

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 77-14307
(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: (208) 373-3831 (Fred Price)

Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone, (208) 334-9375 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: Kenneth R. and Tammie Walters

Address: P.O. Box 31; Riggins, Idaho 83549

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):

IDWR's recommendation includes a remark under the place of use element that reads "Place of use does not include federal public lands," however there are several places of use that describe federal public land.

F.

VERIFICATION (Must be Completed)

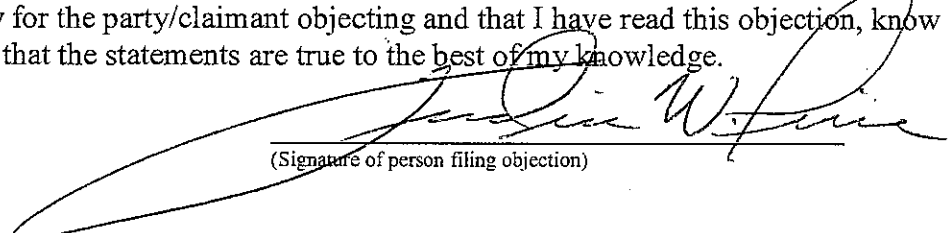
State of Idaho)

) ss.

County of ADA)

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

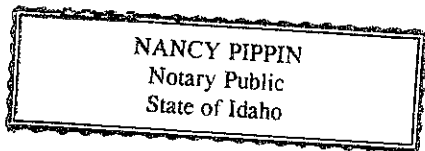
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

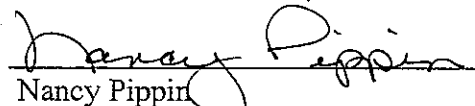

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 24, 2008




Nancy Pippin

Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 09-06-2011

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 12-24-08, 2008, 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:

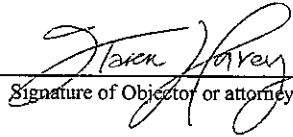
Name: Kenneth R. and Tammie Walters
Address: P.O. Box 31; Riggins, Idaho 83549
Name: Dana L. Hofstetter (attorney for claimant)
Address: 608 W. Franklin St.; Boise, Idaho 83702

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

11/28/2008

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

RIGHT NUMBER: 77-14307

NAME AND ADDRESS: TAMMIE WALTERS
PO BOX 31
RIGGINS ID 83549

IDWR's Recommendation for this claim has the remark, "Place of use does not include federal public lands." However, there are several places of use that describe public lands.

KENNETH R WALTERS
PO BOX 31
RIGGINS ID 83549

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 03/01/1943

POINT OF
DIVERSION:

T24N R01E S13 SENE Lot 8 End of Stream Flow Within IDAHO County
T24N R01E S14 SWNE End of Stream Flow Within IDAHO County
T24N R01E S14 SENE End of Stream Flow Within IDAHO County
T24N R01E S14 SENE Begin of Stream Flow Within IDAHO County
T24N R01E S14 SENE Begin of Stream Flow Within IDAHO County
T24N R01E S22 NENE Lot 1 End of Stream Flow Within IDAHO County
T24N R01E S23 NENE Lot 4 Begin of Stream Flow Within IDAHO County
T24N R02E S18 SWSE Lot 8 Begin of Stream Flow Within IDAHO County
T24N R02E S18 SESE Lot 10 End of Stream Flow Within IDAHO County
T24N R02E S20 NWNW Lot 2 Begin of Stream Flow Within IDAHO 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 in IDAHO County

PLACE OF USE	PERIOD OF USE	QUANTITY
T24N R01E S13 Lot 8 SENE	T24N R01E S14 SWNE	
T24N R01E S14 SENE	T24N R01E S22 Lot 1 NENE	
T24N R01E S23 Lot 4 NENE	T24N R01E S23 Lot 2 NWNW	
T24N R02E S18 Lot 6 SWNW	T24N R02E S18 Lot 5 NESW	Mixed use
T24N R02E S18 Lot 6 NWSW	T24N R02E S18 NWSE	BLM & PVT
T24N R02E S18 Lot 8 SWSE	T24N R02E S18 Lot 10 SESE	BLM
T24N R02E S19 Lot 1 NENE		

Place of use does not include federal public lands.

