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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 94-08536
(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: Karen Henry

Address: 1379 East Fork Pine Creek Rd; Pinehurst, ID 83850

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: 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: 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 five and nine (POD & POU) above may include Federal land. The description should be specific enough to exclude Federal land. Priority date 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 27, 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
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:

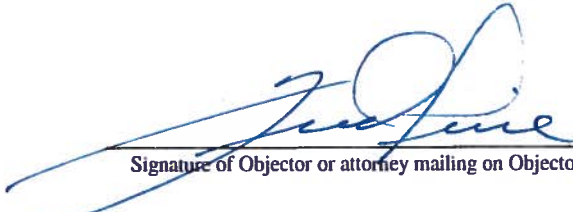
Name: Karen Henry
Address: 1379 East Fork Pine Creek Rd; Pinehurst, ID 83850
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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: 94-8536
NAME AND ADDRESS: KAREN HENRY
1379 EAST FORK PINE CREEK RD
PINEHURST ID 83850

Priority Date:

-date precedes issuance of Patent

Mixed Ownership issue: POD & 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: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

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

Priority:

PRIORITY DATE: 12/31/1945

-Prior to issuance of Patent 11-75-0005 on 08/07/1974, to Carl J. & Mary Shubert,
any occupation of federal land would constitute a trespass.

-Advance priority to date of patent.

POINT OF
DIVERSION:

T48N R02E S28 NWSW 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
STOCKWATER	01/01 12/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: STOCKWATER in SHOSHONE County

T48N R02E S28 NWSW Mix: pvt/BLM

DOMESTIC in SHOSHONE County

T48N R02E S28 NWSW Mix: pvt/BLM

The place of use under this right is limited to Tract 37.

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. RP48N02E285700.

Stockwater use is for 2 head.

I-3670

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS

Carl J. Shubert and Mary Shubert

are entitled to a Land Patent pursuant to the Act of October 23, 1962, 76 Stat. 1127, 30 U.S.C. 701-709 for the following described lands:

Boise Meridian, Idaho

T. 48 N., R. 2 E.,

Tract 37;

containing 0.93 acre.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the above named claimants the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimants, their successors and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.
2. All the mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

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.

[SEAL]

GIVEN under my hand, in Boise, Idaho
the SEVENTH day of AUGUST in the
year of our Lord one thousand nine hundred and SEVENTY-
FOUR and of the Independence of the United States the
one hundred and NINETY-NINTH.

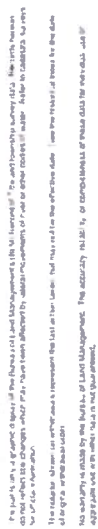
By

Richard T. Reilly
Acting State Director

Patent Number 11-75-0005

SHOSHONE COUNTY 079
COEUR D'ALENE DISTRICT

COEUR D'ALÈNE DISTRICT



U.S. Bureau of Land Management • Idaho State
1487 S. Vincent Way Boise Idaho 83709
(208) 373-4000



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

[illegible]

PJT 1176338 SUM IV SEC 3 J FPA

Soc 13 NENE
Soc 14 MARY

2017-18-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-

NDI 0785-J-1 Sec 27 SE FARMER
NDI 0785-J-2 Sec 23 NW WATSON

DOI 07957-14.3 Soc 22 NF Wn

1D1 07957-1V-4	Sec 22	NE	Don
1D1 07957-1V-8	Sec 23	MY	You Tell Em

1951 SW 15th Ave. MS. 1951

Sec 17 All unimproved public land
MSALS 01 205
Sec 18 01 205

Sec. 11 NW, S₂

55356 27 MAY 54C 23

MSA15 CT 205
Sec 12 C-12-12

Pending Survey Group No 1412
Paradise

100

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FOR ORDERS EFFECTING DISPOSAL OR USE OF

