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DEPARTMENT OF
WATER RESOURCES

COPY

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 95-08486

(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 USDA Forest Service

Address: 550 West Fort Street, MSC 033

Boise, Idaho 83724

Daytime Phone: 208- 365-7055 or 406-329-3185

Name & Address of Attorney, if any:

David L. Negri

United States Department of Justice

Environment and Natural Resource Division

Natural Resources Section

550 West Fort Street, MSC 033

Boise, Idaho 83724

Telephone: 208-334-1936

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

Name: Lani K McMahon

Shawn T McMahon

Address: PO Box 338

Hayden, ID 83835

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: _____
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 E below _____
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 place of use shown in the Directors Directors Report recommendation includes T51N R03W S21 Lot 6 SESE. United States records show that Lot 6 is entirely National Forest System (NFS) land. The Directors Report also shows the water right is on Parcel No. 0214000B031A in Kootenai County on property also known as Lot 31, Block B, and Lot 13, Block C, Emerald Subdivision. Further investigation in the county records produced a subdivision plat showing the location of this property is in Lot 5 SWSE and not in Lot 6 SESE.

(Signature of person filing objection)



(Attorney signing in representative capacity)

F.

CERTIFICATE OF MAILING

I certify that on March 22, 2019, 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 claimants of the water right at the following address:

Lani K McMahon
Shawn T McMahon
PO Box 228
Hayden, ID 83835

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 Resource Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or person
mailing on Objector's behalf

07/27/2018

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

RIGHT NUMBER: 95-8486

NAME AND ADDRESS: LANI K MC MAHON
PO BOX 338
HAYDEN ID 83835

SHAWN T MC MAHON
PO BOX 338
HAYDEN ID 83835

SOURCE: HAYDEN LAKE

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
0.60 AFY

The quantity of water under Right Nos. 95-113 and 95-8486 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/12/1985

POINT OF
DIVERSION: T51N R03W S21 SWSE Within KOOTENAI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	11/01 03/31	0.020 CFS 0.60 AFY

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in KOOTENAI County

T51N R03W S21 Lot 5 SWSE

T51N R03W S21 Lot 6 SESE

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.

This water right does not include any federal land.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 95-113 is also diverted through the point of diversion described above.

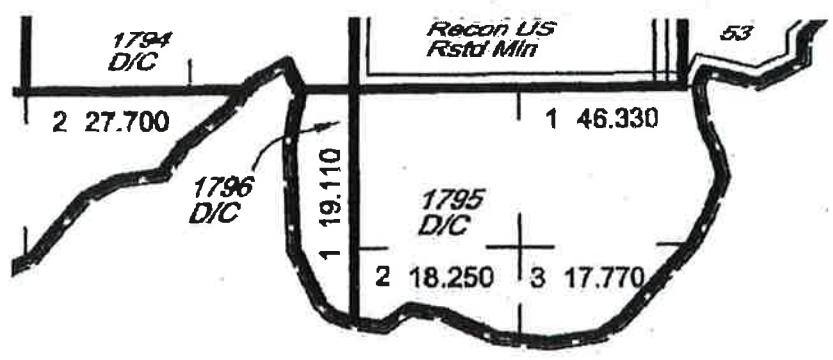
Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of November 12, 2008, this water right was within State Water District No. 95A.

Property is also known as Lot 31, Block B, and Lot 13, Block C, Emerald Subdivision.

Parcel No. 0214000B031A

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

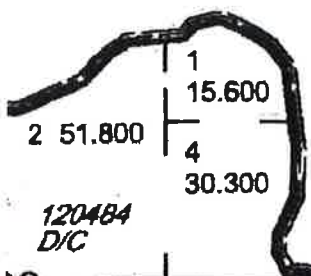
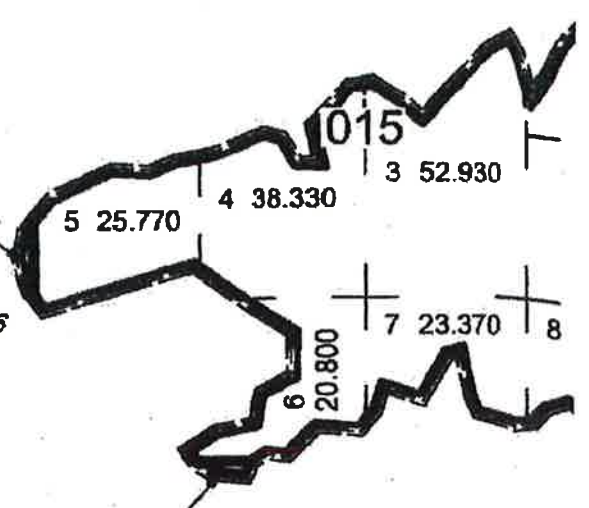


