

**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 95-17080

(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 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: Carmona Tristar LLC

Address: 654 N State St

Jackson, MS 39202

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 places of use shown in the Report recommendation include T54N R02W S26 NWNW. United States records show that the east half of S26 is entirely National Forest System (NFS) land. The Directors Report recommendation needs to be refined to show that the place of use in S26 is limited to the west half or the NWNWNW and SWNWNW to specifically exclude the NFS land in the NENWNW and the SENWNW S26 from the legal description. A clause also needs to be added to the Other Provisions that the water right does not include any federal land.

(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:

Carmona Tristar LLC
654 N State St
Jackson, MS 39202

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: 95-17080

NAME AND ADDRESS: CARMONA TRISTAR LLC
654 N STATE ST
JACKSON MS 39202

SOURCE: CAPE HORN CREEK

TRIBUTARY: OLD MAID 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: 07/02/1968

POINT OF
DIVERSION: T54N R02W S26 SWNW Within BONNER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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 BONNER County

T54N R02W S26 NWNW

T54N R02W S26 NWNWNW

T54N R02W S26 SWNWNW

T54N R02W S26 SWNW

T54N R02W S27 NESE

T54N R02W S27 SWSE

FIRE PROTECTION same as INDUSTRIAL

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 - Beneficial Use

Parcel No(s): RP54N02W263150A & RP54N02W277200A

Part of BLM MTP T54N R2W



