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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 94-04252
(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

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

RIGHT NUMBER: 94-4252

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

- 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: UNNAMED STREAM

TRIBUTARY: MC FARREN GULCH CREEK

The source of this right is water flowing from a mining tunnel.

QUANTITY: 0.200 CFS

PRIORITY DATE: 09/01/1929 -prior to issuance of Patent 1125438 on 4-18-1949

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

PURPOSE AND PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

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:

Place of use is limited to Mineral Survey 3261.MINING in SHOSHONE County

T48N R03E S24 NWNE Mix: pvt/BLM

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

SHOSHONE COUNTY 079
COEUR D'ALENE DISTRICT

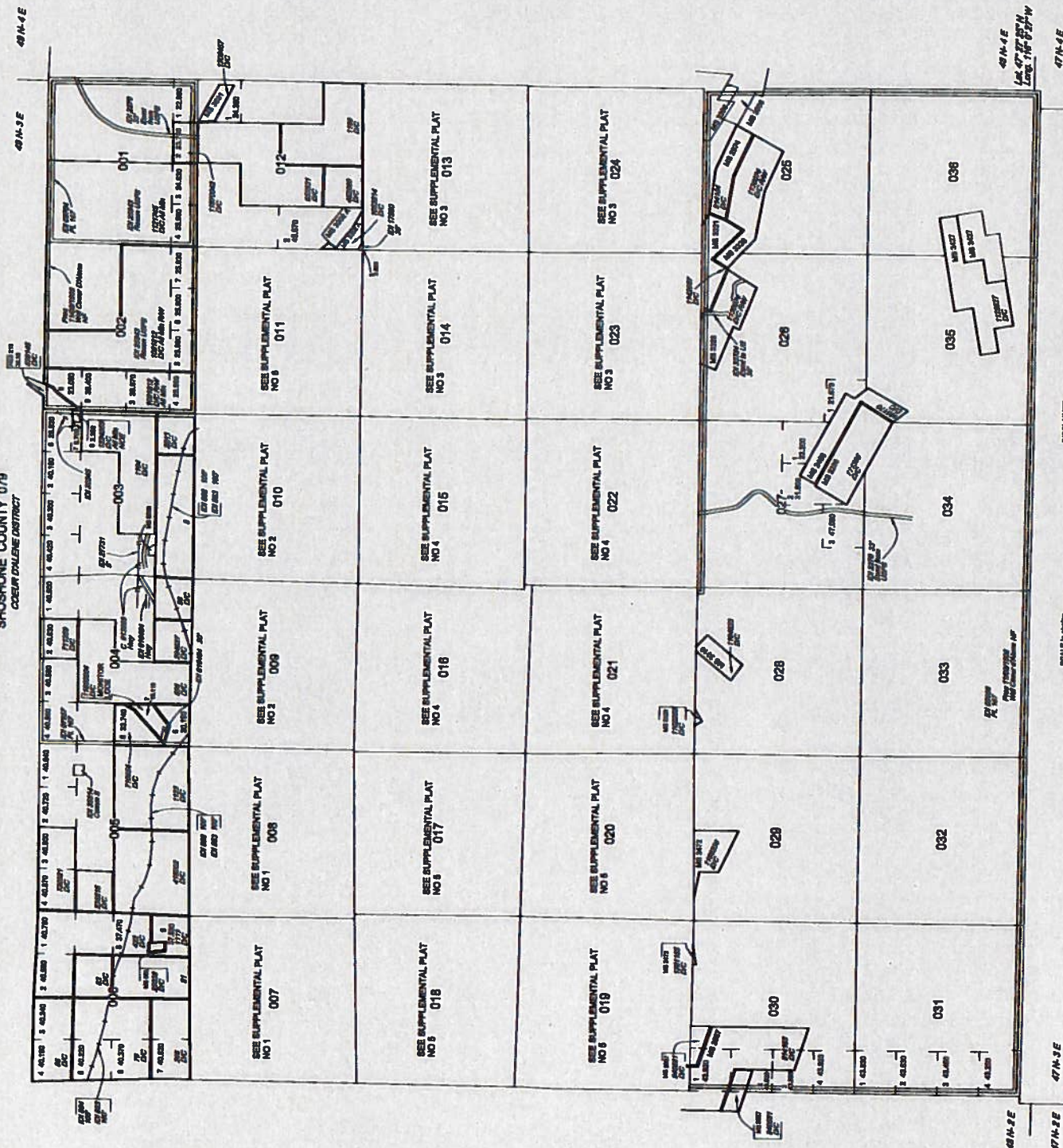
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

