

RECEIVED

JAN 31 2003

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 63-02517

(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: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 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: Baumhoff and Co.

Address: 5150 Montecito Place; Boise, Idaho 83704

Name:

Address:;

Name:

Address:;

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: _____
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):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

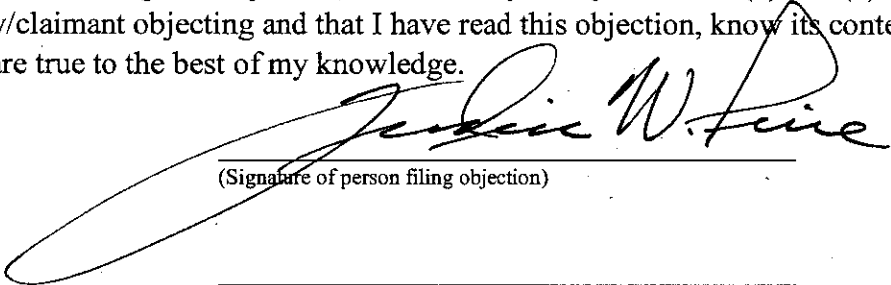
) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

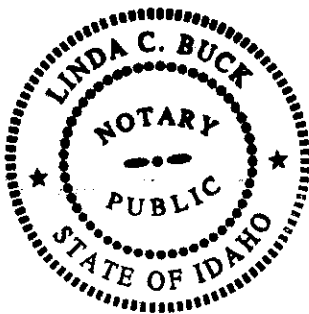
(Name of person filing objection)

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: January 30, 2003




Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

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 January 30, 2003, 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: Baumhoff and Co.

Address: 5150 Montecito Place; Boise, Idaho 83704

Name:

Address:;

Name:

Address:;

Name:

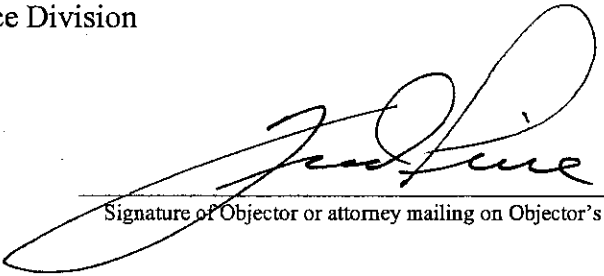
Address:;

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

ATTACHMENT ONE

DIRECTOR'S REPORT RECOMMENDATION FOR OBJECTION 63-02517

09/24/2002

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

RIGHT NUMBER: 63-2517

MIXED POUS

NAME AND ADDRESS: BAUMHOFF AND CO
5150 MONTECITO PL
BOISE ID 83704

-THE PLACES OF USE IDENTIFIED BELOW
CONTAIN BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POUS SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED.

SOURCE: GRIMES CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 18.300 CFS
135.00 APY

PRIORITY DATE: 04/04/1936

POINT OF
DIVERSION: T06N R04E S34 SWSESE End of Stream Flow Within BOISE County
T07N R05E S3 NESESW Begin of Stream Flow Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	18.300 CFS
MINING	03/01 12/31	5.000 CFS
FIRE PROTECTION STORAGE	01/01 12/31	135.00 APY
FIRE PROTECTION FROM STORAGE	01/01 12/31	135.00 APY

