

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 94-07108
(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: Kent L. Davis
Address: P.O. Box 453; Mullan, ID 83846

Name: Donna J. Davis
Address: P.O. Box 453; Mullan, ID 83846

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:
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 priority date precedes the issuance of the right-of-way (ROW) for the point of diversion (POD).

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:

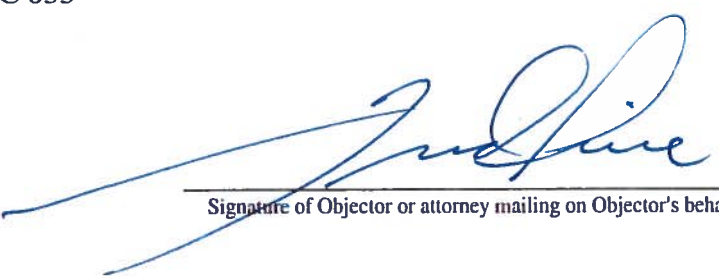
Name: Kent L. Davis
Address: P.O. Box 453; Mullan, ID 83846
Name: Donna J. Davis
Address: P.O. Box 453; Mullan, ID 83846
Name:
Address: ;
Name:
Address: ;

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: 94-7108 Priority date:
NAME AND ADDRESS: KENT L DAVIS • Priority date precedes right-of-way (RoW) issuance date.
PO BOX 453
MULLAN ID 83846

DONNA J DAVIS
PO BOX 453
MULLAN ID 83846

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.040 CFS
1.20 AFY

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

Right Nos. 94-7108 and 94-9433 are limited to a total combined diversion rate of 0.04 cfs.

PRIORITY DATE: 12/09/1977 RoW IDI 028341 issued 06/01/1991

POINT OF
DIVERSION: T48N R05E S35 NWSE Within SHOSHONE County (BLM)

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in SHOSHONE County
T48N R05E S35 Lot 6 SENW

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 - License

Right No. 94-9433 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Parcel No. RP48N05E356100 for Point of Diversion
Parcel No. RPA00000354700 for Place of Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

SHOSHONE COUNTY 079
COEUR D'ALENE DISTRICT

Production Diagram No. 8 approved 08/02/2018

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

[illegible]

See individual supplemental plots for appropriate remarks

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

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

[illegible]

T. 49 N
R. 5 E

SEE SUPPLEMENTAL PLAT NO 3 006	SEE SUPPLEMENTAL PLAT NO 3 005	SEE SUPPLEMENTAL PLAT NO 2 004	SEE SUPPLEMENTAL PLAT NO 2 003	SEE SUPPLEMENTAL PLAT NO 1 002	SEE SUPPLEMENTAL PLAT NO 1 001
SEE SUPPLEMENTAL PLAT NO 3 007	SEE SUPPLEMENTAL PLAT NO 3 008	SEE SUPPLEMENTAL PLAT NO 2 009	SEE SUPPLEMENTAL PLAT NO 2 010	SEE SUPPLEMENTAL PLAT NO 1 011	SEE SUPPLEMENTAL PLAT NO 1 012
SEE SUPPLEMENTAL PLAT NO 4 018	SEE SUPPLEMENTAL PLAT NO 4 017	SEE SUPPLEMENTAL PLAT NO 3 016	SEE SUPPLEMENTAL PLAT NO 3 015	SEE SUPPLEMENTAL PLAT NO 2 014	SEE SUPPLEMENTAL PLAT NO 2 013
SEE SUPPLEMENTAL PLAT NO 4 019	SEE SUPPLEMENTAL PLAT NO 4 020	SEE SUPPLEMENTAL PLAT NO 3 021	SEE SUPPLEMENTAL PLAT NO 3 022	SEE SUPPLEMENTAL PLAT NO 2 023	SEE SUPPLEMENTAL PLAT NO 2 024
SEE SUPPLEMENTAL PLAT NO 9 030	SEE SUPPLEMENTAL PLAT NO 9 029	SEE SUPPLEMENTAL PLAT NO 8 028	SEE SUPPLEMENTAL PLAT NO 8 027	SEE SUPPLEMENTAL PLAT NO 7 026	SEE SUPPLEMENTAL PLAT NO 7 025
SEE SUPPLEMENTAL PLAT NO 9 031	SEE SUPPLEMENTAL PLAT NO 9 032	SEE SUPPLEMENTAL PLAT NO 8 033	SEE SUPPLEMENTAL PLAT NO 8 034	SEE SUPPLEMENTAL PLAT NO 7 035	SEE SUPPLEMENTAL PLAT NO 7 036

Lat 47° 27' 39" N
Long 115° 46' W

314 E

47N5E

OVERVIEW

This plan is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records herein do not reflect title changes which may have been effected by lateral encroachments of river or other bodies of water. Refer to cadastral surveys for additional information.

