

RECEIVED

JAN 20 2017

DEPARTMENT 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 94-09433
(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: (208) 373-3831

Name & Address of Attorney: David L. Negri
Phone (208) 334-1936 fax (208) 334-1414
United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Kent L. & Donna J. Davis
Address: P.O. Box 453
Mullan, Idaho 83846

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: June 1, 1991
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: _____
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.

- E. REASONS SUPPORTING OBJECTION(S):**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

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 January 19, 2017, 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: Kent L. & Donna J. Davis
Address: P.O. Box 453,
Mullan, Idaho 83846

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
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: 94-9433

NAME AND ADDRESS: DONNA J DAVIS
PO BOX 453
MULLAN ID 83846

KENT L DAVIS
PO BOX 453
MULLAN ID 83846

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.040 CFS

Right Nos. 94-7108 and 94-9433 are limited to a total combined diversion rate of 0.04 cfs.

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

Priority date should be 6/1/1991, the date the ROW was granted (IDI-028341).

PRIORITY DATE: 06/29/1984 The recommended priority precedes the issuance of the ROW.

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF

DIVERSION:

T48N R05E S35 NWSE Within SHOSHONE County

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 R05E S35 Lot 6 SENW

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 is based upon an enlargement of Right No. 94-7108 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP48N05E356100 for Point of Diversion
Parcel No. RPA00000354700 for Place of Use

**BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(LIVE) SERIAL REGISTER PAGE**

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01 10-21-1976;090STAT2776;43USC1761

Total Acres
0.090

Serial Number
IDI--- - 028341

Case Type 287001: ROW-WATER FACILITY

Commodity 971: NON-ENERGY FACILITIES

Case Disposition: AUTHORIZED Case File Juris: COEUR D'ALENE DISTRICT OFFICE

Serial Number: IDI--- - 028341

Name & Address	Int Rel	%Interest
DAVIS KENT L PO BOX 453	MULLAN ID 838460453	HOLDER/BILLEE 100.000000000

Serial Number: IDI--- - 028341

Mer Twp	Rng	Sec	SType	Nr Suff	Subdivision	District/Resource Area	County	Mgmt Agency
08	0480N	0050E	035	ALIQ	NWSE;	COEUR DALENE FIELD OFFICE	SHOSHONE	BUREAU OF LAND MGMT
08	0480N	0050E	035	ALIQ	NWSE;	COEUR DALENE FIELD OFFICE	SHOSHONE	PRIVATE LANDS

Serial Number: IDI--- - 028341

Act Date	Code	Action	Action Remarks	Pending Office
05/17/1991	124	APLN RECD		VR
06/01/1991	307	ROW GRANTED-ISSUED		VR
06/01/1991	501	REFERENCE NUMBER	SN-IDI-28340;	VR
06/01/1991	502	LENGTH IN FEET	200;	VR
06/01/1991	504	WIDTH IN FEET (TOTAL)	10;	VR
06/06/1991	065	COST RECOV (MON) RECD	\$50;	VR
06/06/1991	111	RENTAL RECEIVED	\$6.00;	
06/06/1991	971	COST RECOV (PROC) RECD	\$125;	VR
07/17/1991	600	RECORDS NOTED		MD
01/08/1997	111	RENTAL RECEIVED	\$3.58;5YRS	
05/01/2000	065	COST RECOV (MON) RECD	\$75.00;	
05/01/2000	153	POST AUTH APLN RECD		
05/01/2000	841	CAT 2 COST RECOVERY-PROC		
05/01/2000	971	COST RECOV (PROC) RECD	\$300.00;	
04/27/2001	304	AUTH AMENDED/MODIFIED		
04/27/2001	392	MONIES RECEIVED	\$100.00;	
04/27/2001	502	LENGTH IN FEET	200;	
04/27/2001	504	WIDTH IN FEET (TOTAL)	10;	
10/11/2001	304	AUTH AMENDED/MODIFIED	DURATION OF GRANT;	
12/17/2001	111	RENTAL RECEIVED	\$8.77;1	
07/10/2003	950	COMPLIANCE APPROVED		
12/27/2006	111	RENTAL RECEIVED	\$29.55;1	
08/01/2007	853	COMPL/REVIEW DUE DATE		
04/01/2011	853	COMPL/REVIEW DUE DATE		
12/14/2011	111	RENTAL RECEIVED	\$163.00;1	
11/14/2016	042	CASE SENT TO	DOCKETS ISO;	
07/01/2021	247	FUTURE ACTION SUSPENSE	RENEWAL LTR;	
12/31/2021	763	EXPIRES		VR

Line Nr Remarks

Serial Number: IDI--- - 028341

0003 FIVE-YEAR RENTAL.

NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM

**BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(LIVE) SERIAL REGISTER PAGE**

Run Date/Time: 11/14/16 12:35 PM

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0004- ISSUANCE OF IDI 28341 RESOLVED TRESPASS IDI 28340;
0005 WEED FEE FOR AMENDMENT - \$100.

**NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM**

PARTIALLY SURVEYED TOWNSHIP 48 NORTH RANGE 5 EAST OF THE BOISE MERIDIAN, IDAHO

SHOSHONE COUNTY 079
COWLEY DUAL ENCL DISTRICT 7

SEE SUPPLEMENTAL PLAT NO 3 006	SEE SUPPLEMENTAL PLAT NO 3 005	SEE SUPPLEMENTAL PLAT NO 2 004	SEE SUPPLEMENTAL PLAT NO 2 003	SEE SUPPLEMENTAL PLAT NO 1 002	SEE SUPPLEMENTAL PLAT NO 1 001
SEE SUPPLEMENTAL PLAT NO 3 007	SEE SUPPLEMENTAL PLAT NO 3 008	SEE SUPPLEMENTAL PLAT NO 2 009	SEE SUPPLEMENTAL PLAT NO 2 010	SEE SUPPLEMENTAL PLAT NO 1 011	SEE SUPPLEMENTAL PLAT NO 1 012
SEE SUPPLEMENTAL PLAT NO 4 018	SEE SUPPLEMENTAL PLAT NO 4 017	SEE SUPPLEMENTAL PLAT NO 5 016	SEE SUPPLEMENTAL PLAT NO 5 015	SEE SUPPLEMENTAL PLAT NO 6 014	SEE SUPPLEMENTAL PLAT NO 6 013
SEE SUPPLEMENTAL PLAT NO 4 019	SEE SUPPLEMENTAL PLAT NO 4 020	SEE SUPPLEMENTAL PLAT NO 5 021	SEE SUPPLEMENTAL PLAT NO 5 022	SEE SUPPLEMENTAL PLAT NO 6 023	SEE SUPPLEMENTAL PLAT NO 6 024
SEE SUPPLEMENTAL PLAT NO 8 030	SEE SUPPLEMENTAL PLAT NO 8 029	SEE SUPPLEMENTAL PLAT NO 8 028	SEE SUPPLEMENTAL PLAT NO 8 027	SEE SUPPLEMENTAL PLAT NO 7 026	SEE SUPPLEMENTAL PLAT NO 7 025
SEE SUPPLEMENTAL PLAT NO 9 031	SEE SUPPLEMENTAL PLAT NO 9 032	SEE SUPPLEMENTAL PLAT NO 8 033	SEE SUPPLEMENTAL PLAT NO 8 034	SEE SUPPLEMENTAL PLAT NO 7 035	SEE SUPPLEMENTAL PLAT NO 7 036

1/4 1/2 3/4 1/8 1/16 1/32 1/64 1/128 1/256 1/512 1/1024 1/2048 1/4096 1/8192 1/16384 1/32768 1/65536 1/131072 1/262144 1/524288 1/1048576 1/2097152 1/4194304 1/8388608 1/16777216 1/33554432 1/67108864 1/134217728 1/268435456 1/536870912 1/1073741824 1/2147483648 1/4294967296 1/8589934592 1/17179869184 1/34359738368 1/68719476736 1/137438953472 1/274877906944 1/549755813888 1/1099511627776 1/2199023255552 1/4398046511104 1/8796093022208 1/17592186044416 1/35184372088832 1/70368744177664 1/140737488355328 1/281474976710656 1/562949953421312 1/1125899906842624 1/2251799813685248 1/4503599627370496 1/9007199254740992 1/18014398509481984 1/36028797018963968 1/72057594037927936 1/144115188075855872 1/288230376151711744 1/576460752303423488 1/1152921504606846976 1/2305843009213693952 1/4611686018427387904 1/9223372036854775808 1/18446744073709551616 1/36893488147419103232 1/73786976294838206464 1/147573952589676412928 1/295147905179352825856 1/590295810358705651712 1/1180591620717411303424 1/2361183241434822606848 1/4722366482869645213696 1/9444732965739290427392 1/18889465931478580854784 1/37778931862957161709568 1/75557863725914323419136 1/151115727451828646838272 1/302231454903657293676544 1/604462909807314587353088 1/1208925819614629174706176 1/2417851639229258349412352 1/4835703278458516698824704 1/9671406556917033397649408 1/19342813113834066795298816 1/38685626227668133590597632 1/77371252455336267181195264 1/15474250491067253436239056 1/30948500982134506872478112 1/61897001964269013744956224 1/123794003928538027489912448 1/247588007857076054979824896 1/495176015714152109959649792 1/990352031428304219919299584 1/1980704062856608439838599168 1/3961408125713216879677198336 1/7922816251426433759354396672 1/15845632502852867518708793344 1/31691265005705735037417586688 1/63382530011411470074835173376 1/126765060022822940149670346752 1/253530120045645880299340693504 1/507060240091291760598681387008 1/1014120480182583521197362774016 1/2028240960365167042394725548032 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94-09433, Donna and Kent Davis

POD on federal lands (BLM). Recommended priority precedes the issuance of the Right-of-Way (ROW). Priority date should be 6/1/1991 (IDI-028341).

