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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** 94-09447  
(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: Carmona Tristar LLC  
Address: 654 N State St; Jackson, MS 39202

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: *Priority predates patent for one pool.*
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. *The priority date precedes the patent for one POU.*

## 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:

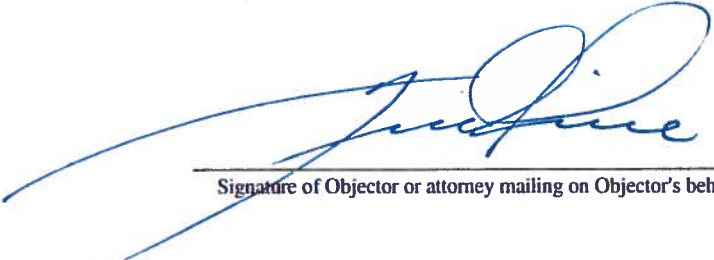
Name: Carmona Tristar LLC  
Address: 654 N State St; Jackson, MS 39202  
Name:  
Address: ;  
Name:  
Address: ;  
Name:  
Address: ;

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: 94-9447 Mixed ownership issue: POU  
 NAME AND ADDRESS: CARMONA TRISTAR LLC  
 654 N STATE ST  
 JACKSON MS 39202  
 - The place of use (POU) identified below contains both private and public land.  
 - Clarify the POU such that it is clear only private land is intended  
Priority predates patent. For one of the POUs.  
 SOURCE: SWINNERTON GULCH CREEK TRIBUTARY: MONTGOMERY CREEK  
 QUANTITY: 0.200 CFS  
 The quantity of water under this right for industrial use shall not exceed 0.20 acre-feet per day from a single watercourse.

PRIORITY DATE: 07/30/1968 Patent 11-81-0079 issued 09-28-1981

POINT OF  
 DIVERSION: T49N R03E S28 SWNW Within SHOSHONE County  
 T49N R03E S33 NWNE Within SHOSHONE County

PURPOSE AND  
 PERIOD OF USE:

| PURPOSE OF USE  | PERIOD OF USE | QUANTITY  |
|-----------------|---------------|-----------|
| INDUSTRIAL      | 03/01 12/01   | 0.200 CFS |
| FIRE PROTECTION | 03/01 12/01   | 0.200 CFS |

Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.

PLACE OF USE: INDUSTRIAL in SHOSHONE County

|                     |          |                     |                 |
|---------------------|----------|---------------------|-----------------|
| T49N R03E S29       | NENE     | T49N R03E S29       | NWNE 09/28/1981 |
| T49N R03E S29       | SWNE     | T49N R03E S29       | SENE            |
| T49N R03E S29       | NENW     | T49N R03E S29       | NWNW            |
| T49N R03E S29       | SWNW     | T49N R03E S29       | SENW            |
| T49N R03E S29       | NESW     | T49N R03E S29       | NWSW            |
| T49N R03E S29       | SWSW     | T49N R03E S29 Lot 1 | SWSW            |
| T49N R03E S29       | SESW     | T49N R03E S29       | NESE            |
| T49N R03E S29       | NWSE     | T49N R03E S29       | SWSE            |
| T49N R03E S29       | SESE     | T49N R03E S30       | NENE            |
| T49N R03E S30       | NWNE     | T49N R03E S30       | SWNE            |
| T49N R03E S30       | SENE     | T49N R03E S30       | NENW            |
| T49N R03E S30 Lot 2 | SWNW     | T49N R03E S30       | SENW            |
| T49N R03E S30       | NESW     | T49N R03E S30 Lot 3 | NWSW            |
| T49N R03E S30 Lot 5 | SWSW     | T49N R03E S30       | SESW            |
| T49N R03E S30       | NESE     | T49N R03E S30       | NWSE            |
| T49N R03E S30       | SWSE     | T49N R03E S30 Lot 6 | SWSE            |
| T49N R03E S30       | SESE     | T49N R03E S30 Lot 7 | SESE            |
| T49N R03E S31       | NENE Mix |                     |                 |

FIRE PROTECTION same as INDUSTRIAL

The use of water under this right within T49N, R03W, S31, NENE, is limited to within Mineral Survey 2863.

