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JUL 29 2016

DEPT. 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

Case No. 49576

A. Subcase 94-04209
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please **print or type** 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:

David L. Negri (208) 334-1936 phone, (208) 334-9375 fax
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Leoda Watts Newell
Address: P.O. Box 13; Osburn, ID 83849

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

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:
4. ☒ **Priority Date**
Should be: See attached.
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.
10. ☐ **General Provision** ☐ **Individual Water Right** ☐ **All Water Rights**
☐ Should not be recommended.

☐ 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 the 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):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land. Priority precedes issuance of the patent.

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.

F.

CERTIFICATE OF MAILING

I certify that on July 28, 2016, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

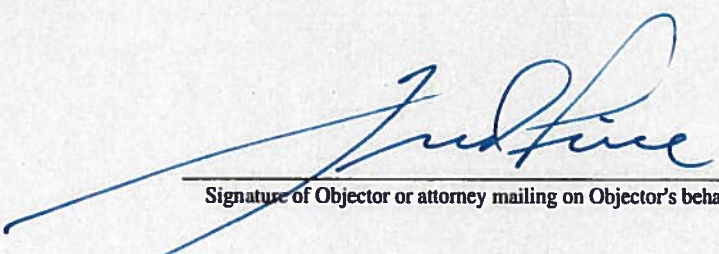
Name: Leoda Watts Newell
Address: P.O. Box 13; Osburn, ID 83849
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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 83720
Boise, ID 83720-0010

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



Signature of Objector or attorney mailing on Objector's behalf

02/16/2016

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

RIGHT NUMBER: 94-4209
NAME AND ADDRESS: LEODA WATTS NEWELL
PO BOX 13
OSBURN ID 83849

Mixed Ownership issue: POU:
-The Place of Use (POU) identified below contains both private (pvt) and public land.
-Clarify the POU such that it is clear that only private land is intended.

SOURCE: SPRING
QUANTITY: 0.080 CFS

TRIBUTARY: TERROR CREEK
Priority predates patent.

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

PRIORITY DATE: 06/01/1950 Patent 1200457 issued 05-09-1960
POINT OF DIVERSION: T48N R03E S12 NENE Within SHOSHONE County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.080 CFS
Domestic use is for 2 homes.		

PLACE OF USE: DOMESTIC in SHOSHONE County
T48N R03E S12 NENE Mix: pvt/BLM T48N R03E S12 NWNE
Place of use is limited to Mineral Survey 3531.

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
Parcel Nos. RP48N03E120600 and RP48N03E120750.

SHOSHONE COUNTY 079
COEUR D'ALENE DISTRICT

MT PLAT

[illegible]

CI 00008 Det PL 167 (Act of Cong 07/23/1953) completed
 5/21/1962. All NP surfaces Mgmt by LMSG excluding
 CI 00008-D-41 Stan 20: M. Res 21: MM Char No. 8

DI 00784 Del PL 107 (Act of Cong 07/23/1963) completed
27/04/1963 AB ME number. Manual No. 1 1963B

CM 07067 Dat PL 167 (Act of Cong 07/23/1955) completed

IDN 07957-0-1 Sec 24: SW Standard
 IDN 07957-0-2 Sec 24: SE Lead

ID# 07067- G-4 Sec 24: SE Copper
 ID# 07067- G-5 Sec 24: SE Silver

EDI 07067-0-8 Sec 24: SW Part 2003
 EDI 07067-0-7 Sec 24: SW Pay Street
 EDI 07067-0-8 Sec 24: SW On-6 Bridge

DOI 07067- G-11	Geo 24: E2	Jura
DOI 07067- G-12	Geo 24: SW	Ruby
DOI 07067- K-1	Geo 24: W2	Quarles

ICI 07987- K-3 800 24; W2 Alameda A

IDI 07067-K-5 Sec 34; EE Silver Leaf
IDI 07067-K-7 Sec 34; E2 Marathi Print No 1

ICI 07967- K-11 Sep 24: GB Lucky Friday No 2
ICI 07967- K-14 Sep 24: GB Odds

ID# 07067-AF-1 800 24: NW Jack
 ID# 07067-AF-2 800 24: SW Jack

DI 07067-AF-3 800 34: 5W Mark

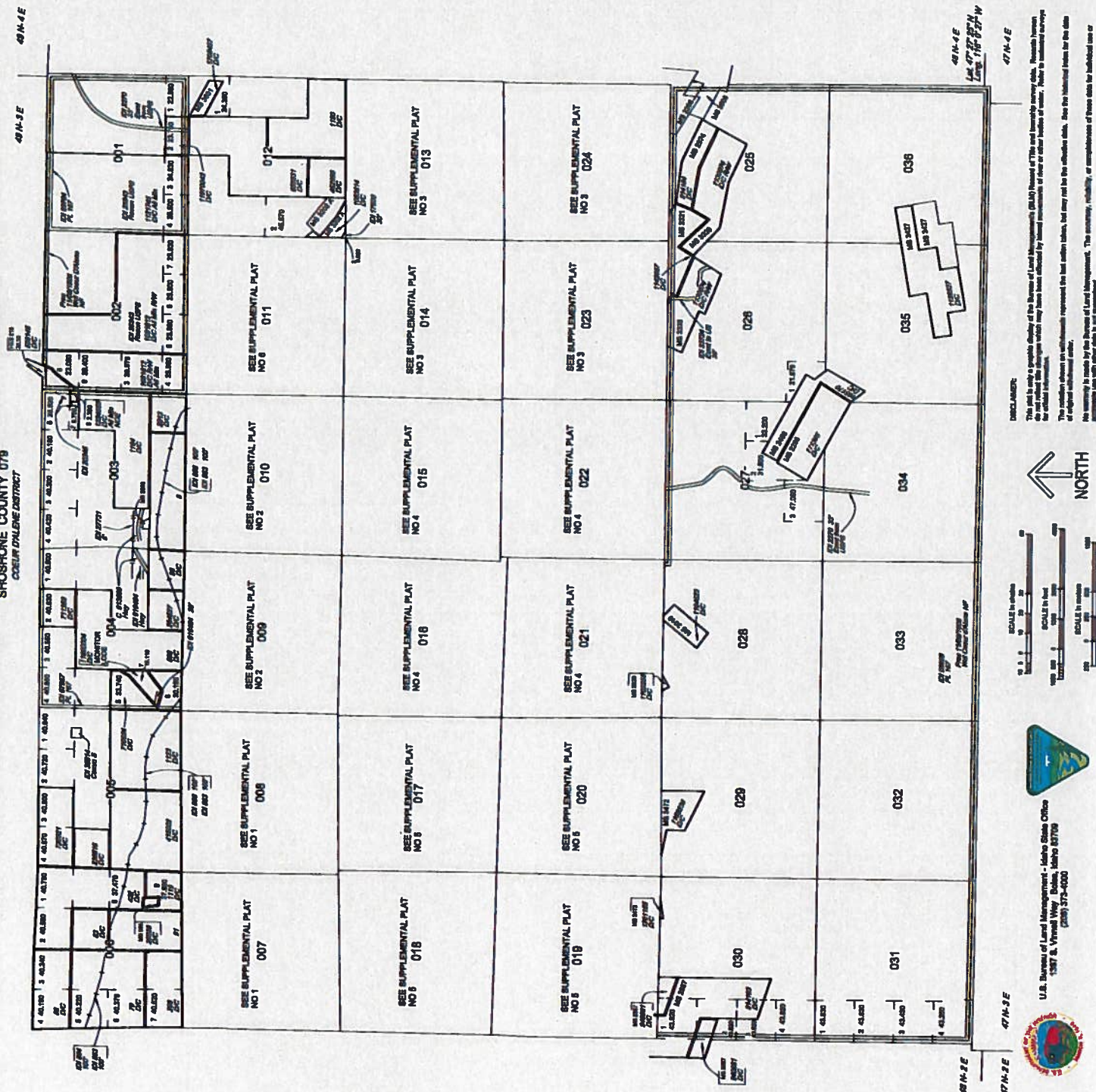
Age Group	Percentage of Respondents
18-29	~65%
30-49	~75%
50-69	~80%
70+	~85%

100

WORK ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
CELLANEOUS DOCUMENTS

[illegible]

T. 48 N
R. 3 E



MT PLAT

[illegible]

IDI 09998 Det PL 167 (Act C
05/21/1962: All NF surface
IDI 09998-D-41 Sec

JD/ 09998-D-41 Sec

IDI 09764 Del PL 167 (Act 07/10/1962. All NF surface.

