

In Re SRBA)
Case No. 39576)
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)
)
)
)

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: 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. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: May 10, 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

This land was reserved as a forest reservation by a Proclamation Dated May 10, 1906, 34 Stat. 3199. A copy is attached as Attachment I. The United States has no basis to claim a priority date earlier than when the United States began managing these lands as a national forest.

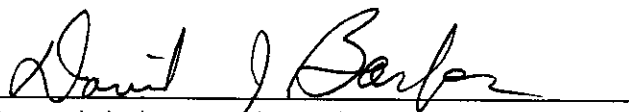
F. VERIFICATION (Must be Completed)

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: 10-29-02
(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 October 29, 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 U.S. MAIL
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

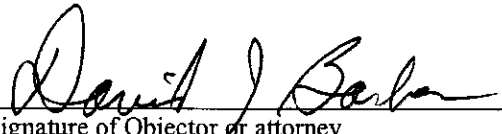
United States of America, U.S. MAIL
on behalf of the USDA Forest Service
550 W. Fort Street, MSC 33
Boise, ID 83724

3. Copies to:

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

Chief of Natural Resource Division (not applicable)
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice U.S. MAIL
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney
Mailing on Objector's behalf

Warning is hereby expressly 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.

[SEAL.] Done at the City of Washington this 3d day of May, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirtieth.

THEODORE ROOSEVELT

By the President:

ELIHU ROOT
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

May 10, 1906

A PROCLAMATION.

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

Weiser Forest Reserve, Idaho
Preamble
Act, p. 3015
Post, p. 3294
Vol. 30, p. 30.

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";

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;

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the aforesaid act of Congress, approved June fourth, eighteen hundred and ninety-seven, do proclaim that the aforesaid Weiser Forest Reserve is hereby enlarged to include the said additional lands, and that the boundaries of the reserve are, accordingly, now as shown on the diagram forming a part hereof;

Forest reserve, Idaho, enlarged

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

Lands excepted

Warning is hereby expressly 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.

[SEAL.] Done at the City of Washington this 10th day of May, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirtieth.

THEODORE ROOSEVELT

By the President:

ELIHU ROOT
Secretary of State.

Attachment I

