

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 79-11849
(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 1918 and 1924.

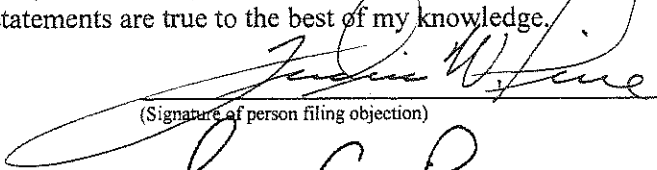
F.

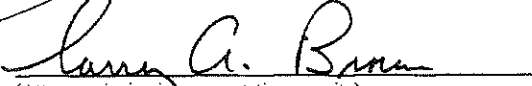
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

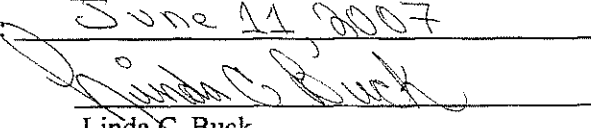
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

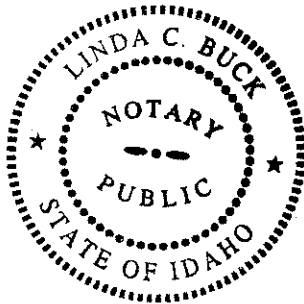
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 11, 2007

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: 79-11849 **POU on BLM:**
NAME AND ADDRESS: STATE OF IDAHO -The places of use identified below is describes public land.
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: UNNAMED STREAM TRIBUTARY: DEER 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 12-16-1918.*
POINT OF DIVERSION: *Youngest POU was patented on 09-20-1924.*
T31N R03W S4 NWSE End of Stream Flow Within NEZ PERCE County
T31N R03W S6 NENE Lot 9 Begin 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 S04 Lot 10 SWNE	T31N R03W S04 Lot 12 SWNW
BLM	T31N R03W S04 <u>SENE</u>	T31N R03W S04 Lot 15 SENW STATE
	T31N R03W S04 NWSE	T31N R03W S05 Lot 10 SWNE
	T31N R03W S05 Lot 9 SENE	T31N R03W S05 Lot 5 NWNW
	T31N R03W S05 Lot 12 SWNW	T31N R03W S05 Lot 11 SENW
	T31N R03W S06 Lot 9 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.

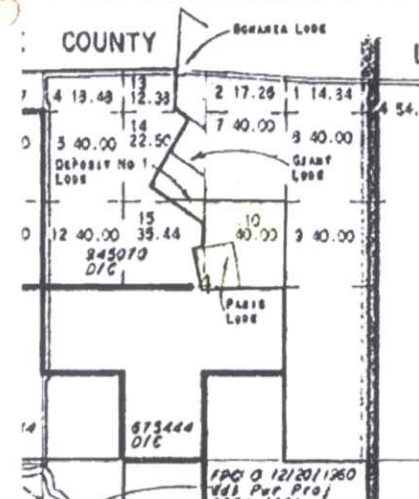
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Topographic map of a portion of T31N R03W. The map shows 15 lots outlined in red. The lots are labeled as follows:

- Lot 9 (NENE) B
- Lot 5 (NWNW)
- Lot 12 (SWNW)
- Lot 11 (SENW) 05
- Lot 10 (SWNE)
- Lot 9 (SENE)
- Lot 12 (SWNW)
- Lot 15 (SENW & SENW) 04
- Lot 10 (SWNE) E

The map also shows contour lines, a creek, and a road. The text 'T31N R03W' is visible in the bottom right corner.

