

EXPLANATORY MATERIAL: BASIS OF CLAIM -

In Re SRBA	)	Subcase No. 77-14222
	)	
Case 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
	)	

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

OBJECTORS:
USDA Forest Service
USDI Bureau of Land Management

<u>David L. Negri</u>	Date _____
Attorney for the United States	

 3/9/7
Kenneth Knoblock Date

Chris Bromley
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on March ___, 2007, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Warren Townsite
P.O. Box 62
Midvale, ID 83645

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

.

Signature of person mailing the form

**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: 77-14222
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 USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 334-1936

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: Warren Townsite

Address: PO Box 62
Midvale, ID 83645

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 E below.

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Places of Use**

Should be: See E below.

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 point of diversion and places of use in Section 12, T22N, R6E as shown in the Directors Report recommendation include National Forest System (NFS) and private land. Lots 4, 5 and 6 are specifically NFS land. The exact location of this water right remains unclear because there are no places of use delineated on the map prepared by the IDWR for this claim.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

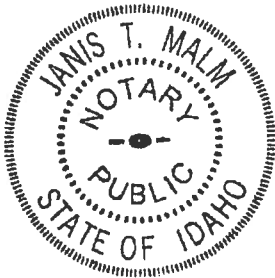
Steve Spencer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Steve M. Spencer
(Signature of person filing objections)

Daniel M.
(Attorney signing in representative capacity)

Subscribed and sworn before me on: July 26, 2006
Janis T. Malm



Notary Public for:
Residing at: Boise, Idaho
Commission Expires: 09/09/2008

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 JUL 28 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
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

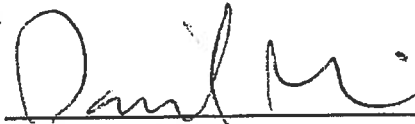
Name: Warren Townsite
Address: PO Box 62
Midvale, ID 83645

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

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 United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land.

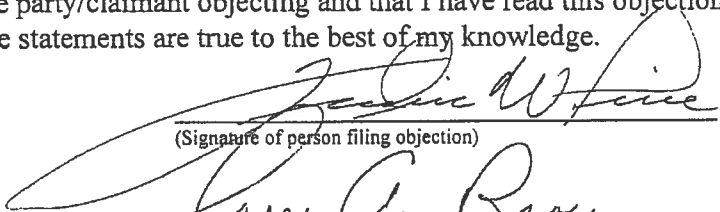
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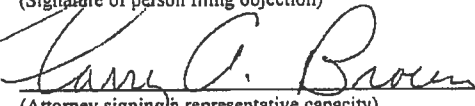
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

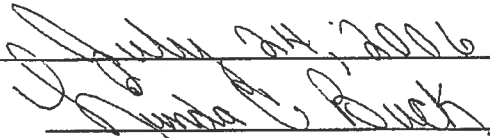
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

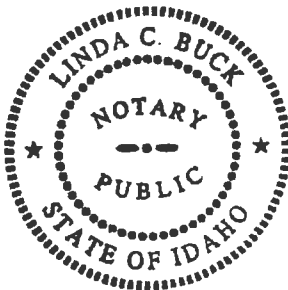
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: July 24, 2006


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 15th, 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:

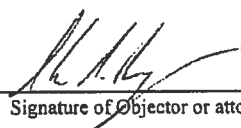
Name: Warren Townsite (c/o Dale Bitner)
Address: P.O. Box 62; Midvale, Idaho 83645
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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: 77-14222
NAME AND ADDRESS: WARREN TOWNSITE
PO BOX 62
MIDVALE ID 83645

Mixed POUs:

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

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

SOURCE: SLAUGHTER CREEK

TRIBUTARY: WARREN CREEK

QUANTITY: 3.000 CFS

PRIORITY DATE: 07/03/1913

POINT OF

DIVERSION: T22N R06E S12 SWNE Lot 6 Within IDAHO County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.250 CFS
FIRE PROTECTION	01/01 12/31	3.000 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

Mixed

T22N R06E S11	NENE	T22N R06E S11	SENE
T22N R06E S12 Lot 4 SWNW		T22N R06E S12 Lot 5 SENW	
T22N R06E S12	NESW	T22N R06E S12	NWSW

Mixed

FIRE PROTECTION same as DOMESTIC

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

77-14222



1. Since the NENE and SENE 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."

2. Please adjust the shapefile boundary to exclude public land.

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

IDAHO COUNTY 049.

COEUR D'ALENE DISTRICT.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS			
RESERVE	ORIGINAL SURVEY	TRACT NO.	SECTION
		1	1
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All 36 include in 1 00167 Lot 167 (not of
Gm 1221/1951) completed 12/22/1960. All at
surface agent by USFS including

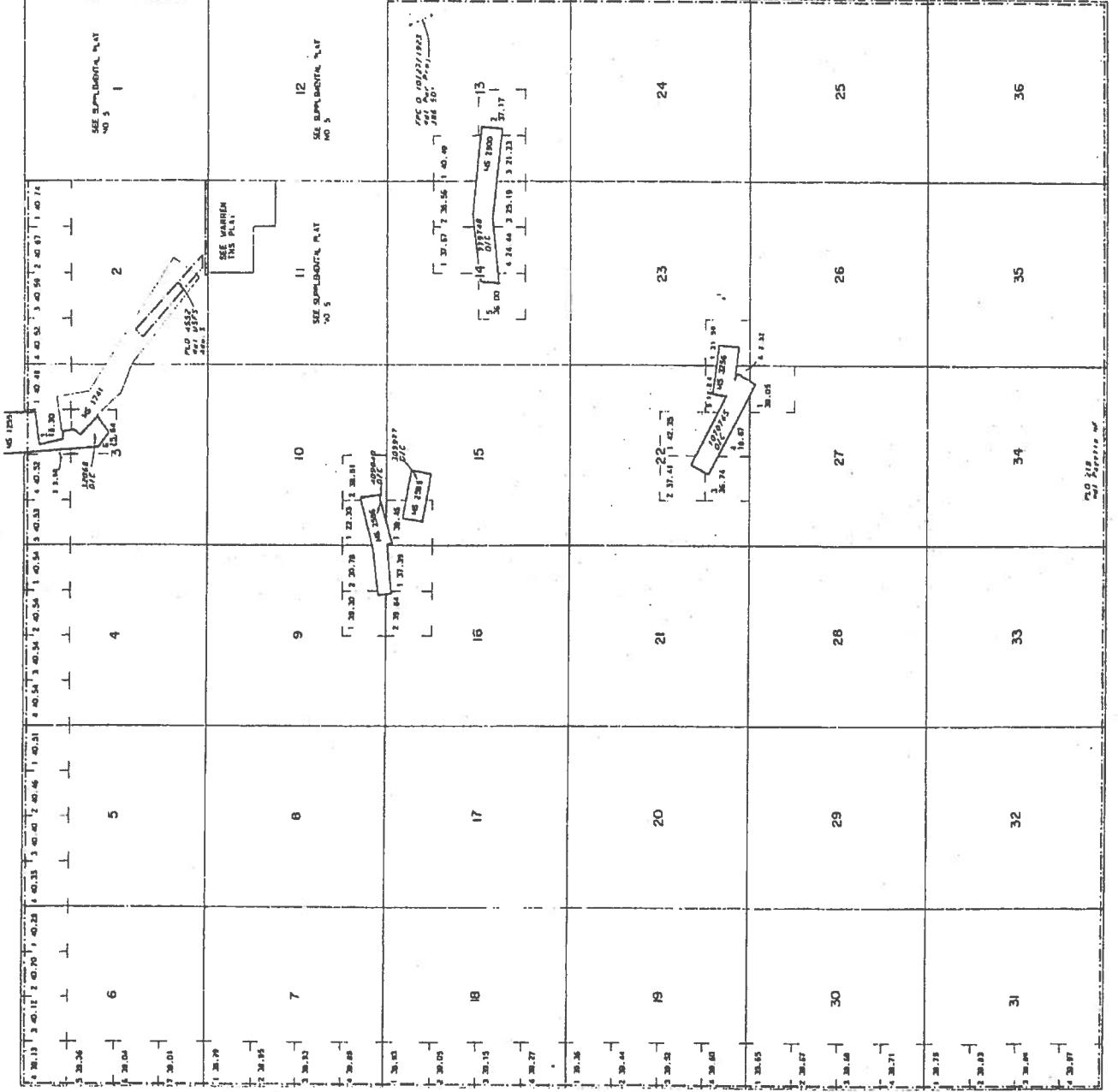
1 00167-A-1 Sec 12 1/2 Old Reservoir Plot 3
1 00167-A-2 Sec 12 1/2 Old Reservoir Plot 1
1 00167-A-3 Sec 12 1/2 Old Reservoir Plot 2
1 00167-A-4 Sec 12 1/2 Old Reservoir Plot 3
1 00167-A-5 Sec 12 1/2 Old Reservoir Plot 4

1 00167-A-6 USFS and 3 1/2
Sec 12: 1/2

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

CORRECTION TO	COMMENT TO
FEN 2.3 1958	
USE PLATS:	

Lat 45° 12' N
Long 115° 42' E



SCALE in Chains

WARNING: STATEMENT
The data on this map were prepared in Idaho, and should be used