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

Salmon River

1 36.240

2 24.090

3 32.850

131885 D/C

4 19.880

5 43.200

6 35.730

7 36.480 853984 D/C All Min

8 33.900

9 20.720

10 3.780

1 39.880

1108357 D/C

2 36.500

108873 PL 167

ID# 28943
05/12/1992
Deed to US
All Min

ID# 33777 5' Buried

ID# 32 A 5'

US

363507

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

DEED

TRACT NO. IDI-28943

For the true and actual consideration of \$251,800.00,

Kenneth Ray Walters, a married person, and Tammie R. Walters, Spouse of Vestee, also known as Tammie Rae Walters, whose address is P.O. Box 31, Riggins, Idaho 83349

hereinafter called Grantor whether one or more, does hereby grant, bargain, sell and convey to the UNITED STATES OF AMERICA, and its assigns, the following described real property situated in Idaho County, State of Idaho, to wit:

PARCEL #1:

A parcel of land situate in Government Lots 5, 6 and 8, of Section 18, in Township 24 North, Range 2 East, Boise Meridian, Idaho County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 17, 18 and 19 and 20, Township 24 North, Range 2 East, Boise Meridian, Idaho County, Idaho; thence, S. 85°49'57"W., 2629.06 feet to the original stone quarter corner common to said Sections 18 and 19; thence N. 33°35'13"E., 1471.65 feet to an aluminum cap on the northerly right-of-way of a 66 foot wide public road easement surveyed and described in that certain Right of Way Deed, recorded January 2, 1935, under instrument No. 107227, Book 62, page 174, records of Idaho County, Idaho, hereinafter described as the public road, the REAL POINT OF BEGINNING;

Thence N. 25°00'E., a distance of 55.36 feet to the left bank of the Salmon River, thence westerly along said left bank bearing N. 56°00'W., 92.81 feet; thence N. 69°00'W., 165.0 feet; thence N. 35°00'W., 192.0 feet; thence N. 31°00'W., 210.0 feet; thence N. 35°00'W., 195.0 feet; thence N. 43°00'W., 155.00 feet; thence N. 46°00'W., 195.0 feet; thence N. 47°00'W., 160.0 feet; thence N. 54°00'W., 160.0 feet; thence N. 58°00'W., 170.0 feet; thence N. 66°00'W., 155.0 feet; thence N. 73°00'W., 160.0 feet; thence S. 87°00'W., 130.0 feet; thence S. 57°00'W., 85.0 feet; thence S. 77°00'W., 360.0 feet; thence N. 83°00'W., 55.0 feet; thence S. 86°00'W., 90.0 feet; thence N. 75°00'W., 79.87 feet; thence leaving said left bank bearing S. 8°00'W., 133.31 feet to the centerline of said public road; thence easterly along said centerline bearing S. 83°00'00"E., 157.27 feet; thence 116.67 feet along a curve to the right whose radius is 954.93 feet and delta angle is 7°00'00"; thence S. 76°00'00"E., 213.57 feet; thence 100.00 feet along a curve to the right whose radius is 220.37 feet and delta angle is 26°00'00"; thence S. 50°00'00"E., 96.13 feet; thence 78.54 feet along a curve to the left whose radius is 225.00 feet and delta angle is 20°00'00"; thence 309.09 feet along a curve to the right whose radius is 520.87 feet and delta angle is 34°00'00"; thence S. 36°00'00"E., 55.0 feet; thence 109.09 feet along a curve

to the left whose radius is 520.87 feet and delta angle is $12^{\circ}00'00''$; thence $S.48^{\circ}00'00''E.$, 450.10 feet; thence 445.84 feet along a curve to the left whose radius is 716.20 feet and delta angle is $35^{\circ}40'00''$; thence $S.83^{\circ}40'00''W.$, 358.97 feet; thence 98.33 feet along a curve to the right whose radius is 286.48 feet and delta angle is $19^{\circ}40'00''$; thence, leaving said centerline bearing $N.26^{\circ}00'00''E.$, 33.00 feet to the REAL POINT OF BEGINNING, said parcel containing 23.083 acres more or less.

Bearings based on solar observation.