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 - Beneficial Use

The following rights are diverted through point(s) of diversion described above: 94-9446, 94-9448 and 94-9450 .

Parcel No(s): RP49N03E300200, RPMC0633 & RP49N03E290200

**TOWNSHIP 49 NORTH RANGE 3 EAST OF THE BOISE MERIDIAN, IDAHO**  
**SHOSHONE COUNTY 079**  
*COEUR D'ALENE DISTRICT*

## STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

## MT PLAT

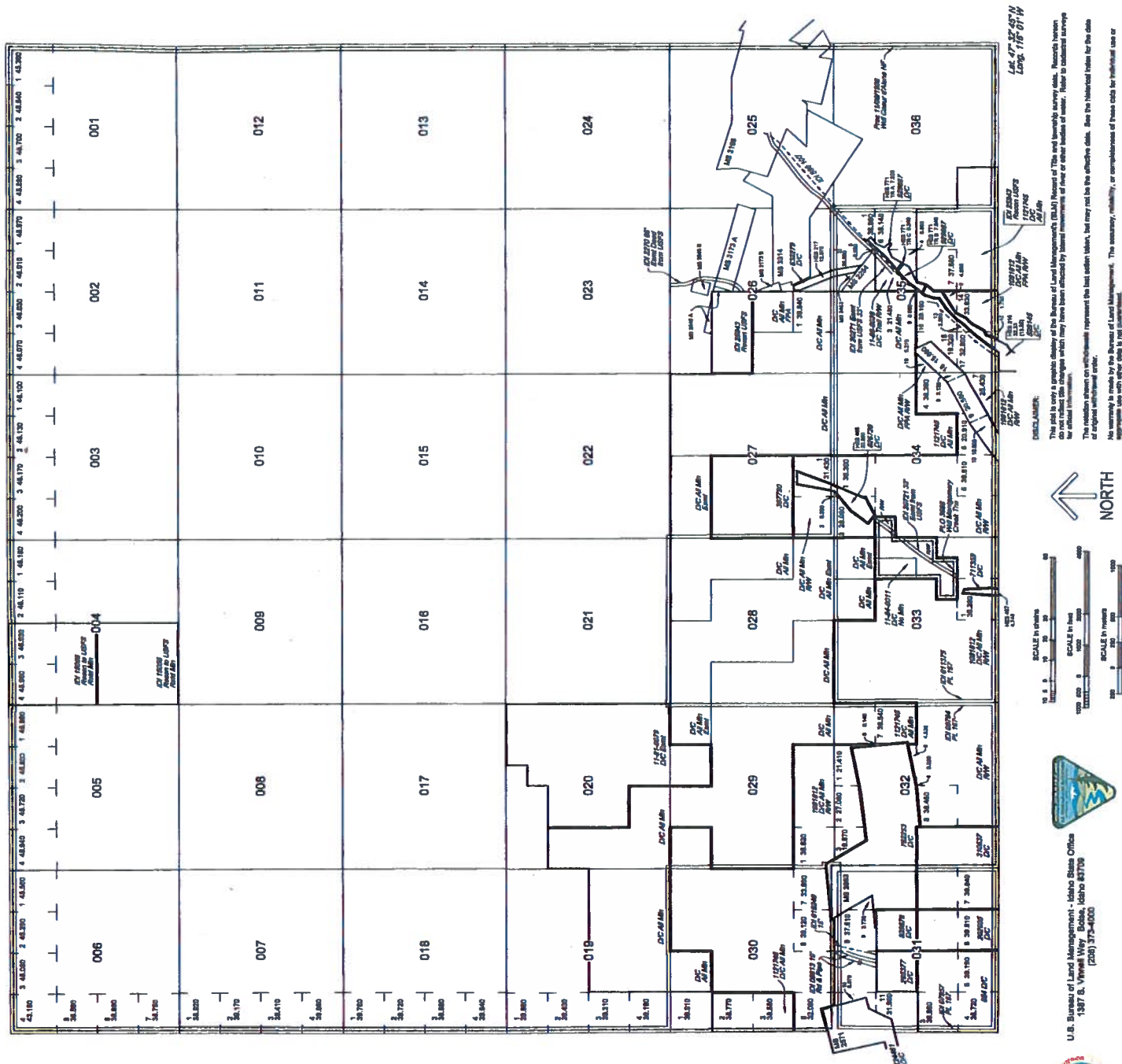
[illegible]

