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MAR 17 2005

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 84-12109
(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: Royce E. and Evah Jean Hicks
Address: 4229 View Point Dr.; Ahsahka, Idaho 83520

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 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. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

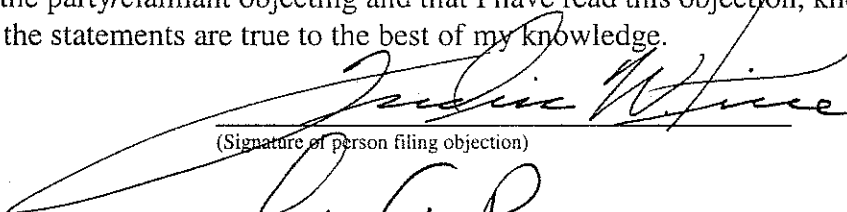
) ss.

County of ADA

)

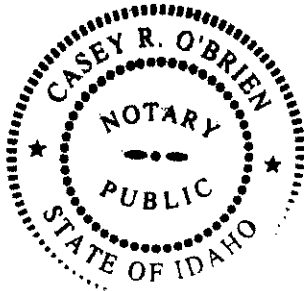
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: MARCH 15, 2005



Casey R. O'Brien
Casey R. O'Brien

Notary Public for Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

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 March 16, 2005, 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:

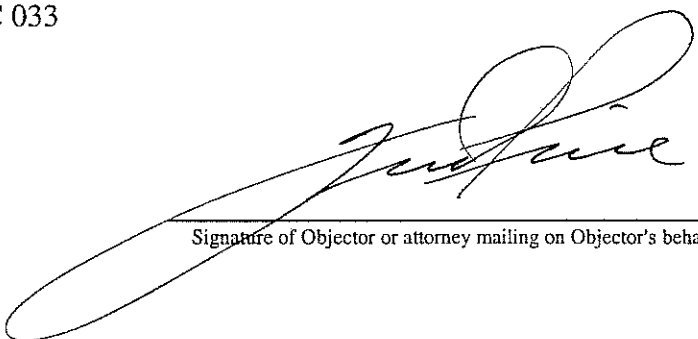
Name: Royce E. and Evah Jean Hicks
Address: 4229 View Point Dr.; Ahsahka, Idaho 83520

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

01/04/2005

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

RIGHT NUMBER: 84-12109
NAME AND ADDRESS: ROYCE E HICKS
4229 VIEW POINT DR
AHSAHKA ID 83520
EVAH JEAN HICKS
4229 VIEW POINT DR
AHSAHKA ID 83520

- POU on BLM

- PERHAPS THIS IS A
TYPOGRAPHICAL ERROR
AS THE POU ON BLM
IS NOT LISTED AS
A POD, AND WAS NOT
CLAIMED.

SOURCE: SCHMIDT CREEK
SPRINGS
UNNAMED STREAM

TRIBUTARY: LOLO CREEK
TRIBUTARY: SCHMIDT CREEK
TRIBUTARY: SCHMIDT CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

- CLAIMANTS ARE NOT
AUTHORIZED TO GRAZE
PUBLIC LAND.

PRIORITY DATE: 01/01/1924

POINT OF POD
DIVERSION:

T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 SESE Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 NESW Within CLEARWATER County
T35N R03E S24 NWSW Within CLEARWATER County
T35N R03E S24 SWSW Within CLEARWATER County
T35N R03E S24 SESW Within CLEARWATER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
1/01 12/31

QUANTITY
0.020 CFS

PLACE OF USE:
POU

STOCKWATER Within CLEARWATER County

T35N R03E S23 SWNE ✓ not claimed
T35N R03E S23 NESE ✓
T35N R03E S23 SESE ✓
T35N R03E S24 SENW ✓
T35N R03E S24 NWSW ✓
T35N R03E S24 SESW ✓

