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FEB 13 2019

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 CSRBA

A. Subcase 78-12505
(Insert water right number)

Case No. 49576

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Bill Lenhart
Address: Box 572
7502 HWY 95 S.
Riggins ID 83549
Daytime Phone: 208 628 9247

Name & Address of Attorney, if any:

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

Name: Kerry N. Brennan
Address: PO Box 251
Riggins ID 83549

D. I object to the following elements or general provision 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: NONE
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: NOT PARCEL C, NOT PARCEL B
ONLY PARCEL A
10. ☐ **General Provision** ☐ Individual Water Right ☐ All Water Rights
☒ Should not be recommended.

- ☐ This general provision was not recommended but should be recommended as described below.

Should be: _____

- ☐ General provision was recommended but should be modified as described below.

Should be: _____

11. ☒ I object because the recommendation contains an accomplished transfer under Idaho Code § 42-1425 resulting in injury to my water right(s) and/or enlargement of the original right.

12. ☒ 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): see attached 12 pages
well can't support the extended use without putting
Life of well at risk. This is not a shared well. Water
was given to Parcel A. There is no agreement supporting
a shared well. Water use on Parcel B was abandoned.
no proper public notice. Involves not permitted extension of water
to third Parcel. Improper map representing PARCEL A.

William [Signature]
 (Signature of person filing objection)

 (Attorney signing in representative capacity)

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.

F. CERTIFICATE OF MAILING

I certify that on Feb 11, 2019, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
 Coeur d'Alene-Spokane River Basin Adjudication
 253 Third Avenue North
 PO Box 2707
 Twin Falls, ID 83303-2707

78 - 12505

2. One copy to the claimant of the water right at the following address:

Name: Kerry Brennan
Address: PO Box 251
Riggins IDAHO 83549

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
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Signature of Objector or attorney
mailing on Objector's behalf

Property affected	Date	EVENT	Recording instrument if one
ABC	1903	these parcels and Land around homesteaded By Aitken Family. Bonnie Lym is the grand daughter of the original homesteader and is whom we bought our properties from along with her husband, Bob Lym.	
A B C	5-9-'93	Quitclaim deeds from Lym's to Lym's creating 3 Lots. 2 of which are A+B Then a ~~large~~ piece from which Kerri's Parcel C was created from in 2001 noted later	0428667 0428669 0428668
A+B	Nov '93	well started for house Located on Parcel B piped to A	
A+B	Jan '94	well driller report completed with one water valve in Line ^{to Parcel A} on parcel B for a trailer where owners son would live for awhile. Legal septic on parcel B for this on upper level. Also Legal Septic on Parcel A for house. No hydrants extended out to Lower Part of Parcel B and no water extended out to any other Parcel.	
	Feb '94	House I bought ~~from~~ From Lym's started. Again water was run from well for this house right after well drilled with 1 valve for trailer on Parcel B in ground not a hydrant.	

Property affected	Date	EVENT	Recording instrument if one
A	1994 ↓ 1998	Lym's continued to build house adding two car garage, Deck, and Landscaping. Water was run to 8 hose hookups for sprinklers and drip hoses running all summer.	
B	same	only water used on Parcel B was for one small trailer for Randy Lym their son. This was located on upper level of Parcel B. This use was abandoned when I bought Parcel A.	
C	1-16-2001	Parcel C was created from recorded instrument 0428668 in recorded survey instrument 415100. Kerry Brennan bought this to run his ratting and driftboat business on 2-13-2001.	0428668 415100
C	2-13-2001	Parcel C had a mechanics shop on it. It was not a legal dwelling structure. No water was provided to it and it had no sewer or septic.	415459 415460
	MAY 25 2001	Kerry traded his portion in Lot 14 rapid river to his "Ex" for her portion in Parcel C.	417192
	Jan 23 2002	Kerry sold Lot 11 rapid river where he had been living.	420878
	↓ 2006 to 2007	This started a period of time where Kerry lived illegally in the mechanic shop. grey water ran on the ground, a Porta Potty was installed around 2006-2007. No water source no septic no sewer	

Property affected	Date	EVENT	P-3	Record in instrument if one
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C

2006

↓

2010/2015

Kerry continued to Live in the mechanic shop. various forms of Living & various periods of Living some times by others continued in this Building.

