

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 79-11833
(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: State of Idaho; Dept. of Fish & Game

Address: P.O. Box 25; Boise, Idaho 83707

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: See attached.
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. Claimant's water right should not include this POU. All of the non-federal POUs are on lands acquired by the State of Idaho from private individuals. The priority date claimed is 12-31-1900, but the POUs describe lands that were patented on various dates between 1916 and 1918.

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)

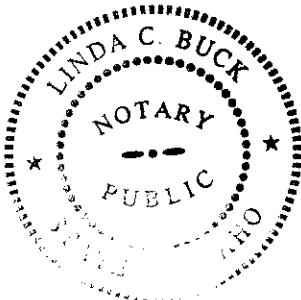
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 11, 2007
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 June 12th, 2007, 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: State of Idaho; Dept. of Fish & Game

Address: P.O. Box 25; Boise, Idaho 83707

Name:

Address: ;

Name:

Address: ;

Name:

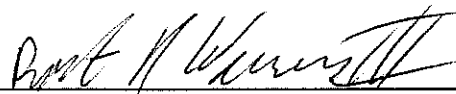
Address: ;

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

10/23/2006

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

RIGHT NUMBER: 79-11833

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

POU on BLM:

-The place of use described below is located on public land.
-Perhaps it would be more appropriate to described T31N R03W
S29 SWNW and SWSW as originally claimed.

SOURCE: UNNAMED STREAM

TRIBUTARY: CHINA CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/31/1900

*- oldest POU was patented on 05-29-1916.
- youngest POU was patented on 06-05-1918*

POINT OF
DIVERSION:

T31N R03W S30 SENE Begin of Stream Flow Within NEZ PERCE County
T31N R03W S31 NWSE End of Stream Flow Within NEZ PERCE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER Within NEZ PERCE County