07/10/1962. All NF surface

2025 7057 064 DI 407 100



Land Patent Details						
Accession Nr: 1208457 Document Type: Serial Patent State: Idaho Issue Date: 5/9/1960 Cancelled: No						
Names On Document			Miscellaneous Information			
☒ WATTS, JAMES Military Rank: ---			Land Office:	Idaho		
			US Reservations:	Yes		
			Mineral Reservations:	No		
			Tribe:	---		
			Militia:	---		
			State In Favor Of:	---		
			Authority:	July 26, 1866: Mineral Patent-Lode (14 Stat. 251)		
Document Numbers			Survey Information			
Document Nr: 010380			Total Acres:	16.17		
Misc. Doc. Nr: ---			Survey Date:	---		
BLM Serial Nr: IDI 0010380			Geographic Name:	Sitting Bull Lode		
Indian Allot. Nr: ---			Metes/Bounds:	No		
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	048N - 003E		1	3531	Shoshone
ID	Boise	048N - 003E		12	3531	Shoshone

Idaho 010380

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, In pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there are now deposited in the Bureau of Land Management of the United States the Plat and Field Notes of Survey and a Certificate of the Land Office at **Boise, Idaho,** accompanied by other evidence whereby it appears that

James Watts

has entered and paid for the **Sitting Bull lode mining claim,**

designated as **Survey No. 3531, embracing a portion of Sections 1 and 12 in Township 48 North of Range 3 East of the Boise Meridian, in the Evolution Mining District, Shoshone County, Idaho, the said claim being more particularly described in the official field notes and depicted on the official plat which are expressly made a part of this patent and copies of which are attached hereto.**

The premises herein granted contain 16.168 acres.

Patent Number 1208457

Idaho 010380

Now KNOW YE, That there is therefore, pursuant to the laws aforesaid, hereby granted by the United States unto the said

James Watts

the said mining premises hereinbefore described, and not expressly excepted from these presents, and all that portion of the said vein, lode, or ledge, and of all other veins, lodes, and ledges throughout their entire depth, the tops or apexes of which lie inside of the surface boundary lines of said granted premises in said survey extended downward vertically, although such veins, lodes, or ledges in their downward course may so far depart from a perpendicular as to extend outside the vertical side lines of said premises: *Provided*, That the right of possession to such outside parts of said veins, lodes, or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward through the end lines of said survey so continued in their own direction that such planes will intersect such exterior parts of said veins, lodes, or ledges; *And provided further*, That nothing herein contained shall authorize the grantee herein to enter upon the surface of a claim owned or possessed by another.

To HAVE AND To HOLD said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said grantee above named and to **his heirs** and assigns forever; subject, nevertheless, to the above-mentioned

and to the following conditions and stipulations:

FIRST. That the premises hereby granted shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local laws, customs, and decisions of the courts. And there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States.

SECOND. That in the absence of necessary legislation by Congress, the Legislature of **Idaho** may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to its complete development.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in the District of Columbia, the **NINTH** day of **MAY** in the year of our Lord one thousand nine hundred and **SIXTY** and of the Independence of the United States the one hundred and **EIGHTY-FOURTH**.

For the Director, Bureau of Land Management.

By

Beth W. Tracy

Chief, Patents Section.

Patent Number **1208457**

May 7, 1950
 1208457
 Idaho 06380, April 1952

MINERAL SURVEY No. 3531 IDAHO

CLAIM OF
 JAMES WATTS

KNOWN AS THE
 SITTING BULL LODGE

SITUATE IN
 Sec. 12, T. 48 N., R. 3 E., B. M.
 SHOSHONE COUNTY
 Evolution Mining District
 Idaho Land District
 Lot 47° 32' 03" N., Long. 116° 01' 22" W.
 of Cor. 3, Sitting Bull Lodge



Surveyed, November 9, to 23, 1957
 By Kenneth L. Preston, Mineral Surveyor

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT

Boise, Idaho, Jan. 7, 1959

I hereby certify that this plat of Mineral Survey No. 3531, Shoshone County, Idaho, is the first notice of said survey which has been examined and approved.

Engineer E. H. Hattfield

Office Certified Engineer

