

RECEIVED

JAN 30 2003

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 SRBA)
)
)
Case No. 39576)
)
)
)
)
_____)

A. Subcase Number: 63-25048
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho, Department of Lands
Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449
Daytime Phone: (208) 334-2400

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400
Idaho State Bar # 2597

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

Name: United States of America
USDA Forest Service
Address: 550 W. Fort Street, MSC 033
Boise, ID 83724

D. I object to the following elements 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: May 29, 1905
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
11. **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):

4. Priority Date

The beginning and ending points of this instream flow and the place of use are within the lands that were reserved as a forest reservation by the Proclamation dated May 29, 1905. A copy of the Proclamation dated May 29, 1905, is attached as Attachment I. The claimant could not claim a water right for the claimed purposes until it began to manage the land as a forest reservation on the date of May 29, 1905.

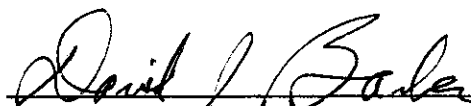
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

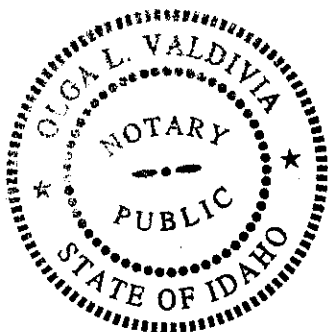
DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: 1-29-03
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/06

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.

G. CERTIFICATE OF MAILING

I certify that on January 29, 2003, I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

U.S. Mail

2. One copy to the owner of the water right at the following address:

United States of America
USDA Forest Service
550 W. Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

STATEHOUSE MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)

United States Department of Justice
Environment and Natural Resource Division
550 W. Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL



Signature of Objector or attorney
Mailing on Objector's behalf

ATTACHMENT/S

PROCLAMATIONS, 1905.

Name.

The reservation hereby established shall be known as The Weiser Forest Reserve.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 25th day of May, in the year of our Lord one thousand nine hundred and five, and of [SEAL.] the Independence of the United States the one hundred and twenty-ninth.

THEODORE ROOSEVELT

By the President:

FRANCIS B. LOONIS

Acting Secretary of State.

May 29, 1905

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The Sawtooth
Forest Reserve,
Idaho
Preamble
Vol 26, p 1103
Post, p 8280.

WHEREAS, it is provided by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes", "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

And whereas, the public lands in the State of Idaho, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation;

Forest reserve,
Idaho.

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested by section twenty-four of the aforesaid Act of Congress, do hereby make known and proclaim that there are hereby reserved from entry or settlement and set apart as a Public Reservation all those certain tracts, pieces or parcels of land lying and being situate in the State of Idaho, and within the boundaries particularly described as follows:

Description

Beginning at the north-west corner of Section three (3), Township thirteen (13) North, Range five (5) East, Boise Base and Meridian, Idaho; thence easterly to the north-east corner of Section four (4), Township thirteen (13) North, Range eight (8) East; thence southerly to the south-west corner of Section fifteen (15), Township twelve (12) North, Range eight (8) East; thence easterly to the north-east corner of Section twenty-four (24), Township twelve (12) North, Range nine (9) East; thence southerly to the south-west corner of Section thirty (30), Township twelve (12) North, Range ten (10) East; thence easterly to the north-east corner of Section thirty-six (36), said township; thence southerly to the south-west corner of Township twelve (12) North, Range eleven (11) East; thence easterly to the north-east corner of Section five (5), Township eleven (11) North, Range eleven (11) East; thence southerly to the south-west corner of Section twenty-one (21), said township; thence easterly to the north-east corner of Section twenty-nine (29), Township eleven (11) North, Range twelve (12) East; thence southerly to the south-west corner of Section sixteen (16), Township ten (10) North, Range twelve (12) East; thence easterly to the north-east corner of Section