BLM

T31N R03W S29	NWSW
T31N R03W S30	NESE
T31N R03W S31	NENE
T31N R03W S31	SENE

T31N R03W S30	SENE
T31N R03W S30	SESE
T31N R03W S31	SWNE
T31N R03W S31	NWSE

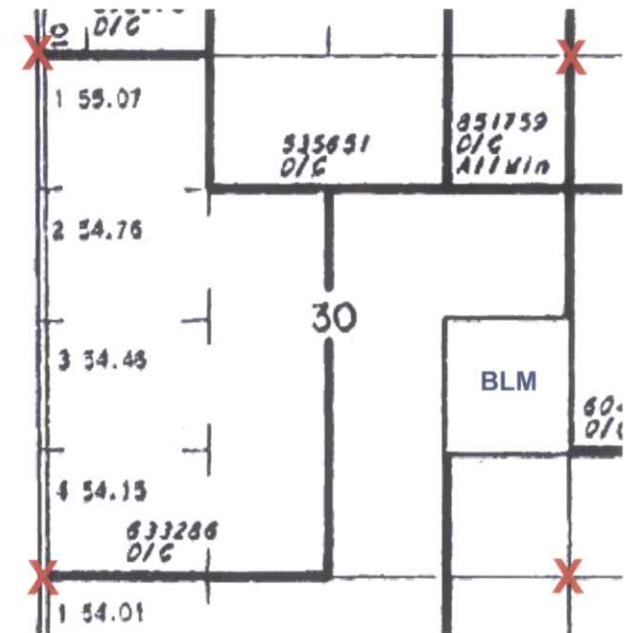
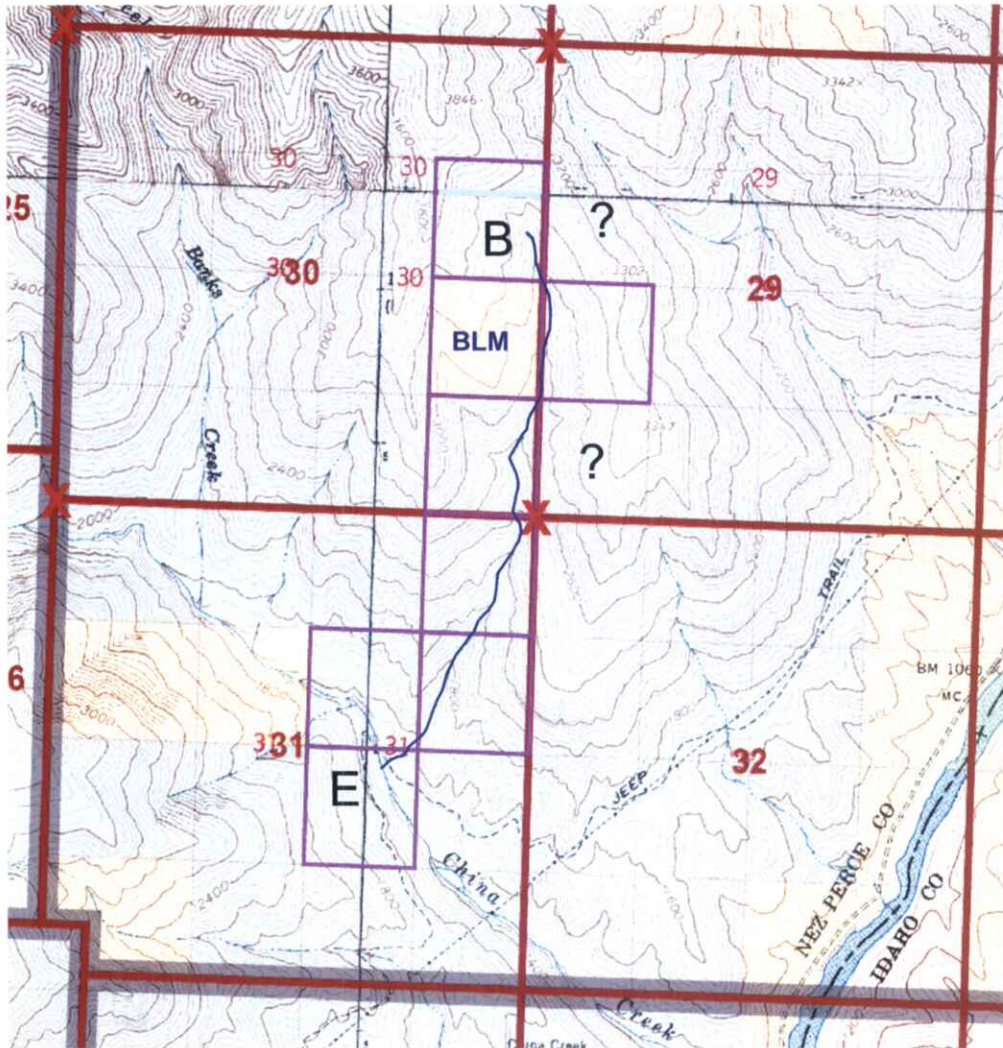
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

