

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 77-13850
(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: Clarence E. Smith
Address: 1048 Haas Road; Weiser, Idaho 83672

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)

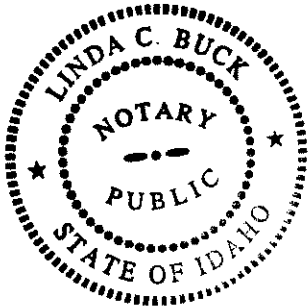
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 24, 2006
Linda C. Buck
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: Clarence E. Smith
Address: 1048 Haas Road; Weiser, Idaho 83672

Name:
Address: ;

Name:
Address: ;

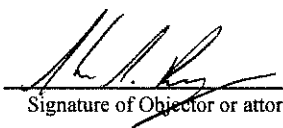
Name:
Address: ;

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

03/29/2006

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

RIGHT NUMBER: 77-13850
NAME AND ADDRESS: CLARENCE E SMITH
1048 HAAS RD
WEISER ID 83672

Mixed POU:

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

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

SOURCE: BEMIS CREEK

TRIBUTARY: WARREN CREEK

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 12/31/1931

POINT OF

DIVERSION: T22N R06E S11 NENE Within IDAHO County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

DOMESTIC

PERIOD OF USE

1/01 12/31

QUANTITY

0.040 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

Mixed

T22N R06E S11 NENE

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

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

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

77-13850



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

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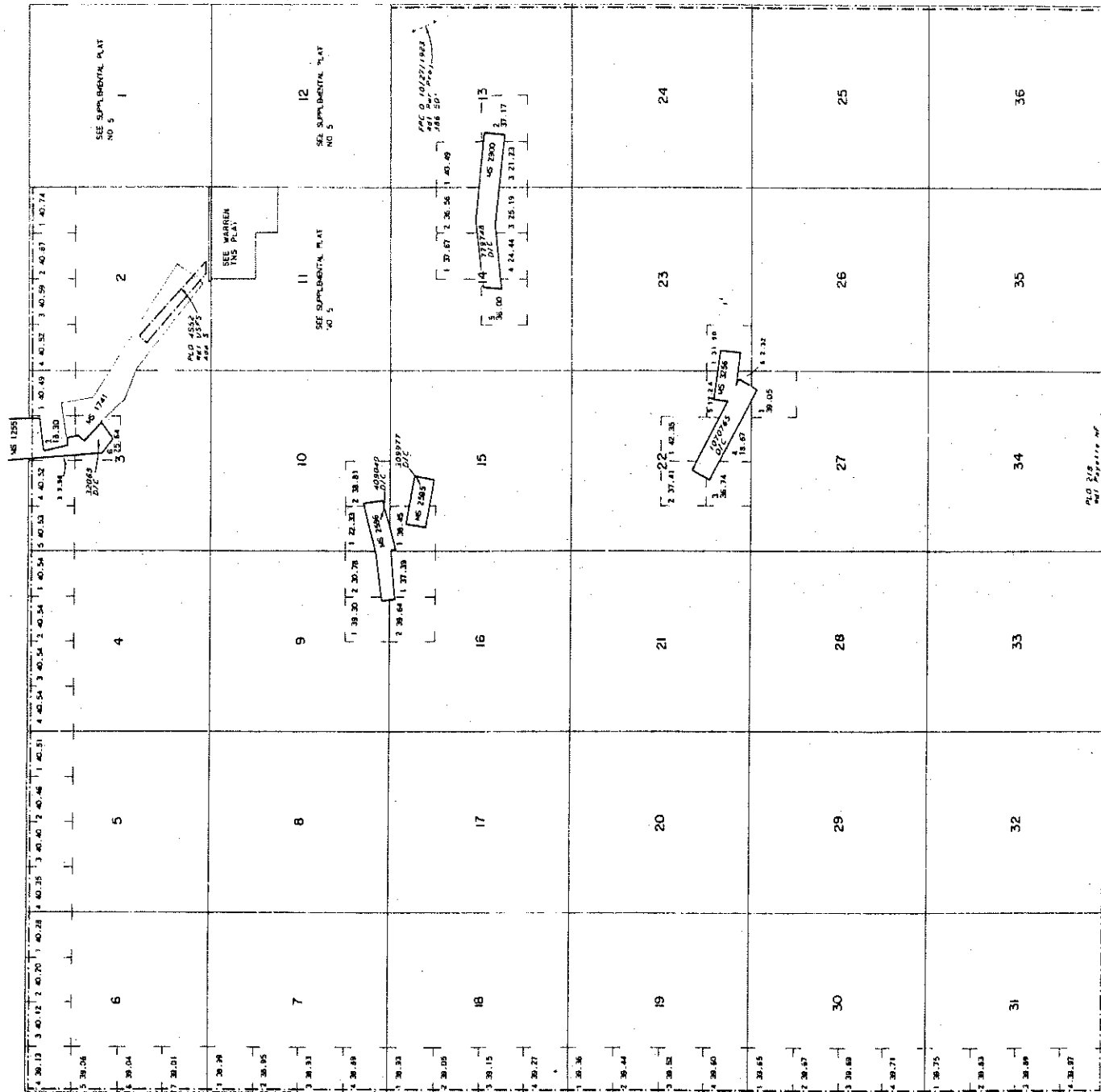
ALL Ip included in 1 DB167 Set PL 167 IACT 01
Cong 7/23/1955 completed 12/22/1960. All HF
surface mount by USFS excluding

