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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)

A. Subcase 94-09226
(Insert water right number)

Case No. 49576)

**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 date precedes issuance of 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.

E.

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:

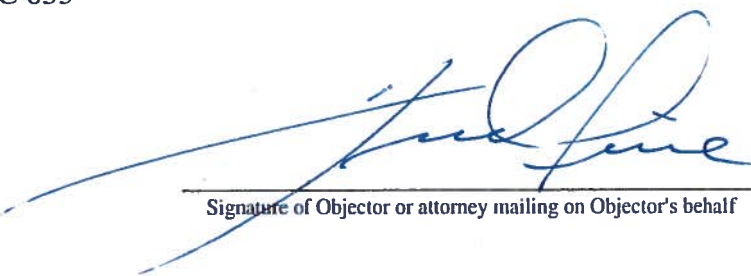
Name: Leoda Watts Newell
Address: P.O. Box 13; Osburn, ID 83849
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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: 94-9226

NAME AND ADDRESS: LEODA WATTS NEWELL
PO BOX 13
OSBURN ID 83849

Mixed ownership issue: POD & POU

- The point of diversion (POD) and place of use (POU) identified below contain both private and public land.
- Clarify the POD & POU such that it is clear only private land is intended. *shapefile needs trimmed.*

Priority predates patent.

SOURCE: TERROF GULCH CREEK

TRIBUTARY: SOUTH FORK COEUR D ALENE
RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 05/21/1949 **Patent 1208457 issued 05-09-1960**

POINT OF
DIVERSION: T48N R03E S1 SWSE Lot 2 Within SHOSHONE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.020 CFS

PLACE OF USE: IRRIGATION in SHOSHONE County

T48N R03E S12 NENE 0.50 **MIX**
0.5 ACRES TOTAL

The place of use is limited to Mineral Survey 3531.

OTHER PROVISIONS NECESSARY FOR DEFINITION OF 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

Parcel No. PP48N03E120600.

This right is a split from former right 94-2202.

SHOSHONI COUNTY SD
-CLERK CHIEF DEPT-



MT PLAT

DATE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
NAME	JAMES D. HARRINGTON																																																																																																			
ADDRESS	1000 N. 10TH ST. SPOKANE, IDAHO																																																																																																			

