

RECEIVED

JUL 27 2006

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 77-02030
(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: James Newcomb, Newcomb Diversified Industries

Address: Box 118; Lakefork, Idaho 83835

Name: Russell L. Newcomb

Address: 4035 Star Valley St.; Boise, Idaho 83709

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.

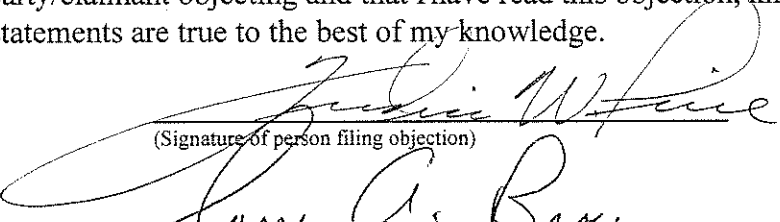
County of ADA

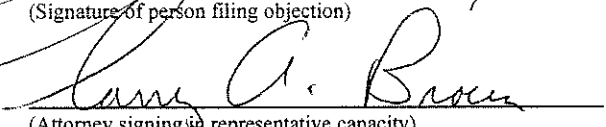
)

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

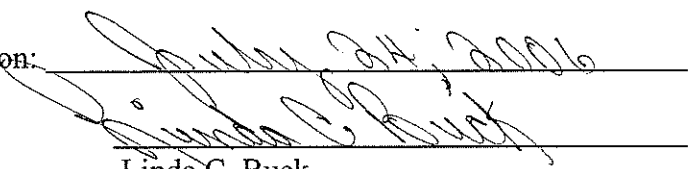
(Name of person filing objection)

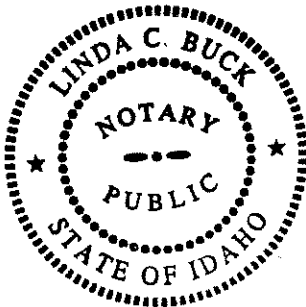
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:


Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

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 July 25th, 2006, 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: James Newcomb, Newcomb Diversified Industries

Address: Box 118; Lakefork, Idaho 83835

Name: Russell L. Newcomb

Address: 4035 Star Valley St.; Boise, Idaho 83709

Name:

Address: ;

Name:

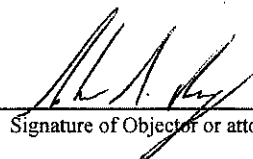
Address: ;

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

03/25/2006

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

RIGHT NUMBER: 77-2030

NAME AND ADDRESS: JAMES NEWCOMB
NEWCOMB DIVERSIFIED INDUSTRIES
BOX 118

LAKEFORK ID 83635

RUSSELL L NEWCOMB
4035 STAR VALLEY ST
BOISE ID 83709

Mixed POU:

-The places of use described below contains both private and public lands.

-Clarify such that it is clear only private land is intended.

SOURCE: BEMIS CREEK
SPRING

TRIBUTARY: WARREN CREEK
TRIBUTARY: SINKS

QUANTITY: 2.000 CFS

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

PRIORITY DATE: 06/01/1917

POINT OF
DIVERSION: T22N R06E S11 NENE Within IDAHO County
T22N R06E S11 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION	01/01 12/31	2.000 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	05/01 10/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within IDAHO County
T22N R06E S11 NENE 0.60
Mixed DOMESTIC Within IDAHO County
T22N R06E S11 NENE
FIRE PROTECTION Within IDAHO County
T22N R06E S11 NENE
0.6 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

77-02030



Since the NENE of Section 11 contains both private and public lands, please insert the following language under place of use to clarify such that only private land is intended:

"Place of use does not include federal public land."

IDAHO COUNTY 049.
COEUR D'ALENE DISTRICT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

[illegible]

All IP included in 1 DB157 Set PL 167 (ACT of Long 7/23/1955) completed 12/22/1960. All RF surface mount by USFS excluding.

