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 94-08773
(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: James D. Striker
Address: P.O. Box 768; Wallace, ID 83873
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: 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.

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: James D. Striker
Address: P.O. Box 768; Wallace, ID 83873
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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 94-8773

NAME AND ADDRESS: JAMES D STRIKER
PO BOX 768
WALLACE ID 83873

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 05/01/1938

POINT OF DIVERSION: T48N R04E S14 SENW Within SHOSHONE County

The point of diversion resides within Mineral Survey 2978.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in SHOSHONE County

T48N R04E S14 NESE

The place of use is limited to Mineral Survey 2342.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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.

This right does not grant any right-of-way or easement across the lands of another.

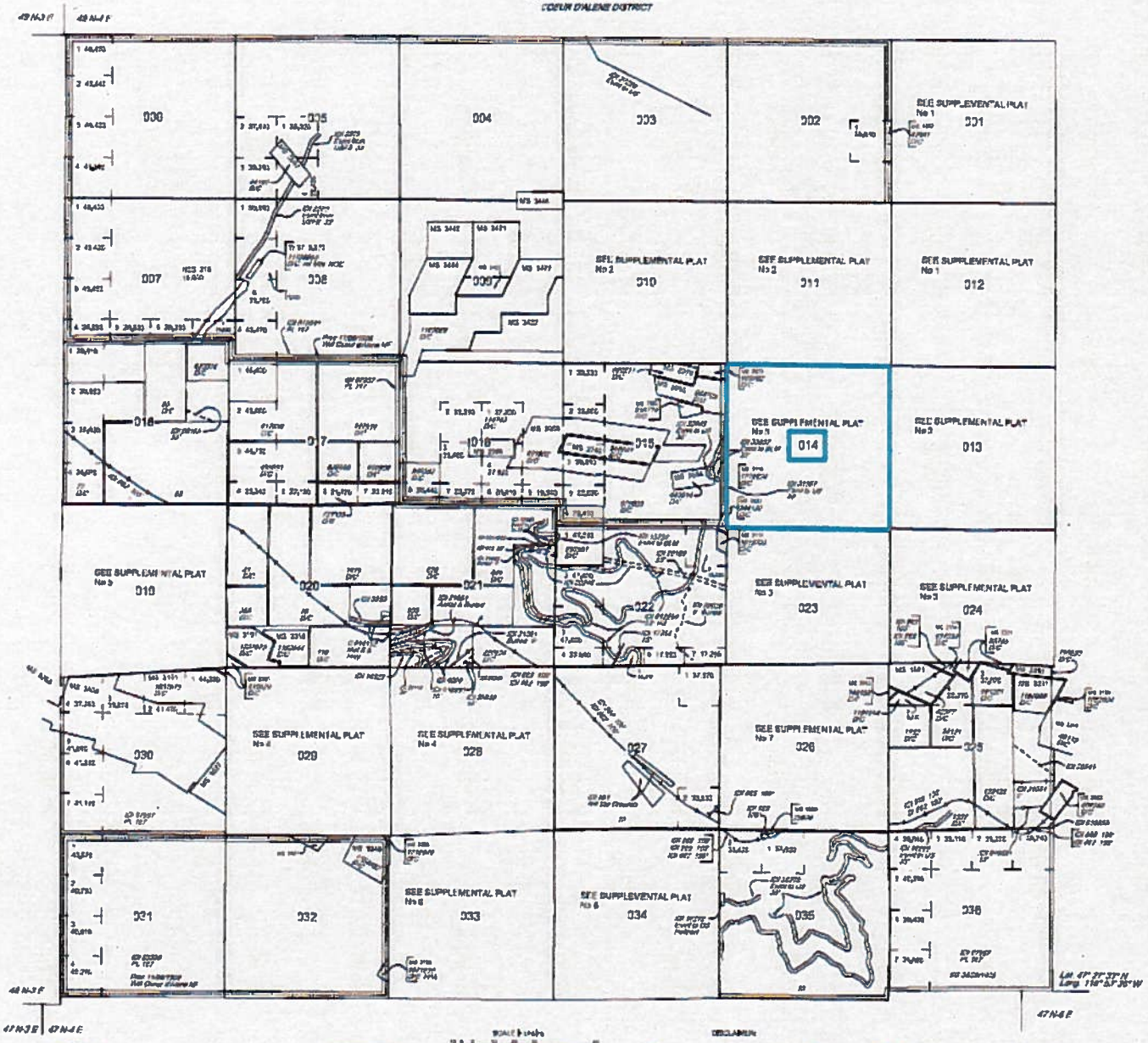
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP48N04E147460

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 1 inch =

SCALE in feet

SCALE in meters

NORTH

DISCLAIMER

This plat is only a graphic display of the Bureau of Land Management's (BLM) records of title and cannot be used to survey lands, nor does it reflect title changes which may have been effected by land conveyances of less than an entire section of land. Refer to official records for detailed information.