Bas

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

IDAHO COUNTY 049

COEUR D'ALENE DISTRICT

NO 5

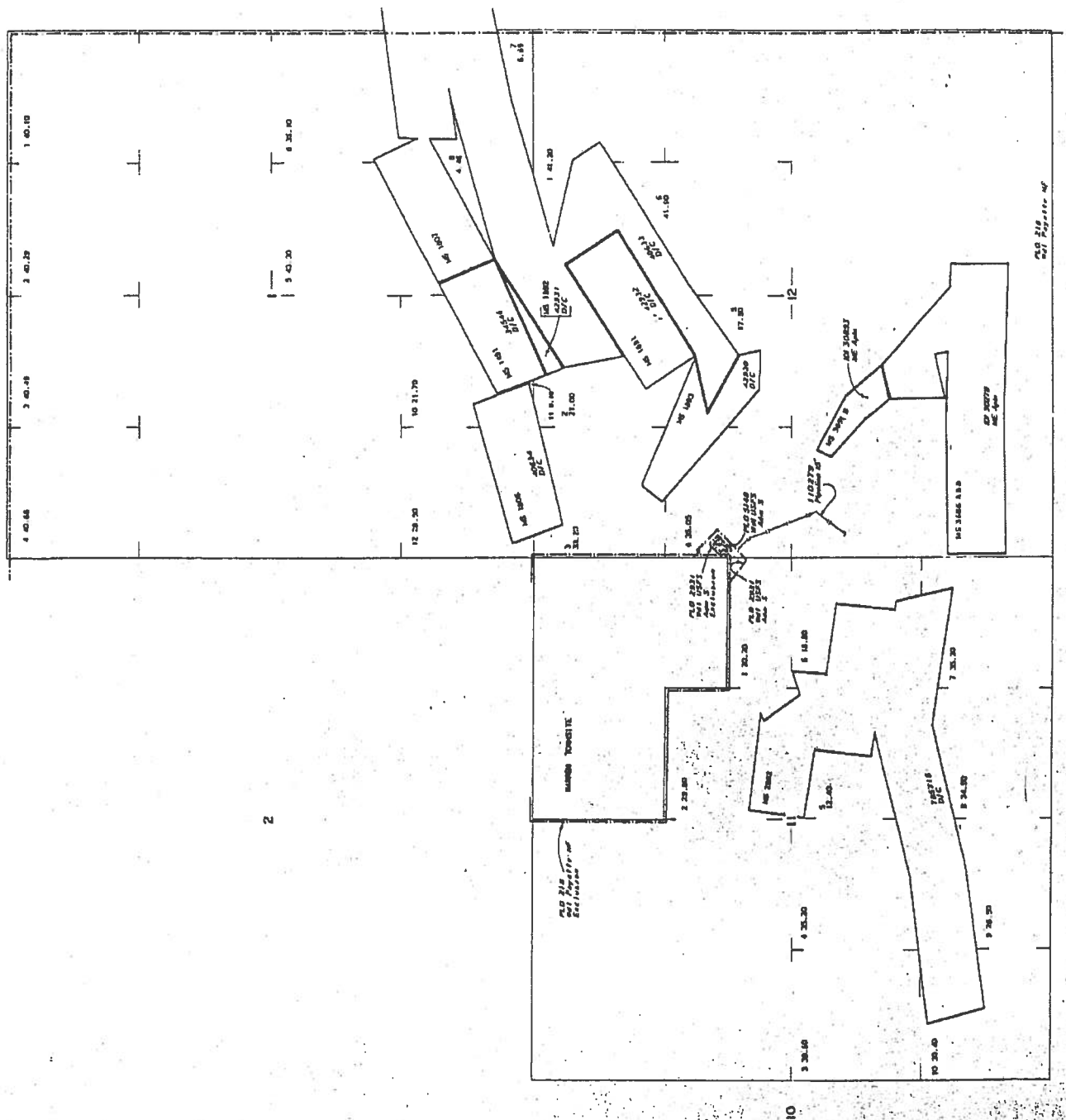
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP
SUPPL Sec 1, 11, 12

INDEX TO SEGREGATED TRACTS			
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All Tracts included in 1 (6047) Plat 167 (A.L.R. 104 7229 1931) comprised 10227 000. All of surface Bgr by USFS including

- 1 (6047) N-1 Sec 12 101 Old Resurvey B111 5
- 1 (6047) N-2 Sec 12 101 Old Resurvey B111 5
- 1 (6047) N-3 Sec 11 101 Old Resurvey B111 5
- 1 (6047) N-4 Sec 12 101 Old Resurvey B111 5
- 1 (6047) N-5 Sec 12 101 Old Resurvey B111 5



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

CURRENT TO	CURRENT TO
101 28 1931	101 28 1931
USE PLATE	USE PLATE

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

WARREN
TOWNSITE PLAT
SHEET 3

[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the work.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete them.

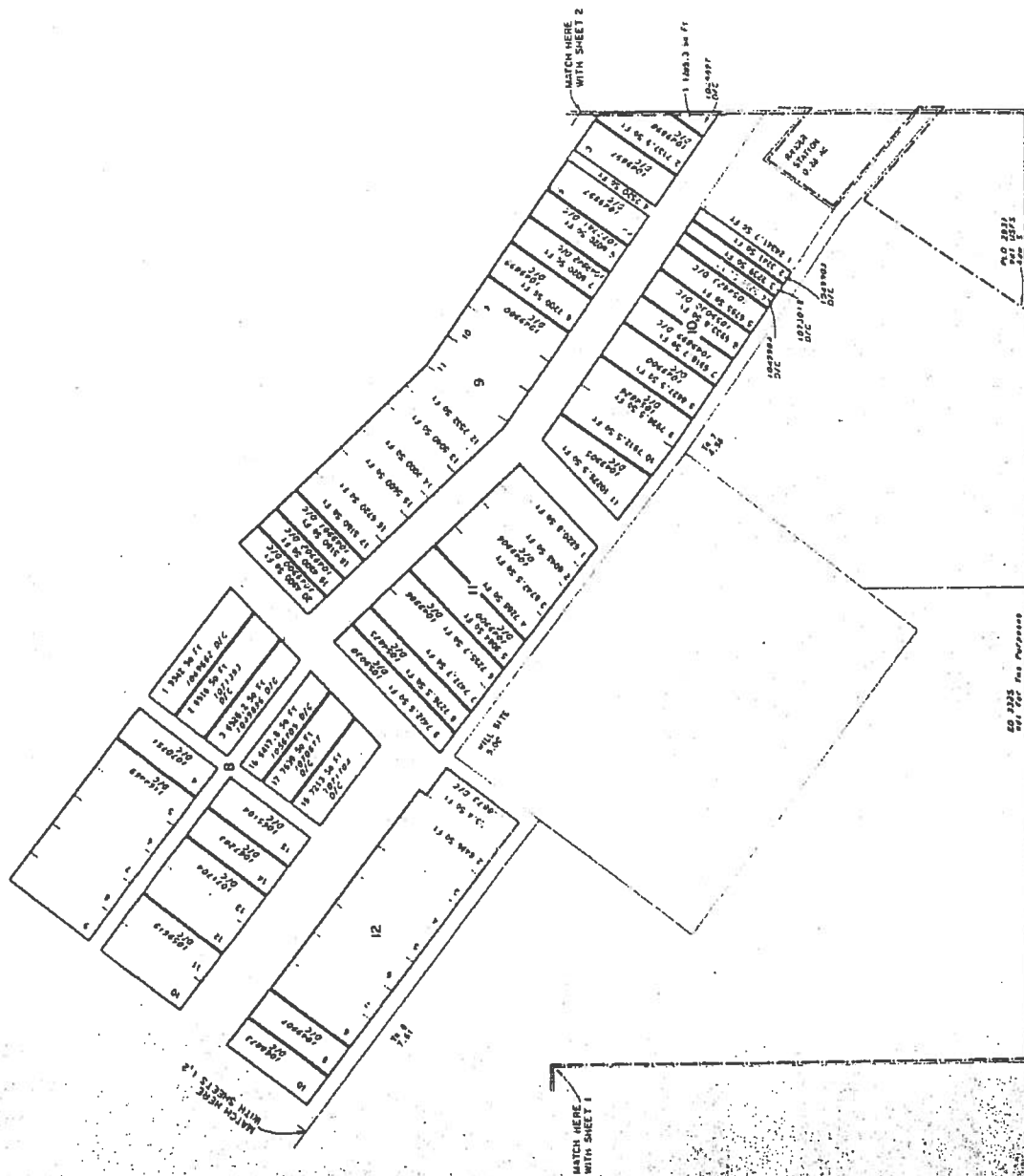
4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress to ensure that the objectives are being met.

5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and identifying any lessons learned for future projects.

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

CLIENT TO	CLIENT TO
MAY 13 1965	

USE PLATE:



Notes: All data unless otherwise noted are from 1990 to 1991.

SCALE IN FOOT

IDAHO COUNTY
COEUR D'ALENE DISTRICT

10

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

WARREN
TOWNSITE PLAT
SHEET 2

[illegible]

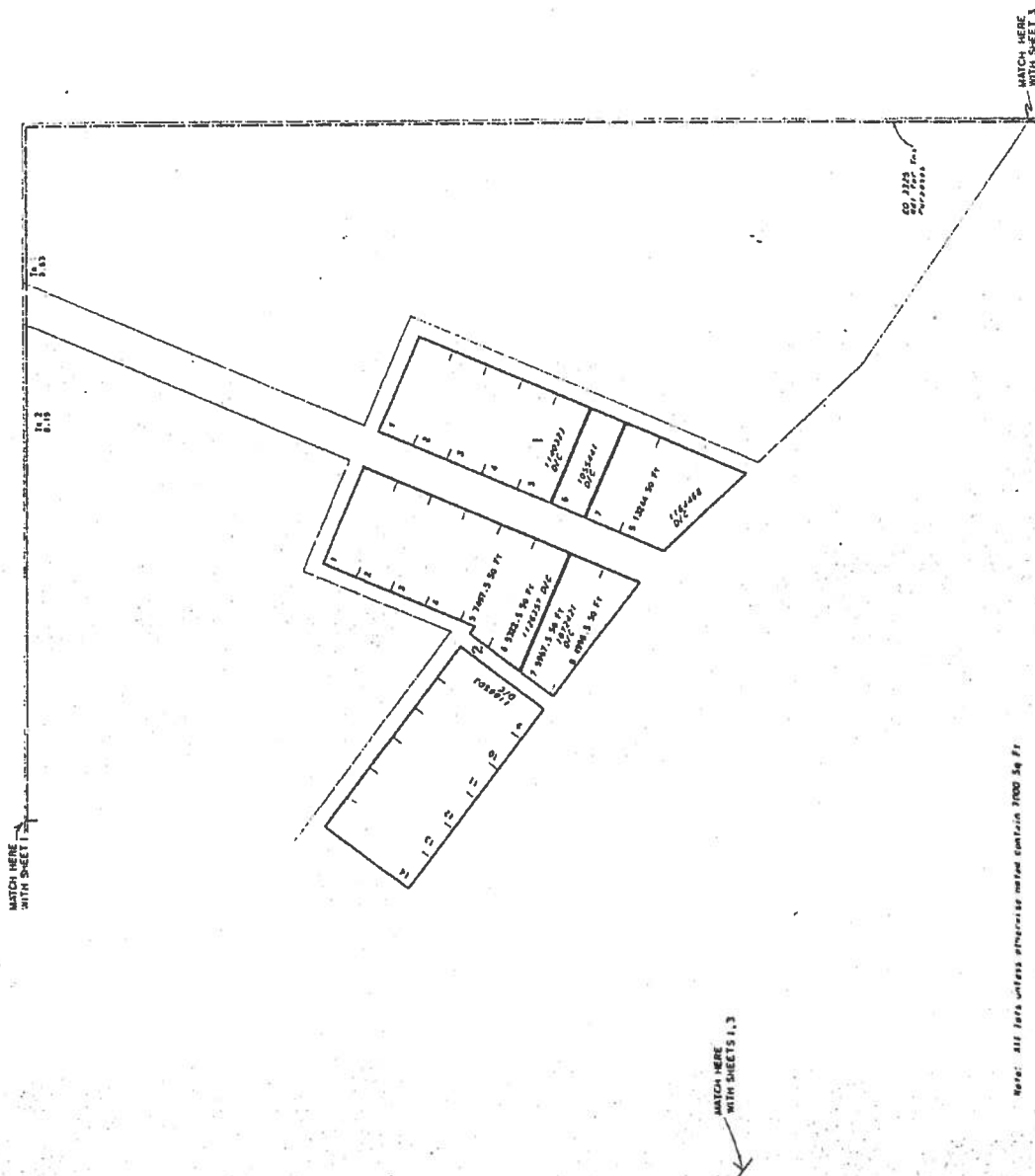
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FROM ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CLASSIFIED TO	DECLASSIFY ON
15-1-1	15-1-1

USE PLAYS

SCAF is for



COEUR D'ALENE DISTRICT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible]

MARCH HERE
WITH SHEET 2

WATCH HERE
WITH SHEETS 2, 3

3 MATCH WERE
4 2345 4116

TO 1125

[illegible]

SCALE in feet

Umsatz M.
r 22

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

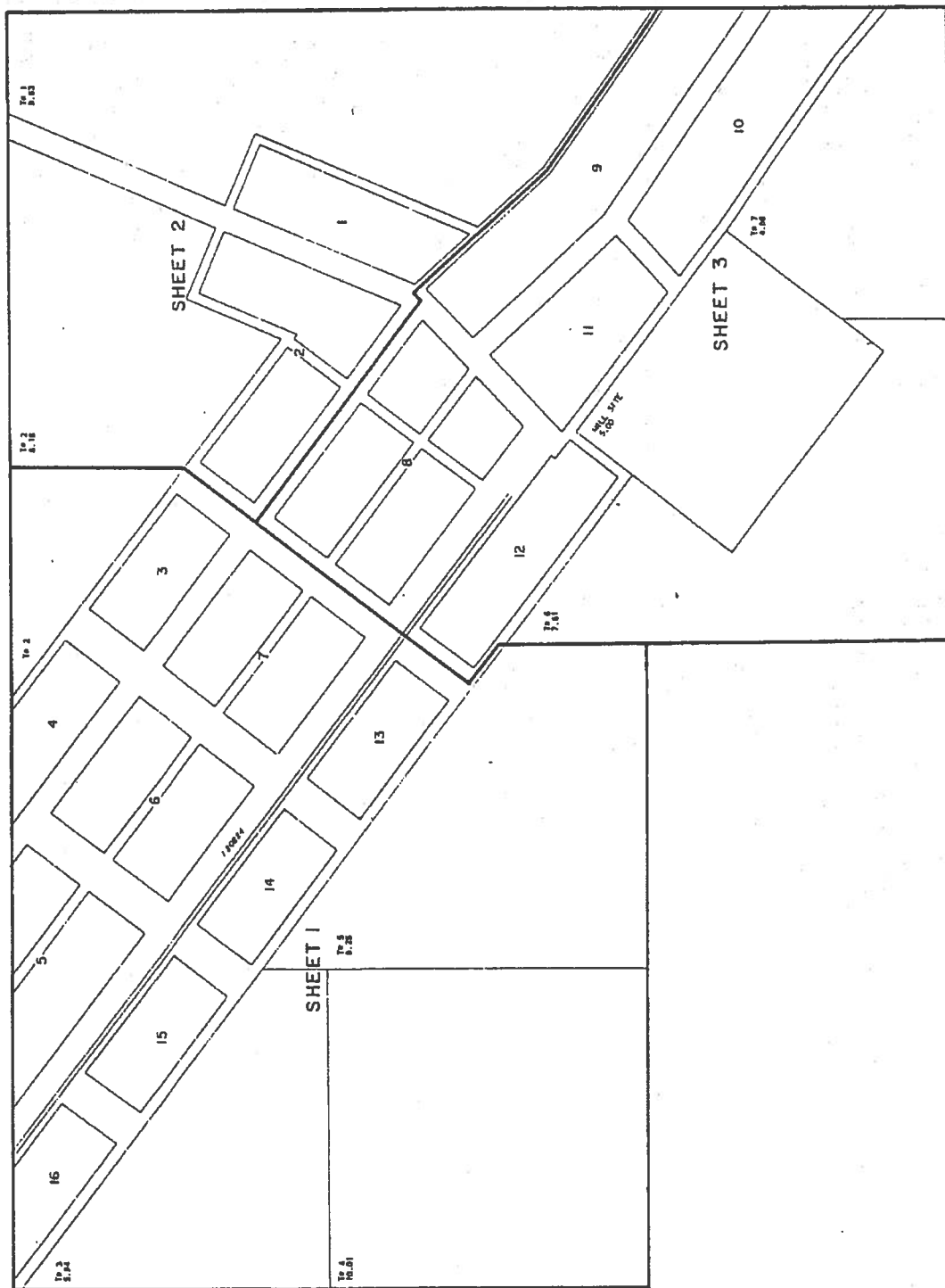
IDAHO COUNTY 049

COEUR D'ALENE DISTRICT

NO 1

INDEX MAP

WARREN TOWNSITE



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

Right Number: 77-14222

Name and Address: WARREN TOWNSITE
PO BOX 62
MIDVALE, ID 83645

Source: SLAUGHTER CREEK Tributary: WARREN CREEK

Quantity: 3.00 CFS

Priority Date: 07-03-1913

Diversion Point: ~~T22N R06E S12 LOT 6 (SWNE) Within Idaho County~~
T22N R06E S12 (SENE) Within Idaho County
Diversion point is on private land known as Mineral
Survey 1807 - Slaughter Creek Placer

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic	01-01 TO 12-31	.25 CFS
	Fire Protection	01-01 TO 12-31	3.00 CFS

Place of Use:	Domestic Within Idaho County		
	T22N R06E S11	NENE	SENE
	S12 LOT 4	(SWNW)	LOT 5 (SENE)
		NESW	NWSW
	S12	SWNW	SENE

Places of use in S11 are on private land in the
Warren Townsite Block 9 Lots 1-13, Block 10 Lots
1-11 and Block 11 Lots 1-7.

Places of use in S12 are on private land, part of
Mineral Survey 1893 known as the Virginia
Subdivision Lots 1-18.

Places of use do not include any federal land.

Fire Protection
Same as Other Use

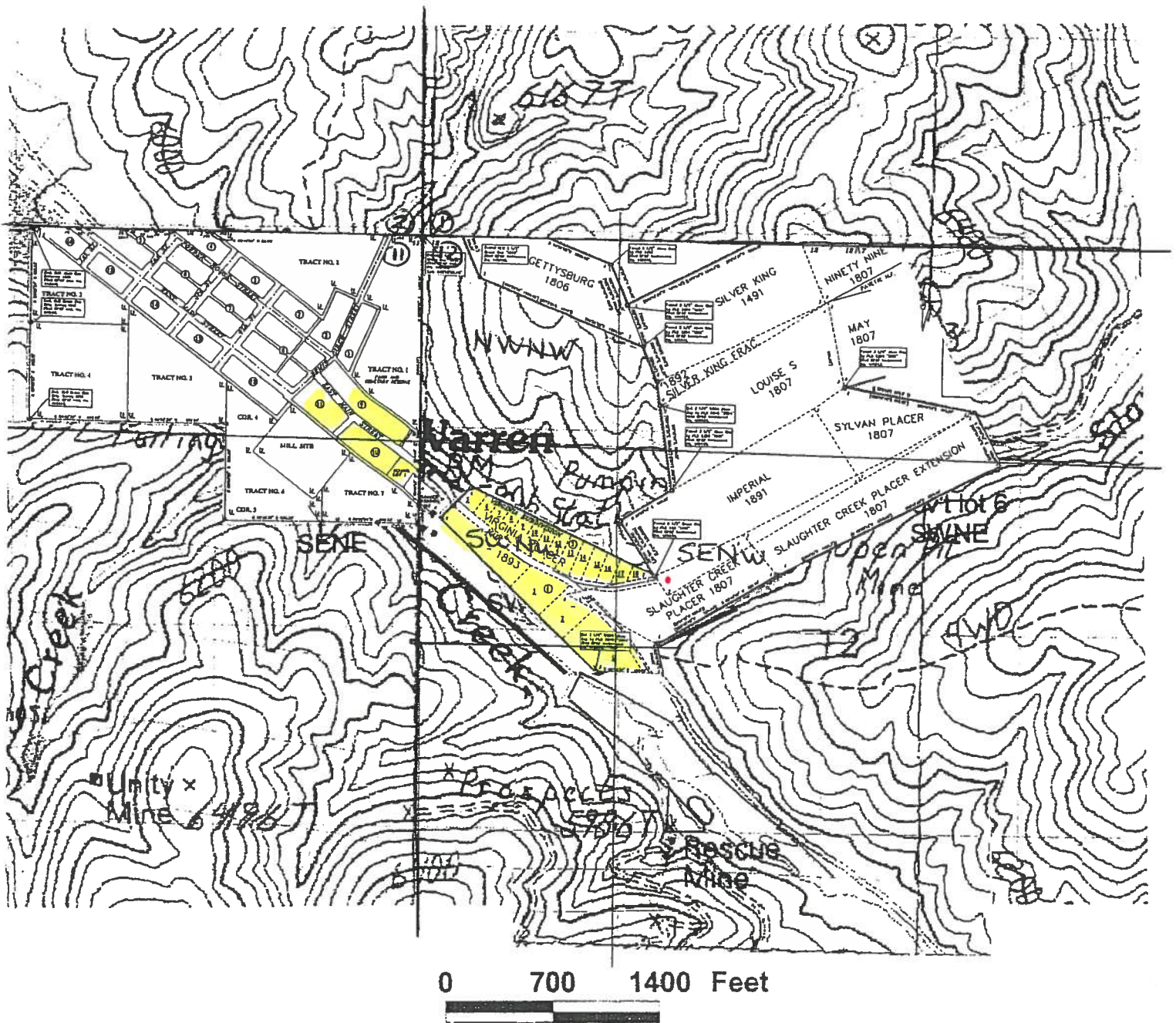
Other Provisions Necessary for Definition / Administration of this
Water Right:

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.

Explanatory Material: Basis of Claim - License

RECEIVED
FEB 20 2007
IDWR/North

77-14222



⊙ Point of Diversion

□ Place of Use

Map prepared on November 7, 2005
By Kenneth Knoblock

IDAHO COUNTY
COEUR D'ALENE DISTRICT

Point of Diversion

move West Boundary
to Bemis if necessary.

To include all of The
Identified private property.
Does not include any Federal
(and

Note: All lots unless otherwise noted contain 7000 S₂ Ft

SCALE in feet



50 0 100 200

WARREN
TOWNSITE PLAT
SHEET 3

[illegible]

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

CURRENT TO	CURRENT TO
MAY 19 2006	

Borse Mer
T. 22 N
R. 6E
NO 1

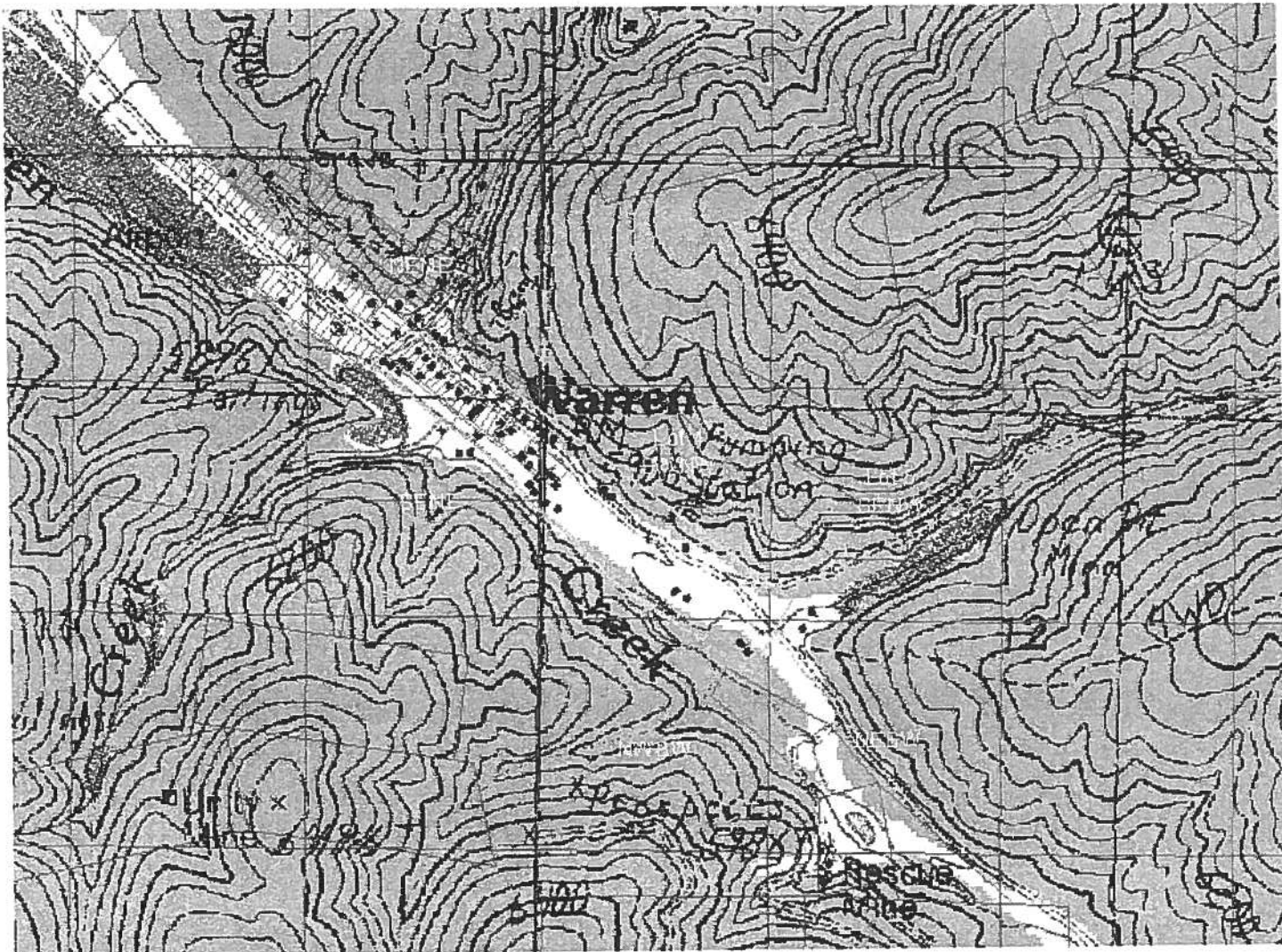
All of
Virginia
Sub Division

[illegible]