PARCEL #2:

A parcel of land being that portion of the First View Placer and the Grub Stake Placer, Mineral Survey No. 2153 lying north-west of the centerline of an existing 66 foot wide public road easement described in Easement Deed recorded December 9, 1968, under Instrument No. 232717, Book 109, page 342, records of Idaho County Idaho, more particularly described as follows:

Commencing at Corner No. 1 of the First View Placer, Mineral Survey No. 2153, an aluminum cap marked COR 1 F.V. MS2153 S23 T24N R1E 1991, from which the quarter corner common to Sections 14 and 23, T.24N., R.1E., Boise Meridian, bears $N.70^{\circ}58'27''E.$, 514.44 feet, the REAL POINT OF BEGINNING:

Thence $N.89^{\circ}31'E.$, 19.57 feet along line 1 - 2 of said First View Placer to the centerline of said existing 66 foot wide public road easement; thence north-easterly along said centerline 134.81 feet along a non-tangent curve to the right whose long chord bears $N.58^{\circ}22'29''E.$, 134.76 feet, whose radius is 1,400.00 feet and delta angle is $5^{\circ}31'02''$; thence $N.61^{\circ}08'E.$, 43.97 feet; thence 204.20 feet along a curve to the left whose radius is 300.00 feet and delta angle is $39^{\circ}00'$; thence $N.22^{\circ}08'E.$, 409.75 feet; thence 58.18 feet along a curve to the left whose radius is 1,000.00 feet and delta angle is $3^{\circ}20'$; thence $N.18^{\circ}48'E.$, 306.28 feet; thence 94.95 feet along a curve to the left whose radius is 800.00 feet and delta angle is $6^{\circ}48'$; thence $N.12^{\circ}00'E.$, 32.96 feet; thence 144.51 feet along a curve to the right whose radius is 1,200.00 feet and delta angle is $6^{\circ}54'$; thence $N.18^{\circ}54'E.$, 739.42 feet to intersect line 3 - 4 of said Grub Stake Placer; thence leaving said centerline bearing $N.89^{\circ}57'W.$, 244.83 feet to Corner No. 4 of said Grub Stake Placer, an aluminum cap marked COR4 G.S. MS2153 S14 T24N R1E 1991; thence $S.0^{\circ}01'W.$, 642.40 feet along line 4 - 1 of said Grub Stake Placer to Corner No. 3 of said First View Placer, an aluminum cap marked COR3 F.V. MS2153 G.S. MS2153 S14 T24N R1E 1991; thence $S.89^{\circ}56'W.$, 224.80 feet along line 3 - 4 of said First View Placer to the left bank of the Main Salmon River, an aluminum cap marked WP F.V. MS2153 S14 T24N R1E 1991; thence $S.54^{\circ}04'W.$, 145.80 feet along said left bank to an aluminum cap marked WP F.V. MS2153 S14 T24N R1E 1991; thence $S.14^{\circ}06'W.$, 1,237.50 feet along line 4 - 1 of said First View Placer to the REAL POINT OF BEGINNING, said parcel containing 10.227 acres more or less.

Bearings based on bearing of line 1 - 2 of the First View Placer.

PARCEL #3:

A parcel of land being that portion of the None Such Placer, Mineral Survey No. 2153, lying north-west of the centerline of an existing 66 foot wide public road easement described in Easement Deed recorded December 9, 1968, under Instrument No. 232717, Book 109, page 342, records of Idaho County Idaho, more particularly described as follows:

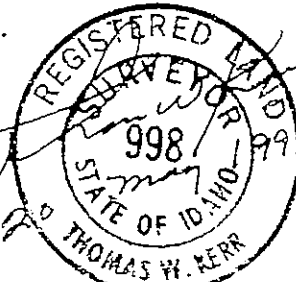
Commencing at Corner No.3 of the None Such Placer, Mineral Survey No. 2153, an aluminum cap marked COR 3 N.S. MS 2153 S13 T24N R1E 1990; thence N.89°56'W., 373.35 feet along line 3 - 4 of said None Such Placer to the centerline of said existing 66 foot wide public road easement, the REAL POINT OF BEGINNING:

Thence, continuing N.89°56'W., 107.79 feet to a brass tablet marked WC WP T24N R1E S13-N.S. MS 2153 1990; thence continuing N.89°56'W., 16.50 feet to the left bank of the Main Salmon River; thence south westerly along said left bank S.73°31'W., 250.00 feet; thence S.72°12'W., 28.19 feet intersecting the section line common to Sections 13 and 14, T.24N., R.1E., Boise Meridian at a point from which the quarter corner common to said sections bears S.0°03'E., 819.72 feet, ~~an~~ an aluminum cap marked S14-S13 T24N R1E 1990; thence S.72°17'W., 537.24 feet; thence S.40°00'W., 17.16 feet intersecting line 4 - 1 of said None Such Placer; thence S.0°04'W., 62.52 feet to the centerline of said road easement; thence 59.29 feet along said centerline in a non-tangent curve to the right whose long chord bears N.66°22'06"E., 59.28 feet, whose radius is 1,000.00 feet and delta angle is 3°23'49"; thence N.68°04'E., 222.00 feet along said centerline; thence N.72°25'E., 192.00 feet along said centerline; thence N.74°21'E., 150.00 feet along said centerline; thence N.70°26'E., 175.00 feet along said centerline; thence N.71°13'E., 170.19 feet along said centerline to the REAL POINT OF BEGINNING, said parcel containing 1.014 acres, more or less.

