

RECEIVED
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 94-04248
(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: Silver Opportunity Partners
Address: 2209 Big Creek Rd; Kellogg, ID 83837

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: Silver Opportunity Partners
Address: 2209 Big Creek Rd; Kellogg, ID 83837

Name:
Address: ;

Name:
Address: ;

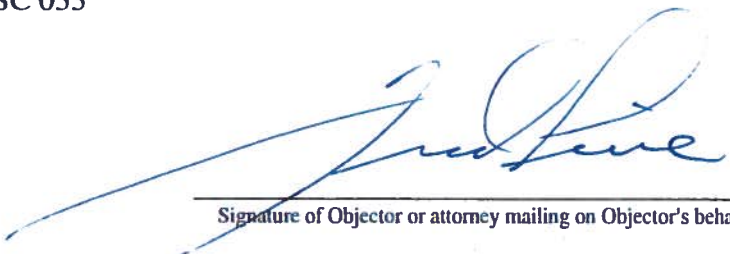
Name:
Address: ;

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: 94-4248

NAME AND ADDRESS: SILVER OPPORTUNITY PARTNERS
2209 BIG CREEK RD
KELLOGG ID 83837

Priority:

-prior to issuance of Patent 1125438 on 4-18-1949, /

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: WEST FORK MC FARREN GULCH CREEK

TRIBUTARY: MC FARREN GULCH CREEK

QUANTITY: 0.200 CFS

PRIORITY DATE: 07/05/1887 -prior to issuance of Patent 1125438 on 4-18-1949

POINT OF DIVERSION: T48N R03E S24 SWNW Within SHOSHONE County Mix: pvt/BLM

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MINING

01/01 12/31

0.200 CFS

Water was used under this right for mining purposes at the Coeur d Alene Mine and Mine Dry sites. This right is recommended pursuant to Section 42-223(11), Idaho Code.

PLACE OF USE: MINING in SHOSHONE County

T48N R03E S24 NW1/4 Mix: pvt/BLM

Place of use is limited to Mineral Survey 3261.

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 - Beneficial Use

do. 3
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT
SUPPL Secs 13, 14, 23, 24

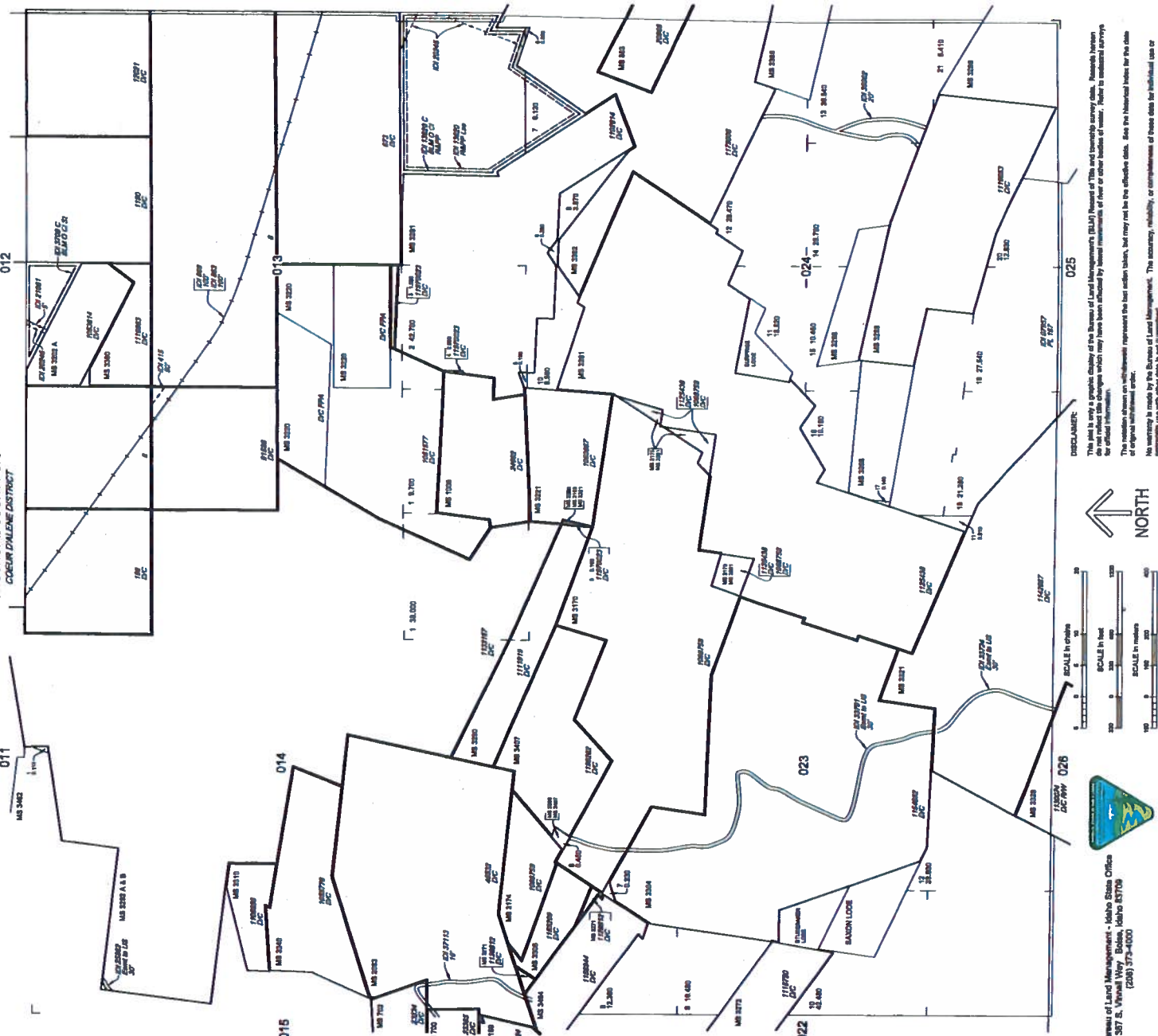
INDEX TO SEGREGATED TRACTS			
RESIDENT	TRACT NO	T	R
			SEC
			ELIMINATION

DI 07987-P4, 1B (All of Camp 07937186) completed	DI 07987-Q-1	See 24-5W Standard
DI 07987-Q-2	See 24-5W Lead	
DI 07987-Q-3	See 24-5W Jumbo	
DI 07987-Q-4	See 24-5E Copper	
DI 07987-Q-5	See 24-5E Silver	
DI 07987-Q-6	See 24-5W Hercules	
DI 07987-Q-7	See 24-5W Ohio State	
DI 07987-Q-8	See 24-5Z Jans	
DI 07987-Q-9	See 24-5Z Paddy	
DI 07987-Q-10	See 24-5W Pines	
DI 07987-Q-11	See 24-5Z Mounds A	
DI 07987-Q-12	See 24-5Z Mounds B	
DI 07987-Q-13	See 24-5Z Kentucky	
DI 07987-Q-14	See 24-5E Silver Lead	
DI 07987-Q-15	See 24-5E Nevada Firm No 1	
DI 07987-Q-16	See 24-5E Nevada Firm No 2	
DI 07987-Q-17	See 24-5E Lucky Friday No 2	
DI 07987-Q-18	See 24-5E Collins	
DI 07987-Q-19	See 24-5Z Blue Jay Firm	
DI 07987-A-1	See 24-5W BM	
DI 07987-A-2	See 24-5W Jack	
DI 07987-A-3	See 24-5W Mark	
DI 07987-A-4	See 24-5W Robin	
DI 07987-A-5	See 24-5W Ray	

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

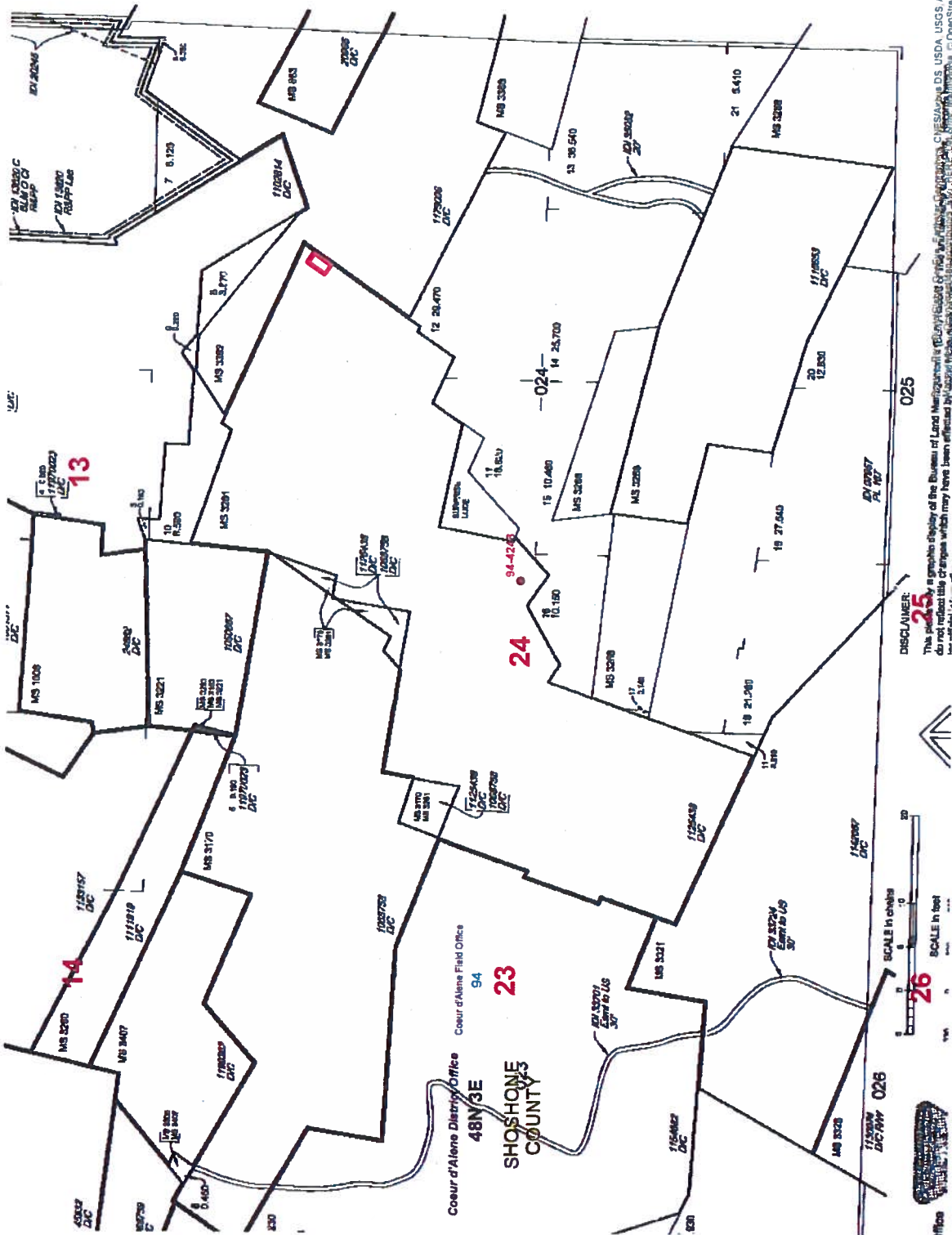
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COMPOUND TYPE: D0808013	BY: JCB
LAST UPDATED: 08/08/13	
DATE: 01/08/2013	DATE: 02/08/2008
POSTED TO PUBLIC RECORD: September 10, 2013	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM SCDS ACCOUNT:	
OTHER:	N/A
PROJECTED COORDINATE SYSTEM:	UTM ZONE 14N, NAD 83
NOTES:	
USER NAME:	

T. 48 N
R. 3 E
No. 3



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000





DI 07857-G-12 Sec 24-SW Ruby
 DI 07857-K-1 Sec 24-W2 Surprise
 DI 07857-K-2 Sec 24-W2 Maude A
 DI 07857-K-3 Sec 24-E2 Buckeye
 DI 07857-K-4 Sec 24-E2 Kentucky
 DI 07857-K-5 Sec 24-SE Silver Leaf
 DI 07857-K-7 Sec 24-E2 Norwich Farm No 1
 DI 07857-K-8 Sec 24-E2 Norwich Farm No 2
 DI 07857-K-11 Sec 24-SE Lucky Friday No 2
 DI 07857-K-14 Sec 24-SE Collins
 DI 07857-K-16 Sec 24-N2 Blue Jay Farm
 DI 07857-AF-1 Sec 24-NW Bill
 DI 07857-AF-2 Sec 24-SW Jack
 DI 07857-AF-3 Sec 24-SW Mark
 DI 07857-AF-4 Sec 24-SW Robin
 DI 07857-AF-5 Sec 24-SW Ray

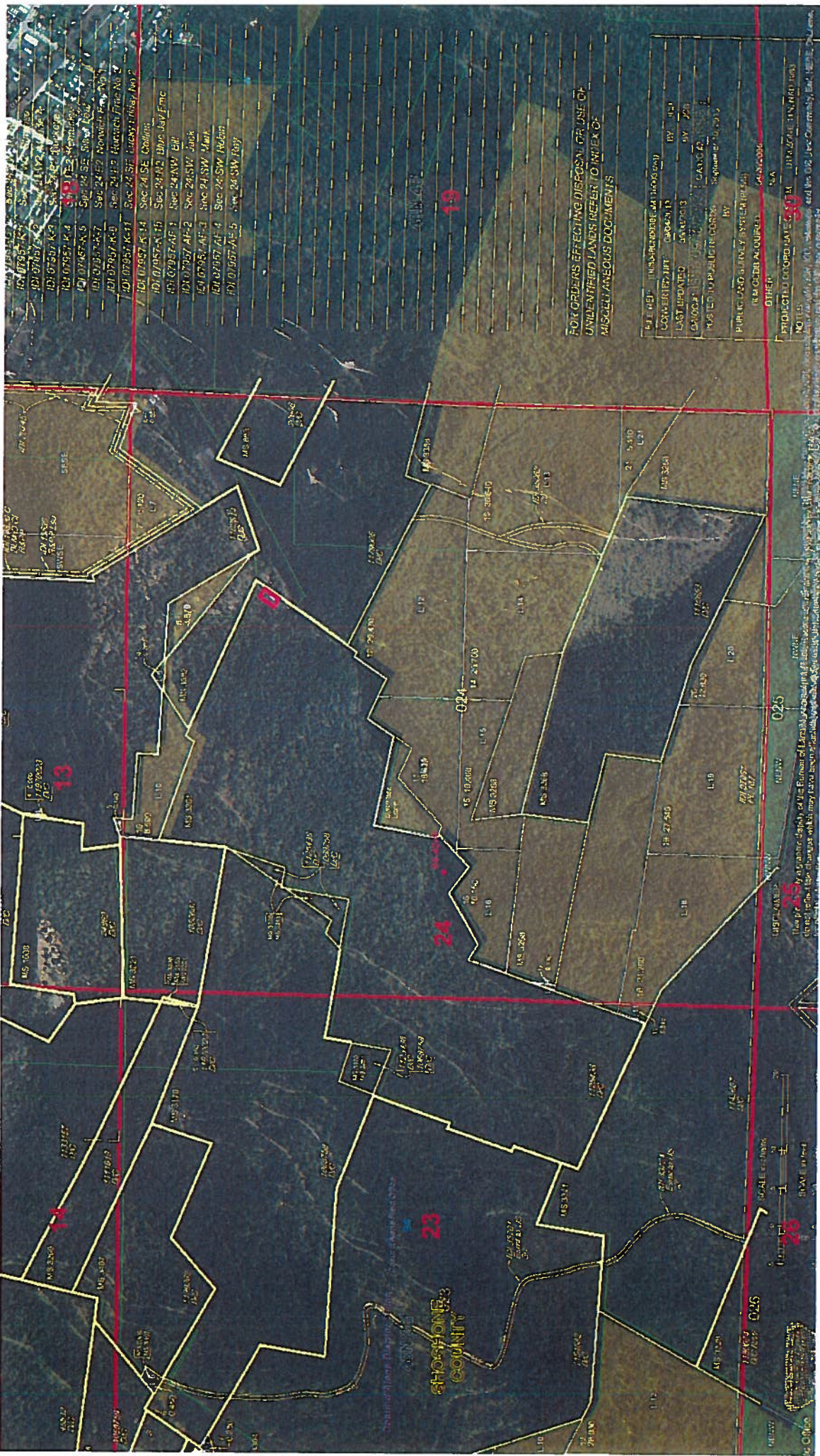
48N 4E

19

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

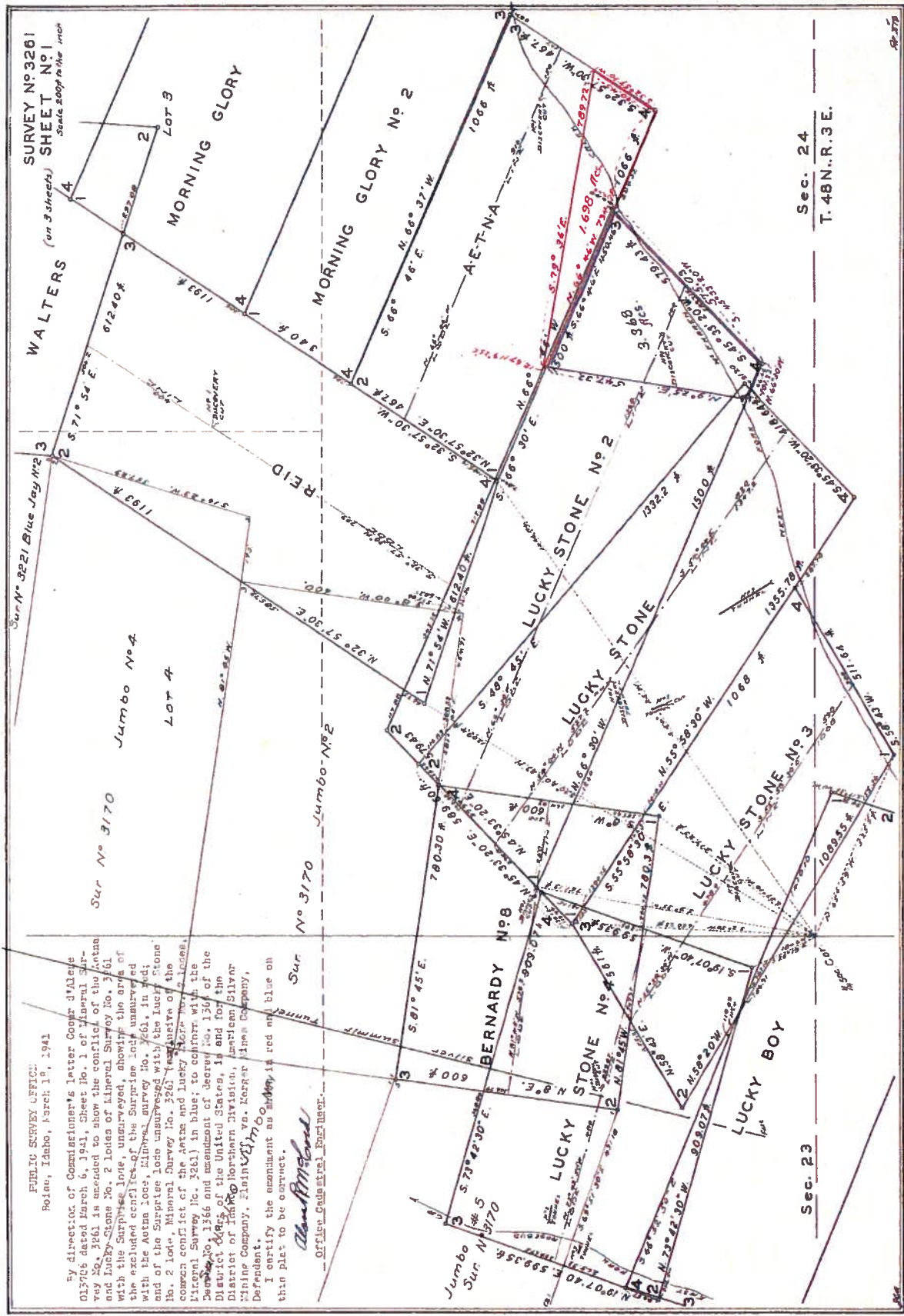
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LAST UPDATED: 08/04/2019	BY: JCB
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POSTED TO PUBLIC RECORDS: September 10, 2019	BY: JCB
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM COOR ACQUIRED: 04/20/2008	OTHER: N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N NAD 1983	