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

PLACE OF USE:	<u>FIRE PROTECTION STORAGE Within BOISE County</u>			
T06N R04E S13	NESW	T06N R04E S13	SESW	
T06N R04E S13	NESE	T06N R04E S13	NWSE	
T06N R04E S13	SWSE	T06N R04E S24	NWNE	
T06N R04E S24	SWNE	T06N R04E S24	SENE	
T06N R04E S24	SESW	T06N R04E S24	NESE	
T06N R04E S24	NWSE	T06N R04E S25	NENW	
T06N R04E S25	SWNW	T06N R04E S25	SENW	
T06N R04E S26	NESE	T06N R04E S26	NWSE	
T06N R04E S26	SWSE	T06N R04E S34	NESE	
T06N R04E S34	SESE	T06N R04E S35	NWNE	
T06N R04E S35	NENW	T06N R04E S35	SWNW	
T06N R04E S35	SENW	T06N R04E S35	NWSW	
T06N R05E S06	NENE	T06N R05E S06	SWNE	
T06N R05E S06	SENE	T06N R05E S06	NESW	
T06N R05E S06	SWSW	T06N R05E S06	SESW	
T06N R05E S06	NWSE	T06N R05E S07	NWNW	
T06N R05E S07	SWNW	T06N R05E S07	NESW	
T06N R05E S07	NWSW	T06N R05E S07	SWSW	
T06N R05E S07	SESW	T06N R05E S18	NWNW	
T06N R05E S18	SWNW	T06N R05E S18	NWSW	
<u>T07N R05E S03</u>	<u>SESW</u> <u>BLM/PVT</u>	T07N R05E S10	NENW	
T07N R05E S10	NWNW	T07N R05E S10	SWNW	
T07N R05E S10	NWSW	T07N R05E S10	SWSW	
T07N R05E S15	NWNW	T07N R05E S16	NENE	
T07N R05E S16	SENE	T07N R05E S16	NESE	
T07N R05E S16	NWSE	T07N R05E S16	SWSE	
T07N R05E S21	NWNE	T07N R05E S21	NENW	
T07N R05E S21	SENW	T07N R05E S21	NESW	
T07N R05E S21	NWSW	T07N R05E S21	SWSW	
T07N R05E S28	NWNW	<u>T07N R05E S29</u>	<u>NENE</u> <u>BLM/PVT</u>	
<u>T07N R05E S29</u>	<u>SENE</u> <u>BLM/PVT</u>	<u>T07N R05E S29</u>	<u>NESE</u> <u>BLM/PVT</u>	
<u>T07N R05E S29</u>	<u>NWSE</u> <u>BLM/PVT</u>	<u>T07N R05E S29</u>	<u>SWSE</u> <u>BLM/PVT</u>	
T07N R05E S31	SESE	T07N R05E S32	NWNE	
T07N R05E S32	NENW	T07N R05E S32	SENW	
T07N R05E S32	NESW	T07N R05E S32	NWSW	
T07N R05E S32	SWSW			

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

MINING same as FIRE PROTECTION STORAGE

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 - License

THE MINING USE IS CONTIGUOUS TO AND ALONG THE STRETCH OF GRIMES CREEK BETWEEN THE BEGINNING AND ENDING POINTS OF DIVERSION.

THE FIRE PROTECTION FROM STORAGE IS ANY PLACE WITHIN THE GENERAL AREA WHERE THE FIRE PROTECTION STORAGE PONDS ARE LOCATED.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

TWELVE OF THE ONE HUNDRED AND FORTY-TWO POUS IN BOTH MINING AND FIRE PROTECTION STORAGE ARE MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER PLACE OF USE WOULD RESOLVE THE BLM'S OBJECTION TO POU;

"THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LAND."

