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AUG 28 2008

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 75-10627
(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: (208) 373-3831

Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone, (208) 334-9375 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: Salmon River Properties, Inc.
Address: Box 4495; Chatsworth, CA 91313

Name: Jordan P. Smith (attorney for claimant)
Address: 807 Main St.; Salmon, Idaho 83467

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):

IDWR issued an Amended Director's Report in response to the court granting the claimant's Motion to Amend Notice of Claim. The only difference between this most recent recommendation and the original recommendation is the appearance of a shoulder season remark. The Amended Director's Report does not resolve BLM's objection to the original Director's Report.

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land. Also, the remaining Places of Use (POU) contain both public and private lands ("mixed ownership"). The description of these POUs should be specific enough to exclude federal public land. The claimant has initiated a transfer to move water off public land but we'll still have the mixed ownership issue to deal with after the transfer is completed.

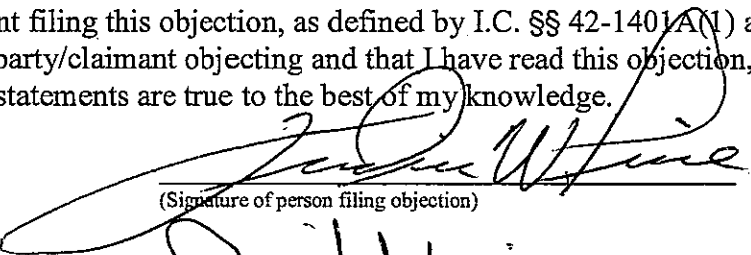
F.

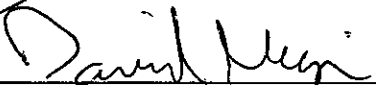
VERIFICATION (Must be Completed)

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)

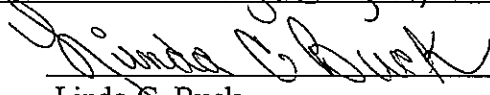
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

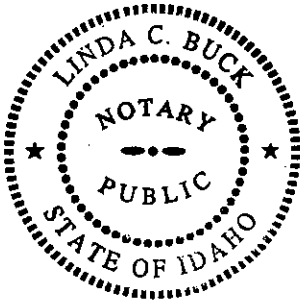

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

27th of August, 2008


Linda C. Buck



Notary Public for Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

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 Aug 27, 2008, 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: Salmon River Properties, Inc.
Address: Box 4495; Chatsworth, CA 91313

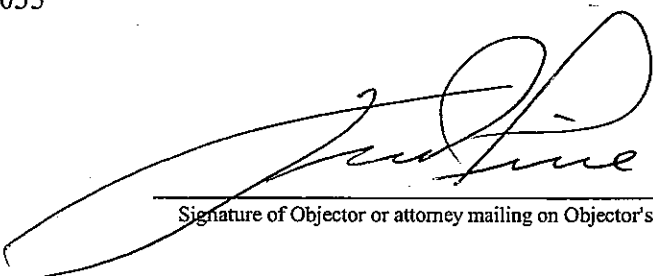
Name: Jordan P. Smith (attorney for claimant)
Address: 807 Main St.; Salmon, Idaho 83467

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

75-10627; Salmon River Properties Inc.



Mixed POUs:

-The places of use contain both private and public lands.

-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."

POU on BLM:

-The irrigation of 1.00 acre on BLM is not authorized in SWNW; please remove from recommendation or adjust shapefile to only include irrigated acres on private land and apply the Mixed POUs resolution described above to this QQ as well.

RECEIVED AMENDED DIRECTOR'S REPORT

AUG 19 2008
DEPARTMENT OF
WATER RESOURCES

Subcase No. 75-10627

COPY

In Re SRBA
Twin Falls County Civil Case No. 39576

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 18 2008

By _____

Clerk
Deputy Clerk

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief

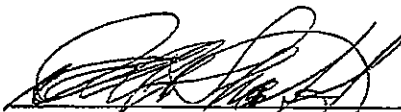
August 15, 2008

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order Granting Motion to Amend Claim and Setting Deadlines* issued by Special Master Dolan on July 10, 2008, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).



DONALD V. SHAFF
Adjudication Bureau Chief

08/15/2008

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

RIGHT NUMBER: 75-10627
NAME AND ADDRESS: SALMON RIVER PROPERTIES INC
BOX 4495
CHATSWORTH CA 91313

ISSUES:

- PDU on BLM - unauthorized
- mixed ownership Pows - clarify

SOURCE: DEER CREEK
SALMON RIVER

TRIBUTARY: SALMON RIVER
TRIBUTARY: SNAKE RIVER

QUANTITY: 1.480 CFS
98.00 AFY

PRIORITY DATE: 06/06/1927

POINT OF
DIVERSION:

T18N R21E S3 SWNE Lot 5 Within LEMHI County
T18N R21E S3 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/15 10/15	1.480 CFS 98.00 AFY
The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 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 LEMHI County

mixed - T18N R21E S03 Lot 5 SWNE 11.00 T18N R21E S03 Lot 3 NENW 9.00 - mixed
T18N R21E S03 BLM SWNW 1.00 T18N R21E S03 Lot 5 SENW 7.00 - mixed

28 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

A Measuring device and lockable controlling works of a type acceptable to IDWR shall be permanenetly installed and maintained as a part of the diverting works.

The change authorized by transfer 4026 shall be accomplished with one year of December 3, 1992.
Failure to comply with the conditions of this transfer is cause for the director to issue an order to shwo cause why the approval of the transfer should not be rescinded.