MISCELLANEOUS DOCUMENTS

NAME	LAST	FIRST	MI	SSN	DOB	SEX	AGE	STATUS
WILSON	JOHN	DAVID	M	123456789	01/01/1980	M	25	ACTIVE
SMITH	JANE	ANNE	F	987654321	03/15/1985	F	20	ACTIVE
BROWN	JOHN	DAVID	M	555555555	07/22/1990	M	15	ACTIVE
JOHNSON	JOHN	DAVID	M	111111111	09/10/1978	M	22	ACTIVE
DAVIS	JANE	ANNE	F	222222222	11/05/1982	F	18	ACTIVE
MILLER	JOHN	DAVID	M	333333333	04/18/1988	M	16	ACTIVE
WILSON	JOHN	DAVID	M	444444444	06/03/1992	M	12	ACTIVE
SMITH	JANE	ANNE	F	666666666	08/27/1987	F	17	ACTIVE
BROWN	JOHN	DAVID	M	777777777	10/12/1983	M	19	ACTIVE
JOHNSON	JOHN	DAVID	M	888888888	12/01/1979	M	21	ACTIVE
DAVIS	JANE	ANNE	F	999999999	02/14/1986	F	18	ACTIVE
MILLER	JOHN	DAVID	M	000000000	05/09/1991	M	14	ACTIVE
WILSON	JOHN	DAVID	M	123456789	01/01/1980	M	25	ACTIVE
SMITH	JANE	ANNE	F	987654321	03/15/1985	F	20	ACTIVE
BROWN	JOHN	DAVID	M	555555555	07/22/1990	M	15	ACTIVE
JOHNSON	JOHN	DAVID	M	111111111	09/10/1978	M	22	ACTIVE
DAVIS	JANE	ANNE	F	222222222	11/05/1982	F	18	ACTIVE
MILLER	JOHN	DAVID	M	333333333	04/18/1988	M	16	ACTIVE
WILSON	JOHN	DAVID	M	444444444	06/03/1992	M	12	ACTIVE
SMITH	JANE	ANNE	F	666666666	08/27/1987	F	17	ACTIVE
BROWN	JOHN	DAVID	M	777777777	10/12/1983	M	19	ACTIVE
JOHNSON	JOHN	DAVID	M	888888888	12/01/1979	M	21	ACTIVE
DAVIS	JANE	ANNE	F	999999999	02/14/1986	F	18	ACTIVE
MILLER	JOHN	DAVID	M	000000000	05/09/1991	M	14	ACTIVE

FOR THE COMMISSIONER
APR 18 50

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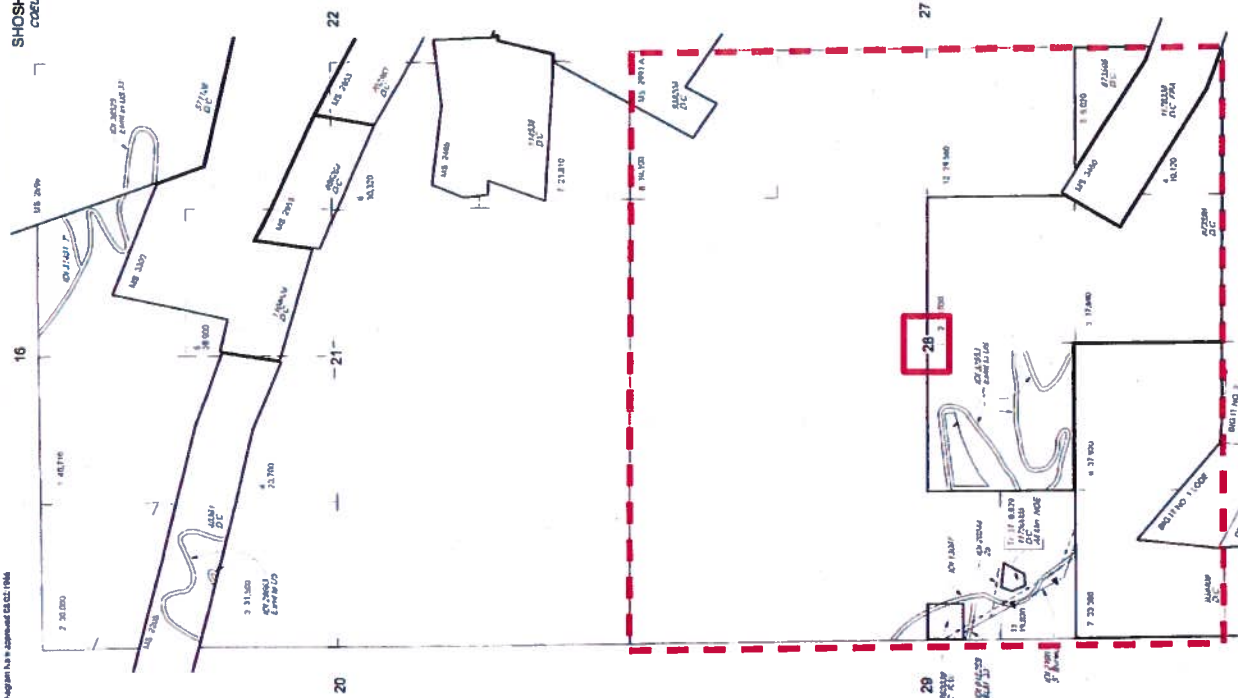
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 R-2 E

