

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

A. Subcase Number: 86-10813  
(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 (ISB # 2597)  
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

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

Name: United States of America Acting through  
USDI Bureau of Land Management  
Address: 1387 S. Vinnell Way  
Boise, ID 83709-1657

**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: \_\_\_\_\_
5. ☐ **Point(s) of diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☒ **Purpose(s) of Use**  
Should be: limited to STOCKWATER.
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):**

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

Idaho Code § 42-113 recognizes in-stream watering by domestic livestock as a water right with a priority date of the "first date that water historically was used for livestock watering associated with grazing on the land." However, Idaho Code § 41-113 does not recognize in-stream watering by wildlife as a water right. Accordingly, the district court has no basis under state law to recognize in a partial decree a water right for in-stream watering by wildlife.

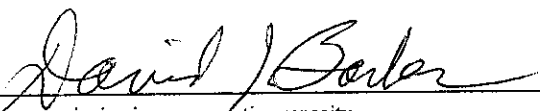
F. **VERIFICATION (Must be Completed)**

State of Idaho )  
                  ) ss.  
County of Ada)

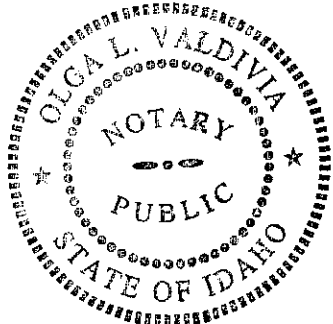
DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

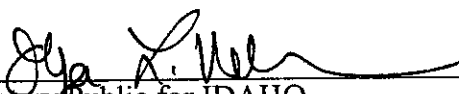
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have 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: December 1, 2004  
(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 December 1, 2004, 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 acting through  
USDI BUREAU OF LAND MANAGEMENT  
1387 Vinnell Way  
Boise, ID 83709-1657

U.S. MAIL

3. Copies to:

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

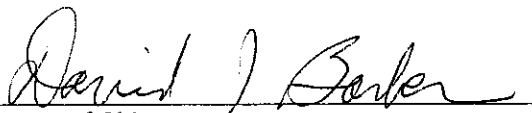
STATEHOUSE MAIL

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