

April 24, 2007

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MAY 07 2007

DEPARTMENT OF
WATER RESOURCES

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RE: Reason for Protest of Water Right 75-27L - John A. Benzon

TO: Clerk of the District Court - Twin Falls, Idaho

I am enclosing documents from our previous protests of 2002 and 2003. I think you should have these documents in your file, along with the original.

I am protesting Mr. Benzons water right #75-27L on the basis that Mr. Benzon has never had water from Williams Creek on his property legally to this date and never from the Highline Ditch legally.

Therefore, I am protesting Mr. Benzons 75-27L Water Right, dated 1/08/07, that it does not exist for not having used water since 1935 (documents enclosed). However, if water right 75-27L, 1/08/07 is valid by the Idaho Department of Water Resources, I protest the moving of the diversion point of 75-27L from NESWNW Sec. 12 T20N R 21E to T20N R21E S11 NENENE Lot 1.

Sincerely,



Kevin Rice

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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 75-27L
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Kevin Rice
Address: 127 Corbett Lane
Salmon, Idaho 83467
Daytime Phone: 208-756-2669

Name & Address of Attorney, if any:

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

Name: John A. Benzon
Address: 257 Williams Creek Rd.
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 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: _____
10. ☒ **I object because:** SEE ENCLOSED DOCUMENTS
☐ 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 ENCLOSED DOCUMENTS
OF PROTEST.

F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of LEMMING)

KEVIN A. RICE, 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.

Kevin A. Rice
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/6/07

Roger A. Trachsel
Notary Public for Idaho
Residing at: CALDWELL ID 83417
My Commission Expires: 9/12/10
ROGER A. TRACHSEL
NOTARY PUBLIC
STATE OF IDAHO

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 5-4, 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: John A. Benson

Address: 257 Williams Creek Rd.

Salmon, Idaho 83467

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

01/08/2007

UTAH DEPARTMENT OF WATER RESOURCES
RECOVERED WATER RIGHTS ACQUIRED UNDER STATE LAW

ACCOUNT NUMBER: 72-271

NAME AND ADDRESS: JOHN A. BROWN
227 WILLIAMS CREEK RD
SALMON ID 83447

TRIBUTARY: SHANNON RIVER

SOURCE: WILLIAMS CREEK

QUANTITY: 0.080 CFS

This right when combined with all other rights shall provide no more than 1.1
cfs per acre nor more than 2.0 cfs per acre for irrigation of the lands above

PRIORITY DATE: 03/01/1886

POINT OF
DIVERSION: FROM R212 S12 NE1/4 Sec 1 within LAMAR CountyPURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04/01 11/01QUANTITY
0.080 CFS

PLACE OF USE:

IRRIGATION IN LAMAR COUNTY
FROM R212 S12

SEWN 2.60

2.6 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 42-1422(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

07/28/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-27L

WATER RIGHT NUMBER: 75-27L

Owner Type Name and Address
Current Owner JOHN A BENZON
 257 WILLIAMS CREEK RD
 SALMON, ID 83467
 (208)758-4573

Priority Date: 05/01/1888

Basis: Decreed

Status: Active

Source Tributary
WILLIAMS CREEK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	1/01 to 11/01	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion
WILLIAMS CREEK NE1/4SW1/4NW1/4 Sec. 12, Twp 20N, Rge 21E, B.M.
LEMHI County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Total
20N	21E	12	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	4.0

Total Acres: 4

Conditions of Approval:Remarks:

1. General IT APPEARS TO BE ERROR IN PROPERTY DESCRIPTION IN ORIGINAL DECREE TOWNSHIP FOR PROPERTY IS 20N RATHER THAN 21N AS IN DECREE. WILLIAMS CREEK WATER CANNOT REACH T21N R21E SEC.16. THIS RIGHT IS A PORTION OF A75-00027.8/7/90/JT

Comments:Date and Other Information:

07/16/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-27L

Dates and Other Information:

Claim Received Date: 8/7/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

2 May 2006

Williams Creek Water District 75-B
88 Lois Lane
Salmon, Idaho 83467

Re: Removing water from the Highline Ditch

Dear Mr. Benzon:

It has been brought to our attention (while we were in the process of cleaning the ditch), that you have been removing water for your property.

You were notified by a letter of 7 February 2003 that the Highline Ditch is a private line and it is illegal for you to remove water from it.

If we find further evidence that you have been or are continuing to remove water from this ditch, we will have to take legal action.

Sincerely,



Kevin Rice, Watermaster



Bill Gattung, Secretary

cc: Idaho Department of Water Resources, Idaho Falls, Idaho
Bob Foster, Salmon, Idaho

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Benzoni
257 Wm. Crk Rd
Salmon ID 83467

2. Article Number

(Transfer from serv)

7004 2590 0002 9623 6736

COMPLETE THIS SECTION ON DELIVERY

A. Signature

John Benzoni

☐ Agent

☐ Addressee

B. Received by (Printed Name)

JOHN BENZONI

C. Date of Delivery

5-9-06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes