

RECEIVED

JAN 30 2003

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 SRBA

Case No. 39576

A. Subcase Number: 63-31540

(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

COPY

**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: November 6, 1906
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 point of diversion and the place of use are within lands that were reserved as a forest reservation by the Proclamation dated November 6, 1906. A copy of the Proclamation dated November 6, 1906 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 November 6, 1906.

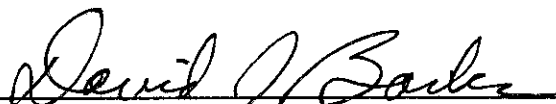
**F. VERIFICATION (Must be Completed)**

State of Idaho )  
                  ) ss.  
County of Ada )

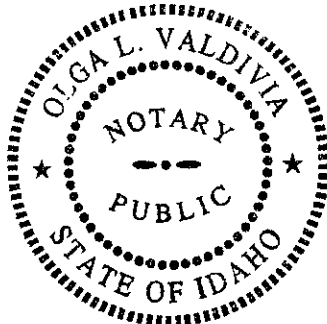
DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

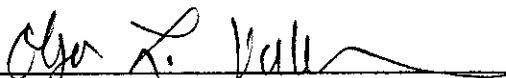
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have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

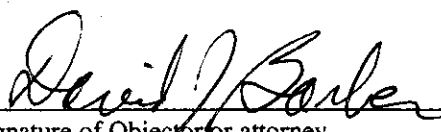
STATEHOUSE MAIL

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**

November 6, 1906

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Lolo Forest Reserve, Mont  
Preamble  
Ante, p 8284

WHEREAS, the Lolo Forest Reserve, in the State of Montana, was established by proclamation dated September twentieth, nineteen hundred and six;

And whereas, it appears that the public good would be promoted by adding to the said forest reserve certain lands, within the State of Montana, which are in part covered with timber;

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And whereas, it is provided by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," that "The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve";

Boundaries enlarged

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the said act of Congress, do proclaim that the aforesaid Lolo Forest Reserve is hereby enlarged to include the said additional lands, and that the boundaries of the reserve are now as shown on the diagram forming a part hereof.

Lands excepted

This proclamation will not take effect upon any lands withdrawn or reserved, at this date, from settlement, entry, or other appropriation, for any purpose other than forest uses, or which may be covered by any prior valid claim, so long as the withdrawal, reservation, or claim exists.

Reserved from settlement

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

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 6th day of November, in the year of our Lord one thousand nine hundred and six,  
[SEAL.] and of the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ROBERT BACON

Acting Secretary of State.

November 6, 1906

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Sawtooth Forest Reserve, Idaho  
Preamble  
Ante, p 8058.

WHEREAS, the Sawtooth Forest Reserve, in the State of Idaho, was established by proclamation dated May twenty-ninth, nineteen hundred and five;

And whereas, it appears that the public good would be promoted by adding to the said forest reserve certain lands, within the State of Idaho, which are in part covered with timber;

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And whereas, it is provided by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight,

and for other purposes," that "The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve;"

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the said act of Congress, do proclaim that the aforesaid Sawtooth Forest Reserve is hereby enlarged to include the said additional lands, and that the boundaries of the reserve are now as shown on the diagram forming a part hereof.

Boundaries enlarged

This proclamation will not take effect upon any lands withdrawn or reserved, at this date, from settlement, entry, or other appropriation, for any purpose other than forest uses, or which may be covered by any prior valid claim, so long as the withdrawal, reservation, or claim exists.

Lands excepted

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

Reserved from settlement

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 6th day of November, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ROBERT BACON

*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 7, 1906.

### A PROCLAMATION

WHEREAS, the Jemez Forest Reserve, in the Territory of New Mexico, was established by proclamation dated October twelfth, nineteen hundred and five;

Jemez Forest Reserve, N Mex  
Preamble  
Ante, p 3182.

And whereas, it appears that the public good would be promoted by adding to the said forest reserve certain lands, within the Territory of New Mexico, which are in part covered with timber;

And whereas, it is provided by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," that "The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve;"

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Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the said act of Congress, do proclaim that the aforesaid Jemez Forest Reserve is hereby enlarged to include the said additional lands, and that the boundaries of the reserve are now as shown on the diagram forming a part hereof.

Boundaries enlarged

This proclamation will not take effect upon any lands withdrawn or reserved, at this date, from settlement, entry, or other appropriation, for any purpose other than forest uses, or which may be covered

Lands excepted.

# SAWTOOTH FOREST RESERVE, IDAHO

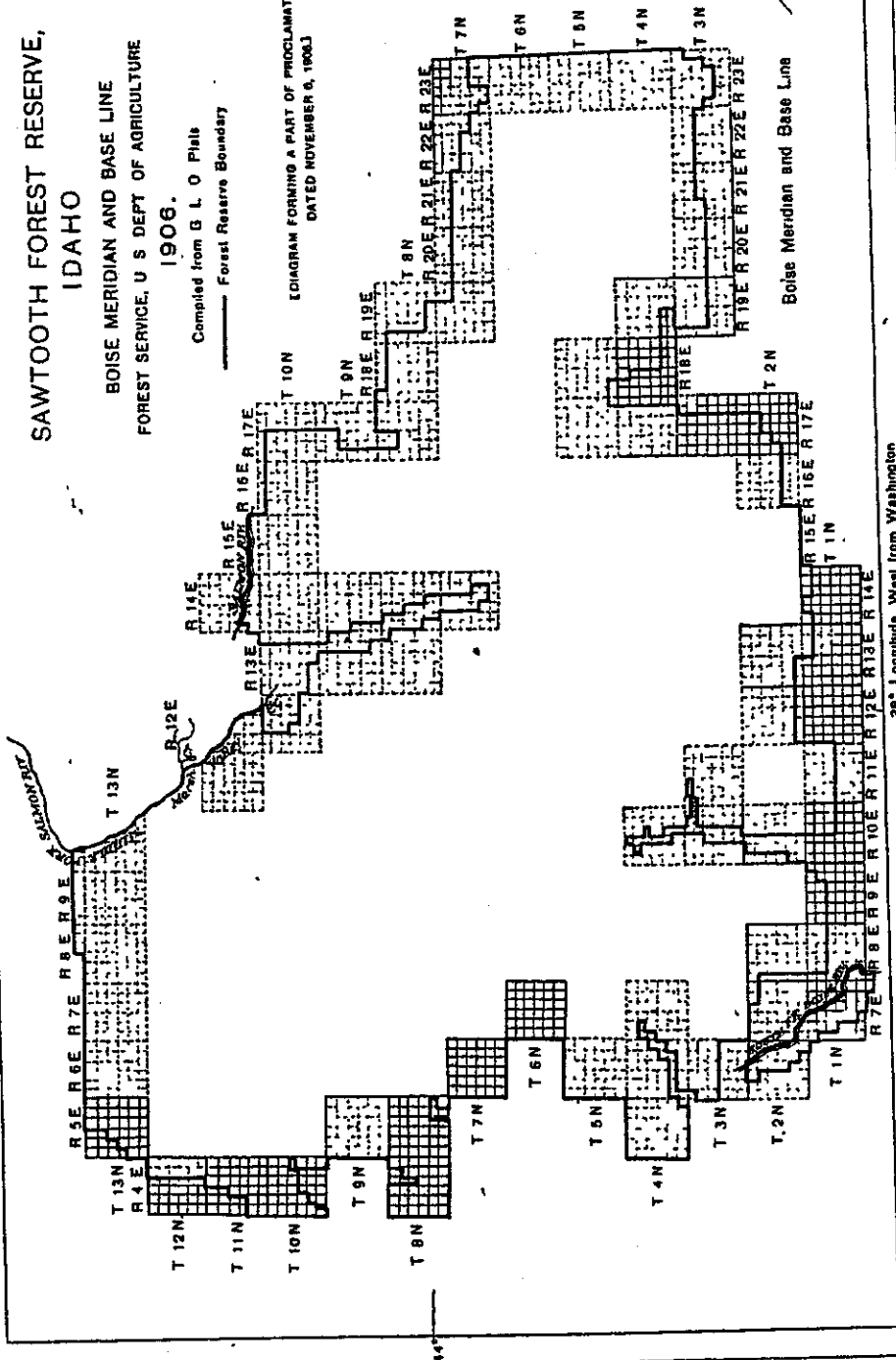
BOISE MERIDIAN AND BASE LINE  
FOREST SERVICE, U S DEPT OF AGRICULTURE

1906.

Compiled from G. L. O. Plats

— Forest Reserve Boundary

EDICAM FORMING A PART OF PROCLAMATION  
DATED NOVEMBER 9, 1903



38° Longitude West from Washington