The reaction shown on [withstand](#) represent the best action taken, but may not be the effective date. See the historical index for the date selected with [withstand](#) option.

The warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual uses or purposes is not guaranteed.



U.S. Bureau of Land Management Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 375-4000



NORTH

Protection Enigmen No. 8 approved 08/02/1907

No. 7
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

**MT PLAT
SUPPL Secs 25,26,35,36**

[illegible]

NDN 07057 Del PL 167 (Act of Cong 07/23/1995)
completed 08/28/1992. All PD surface Mgmt by
BLM including

CU 07957-A-1	Sao 26: SW	Crown Point
CU 07957-A-2	Sao 26: SE	Mission
CU 07957-A-3	Sao 26: SW	Silver Reef
CU 07957-A-4	Sao 26: SE	Dewey
CU 07957-A-5	Sao 26: SE	Crown Point Fraction
CU 07957-A-6	Sao 26: SE	North
CU 07957-A-7	Sao 26: SE	South
CU 07957-A-8	Sao 26: SW	Mission
CU 07957-A-9	Sao 26: SE	Alamo
CU 07957-A-10	Sao 26: SE	Wells Lodge
CU 07957-A-11	Sao 26: SE	Hunter
CU 07957-A-12	Sao 26: SW	Crown
CU 07957-A-13	Sao 26: SW	Mission
CU 07957-A-14	Sao 26: W2	Spring Valley
CU 07957-A-15	Sao 26: SW	Pai
CU 07957-A-16	Sao 26: SW	Pai No 2
CU 07957-A-17	Sao 26: SW	Wonder
CU 07957-A-18	Sao 26: NE	Inne
CU 07957-A-19	Sao 26: NE	Alameda
CU 07957-A-20	Sao 26: W2	Sao 26: E2 Black Point
CU 07957-A-21	Sao 26: SE	Black Hill
CU 07957-A-22	Sao 26: SE	Black Hill
CU 07957-A-23	Sao 26: SE	Black Hill
CU 07957-A-24	Sao 26: SW	Pai No 3
CU 07957-A-25	Sao 26: NE	Inne

See Cadastral Plat approved 08/25/2003 for official acre and survey information affecting legal subdivisions and tracts:

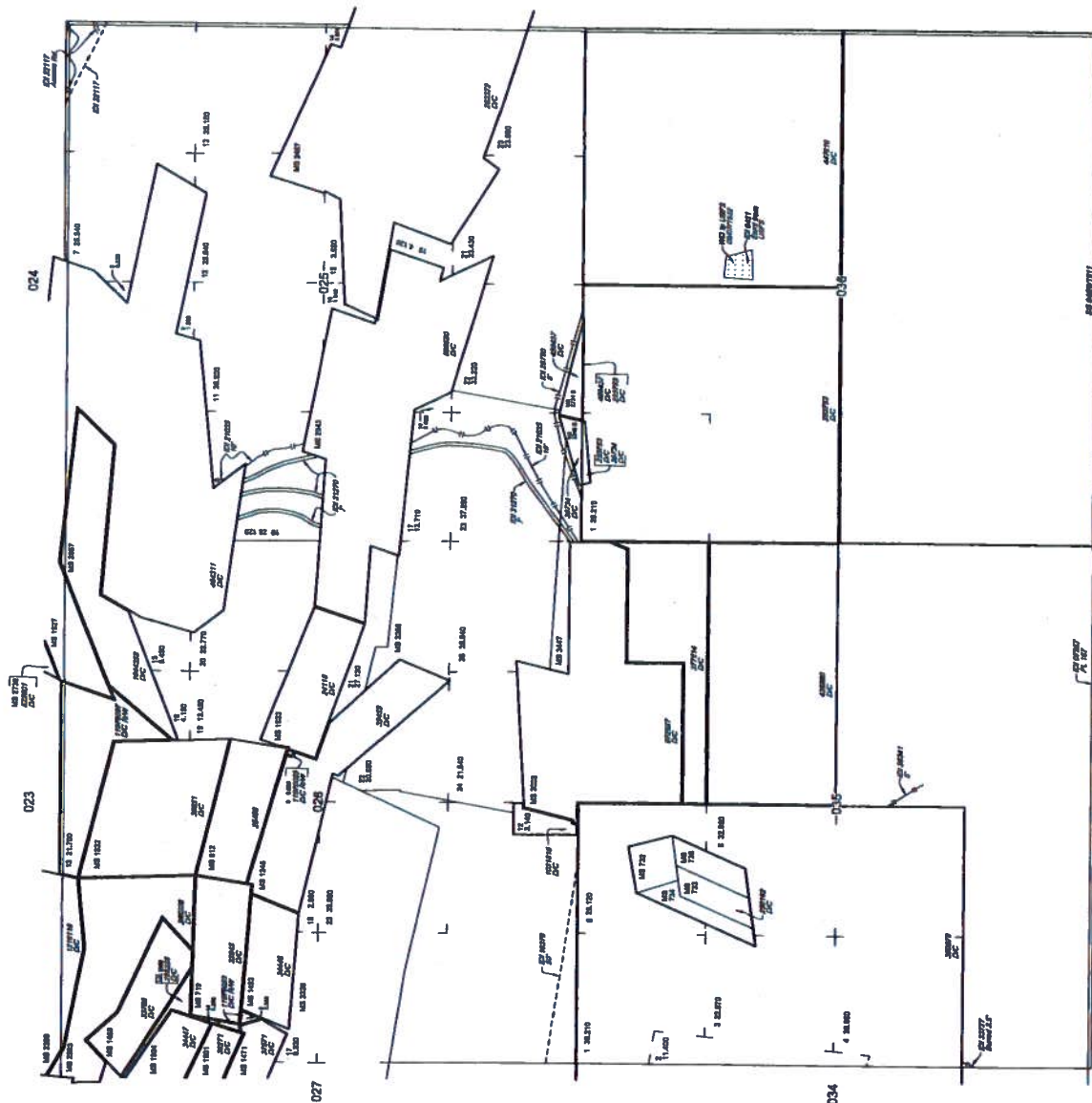
800 35

2025 21 28

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

FILE REF.	ES044000000000100077.dwg
CONVERTED TYP.	UTM 11N
UNIT	FEET
DATE PLOTTED	07/16/2013
DATE PLOTTED BY	SSB 07/16/2013
DATE PRINTED	07/17/2013
PRINTED TO PLOTTER	NO
PUBLIC AND SAFETY SYSTEM (PSS)	ES044000000000100077.dwg
BLM SOURCE ACQUIRED:	N/A
OTHER:	N/A
PROJECTED COORDINATE SYSTEM	UTM ZONE 11N, NAD 1983
NUTITLE	
USER NAME:	

T. 48 N
R. 5 E
No. 7



1999

This plot is only a graphic display of the Bureau of Land Management's (BLM) Records of Title and Township survey data. Records herein do not reflect title changes which may have been effected by lateral encroachments of river or other bodies of water. Refer to [lateral surveys](#) for additional information.

The relation shown on withholds represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or for multiple use with other data is not guaranteed.