ATTACHMENT TWO

MTP'S AND BLOW UPS OF MTP'S IN THE MIXED-OWNERSHIP POUS

TOWNSHIP 7 NORTH RANGE 5 EAST OF THE BOISE MERIDIAN, IDAHO

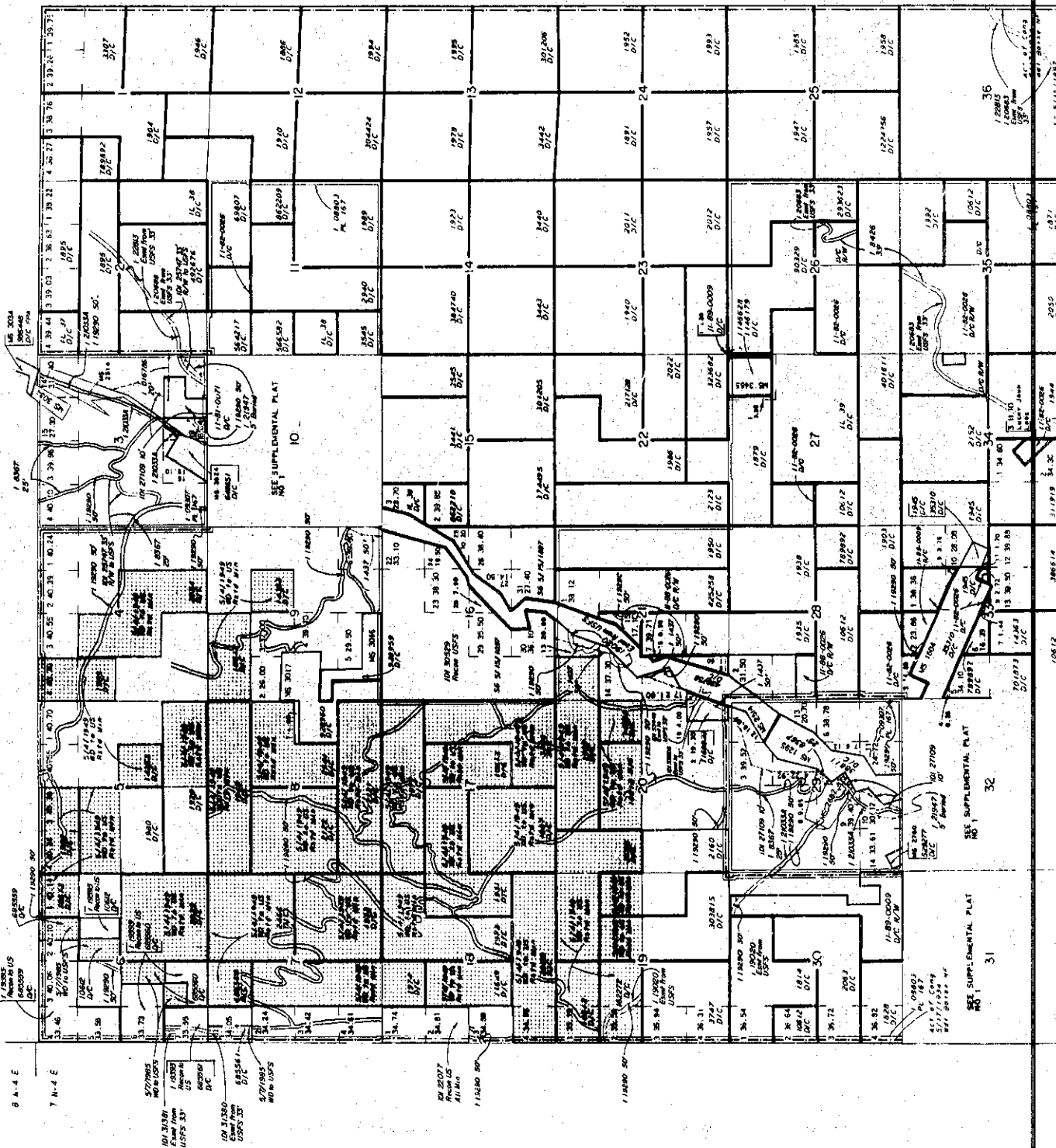
BOISE COUNTY O15

BOISE DISTRICT SEC 15

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

RESURVEY	ORIGINAL SURVEY
TRACT NO	T R SEC
	SUBDIVISION



MT OF
TOTN ROSE

FOR ORDERS EFFECTING RECORD OR USE OF
UNIDENTIFIED LANDS REFER TO INDEP. J.
MISCELLANEOUS EVIDENCE

SUBMIT TO
JAN 1 1937

1. 09307 Der PL 167 (Act of Cong 7/23/1937)
completed 3/30/1965. All PD surface right by BLM
excluding