1	08167-N-1	Sec 12 NW 1/4	Old Rescue Well 5
1	08167-N-2	Sec 12 NW 1/4	Old Rescue No 1
1	08167-N-3	Sec 11 SE 1/4	Old Rescue No 2
1	08167-N-4	Sec 12 SW 1/4	Old Rescue No 3
1	08167-N-5	Sec 12 SE 1/4	Old Rescue No 4

07547 041 USFS AFW 5 Prop
Sec 12: M8E

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

CURRENT TO CURRENT TO
FEB 23 1998

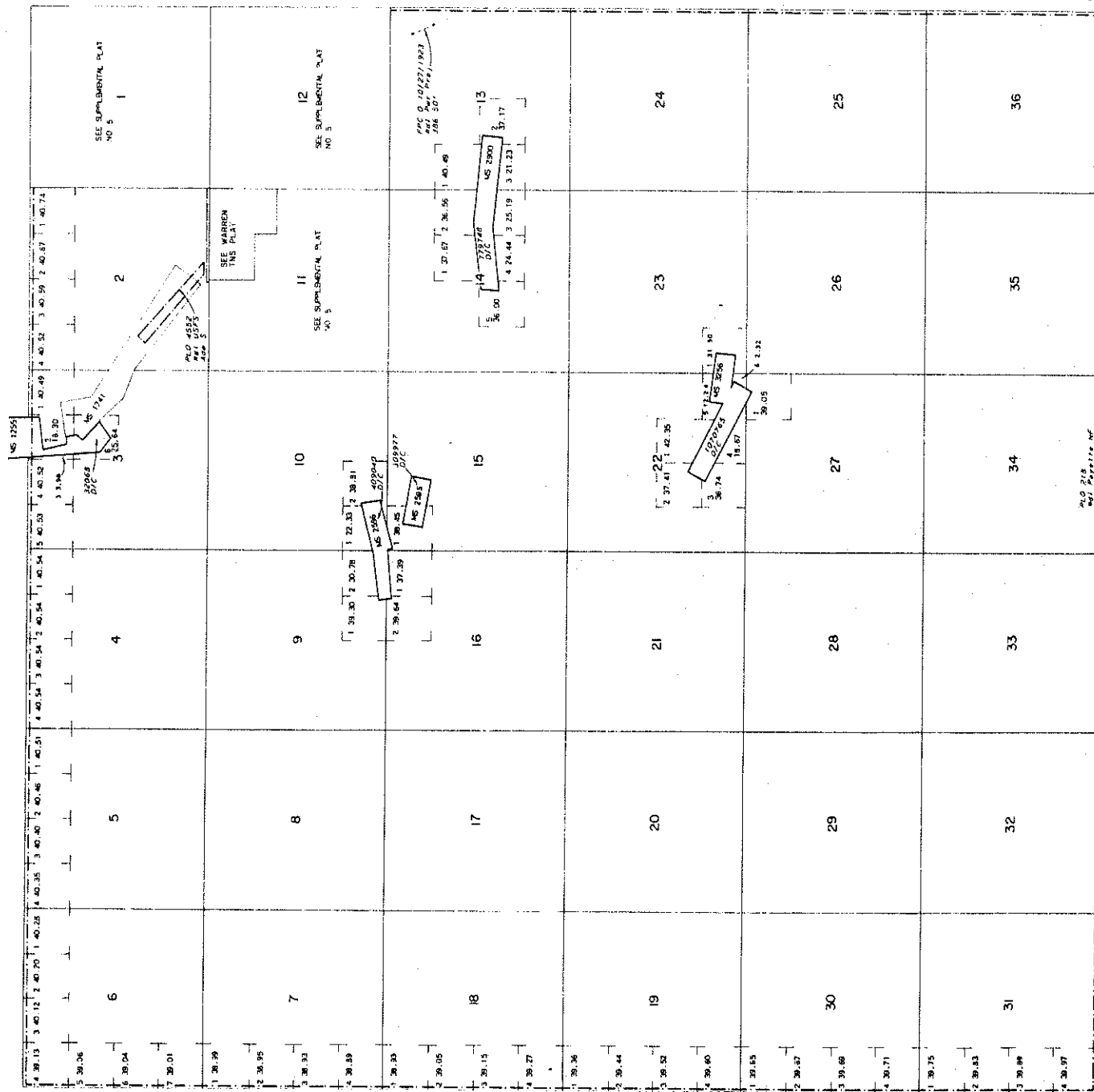
Lat 45° 12' N
Long 115° 50' W

WARNING STATEMENT

This plan is the Bureau's Record of Title, and should be used only as a tracking device of the status of the plan.

