

RECEIVED

JUN 01 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)

A. Subcase 85-04349

(Insert water right number)

Case No. 39576)

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: The Nature Conservancy
Address: 116 1st Ave. N.; Hailey, ID. 83333-8411

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 use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

E

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)

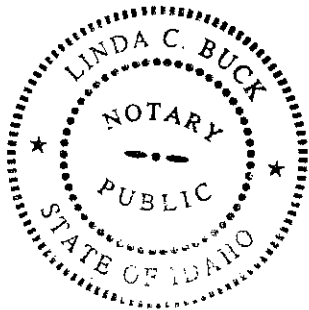
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Linda C. Buck
(Signature of person filing objection)

Fredric W. Price
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 27th 2005
Linda C. Buck
Casey R. O'Brien



Notary Public for Idaho

Residing at: Nampa, ID Mountain Home 20

My Commission Expires: 10/31/2009 12-21-05

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 May 27, 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

hand delivered

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

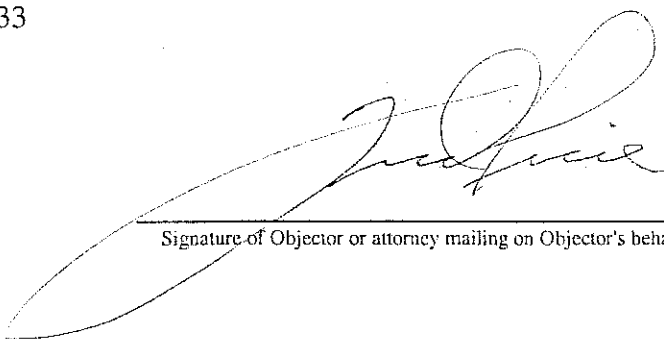
Name: The Nature Conservancy
Address: 116 1st Ave. N.; Hailey, ID. 83333-8411
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

01/14/2005

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

RIGHT NUMBER: 85-4349
NAME AND ADDRESS: THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY ID 83333-8411

Irrigation of federal
public land is not
authorized.

