

RECEIVED

DEC 19 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 73-12056
(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: NorthWest Fidelity Trust; c/o Jim Cain

Address: P.O. Box 133; May, Idaho 83253

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:
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 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.

Fredric W. Price
(Signature of person filing objection)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 17, 2007

Casey R. O'Brien
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 December 18, 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: NorthWest Fidelity Trust; c/o Jim Cain

Address: P.O. Box 133; May, Idaho 83253

Name:

Address: ;

Name:

Address: ;

Name:

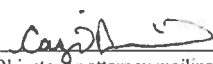
Address: ;

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

01/23/2007

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

RIGHT NUMBER: 73-12056
NAME AND ADDRESS: NORTHWEST FIDELITY TRUST
PO BOX 133
MAY ID 83253
SOURCE: BIG CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 4.900 CFS
PRIORITY DATE: 06/01/1895
POINT OF DIVERSION: T13N R24E S18 SESESW Within CUSTER County
T13N R24E S18 SWSESE Within LEMHI County
T13N R24E S18 SESESE Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	4.900 CFS
PLACE OF USE: IRRIGATION in CUSTER County and LEMHI County		
T13N R23E S12 SWSE	28.00	T13N R23E S13 NENE 16.00
T13N R23E S13 NWNE	34.00	T13N R23E S13 SWNE 21.00
T13N R23E S13 SENE	35.00	T13N R23E S13 NESE 6.30
BLM T13N R23E S13 NWSE	0.70	T13N R24E S18 Lot 2 SWNW 10.00
T13N R24E S18 Lot 3 NWSW	11.00	

162 ACRES TOTAL

Right Nos. 73-12050, 73-12056 and 73-12059 are limited to the irrigation of a combined total of 162 acres in a single irrigation season.

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 - Decreed

This right is a split from former right 73-195.

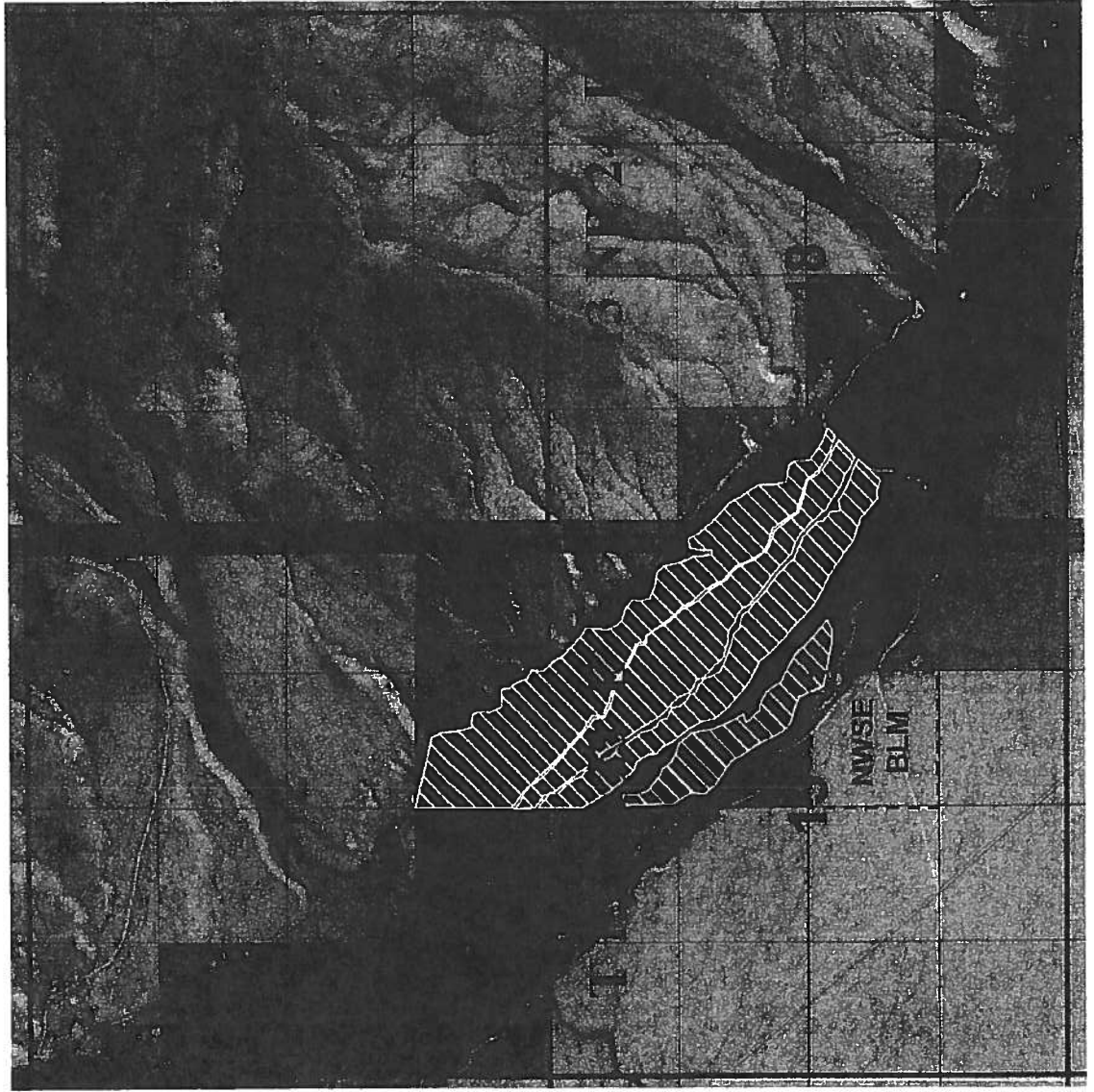
POU on BLM:

-The place of use T13N R23E S13 NWSE is BLM land.

-Use is not authorized.

-Remove from recommendation and adjust shapefile accordingly.

73-12050, 73-12056, 73-12059
Northwest Fidelity Trust



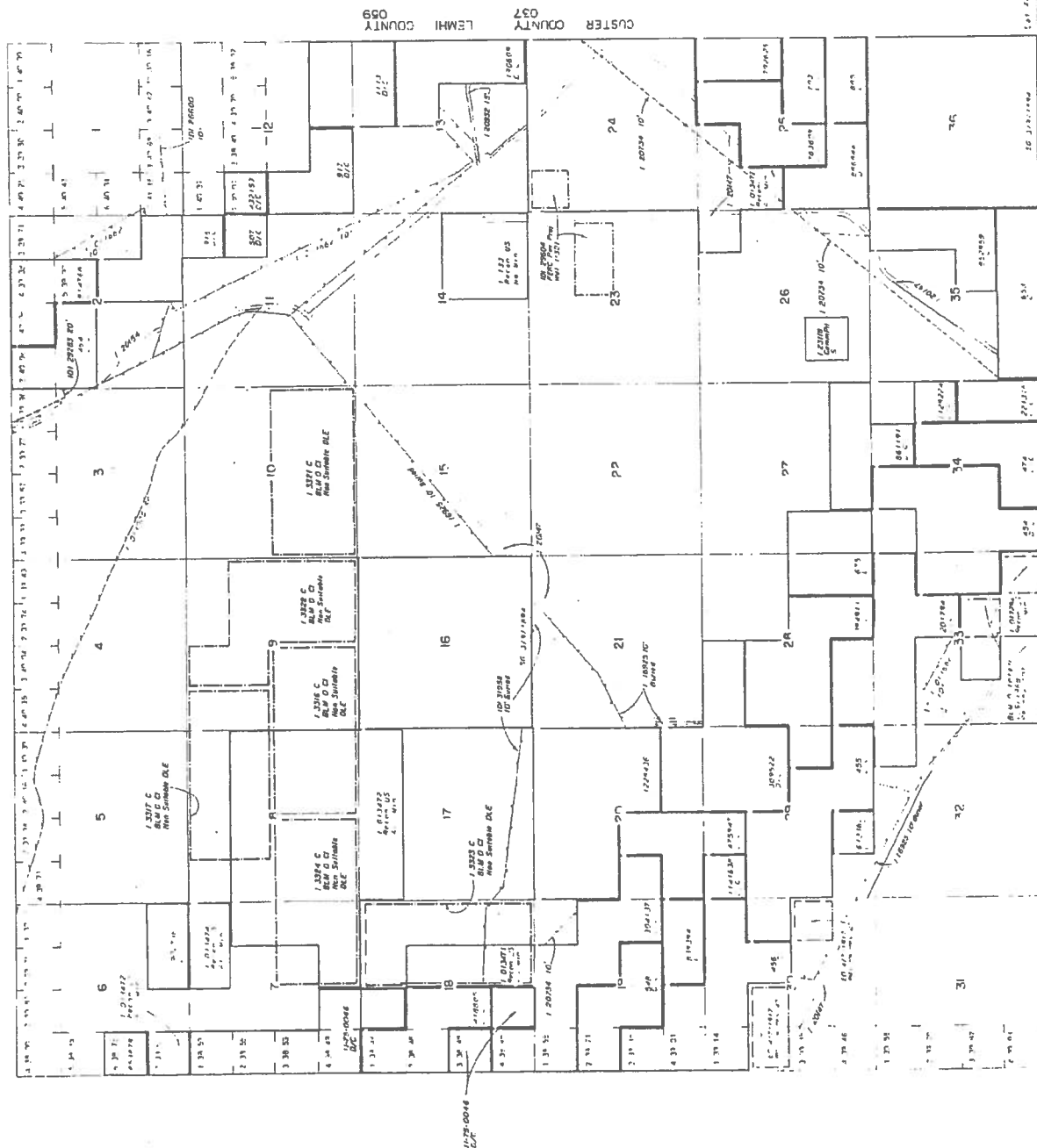
POU on BLM:

- The place of use T13N R23E S13 NWSE is BLM land.
- Use is not authorized.
- Remove from recommendation and adjust shapefile accordingly.

STATISTICS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

€ 15.130,71 - 100%

MT PLAT

[illegible]

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

SCALC in Chinese

Abstract

Theresa Miller

RECEIVED
DEC 19 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	)	A. Subcase 73-12056
	)	
Case No. 39576	)	STANDARD FORM 1
	)	OBJECTION
	)	
_____	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Northwest Fidelity Trust
Address: P.O. Box 133
May, ID 83253
Daytime Phone: (208) 726-4005

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

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

Name: Northwest Fidelity Trust
Address: P.O. Box 133
May, ID 83253

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: The orange cross hatched area depicted on Exhibit A consisting of a total of 234.6 acres.

10. **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):

F.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine) ss.

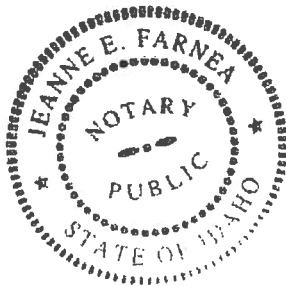
James P. Speck, being first duly sworn, upon oath, deposes and says:

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)

James P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 17, 2007



Jeanne Farnea
Notary Public for Idaho
Residing at Shoshone, Idaho
My Commission expires 05/05/09

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 of the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on December 18, 2007, I ^{sent by courier} 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, Idaho 83303-2707

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

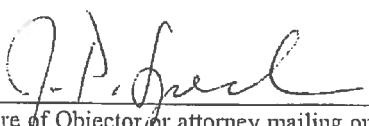
Name: Northwest Fidelity Trust
Address: P.O. Box 133
May, ID 83253

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

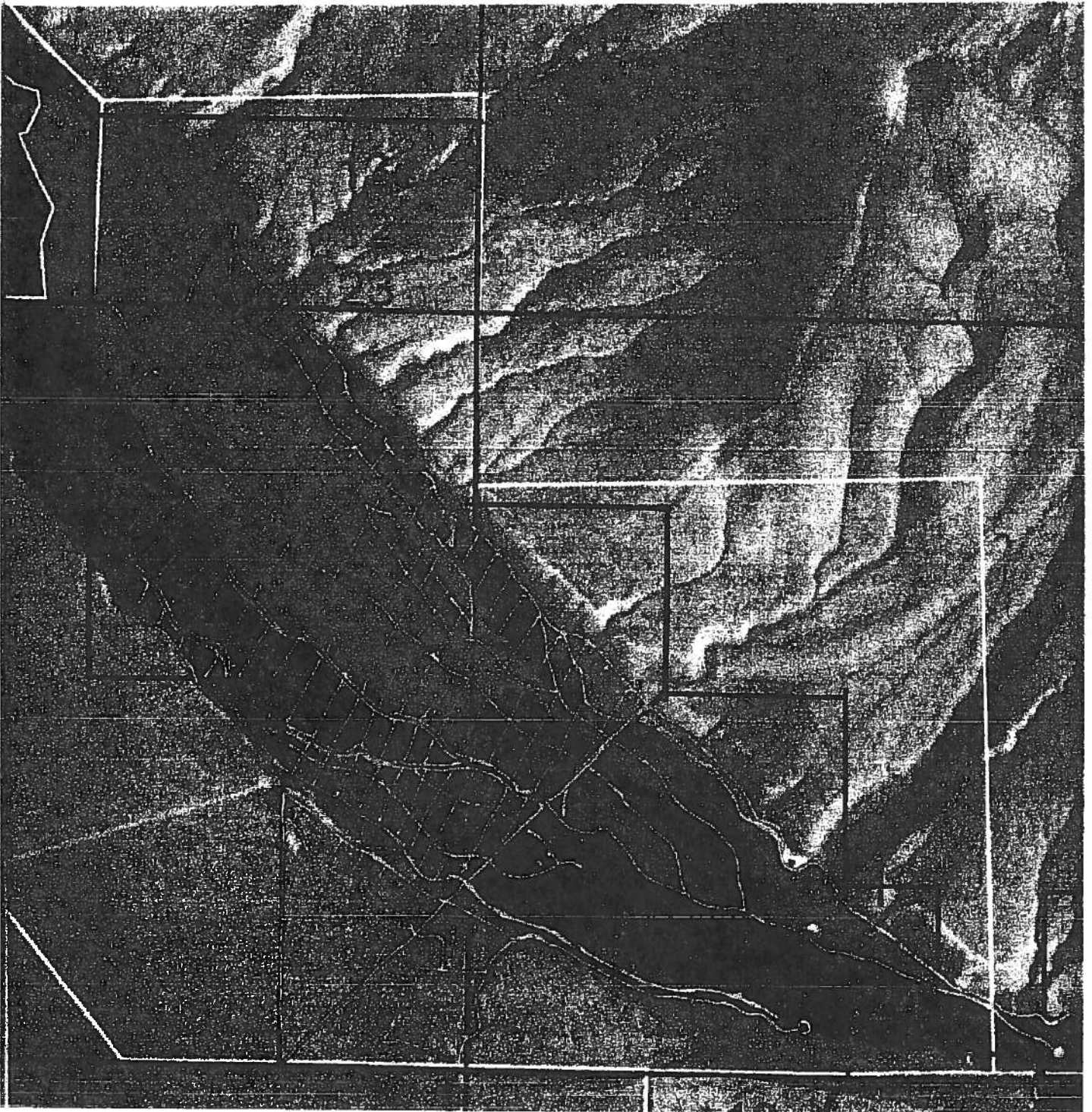
United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