Bearings based on the Bearing of the section line common to Sections 13 and 14.

The Record⁵ of Survey of Government Lots 5, 6, and 8 in Section 18, Township 24 North, Range 2 East, Boise Meridian, and portions of the FIRST VIEW, GRUBSTAKE, and NONE SUCH patented placer mining claims, bearing Mineral Survey No. 2153 and U.S. Patent No. 83140, Idaho County, Idaho, was recorded May 21, 1992 as Instrument Nos. 363472 & 363473, records of Idaho County, Idaho.

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever. Grantor covenants and warrants that he is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said real property is free and clear of liens, claims or encumbrances, and that he will defend the title to the real property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.



Dated this 12th day of May, 1992

OWNERS OF RECORD

Craig A. Johnson
(Signature of Authorized Officer)

for District Manager
(Title)

Kenneth Ray Walters
KENNETH RAY WALTERS

Tammie R. Walters
TAMMIE R. WALTERS (aka TAMMIE RAE WALTERS)

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF IDAHO

)

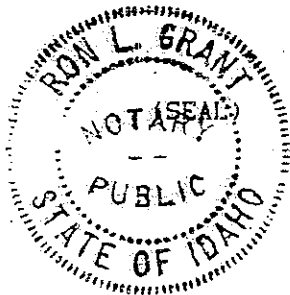
) SS:

COUNTY OF IDAHO

)

On this 12th day of May, 1992 personally came before me, a notary public in and for said County and State, the within-named Kenneth Ray Walters and Tammie R. Walters to me personally known to be the identical persons described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Ron L Grant

Notary Public in and for the

State of IDAHO

Residing at COTTONWOOD, ID

My commission expires: 11/27/93

Filed and recorded at the request of IDAHO COUNTY TITLE CO.