NOTE: This is a graphic display of the Bureau of Land Management's (BLM) National Wetlands Inventory (NWI) data. The NWI data is derived from the National Wetlands Inventory (NWI) database, which is maintained by the BLM. The NWI data is not a legal document and should not be used for legal purposes. The NWI data is provided for informational purposes only.



Land Patent Details						
Accession Nr: 1125438		Document Type: Serial Patent		State: Idaho	Issue Date: 4/18/1949	Cancelled: No
Names On Document			Miscellaneous Information			
P MERGER MINES CORPORATION			Land Office:	Coeur D Alene		
			US Reservations:	Yes		
			Mineral Reservations:	No		
			Tribe:	---		
			Militia:	---		
State In Favor Of:			---			
Military Rank: ---			Authority: July 26, 1866: Mineral Patent-Lode (14 Stat. 251)			
Document Numbers			Survey Information			
Document Nr:	013706		Total Acres:	179.85		
Misc. Doc. Nr:	---		Survey Date:	---		
BLM Serial Nr:	IDCDA 0013706		Geographic Name:	Morning Glory Lode Mining Claim		
Indian Allot. Nr:	---		Metes/Bounds:	Yes		
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	048N - 003E		23	3261	Shoshone
ID	Boise	048N - 003E		24	3261	Shoshone

Pat. 1125438 4/18/99
cda. 03760



PUBLIC SURVEY OFFICE
Bohne, Idaho, March 19, 1941

By direction of Commissioner's letter Cook d'Almeida
013706 dated March 6, 1941, Sheet No. 1 of Mineral Sur-
vey No. 3261 is amended to show the conflict of the Aetna
and Lucky Stone No. 2 lots of Mineral Survey No. 3261
with the Surprise lots, unsurveyed, showing the area of
the excluded conflict of the Surprise lots unsurveyed
with the Aetna lots, Mineral survey No. 3261, in red;
and of the Surprise lots unsurveyed with the Lucky Stone
No. 2 lots, Mineral Survey No. 3261, in blue; and of the
common conflict of the Aetna and Lucky Stone No. 2 lots,
Mineral Survey No. 3261, in blue; to conform with the
Survey No. 1366 and amendment of Decree No. 1366 of the
District Court of the United States, in and for the
District of Idaho Northern Division, American Silver
Mine Company, Plaintiff, vs. Kerner Mine Company,
Defendant.

I certify the amendment as shown in red and blue on
this plat to be correct.

Alfred McDaniel
Office Geological Engineer.

Sec. 23

Sec. 24

T. 48N. R. 3E.