

In Re SRBA )  
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 Case No. 39576 )  
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**A. Consolidated Subcase Number: 75-13316**  
**Ident. Number: 75-13316**  
(Insert water right number)

**STANDARD FORM 1**  
**OBJECTION**

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name and Address of Attorney, if any:

Attorney Name: ALAN G. LANCE  
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, on behalf of the USDA Forest Service  
Address: 550 W. Fort Street, MSC 33  
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. ☐ **Date of Priority**  
Should be: \_\_\_\_\_
3. ☐ **Source of Water**  
Should be: \_\_\_\_\_
- 4a. ☒ **Location of point of diversion**  
Should be: Not Applicable. Claimant has included one quantification reference point in the description of this element. This reference point should not be described here. Rather such a point, if applicable at all, should be included in the description of the quantity element.
- 4b. ☐ **Description of diversion works: Instream Flow**  
Should be: \_\_\_\_\_
5. ☒ **Quantity claimed**  
Should be: "The minimum amount necessary to fulfill the purposes of the Wild and Scenic Rivers Act." *Potlatch Corp. v. United States*, 134 Idaho 912, 916 (2000). The claimant has not demonstrated that the amounts claimed are the minimum amounts necessary to fulfill the purposes for the designation of this river reach in the Central Idaho Wilderness Act as a part of the Wild and Scenic River System for the period of the year stated therein.
6. ☐ **Total consumptive use claimed for present and future use is:**  
Should be: \_\_\_\_\_
7. ☒ **Present and future uses to which the water is or will be used**  
Should be: The purpose of use must be determined in accordance with the Central Idaho Wilderness Act that designated this river segment as a part of the Wild and Scenic Rivers System. The forty-six mile segment from

the mouth of the North Fork of the Salmon River to Corn Creek was designated as a recreational river.

8. ☒ **Attach the legal description of the reservation, and maps showing the existing and proposed place of use.**

Should be: The channel of the Main Salmon River as depicted on the map designated as Attachment A.

9. ☒ **Remarks**

Should be: None.

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):**

- 4a. **Location of point of diversion**

The inclusion of one quantification reference point in this element is improper because this water right describes an instream flow that does not include any points of diversion. The claimant describes the amounts claimed at the location designated as a reference point. Thus, this reference point is a part of the description of the quantity element. While it is necessary for the instream flow to be measured at some point, the claimant provides no explanation for the choice of the specific point included in its claim.

5. **Quantity claimed**

The Central Idaho Wilderness Act designated this forty-six mile segment from the mouth of the North Fork of the Salmon River to Corn Creek as a recreational river. This designation may affect the amount of water claimed.

The amounts stated in the table for the designated periods do not have any apparent relationship to the purposes of the Wild and Scenic Rivers Act. Nor is there any evidence that the amounts stated are the minimum amount necessary under the Central Idaho Wilderness Act that added this segment of the Salmon River to the Wild and Scenic Rivers System as a recreational river.

7. **Present and future uses to which the water is or will be used**

The present and future purposes of use are limited to the recreational river designation that Congress made for this forty-six mile segment of the Salmon River under the Central Idaho Wilderness Act.

8. **Attach the legal description of the reservation, and maps showing the existing and proposed place of use**

The place of use described in Attachment A to the Amended Notice of Claim is ambiguous. Attachment A is a map showing the drainage basin of the Main Salmon River with the channel of the Main Salmon appearing in bold. The place of use should be limited to the channel of the Main Salmon River. The place of use should not extend to the drainage basins tributary to the Main Salmon.

9. **Remarks**

The document entitled "Quantification Proceedings—General Notice of United State's Claims" contains a section entitled "General Remarks for All United States Claims," hereinafter the "General Remarks." The General Remarks restate certain legal allegations of the United States. None of the statements in the General Remarks constitute a remark that is appropriate for inclusion in any partial decree relating to these claims because the statements do not constitute "matters as are necessary for definition of the right, for clarification of any element of a right, or for administration of the right by the director." Idaho Code § 42-1409(1)(I).

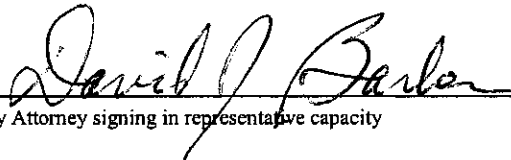
F. **VERIFICATION (Must be Completed)**

State of Idaho )  
                  ) ss.  
County of Ada)

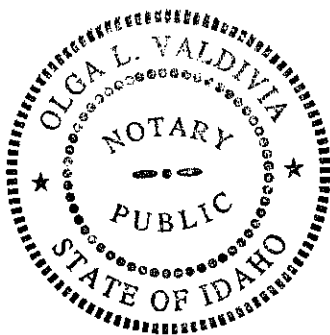
DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

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.

ALAN G. LANCE  
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: May 10, 2002  
(Insert Date)



Olga L. Valdivia  
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 May 10, 2002, 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

HAND DELIVERED  
BY COURIER

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

United States of America,  
on behalf of the USDA Forest Service  
550 W. Fort Street, MSC 33  
Boise, ID 83724

U.S. MAIL

3. Copies to:

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

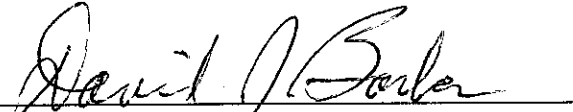
STATEHOUSE MAIL

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 West Fort Street, MSC 033  
Boise, Idaho 83724

U.S. MAIL

  
\_\_\_\_\_  
Signature of Objector of attorney  
Mailing on Objector's behalf