Situate in Section 18, T.22 N., R.6E, B.M., IDAHO COUNTY, IDAHO

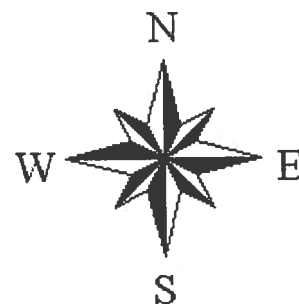


77-14222

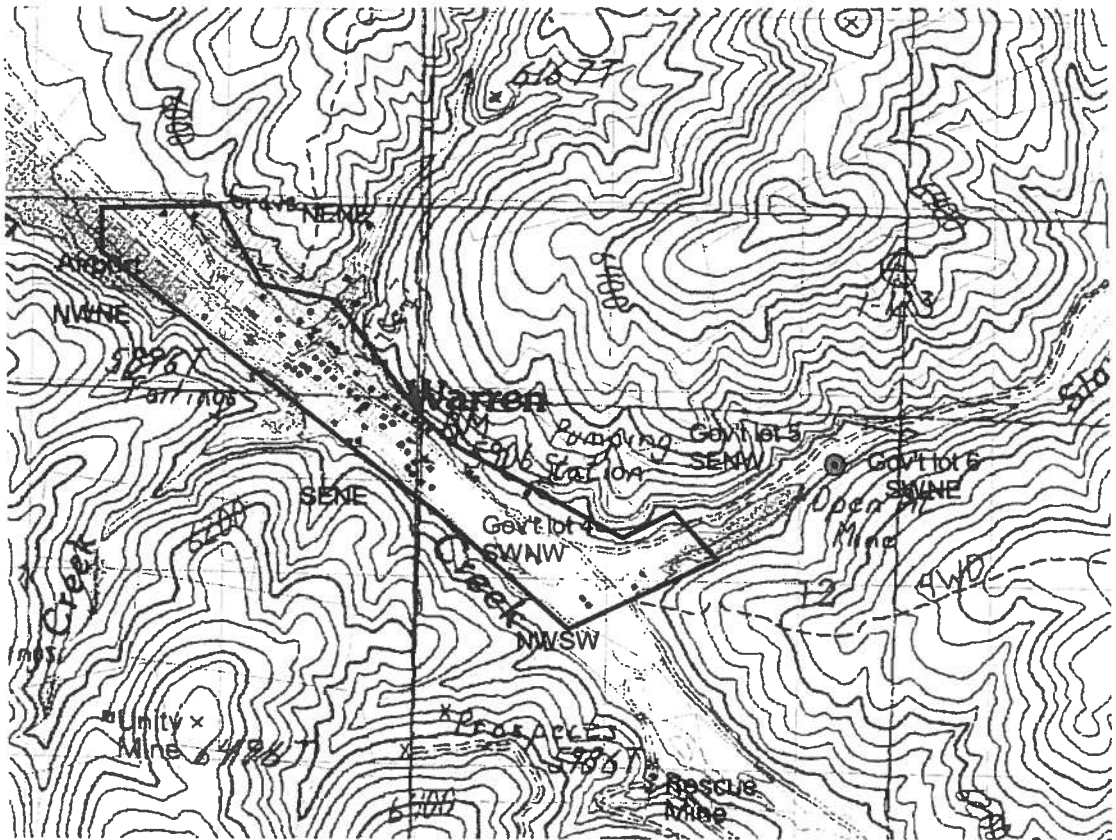


0.3 0 0.3 0.6 Miles

T22N R06E S11 & S12



77-14222



0 700 1400 Feet

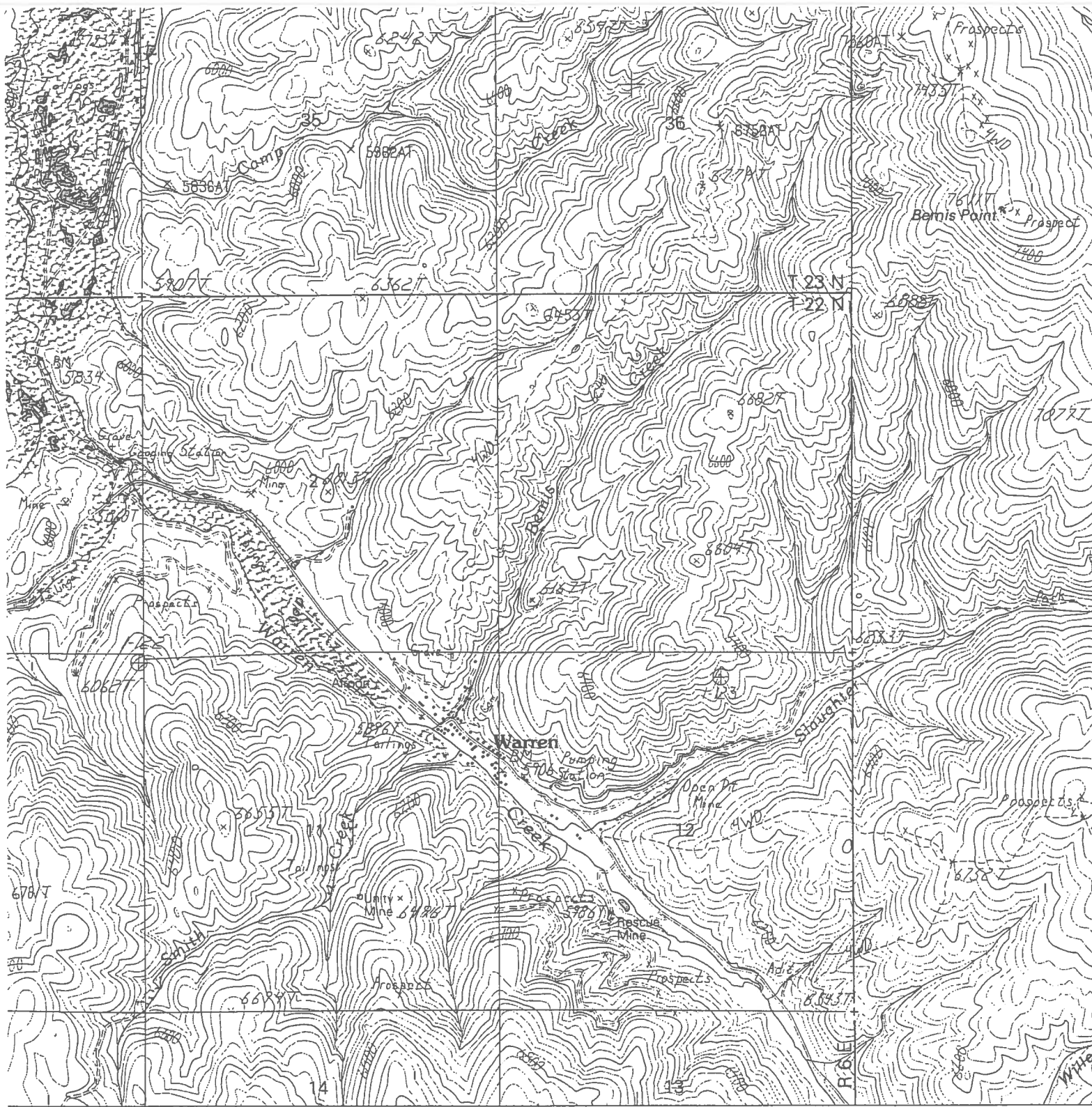
Sections 11 & 12
T22N R7E



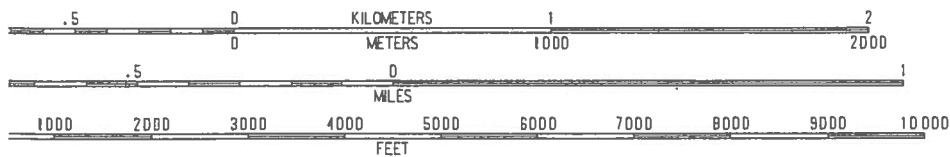
⊙ Point of Diversion

□ Place of Use

Map prepared on November 7, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



SCALE 1:24 000



CONTOUR INTERVAL 40 FEET

To convert feet to meters multiply by .3048
To convert meters to feet multiply by 3.2808

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225
OR RESTON, VIRGINIA 22092



QUADRANGLE LOCATION

1	2	3	1 Johnson Butte
			2 Cottonall Point
			3 Mackay Bar
4		5	4 War Eagle Mountain
			5 Burgdorf Summit
			6 Loon Lake
6	7	8	7 Pony Meadows
			8 Pilot Peak

ADJOINING 7.5' QUADRANGLE NAMES

Improved
Unimproved
Trail . .

Inters



Steven M
Spencer/R4/USDAFS

08/09/2006 02:30 PM

To Carter Fritschle, Ken Knoblock

cc Fred Price

bcc

Subject Warren Area

RECEIVED
AUG 11 2006
IDWR/North

I'm working on three specific objections the FS made to private claims is Basin 77 near Warren Townsite. They are 77-02021, 77-10077 and 77-14222. I talked to the FS surveyors in Boise a couple of weeks ago and learned of a new survey done in 2004 for part of Sections 11 and 12 involving the Warren Townsite in Section 11 and the mineral surveys in the north half of Section 12.

A couple of days ago I started digging into this because Dale Bittner of the Warren Townsite was inquiring. To make a long story short, I enlarged some maps and reduced some others to get the new survey information to almost perfectly overlap existing maps. Then using my high tech lighted mapping table (the front office window) I learned that the new survey information differs significantly from what is on the old maps for the north half of section 12. Unfortunately the south half of section 12 has not been done.

It's appearing to me that the three above water right claims should end up being totally on private land. We'll want to add the appropriate mineral survey, Warren Townsite, and in a couple of cases the lot within the Virginia Subdivision and maybe that the water right is not on federal land to more precisely describe these water rights.

I'm sending to each of you the following:

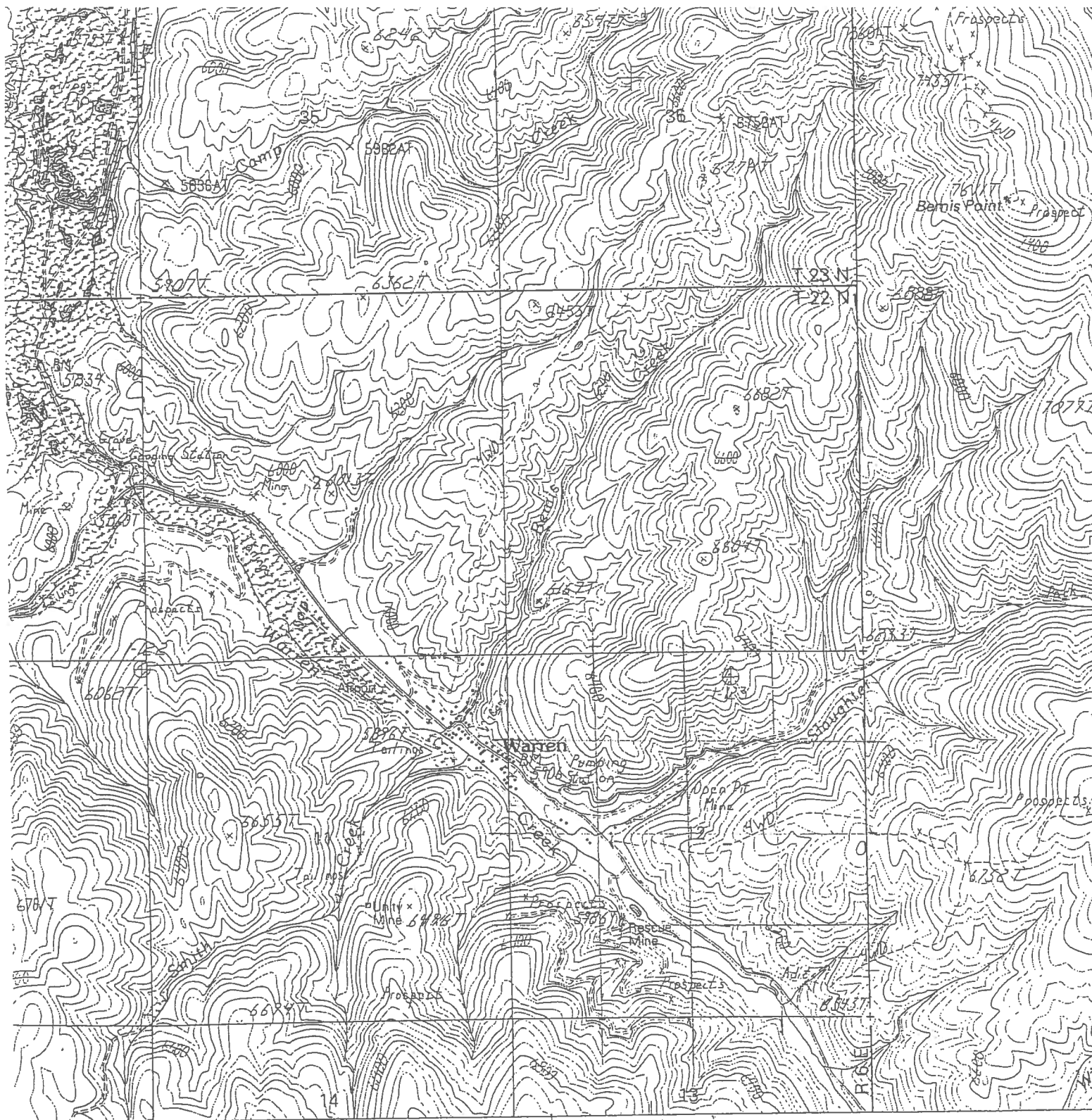
1. Portion of USGS quad with my hand drawn quarter-quarters for Section 12.
2. Portion of the present, existing BLM Master Title Plat (MTP) for Section 12 marked "OLD".
3. The 2004 survey for the approximate NW quarter of Section 12.
4. The 2004 survey for the approximate NE quarter of Section 11.
5. A page of those two surveys (in #3 and 4 above) reduced to scale and taped together to lay over the OLD MTP. You'll see that Section 11 is probably OK but the private patented mineral surveyed properties in Section 12 are about a quarter mile out of place.
6. The BLM MTP marked "NEW" that I created by holding the OLD MTP over the reduced scale survey and drawing in the location of the patented private lands. I also whited out the old mineral survey lines so that they appear as dashed lines.