The meander traverse on all waterbody boundaries represents the last ordinary high water line, and may not be the property lines. See the individual notes for the date of survey of all surveyed areas.

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Use at your own risk is recommended.

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

SURVEY NUMBER	T.	R.	SEC.	ORIGINAL SURVEY OR SUBDIVISION

MI 341 PE 300 (Act of Cong (MT 1/1907)
Sec. 34, Cont'g No 3 Lots

IDI 00834 Dkt Pt. 157 (Act of Cong 04/23/1926) completed
SURVEYED. All NE surface Mgmt by USFS

IDI 01933 Dkt Pt. 157 (Act of Cong 07/3/1926) completed
SURVEYED. All NE surface Mgmt by USFS

IDI 07867 Dkt Pt. 157 (Act of Cong 07/3/1926) completed
SURVEYED. All NE surface Mgmt by BLM exceptions
IDI 07867-C-0 Sec. 36, NW Betty
IDI 07867-C-16 Sec. 32, NW Eureka
IDI 07867-K-8 Sec. 12, SW North Star
IDI 07867-K-1 Sec. 12, W2 Norwich Frac No. 1
IDI 07867-K-2 Sec. 12, W2 Norwich Frac No. 2
IDI 07867-K-6 Sec. 12, SW Lucky Friday
IDI 07867-K-40 Sec. 12, SW Lucky Friday No. 1
IDI 07867-K-41 Sec. 12, SW Lucky Friday No. 2
IDI 07867-K-42 Sec. 12, SW Lucky Friday No. 3
IDI 07867-K-43 Sec. 12, SW Lucky Friday No. 4
IDI 07867-K-44 Sec. 12, SW Calvus
IDI 07867-K-5 Sec. 24, NE Willow
IDI 07867-AK-1 Sec. 30, N2 Triangle No. 1
IDI 07867-AK-2 Sec. 30, NE Triangle No. 2
IDI 07867-AK-3 Sec. 30, W2 Triangle No. 3
IDI 07867-AK-4 Sec. 30, E2 Triangle No. 4
IDI 07867-AK-5 Sec. 30, E2 Triangle No. 5
IDI 07867-AK-6 Sec. 30, NE Triangle No. 6
IDI 07867-AK-7 Sec. 30, E2 Triangle No. 7
IDI 07867-AK-8 Sec. 30, SE Triangle No. 8
IDI 07867-AK-9 Sec. 30, NW Triangle No. 9
IDI 07867-AK-10 Sec. 32, NW Triangle No. 10
IDI 07867-AK-11 Sec. 16, SW Triangle No. 11
IDI 07867-AK-12 Sec. 32, NW Triangle No. 11
IDI 07867-AK-13 Sec. 30, SE Triangle No. 5 Frac
IDI 07867-AK-14 Sec. 32, N2 Cost No. 1
IDI 07867-AK-15 Sec. 32, NE Cost No. 2
IDI 07867-AK-16 Sec. 30, NW Cost No. 3

