

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 67-15268
(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) 334-1414 fax
United States Department of Justice
Environment and Natural Resource Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Keith R. Hood
Karen M. Hood

Address: P.O. Box 100
Cambridge, ID 83610-0100

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: See attached.

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:

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 OBJECTION(S):

The claimant does not have a valid water right with the elements claimed. 1896 priority: The evidence submitted by the claimants does not support the 1896 date of priority recommended by IDWR. General grazing activities that occurred on federal land prior to patents being issued for what is now the claimants' base property were not conveyed to the claimant's predecessors. Homesteaders who received patents from the U.S. for claimants' base property would have established their own separate priority dates for water uses. Most junior priority: The earliest patent for base property was issued was in 1908 to David G. Edwards, however

it was Charles R. Edwards who submitted a grazing application with DOI and he didn't receive a Patent until 1911 (Patent 222034, 08-24-1911). Claimant Base property originally patented to Nielson, Braden, and Anna Edwards wouldn't have been grazed by Charles R. Edwards until after he acquired those parcels. There is no evidence that these patentees grazed federal land. When multiple water uses are claimed under one water claim, the priority assigned is the most junior of the uses (i.e., Patent 759345 issued 06-25-1920). Forfeited due to non-use (1993-2014): The claimants' immediate predecessor, Dotson, leased his base property to Charles Edwards. The lease agreements cover the period from 1993 to 2019. The claimant's purchase the base property from Dotson in late 2012 and filed for a grazing permit in 2013. The claimant's did not graze cattle under their grazing permit in 2013 or 2014.

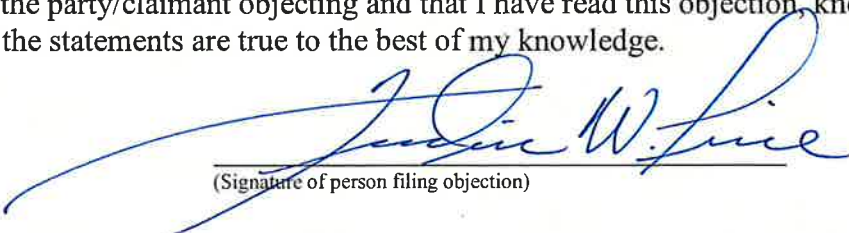
F.

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)

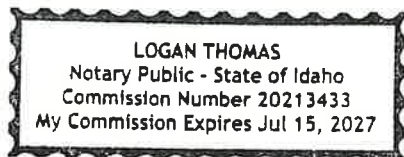
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

Subscribed and sworn to before me on: _____

11/23/2021


Logan Thomas



Notary Public for Idaho

Residing at: Boise

My Commission Expires: 07-15-2027


(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.

G.

CERTIFICATE OF MAILING

I certify that on Nov. 23, 2021, 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

- hand delivered

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

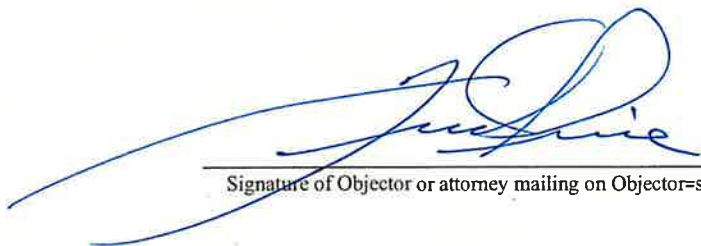
Name: Keith R. Hood
Karen M. Hood
Address: P.O. Box 100
Cambridge, ID 83610-0100

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 83720
Boise, ID 83720-0010

United States Department of Justice
Environment and Natural Resource Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector=s behalf

T15N
R03W

55 05/20/89

Hood Base Property

10/21/22 25'

810239
D/C

020

09-24-1908
Patent 16246
Nels C. Nielson

021

06-25-1920
Patent 759345
Charles R. Edw

11-09-1917
Patent 60750 30
Anna Edwards

805 50'
C 1963
W. Prof 50'

IDI 33880
 7
 IDI 34805 50
 FPC O
 29/26/1963
 Wdl Pwr Proj
 1971 50

05-26-1908
Patent 2762
David G. Edv

1917

101 34097
50'

029
IDI 34097-01
7'
IDI 18879
Rev Prop

314831
SO 11/07/1941
Wdl Weiser
Investigations
Det. Bani

IDI 13431
Buried
Cable 10"

Comm S

D/C
1705

343
-033-

08-24-1911

Patent 222034
Charles R. Edw

693825
D/C

03-15-1915
Patent 462899
Leroy T. Braden

1915

1911

1908

206

256

1092

1120930047

08-24-1911

Patent 222034
Charles R. Edw

3/5