17

016

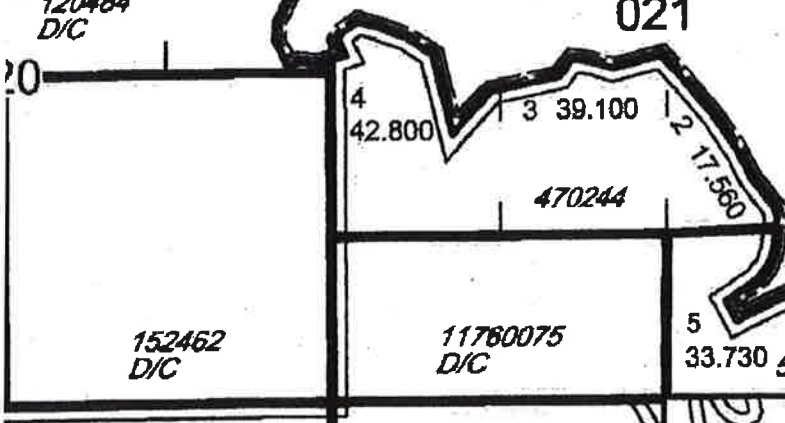
Hayden Lake

4 1.020
SG
03/28/1906



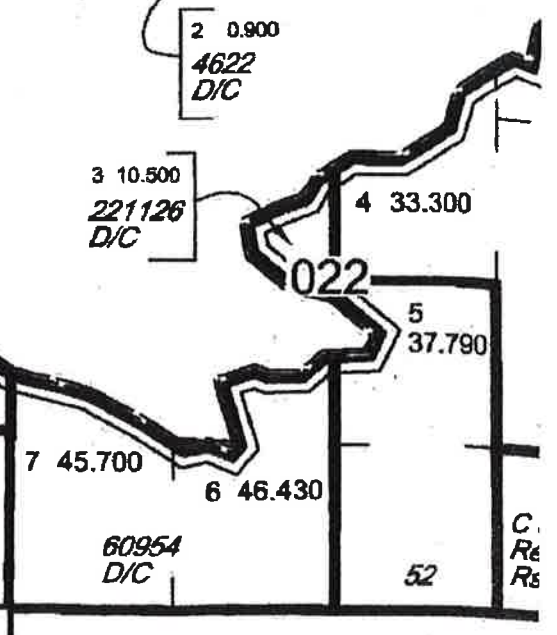
20

021



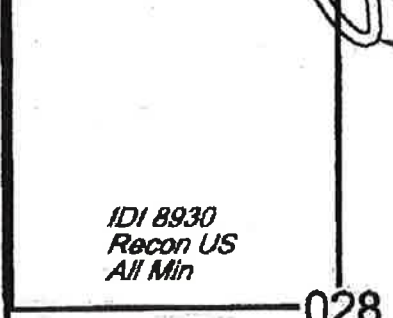
3 10.500
221126 D/C

022

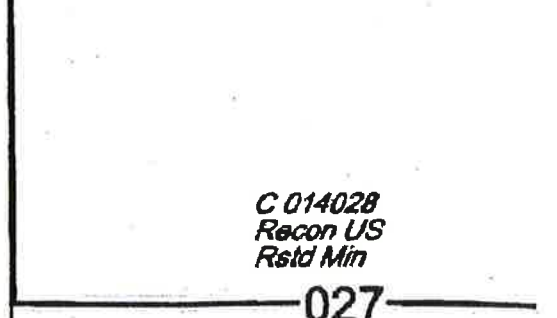


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028

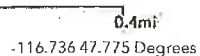


027



07/13/1935
WD to USFS Rstd Min
112024

014028
Recon US



#1892

HAYDEN LAKE

Windy Bay

Note:
Shoreline depiction for illustrative
purposes only. Property lines assumed
to extend to ordinary mean high water
mark for assessment purposes unless
otherwise noted.

GOVT
LOT 2
17.56 Ac

PT 4825

Shaws
Hayden
Highlands
(0-7280)

#10024

7375
4.088 Ac

00B-005-A
0.120 Ac

7400
1.268 Ac

#4216

PT #4310
P4 7500
0.061 Ac

PT #4310
P4 7500

#1865
7550
2.115 Ac

WOODPECKER LN (Private)

Emerald Sub (0-2140)
#19765
#19766

GOVT
LOT 6
38.35 Ac

8300
38.350 Ac

GOVT
LOT 5
33.73 Ac

8900
33.423 Ac

E 1/2 Sec. 21 Twp