SCALE in Chords

Figure 1



IDAHO COUNTY 049
COEUR D'ALENE DISTRICT

— 5 —

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

**MTP
SUPPL Sec 1, 11, 12**

[illegible]

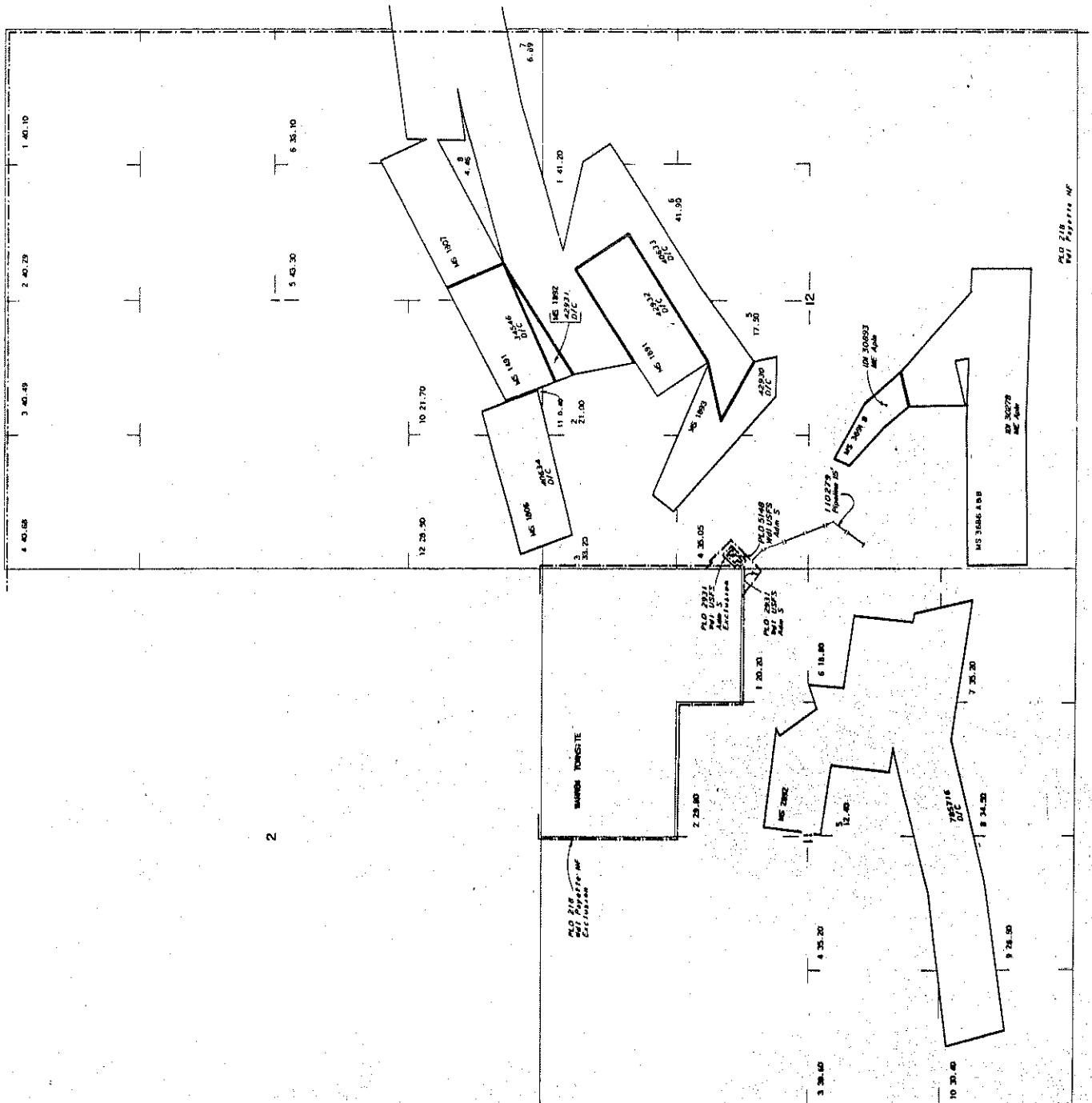
All Ip included in 1 CR167 Det FL 167 (Act of
Cong 7/23/1955) completed 12/22/1960. All MF
surface Mgmt by USFS including

