

RECEIVED

AUG 22 2007

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 67-10761  
(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 Davies  
Address: P.O. Box 392; Ketchum, Idaho 83340

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: See attached.
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:
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 at the recommended POD. The claimant's use of Federal land is unauthorized. Claimant's water right should not include this POD. Perhaps there is a typographic error in township.

F.

**VERIFICATION** (Must be Completed)

State of Idaho

)

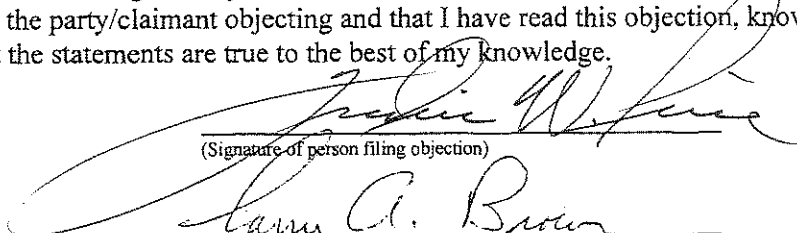
) ss.

County of ADA

)

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

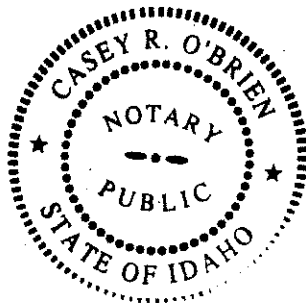
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

  
(Signature of person filing objection)

Larry A. Brown  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 20, 2007

  
Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

## 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 August 20<sup>th</sup>, 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: James Davies  
Address: P.O. Box 392; Ketchum, Idaho 83340

Name:  
Address: ;

Name:  
Address: ;

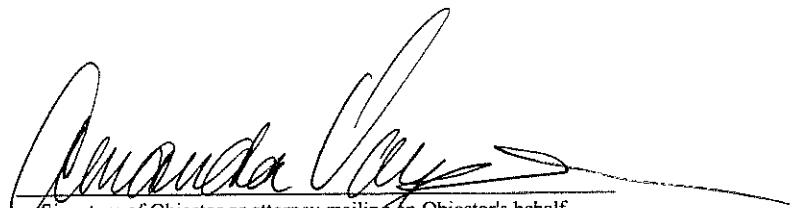
Name:  
Address: ;

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

12/21/2006

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

RIGHT NUMBER: 67-10761      **POD on BLM:**  
NAME AND ADDRESS: JAMES DAVIES      -The Point of Diversion was recommended as T13N R05W S01, which is  
PO BOX 392      BLM land and appears to be a typographical error in Township. The Point  
KETCHUM ID 83340      of Diversion should be T12N.

SOURCE: DEER CREEK      TRIBUTARY: MANN CREEK

QUANTITY: 0.150 CFS  
The quantity of water under this right for stockwater use shall not exceed  
13,000 gallons per day.

PRIORITY DATE: 06/01/1950

POINT OF  
DIVERSION: [ T13N R05W S1 SWSENE Within WASHINGTON County ] BLM

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 01/01 12/31          | 0.050 CFS       |
| IRRIGATION            | 03/01 11/15          | 0.100 CFS       |

PLACE OF USE: IRRIGATION in WASHINGTON County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T12N R05W S01 | SENE | 3.70 | T12N R05W S01 | SESE | 1.30 |
|---------------|------|------|---------------|------|------|

STOCKWATER in WASHINGTON County

|               |      |               |      |
|---------------|------|---------------|------|
| T12N R05W S01 | SENE | T12N R05W S01 | NESE |
|---------------|------|---------------|------|

5 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 stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Dear Dan:

In reference to your letter dated March 30 2006 I submit the following documents. They are stapled and numbered lower right hand corner to coincide with descriptive material listed below:

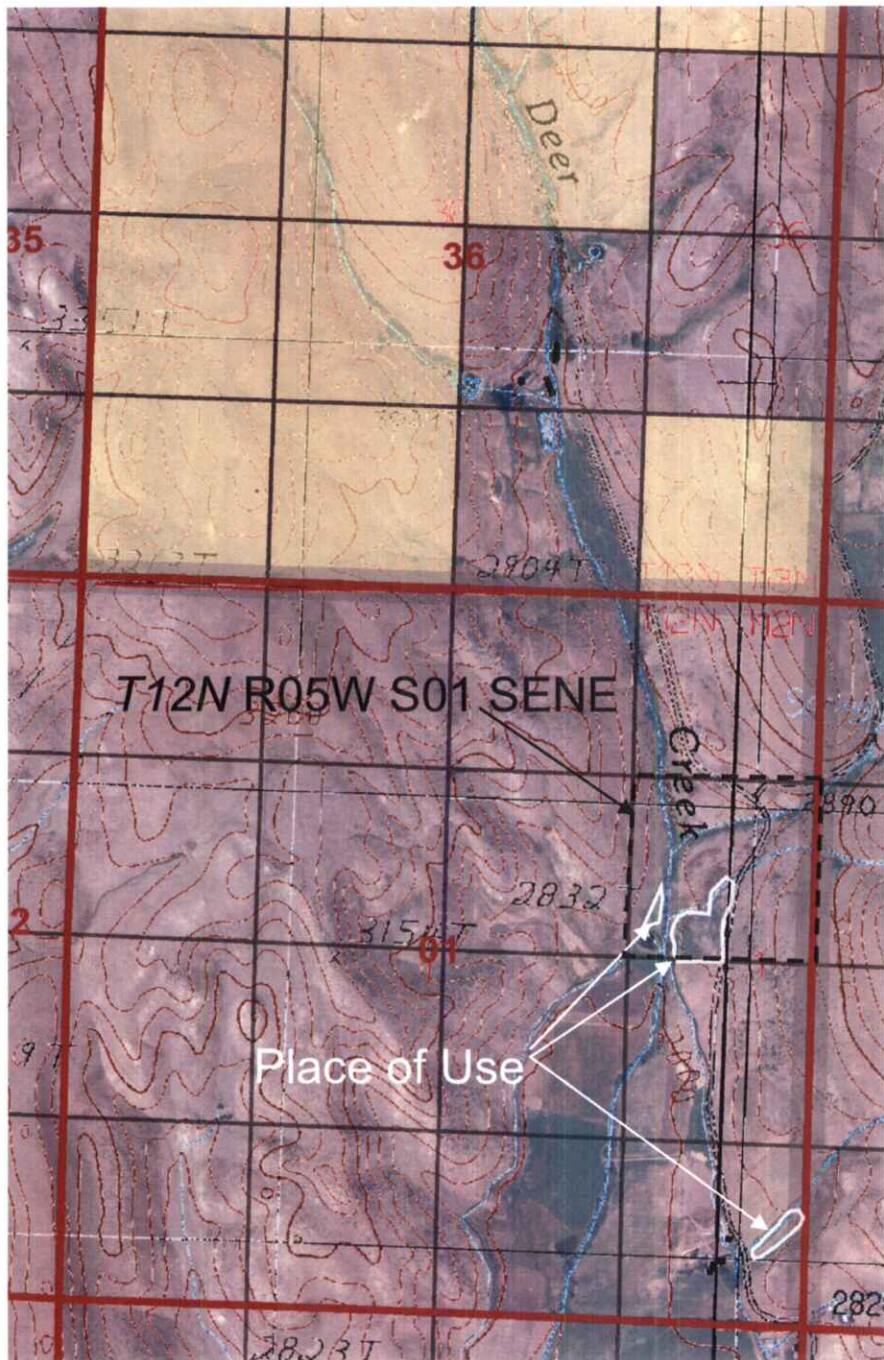
1. Deed Jensen to me with Tarter the mortgagee. (Jensen only owned the place a few months)
2. Priority date 6-1-23 in N.D. Nellie + George Tarter connected to TWP 12 N. From 13 N. See P 3A connection.
- 2B. Wrongly submitted TWP in Application claim as of letter dated 5-9-02 (whose mistake? My submission was later)
3. My submission of change of ownership dated 5-24-93 mistakenly using TWP 13 N taken from Application claim profile dated 1-23-01 (see P 3B)
- 3A. Finally showing change from TWP 13 N TO 12 N
- 3B. Historical, in that TWP is caught as wrong from a profile report dated 2/5/85 (By this time George is 80 years old still moving water with a shovel)
4. Maps showing pits of diversion and approximate acreage of use.
- 4A. Re-ap of ownership change of water rights if applicable.