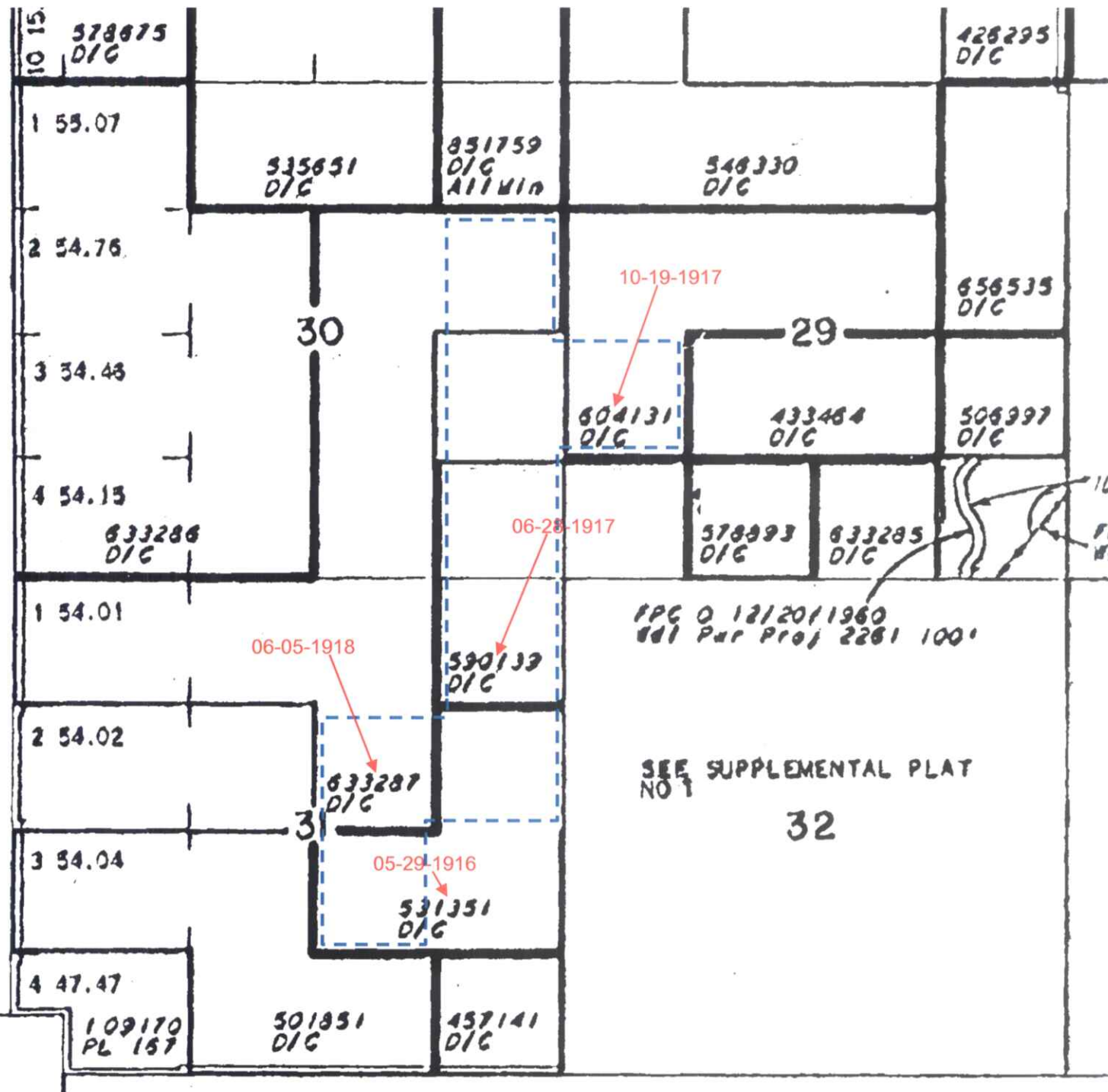
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

79-11833 State of Idaho; Dept. of Fish & Game



POU on BLM:

- The recommendation contains a place of use on public land.
- Perhaps it would be more appropriate to describe T31N R03W S29 SWNW and SWSW as originally claimed.



Lewiston 04796

4-1008-B.

The United States of America,

On all to whom these presents shall come. Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Lewiston, Idaho,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of
Arthur C. Keane

has been established and duly consummated, in conformity to law, for the north half of the southeast quarter
and the southeast quarter of the northeast quarter of Section thirty-one
and the southwest quarter of the northwest quarter of Section thirty-two
in Township thirty-one north of Range three west of the Boise Meridian,
Idaho, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made
Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-NINTH**

(SEAL.)

day of **MAY** in the year of our Lord one thousand
nine hundred and **SIXTEEN** and of the Independence of the
United States the one hundred and **FORTIETH.**

By the President:

By

Woodrow Wilson
M. P. Le Roy, Secretary.
L. B. Lamar
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **531351**

4-1117

The United States of America,

Us all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Lewiston, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Scottie Hollingsworth** has been established and duly consummated, in conformity to law, for the southeast quarter of the southeast quarter of Section thirty, the southwest quarter of the southwest quarter of Section twenty-nine, the northeast quarter of the northeast quarter of Section thirty-one, and the northwest quarter of the northwest quarter of Section thirty-two in Township thirty-one north of Range three west of the Boise Meridian, Idaho, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described, TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-EIGHTH**

(SEAL)

day of **JUNE** in the year of our Lord one thousand nine hundred and **SEVENTEEN** and of the Independence of the United States the one hundred and **FORTY-FIRST.**