A, B

2003

2004

The house on Parcel A was Listed on and off by Cereghino Real Estate and Mountain Lake realty. Listings had expired. Bob and Bonnie Lym were building another house across the creek. Their son stopped Living in the trailer on Parcel B and it was mostly abandoned. No water was used on Parcel B. Water was not extended to lower level of Parcel B. water was definitely not extended To Parcel C. No hydrants above ground existed

A

June 2005

I put earnest money down on Parcel A which was a pocket Listing for a realtor to buy the house with Well Water.

A

August 6
2005

my closing on Parcel A giving me unlimited use of the well by agreement & all apurtenances. The meter (electric) for the well was Located on Parcel B. The 10 to 11 dollar a month cost was so small that Bonnie said I did not need to reimburse her for it

443683

Property affected	Date	EVENT	Recording Instrument if one
property across from Parcel C	August 2004	Steve Schweik bought land across the river from Parcel C. that was accessed by an easement between Parcel B and Parcel C. This is now Salmon River Run road and further divides Parcel B From Parcel C.	437141
B	Fall 2005	Kyle spicklemeyer Lived for a couple months where the Lym's on had Lived on Parcel B upper level. using water from the well by a valve in the ground in the Line running to the house on Parcel A. Then he left and no one used the water.	
B	Nov 1 Nov 8 2006	Lym's sold Parcel B. to Ray & Marcia Moore. No trailers or water use were used during their ownership. They acknowledged that I had unlimited use of the water and would share or pay my portion of electricity used on the meter. The meter was for the well and electrical OUTLETS on the upper North end of Parcel B around the well house. Reimbursement was asked for once but never given because it was only 10-11 dollars a month and I performed weed removal on Parce B for which they reimbursed me for my expenses.	451929 451930

Property affected	Date	EVENT P-5	Record or instrument if one
B	July 20 2010	affidavit of estoppel by Ray + Marcia Moore	473166
B	Aug 30 2010	deed of reconveyance by Ray + Marcia Moore. The Moores stopped buying Parcel B due to downturn in Real estate market & gave it back to Bob and Bonnie Lynn.	473 785
B	Aug 19 2010	Kerry Bought Parcel B. No well agreement no mention of well on property. no appurtenances in deed.	473 635
A B+C	↓ 2016	This started an escalation of water use. hydrants were put in on upper north end level and sometimes 4 trailers were using well water. only 2 trailers had access to the septic system which only serves this small area of Parcel B, sometimes trailers dumped grey water on ground.	
		Water by hose was extended to the lower level of Parcel B where a veritable camp ground with as many 8 trailers exists mostly during the non freezing months. No septic, no sewer 1 porta potty. often grey water goes on ground. Sometimes as many as 12 to 16 people are getting their water from the well besides me.	
		Water by	
B+C	2014 2015	water by hose was extended to the mechanic garage dwelling on Parcel C around bridge abutment across Salmon River Run road for domestic use with no septic for grey water.	

Property affected	Date	EVENT ^{P-6}	Records instituted if one
ABC	2016	Kerry paid someone to dig a trench from the upper north end of Parcel B down to the lower portion of Parcel B and over to Parcel C extending & installing a water pipe and putting up hydrants to provide water up to 500 feet from the well.	498339
C	Later in 2016	Kerry remodeled the mechanic shop into a fishing tackle shop, water is used here, with no sewer or septic.	
B	2015	A portion [^{river side of} the upper north end] of was surveyed.	
B	2018	A verbal agreement to lease option to buy was given to another person Sean Boyd. This portion has the well and the tank for the septic system but not the drain field on it. This creates a new party thinking he owns the water. water which Kerry doesn't own because the water was sold off the land to Parcel A. you can't sell unlimited water use twice Let alone a third time. I was given unlimited use before Kerry owned the property. Again there are times when so many people are using the well that the pressure drops significantly.	