at 11:25 o'clock A M this 26 day of May 1992

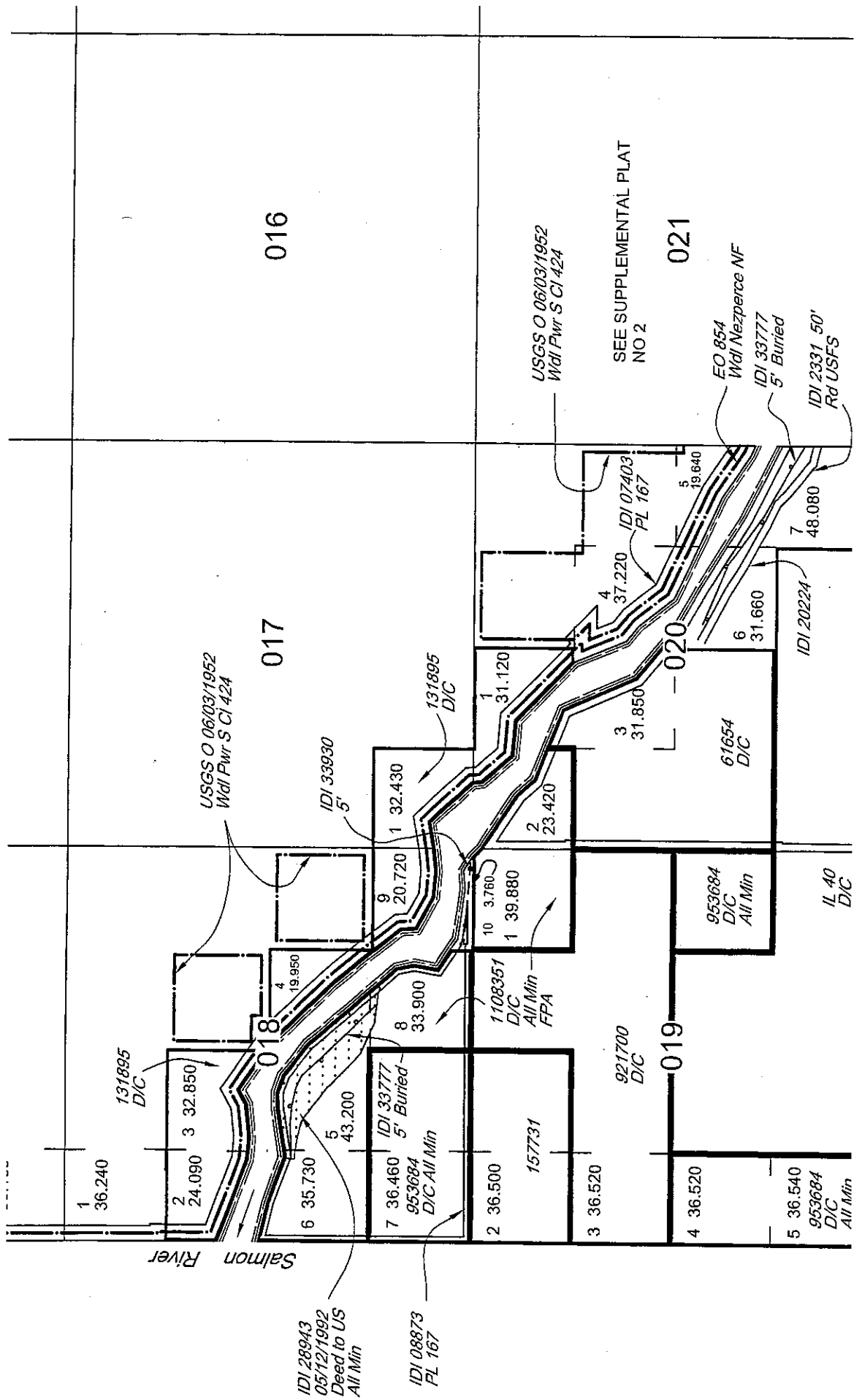
By Katherine M. Schuch
Deputy

ROSE E. GEHRING

Ex-Officio Auditor and Recorder
Idaho County, Idaho

Fee \$ 12.00

27.00



IDAHO COUNTY 049
COEUR D'ALENE DISTRICT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

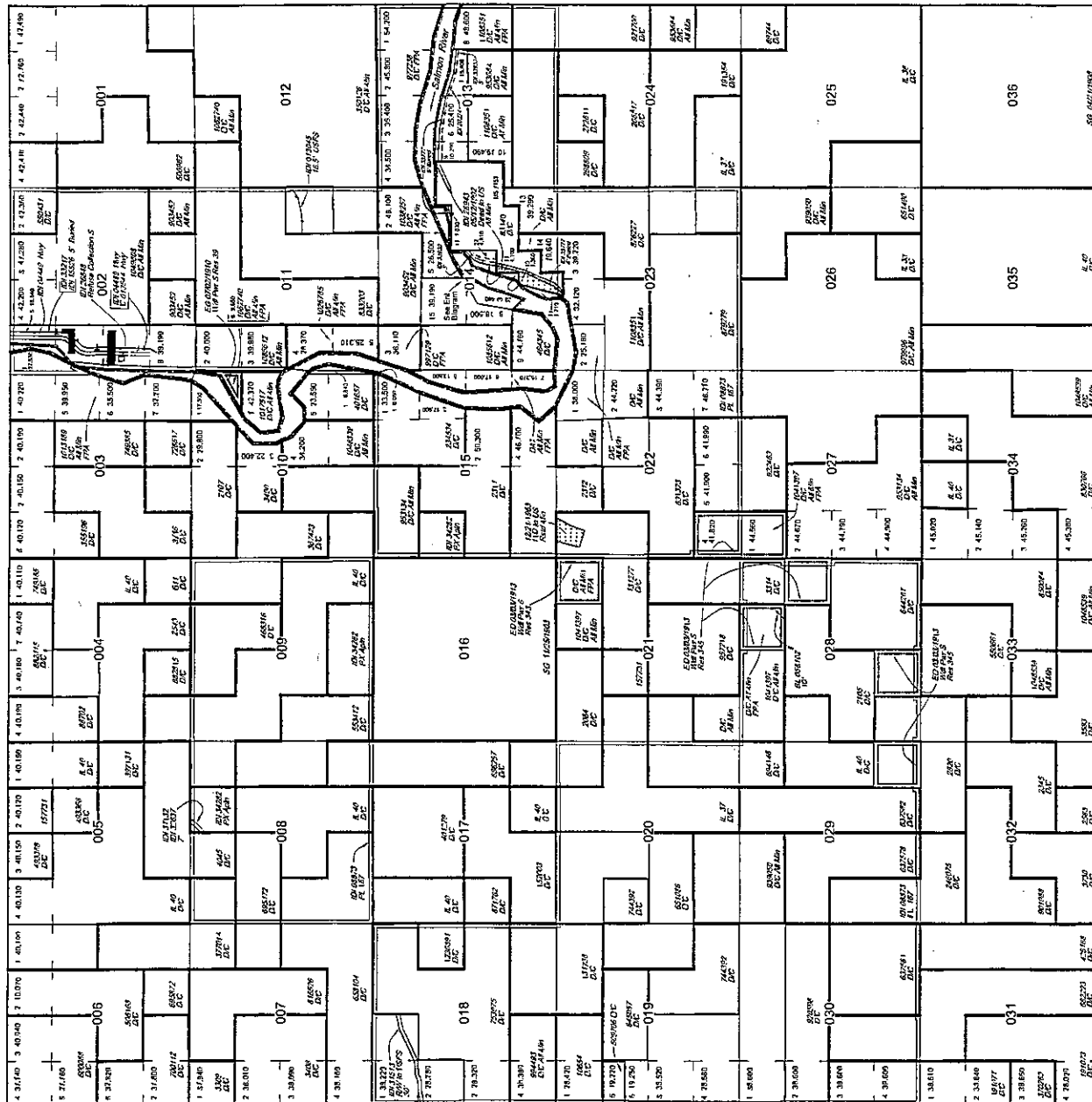
[illegible]

