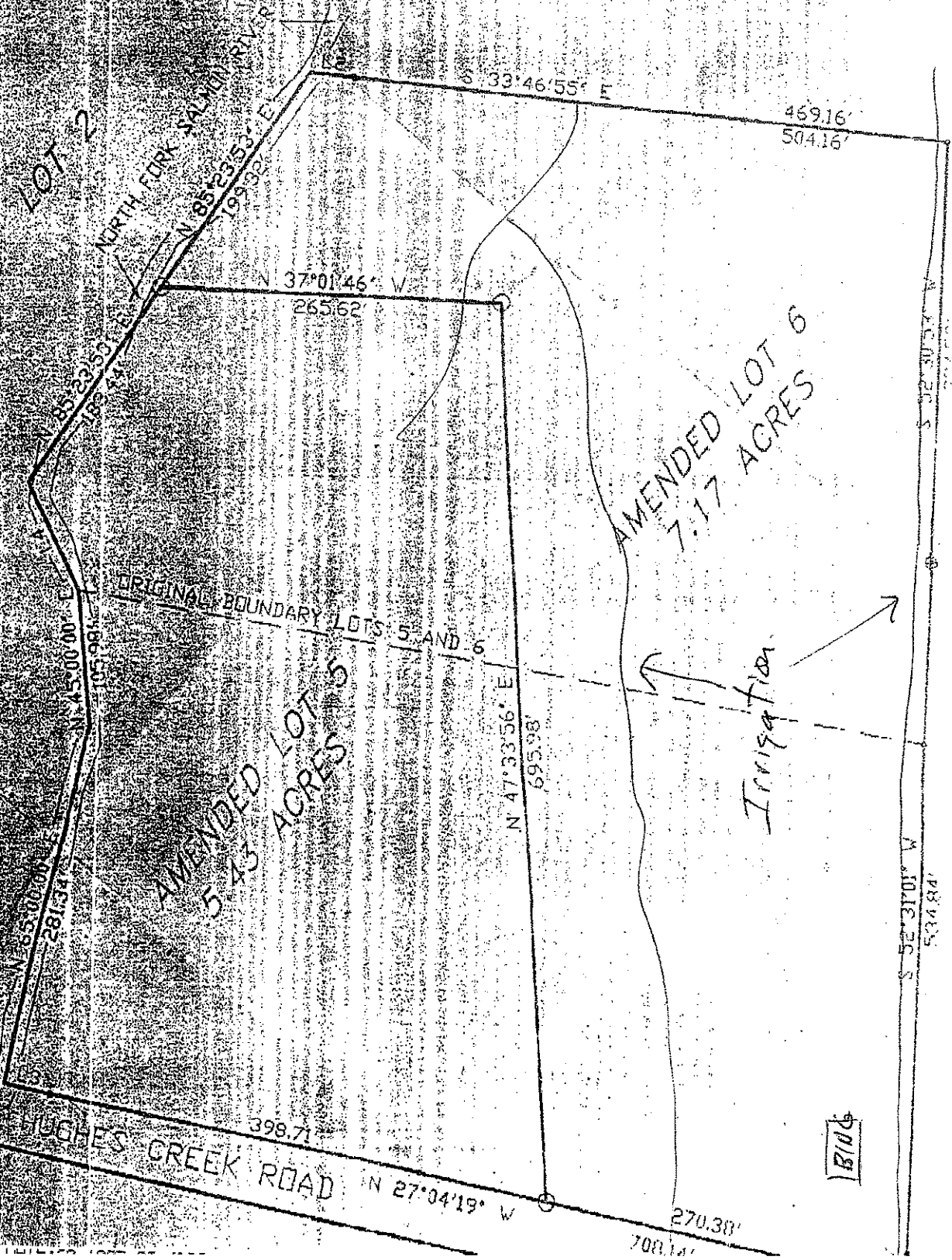
*Irreversible*

(C)

LOT 4

LOT 2

NORTH FORK SALMON RIVER



B106