

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 94-04253
(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: 94-4253

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

Priority:

-prior to issuance of Patent 1179006 on 1-28-1958,

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: MC FARREN GULCH CREEK

TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 11/01/1940 -prior to issuance of Patent 1179006 on 1-28-1958

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

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.200 CFS
MINING	01/01 12/31	0.200 CFS

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

PLACE OF USE: INDUSTRIAL in SHOSHONE County

T48N R03E S24 NENE Mix: pvt/BLM

MINING in SHOSHONE County

T48N R03E S24 NENE Mix: pvt/BLM

Place of use under this right is limited to Mineral Survey 3382.

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

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

SHOSHONE COUNTY 078
COLUMBIA CASTLE DISTRICT

49 N-4 E

49 N-3 E

49 N-2 E

49 N-1 E

49 N-0 E

49 N-5 E

49 N-6 E

49 N-7 E

49 N-8 E

49 N-9 E

49 N-10 E

49 N-11 E

49 N-12 E

49 N-13 E

49 N-14 E

49 N-15 E

49 N-16 E

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SHOSHONE COUNTY 079

WYOMING COUNTY DISTRICT

No. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

SUPPL Secs 13, 14, 23, 24

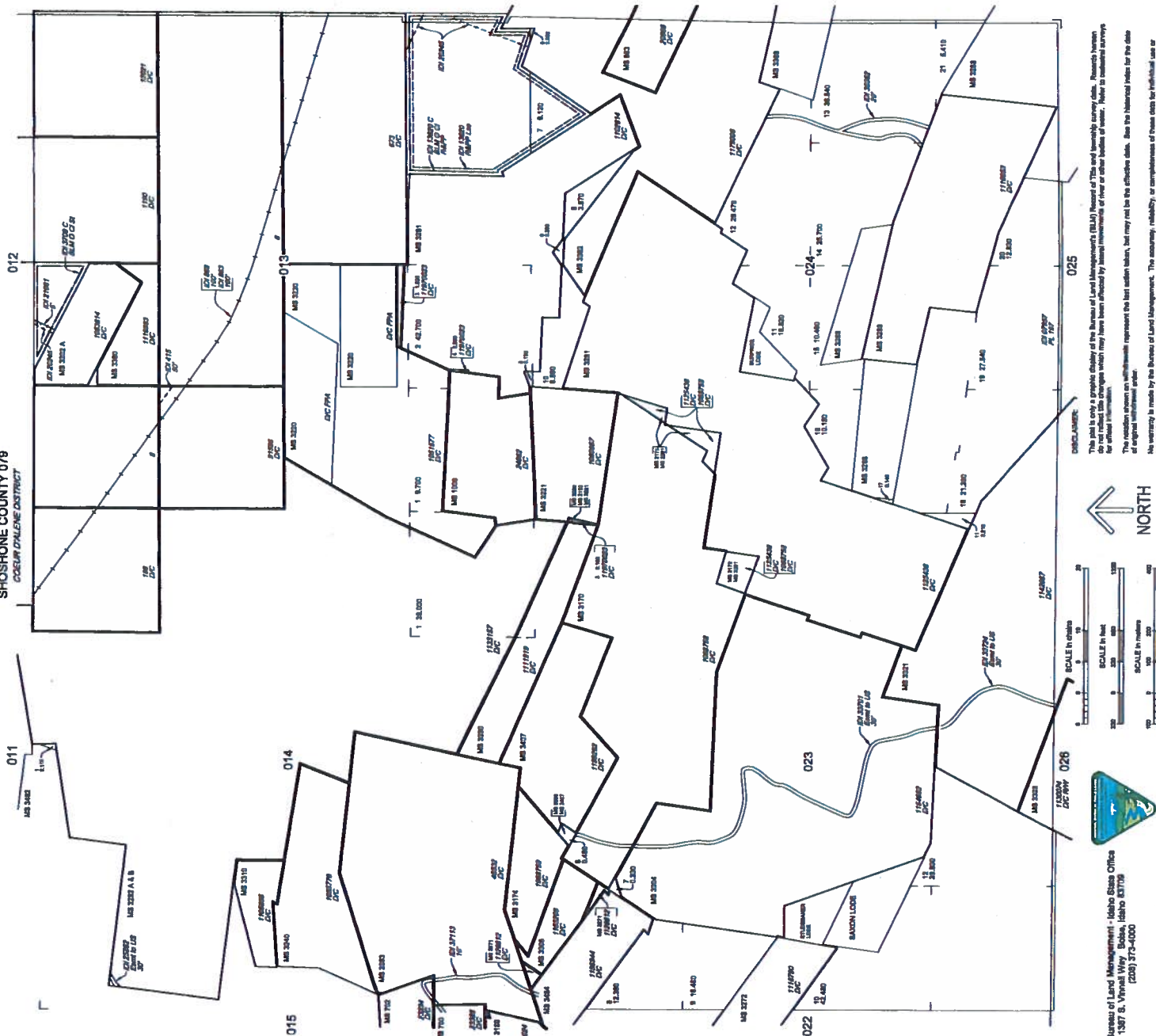
[illegible]