EX 020400 Dtd Pl. 107 Act of Cong. 07/23/1953 completed
 05/21/1952. At the author's request by USGS including
 EX 020400-0-41. See 30: 102, 30: 21, NW Sheet No. 9
 EX 020704 Dtd Pl. 107 Act of Cong. 07/23/1953 completed
 07/27/1952. At the author's request by USGS
 EX 020700 Dtd Pl. 107 Act of Cong. 07/23/1953 completed
 06/29/1953. At the author's request by USGS including
 EX 020700-0-1. See 34: SW, NW Sheet
 EX 020700-0-2. See 34: SE, LEAD
 EX 020700-0-3. See 34: SW, SW
 EX 020700-0-4. See 34: SE, Canyon
 EX 020700-0-5. See 34: SE, Silver
 EX 020700-0-6. See 34: SW, Huckle
 EX 020700-0-7. See 34: SW, Pay Sheet
 EX 020700-0-8. See 34: SW, Grate Shale
 EX 020700-0-12. See 34: SE, Jura
 EX 020700-0-13. See 34: SW, Rhy
 EX 020700-0-14. See 34: NW, Basalt
 EX 020700-0-15. See 34: NW, Basalt A
 EX 020700-0-16. See 34: SE, Basalt
 EX 020700-0-17. See 34: SE, Silver Lead
 EX 020700-0-18. See 34: SE, Northwest From 1
 EX 020700-0-19. See 34: SE, Northwest From 2
 EX 020700-0-20. See 34: SE, Lucky Friday No 2
 EX 020700-0-21. See 34: SE, Cadmus
 EX 020700-0-22. See 34: NW, Blue Jay Tree
 EX 020700-0-23. See 34: NW, NW
 EX 020700-0-24. See 34: SW, Jack
 EX 020700-0-25. See 34: SW, Mark
 EX 020700-0-26. See 34: SW, Robin
 EX 020700-0-27. See 34: SW, Fly

FILE NO:	ENCLOSURE	DATE	FILE NO
CONVERTED TO:	ENCLOSURE	DATE	FILE NO
LAST UPDATED:	ENCLOSURE	DATE	FILE NO
SOURCE:	ENCLOSURE	DATE	FILE NO
PRINTED TO:	ENCLOSURE	DATE	FILE NO
PUBLIC LOAD SURVEY SYSTEM (PLS)	ENCLOSURE	DATE	FILE NO
BILL BOOK ACQUISITION	ENCLOSURE	DATE	FILE NO
OTHERS	ENCLOSURE	DATE	FILE NO
UNCLASSIFIED COORDINATE SYSTEMS	ENCLOSURE	DATE	FILE NO
NOTE:	ENCLOSURE	DATE	FILE NO
USE PLATE	ENCLOSURE	DATE	FILE NO

T. 49 N
R. 9 E

QUESTIONS

This job is truly a people challenge for the Bureau of Land Management's (BLM) Natural and Knowledge Survey staff. Knowledge is the key to the success of the BLM. The knowledge workers within may have been obtained by direct experience or deep or other means. People in customer support are called upon to help others.



U.S. Bureau of Land Management - Idaho State Office
1367 S. Vinnet Way Boise, Idaho 83709
(208) 373-4500