By the President:

By

Woodrow Wilson
M. O. LeRoy, Secretary.
L. D. C. Lamar
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **590139**

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Lewiston, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1882, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Scottie Hollingsworth** has been established and duly consummated, in conformity to law, for the **northwest quarter of the southwest quarter, the south half of the northwest quarter, and the southwest quarter of the northeast quarter of Section twenty-nine in Township thirty-one north of Range three west of the Boise Meridian, Idaho, containing one hundred sixty acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and ~~reservoirs~~ ^{reservoirs} used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **NINETEENTH**

(SEAL)

day of **OCTOBER** in the year of our Lord one thousand nine hundred and **SEVENTEEN** and of the Independence of the United States the one hundred and **FORTY-SECOND.**

By the President:

By

Woodrow Wilson
M. P. Le Roy Secretary.
L. B. Samart

Recorder of the General Land Office.

604131

RECORD OF PATENTS: Patent Number

4-1017

Lewiston 04829 and 05473

4-1003-R.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Lewiston, Idaho,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of
Harry E. Weller

has been established and duly consummated, in conformity to law, for the **Lot one, the northeast quarter of
the northwest quarter, and the west half of the northeast quarter of Sec-
tion thirty-one and the west half of the southeast quarter and the south
half of the northeast quarter of Section thirty in Township thirty-one
north of Range three west of the Boise Meridian, Idaho, containing three
hundred thirty-four and one-hundredth acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made

Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **FIFTH**

day of **JUNE** In the year of our Lord one thousand

nine hundred and **EIGHTEEN** and of the Independence of the

United States the one hundred and **FORTY-SECOND.**

By the President:

By

Woodrow Wilson
W. P. L. Roy, Secretary.
L. B. Samar,

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number

633287

—1177

1934492
34198

(SEAL)

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

COLEMAN D'ALMEIDA DISTRICT
BOTTOMWOOD

069 NEZ PERCE COUNTY

 LEWIS COUNTY, OREGON

3404

069 NEZ PERCE COUNTY

MT PLAT

INDEX TO SEGREGATED TRACTS
REQUIREMENT
TRACT NO.
T
R
SIC
DURING SURVEY
SUPPLY

50 9/9/1930, 3/26/1931, 6/17/1931, 5 11/17/1931
Open to Entry Subj 10 Sec 24 1931 Act 3 44 8
10 12/17/1932
Sec 13: 103 3, 8

3cc 26: 1013 1 1013 3 10 0 1051
3cc 25: 1012 1 1012 3 10 0
3cc 24: 1015 4 10 0 31210
3cc 27: 1012 0 10 0 1051
3cc 20: 1013 4 5

See NY: 1013
See NY: 1011, 1, 3, 4
1912 Dec PL 107 (Act of Cong 1/23/1913)
Completed 9/15/1960. All PD for case void by DM

1 69110 Doc PL 101 (Act of Cong 1/22/1932)
reconsolidated 4/4/1951. All PDs latest. Wget by NLM
Act of Cong Dec 31 10/2/1969. all available

[illegible]

1-2-0008 Subt Act 10424/1992
 68 Mounds within 500' of Salmon River in

DEC 16 1953
12008 Sigsbee #107471993
BOM 1948 within 500' of Spring Creek, In
Sigsbee #31

123098 Sub 41 02241989
B.M. Honda with 200 of Rev. Crain
Sub 3, 4, 50

121088 SARR A51 10/24/982
SARR, JUDITH ELIZABETH 2502 ST. BILLY GARDIN JR
SAR 22
22000 SARR A51 24/096

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50579	100515002	100515002	100515002