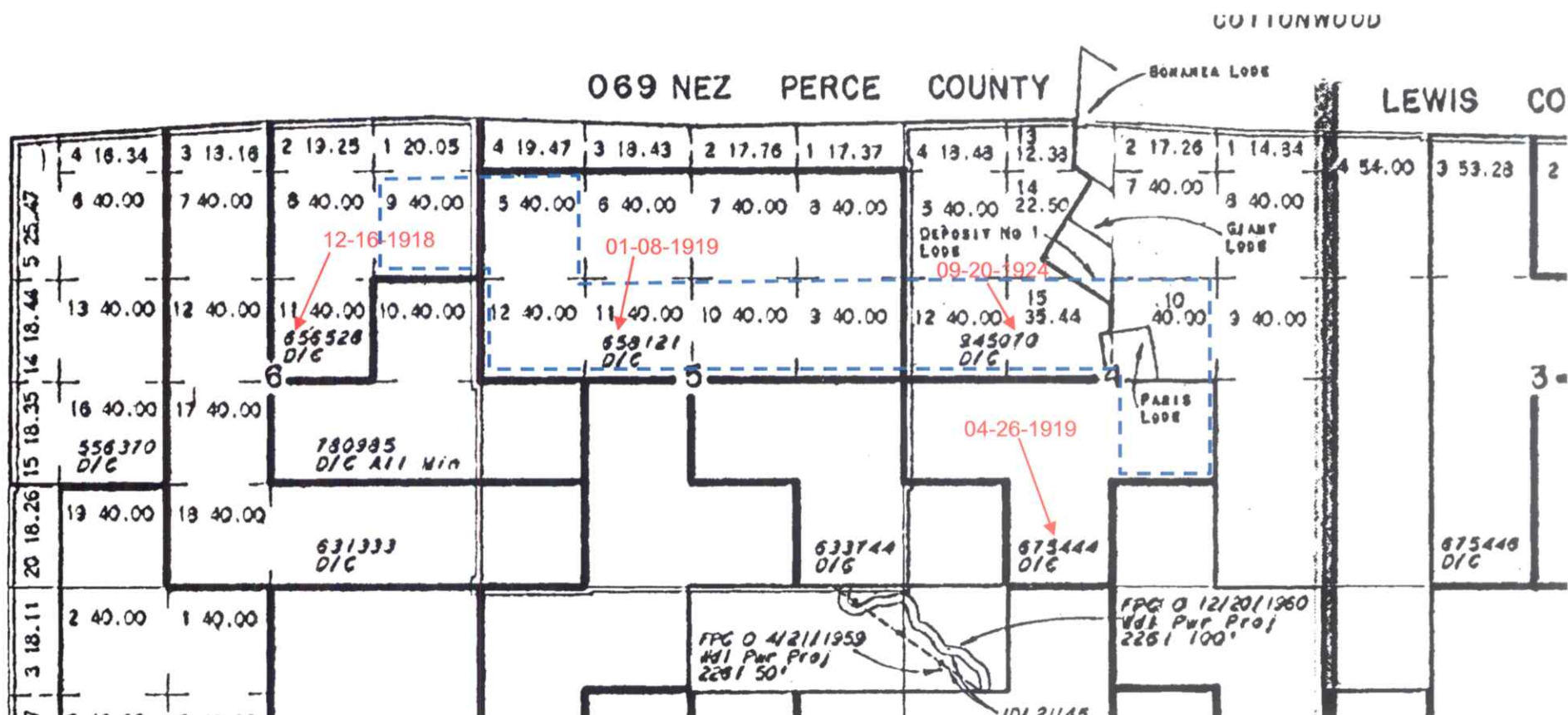
T31N R03W S04 Lot 15 (SESENW) End of Stream Flow
T31N R03W S04 NWNWSE Begin of Stream Flow



79-11849, State of Idaho

T31N R03W

12-31-1900



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 Joseph D. Paris has been established and duly consummated, in conformity to law, for the east half of the southwest quarter, the northwest quarter of the southeast quarter, and the northwest quarter of the southwest quarter of Section four 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, in the District of Columbia, the TWENTY-SIXTH

(SEAL)

day of APRIL in the year of our Lord one thousand nine hundred and NINETEEN and of the Independence of the United States the one hundred and FORTY-THIRD.

By the President: *Woodrow Wilson*
By *W. P. Le Roy* Secretary.
S. D. Samar
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number 675444

Lewiston 05608.

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 **Archie W. Axtell**

has been established and duly consummated, in conformity to law, for the **Lots four, five, twelve, thirteen, fourteen and fifteen of Section four and the Lots one, two, three and four of Section five in Township thirty-one north of Range three west of the Boise Meridian, Idaho, containing two hundred forty-one acres and eighty-three hundredths of an acre,**

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, **Calvin Coolidge,**

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 **TWENTIETH** day of **SEPTEMBER** In the year of our Lord one thousand nine hundred and **TWENTY-FOUR** and of the independence of the United States the one hundred and **FORTY-NINTH**

By the President:

By

Calvin Coolidge
Viola B. Craig, Secretary.
M. P. LeRoy
Recorder of the General Land Office.

(SEAL)

RECORD OF PATENTS: Patent Number **945070**

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 Catherine Lanser has been established and duly consummated, in conformity to law, for the Lots five, six, seven, eight, nine, ten, eleven, and twelve of Section five in Township thirty-one north of Range three west of the Boise Meridian, Idaho, containing three hundred twenty 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, in the District of Columbia, the EIGHTH

(SEAL)

day of JANUARY in the year of our Lord one thousand nine hundred and NINETEEN and of the Independence of the United States the one hundred and FORTY-THIRD.

By the President:

By

Woodrow Wilson
W. P. Le Roy Secretary.
L. B. Samar
 Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number 658121

Lewiston 04746.