1. 09307-E-1 Sec 3 SE3 Seventy Four
1. 09307-E-3 Sec 3 S4 Bar

1. 09307-H-1 Sec 29 N4 Association Placer
1. 09307-H-2 Sec 29 N4 Association No 1
1. 09307-H-3 Sec 29 S1 Association No 2
1. 09307-H-4 Sec 29 N4 Black Hawk No 2

1. 08803 Der PL 167 (Act of Cong 7/23/1935)
completed 11/24/1965. All NF surface right by
USFS excluding

1. 08803-H-1 Sec 20 S4 Sec 29 N4
Black Hawk No 2
1. 08803-H-2 Sec 29 N4 Sec 30 E1
Associated
1. 08803-H-3 Sec 29 N4 Sec 30 N4
Associated No 1
1. 08803-H-4 Sec 29 N4 Associated No 2

36
1937
D/C

1937
D/C

1937
D/C

1937
D/C

1937
D/C

1937
D/C

1937
D/C

1937
D/C

1937
D/C

1937
D/C

**MTP
SUPPL Sec 10, 31, 32**

[illegible]

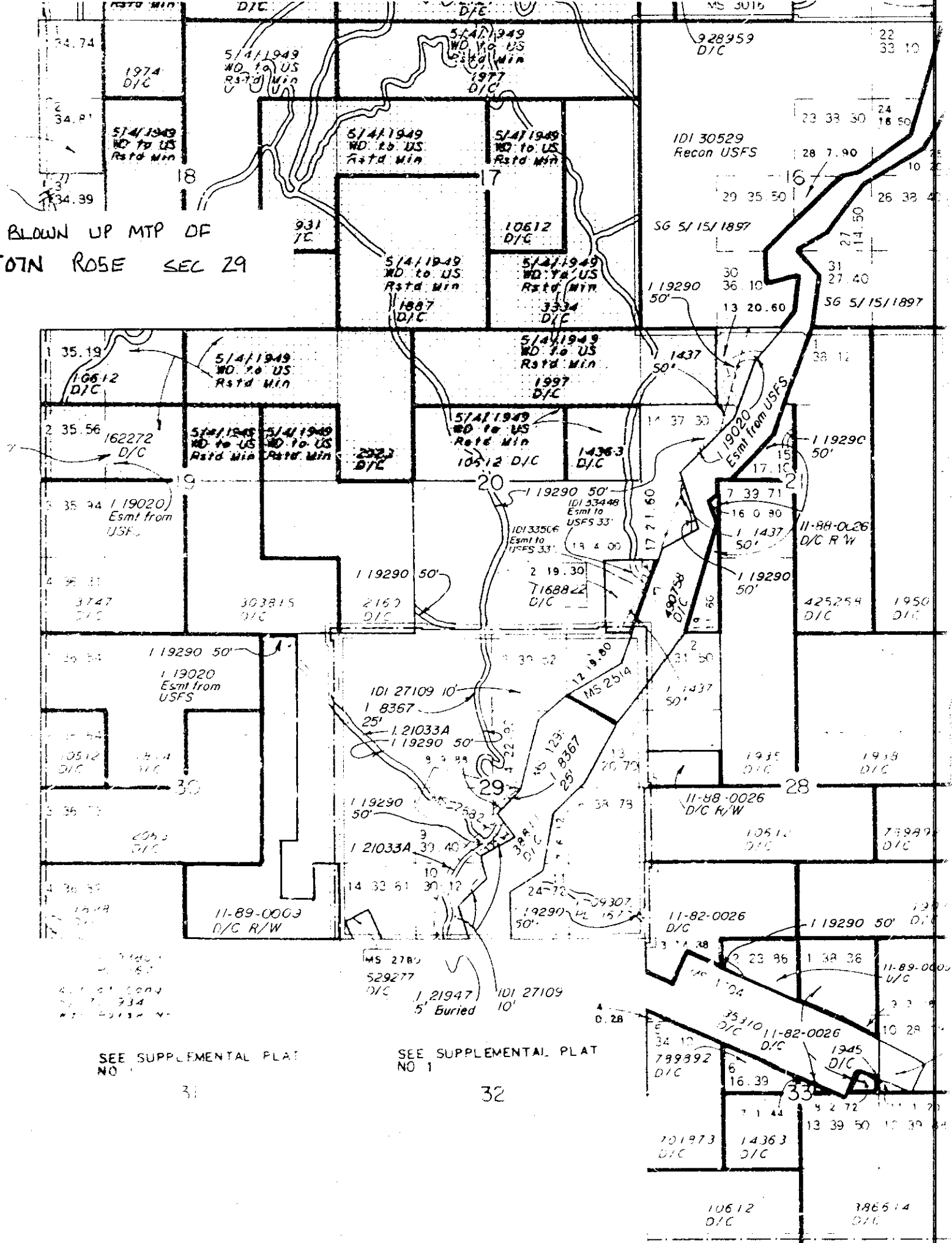
1 08803 Det PL 167 (Act of Cong 7/23/1955)
completed 11/24/1965. All NF surface Mgmt by
USFS

