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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 94-09403
(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: Blue Wing Mining Co
Address: P.O. Box 928; 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:

5. ☒ **Point(s) of Diversion**
   Should be: See attached.

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 legal description for element five (POD) above may include Federal land. The description should be specific enough to exclude Federal land. There may be a typo in section number.

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: Blue Wing Mining Co
Address: P.O. Box 928; 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: 94-9403

NAME AND ADDRESS: BLUE WING MINING CO
PO BOX 928
OSBURN ID 83849

Mixed ownership issue: POD

- The described point of diversion (POD) contains both private and public land.
- Clarify the POD such that it is clear only private land is intended.

Incorrect POD:

- The described POD does not match the POD identified in the claim shapefile.
- The POD should be changed to T48N R04E S14 Lot 13(NESE) to match the shapefile.
- If the POD is changed to this point, the no federal public lands remark is unnecessary.

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 10/08/1997

POINT OF DIVERSION: **T48N R04E S14 NESE Lot 13**
~~T48N R04E S13 NESE~~ Within SHOSHONE County

OR

The point of diversion does not reside on federal public land.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in SHOSHONE County

T48N R04E S13 Lot 23 SWNW T48N R04E S14 Lot 13 SENE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

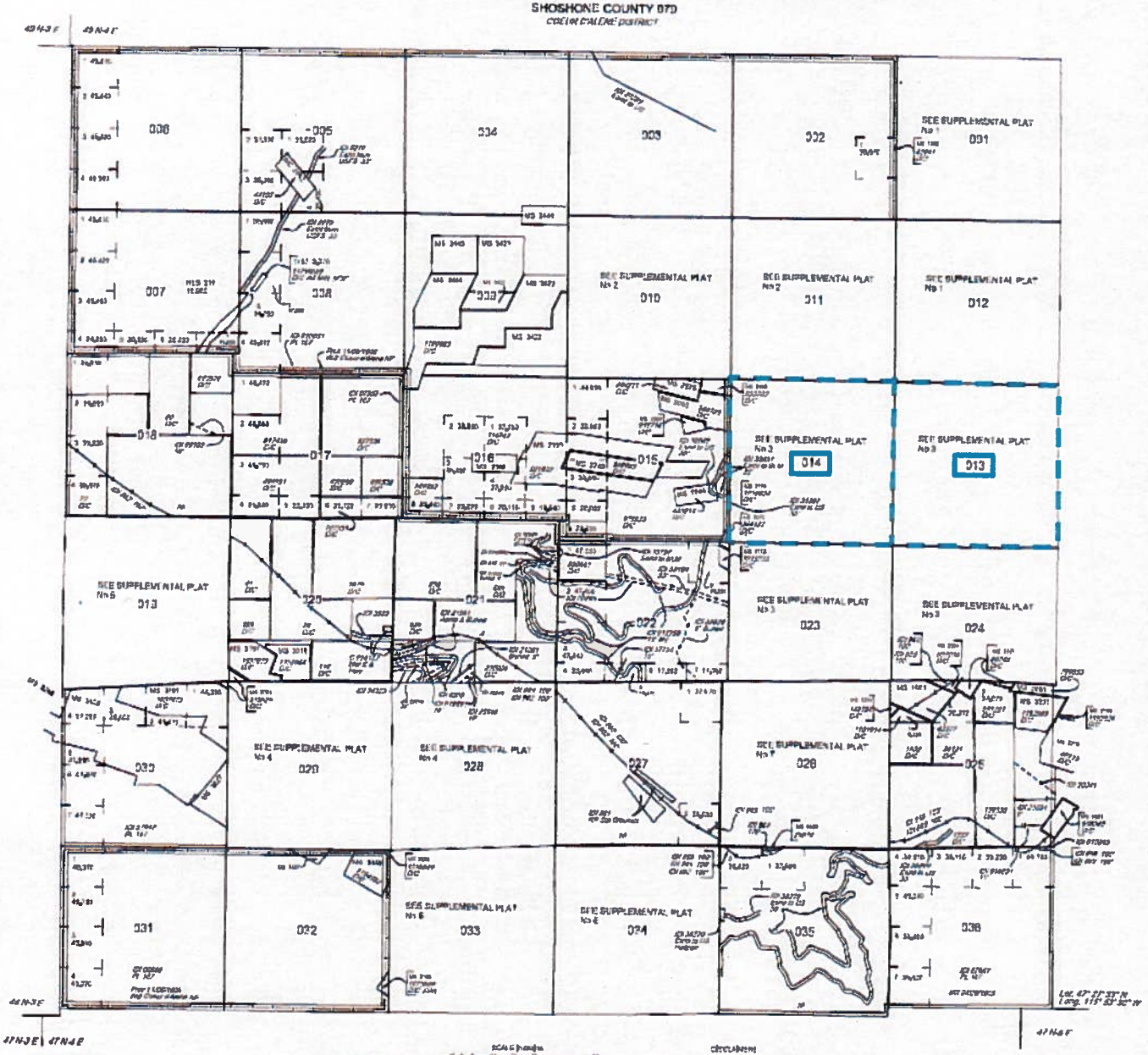
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP48N04E135310