Please advise me what further evidence you require, and what fee amount, if any, for re-filing. This has been a long morning.

Yours very Truly  
Jim Davies

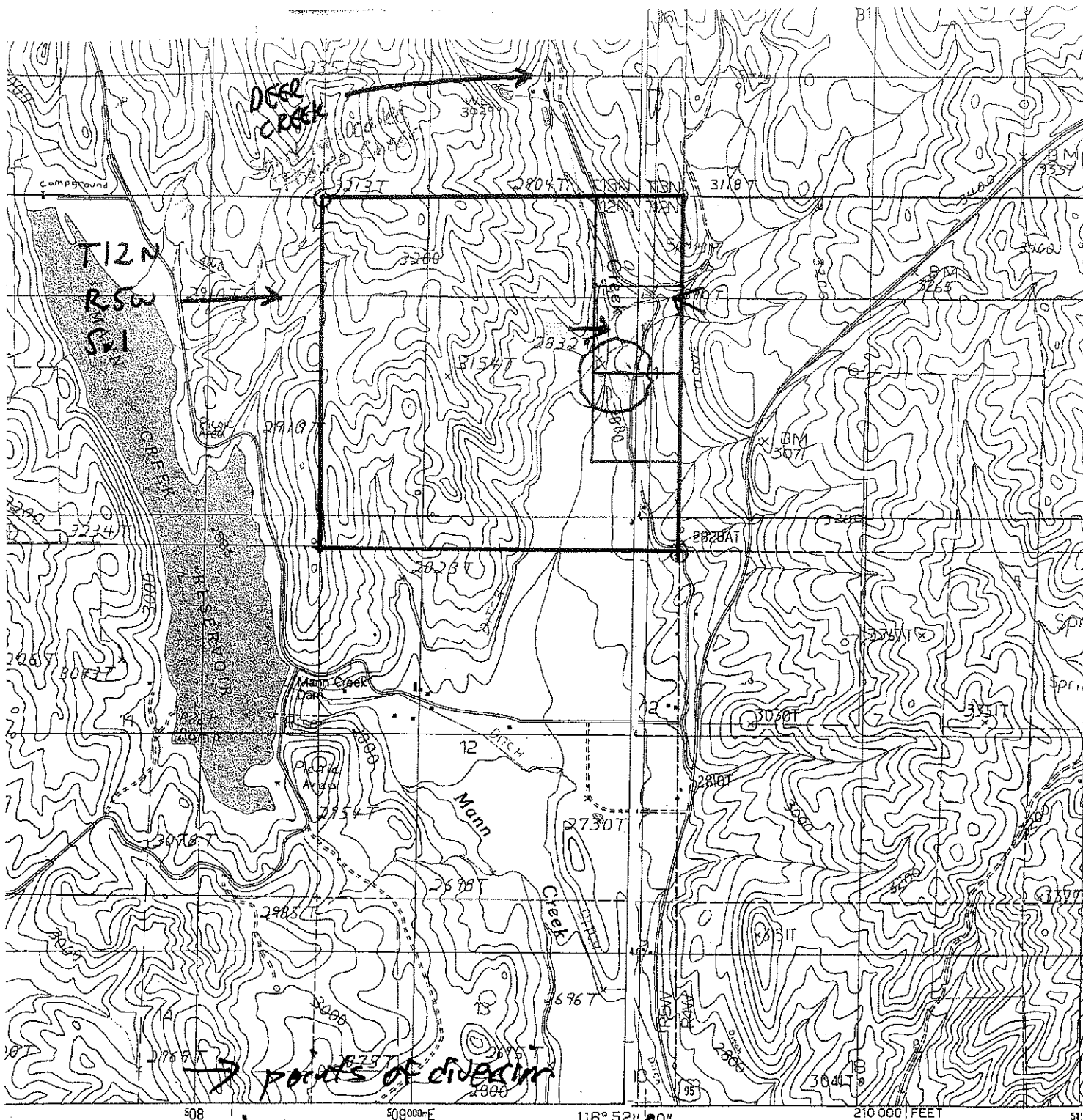
208 726 3259 E-mail IRDJM@cox.net

## 67-10761; James Davies



### POD on BLM:

-The Point of Diversion was recommended as **T13N R05W S01**, which is BLM land and appears to be a typographical error in Township. The Point of Diversion should be **T12N**.