twenty-one (21), said township; thence southerly to the south-west corner of Section twenty-two (22), said township; thence easterly to the north-east corner of Section twenty-five (25), said township; thence southerly to the south-west corner of Section thirty (30), Township ten (10) North, Range thirteen (13) East; thence easterly to the north-east corner of Section thirty-three (33), said township; thence southerly to the south-west corner of Section thirty-four (34), said township; thence easterly to the north-east corner of Section three (3), Township nine (9) North, Range thirteen (13) East; thence southerly to the south-west corner of Section twenty-six (26), said township; thence easterly to the north-east corner of Section thirty-five (35), said township; thence southerly to the south-west corner of Section one (1), Township eight (8) North, Range thirteen (13) East; thence easterly to the north-east corner of Section twelve (12), said township; thence southerly to the south-west corner of Section nineteen (19), Township eight (8) North, Range fourteen (14) East; thence easterly to the north-east corner of Section thirty (30), said township; thence southerly to the south-west corner of Section thirty-two (32), said township; thence easterly to the north-east corner of Section five (5), Township seven (7) North, Range fourteen (14) East; thence southerly to the south-east corner of Section twenty-nine (29), said township; thence westerly to the north-west corner of Section thirty-one (31), said township; thence southerly to the south-east corner of Township seven (7) North, Range thirteen (13) East; thence westerly to the north-west corner of Section one (1), Township six (6) North, Range thirteen (13) East; thence southerly to the south-east corner of Section eleven (11), said township; thence westerly to the north-west corner of Section fourteen (14), said township; thence southerly to the south-west corner of Section twenty-three (23), said township; thence easterly to the north-east corner of Section thirty (30), Township six (6) North, Range fourteen (14) East; thence southerly to the south-west corner of Section twenty-nine (29), said township; thence easterly to the north-east corner of Section thirty-three (33), Township six (6) North, Range fifteen (15) East; thence southerly, allowing for the proper offset on the First (1st) Standard Parallel North, to the south-west corner of Section fifteen (15), Township four (4) North, Range fifteen (15) East; thence easterly to the north-east corner of Section twenty-two (22), said township; thence southerly to the south-east corner of Section thirty-four (34), said township; thence westerly to the north-west corner of Township three (3) North, Range fifteen (15) East; thence southerly to the south-east corner of Section one (1), Township three (3) North, Range fourteen (14) East; thence westerly to the north-west corner of Section nine (9), said township; thence southerly to the south-east corner of Section thirty-two (32), said township; thence westerly to the south-west corner of Section thirty-five (35), Township three (3) North, Range ten (10) East; thence northerly to the north-west corner of the south-west quarter of Section eleven (11), said township; thence easterly to the south-east corner of the north-east quarter of Section seven (7), Township three (3) North, Range eleven (11) East; thence northerly to the north-west corner of Section eight (8), said township; thence easterly to the south-east corner of Section four (4), said township; thence northerly to the north-east corner of said section; thence westerly to the north-west corner of Section five (5), said township; thence southerly to the south-west corner of the north-west quarter of said section; thence westerly to the south-west corner of the north-west quarter of Section one (1), Township three (3) North, Range ten (10) East; thence northerly to the north-east corner of Section two (2), said township; thence westerly to the south-west

Sawtooth Forest
Reserve—Continued.

Sawtooth Forest
Reserve—Contin-
ued

corner of Section thirty-five (35), Township four (4) North, Range ten (10) East; thence northerly to the north-east corner of Section twenty-seven (27), said township; thence westerly to the south-west corner of Section twenty-two (22), said township; thence northerly to the north-west corner of said section; thence easterly to the south-east corner of Section fifteen (15), said township; thence northerly to the north-east corner of said section; thence westerly to the south-west corner of Section ten (10), said township; thence northerly to the north-east corner of Section four (4), said township; thence westerly to the north-west corner of said section; thence southerly to the south-east corner of Section five (5), said township; thence westerly to the north-west corner of Section eight (8), said township; thence southerly to the south-west corner of said section; thence easterly to the north-east corner of Section seventeen (17), said township; thence southerly to the south-west corner of Section twenty-eight (28), said township; thence easterly to the north-east corner of Section thirty-three (33), said township; thence southerly to the south-east corner of Section nine (9), Township three (3) North, Range ten (10) East; thence westerly to the north-west corner of Section sixteen (16), said township; thence southerly to the south-east corner of Section thirty-two (32), said township; thence westerly to the south-west corner of Township three (3) North, Range seven (7) East; thence northerly to the north-east corner of Section twenty-four (24), Township three (3) North, Range six (6) East; thence westerly to the south-west corner of Section eighteen (18), said township; thence northerly to the north-west corner of Section seven (7), said township; thence easterly to the south-east corner of Section six (6), said township; thence northerly to the north-west corner of Section thirty-two (32), Township four (4) North, Range six (6) East; thence easterly to the south-east corner of Section twenty-six (26), said township; thence northerly to the north-west corner of Section twenty-five (25), said township; thence easterly to the south-east corner of Section twenty-four (24), said township; thence northerly to the north-west corner of Section nineteen (19), Township four (4) North, Range seven (7) East; thence easterly to the south-east corner of Section eighteen (18), said township; thence northerly to the north-west corner of Section seventeen (17), said township; thence easterly to the south-east corner of Section eight (8), said township; thence northerly to the north-east corner of said section; thence westerly to the north-west corner of Section seven (7), said township; thence southerly to the south-east corner of Section twelve (12), Township four (4) North, Range six (6) East; thence westerly to the north-west corner of Section thirteen (13), said township; thence southerly to the south-east corner of Section fourteen (14), said township; thence westerly to the north-west corner of Section twenty-three (23), said township; thence southerly to the south-east corner of Section twenty-two (22), said township; thence westerly to the north-west corner of Section thirty (30), said township; thence southerly to the south-east corner of Section twenty-five (25), Township four (4) North, Range five (5) East; thence westerly to the north-west corner of Section thirty-six (36), said township; thence southerly to the south-east corner of Section thirty-five (35), said township; thence westerly to the south-west corner of said township; thence northerly to the north-west corner of said township; thence easterly to the south-east corner of Township five (5) North, Range five (5) East; thence northerly to the north-west corner of Township five (5) North, Range six (6) East; thence easterly to the south-east corner of Township six (6) North, Range six (6) East; thence northerly to the north-east corner of said township; thence westerly to the south-west corner of Township seven (7) North, Range six (6) East; thence northerly to the south-east corner