EXHIBIT A
OBJECTIONS TO 73-12050, 73-12056,
73-12059, 73-12062 AND 73-12089

BIG CREEK



Water Right Number: 73-195

Diversion Rate: 6 CFS

Reviewer Name: _____ R. Brown

Date: 5/23/2006

Acreage Analysis

[illegible]

12/13/2006

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

RIGHT NUMBER: 73-12056

NAME AND ADDRESS: NORTHWEST FIDELITY TRUST
PO BOX 133
MAY ID 83253

SOURCE: BIG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 4.900 CFS

PRIORITY DATE: 06/01/1895

POINT OF DIVERSION:

T13N R24E S18 SESESW Within CUSTER County

T13N R24E S18 SWSESE Within LEMHI County

T13N R24E S18 SESESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.900 CFS

PLACE OF USE: IRRIGATION in CUSTER County and LEMHI County

T13N R23E S12	SWSE	28.00	T13N R23E S13	NENE	16.00
T13N R23E S13	NWNE	34.00	T13N R23E S13	SWNE	21.00
T13N R23E S13	SENE	35.00	T13N R23E S13	NESE	6.30
T13N R23E S13	NWSE	0.70	T13N R24E S18 Lot 2	SWNW	10.00
T13N R24E S18 Lot 3	NWSW	11.00			

162 ACRES TOTAL

Right Nos. 73-12050, 73-12056 and 73-12059 are limited to the irrigation of a combined total of 162 acres in a single irrigation season.

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 - Decreed

This right is a split from former right 73-195.

08/29/2006

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

RIGHT NUMBER: 73-12056

NAME AND ADDRESS: NORTHWEST FIDELITY TRUST
PO BOX 133
MAY ID 83253

SOURCE: BIG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 4.900 CFS

PRIORITY DATE: 06/01/1895

POINT OF DIVERSION:

T13N R24E S18 SESESW Within CUSTER County
T13N R24E S18 SWSESE Within LEMHI County
T13N R24E S18 SESESE Within LEMHI County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.900 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T13N R23E S12	SWSE	28.00	T13N R23E S13	NENE	16.00
T13N R23E S13	NWNE	31.00	T13N R23E S13	SWNE	6.70
T13N R23E S13	SENE	34.00	T13N R23E S13	NESE	4.30
T13N R24E S18 Lot 2 SWNW		10.00	T13N R24E S18 Lot 3 NWSW		11.00

141 ACRES TOTAL

Right Nos. 73-12050, 73-12056 and 73-12059 are limited to the irrigation of a combined total of 141 acres in a single irrigation season.

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 - Decreed

This right is a split from former right 73-195 .



