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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

Case No. 49576

A. Subcase 95-13264
(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: (208) 373-3831, fwprice@blm.gov

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: Virgil S. & Dolores A. Fernandes
Address: 12488 E. Yellowstone Trl.
Coeur d'Alene, ID 83814

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.

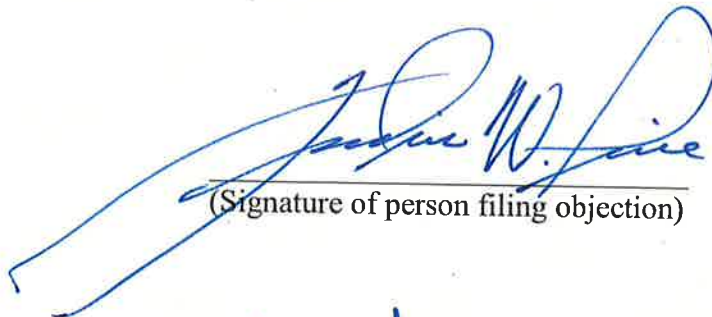
12. **I object because:**

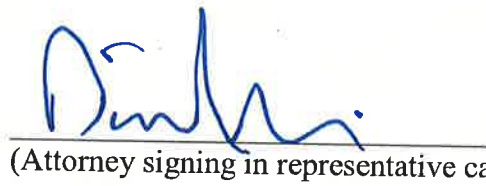
☐ This water right should not exist.

☐ 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.


(Signature of person filing objection) 7/12/19
Date


(Attorney signing in representative capacity) 7/12/19

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 12 July, 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 claimant of the water right at the following address:

Name: Virgil S. & Dolores A. Fernandes
Address: 12488 E. Yellowstone Trl.
Coeur d'Alene, ID 83814

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

02/25/2019

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

RIGHT NUMBER: 95-13264

NAME AND ADDRESS: VIRGIL S FERNANDES
12488 E YELLOWSTONE TRL
COEUR D ALENE ID 83814

DOLORES A FERNANDES
12488 E YELLOWSTONE TRL
COEUR D ALENE ID 83814

SOURCE: COEUR D ALENE LAKE

TRIBUTARY: SPOKANE RIVER

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 01/01/1937

POINT OF
DIVERSION: T49N R03W S1 NENW Lot 4 Within KOOTENAI County

The point of diversion does not include federal land.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

DOMESTIC

Domestic use is for 1 home.

PERIOD OF USE

01/01 12/31

QUANTITY

0.040 CFS

PLACE OF USE: DOMESTIC in KOOTENAI County

T49N R03W S01 Lot 2 NWNE

The place of use does not include federal land.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. 49N03W011000.

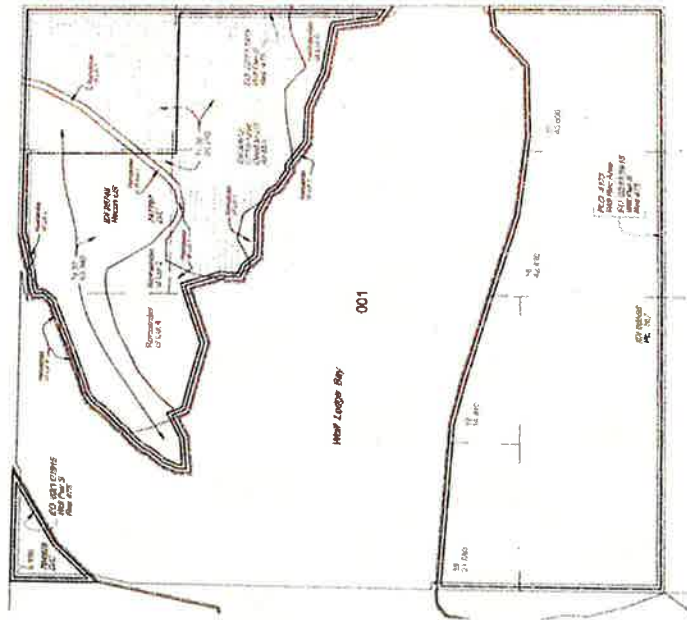
Mixed POD and POU:

- The point of diversion (POD) identified below contains both private and public lands.
- The place of use (POU) identified below contains both private and public lands.
- Clarify the POD and POU such that it is clear that only private land is intended.

The POD and POU contains both federal and private lands, a clarifying remark is needed to make it clear that only private land is intended.



TOWNSHIP 49 NORTH RANGE 3 WEST OF THE BOISE MERIDIAN, IDAHO
 KOOTENAI COUNTY 055
 COEUR D'ALENE DISTRICT



U.S. Bureau of Land Management - Idaho State Office
 1381 S. Vinland Way, Boise, Idaho 83725
 (208) 334-6000

DISCLAIMER

This map is a public domain map of the Boise Meridian, Idaho, and is not a legal document. It is intended for informational purposes only. The Bureau of Land Management does not warrant the accuracy or completeness of the information contained herein. The user assumes all responsibility for the use of this map. The Bureau of Land Management is not responsible for any errors or omissions in this map. The user assumes all responsibility for the use of this map.

No. 1
 STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES
 AND ACQUIRED LANDS

MT PLAT
 SUPPL Sec 1

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FOR ORDERS AFFECTING DISPOSAL ON USE OF
 UNDEVELOPED LANDS REFER TO INDEX OF
 MISCELLANEOUS DOCUMENTS

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