

RECEIVED

JUL 28 2008

DEPARTMENT OF
WATER RESOURCES

Carl B Johnston
James H Bilbray
PO Box 219
350 Broadford Road
Bellevue, ID 83313

July 24, 2008

Clerk of the District Court
Snake River Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707



Dear Sir or Madam:

Please accept this request to file a late objection with regard to subcases 37-4242 and 37-21964. This objection is being filed late due to the fact that mail addressed to the physical address can not be delivered to us. With this late objection, we are requesting a hearing in order to re-instate our water rights.

All mail regarding this claim must be sent to the above PO Box 219, in Bellevue, ID 83313. Also, all mail must be cc'd to Carl B Johnston, 3154 Sorrel St., Las Vegas, NV 89146.

Thank You,



Carl B Johnston
Owner, Minnie Moore Mine
Bellevue, ID

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DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

A. Subcase 37-4242

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Carl JohnstonAddress: P.O. Box 219Belleuve, Idaho 89146Daytime Phone: ?

Name & Address of Attorney, if any:

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

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: See Attached Exhibit A
2. ☐ Source
Should be: EXHIBIT B.
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: _____

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): Did not receive
recommendation due to incorrect
address.

F.

VERIFICATION (Must be Completed)

State of IdahoCounty of Twin Falls) ss.Carl B Johnston, 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.

Carl B Johnston
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

7/23/2008Angela Jones
Notary Public for IdahoResiding at: RushMy Commission Expires: 8/8/2013

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 _____, ~~2009~~ 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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

and that the ground
and claim therein de-
scribed or any part there-
of, has not, to the best of
my knowledge and belief,
been heretofore located
for the uses and purposes
herein mentioned, ac-
cording to the laws of
the United States and
of this Territory, or if so
located that the same
has been abandoned
or forfeited by reason
of the failure of such
former locator to com-
ply in respect thereto
with the requirements
of said laws.

E. R. Collingsridge.

Recorded July 1st. 1882.

Wood River Mining Dist.

Warren C. Callahan

Co Recorder.

By J. E. Carr, Deputy.

L. 9 am

Notice is hereby given
that I a citizen of the
United States do hereby
locate and claim two
hundred inches of water
measured under a four
inch pressure, to be taken
from this Creek, known
as Galeana Creek at this
point which is west
600 feet, more or less,

from the point where the
Creek crosses the west
end line of the Minnie Moore
Mining Claim,
this water is to be conveyed
by means of a wooden
pipe or box flume to the
Minnie Moore Mining Dump
for the purpose of the mine.
This to be used for steam
and concentration, and
other mining purposes.
Said flume for conveying
the water is to be six
inches wide and six
inches deep and about
1200 feet long, more or
less. Said point of
intended diversion and
of intended use, being
in Alturas County, Idaho
Territory, about one mile
west of the town of
Bradford.
Witness my hand and seal
this 3rd day of Aug. 1882.
H. E. Miller.

Filed for Record at Request
of H. E. Miller August 7th
1882 at 5 o'clock P.M.

Warren P. Callahan
County Recorder

By D. Harrington Deputy.

GRANT DEED

89 AUG 1 10 PM '79
MARY GREEN, CLERK
FEES \$ 33.50

OF: _____
BLAINE CO. REQUEST

FIRST AMERICAN TITLE CO.

308153

THIS INDENTURE, made and entered into as of the 31st day of July, 1979, by and between WOODVILLE J. WALKER, husband of Belle Thurston Walker dealing with his sole and separate property, ROBERT T. WALKER, JR., husband of Jane Robinson Walker dealing with his sole and separate property, and MARY ALIDA WALKER NIELSEN, a widow, the parties of the first part, and CARL B. JOHNSTON, whose address is Box 219, Bellevue, Idaho 83313, and JAMES H. BILBRAY, whose address is 302 East Carson, Suite 330, Las Vegas, Nevada 89101, the parties of the second part:

WITNESSETH: That the said parties of the first part for and in consideration of the sum of ONE DOLLAR (\$1.00), and other good and valuable consideration to them in hand paid by the parties of the second part, the receipt and sufficiency of which is hereby acknowledged, do by these presents GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the parties of the second part, and to their heirs and assigns forever, all those certain patented lode mining claims and other real property situated in the Mineral Hill Mining District, Blaine County, Idaho, more particularly described on Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH any and all water, water rights and ditches appurtenant thereto; all dips, spurs, and angles; and all metals, ores, gold and silver bearing quartz, rocks and earth therein; and all rights, privileges and franchises thereto incident, appendant, appurtenant, or therewith usually had and enjoyed; and all and singular the tenements, hereditaments and

lots and other tracts of the patented town of Broadford, continued.

Part of Broadford Townsite conveyed 12-5-50 by John Wright, Probate Judge, recorded 12-5-50 on page 612 of Book 159 of the Records of Blaine County.

Agricultural Patents

All that part and parcel of Lot 7, Section 35, Township 2 North, Range 18 East, BB&M, containing 11.56 acres conveyed by John L. Hazelton and wife to the Minnie Moore Mines Company as per deed recorded in Book 128, page 222, Records of Blaine County.

Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 35, Township 2 North, Range 18 East BB&M, conveyed by John Wright, Probate Judge, recorded on page 4 of Book 162 of the Records of Blaine County.

Water Rights

Galena Creek Water Rights: 300 inches of water of the waters of Galena Creek to be used for mining purposes, priority, 1882, recorded on page 322, Book 2 of Water Rights, Records of Blaine County.

Other Real Property

All buildings and improvements on the above described properties.
All attachments to the above buildings on the described properties.

General

On August 15, 1978, the Blaine County Commissioners vacated both the old Broadford Townsite and the Forced Replat of the same. In accordance with this act, those lots and other tracts of the patented town of Broadford have been redescribed and a Deed filed with the Recorder of Blaine County containing new descriptions of these lots and tracts. The instrument has not been received back from the Recorder.

The new Tracts are:

Tract A.	containing 1.51 acres	
Tract B.	containing 3.34 acres	
Tract C.	containing 0.11 acres	
Tract D.	containing 5.05 acres	
Tract E.	containing 1.88 acres	
Tract F.	containing <u>1.3</u> acres	13.49 acres

Summary

Patented Mining Claims	240.37 acres
Lots and Tracts in Old Broadford townsite	
and adjacent parts of Section 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$	13.49 acres
Agricultural land in Lot 7 SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35	<u>11.56</u> acres
	<u>265.12</u> acres more or less

Patented Claims

<u>Name</u>	<u>Cert. No.</u>	<u>Sur. No.</u>	<u>Recorded</u> <u>Book</u>	<u>Page</u>	<u>Acres</u>
Minnie Moore	42	20	1	33	15.51
Maggie	543	576	15	610	20.661
U. S.	544	577	15	601	18.871
Relief	73	14	15	96	19.24
Hope	192	552	15	212	11.30
Erie	215	578	15	202	13.14
Alta	31	8-A	15	38	18.20
Chili Fraction	305	797	15	598	6.11
Old Telegraph	163		15	539	13.763
Grey Copper	183	502	15	613	11.28
Badger	307	799	15	604	8.462
Broadford	372		1	600	9.954
Penobscot	178	6	15	515	19.54
Penobscot Fraction	591	10A	15	588	7.19
San Jose	136		15	207	15.29
Michigan	381	795	129	257	6.64
Riverview	111	7	15	518	19.79
Defiance		796	Not recorded		
Chief of the Hill	283	737	129	289	5.43

Lots and other tracts of the patented town of Broadford

Deep Well Tract, E 50 x 70 feet of Lot 2, Block 21
Lots 9, 10, 11 and 12 of Block 3
Lots 13 and 14 of Block 4
Lots 5, 7 and 8 of Block 2
Lots 1, 2, 3 and 4 of Block 1
Lots 2 and 4 of Block 11
Lots 6 and 8 of Block 12
Southwest side 40 feet of Lot 4, Block 21