

**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: 65-22191

(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: 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
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: Decreed as Disallowed.
2. ☒ **Source**
Should be: Decreed as Disallowed.
3. ☒ **Quantity**
Should be: Decreed as Disallowed.
4. ☒ **Priority Date**
Should be: Decreed as Disallowed.
5. ☒ **Point(s) of diversion**
Should be: Decreed as Disallowed.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of use**
Should be: Decreed as Disallowed.
8. ☒ **Period of Year**
Should be: Decreed as Disallowed.
9. ☒ **Place of Use**
Should be: Decreed as Disallowed.
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):

GENERAL DENIAL. The objector generally denies all allegations made in the Notice of Claim filed by the United States, unless specifically admitted.

1. Name and Address

The United States issued a cash entry patent to George Heneault on or about February 1, 1904 for the land that contains the described place of use and the point of diversion for this water right. The objector is informed and believes and, therefore, alleges the fact to be that the United States later reacquired this land. The federal reserved water rights doctrine does not recognize a federal reserved water right for such reacquired land. Any water right appurtenant to this land must be developed and confirmed in accordance with state law. A copy of this patent is attached as Exhibit A.

2. Source

The United States issued a cash entry patent to George Heneault on or about February 1, 1904 for the land that contains the described place of use and the point of diversion for this water right. The objector is informed and believes and, therefore, alleges the fact to be that the United States later reacquired this land. The federal reserved water rights doctrine does not recognize a federal reserved water right for such reacquired land. Any water right appurtenant to this land must be developed and confirmed in accordance with state law. A copy of this patent is attached as Exhibit A.

3. Quantity

The United States issued a cash entry patent to George Heneault on or about February 1, 1904 for the land that contains the described place of use and the point of diversion for this water right. The objector is informed and believes and, therefore, alleges the fact to be that the United States later reacquired this land. The federal reserved water rights doctrine does not recognize a federal reserved water right for such reacquired land. Any water right appurtenant to this land must be developed and confirmed in accordance with state law. A copy of this patent is attached as Exhibit A.

4. Priority Date

The United States issued a cash entry patent to George Heneault on or about February 1, 1904 for the land that contains the described place of use and the point of diversion for this water right. The objector is informed and believes and, therefore, alleges the fact to be that the United States later reacquired this land. The federal reserved water rights doctrine does not recognize a federal reserved water right for such reacquired land. Any water right appurtenant to this land must be developed and confirmed in accordance with state law. A copy of this patent is attached as Exhibit A.

5. Point(s) of Diversion

The United States issued a cash entry patent to George Heneault on or about February 1, 1904 for the land that contains the described place of use and the point of diversion for this water right. The objector is informed and believes and, therefore,

alleges the fact to be that the United States later reacquired this land. The federal reserved water rights doctrine does not recognize a federal reserved water right for such reacquired land. Any water right appurtenant to this land must be developed and confirmed in accordance with state law. A copy of this patent is attached as Exhibit A.

7. **Purpose(s) of Use**

The United States issued a cash entry patent to George Heneault on or about February 1, 1904 for the land that contains the described place of use and the point of diversion for this water right. The objector is informed and believes and, therefore, alleges the fact to be that the United States later reacquired this land. The federal reserved water rights doctrine does not recognize a federal reserved water right for such reacquired land. Any water right appurtenant to this land must be developed and confirmed in accordance with state law. A copy of this patent is attached as Exhibit A.

8. **Period of Year**

The United States issued a cash entry patent to George Heneault on or about February 1, 1904 for the land that contains the described place of use and the point of diversion for this water right. The objector is informed and believes and, therefore, alleges the fact to be that the United States later reacquired this land. The federal reserved water rights doctrine does not recognize a federal reserved water right for such reacquired land. Any water right appurtenant to this land must be developed and confirmed in accordance with state law. A copy of this patent is attached as Exhibit A.

9. **Place of Use**

The United States issued a cash entry patent to George Heneault on or about February 1, 1904 for the land that contains the described place of use and the point of diversion for this water right. The objector is informed and believes and, therefore, alleges the fact to be that the United States later reacquired this land. The federal reserved water rights doctrine does not recognize a federal reserved water right for such reacquired land. Any water right appurtenant to this land must be developed and confirmed in accordance with state law. A copy of this patent is attached as Exhibit A.

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F.

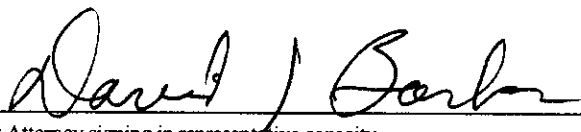
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

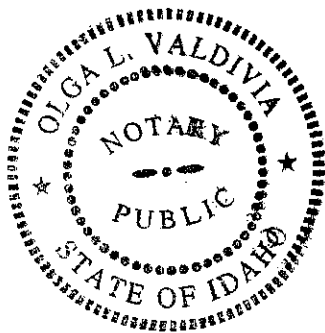
DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

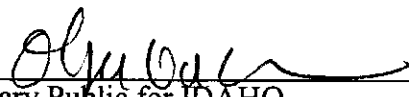
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have 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: 10-28-02
(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 28, 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

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

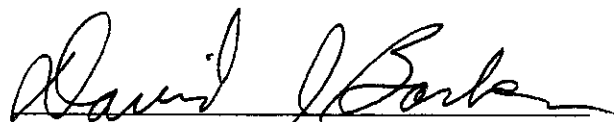
STATEHOUSE MAIL

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

THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greeting:

CERTIFICATE

No. 2064

Whereas George Heneault of Silver Bow County Montana.

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise, Idaho whereby it appears that full payment has been made by the said George Heneault

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the South half of the South West quarter of section fifty and the North half of the North West quarter of section twenty-two of Township twelve North of Range five East of Boise Meridian in Idaho containing one hundred and fifty acres

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said George Heneault

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said George Heneault

and to his heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatever nature, thereto belonging, unto the said George Heneault

and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and canals used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietors of a vein or lode to attract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted as provided by law, and that there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof J. Theodore Roosevelt

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the first day of February, in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty eighth.

L.S.

By the President:

T. Roosevelt.

By J. M. McLean

C. E. Brust, Recorder of the General Land Office