IDI 17511 Sales Act 03/04/1941
Sec. 33, SE
Sec. 34, All unsurveyed public land

See Supplemental Remarks Plat No 1

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

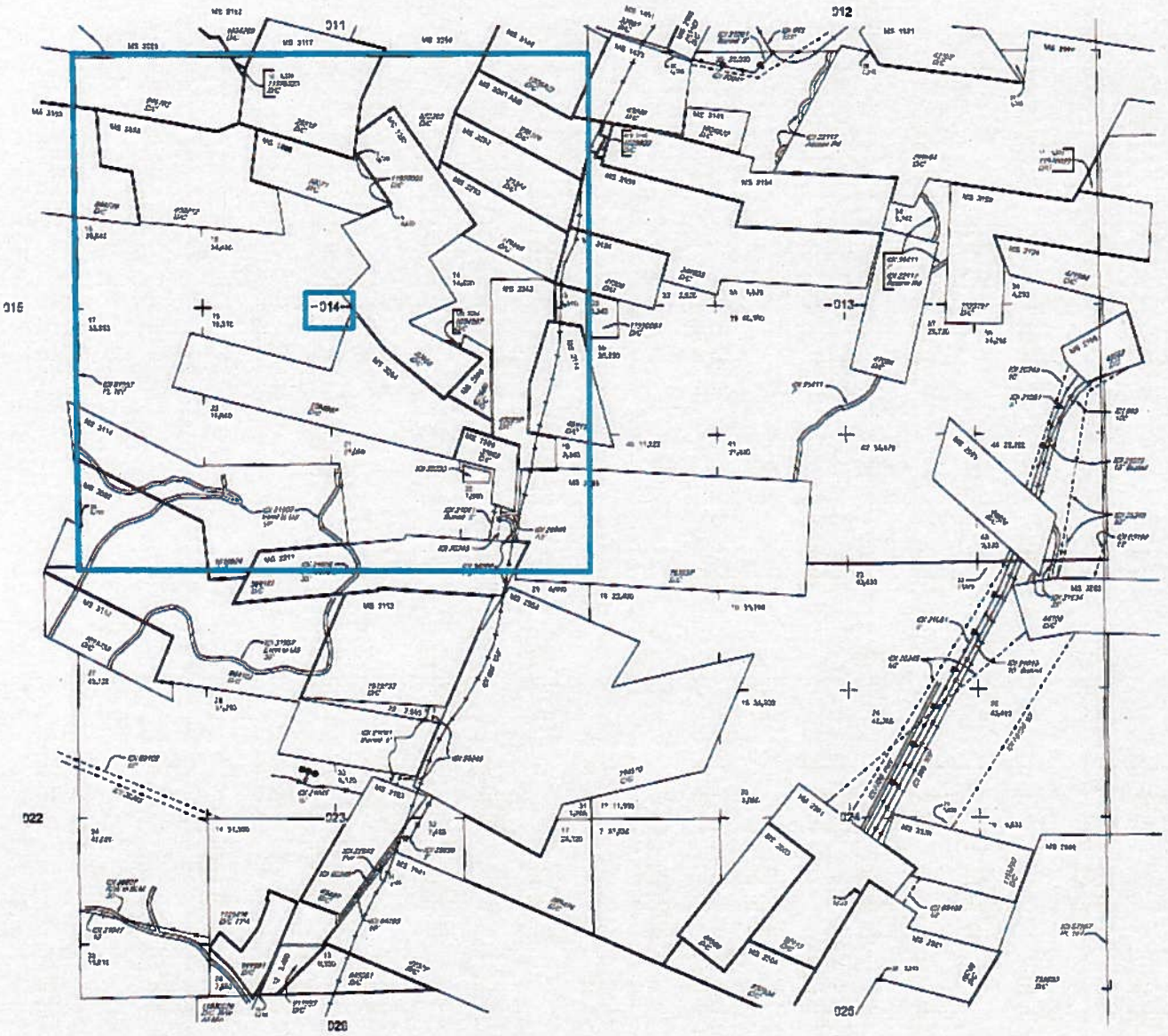
FILE COPY	
CONVERTED TO GCDB	DATE:
LAST UPDATED	DATE:
CADS #	CADS #
PLOTTED TO PUBLIC RECORDS	February 16, 2012
	By:
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCDB ACCESSION	
METHOD	
PRIMARY GEOGRAPHIC COORDINATE SYSTEM	NAD83
NOTES	
LDS PLATTED	

T. 48 N.
R. 4 E.

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

SHOSHONE COUNTY 079

COEUR D'ALENE DISTRICT



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(208) 373-4000

SCALE in feet

SCALE in meters

NORTH

DECLARATION

This plat is only a graphic display of the Bureau of Land Management's (BLM) Records of title and boundary data. It does not reflect title changes which may have been effected by federal conveyance of land or any section of roads. Refer to [illegible] for the date of official record entry.

The acreage shown on all records represents the last action taken and may not be the absolute data. See the [illegible] for the date of official record entry.