Property affected	Date	EVENT	Recording instrument if one
ABC	present	This well is 25 years old Approximately now. This increased and expanded use of it threatens its Life and therefore the water source for my house. A full blown campground and a third property using the water was never intended nor used before Kerry. Kerry needs to drill his own well as he has mentioned to me before. How ever the Lyn's represented Parcel B to Kerry when they took it back from the moores can not violate their sale of unlimited use to me. I have added a 1 bedroom Apartment to my property and I have a right to all the water I need. The size & location of this apartment has been misrepresented by an extension line drawn on Kerry's map.	
	2010 ↓ present	I have paid Kerry 10/a month for electricity any extra use causing a higher rate is not my expense. The accuracy of my dates though maybe not 100% are true in concept to a high degree based on public records and my observations.	

Property
affected

Date

EVENT

P-8

Recording
Instrument
if one

A+B+C

present

The Lym's essentially abandoned the use of water on Parce B and the moores after them respected this abandonment. Any other representation by the Lym's to the otherwise is not ok with me. The value of Parcel B is the storage units and storage parking not camping and trailer use.

B, A, C

Kerrys motion for Diminues Water Right has not been properly posted in an Idaho county distributed publication ^{for 3 weeks}. He told me it was in a Boise Paper that is not distributed here. I interpret that as an attempt to deceive me.

Kerry does not represent his claim as extending to a third Parcel (Parcel C) again it is Lying to the court and an attempt to deceive in my opinion.

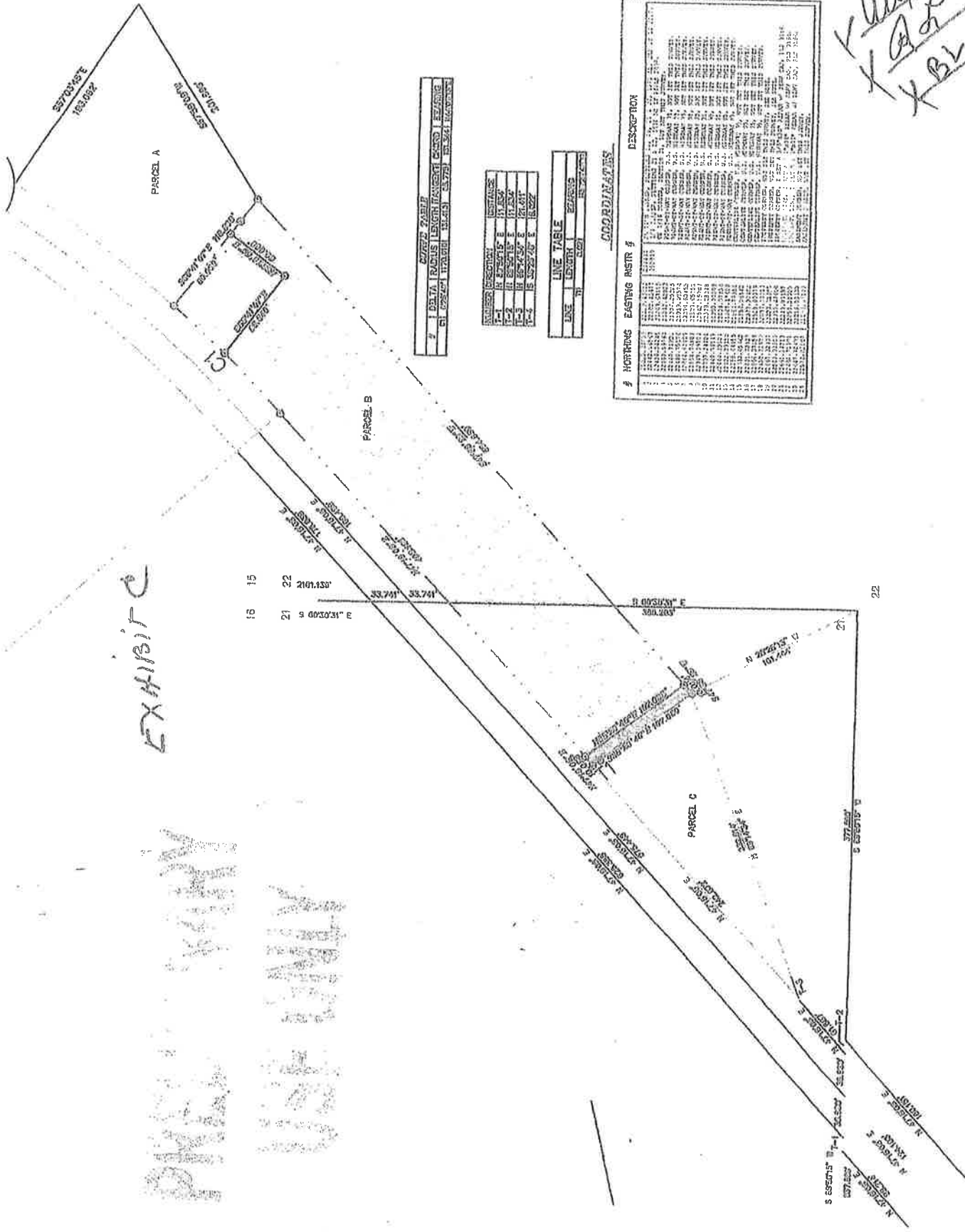
I object to Kerrys water right claim in its entirety due to its complete misrepresentation of the truth, its threat to my home. I see it as an attempt to get something that was never conveyed.