Right Nos. 94-4076, 94-9461 & 94-9462 are also diverted through point of diversion described above.

TOWNSHIP 48 NORTH RANGE 4 EAST OF THE BOISE MERIDIAN, IDAHO

SHOSHONE COUNTY 070



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

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

PARCEL NO.		M	BASE	ASSIGNED

SEE SUPPLEMENTAL PLAT No 1

SEE SUPPLEMENTAL PLAT No 2

SEE SUPPLEMENTAL PLAT No 3

SEE SUPPLEMENTAL PLAT No 4

SEE SUPPLEMENTAL PLAT No 5

SEE SUPPLEMENTAL PLAT No 6

SEE SUPPLEMENTAL PLAT No 7

SEE SUPPLEMENTAL PLAT No 8

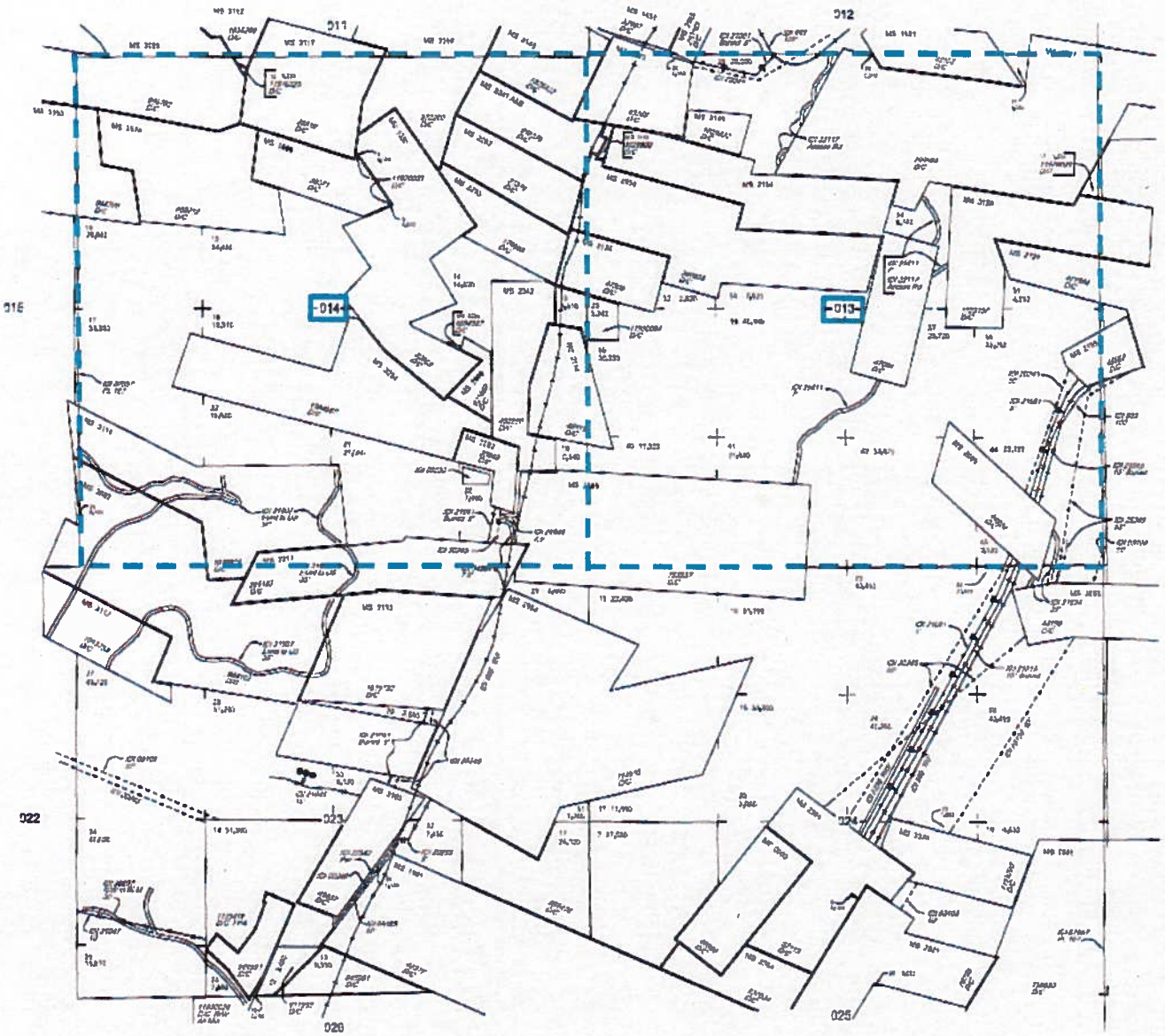
SEE SUPPLEMENTAL PLAT No 9

FOR GRDEAS EFFECTING DISPOSAL OR USE OF UNPATENTED LAND WITHIN TO WITHDRAWN MISCELLANEOUS DOCUMENTS

T. 48 N.
R. 4 E.

TOWNSHIP 48 NORTH RANGE 4 EAST OF THE BOISE MERIDIAN, IDAHO

SHOSHONE COUNTY 079
COEUR D'ALENE DISTRICT



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

SCALE in chains

SCALE in feet

SCALE in meters

NORTH

DISCLAIMER

Supplemental Plat #3

No. 3
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT
SUPPL Sec 13, 14, 23, 24

INDEX TO SEGREGATED TRACTS

SURVEY NO.	T.	R.	SEC.	DESCRIPTION

ID 6737 Dkt M, 197 (Act of Conv 8/27/1971) completed 8/27/1982. AK PD surface, Mgmt by BLM acquired

ID 2705 Dkt Sec 24 NE Willow

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

FILE COPY

CONVEYANCE STATUS: By

LAST UPDATED: 03/18/2012 BY:

CANCELLED: CANCELLED

PLOTTED TO PUBLIC RECORDS: February 27, 2012
BY:

PUBLIC LAND SURVEY SYSTEM (PLSS)
BLM GCDB ACCESSION: 540623585
STATUS: N/A

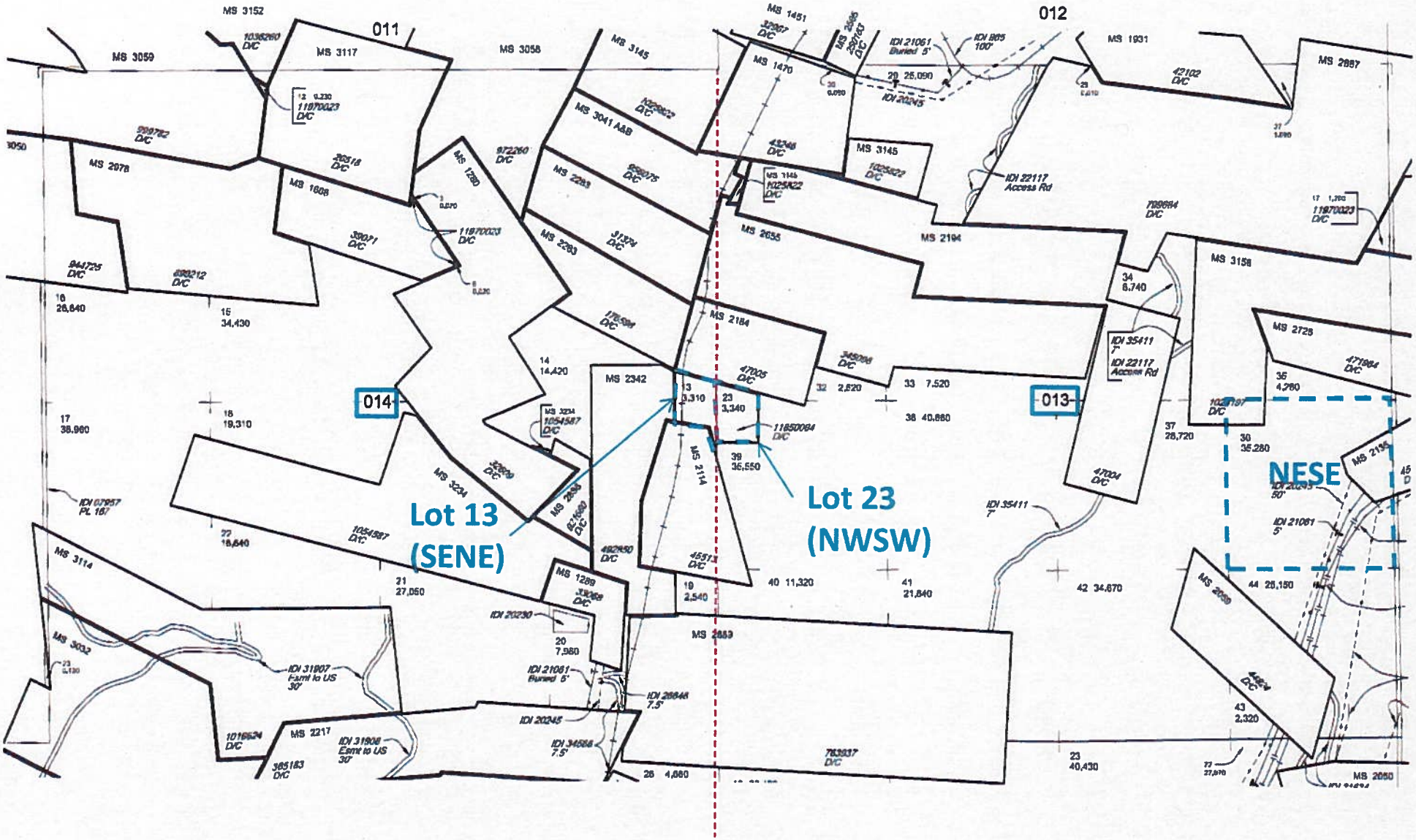
PUBLIC LAND SURVEY SYSTEM: UTM Zone 11N, NAD 1983

