

# BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law

409 West Jefferson Street

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Josephine P. Beeman

Jo Beeman@BeemanLaw.com

Telephone

(208) 331-0950

Facsimile

(208) 331-0954

May 10, 2002

**RECEIVED**

**MAY 13 2002**

SRBA Court  
253 Third Avenue North  
Twin Falls, ID 83301

**Department of Water Resources**

RE: SRBA Consolidated Subcase No. 75-13316 -- Wild & Scenic Litigation  
Objections to the U.S.'s Amended Claims 75-13316, 77-11941, and 77-13844

Dear Diana:

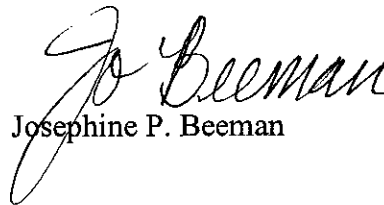
The following SRBA parties submit Objections to three of the Wild & Scenic Amended Claims filed with the SRBA court in February 2002. In October 1995, these same parties filed Objections to the original versions of these same claims.

75-13316: Cities of Salmon and Challis  
77-11941: Cities of Salmon and Challis  
77-13844: City of Pocatello, Basic American, and Lamb Weston

Please conform the enclosed copies and return them in the envelope provided. Thank you.

Sincerely,

BEEMAN & ASSOCIATES, P.C.



Josephine P. Beeman

JPB:ja

Enclosures

Cc: W&S Certificate of Service List

Z:\1780\4\W&S\5274

**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     | ) | A. Consolidated Subcase Number: | 75-13316 |
|                | ) | Identification Number:          | 75-13316 |
| Case No. 39576 | ) |                                 |          |
|                | ) |                                 |          |
|                | ) |                                 |          |
|                | ) |                                 |          |
|                | ) |                                 |          |
|                | ) |                                 |          |

**STANDARD FORM 1  
OBJECTION**

Please fill in the following information:

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

City of Challis  
c/o Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

Name & Address of Attorney:

Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

**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.**

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.
- 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).
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 any quantification reference point in this element is improper because this water right describes an instream flow that does not include any points of diversion.

**5. Quantity claimed:** The claimant describes the amounts claimed at the location designated as a quantification reference point without any explanation for the choice of the specific point. 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, if any, necessary in terms of quantity, duration, and frequency to prevent defeat of the purposes for which the Central Idaho Wilderness Act designated this segment of the Salmon River as a recreational river within the Wild and Scenic Rivers System.

**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 should be limited to the channel of the Main Salmon River and should not extend to the drainage basins tributary to the Main Salmon.

**9. Remarks:** The document entitled "Quantification Proceedings – General Notice of United States'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)(l).

VERIFICATION

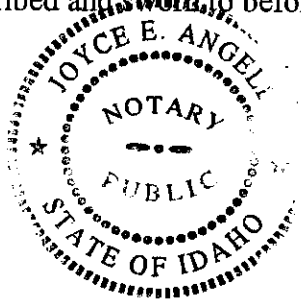
State of Idaho                     )  
                                          )ss.  
County of Ada                    )

Josephine P. Beeman, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Josephine P. Beeman  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 10, 2002



Joyce E. Angell  
Notary Public for the State of Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 07-24-02

## CERTIFICATE OF MAILING

I certify that on May 10, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake 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:

USDA Forest Service  
c/o United States of America  
550 West Forst Street, MSC 33  
Boise, ID 83724

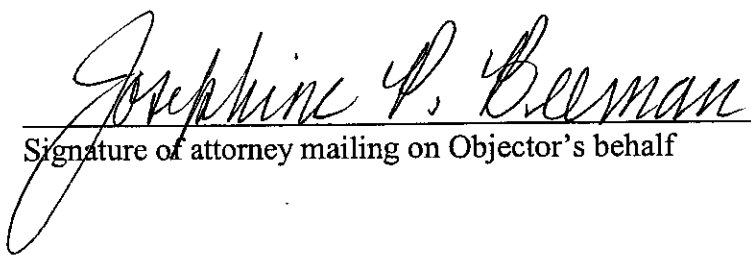
3. Copies to:

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

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

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

Other parties listed on the SRBA Wild & Scenic Certificate of Service.