PARTIALLY SURVEYED TOWNSHIP 48 NORTH RANGE 2 EAST OF THE BOISE MERIDIAN, IDAHO

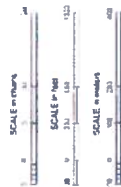
SHOSHONE COUNTY 0719
COEUR D'ALENE DISTRICT

Preparation Diagram July 8, 2010



D. S. CLARK

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Decision (ROD) for the proposed action. It does not constitute a legal description of the land. The ROD is the legal document that governs the action. The ROD is available on the BLM's website at www.blm.gov. The ROD is also available in hard copy from the BLM's office in Shoshone County, Idaho. The ROD is also available in hard copy from the BLM's office in Coeur d'Alene, Idaho. The ROD is also available in hard copy from the BLM's office in Boise, Idaho. The ROD is also available in hard copy from the BLM's office in Salt Lake City, Utah. The ROD is also available in hard copy from the BLM's office in Denver, Colorado. The ROD is also available in hard copy from the BLM's office in Washington, D.C. The ROD is also available in hard copy from the BLM's office in the United States. The ROD is also available in hard copy from the BLM's office in the world.



U.S. Bureau of Land Management - Idaho State Office
1387 S. Virginia Street, Suite 2100
Boise, Idaho 83725
(208) 378-4000



No. 7
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT SUPPL Sec 21,28

INDEX TO SEGREGATED TRACTS			
TRACT NO.	1	4	8
1			
2			
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All Tracts included in BLM 071937 Dec 17, 1971 Act of Congress
07/23/1969) completed 08/28/1962. All PD surface Mgmt by
BLM