T35N R03E S23

SENE ✓

T35N R03E S23

NWSE BLM not claimed

T35N R03E S24

SWNW ✓

T35N R03E S24

NESW ✓

T35N R03E S24

SWSW ✓

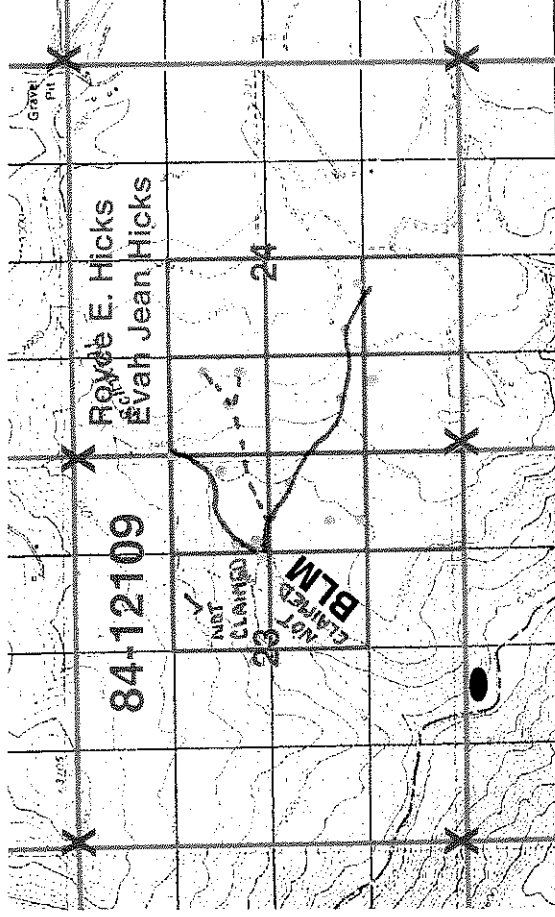
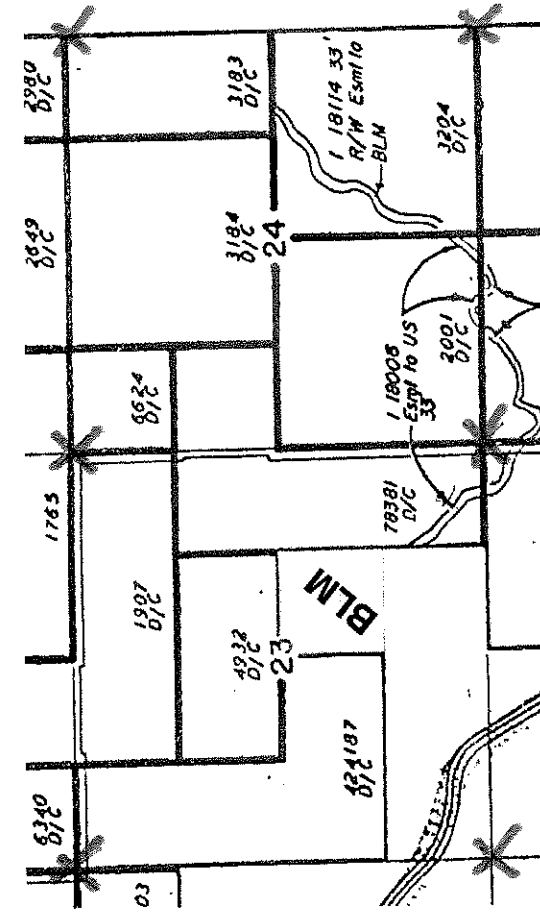
IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