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 12	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

1 07547 101 USFS ADM S Prop
Sec 12: 486

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

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WARNING STATEMENT
This plan is the Bureau's Request in Title, and should be used

SCALE in Choice4

2005

IDAHO COUNTY 049
COEUR D'ALENE DISTRICT

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STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

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SUPPL Sec I, II, 12

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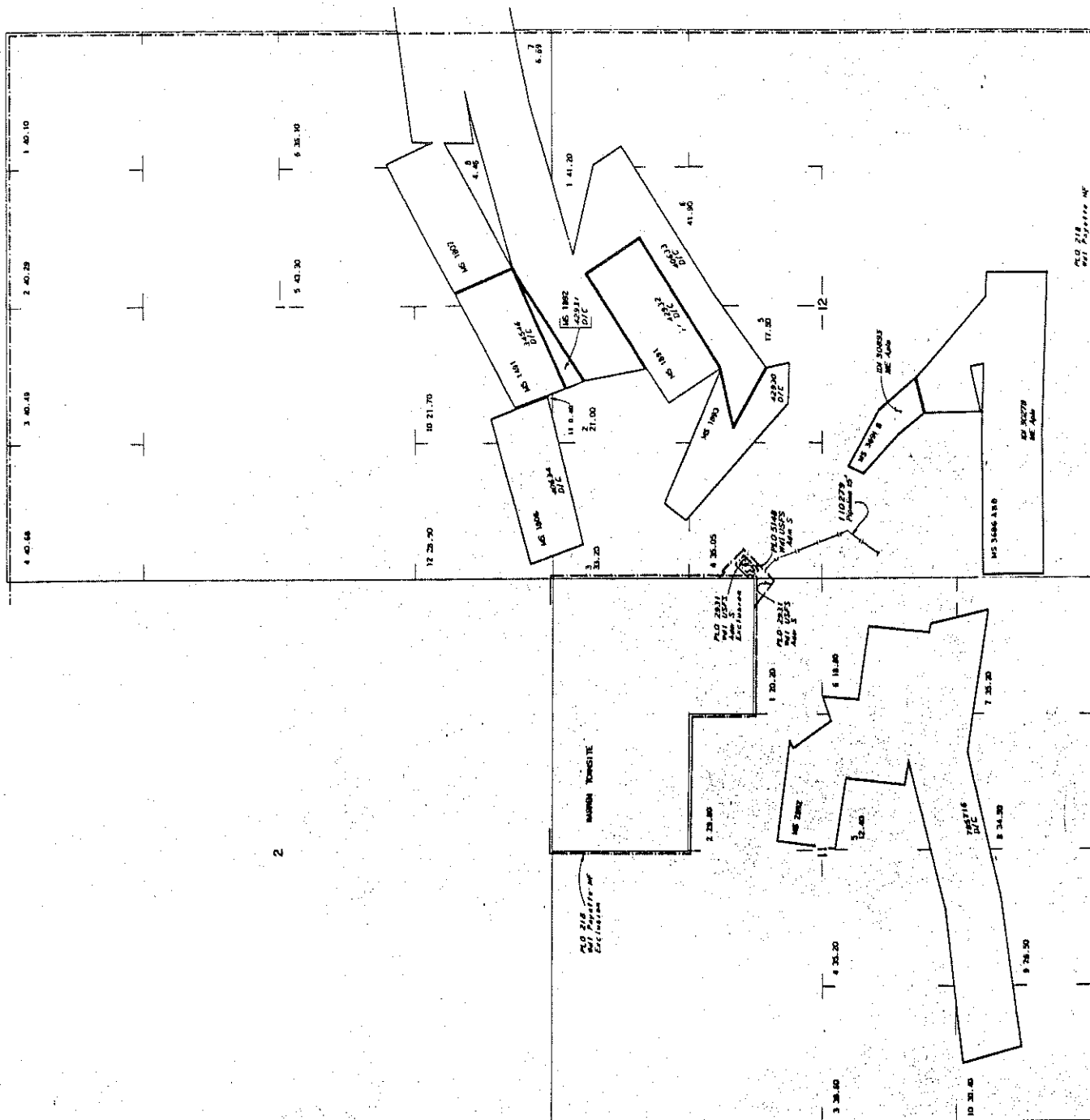
All Ip included in 1 CB167 Det PL 167 [Act of
Cong 7/23/1955] completed 12/22/1960. All INF
surface Mgmt by USFS excluding