1	00167-N-1	Sec 12	W-2	Old Rescue Hill 5
1	00167-N-2	Sec 12	W-2	Old Rescue No 1
1	00167-N-3	Sec 11	SE-1	Old Rescue No 2
1	00167-N-4	Sec 12	SW-1	Old Rescue No 3
1	00167-N-5	Sec 12	SE-1	Old Rescue No 4

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

CURRENT TO	CURRENT TO
NOV 2 8 2008	

11017 PM ARV.



IDAHO COUNTY
COEUR D'ALENE DISTRICT

4 ON

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

WARREN
TOWNSITE PLAT
SHEET 3

[illegible]

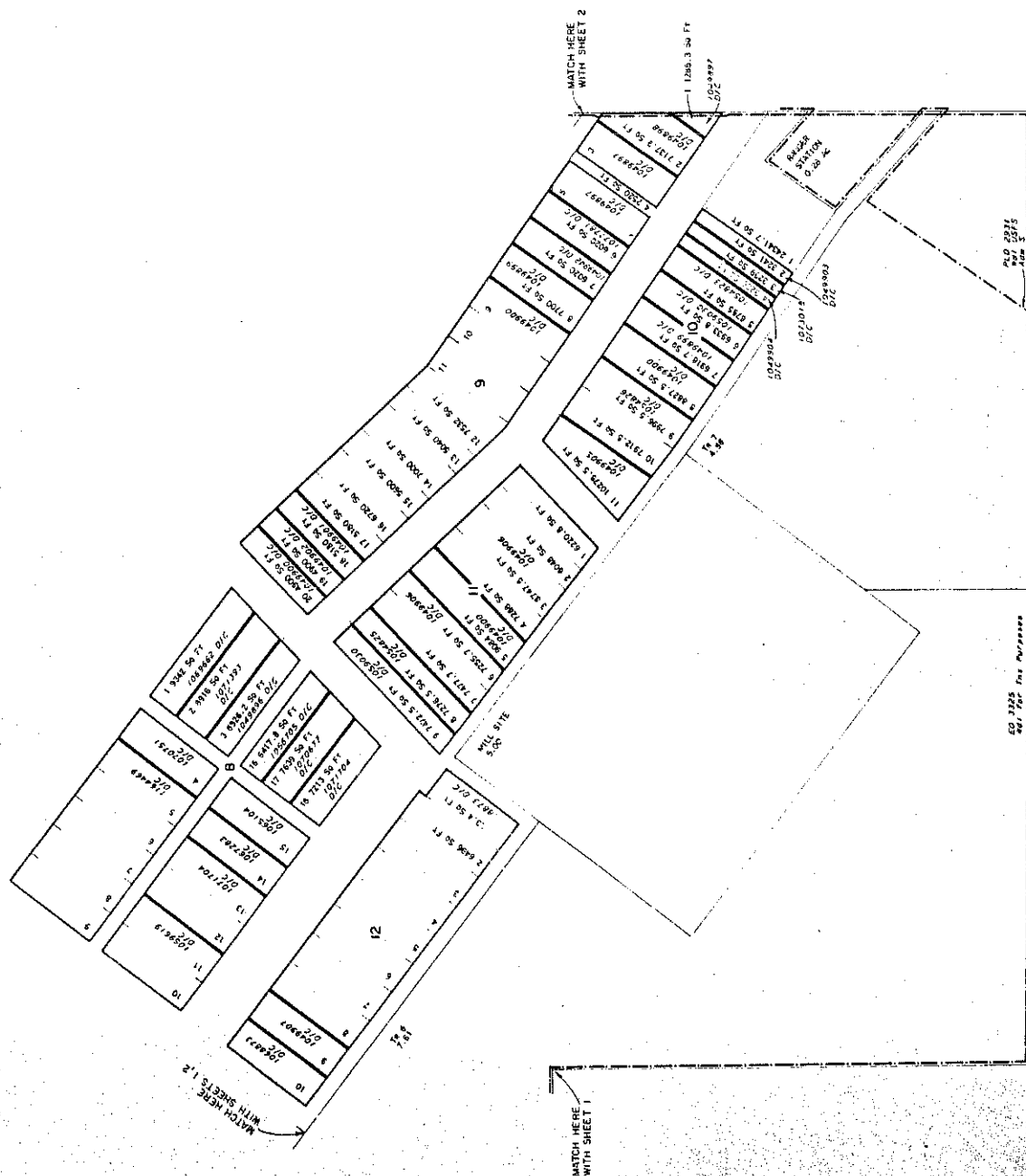
		CURRENT TO MAY 19 1965		CURRENT TO
FOR BROWER EFFECTIVE DISPOSAL OR USE OF SURVEYED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS				
USE PLATS.				