SOURCE: CORRAL CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 01/01/1941

POINT OF
DIVERSION: T31N R04W S7 SENW Lot 6 Within NEZ PERCE County

BLM

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.060 CFS

PLACE OF USE: IRRIGATION Within NEZ PERCE County

T31N R04W S07 Lot 6 SENW 2.0 BLM

2 ACRES TOTAL

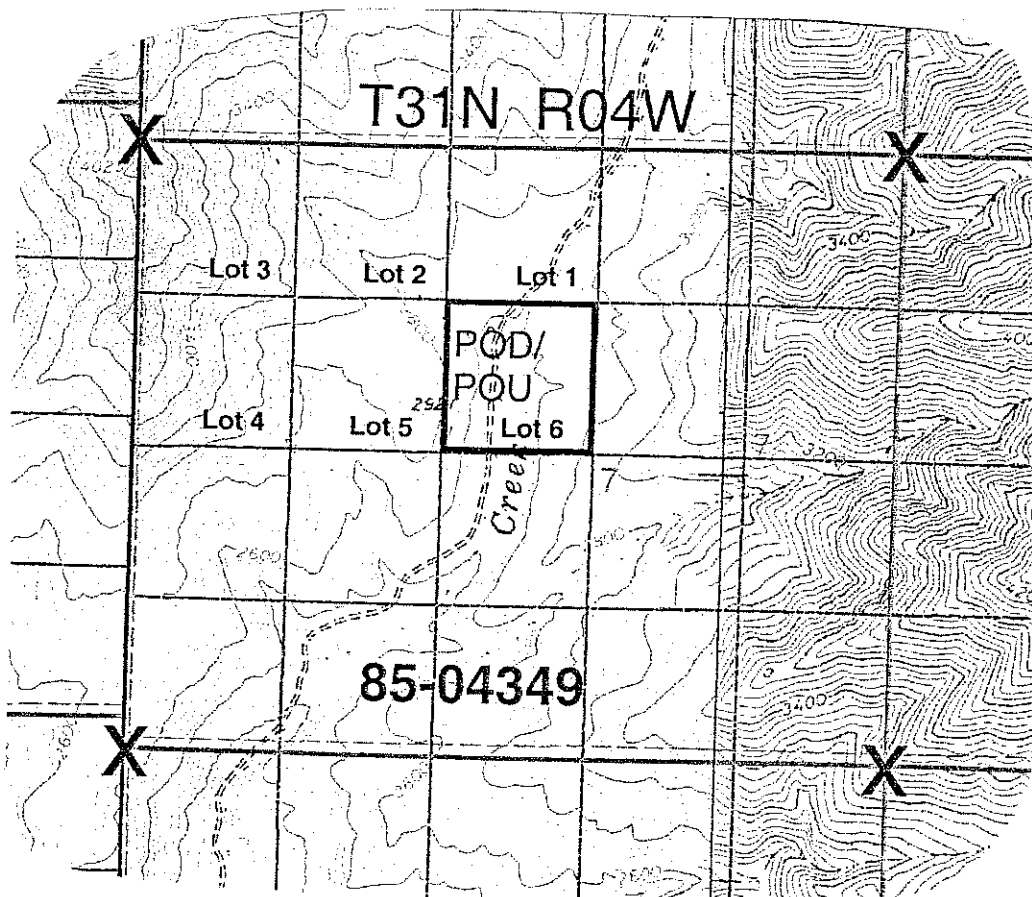
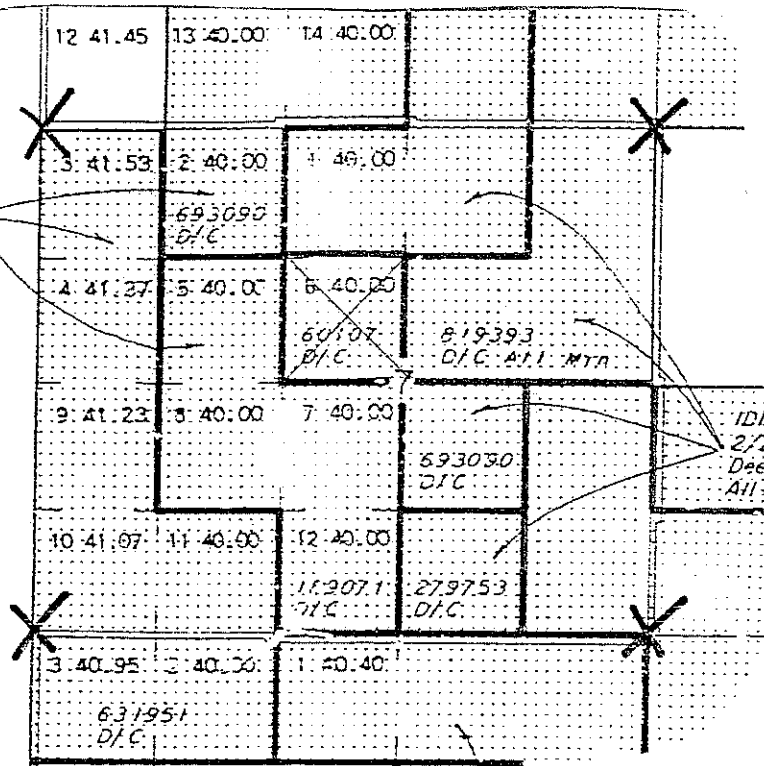
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

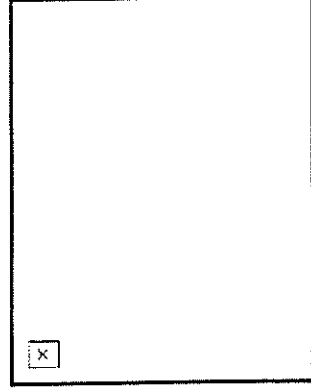
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

- POD AND POU LIE
ENTIRELY ON BLM
LANDS.

ID# 30982
 2/21/1995
 Deed to US
 All Min



[illegible]

Presented by the Art & Architecture Society



Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83709
(208) 337-7940
www.idwr.idaho.gov

The Idaho Department of Water Resources is maintaining this web site as a public service. Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.