Per 1176338 Study to Sec 24 FPA

Sec 28, NESE

Pending Survey Grants No 1432

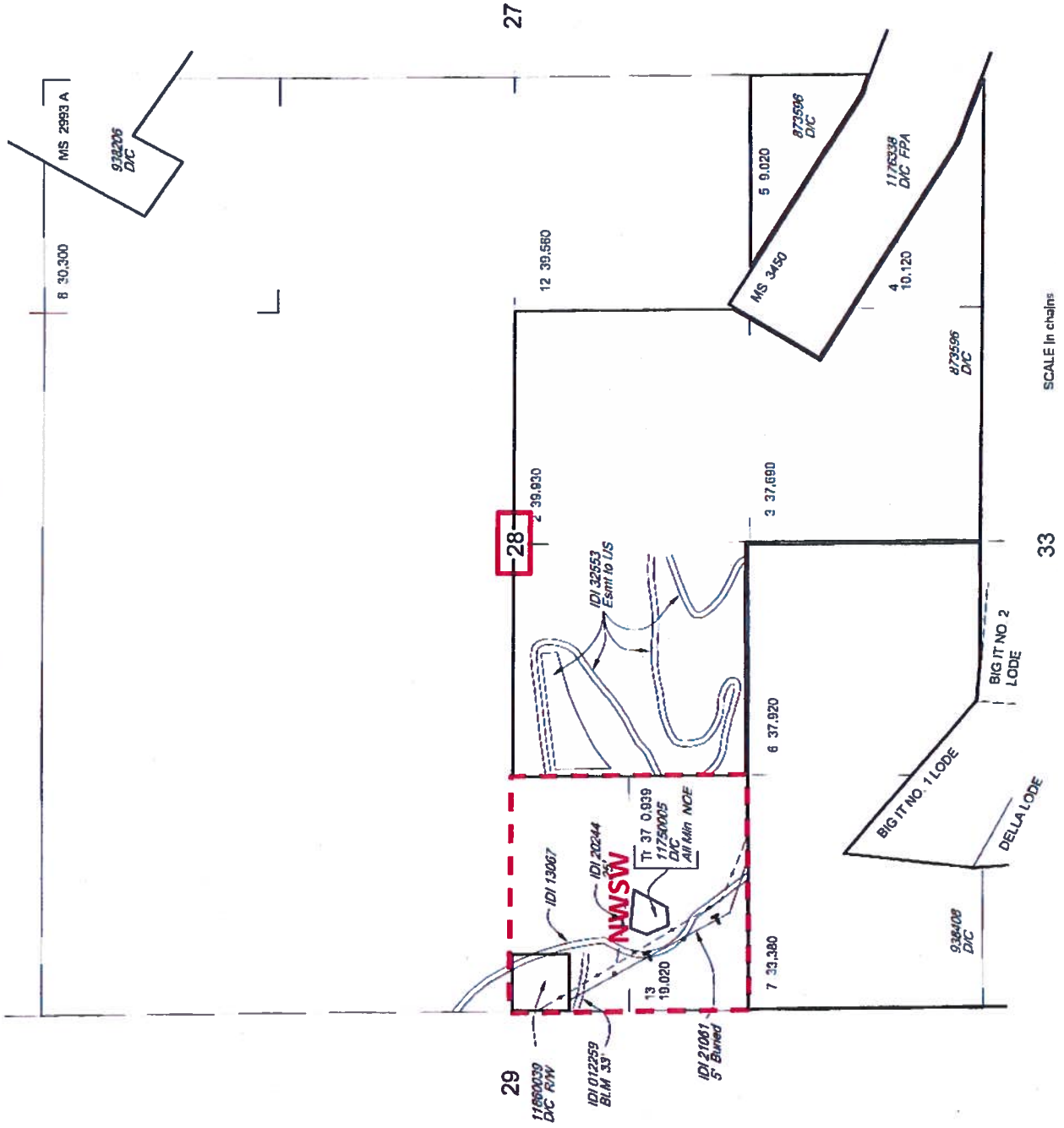
Patented

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

PLAT NO.	100-100000-001-0001-0001	BY	UTN
COMPLETED DATE	10/20/2007		
LAST MODIFIED	08/11/2014	BY	ACB
DATE OF ISSUE	08/11/2014	DATE OF ISSUE	08/11/2014
POSTED TO PUBLIC WEBSITE	August 11, 2014		
PUBLIC LAND SURVEY SYSTEM (PLS)			
BLM GDS ACQUIRED	SAT/2003		
OTHER	NA		
PROJECTED COORDINATE SYSTEM	UTM ZONE 11N MAG 1983		
UNIT			
DATE PLAT			

