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SEP 25 2014
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 CSRBA

A. Subcase 91-7624

Case No. 49576

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF THE PERSON OBJECTING

Name: Benewah County, Board of County Commissioners
Claimant #: 91-7791, 92-10928, 92-10930, 92-10931, 92-10932, 92-10933, 92-10934, 93-7653, 93-7654, 95-16789, 95-16790, 95-16791
Address: 701 College Avenue, St. Maries, Idaho 83861
Phone: (208) 245-3212

Name & Address of Attorney:

MORRIS & WOLFF, P.A.
Nancy A. Wolff (ISB# 2930)
Mariah R. Dunham (ISB# 7287)
722 Main Avenue
St. Maries, Idaho 83861
Phone: (208) 245-2523
Fax: (208) 245-4392

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

Name: UNITED STATES OF AMERICA ACTING ON BEHALF OF THE
USDA FOREST SERVICE

Address: 550 W. Fort Street MSC 033
Boise, Idaho 83724

D. I object to the following elements or general provision 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: See Below

4. ☐ **Priority Date**

Should be:

5. ☐ **Point of Diversion**

Should be:

6. ☐ **Instream Flow Beginning and End Point**

Should be:

7. ☒ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. ☐ **General Provisions**

☐ Individual Water Right

☐ All Water Rights

☐ This general provision was not recommended but should be recommended as described below.

Should be: _____

☐ General provision was recommended but should be modified as described below.

Should be: _____

11. ☐ **I object** because the recommendation contains an accomplished transfer under Idaho Code §42-1425 resulting in injury to my water right(s) and/or enlargement of original right.

12. ☐ 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):

Box 3, Quantity: The claimed quantity exceeds the minimum necessary to fulfill the purposes of the Wild and Scenic Rivers Act, Pub L. 90-542, 82 Stat. 906, and section 708 of the National Parks and Recreation Act, Pub. L. 90-625m, 92 Stat. 3467, 3529-30.

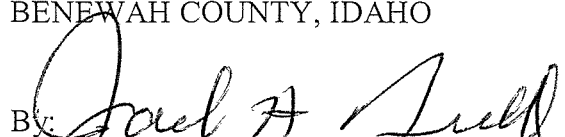
The County further objects to the assertion of the Notice of Claim that the "claimed water right precludes any diversion of water out of the watershed of the St. Joe Wild and Scenic River Basin." The decree of a water right under the Wild and Scenic Rivers Act does not preclude the diversion of water in accordance with state law if such diversion does not result in injury to the holder of the Wild and Scenic River water right.

DATED this 22nd day of September, 2014, upon resolution unanimously approved at a regular meeting of the Benewah County Commissioners.

ATTEST:

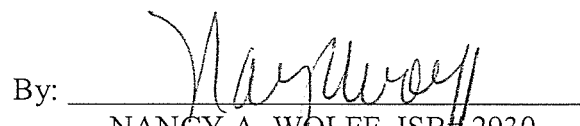
BENEWAH COUNTY, IDAHO

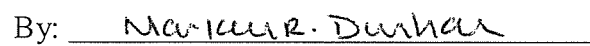
By: 
Deanna Bramblett, County Clerk

By: 
Jack A. Buell, Chairman

DATED this 22nd day of September, 2014.

MORRIS & WOLFF, P.A.

By: 
NANCY A. WOLFF, ISB# 2930
Attorney for Benewah County

By: 
MARIAH R. DUNHAM, ISB# 7287
Attorney for Benewah County

F.

CERTIFICATE OF MAILING

I certify that on September 23, 2014, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Coeur d'Alene-Spokane 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:

United States of America
On behalf of the U.S.D.A. Forest Service
550 W. Fort Street MSC 033
Boise, Idaho 83724

3. Copies to:

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

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

United States Department of Justice
Environmental & Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724

By: Mariah R. Dunham
MARIAH R. DUNHAM, ISB# 7287
Attorney for Benewah County