Using the NEW MTP, it appears to me that the FS objections can be resolved. I want you guys to see this information before I go any further. It will go to Carter and Ken in today's U.S. Mail. Fred, yours will be in the CACI mailing. When you've had a chance to digest the information, let's get together and I'll attempt to explain what I think I've found and what the next step might be. Carter, I'd come over to your office for this. Let me know when you'd like to dig a little deeper into it. And give me a call if you have any questions.

Thank you.

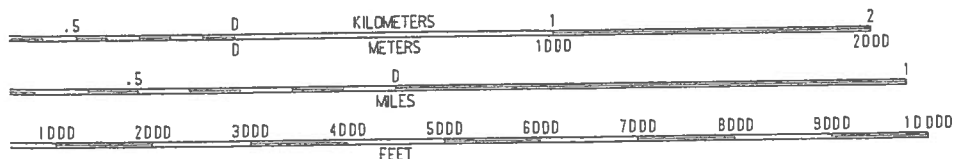
Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite 110
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us



40'
INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1990

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET

To convert feet to meters multiply by .3048
To convert meters to feet multiply by 3.2808

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225
OR RESTON, VIRGINIA 22092



QUADRANGLE LOCATION

1	2	3	1 Johnson Butte
			2 Cottontail Point
			3 Mackay Bar
4		5	4 War Eagle Mountain
			5 Burgdorf Summit
			6 Loon Lake
6	7	8	7 Pony Meadows
			8 Pilot Peak

ADJOINING 7.5' QUADRANGLE NAMES

Improv
Unimp
Trail .

Int

OWNS: TE

PLO 2931
Wd1 USFS
Adm: S
Exclusion

PLO 2931
Wd1 USFS
Adm S

1 20.20

6 18.80

7 35 20

MS 3686 A 88

IDI 30278
ME ApIn

101 30893
ME ApIn

110279

PLO 5148
WPI USFS
Adm S

4 35.05

MS 1893

17.505

05670
JIC

MS 1891
A-632

10633

41.906

1 41.20

6.69

MS 1892
42931
D/C

11 0.40

21

21.00

33.20

7)

1806

4063A
D/C

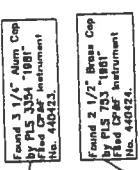
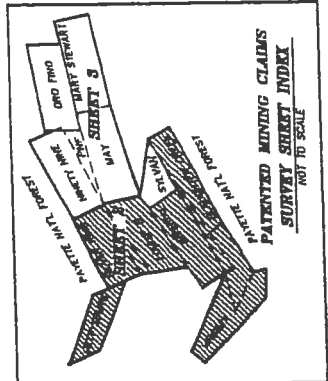
34546

5M 1641

01-07-20

1491, 1808, 1807, 1892, & 1893.
PORTIONS OF SECTIONS 1 & 12

PORTIONS OF SECTIONS 1 & 12,
TOWNSHIP 22 NORTH, RANGE 6 EAST, AND SECTIONS 6 & 7,
RANGE 7 EAST, IDAHO COUNTY, IDAHO



SURVEYOR'S CERTIFICATE
I, George G. Marshall, P.L.S. 7046, State of Idaho, do hereby certify that this Record of Survey has been prepared by me or under my direction in conformance with Chapter 19, Title 55 of the Idaho Code and that the map shown herein is a true representation of a survey made by me during October, 2004.

RECORDER'S CERTIFICATE
Filed this 19th day of April, 2005, at 10:00 clock A.M.,
by the request of USDA Forest Service, as Instrument

Kase C. Darling
County Recorder: Stefanie Bowman
By Deputy: Stefanie Bowman
Fee: \$0

**RECORD OF SURVEY
FOR**

Section 12, T22N, R6E, BM

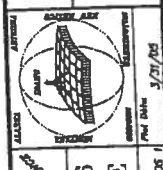
CLARK & ASSOCIATES

PROFESSIONAL LAND SURVEYORS

203 Church Street
 Sandpoint, Idaho 83864
 208-889-4474

Created By: LAG/COM Date: OCT., 2004 Sheet: 2 of 3

Scale: 1 in. = 200 ft.



Reference Field Books	$\frac{1}{1}$ h	Section	Form	File Name
Field Books 1-4		1	22	N
Corner Books A-B		12		

VICTORIA PLACER
1903

61.01' (61.05')

70.91' (69.88')

C-4

MAIN ST

CORNER 4 DETAIL

NOT TO SCALE

Set 3 1/4" USDA Alum
Cap by PLS 7048 "2004"
Filed Cr&F Instrument
No. 440391.

Found 2 1/2" Brass Cap
by PLS 753 "1991"
Filed Cr&F Instrument
No. 440436.

Set 31
Cap by
Filed C
No. 44

753, 1981.
3354, 1981.

(547001-15162)

1471.88

veys No. 1807 - Sylvan,
c Extensions of Slaughter
ety-Nine, thro Fino, Louise
Stewart by Layton S.
: 1804.
Claims by Bill Harris E.M., PL
Claims by Larry R. Seibel, PL
bdivision, Book 3 of Plots,
of Idaho County. ID.
Management Decedent Resurv

- 1) Original Mineral Survey of Slaughter Creek, Creek Placera, Nevada, May and March Baldwin In 1902
- 2) Surveys of Mining
- 3) Surveys of Mining
- 4) Plot of Virginia

Page 10, Record

PAYETTE N.F.

PAYETTE N.F.

PAYETTE N.F.

BASIS OF BEARINGS

Measurements are local grid based on a true meridian along the east line of Section 11 and the Warren Townsite, derived from GPS Observation.

BASIS OF GEODETIC COORDINATES

at:) IOTD -- Boise, ID
2) SPN1 -- Spokane, WA

Diagram illustrating the corner of Main St and Victoria Placer, 1903. The diagram shows the intersection and the proposed extension of Main St. The distance from the intersection to the corner of Main St is 61.01' (61.05'). The distance from the intersection to the corner of Victoria Placer is 70.91' (69.88'). The diagram is labeled 'C-4' and 'NOT TO SCALE'.

Set 3 1/4" USDA Alum
Cap by PLS 7048 "2004"
Filed Cr&F Instrument
No. 440391.

Found 2 1/2" Brass Cap
by PLS 753 "1991"
Filed Cr&F Instrument
No. 440436.

Set 31
Cap by
Filed C
No. 44

753, 1981.
3354, 1981.

(547001-15162)

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c Extensions of Slaughter
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- 2) Surveys of Mining
- 3) Surveys of Mining
- 4) Plot of Virginia

Page 10, Record

Found QLO 3 1/2"
Brass Cap "1922"
Filed CP&F Instrument
No. 440439.

Found GLO 3 1/2"
Brass Cap "1922"
Filed CP&F Instrument

212

marked

at 3 1/4" USDA Alum
up by PLS 7040 "2004"
ed CP&F Instrument

Found 3 1/4" Alum Cap
by PLS 3354 "1081"
Filed CPBF Instrument
Hg. 440422.

Sound 2 1/2" Brosn Corp
by PLS 783 "1981"
Red CP&F Instrument!

PURPOSE OF
Survey Property Bound
Mark Exterior Townsite

HISTORY OF SURVEYS

1) Original Mineral Surveys No. 1807 -- Sylvan, Slaughter Creek, & Extensions of Slaughter

Creek Placera, Ninety-Nine, Oro Fino, Louise S., May and Mary Stewart by Layton S.

2) Surveys of Mining Claims by Bill Harris E.M., PLS 753, 1981.

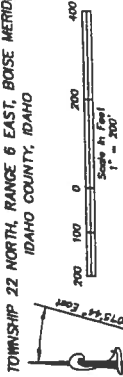
4) Plat of Virginia Subdivision, Book 3 of Plats,
Page 10 Records of Idaho County ID.

5) Bureau of Land Management Dependent Resurvey of the Warren Townships by R. Brown. 1986.

RECORD OF SURVEY

DEPENDENT RESURVEY AND RETRACEMENT OF
THE WARREN TOWNSHIP

TOWNSHIP 22 NORTH, RANGE 6 EAST, BOISE MERIDIAN,
IDAHO COUNTY, IDAHO



BASIS OF BEARINGS

Bearings are local grid based on a true meridian along the east line of Section 11 and the Warren Townsite, derived from GPS Observation.

BASIS OF GEODETIC COORDINATES

NAD 83 (GCRS) - Epoch 2002 from files
(a):
1) IDTD - Boise, ID
2) SPNI - Spokane, WA

LEGEND

Found, Sectional Corner as noted.

Found, 3 1/4" Brass Cap

Found, 2 1/2" Brass Cap

Found, 1 1/2" Brass Cap

Found, Witness Corner

Bureau of Land Management Dependent Resurvey of the Warren Townsite by R. Brom, 1906.
GLO Survey of Warren Townsite by Gerald Sorrells, 1921.

Found, 1/2" Rebar as Noted

Found, Aluminum Monument

Property Line

Section Line

Line Marked for This Survey

SURVEYOR'S CERTIFICATE

I, George G. Marshall, P.L.S. 7046, State of Idaho, do hereby certify that this Record of Survey has been prepared by me, or under my direct supervision, in accordance with Chapter 18, Title 55 of the Idaho Code and that the map hereon is a true representation of a survey made by me during October, 2004.