ANGLE LOCATION

- |   |   |               |
|---|---|---------------|
| 3 | 1 | Monroe Butte  |
|   | 2 | Shurgill Peak |
|   | 3 | Hopper Creek  |
| 5 | 4 | Olds Ferry NB |
|   | 5 | Midvale Hill  |
|   | 6 | Porters Flat  |
|   | 7 | Weiser North  |
| 3 | 8 | Mann Creek SE |

*Circle enclosed approximate recreation area.*

Improved Road .....  
Unimproved Road .....  
Trail .....

○ Interstate Route    □ U.S. Route    ○ State Route

MANN CREEK NW, IDAHO  
PROVISIONAL EDITION 1987

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY  
CONTROL BY ..... USGS, NOS/NO.  
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN ..... 1  
FIELD CHECKED ..... 1984    MAP EDITED .....  
PROJECTION ..... TRANSVERSE MERCATOR  
GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ..... ZONE  
10,000-FOOT STATE GRID TICKS ..... IDAHO, WEST 20  
UTM GRID DECLINATION ..... 0°08' EA  
1987 MAGNETIC NORTH DECLINATION ..... 17°30' EA  
VERTICAL DATUM ..... NATIONAL GEODETIC VERTICAL DATUM OF 1  
HORIZONTAL DATUM ..... 1927 NORTH AMERICAN DATUM  
To place on the predicted North American Datum of 1911  
move the projection lines as shown by dashed corner ticks  
(16 meters north and 78 meters east)  
There may be private inholdings within the boundaries of a  
Federal and State Reservations shown on this map.