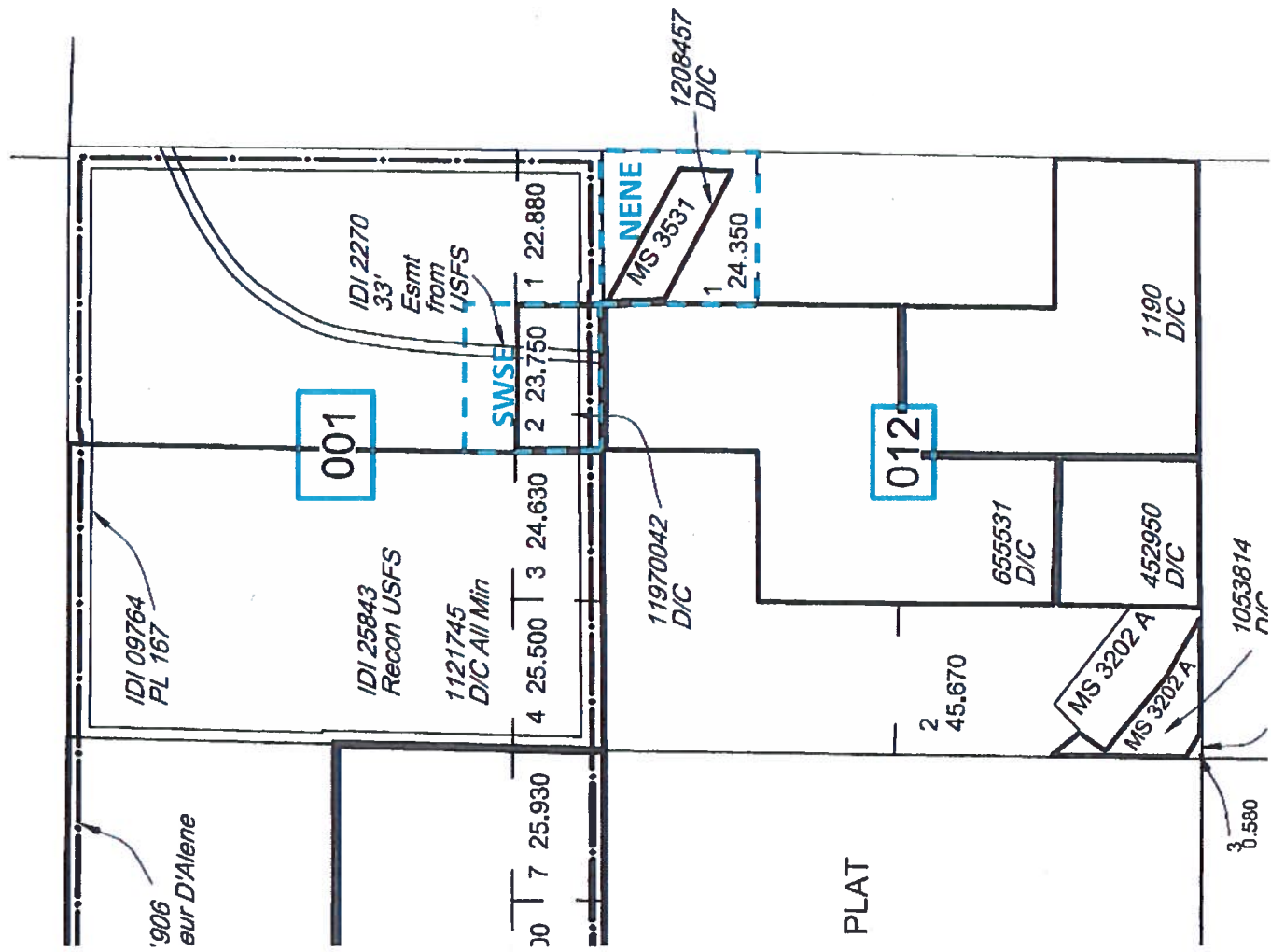
[illegible]

FOR OWNERS LITIGATING SPECIAL CASE OF
UNIDENTIFIED AND REFER TO MEFA OF
ANSEL LANE GUN DISCUSS

[illegible]