DA 070757-01	PL 107 (Act of Cong. 07/07/24/54)	completed
06/28/02	AL: PD surface report by BLU containing	
DA 070757-02	See 433W Standard	
DA 070757-03	See 433W Lead	
DA 070757-04	See 433W Jambo	
DA 070757-05	See 433E Copper	
DA 070757-06	See 433E Silver	
DA 070757-07	See 433E Hemlock	
DA 070757-08	See 433W Gray Shale	
DA 070757-09	See 433E Jans	
DA 070757-10	See 433W Ruby	
DA 070757-11	See 433W Dymond	
DA 070757-12	See 433E	
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DA 070757-97	See 433E	
DA 070757-98	See 433E	

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

[illegible]

Johns Mfr.
T. 48 N
R. 3 E
No. 3



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



Land Patent Details						
Accession Nr: 1179006		Document Type: Serial Patent		State: Idaho	Issue Date: 1/28/1958	Cancelled: No
Names On Document			Miscellaneous Information			
<input checked="" type="checkbox"/> COEUR D ALENE MINES CORP Military Rank: ---			Land Office:	Coeur D Alene		
			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:	014022		Total Acres:	248.13		
Misc. Doc. Nr:	---		Survey Date:	---		
BLM Serial Nr:	IDCDA 0014022		Geographic Name:	Mineral Point Fraction Lode		
Indian Allot. Nr:	---		Metes/Bounds:	No		
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	048N - 003E		13	3382	Shoshone
ID	Boise	048N - 003E		24	3382	Shoshone
ID	Boise	048N - 004E		18	3382	Shoshone
ID	Boise	048N - 004E		19	3382	Shoshone

Coeur d'Alene 014022

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 **the Coeur d'Alene Mines Corporation**

has entered and paid for the **Mineral Point Fraction, Maggie Fraction, Diamond Point No. 2, Lonesome Pine No. 1, Lonesome Pine No. 2, Lonesome Pine No. 4, Lonesome Pine No. 5, Lonesome Pine No. 6, Columbia, Australia, Diamond Point, Maggie, Emma Extension, Century, Emma, and Commodore Truxton lode mining claims,**

designated as **Survey No. 3382, embracing a portion of Section 13 and 24 in Township 48 north of Range 3 east and Sections 18 and 19 in Township 48 north of Range 4 east of Boise Meridian, in the Evolution Mining District, Shoshone County, Idaho, the said claims 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; but excluding and excepting from these claims all of that portion of ground within the boundaries of the Mineral Point lode claim, Survey No. 883; the St. Elmo lode claim, Survey No. 2409; the July, Blue Ribbon and Hazard lode claims, Survey No. 3191; the Morning Glory Fraction lode claim, Survey No. 3261; the Plainview No. 1 and Plainview No. 2 lode claims, Survey No. 3281; the Norwich Fraction No. 1 lode claim, Survey No. 3388; and the ~~Madame~~ said Sec. 19 and Lot 4 said Sec. 18, and further excluding and excepting all veins, lodes, and ledges, throughout their entire depth, the tops or apexes of which lie inside of the said excluded ground.**

The premises herein granted contain 248.129 acres.

Patent Number 1179066

Coeur d'Alene 014022

Now KNOW YE, That there is therefore, pursuant to the laws aforesaid, hereby granted by the United States unto the said **Coeur d'Alene Mines Corporation**

the said mining premises hereinbefore described, and not expressly excepted from these presents, and all that portion of the said vein *s*, lode *s*, or ledge *s*, 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

its successors

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.

GIVEN under my hand, in the District of Columbia, the **TWENTY-EIGHTH** day of **JANUARY** in the year of our Lord one thousand nine hundred and **FIFTY-EIGHT** and of the Independence of the United States the one hundred and **EIGHTY-SECOND**.

[SEAL]

For the Director, Bureau of Land Management.

By *Ben*

Chief, Patents Section.

Patent Number **1179093**