Property affected	Date	EVENT P-9	Recording instrument if one
ABC	Present	I ask the court to support me in the disconnection of the ground pipe going to the Lower level of Parcel B permanently, and its extension to Parcel C permanently. I want it stated that hoses running on the ground to extend water is not allowed. Hydrants on lower level be removed. I ask the court to have Kerry resolve the threat to my water by the verbal agreement for lease option sale to Sean Boyd of the portion of Parcel B defined by recording instrument 498339, unofficially known as the river side of the upper portion of Parcel B upon which the well sits with the septic tank, however it requires to do so. Kerry's escalation of water use has resulted in tension again and again since he bought Parcel B. In an attempt to reconcile this I would offer if Kerry does the above mentioned items I would allow water for one trailer @ no more than 201 cfs hooked to the septic and a maintenance easement across the Northerly Approximately 175 feet of the survey S-3285 county of Idaho recording instrument 498339, it being enough to work on well houses mounted to	498339

P-10

Property affected	Date	EVENT	Recording instrument if one
A+B	present	Parcel A for as long as the well provides the water for said Parcel A one trailer of the 28' foot or less size is all that used by the Lym's and would be the historical use before they in my opinion abandoned the use for parcel B.	498339

Handwritten:
 1-1111
 X A P
 X B L



LINE	LENGTH	BEARING	COORDINATES
1	100.000	S 70° 04' 00" E	100.000
2	100.000	S 70° 04' 00" E	100.000
3	100.000	S 70° 04' 00" E	100.000
4	100.000	S 70° 04' 00" E	100.000
5	100.000	S 70° 04' 00" E	100.000

LINE	LENGTH	BEARING	COORDINATES
1	100.000	S 70° 04' 00" E	100.000
2	100.000	S 70° 04' 00" E	100.000
3	100.000	S 70° 04' 00" E	100.000
4	100.000	S 70° 04' 00" E	100.000
5	100.000	S 70° 04' 00" E	100.000