FILED FOR RECORD
FEE 150 REG. BY

1985 APR 11 A 9:37

BETTY J. WILSON
RECORDER, NEZ PERCE CO. ID.UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BY Julie Knight DEPUTY

DEED

TRACT NO. IDI-30982

INDEXED ☒
FILMED ☒
DELIVERED ☐
MAILED ☐
A

For and in consideration of \$1,200,000.00,

THE NATURE CONSERVANCY, a District of Columbia non-profit corporation,
whose address is 1815 North Lynn Street, Arlington, Virginia 22209

hereinafter called Grantor, whether one or more, does hereby grant, bargain,
sell and convey to the UNITED STATES OF AMERICA, and its assigns, with offices
at 3380 Americana Terrace, Boise, Idaho 83706, the following described real
property situated in Nez Perce County, State of Idaho, to wit:

See Exhibit A attached hereto and by this reference incorporated herein,

The parcel of land to which the above description applies contains 10,387.836
acres more or less.

SUBJECT TO:

Those covenants, rights and restrictions listed on Exhibit B attached hereto
and by this reference incorporated herein.

RESERVATIONS TO GRANTOR:

Grantor its successors and assigns reserves a perpetual right of ingress and
egress along existing roadways and trails for the benefit of properties
owned by Grantor.

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever.

Grantor covenants and warrants that they are lawfully seized and possessed of
the real property aforesaid and have the full right, power and authority to
execute this conveyance, and that said real property is free and clear of liens,
claims or encumbrances except as show above or on Exhibit B, and that they will
defend the title to the real property conveyed herein and quiet enjoyment
thereof against the lawful claims and demands of all persons.

THE NATURE CONSERVANCY, does certify that it is aware and understand that it would be entitled to just compensation in the amount of \$1,820,000.00 as noted in the Statement of Just Compensation dated January 31, 1995, for the fee title interest in the above-described property, and it hereby voluntarily waives any right it may have under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, to that remaining portion of the just compensation payment stated herein which is in excess of the selling price of \$1,200,000.00.

Dated this 21st day of February, 1995.

GRANTOR:

THE NATURE CONSERVANCY, a District of Columbia non-profit corporation

By Dennis Donald

Title Regional Director

By Ally Beezley

Title Asst. Secretary

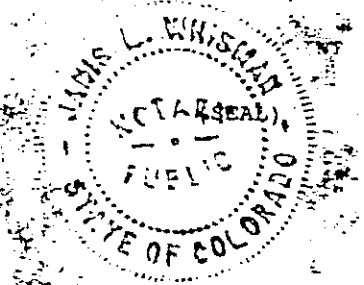
CORPORATE ACKNOWLEDGMENT

STATE OF Colorado
COUNTY OF Boulder

)
) ss:
)

On this 21st day of February, 1995, before me personally appeared Dennis Donald and Ally C. Beezley to me known to be the vice-president and assistant secretary of the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Janis L. Whisman
Notary Public in and for the
State of Colorado
Residing at Boulder, CO
My commission expires: 6/27/96

IDI-30982, page 2 of 5

Janis L. Whisman, Notary Public
State of Colorado

My Commission Expires 6/27/96

EXHIBIT "A"
IDI-30982

Township 31 North, Range 4 West, Boise Meridian

Section 5:	Govt. Lots 2,3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 6:	Govt. Lots 1,2,3,8,9,13 and 14, SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 7:	All
Section 8:	SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 17:	W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 18:	All
Section 19:	Govt. Lots 1,2,3,4,5,6,8 and 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 20:	NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$
Section 21:	NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 28:	W $\frac{1}{2}$ W $\frac{1}{2}$
Section 29:	NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$
Section 30:	Govt. Lots 5,6,7,8,9,10,11 and 12, E $\frac{1}{2}$
Section 31:	Govt. Lots 1,2,3,4,5,6,7,8 and 12, E $\frac{1}{2}$
Section 32:	SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$

Township 32 North, Range 4 West, Boise Meridian

Section 29:	S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 30:	SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 31:	Govt. Lot 14, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32:	Govt. Lots 2,3 and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Township 31 North, Range 5 West, Boise Meridian

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25 and Lot 1 of Section 26, Township 31 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho,

EXCEPTING THEREFROM the following described parcel:

Commencing at the Northwest corner of Section 25; thence North 89°55'19.2" East a distance of 1,321.503 feet; thence South 0°05'25.7" East a distance 959.05 feet to THE POINT OF BEGINNING; thence continue South 0°05'25.7" East a distance of 214.67 feet; thence South 89°56'00" West a distance of 1,523.03 feet to the mean high water line of the Snake River; thence North 22°36'24.6" West a distance of 153.59 feet; thence North 21°45'41.7" West a distance of 78.35 feet; thence North 89°56' East to THE POINT OF BEGINNING,

ALSO EXCEPTING THEREFROM the following described parcel:

Commencing at the Northwest corner of Section 25; thence North 89°55'19.2" East a distance of 1,321.503 feet; thence South 0°05'25.7" East a distance of 630.32 feet to THE POINT OF BEGINNING; thence South 89°56' West a distance of 1,676.16 feet to the mean high water line of the Snake River; thence South 0°20'10.9" East a distance of 130 feet; thence North 89°56' East a distance 1,675.60 feet; thence North 0°05'25.7" West a distance of 130 feet to THE POINT OF BEGINNING.

Township 31 North, Range 5 West, Boise Meridian (continued)

Section 1:	SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 11:	Govt. Lots 3 and 4, E $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12:	W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$
Section 13:	All
Section 14:	E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23:	Govt. Lots 1 and 2
Section 24:	NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$
Section 25:	NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 36:	NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$

The parcel of land to which the above description applies contains 10,387.836 acres more or less.

Exhibit "B"
IDI-30982

1. Reservations and Easements, as disclosed by Deed, including the terms, conditions and any limitations thereof, wherein STATE OF IDAHO, is Grantor and JAMES S. MADDEN, is Grantee, recorded January 19, 1946 in Book 172 of Deeds, page 298, records of Nez Perce County, Idaho.
2. Right of Way Agreement, including the terms, conditions and any limitations thereof, wherein ROSS HOWARD AND MARIE HOWARD, husband and wife, and MADELINE WALTER, an unmarried woman, are Grantors and THE HALLACK AND HOWARD LUMBER COMPANY, is Grantee, recorded September 15, 1955 in Book 8 of Miscellaneous, page 543 records of Nez Perce County, Idaho.
3. Agreement of Easement of Right of Way, including the terms, conditions and any limitations thereof, wherein MADELINE WALTER, a spinster, dealing with her sole and separate property and RICHARD LEE HOWELL, personal representative of the Will and Estate of NELSON R. HOWARD, are Grantors and COEUR D'ALENE LEASING, INC., an Idaho corporation, is Grantee, recorded January 16, 1981 under Instrument No. 442665, records of Nez Perce County, Idaho.

Assignment of Agreement of Easement, including the terms and conditions thereof, recorded November 14, 1983 under Instrument No. 470807, records of Nez Perce County, Idaho, wherein MADELINE WALTER, a single woman, and RICHARD LEE HOWELL, as Personal Representative of the Estate of Nelson Howard, deceased, are Assignors, and WILLIAM J. PENDOLA, Sr., WILLIAM J. PENDOLA, Jr., THOMAS E. NEVIS AND SAMUEL A. NEVIS, are Assignees.

4. Right of Way Easement as disclosed by Warranty Deed, including the terms, conditions, and any limitations thereof, wherein RICHARD LEE HOWELL, as Personal Representative of the Estate of Robert Nelson Howard, also known as Nelson Howard, also known as Nelson Robert Howard, also known as R. N. Howard, deceased, and MADELINE WALTER, a single woman, are Grantors, and WILLIAM J. PENDOLA, Sr., WILLIAM J. PENDOLA, Jr. and THOMAS E. NEVIS and SAMUEL A. NEVIS, are Grantees, recorded November 14, 1983 under Instrument No. 470803, records of Nez Perce County, Idaho.
5. Exclusive Road Easement, including the terms, conditions and any limitations thereof, wherein SAMUEL E. NEVIS and MELINDA L. NEVIS, husband and wife; THOMAS A. NEVIS and SAUNDRA L. NEVIS, husband and wife; WILLIAM J. PENDOLA, Sr. and WILLIAM J. PENDOLA, Jr., are Grantors and THE UNITED STATES OF AMERICA is Grantee, recorded February 20, 1987 under Instrument No. 508295, records of Nez Perce County, Idaho.
6. Access if any, to and from the herein described property has not been established of record.
7. All rights of way for public utilities and public roads as the same now exist over and across the herein described property.