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

_____ CURRENT TO _____ CURRENT TO

USE PLAYS:

BLOWN UP MTP OF
TOTN ROSE SEC 29

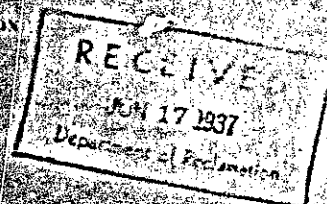


[illegible]

ATTACHMENT THREE

**PROOF OF BENEFICIAL USE FOR
LICENSING PURPOSES. DATED JUNE
17, 1937.**

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 18285

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. E. T. Fisher, I. P. Bauhoff, Centerville, Idaho
Placer Miners, Centerville, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 18285, April 4, 1936, date of priority April 4, 1935

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. (See Back of Permit) over

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. The works of diversion consist of the pond excavated by dredge which the stream enters ahead of the dredge and this water must at all times be sufficient to maintain a pond suitable for floating the dredge and sufficient to wash the auriferous gravel upon the dredge and the amount of water that has been used for this purpose is 25 cubic feet per second. There is no ditch proper used in this operation.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used entirely in mining operation of the applicants and the actual point of diversion and use, is within the limit of the following patented placer claims: Pearly Knob, Silver Key, Junction, Golden Gate, Big Ben and Red Rock Flame placers all of Survey No 1275; Asteroid Placer, survey 1272 and the Grouse and Oriole placers, both of survey 1374.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. No power generated

18285

Ques. 8. What is the minimum amount of water reserved for the purpose specified above?

Ans. 200,000 gallons per day, and some water for the purpose of irrigation.

Ques. 9. If you are the owner or representative of the stream above mentioned, permit was originally issued to you, state how you are now using the water, and the holder.

Ans. I am using it for irrigation.

Ques. 10. State when, how, in what amount and to what extent water diverted under above mentioned permit has been used.

Ans. Water was first diverted for this use in July 1936 and has been continuously used for but to beneficial use since that time excepting only, periods of extreme cold weather.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Waters other than those specified in Permits 18284 and 18285 are not used in this operation.

E. T. Fisher and A. F. Baumhoff

(Sign) BY *E. T. Fisher*

Authorized Agent

I hereby certify that the foregoing testimony was read to the above subscribed before its signing that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada, State of Idaho, on this 12th day of June, A. D. 1937.

My commission expires

7/15/39

(CHAS. W. MACK)

Notary Public, Ada County, Idaho
My Commission Expires July 15, 1939

Note: Q. No. 4.