NOTES

LEGAL PLATS

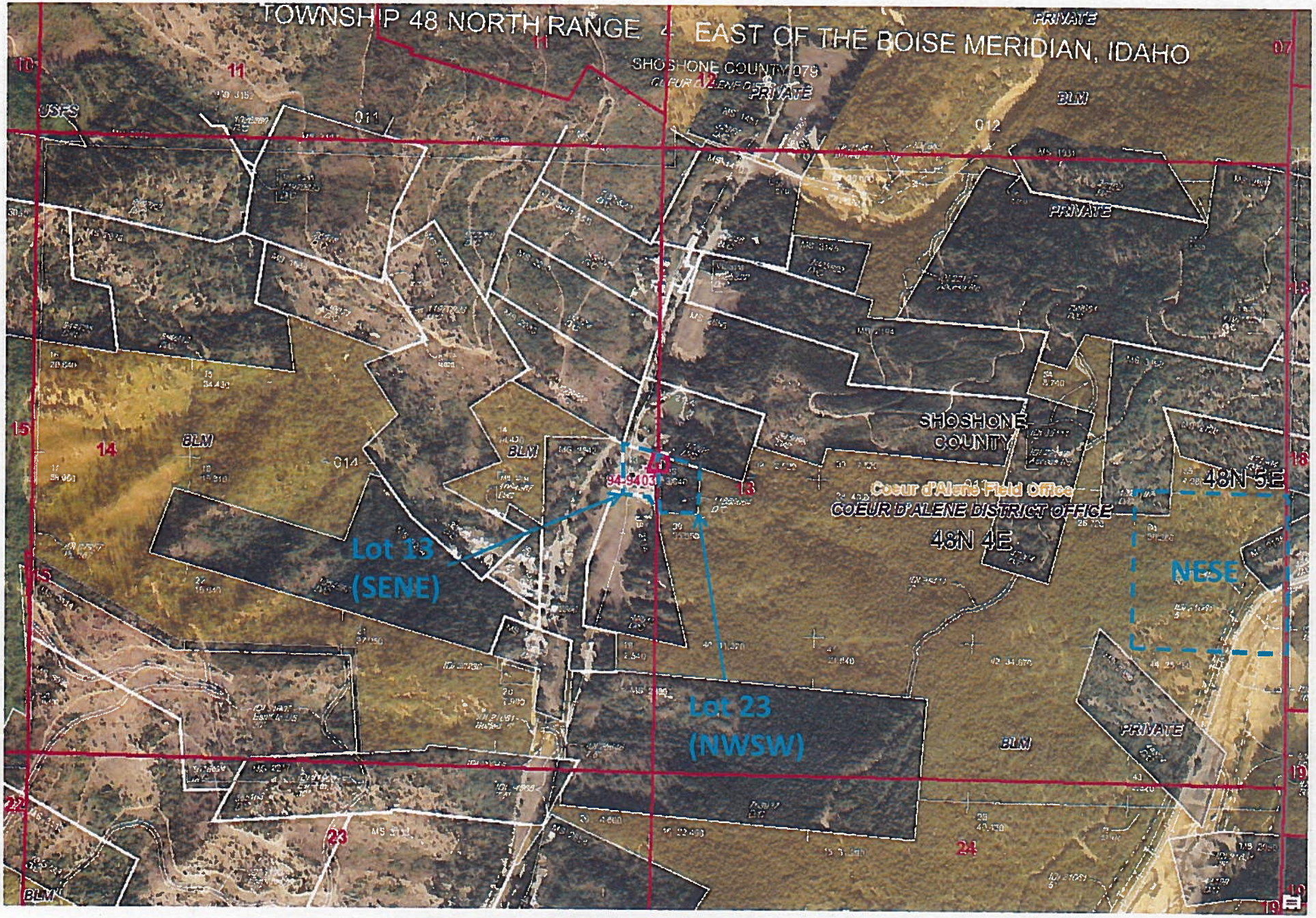
Boise Mer.
T. 48 N.
R. 4 E.
No. 3

MTP Blowup of T48N, R04E, Supl. Plat #3



94-09403 Mixed Ownership

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



94-09403 Incorrect POD

- The described POD does not match the shapefile POD
- POD should be changed to match shapefile (T48N R04E S14 Lot 13 (NESE))
- If POD is changed, then a no federal public lands remark is unnecessary