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
Sylvia E. McCoy

has been established and duly consummated, in conformity to law, for the **Lots one, two, eight, nine, and
eleven of Section six in Township thirty-one north of Range three west of
the Boise Meridian, Idaho, containing one hundred fifty-nine and thirty-hun-
dredths 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, in the District of Columbia, the **SIXTEENTH**

(SEAL)

day of **DECEMBER** 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-THIRD.**

By the President:

By

Woodrow Wilson
E. D. Bouldin, Assistant Secretary.
S. D. Samar

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **656526**

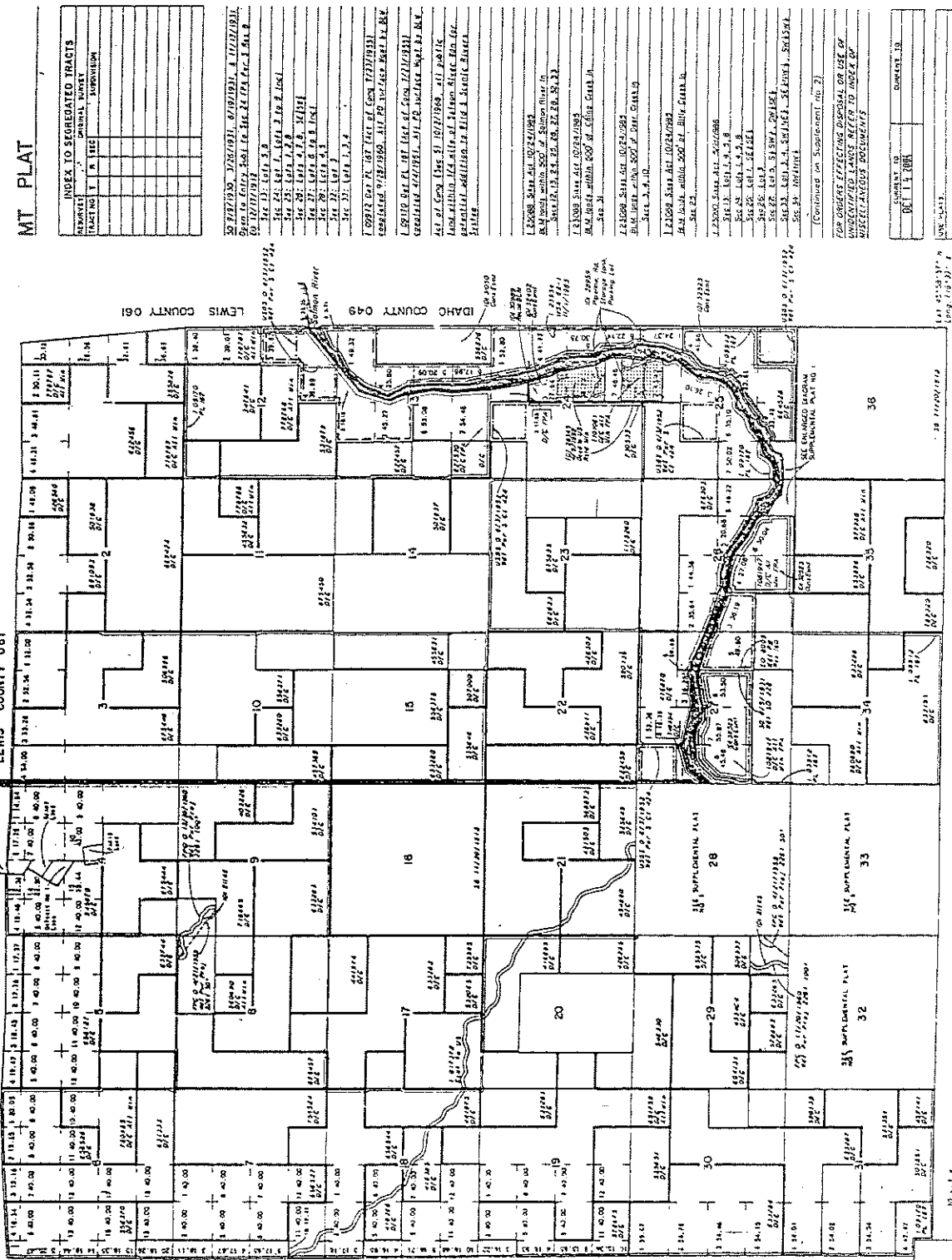
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

COON CREEK DISTRICT
COTTONWOOD

069 NEZ PERCE COUNTY

LEWIS COUNTY 081

MT PLAT

[illegible]

TRAINING STATEMENT

The plot is the Bureau's Record of Files, and should be used only as a graphic display of the training data. These data should not reflect title changes when they have been submitted by external movements of items to other bodies or other bodies. Refer to the coordinate systems for official survey information.

A horizontal scale bar labeled "SCALE in Centimeters" with markings from 0 to 60. The scale is marked every 10 units (0, 10, 20, 30, 40, 50, 60) and has smaller markings every 2 units.

KEY POINTS

1

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.