RECORDER'S CERTIFICATE

Filed this 17th day of April, 2005, at 10:00 o'clock A.M. at the County of IDAHO, as instrument of the County of IDAHO.

Notary Public in and for the State of Idaho
Rose C. Manning, Deputy
County Recorder

RECORD OF SURVEY FOR WARREN TOWNSITE

CLARK & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
303 Church Street
Sandpoint, Idaho 83864
208-866-4474
Date: 1/22/05
Sheet: 1 of 3

Reference	Field Book	Page	Section	Range	Meridian	Project No.	File Name	Project Date
1/4	11	22	N	6	E	0420	WT 005	1/22/05
Field Book	1-4	1-4	1-4	1-4	1-4	1-4	1-4	1-4
Section	1-4	1-4	1-4	1-4	1-4	1-4	1-4	1-4
Range	1-4	1-4	1-4	1-4	1-4	1-4	1-4	1-4
Meridian	1-4	1-4	1-4	1-4	1-4	1-4	1-4	1-4

HISTORY OF SURVEYS

- General Land Office - Original survey of Sections 1, 2, 11, & 12, T.22N., R.6E., B.M. and the Warren Townsite by Farmer & Sorrells, 1921.
- Bureau of Land Management Dependent Resurvey of the Warren Townsite by R. Brom, 1906.

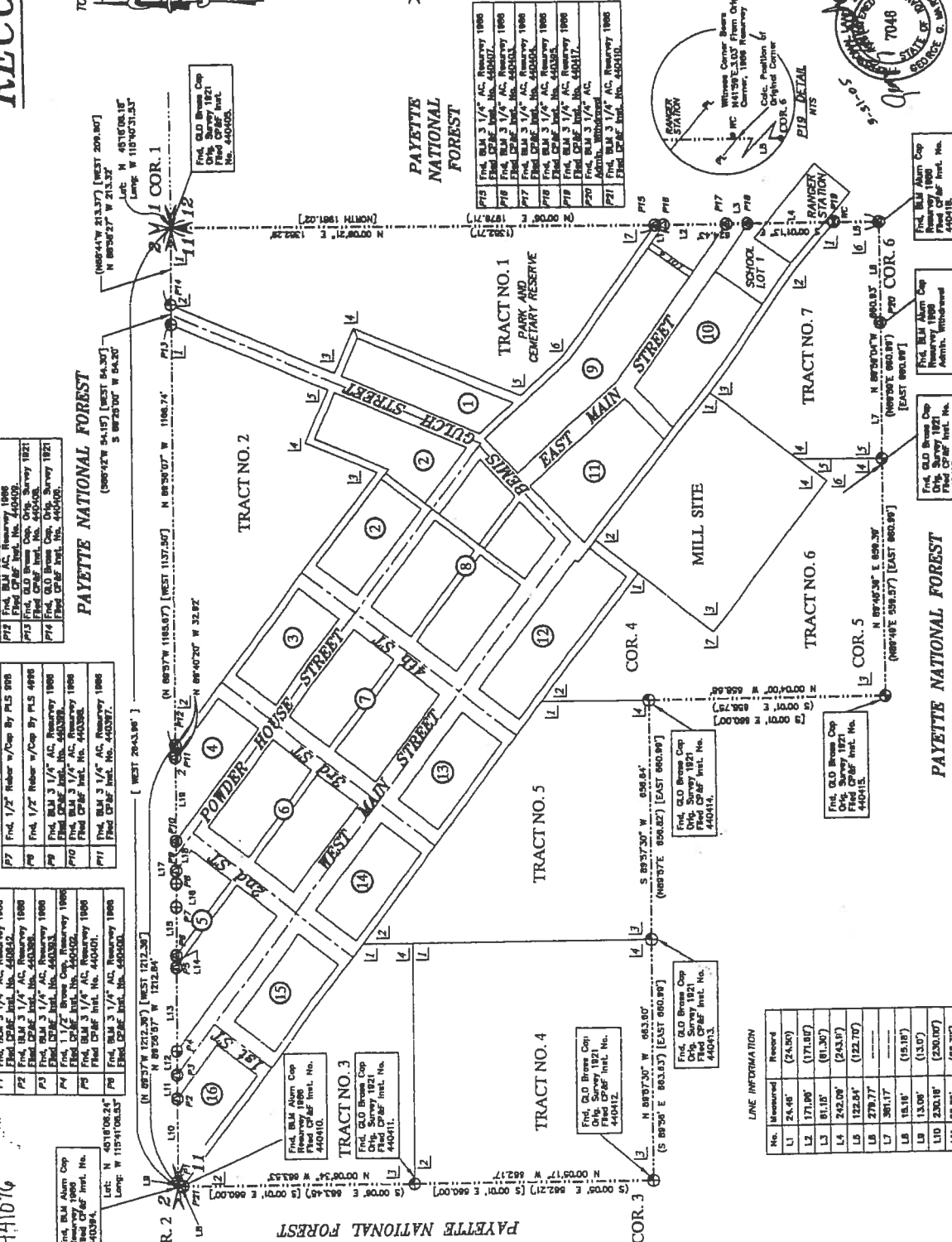
PURPOSE OF SURVEY

Survey Property Boundaries
Mark Exterior Townsite Lines

MONUMENT OFFSET FROM LINE											
P1	0.30'	North	P2	0.30'	North	P3	0.15'	North	P4	0.15'	East
P5	0.15'	North	P6	0.15'	North	P7	0.15'	North	P8	0.15'	East
P9	0.15'	North	P10	0.15'	North	P11	0.15'	North	P12	0.15'	East
P13	0.15'	North	P14	0.15'	North	P15	0.15'	North	P16	0.15'	East
P17	0.15'	North	P18	0.15'	North	P19	0.15'	North	P20	0.15'	East
P21	0.15'	North	P22	0.15'	North	P23	0.15'	North	P24	0.15'	East
P25	0.15'	North	P26	0.15'	North	P27	0.15'	North	P28	0.15'	East
P29	0.15'	North	P30	0.15'	North	P31	0.15'	North	P32	0.15'	East

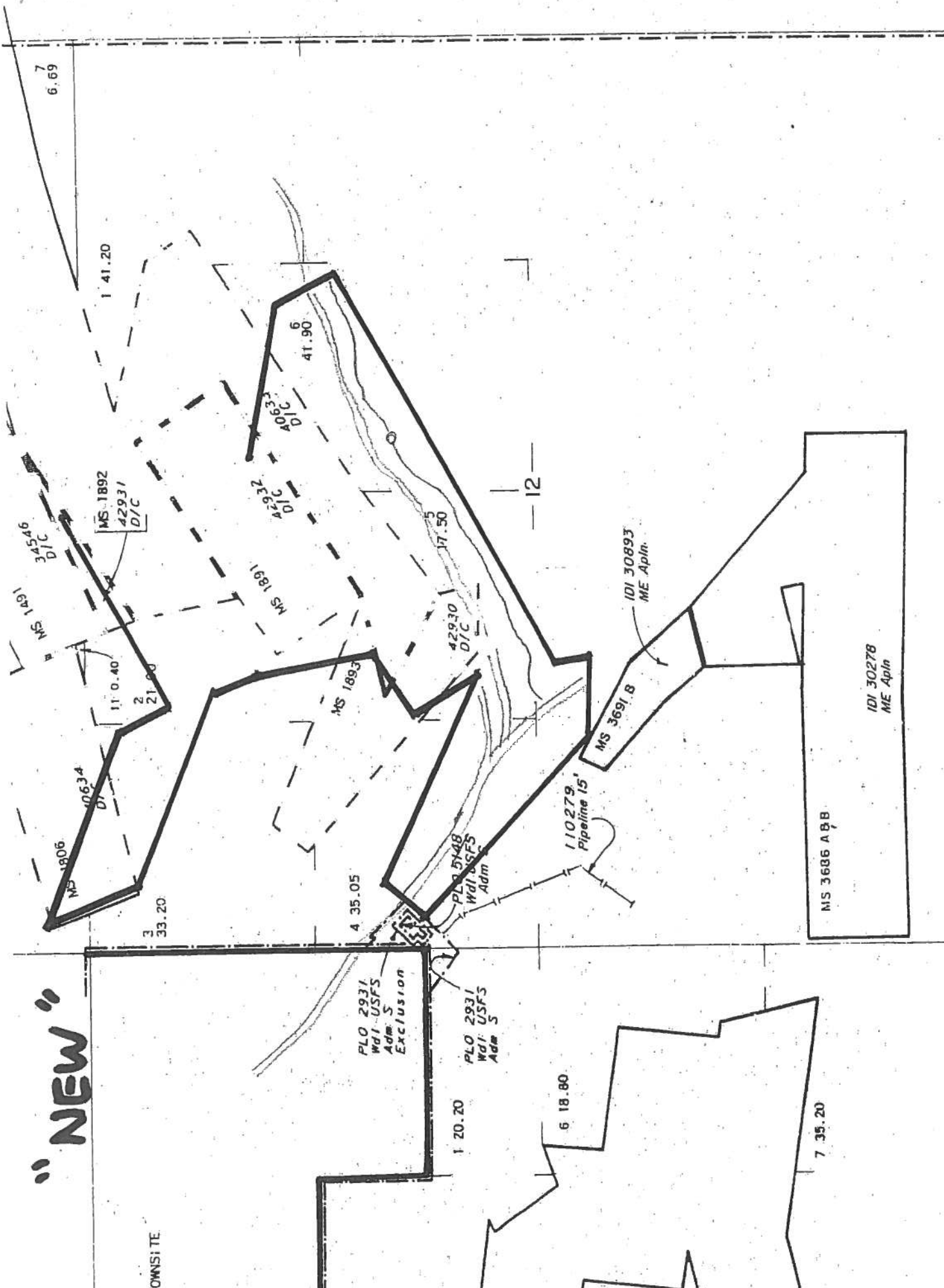
LINE INFORMATION

No.	Measured	Record
L1	24.48'	(24.50')
L2	171.06'	(171.07')
L3	81.16'	(81.30')
L4	242.06'	(243.37')
L5	122.84'	(122.70')
L6	279.37'	---
L7	581.17'	---
L8	15.18'	(15.18')
L9	13.08'	(13.07')
L10	230.18'	(230.00')
L11	68.86'	(68.77')
L12	68.86'	(68.72')
L13	228.96'	(230.00')
L14	33.02'	(32.80')
L15	131.62'	---
L16	83.48'	---
L17	38.34'	---
L18	61.81'	(62.14')
L19	230.24'	(230.00')
L20	32.92'	(33.80')