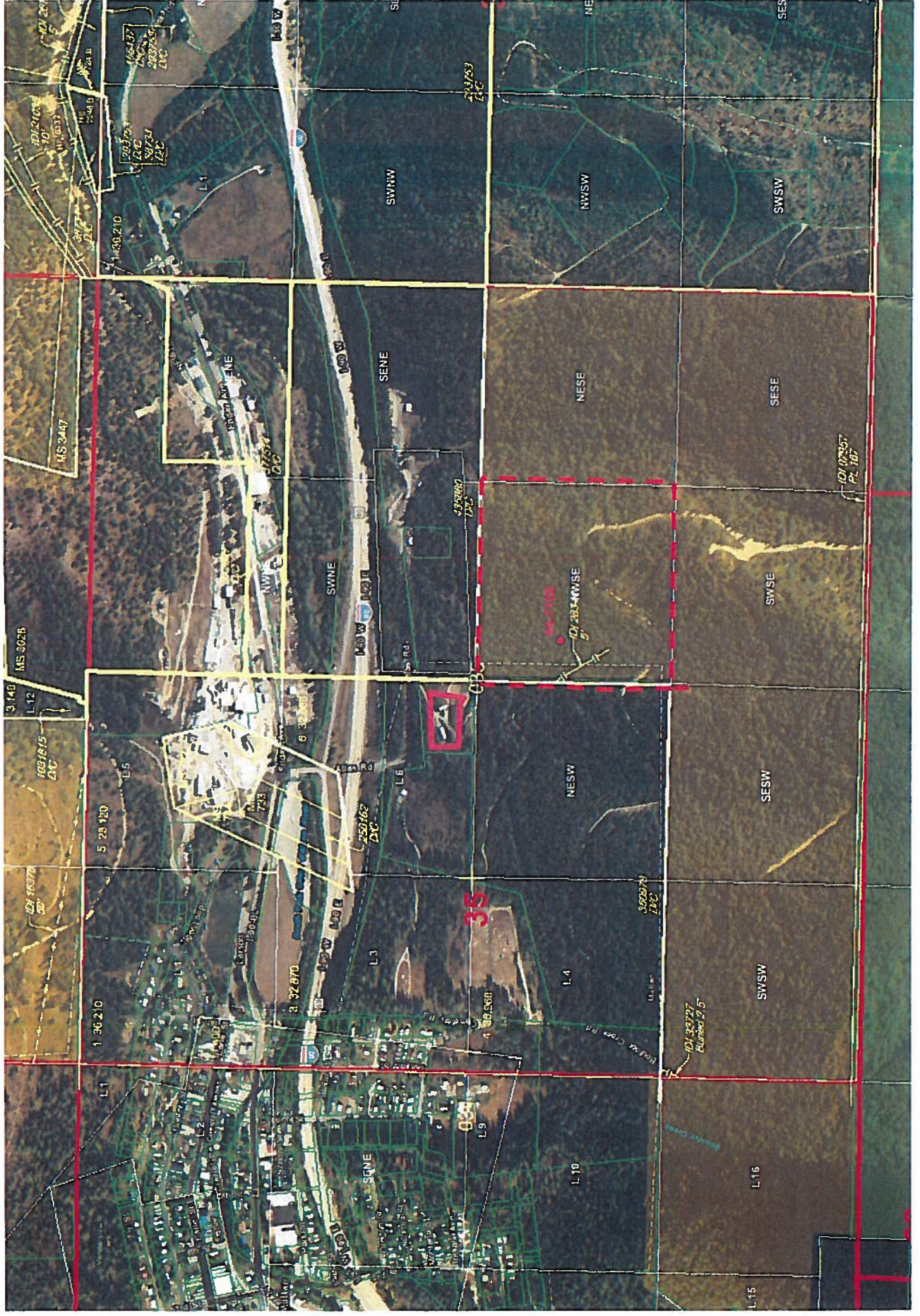
FLACON



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



- POD is on BLM land.
- Priority date precedes RoW issuance date.



**BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(LIVE) SERIAL REGISTER PAGE**

Run Date/Time: 07/26/16 03:56 PM

Page 1 of 2

01 10-21-1976;090STAT2776;43USC1761

Total Acres
0.090

Serial Number
IDI--- - 028341

Case Type 287001: ROW-WATER FACILITY

Commodity 971: NON-ENERGY FACILITIES

Case Disposition: AUTHORIZED Case File Juris: COEUR D'ALENE DISTRICT OFFICE

Serial Number: IDI--- - 028341

Name & Address	Int Rel	%Interest
DAVIS KENT L PO BOX 453 MULLAN ID 838460453	HOLDER/BILLEE	100.00000000

Serial Number: IDI--- - 028341

Mer Twp	Rng	Sec	SType	Nr Suff	Subdivision	District/Resource Area	County	Mgmt Agency
08	0480N	0050E	035	ALIQ	NWSE;	COEUR DALENE FIELD OFFICE	SHOSHONE	BUREAU OF LAND MGMT
08	0480N	0050E	035	ALIQ	NWSE;	COEUR DALENE FIELD OFFICE	SHOSHONE	PRIVATE LANDS