NO 01/01/1932	Open to Entry Study to Sec 24 FPA Pwr S Rns 9	
NO 04/05/1931		
Sec 12: Lots 1 to 4 Ind		
NO 06/01/1932	Open to Entry Study to Sec 24 FPA Pwr S Rns 9	
NO 04/05/1931		
Sec 10: Lot 7		
Sec 14: Lot 3		
NO 12/03/1932	Open to Entry Study to Sec 24 FPA Pwr S Rns	
NO 04/05/1931		
Sec 27: NW/4W		
NO 01/01/1932	Open to Entry Study to Sec 24 FPA Pwr S Rns 8	
NO 04/05/1931		
Sec 7: Lot 1		
Sec 3: Lots 5 to 7 Ind		
Sec 10: Lot 1		
NO 01/01/1932	Open to Entry Study to Sec 24 FPA Pwr S Rns 8	
NO 04/05/1931	Pwr S Rns 345 EQ 03/03/1913	
Sec 11: Lots 4,5		
Sec 15: Lots 5,6		
Sec 22: Lot 4		
NO 03/15/1933	Open to Entry Study to Sec 24 FPA Pwr S Rns 9	
NO 04/05/1931	Pwr S Rns 39 EQ 07/02/1910	
Sec 10: Lot 6		
NO 05/16/1932	Open to Entry Study to Sec 24 FPA Pwr S Rns	
NO 04/05/1931		
Sec 26: SE/4W		
NO 05/16/1932	Open to Entry Study to Sec 24 FPA Pwr S Rns 9	
NO 04/05/1931		
Sec 14: Lots 2,5		
NO 05/16/1932	Open to Entry Study to Sec 24 FPA Pwr S Rns 8	
NO 04/05/1931		
Sec 23: Lot 2		
NO 01/01/1932	Open to Entry Study to Sec 24 FPA Pwr S Rns 9	
NO 04/05/1931		
Sec 15: Lot 7		
Sec 22: Lot 1		

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

FILE NAME:	UD00374600.HMSA.000005.dmg
COMPLETED TIME:	04/02/2008
DATE UPDATED:	04/02/2008
ONCE IT:	04/04/08
POSTED TO PUBLIC WEBSITE:	August 13, 2008
PUBLIC AND SURVEY SYSTEM RUN BY:	
DATA ACQUIRED:	NOISIOUS
PRICES:	N/A
PROCESSING COORDINATING SYSTEM:	UFG ZONE ILM, M&D
NOT USE:	
USE PLATS:	

T. 24 N
R. 1 E



RIGHT ANSWER:

[illegible]

U.S. Bureau of Land Management - Idaho State Office
1382 S. Virtual Way Boise, Idaho 83709
12081323-4000



2081 323-4000