A. Grimes Creek, the point of diversion is as follows: "Mining operation of applicants constitute the operation of a floating dredge which digs its own pond; pumps the water from this pond to wash the auriferous gravel dug by the dredge. The actual point of diversion from the natural channel is therefore a place at which the dredge is operating and the water is returned to the channel at the same point. The water will be left in the natural channel and returned to a new natural channel found by the stream through the tailings left by the dredge."

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18285

This proof is for **Beneficial Use**

In Water District No.

1. Name of applicant **E. T. Fisher and A. F. Baumhoff**

2. Source of water supply **Grimes Creek**

3. Location of point of diversion **Is in the NE 1/4 of Section 29**

T. 7 N R. 5 E County of **Boise**

4. Describe works as they exist, giving dimensions and capacities of same: *Diversion dam of earth and ditch 5 ft wide 1 ft deep. Water is used to float a bucket dredge of a maximum daily capacity of 6000 cu yds of gravel.*

5. Water is used for: **Mining and Milling**

6. State whether or not water has been turned into works of diversion: *yes*

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

(Submit map on attached plat, showing location and details of above description)

8. What large stream would the water here appropriated finally reach? *Boise River*
Remarks *Diversion dam is small and its location is shifted as work progresses. About 125 acres of gravel have been worked to date.*

This examination was made on the

7th

day of *July*

19*37*

(Signed)

W. H. Leman

Examiner.

ATTACHMENT FOUR

**SRBA NOTICE OF CLAIM TO A WATER
RIGHT. DATED MARCH 24, 1989.**

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A63-02517

Date Received

Receipt Number CE06017

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Department of Water Resources

MAR 24 1989

Please type or print clearly

1. Name of Claimant (s) Edward Oscar and/or Dorothy Ann Bannheff Phone ()Mailing Address HC 33, Box 5560 Idaho City Id Zip 836312. Date of Priority (Only one (1) per claim) April 4, 19363. Source of water supply (a) GRIMES CREEKwhich is tributary to (b) MOSES CREEK4. a. Location of existing point of diversion is: Township 7N Range 5E Section 3NE 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of BOISEAdditional points of diversion if any: to 6N, 4E, sec. 34 SW, SE, SE.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

varies from portable
gas pumps to diversion dams to ditches and ponds

MICROFILMED

AUG 1 9 1989

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DIVERSION TO STORAGE purposes from 1/1 to 12/31 amount 18.3 or 1

For Fire Protection ~~Storage~~ purposes from 1/1 to 12/31 amount or 135.0

For FP from Storage purposes from 1/1 to 12/31 amount or 135.0

For mining purposes from 3/1 to 12/31 amount ~~18.3~~ 5.0 or

7. Total quantity claimed (a) 18.3 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is Ø acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) FP/used to fill trucks when ever a fire occurs. m/used at various patented mining claims - Placer

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7N	5E	29	Storage																
6N	5E	6		Storage						Storage						Storage			
SEE REMARKS																			

Total number of acres irrigated Ø

11. In which county (ies) are lands listed above as place of use located? Boise

12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks: POD T7N R5E Sect. 3, 10, 9, 15, 16, 21, 28, 29, 31, 32;
T6N, R5E, Sec 6, 7, 18; T6N, R4E, Sec. 1, 12, 13, 24, 25, 26, 34, 35

POD For this claim is transitory between beginning at
7N, 5E Sec 3, NE of SE of SW and ending at
6N, 4E Sec. 34, SW of SE of SE.

Last Name Ident No.

MICROFILMED State, Yellow-Claimant

AUG 1 9 1997

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 63-025173

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X Edward Owen Baumhoff Date March 23, 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of March 1989

SEAL

Notary Public Anna Baumhoff

Residing at Boise Idaho

My Commission Expires 12-7 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED

Copies White-State, Yellow-Claimant

AUG 18 1992