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

DATE	CURRENT TO	CURRENT TO
12-1-77	100.00	100.00
12-2-77	100.00	100.00
12-3-77	100.00	100.00
12-4-77	100.00	100.00
12-5-77	100.00	100.00
12-6-77	100.00	100.00
12-7-77	100.00	100.00
12-8-77	100.00	100.00
12-9-77	100.00	100.00
12-10-77	100.00	100.00
12-11-77	100.00	100.00
12-12-77	100.00	100.00
12-13-77	100.00	100.00
12-14-77	100.00	100.00
12-15-77	100.00	100.00
12-16-77	100.00	100.00
12-17-77	100.00	100.00
12-18-77	100.00	100.00
12-19-77	100.00	100.00
12-20-77	100.00	100.00
12-21-77	100.00	100.00
12-22-77	100.00	100.00
12-23-77	100.00	100.00
12-24-77	100.00	100.00
12-25-77	100.00	100.00
12-26-77	100.00	100.00
12-27-77	100.00	100.00
12-28-77	100.00	100.00
12-29-77	100.00	100.00
12-30-77	100.00	100.00
12-31-77	100.00	100.00
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1-2-78	100.00	100.00
1-3-78	100.00	100.00
1-4-78	100.00	100.00
1-5-78	100.00	100.00
1-6-78	100.00	100.00
1-7-78	100.00	100.00
1-8-78	100.00	100.00
1-9-78	100.00	100.00
1-10-78	100.00	100.00
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2-2-78	100.00	100.00
2-3-78	100.00	100.00
2-4-78	100.00	100.00
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2-6-78	100.00	100.00
2-7-78	100.00	100.00
2-8-78	100.00	100.00
2-9-78	100.00	100.00
2-10-78	100.00	100.00
2-11-78	100.00	100.00
2-12-78	100.00	100.00
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2-14-78	100.00	100.00
2-15-78	100.00	100.00
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2-22-78	100.00	100.00
2-23-78	100.00	100.00
2-24-78	100.00	100.00
2-25-78	100.00	100.00
2-26-78	100.00	100.00
2-27-78	100.00	100.00
2-28-78	100.00	100.00
2-29-78	100.00	100.00
2-30-78	100.00	100.00

USE PLAYS:

Boys Mer
T 22 N



Note: All lots unless otherwise noted contain 7000 Sq Ft

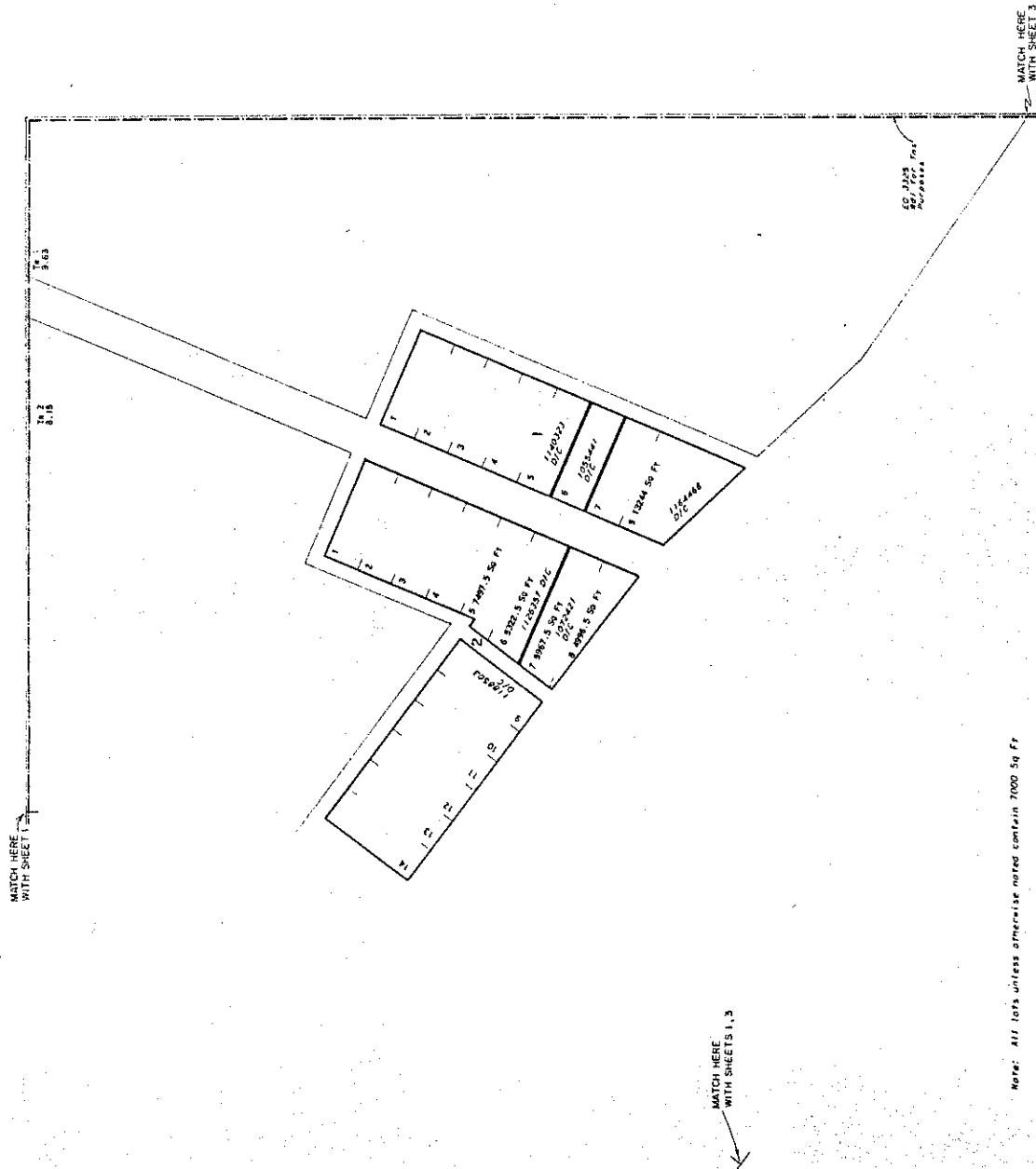
SCALE in feet

IDAHO COUNTY
COEUR D'ALENE DISTRICT

NO 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

WARREN
TOWNSITE PLAT
SHEET 2

[illegible]

Note: All lots unless otherwise noted contain 7000 Sq Ft

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

CURRENT TO	CURRENT TO
MAY 1976	
USE PLAYS.	

Boing Boing
T. 22. E.