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

Z:\1780\4W&S\5273b

**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     | ) | A. Consolidated Subcase Number: 75-13316 |  |
|                | ) | Identification Number: 77-11941          |  |
| Case No. 39576 | ) |                                          |  |
|                | ) |                                          |  |
|                | ) | <b>STANDARD FORM 1</b>                   |  |
|                | ) | <b>OBJECTION</b>                         |  |
| _____          | ) |                                          |  |

Please fill in the following information:

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

City of Salmon  
c/o Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

Name & Address of Attorney:  
Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

**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.**

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.
- 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).
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 seventy-nine mile segment from Corn Creek to Long Tom Bar was designated as a wild 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 any quantification reference point in this element is improper because this water right describes an instream flow that does not include any points of diversion.

5. **Quantity claimed:** The claimant describes the amounts claimed at the location designated as a quantification reference point without any explanation for the choice of the specific point. The Central Idaho Wilderness Act designated this seventy-nine mile segment from Corn Creek to Long Tom Bar as a wild 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, if any, necessary in terms of quantity, duration, and frequency to prevent defeat of the purposes for which the Central Idaho Wilderness Act designated this segment of the Salmon River as a wild river within the Wild and Scenic Rivers System.

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 wild river designation that Congress made for this seventy-nine 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 should be limited to the channel of the Main Salmon River and should not extend to the drainage basins tributary to the Main Salmon.

9. **Remarks:** The document entitled "Quantification Proceedings – General Notice of United States'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)(l).

VERIFICATION

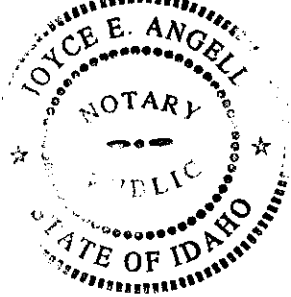
State of Idaho                    )  
                                          )ss.  
County of Ada                    )

Josephine P. Beeman, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Josephine P. Beeman  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 10, 2002



Joyce E. Angell  
Notary Public for the State of Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 07-24-02

## CERTIFICATE OF MAILING

I certify that on May 10, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake 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:

USDA Forest Service  
c/o United States of America  
550 West Forst Street, MSC 33  
Boise, ID 83724

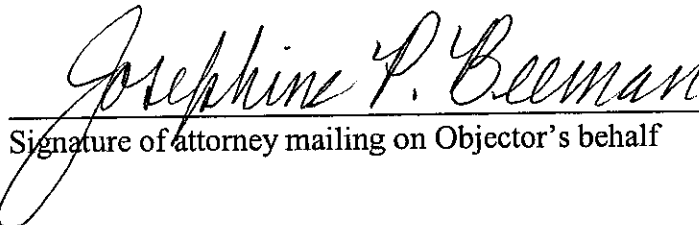
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PO Box 83720  
Boise, ID 83720-0098

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

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

Other parties listed on the SRBA Wild & Scenic Certificate of Service.

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

Z:\1780\4\W&S\5273c

**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     | ) | A. Consolidated Subcase Number: | 75-13316 |
|                | ) | Identification Number:          | 75-13316 |
| Case No. 39576 | ) |                                 |          |
|                | ) |                                 |          |
|                | ) |                                 |          |
|                | ) |                                 |          |
|                | ) |                                 |          |

**STANDARD FORM 1  
OBJECTION**

Please fill in the following information:

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

City of Salmon  
c/o Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

Name & Address of Attorney:  
Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

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

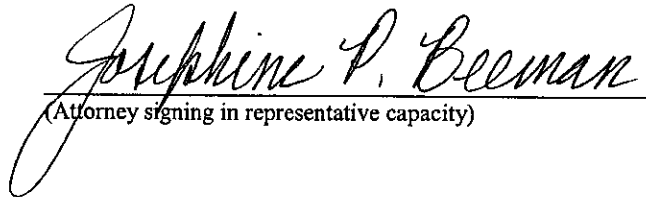
Name: United States of America, on behalf of the USDA Forest Service  
Address: 550 W. Fort Street, MSC 33  
Boise, ID 83724

**VERIFICATION**

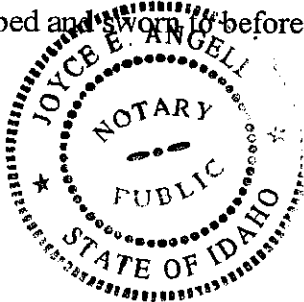
State of Idaho                     )  
                                              )ss.  
County of Ada                    )

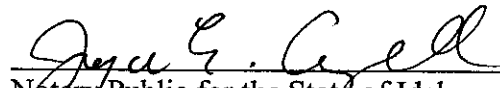
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(Name of person filing objection)

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\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 10, 2002



  
\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 07-24-02

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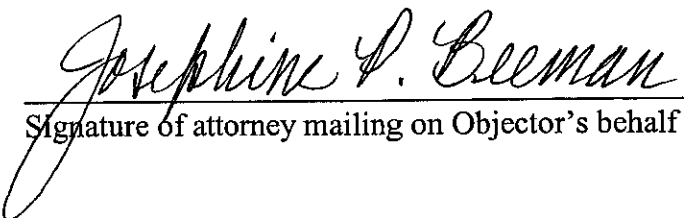
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Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

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

Other parties listed on the SRBA Wild & Scenic Certificate of Service.