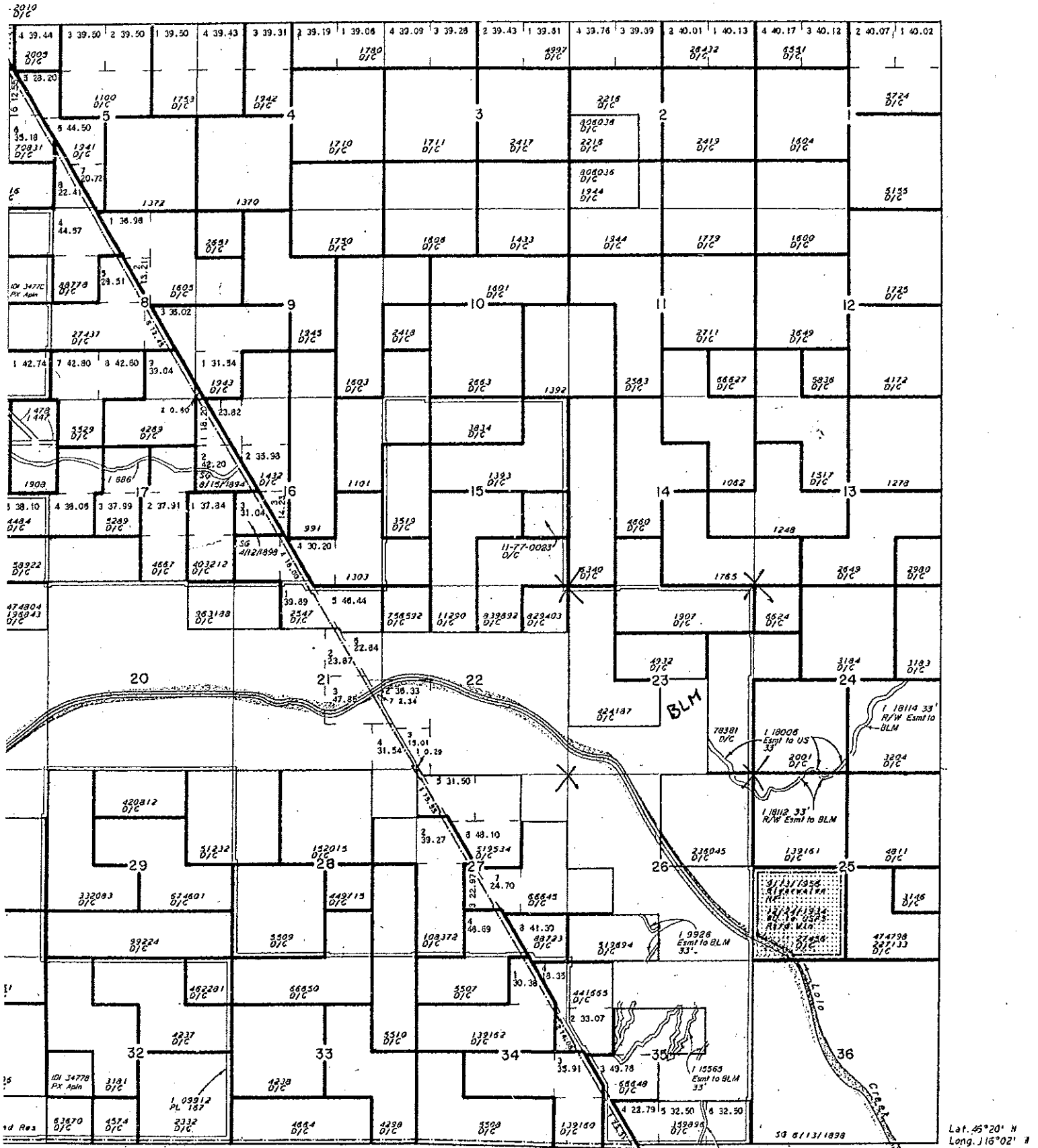
T35N R03E

-Place of Use T35N R03E S23 NWSE is BLM land

-Remove Place of Use on BLM from claim 84-12109

TOWNSHIP 35 NORTH RANGE 3 EAST OF THE BOISE MERIDIAN, IDAHO

COEUR D'ALENE DISTRICT
COTTONWOOD



SCALE in Chains
10 20 30 40

WARNING STATEMENT

This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water.

THE NOTATION SHOWN ON WITH-
ACTION TAKEN BUT MAY NOT BE
THE HISTORICAL INDEX FOR THE
NORMAL ORDER