SCALE in feet

TOWNSHIP 22 NORTH RANGE 6 EAST OF THE BOISE MERIDIAN, IDAHO

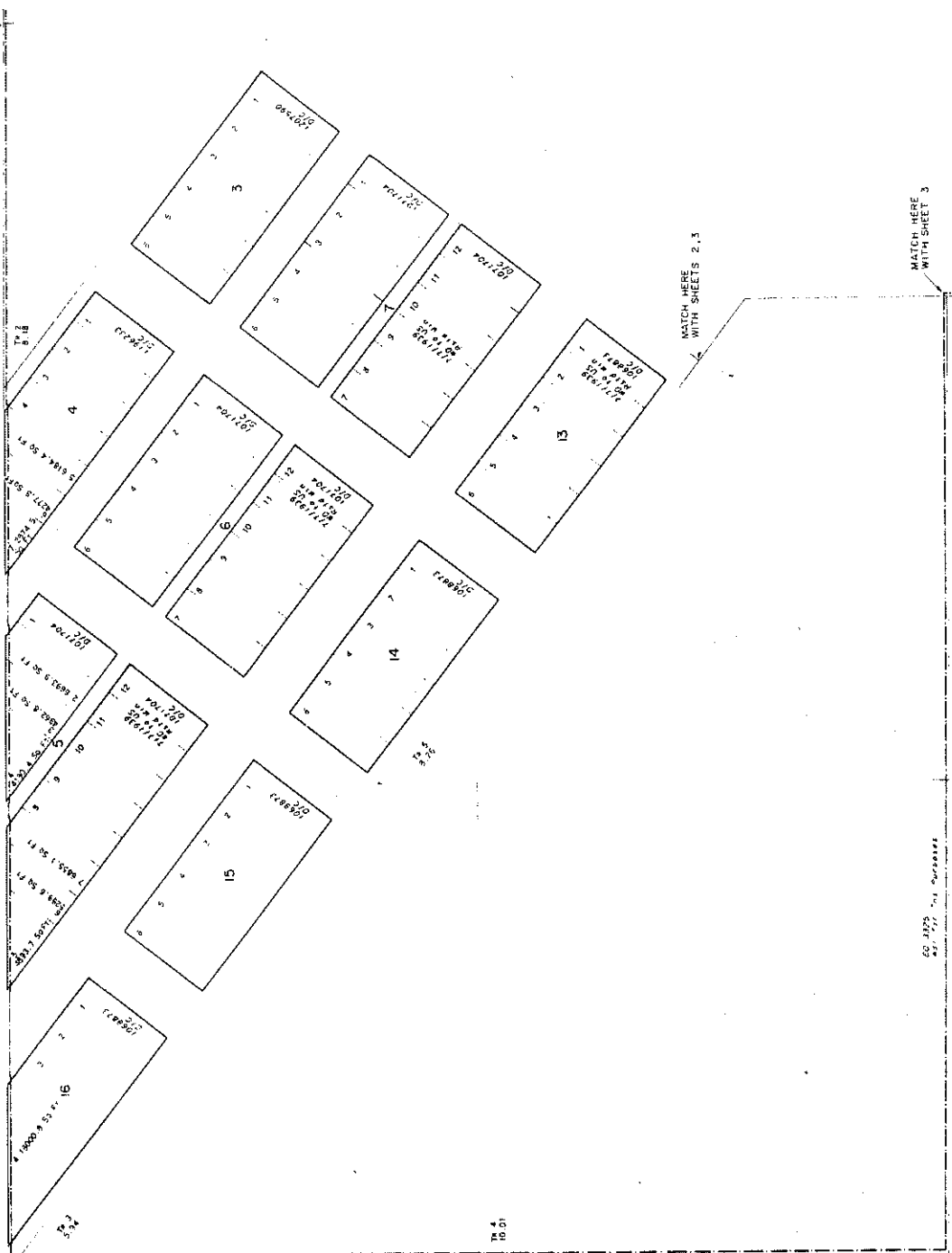
IDAHO COUNTY
COEUR D'ALENE DISTRICT

NO. 2
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

WATCH HERE
WITH SHEET 2

WARREN TOWNSITE PLAT SHEET 1

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T.	R.	SEC.
1	22	6	1
2	22	6	2
3	22	6	3
4	22	6	4
5	22	6	5
6	22	6	6
7	22	6	7
8	22	6	8
9	22	6	9
10	22	6	10
11	22	6	11
12	22	6	12
13	22	6	13
14	22	6	14
15	22	6	15
16	22	6	16



Note: All lots unless otherwise noted contain 2000 Sq Ft

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

CURRENT TO		CURRENT TO	
1917	1917	1917	1917
USE PLATS		USE PLATS	

SCALE in Feet
50 0 100 200

TOWNSHIP 22 NORTH RANGE 6 EAST OF THE BOISE MERIDIAN, IDAHO

IDAHO COUNTY 049
COEUR D'ALENE DISTRICT

NO 1

INDEX MAP

WARREN TOWNSITE