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

Z:\1780\4\W&S\5273

**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. Consolidated Subcase Number: 75-13316**  
**Identification Number: 77-11941**

# STANDARD FORM 1 OBJECTION

Please fill in the following information:

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

City of Challis  
c/o Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

**Name & Address of Attorney:**  
Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

**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

## VERIFICATION

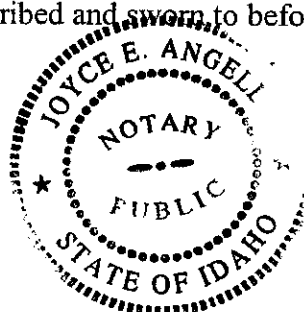
State of Idaho                     )  
                                          )ss.  
County of Ada                    )

Josephine P. Beeman, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Josephine P. Beeman  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 10, 2002



Joyce E. Angell  
Notary Public for the State of Idaho  
Residing at: Boise, Idaho  
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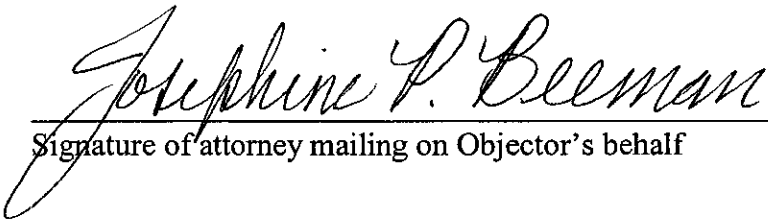
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Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

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

Other parties listed on the SRBA Wild & Scenic Certificate of Service.

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

Z:\1780\4\W&S\5273d

**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     | ) | A. Consolidated Subcase Number: | 75-13316 |
|                | ) | Identification Number:          | 77-13844 |
| Case No. 39576 | ) |                                 |          |
|                | ) |                                 |          |
|                | ) |                                 |          |
|                | ) |                                 |          |
|                | ) |                                 |          |

**STANDARD FORM 1  
OBJECTION**

Please fill in the following information:

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

Basic American Foods, Inc.  
c/o Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

Name & Address of Attorney:

Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

**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.**

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.
- 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).
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 Wild and Scenic Rivers Act that designated this river segment as a part of the Wild and Scenic Rivers System.
8. ☒ **Attach the legal description of the reservation, and maps showing the existing and proposed place of use.**  
Should be: The channel of the Middle Fork of the 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 any quantification reference points in this element is improper because this water right describes an instream flow that does not include any points of diversion.

**5. Quantity claimed:** The claimant describes the amounts claimed at the location designated as quantification reference points without any explanation for the choice of the specific points. The Wild and Scenic Rivers Act designated the Middle Fork of the Salmon River as a part of the Wild and Scenic Rivers System.

The amounts stated in the tables 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, if any, necessary in terms of quantity, duration, and frequency to prevent the primary purposes of the Wild and Scenic Rivers Act from being defeated.

**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 purposes for designation of the Middle Fork of the Salmon River in the Wild and Scenic Rivers Act.

**8. Attach the legal description of the reservation, and maps showing the existing and proposed place of use:** The place of use should be limited to the channel of the Middle Fork of the Salmon River and should not extend to the drainage basins tributary to the Middle Fork of the Salmon.

**9. Remarks:** The document entitled "Quantification Proceedings – General Notice of United States'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)(l).