TOWNSHIP 48 NORTH RANGE 3 EAST OF THE BOISE MERIDIAN, IDAHO

SHOSHONE COUNTY 079

COSMOS ONLINE DISTRICT

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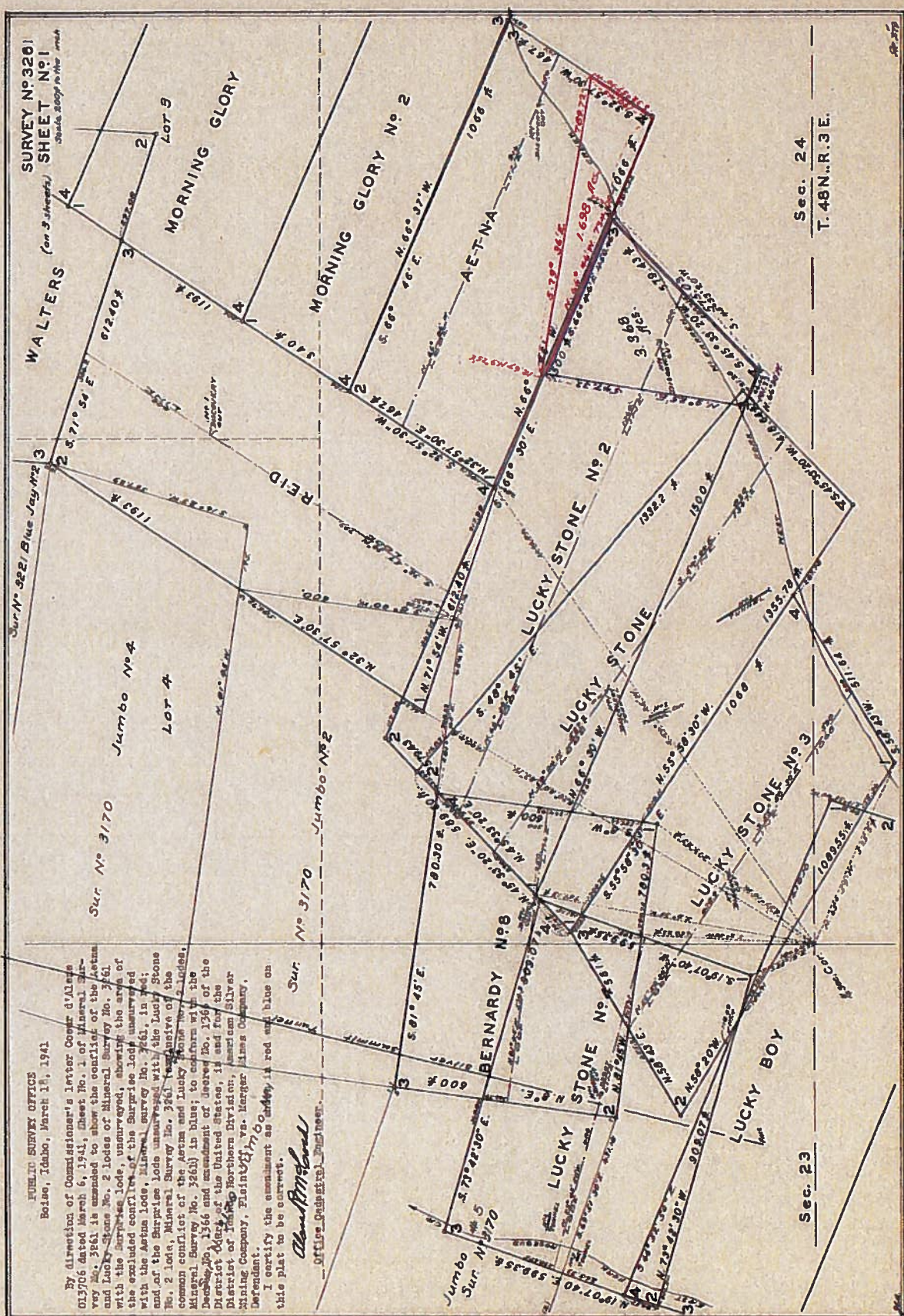
315

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Land Patent Details						
Accession Nr: 1125438 Document Type: Serial Patent State: Idaho Issue Date: 4/18/1949 Cancelled: No						
Names On Document			Miscellaneous Information			
☒ MERGER MINES CORPORATION 			Land Office:	Coeur D Alene		
			US Reservations:	Yes		
			Mineral Reservations:	No		
			Tribe:	---		
			Militia:	---		
Military Rank: ---			State In Favor Of:	---		
			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:	---		Motes/Bounds:	Yes		
Land Descriptions						
State	Meridian	Twp - Rng	Alliquots	Section	Survey #	County
ID	Boise	048N - 003E		23	3261	Shoshone
ID	Boise	048N - 003E		24	3261	Shoshone

Pat. 1125438 4/19/69
 cda. 013702



PUBLIC SURVEY OFFICE
 Boise, Idaho, March 15, 1941

By direction of Commissioner's letter Oscar d'Alena
 013702 dated March 6, 1941, sheet No. 1 of Mineral Sur-
 vey No. 3861 is amended to show the conflict of the Aetna
 and Lucky Stone No. 2 lodes of Mineral Survey No. 3861
 with the Burpree lode, unmined, showing the area of
 the excluded conflict of the Burpree lode unmined
 with the Aetna lode, Mineral survey No. 3861, in 1941;
 and of the Burpree lode unmined with the Lucky Stone
 No. 2 lode, Mineral Survey No. 3861, in 1941;
 common conflict of the Aetna and Lucky Stone No. 2 lodes,
 Mineral Survey No. 3861, in blue; to conform with the
 Decree 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
 Mining Company, Plaintiff, vs. Marger, James Company,
 Defendant.

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

Albert R. McDaniel
 Office Engineer, Boise, Idaho

Sur. N° 3170

Sec. 23

Sec. 24
 T. 48N., R. 3E.