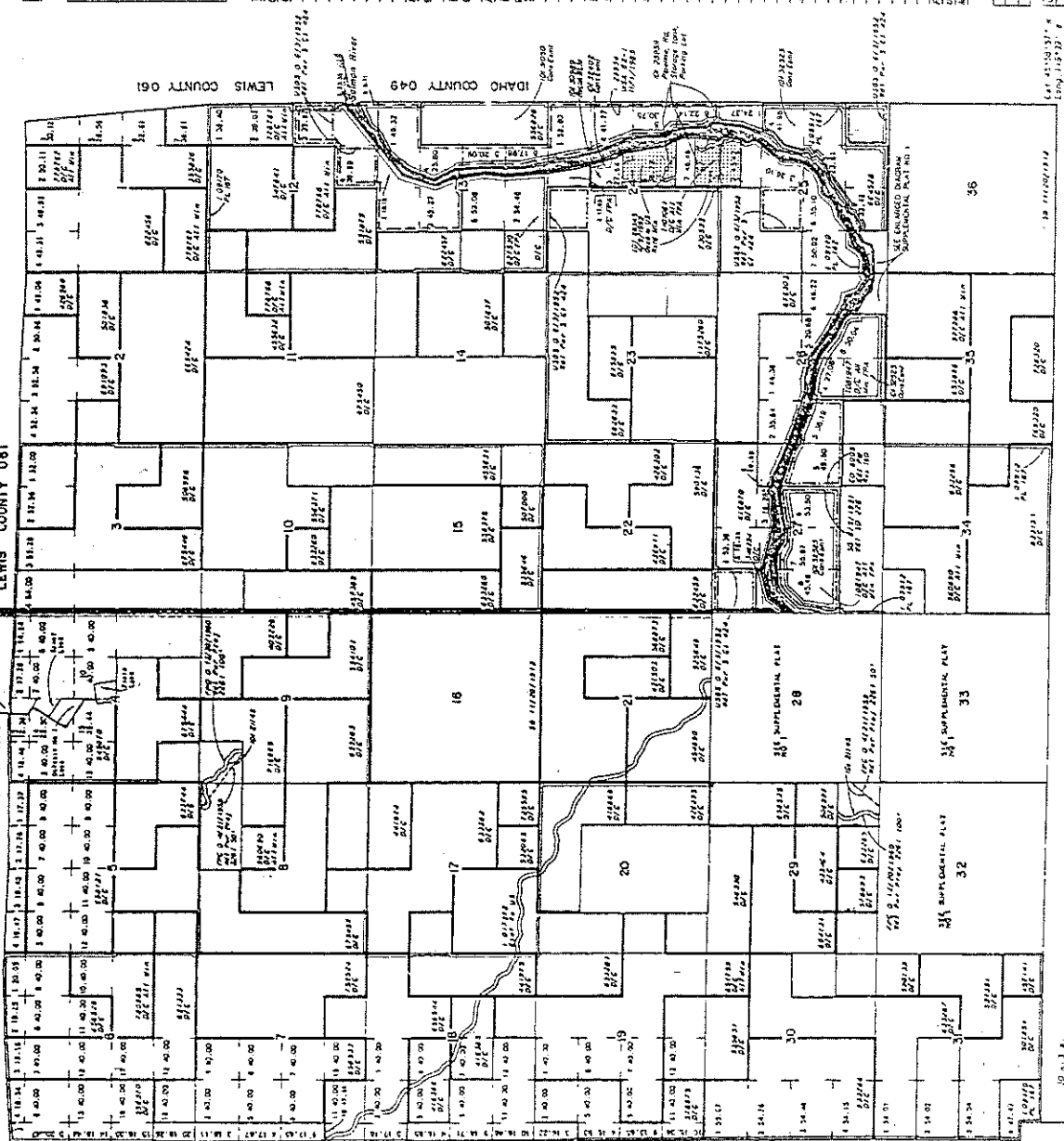
SES 34: 4413-4, 501161, 501162, 501163
SES 35: 501164

(Continued on Supplement No 2)

FOR ORDERS EFFECTING DISPOSAL OR USE OF
IDENTIFIED LANDS REFER TO INFO. OF
MISCELLANEOUS DOCUMENTS

CURRENT TO SEP 15 2005	CURRENT TO SEP 15 2005
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WITHDRAWALS REPRESENT THE LAST
NOT BE THE EFFECTIVE DATE. SEE



THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER.

This data is the Bureau's record of live, and should be used only on a graphic display of the township survey data. The data is not to be used to reflect the changes which may have been caused by natural movements of rivers or other bodies of water. Refer to the completed surveys for official survey information.

SCALE IN CM

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