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

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

CLASMENT TO	CLASMENT TO
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NOTES



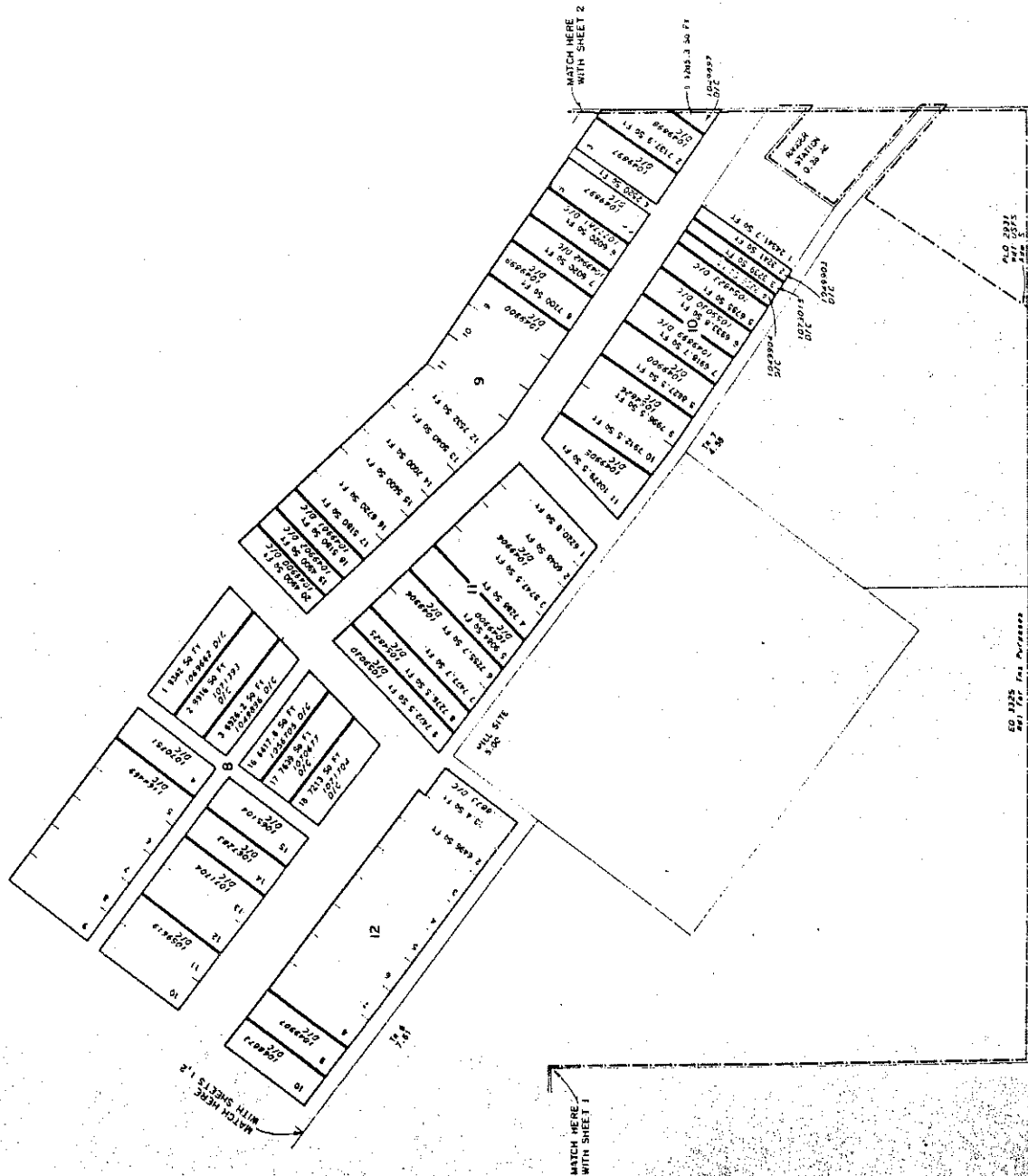
TOWNSHIP 22 NORTH RANGE 6 EAST OF THE BOISE MERIDIAN, IDAHO

IDAHO COUNTY
COEUR D'ALENE DISTRICT

NO. 1
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

WARREN TOWNSITE PLAT SHEET 3

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

CURRENT TO
MAY 1 1915

USE PLATS

IDAHO COUNTY
COEUR D'ALENE DISTRICT

NO 3
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

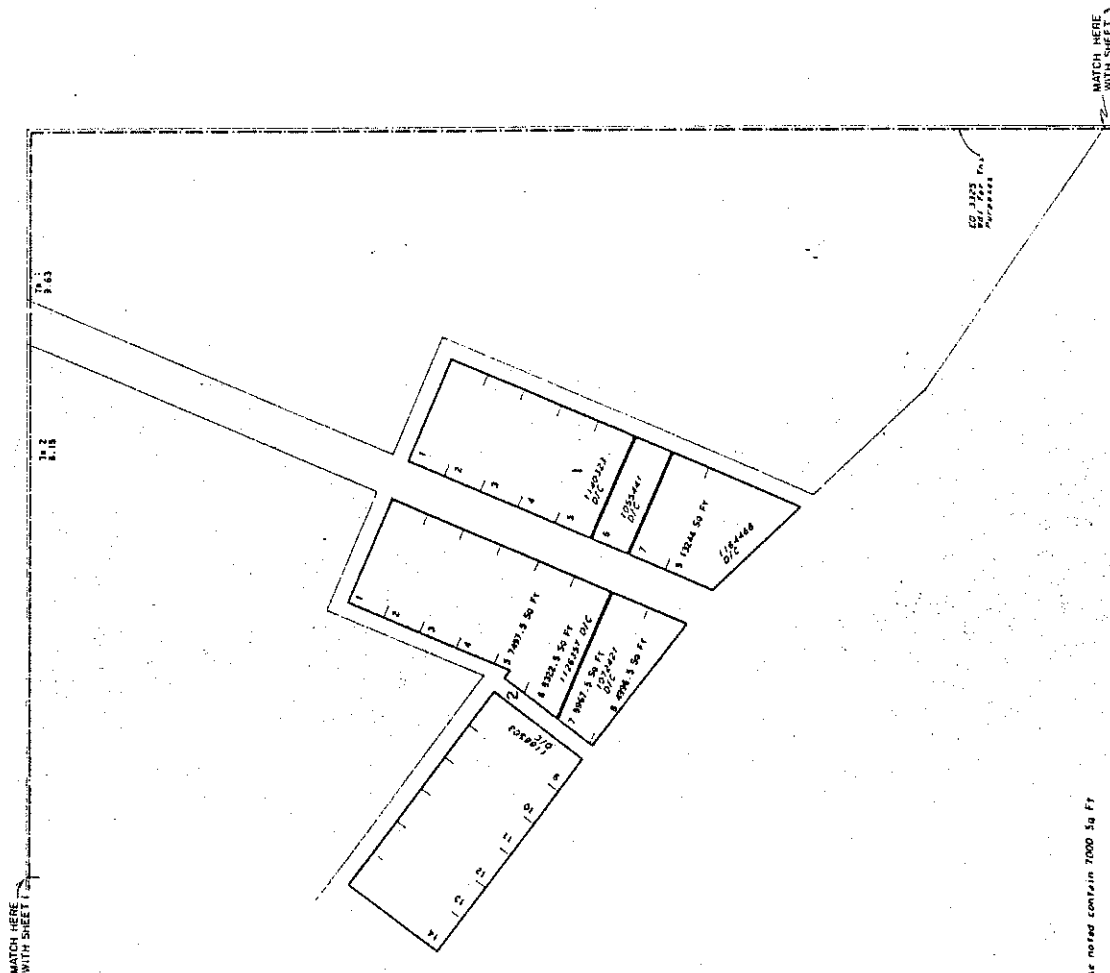
WARREN
TOWNSITE PLAT
SHEET 2

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

CURRENT TO	CURRENT TO
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USE PLATE:	

Boiss. Mar.
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Notes: All left unless otherwise noted contain 7000 Sq Ft

SCALE in foot

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

IDAHO COUNTY
COEUR D'ALENE DISTRICT

MATCH HERE
WITH SHEET 2

WARREN TOWNSITE PLAT SHEET 1

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Note All 1915 unless otherwise noted contain 1990 Sq Ft

FOR ORDERS EFFECTING DISPOSAL OR USE OF
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MISCELLANEOUS DOCUMENTS

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SCALE in feet

IDAHO- COUNTY 049
COEUR D'ALENE DISTRICT

1 DM

WARREN TOWNSITE