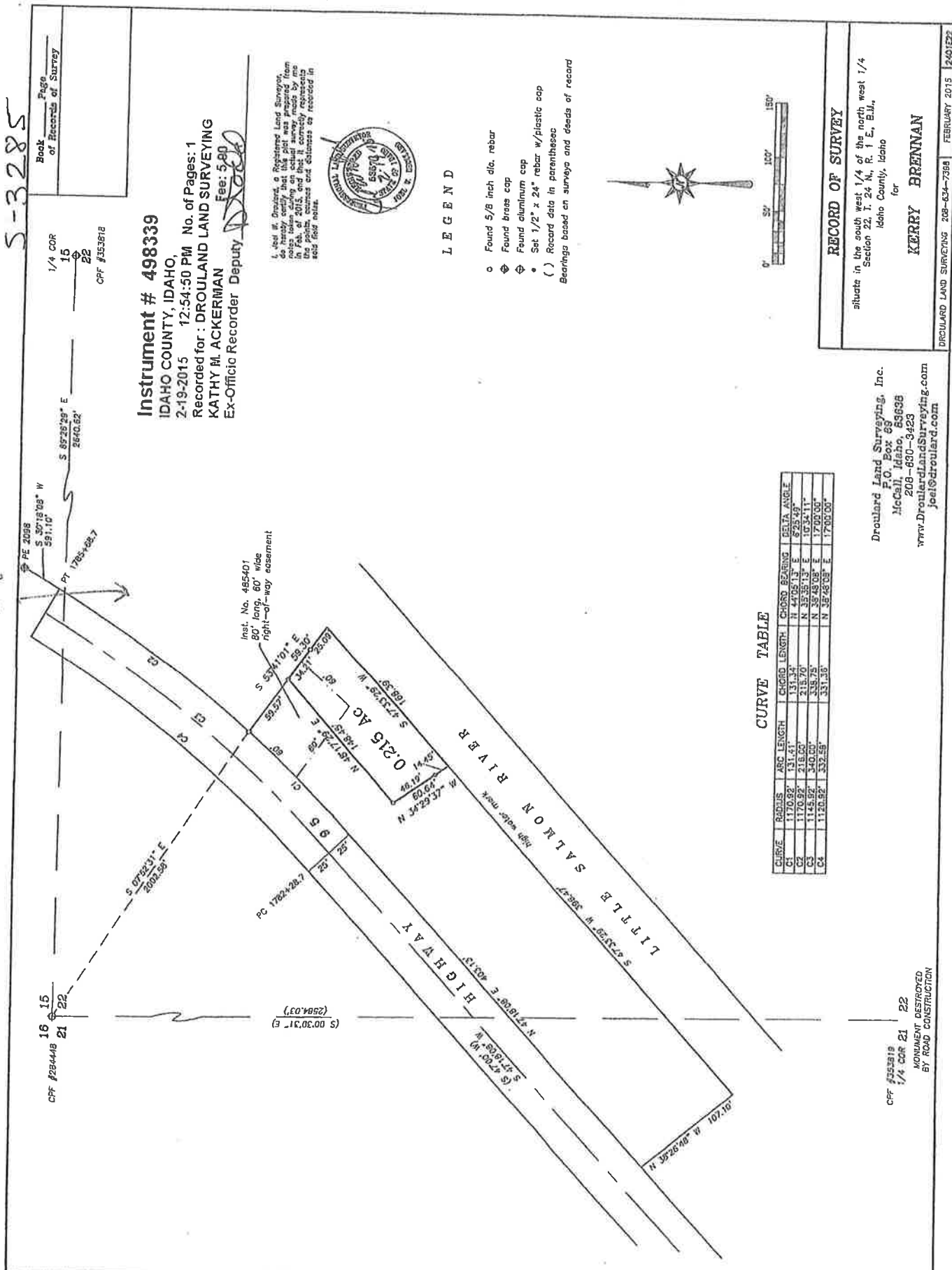
LINE	LENGTH	BEARING	COORDINATES
1	100.000	S 70° 04' 00" E	100.000
2	100.000	S 70° 04' 00" E	100.000
3	100.000	S 70° 04' 00" E	100.000
4	100.000	S 70° 04' 00" E	100.000
5	100.000	S 70° 04' 00" E	100.000

COORDINATES

NORTHING	EASTING	DESCRIPTION
100.000	100.000	Parcel A
100.000	100.000	Parcel B
100.000	100.000	Parcel C
100.000	100.000	Parcel D
100.000	100.000	Parcel E
100.000	100.000	Parcel F
100.000	100.000	Parcel G
100.000	100.000	Parcel H
100.000	100.000	Parcel I
100.000	100.000	Parcel J
100.000	100.000	Parcel K
100.000	100.000	Parcel L
100.000	100.000	Parcel M
100.000	100.000	Parcel N
100.000	100.000	Parcel O
100.000	100.000	Parcel P
100.000	100.000	Parcel Q
100.000	100.000	Parcel R
100.000	100.000	Parcel S
100.000	100.000	Parcel T
100.000	100.000	Parcel U
100.000	100.000	Parcel V
100.000	100.000	Parcel W
100.000	100.000	Parcel X
100.000	100.000	Parcel Y
100.000	100.000	Parcel Z

Handwritten: EXHIBIT C

Handwritten: PREPARED BY [illegible]



Tax Assessor 245
 19th Aug 2010