Serial Number: IDI--- - 028341

Act Date	Code	Action	Action Remarks	Pending Office
05/17/1991	124	APLN RECD		VR
06/01/1991	307	ROW GRANTED- ISSUED		VR
06/01/1991	501	REFERENCE NUMBER	SN-IDI-28340;	VR
06/01/1991	502	LENGTH IN FEET	200;	VR
06/01/1991	504	WIDTH IN FEET (TOTAL)	10;	VR
06/06/1991	065	COST RECOV (MON) RECD	\$50;	VR
06/06/1991	111	RENTAL RECEIVED	\$6.00;	
06/06/1991	971	COST RECOV (PROC) RECD	\$125;	VR
07/17/1991	600	RECORDS NOTED		MD
01/08/1997	111	RENTAL RECEIVED	\$3.58;5YRS	
05/01/2000	065	COST RECOV (MON) RECD	\$75.00;	
05/01/2000	153	POST AUTH APLN RECD		
05/01/2000	841	CAT 2 COST RECOVERY-PROC		
05/01/2000	971	COST RECOV (PROC) RECD	\$300.00;	
04/27/2001	304	AUTH AMENDED/MODIFIED		
04/27/2001	392	MONIES RECEIVED	\$100.00;	
04/27/2001	502	LENGTH IN FEET	200;	
04/27/2001	504	WIDTH IN FEET (TOTAL)	10;	
10/11/2001	304	AUTH AMENDED/MODIFIED	DURATION OF GRANT;	
12/17/2001	111	RENTAL RECEIVED	\$8.77;1	
07/10/2003	950	COMPLIANCE APPROVED		
12/27/2006	111	RENTAL RECEIVED	\$29.55;1	
08/01/2007	853	COMPL/REVIEW DUE DATE		
04/01/2011	853	COMPL/REVIEW DUE DATE		
12/14/2011	111	RENTAL RECEIVED	\$163.00;1	
07/01/2021	247	FUTURE ACTION SUSPENSE	RENEWAL LTR;	
12/31/2021	763	EXPIRES		VR

Serial Number: IDI--- - 028341

Line Nr	Remarks
0003	FIVE-YEAR RENTAL.
0004	ISSUANCE OF IDI 28341 RESOLVED TRESPASS IDI 28340;

NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM

**BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(LIVE) SERIAL REGISTER PAGE**

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0005 WEED FEE FOR AMENDMENT - \$100.

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page**

RunDate/Time: 07/26/16 04:07 PM

Page 1 of 1

01 10-21-1976;090STAT2763;43USC1733.

**Total Acres
0.045**

**Serial Number
IDI--- - 028340**

Case Type 287009: UNAUTH ACT-ROW-WATER FAC

Commodity 971: NON-ENERGY FACILITIES

Case Disposition: CLOSED

Case File Juris: NARA

Serial Number: IDI--- - 028340

Name & Address	Int Rel	% Interest
DAVIS KENT L PO BOX 453 MULLAN ID 838460453	PARTY-IN-INTER	100.000000000

Serial Number: IDI--- - 028340

Mer Twp Rng Sec	SType	Nr Suff	Subdivision	District / Field Office	County	Mgmt Agency
0E 0480N 0050E 035	ALIQ		NWSE;	COEUR DALENE FIELD OFFI	SHOSHONE	BUREAU OF LAND MGMT
0E 0480N 0050E 035	ALIQ		NWSE;	COEUR DALENE FIELD OFFI	SHOSHONE	PRIVATE LANDS

Serial Number: IDI--- - 028340

Act Date	Code	Action	Action Remarks	Pending Office
05/17/1991	387	CASE ESTABLISHED		VR
05/23/1991	017	TRESPASS NOTICE SENT		VR
05/23/1991	106	MONIES REQUESTED		VR
06/01/1991	501	REFERENCE NUMBER	SN-IDI-28341;	VR
06/06/1991	392	MONIES RECEIVED	\$6;	VR
06/18/1991	018	TRESPASS RESOLVED	VR;	VR
06/18/1991	244	TERMINATED		VR
06/18/1991	970	CASE CLOSED		VR
09/12/1994	163	CASE SENT TO NARA	SEA/049-94-0054;	MD
09/12/1994	164	FRC RETRIEVAL NUMBERS	001-001/27664;	MD

Line Nr	Remarks	Serial Number: IDI--- - 028340
0001	ISSUANCE OF IDI 28341 RESOLVES TRESPASS;	