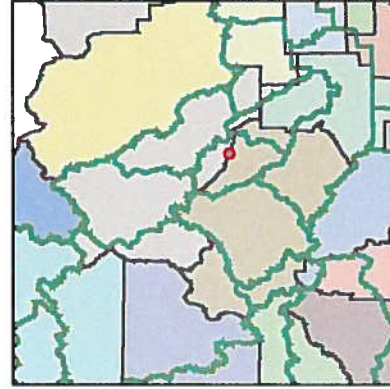
Idaho Department of Water Resources

SRBA Recommendation:

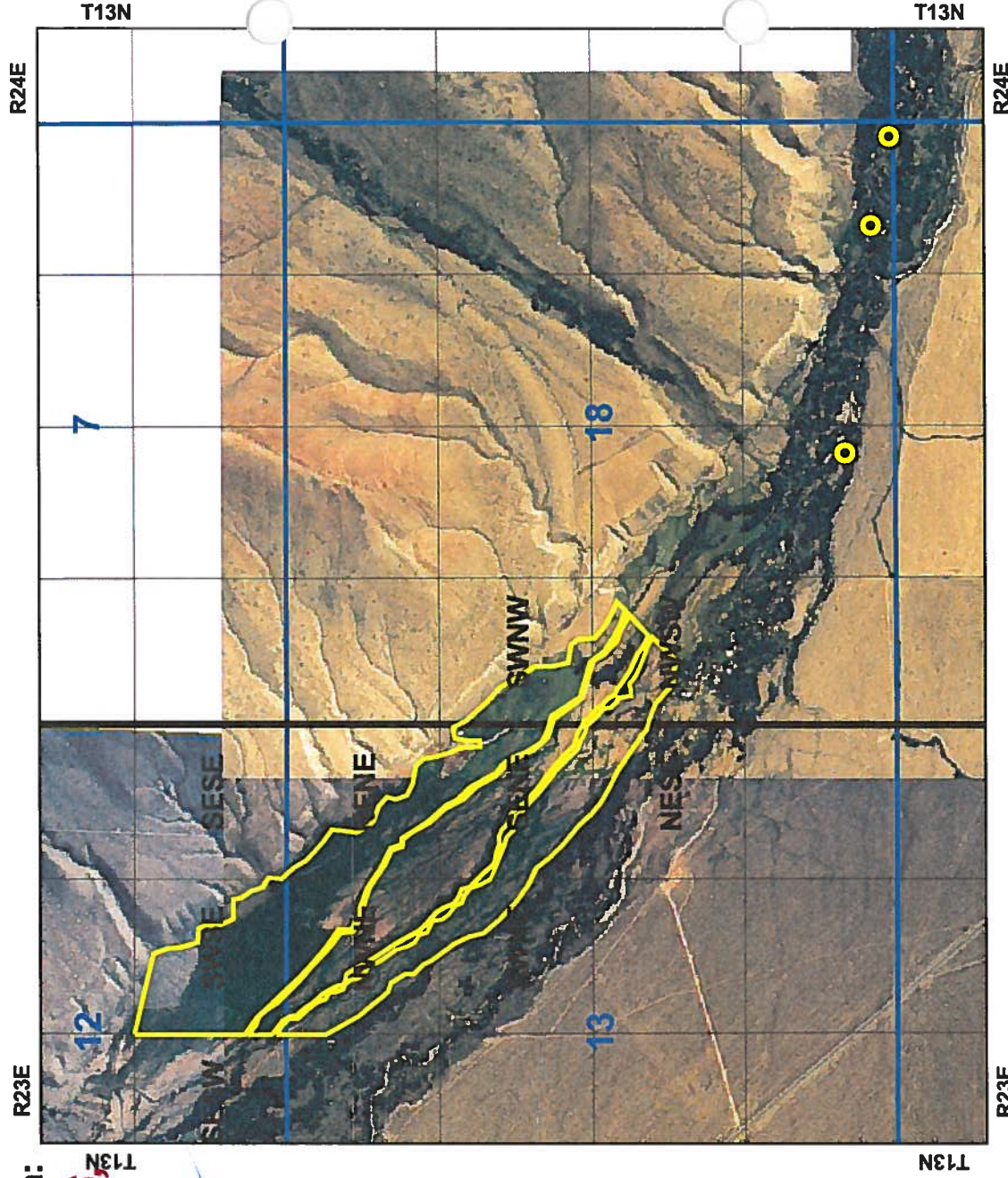
**73-12050, 73-12056,
73-12059**

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi, Custer Counties
IDWR Basin 73



1.2 Miles

0.6

0

Prepared by R. Brown
On Tuesday, August 29, 2006
1987/88 Aerial Photography