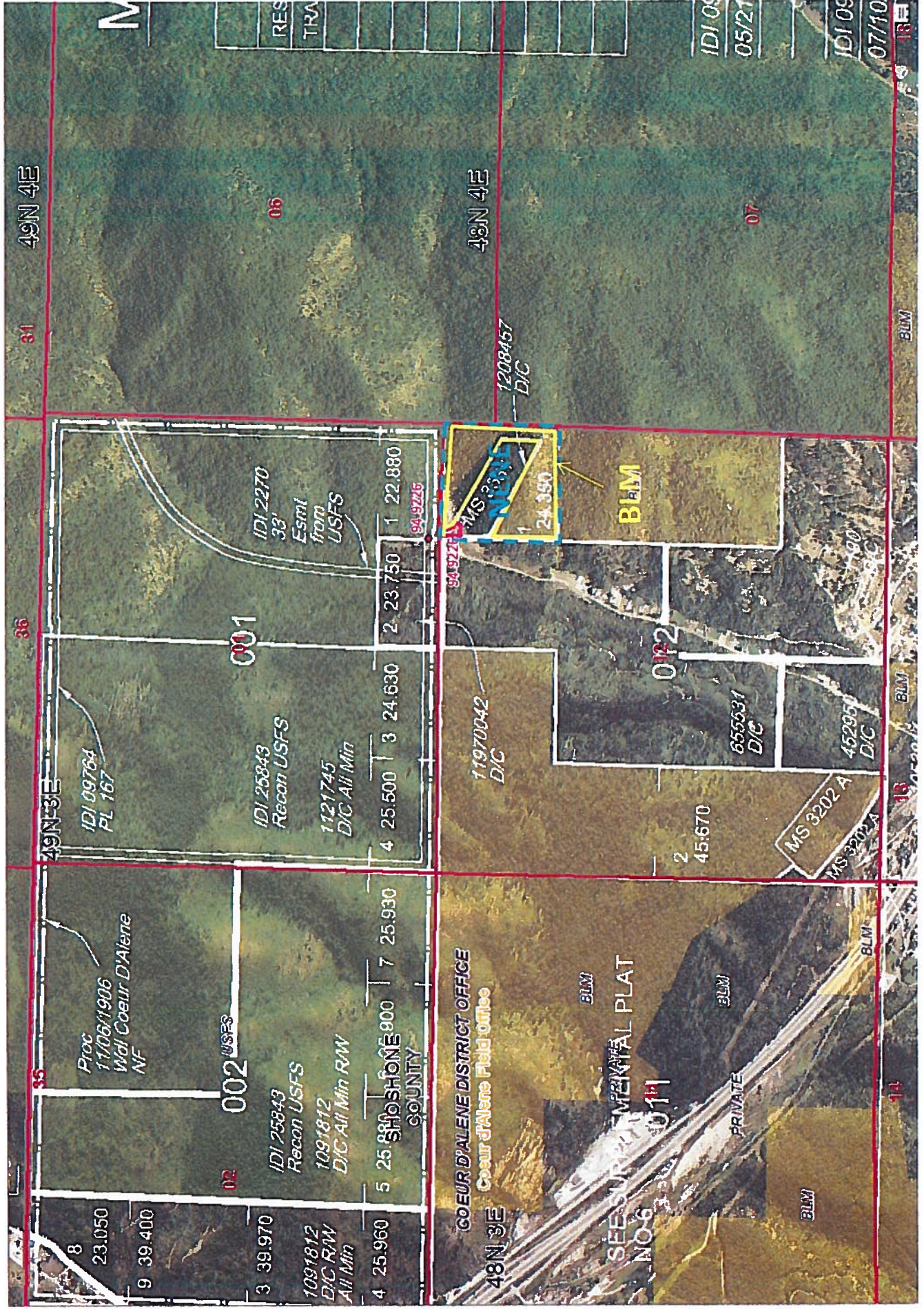
1, 2, 3

MTP Blowup of T48N, R03E, S01 and S12



94-09226 Mixed Ownership

- The described POU contains both private and public land.
- Need to clarify that POU includes only private land.



Land Patent Details

Accession Nr: 1208457 Document Type: Serial Patent State: Idaho Issue Date: 5/9/1960 Cancelled: No

Names On Document

WATTS, JAMES

Military Rank:

Miscellaneous Information

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

Document Nr: 010380

Misc. Doc. Nr: ---

BLM Serial Nr: IDI 0010380

Indian Allot. Nr: ---

Survey Information

Total Acres: 16.17

Survey Date: ---

Geographic Name: Sitting Bull Lode

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

1208157

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.

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**.

[SEAL]

For the Director, Bureau of Land Management.

By

Ruth W. Tracy

Chief, Patents Section.

Patent Number

1208157

May 2, 1900
12082.57
Subm 000380, April 15, 1899

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.
at Cor. 3, Sitting Bull Lodge



Surveyed, November 9, 1903, 1907
By Kenneth L. Preston, Mineral Surveyor

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Boise, Idaho, Jan. 7, 1909

I hereby certify that this plat of Mineral Survey No. 3531, Idaho, is correctly drawn to the field notes of said survey which have been examined and approved

Engineer E. H. Hutton

Office, Capital Engineer

T. 48 N., R. 3 E., BOISE MERIDIAN, IDAHO
Secs. 1 and 12