of Township eight (8) North, Range five (5) East; thence westerly to the south-west corner of Section thirty-six (36), said township; thence northerly to the north-west corner of said section; thence easterly to the north-east corner of said section; thence northerly to the north-east corner of Section twenty-five (25), said township; thence westerly to the north-west corner of the north-east quarter of Section twenty-seven (27), said township; thence southerly to the south-east corner of the south-west quarter of Section thirty-four (34), said township; thence westerly to the south-west corner of Township eight (8) North, Range four (4) East; thence northerly to the north-west corner of said township; thence easterly to the north-east corner of Section four (4), said township; thence southerly to the south-west corner of Section fifteen (15), said township; thence easterly to the south-east corner of said section; thence northerly to the north-west corner of the south-west quarter of Section eleven (11), said township; thence easterly to the south-east corner of the north-east quarter of said section; thence northerly to the north-west corner of Section one (1), said township; thence easterly to the south-east corner of Township nine (9) North, Range four (4) East; thence northerly to the north-east corner of said township; thence westerly to the south-west corner of Section thirty-six (36), Township ten (10) North, Range four (4) East; thence northerly to the south-west corner of Section thirteen (13), said township; thence easterly to the south-east corner of said section; thence northerly to the north-east corner of said section; thence westerly to the north-west corner of the north-east quarter of Section fourteen (14), said township; thence southerly to the south-east corner of the south-west quarter of said section; thence westerly to the north-west corner of Section twenty-one (21), said township; thence southerly to the south-west corner of said section; thence westerly to the north-west corner of Section twenty-nine (29), said township; thence southerly to the south-west corner of said section; thence westerly to the north-west corner of the north-east quarter of Section thirty-one (31), said township; thence southerly to the south-east corner of the south-west quarter of said section; thence westerly to the south-west corner of said township; thence northerly to the north-west corner of Section thirty (30), Township eleven (11) North, Range four (4) East; thence easterly to the south-east corner of Section twenty (20), said township; thence northerly to the north-west corner of Section sixteen (16), said township; thence easterly to the north-east corner of said section; thence northerly to the north-west corner of Section three (3), said township; thence easterly to the south-east corner of Section thirty-four (34), Township twelve (12) North, Range four (4) East; thence northerly to the north-west corner of Section two (2), said township; thence easterly to the south-west corner of Township thirteen (13) North, Range five (5) East; thence northerly to the north-west corner of Section thirty (30), said township; thence easterly to the north-east corner of said section; thence northerly to the north-west corner of Section twenty (20), said township; thence easterly to the north-east corner of said section; thence northerly to the north-west corner of Section sixteen (16), said township; thence easterly to the north-east corner of said section; thence northerly to the north-west corner of Section three (3), said township, the place of beginning; such of the above-named corners as have not been established by the official surveys being intended to be located at the points where such corners would fall in projecting the surveys in the directions indicated without allowing for any irregularities which may occur in actually extending the surveys;

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal

Sawtooth Forest
Reserve—Continued

Lands excepted.

PROCLAMATIONS, 1905.

entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired. *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing or settlement was made.

Reserved from
settlement

Name

Warning is hereby expressly given to all persons not to make settlement upon the lands reserved by this proclamation.

The reservation hereby established shall be known as The Sawtooth Forest Reserve.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed

Done at the City of Washington this 29th day of May, in the year of our Lord one thousand nine hundred and five, and of [SEAL.] the Independence of the United States the one hundred and twenty-ninth.

THEODORE ROOSEVELT

By the President:

FRANCIS B. LOOMIS

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

June 2, 1905

Game preserve,
Wichita Forest Re-
serve, Okla
Preamble
Vol 32, p 614
Post, p 6207.

Vol 32, p 1878

WHEREAS, it is provided by the Act of Congress, approved January twenty-fourth, nineteen hundred and five, entitled, "An Act for the protection of wild animals and birds in the Wichita Forest Reserve", That the President of the United States is hereby authorized to designate such areas in the Wichita Forest Reserve as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

"SEC. 2. That when such areas have been designated as provided for in section one of this Act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding one thousand dollars or be imprisoned for a period not exceeding one year, or shall suffer both fine, and imprisonment, in the discretion of the court.

"SEC. 3. That it is the purpose of this Act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands";

And whereas, for the purpose of giving this Act effect, it appears desirable that the entire Wichita Forest Reserve be declared a Game Preserve;

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested by the aforesaid Act of Congress, do hereby make known and proclaim that the Wichita Forest Reserve, in the Territory of Oklahoma, is designated and set aside for the protection of game animals and birds, and shall be rec-

Wichita Forest
Reserve, Okla., set
apart as a game
preserve