

ORIGINAL

DISTRICT COURT - CSRBA  
 Fifth Judicial District  
 County of Twin Falls - State of Idaho

MAR 25 2019

By \_\_\_\_\_ Clerk  
 \_\_\_\_\_ Deputy Clerk

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.

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(Signature of person filing objection)



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(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:

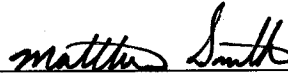
Carmona Tristar LLC  
654 N State St  
Jackson, MS 39202

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



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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

[REDACTED]

[REDACTED]  
T54N R02W S26 SWNW  
T54N R02W S27 SWSE

T54N R02W S27 NESE  
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.

[REDACTED]

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No(s): RP54N02W263150A & RP54N02W277200A

Part of BLM MTP T54N R2W