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

Supplemental Plat #3

No. 2

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT
SUPPL Sec 13, 14, 23, 24

INDEX TO SEGREGATED TRACTS

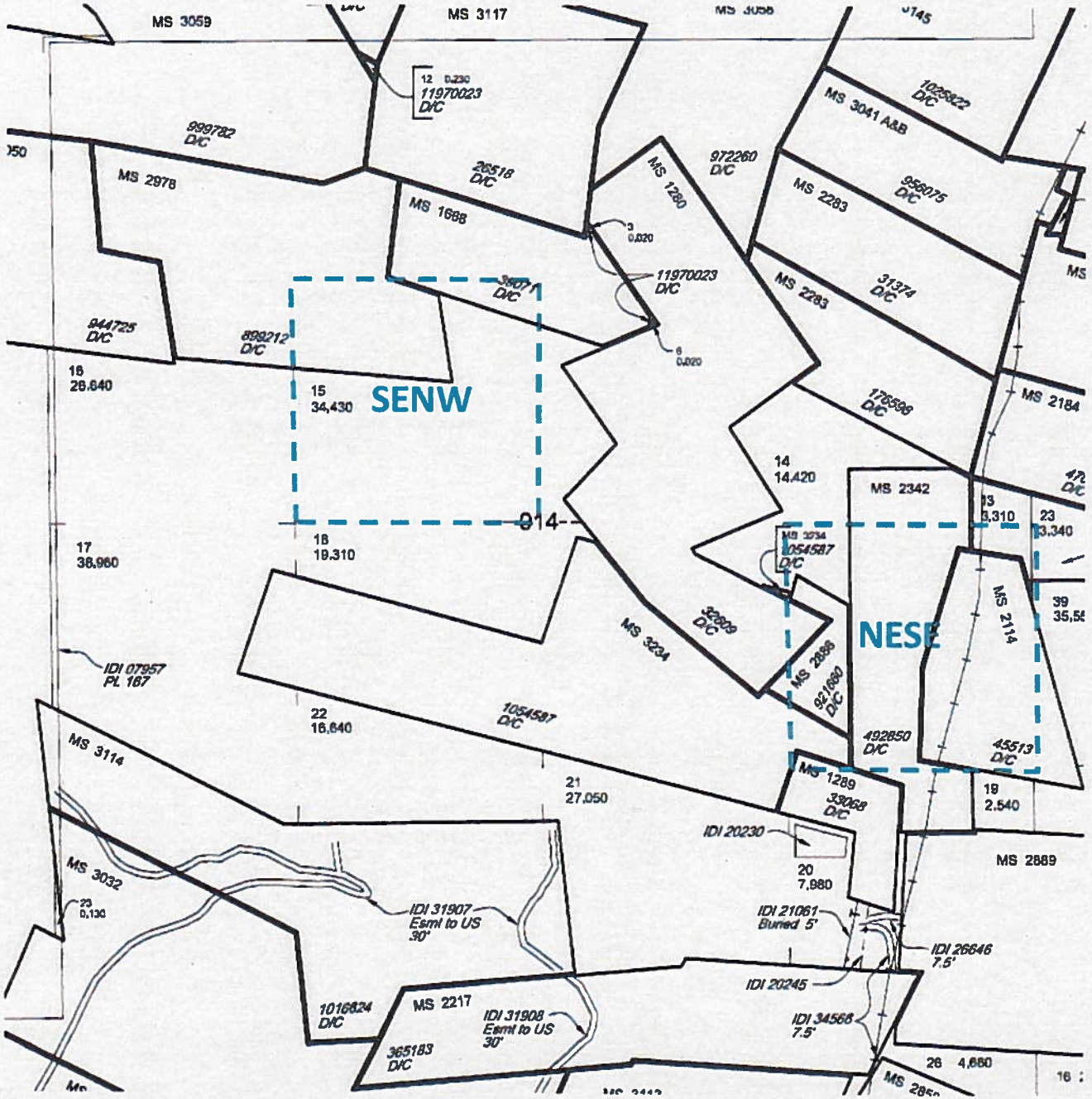
RECORDED				ORIGINAL SURVEY
TRACT NO.	T.	R.	APPD.	AUTHORITY

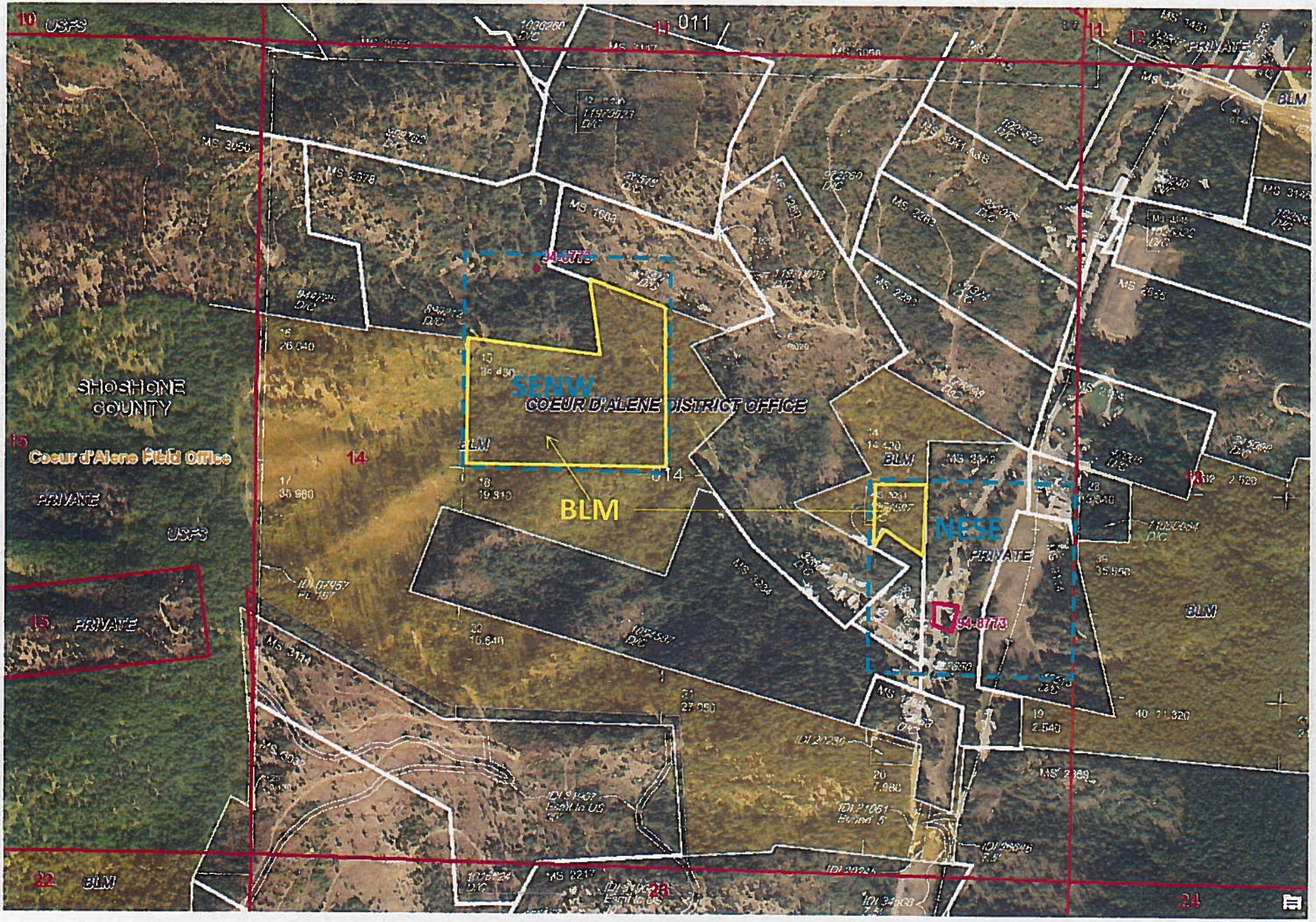
ON ORDERS AFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

FILE NAME	[illegible]
CONVERTED TO GIS	DATE/INITIALS
LAST UPDATED	DATE/INITIALS
CADD OPERATOR	CADD DATE
POSTED TO PUBLIC RECORDS	February 27, 2012
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM CADD ACCEPTANCE	DATE/INITIALS
REMARKS	
PROJECTED COORDINATE SYSTEM	UTM ZONE 11N, NAD 1983
REMARKS	
MTP PLATTED	

Index Map
T. 48 N.
R. 4 E.
Mer. B

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



94-08773 Mixed Ownership

- The described POD & POU contain both private and public land
- Need to clarify that POD & POU include only private land