"NEW"

OWNSITE



RECEIVED

FEB 06 2006

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

01/05/2006

RECEIVED

FEB 06 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 3, 2006

Water right number: 77-14222

WARREN TOWNSITE

PO BOX 62

MIDVALE ID 83645

Telephone Number: (208)355-2272

RECEIVED

FEB 08 2006

IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

2-6-2006

SIGNATURE:

Dale Bitner

Please print your name:

Dale Bitner

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

Thank you

208 355 2277 Home
208 387 5786 Work
550 2589 Cell

11/07/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-14222

NAME AND ADDRESS: WARREN TOWNSITE
PO BOX 62
MIDVALE ID 83645

SOURCE: SLAUGHTER CREEK

TRIBUTARY: WARREN CREEK

QUANTITY: 3.000 CFS

PRIORITY DATE: 07/03/1913

POINT OF DIVERSION:

T22N R06E S12 SWNE Lot 6 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.250 CFS
FIRE PROTECTION	01/01 12/31	3.000 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

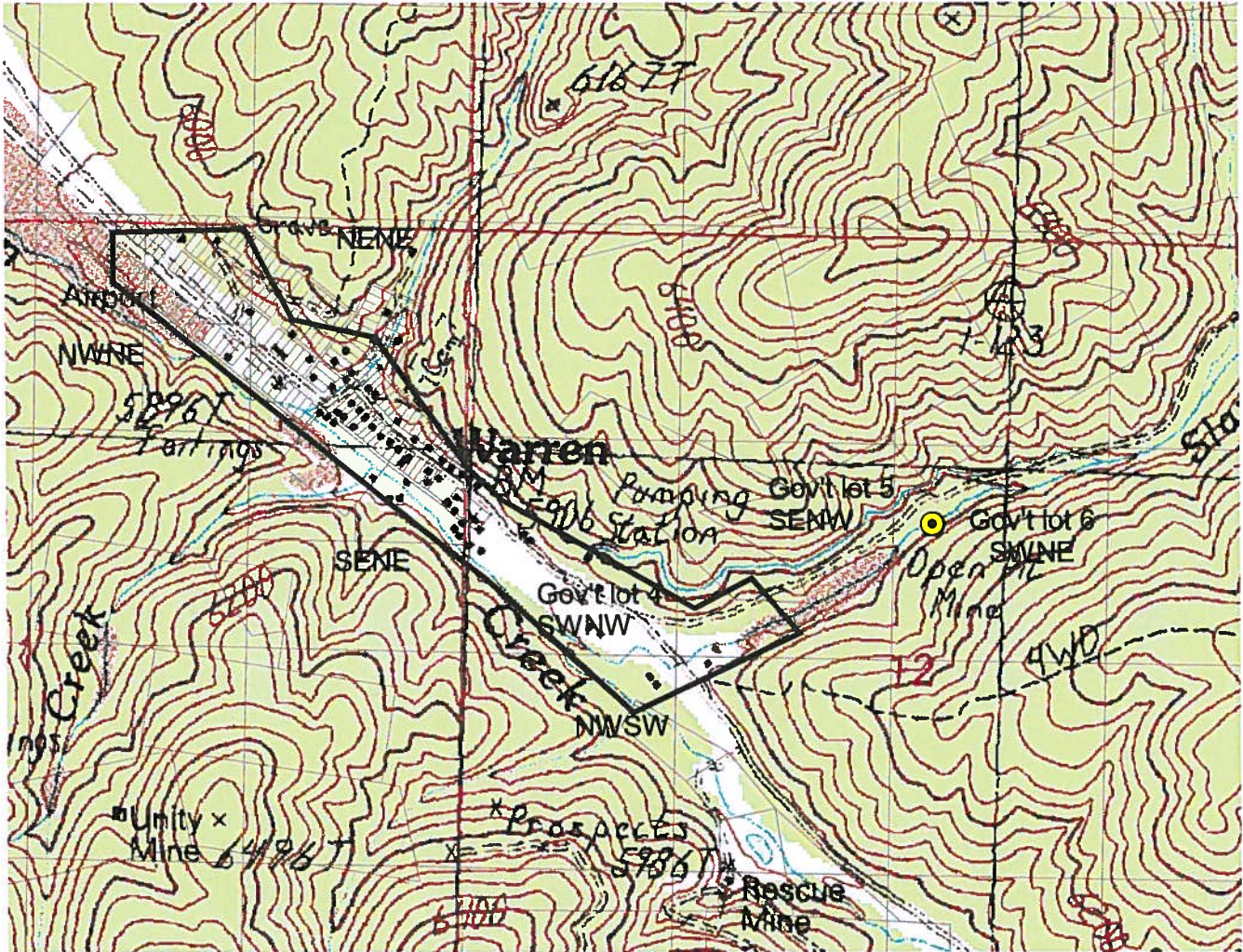
T22N R06E S11	NENE	T22N R06E S11	NWNE
T22N R06E S11	SENE	T22N R06E S12 Lot 4	SWNW
T22N R06E S12 Lot 5	SENW	T22N R06E S12	NWSW
<u>FIRE PROTECTION same as DOMESTIC</u>			

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

77-14222



0 700 1400 Feet

Sections 11 & 12
T22N R7E



● Point of Diversion

□ Place of Use

Map prepared on November 7, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 7, 2005

Warren Townsite Water Ditch
Dale Bitner
Box 62
Midvale, ID 83645

RE: 77-14222

Dear Mr. Bitner:

Enclosed is a copy of the preliminary recommendation for your Snake River Adjudication claim. The recommendation will be sent to the Court about December 2005.

Sincerely,

Kenneth Knoblock
Water Resources Agent



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 77-14222
Date Received: 11-4-05
Receipt No: W033572
Received By:

RECEIVED

NOV 04 2005

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

WATER RESOURCES
WESTERN REGION

Phone: (208)355-2272

1. Name of Claimant(s)

WARREN TOWNSITE
WATER DITCH

PO BOX 62
MIDVALE ID 83645

DALE BITNER

SECRETARY TREASURER

2. Date of Priority: 07/03/1913

3. Source: SLAUGHTER CREEK Trib. to: WARREN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	06E	12	SW NE 6	IDAHO	

5. Description of diverting works:

Warren Townsite Water Ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.25	
FIRE PROTECTION	01/01	12/31	3	

7. Total Quantity Appropriated is:
3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 30

RECEIVED
NOV 07 2005
IDWR/North

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
22N	06E	11	NE	NE		DOMESTIC	
			SE	NE		DOMESTIC	
22N	06E	12	SW	NW	4	DOMESTIC	
			SE	NW	5	DOMESTIC	
			NW	SW		DOMESTIC	

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This claim is based on domestic and fire protection portion of license 77-2021 which was used in the Townsite of Warren.

15. Basis of Claim: License

16. Signature(s)

Nale Bitner

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) ☒ I/We do ~~do not~~ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary Treasurer of
WARRENTOWNSITE WATER DITCH that I have signed the foregoing
Organization document in the space below as Secretary Treasurer of
WARRENTOWNSITE WATER DITCH Title and that the statements contained in the
Organization foregoing document are true and correct. Nale Bitner

Signature of Authorized Agent

Secretary Treasurer
Title and Organization

11-2-2005

Date

WARRENTOWNSITE
Water Ditch

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of November 2005

Glenn K. Bonner

Notary Public

Residing at Midvale

My commission Expires 4/6/06

GLENNIS K. BONNER
Notary Public
State of Idaho

County, Idaho
Stream: Slaughter Creek
Amount: 3 sec. ft.
Use: irrigation
Priority: July 3, 1913.

STATE OF IDAHO

Water License No. 9518

1578

IDAHO COUNTY

RG 7 E

T 22 N

SECT 8 49

WHEREAS, On the 3rd day of July, A. D. 1913,
Otis Morris

of Warren, County of Idaho, State of Idaho, duly made application
(No. 14242) to me for a permit to use 6 cubic feet per second of the waters of
SLAUGHTER CREEK

County of Idaho, State of Idaho, for domestic use, fire protection and power purposes, and,

WHEREAS, On the 20th day of August, A. D. 1913, Permit No. 9518 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 20th day of February, A. D. 1914, and for the application to ben-
eficial use of said water on or before the 20th day of August, A. D. 1914, and,

WHEREAS, On the 4th day of November, A. D. 1913,
Otis Morris

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
three (3) cubic feet per second of said waters, as evidenced by my Certificate No. 9518
dated November 8, 1913, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use three (3) cubic feet per second of said water,
with date of priority of July 3, 1913, and

WHEREAS, On the 15th day of January, A. D. 1914,
Otis Morris

the holder of said permit, duly made proof of the application to beneficial use of three (3) cubic
feet per second of said water.

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to Otis Morris

of Warren, County of Idaho, State of Idaho, the holder and owner
of said Permit No. 9518, a perpetual right, dating from July 3, 1913
to the use of three (3) cubic feet per second of the waters of Slaughter Creek

in the County of Idaho and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1000 feet North of the mouth
of Slaughter Creek

and conducted to ~~and upon~~ the town of Warren

for the purpose of domestic use, fire protection and power, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source of supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 16th day of April
A. D., nineteen hundred and fourteen.

F. P. KING,

(Seal)

State Engineer.