No. 7
R. 2 E
T. 48 N

MTP Blowup of T48N, R02E, Supl. Plat #7



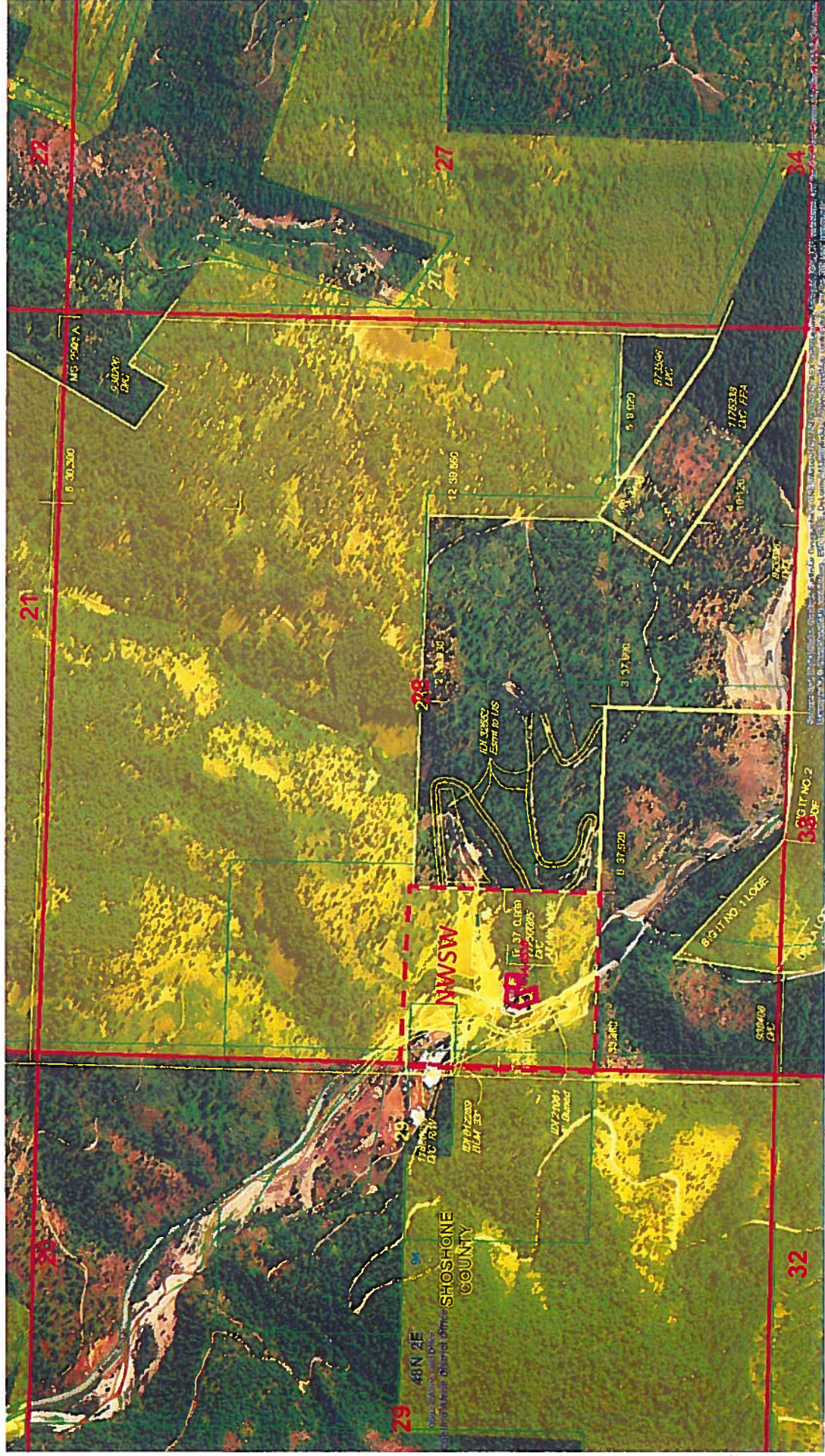
- The POD is on BLM land, and the POU is mixed ownership (pvt/BLM)
- Clarify the POU such that it is clear only private land is intended.



94-08536 Mixed Ownership

T48N, R02E, S28, NWSW

- The POD is on BLM land, and the POU is mixed ownership (pvt/BLM)
- Clarify the POU such that it is clear only private land is intended.



- The POD is on BLM land, and the POU is mixed ownership (pvt/BLM)
- Clarify the POU such that it is clear only private land is intended.