VERIFICATION

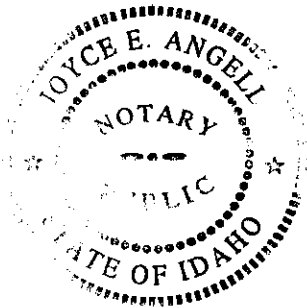
State of Idaho                    )  
                                          )ss.  
County of Ada                    )

Josephine P. Beeman, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Josephine P. Beeman  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 10, 2002



Joyce E. Angell  
Notary Public for the State of Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 07-24-02

## CERTIFICATE OF MAILING

I certify that on May 10, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake 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:

USDA Forest Service  
c/o United States of America  
550 West Forst Street, MSC 33  
Boise, ID 83724

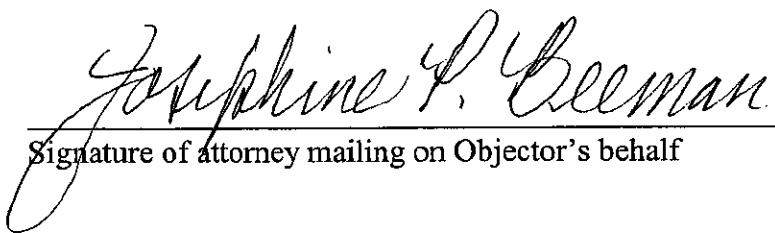
3. Copies to:

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

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

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

Other parties listed on the SRBA Wild & Scenic Certificate of Service.

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

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In Re SRBA ) A. Consolidated Subcase Number: 75-13316  
 ) Identification Number: 77-13844  
Case No. 39576 )  
 )  
 ) **STANDARD FORM 1**  
 ) **OBJECTION**  
 )

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

Name & Address of Attorney:  
Josephine P. Beeman  
Beeman & Associates, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950

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.**

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.
- 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).
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 Wild and Scenic Rivers Act that designated this river segment as a part of the Wild and Scenic Rivers System.
8. ☒ **Attach the legal description of the reservation, and maps showing the existing and proposed place of use.**  
Should be: The channel of the Middle Fork of the 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 any quantification reference points in this element is improper because this water right describes an instream flow that does not include any points of diversion.

**5. Quantity claimed:** The claimant describes the amounts claimed at the location designated as quantification reference points without any explanation for the choice of the specific points. The Wild and Scenic Rivers Act designated the Middle Fork of the Salmon River as a part of the Wild and Scenic Rivers System.

The amounts stated in the tables 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, if any, necessary in terms of quantity, duration, and frequency to prevent the primary purposes of the Wild and Scenic Rivers Act from being defeated.

**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 purposes for designation of the Middle Fork of the Salmon River in the Wild and Scenic Rivers Act.

**8. Attach the legal description of the reservation, and maps showing the existing and proposed place of use:** The place of use should be limited to the channel of the Middle Fork of the Salmon River and should not extend to the drainage basins tributary to the Middle Fork of the Salmon.

**9. Remarks:** The document entitled "Quantification Proceedings – General Notice of United States'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)(l).

## VERIFICATION

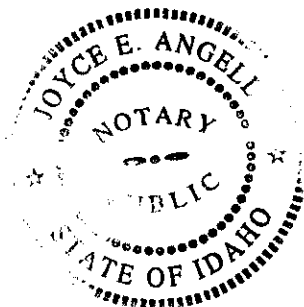
State of Idaho                     )  
                                              )ss.  
County of Ada                    )

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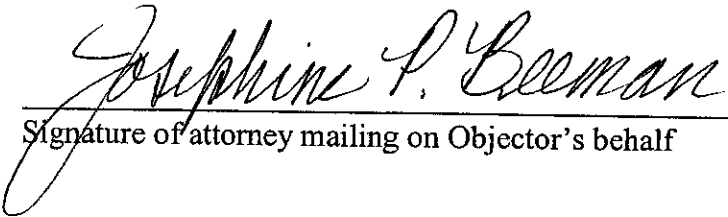
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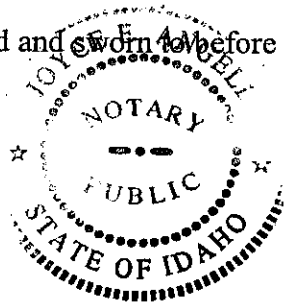
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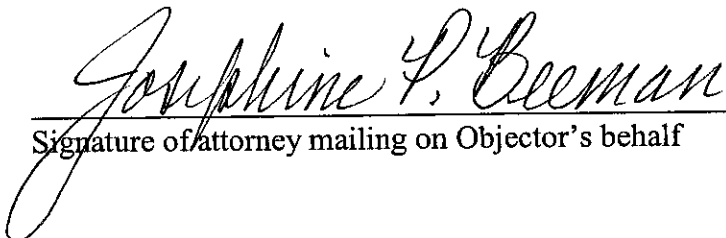
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