DI 0115718 Det PL 167 (Act of Cong 07/23/1983)  
completed 11/14/1980. All NF surface Mgmt by USFS

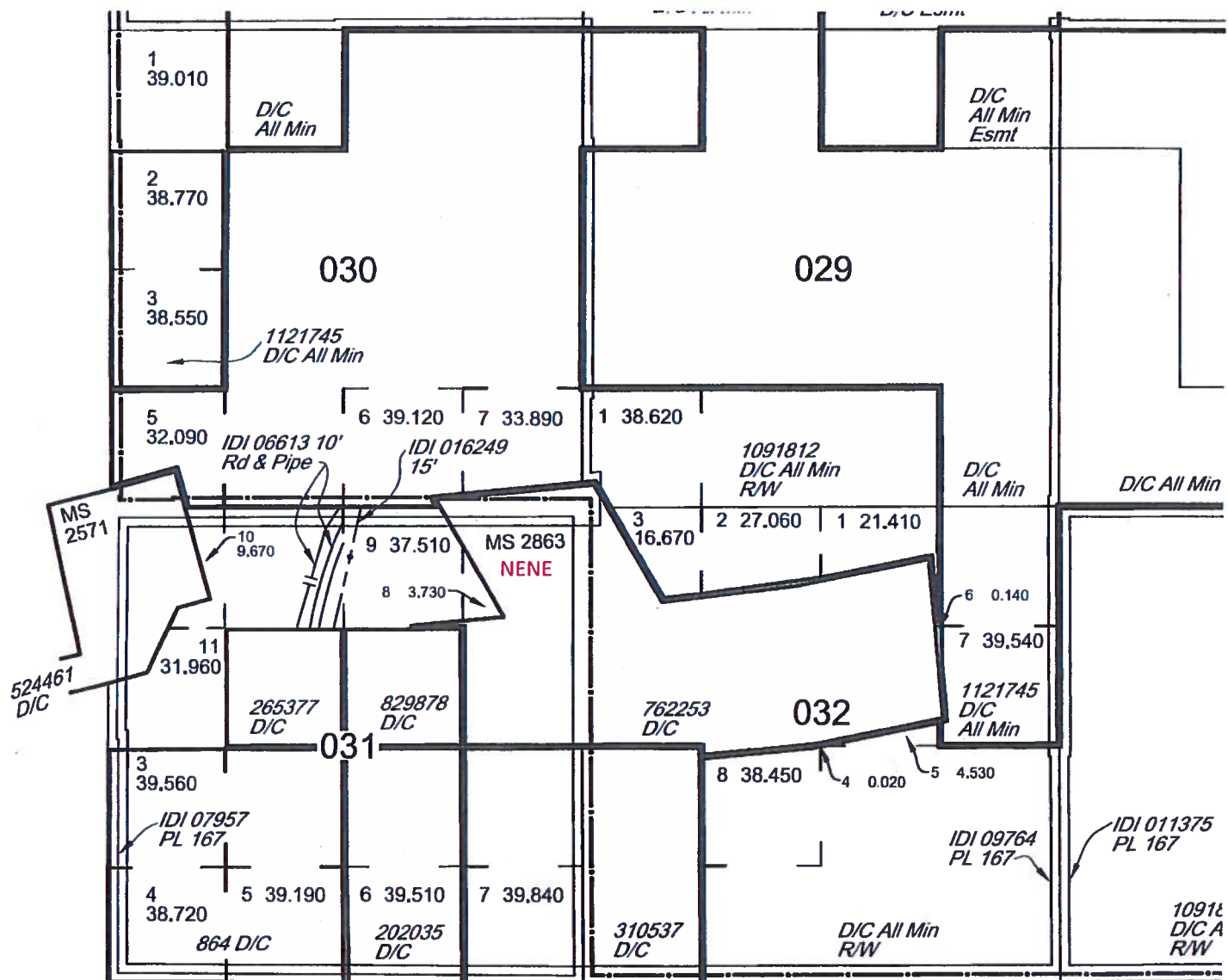
DI 09764 Det PL 167 (Act of Cong 07/23/1983)  
completed 07/10/1982. All NF surface Mgmt by USFS