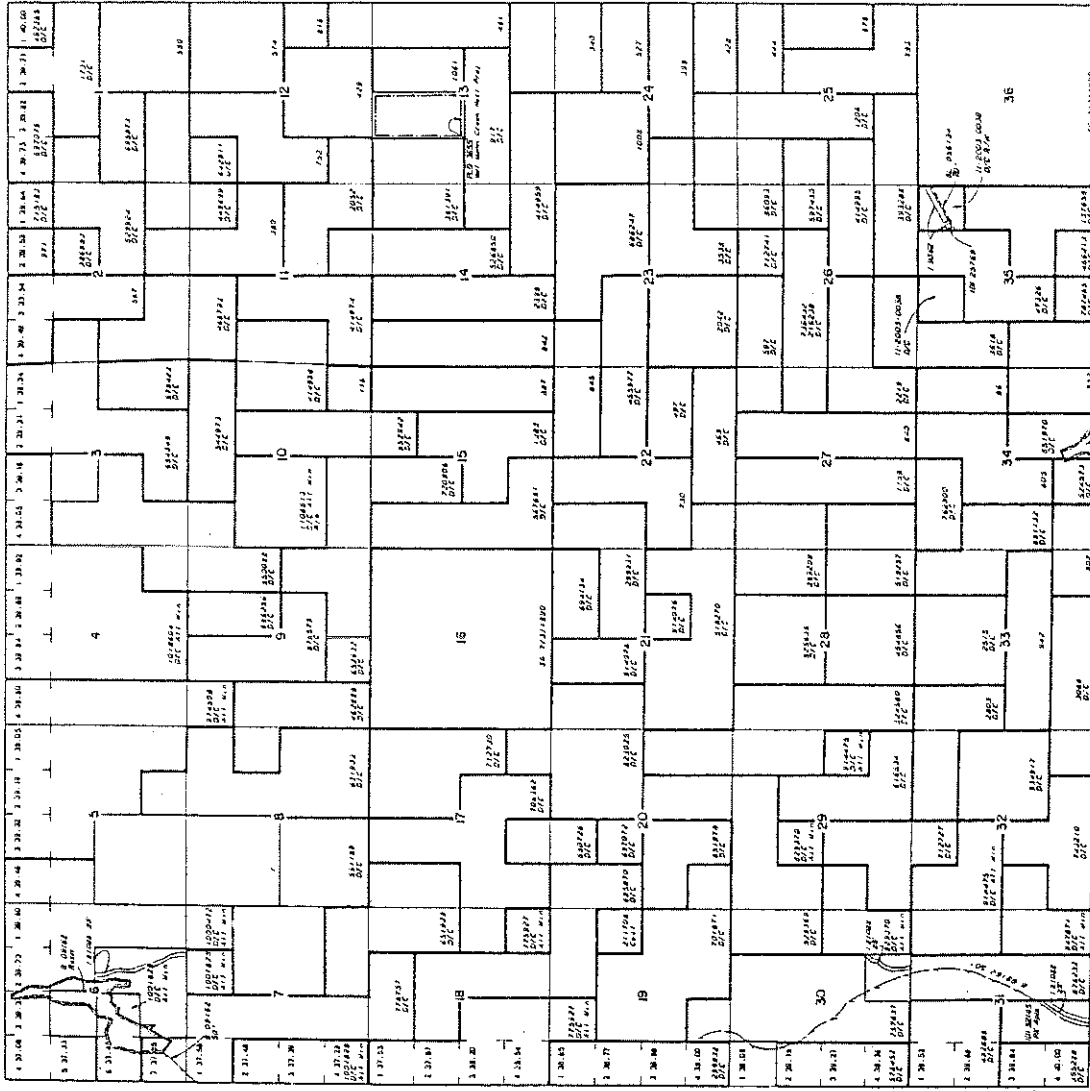


# TOWNSHIP 12 NORTH RANGE 5 WEST OF THE BOISE MERIDIAN, IDAHO

WASHINGTON COUNTY DBT  
BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

## MT PLAT



Washington County, Idaho  
This plat is the Boise Meridian of 1811, and should be used only as a general guide to the location of the land. It is not intended to show the exact location of the land, but only to show the general location of the land. The land is shown in the Boise Meridian of 1811, and should be used only as a general guide to the location of the land.

SCALE IN CHAINS  
0 10 20 30 40

| INDEX TO SEGREGATED TRACTS |    |    |      |
|----------------------------|----|----|------|
| TRACT NO.                  | T. | R. | SEC. |
| 1                          | 12 | 5  | 3    |
| 2                          | 12 | 5  | 3    |
| 3                          | 12 | 5  | 3    |
| 4                          | 12 | 5  | 3    |
| 5                          | 12 | 5  | 3    |
| 6                          | 12 | 5  | 3    |
| 7                          | 12 | 5  | 3    |
| 8                          | 12 | 5  | 3    |
| 9                          | 12 | 5  | 3    |
| 10                         | 12 | 5  | 3    |
| 11                         | 12 | 5  | 3    |
| 12                         | 12 | 5  | 3    |
| 13                         | 12 | 5  | 3    |
| 14                         | 12 | 5  | 3    |
| 15                         | 12 | 5  | 3    |
| 16                         | 12 | 5  | 3    |
| 17                         | 12 | 5  | 3    |
| 18                         | 12 | 5  | 3    |
| 19                         | 12 | 5  | 3    |
| 20                         | 12 | 5  | 3    |
| 21                         | 12 | 5  | 3    |
| 22                         | 12 | 5  | 3    |
| 23                         | 12 | 5  | 3    |
| 24                         | 12 | 5  | 3    |
| 25                         | 12 | 5  | 3    |
| 26                         | 12 | 5  | 3    |
| 27                         | 12 | 5  | 3    |
| 28                         | 12 | 5  | 3    |
| 29                         | 12 | 5  | 3    |
| 30                         | 12 | 5  | 3    |
| 31                         | 12 | 5  | 3    |
| 32                         | 12 | 5  | 3    |
| 33                         | 12 | 5  | 3    |
| 34                         | 12 | 5  | 3    |
| 35                         | 12 | 5  | 3    |
| 36                         | 12 | 5  | 3    |

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

|            |          |
|------------|----------|
| COMMENT TO | CLERK TO |
| USE PLATS  |          |

Sheet 344  
T. 12 N.  
R. 5 W.