DI 07957 Det PL 167 (Act of Cong 07/23/1983)  
completed 09/29/1982. All PD surface Mgmt by BLM

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

[illegible]T. 48 N  
R. 3 E

**MTP Blowup:**  
**T49N, R03E, S31**



I-15056

# The United States of America

To all to whom these presents shall come, Greeting:

## WHEREAS

Bunker Hill Company

is entitled to a Land Patent pursuant to the General Exchange Act of March 20, 1922 (42 Stat. 463), as amended by the Act of February 28, 1925 (43 Stat. 1090); the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1716), and Public Law 92-400 (16 U.S.C. 460aa-2) for the following described lands:

Boise Meridian, Idaho

T. 49 N., R. 3 E.,

Sec. 20: E $\frac{1}{2}$ , E $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 29: NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Containing 430 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the Bunker Hill Company 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 Bunker Hill Company, its successors and assigns, forever;

## EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way for ditches or canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391 43 U.S.C. 945).
2. The right to itself and its assigns, a right-of-way easement to use, control, maintain, improve, relocate and repair the existing Graham Ridge Trail #17 over and across the E $\frac{1}{2}$ NE $\frac{1}{4}$ , section 20, T. 49 N., R. 3 E., B.M., being 20 feet in width, lying equally on each side of the centerline as located and existing on the ground, being more particularly described as follows:

Beginning at a point on the north line of said section 20, which point being approximately 980 feet west of the northeast corner of section 20, the centerline of the trail runs westerly, parallel to and just south of the north line of section 20, a distance of approximately 150 feet. The centerline leaves the property at a point on said north line approximately 1,130 feet west of the northeast corner of section 20. The centerline reenters the property at a point on said north line approximately 1,370 feet west of the northeast corner of section 20, then leaves the property at a point on said north line approximately 1,790 feet west of the northeast corner of section 20. The centerline reenters section 20 at a point on said north line approximately 1,930 feet west of the northeast corner of said section and leaves the property at a point on said north line approximately 2,240 feet west of the northeast corner of section 20, T. 49 N., R. 3 E., B.M.

11-81-0079

Patent Number

USE BY PATENTEE:

- a) The Bunker Hill Company, its successors and assigns, shall have the right to cross and recross the above described trail at trail grade by any reasonable means and for any purpose in such manner as will not interfere with the use of the trail by the United States. Provided, that if the Regional Forester determines that the trail, or any segment thereof, is no longer needed for the purposes reserved, the easement shall terminate. The termination shall be evidenced by a statement in recordable form furnished by the appropriate Regional Forester to the patentee or its successors or assigns in interest.
- (b) The Bunker Hill Company, its successors and assigns, retain the right to manage the easement area for timber or minerals production provided that any alteration of vegetation or landscape shall not substantially detract from or mar the naturalness within the easement limits

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 in the year  
the TWENTY EIGHTH day of SEPTEMBER  
of our Lord one thousand nine hundred and EIGHTY-ONE  
and of the Independence of the United States the two hundred  
and SIXTH

By \_\_\_\_\_  
Division of Technical Services

11-81-0079

Patent Number \_\_\_\_\_

[illegible]

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