

COPY

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: 67-13502
(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: 954 W. Jefferson
P. O. Box 83720
Boise, Idaho 83720-0050
Daytime Phone: (208) 334-0200

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 I. STANISH (ISB # 7310)
Deputy Attorney General
Attorney Address: Office of the Attorney General
Joe R. Williams Bldg.
700 W. State St., 2nd Floor
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
USDA Forest Service
Address: 550 W Fort St 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: State of Idaho, Department of Lands, 954 West Jefferson St., P. O. Box 8372, Boise, ID 83720-0050 should be the owner of the water right because the point of diversion and place of use are owned by the State of Idaho, Department of Lands, hereinafter "IDL."
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: IDL owns the SE¼SW¼ of section 5, T16N, R02W, B.M.. The claimant has no authorization to claim these lands as a point of diversion for this water right. These lands should be included in a water right under IDL ownership.
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: IDL owns the SE¼SW¼ of section 5, T16N, R02W, B.M.. The claimant has no authorization to claim these lands as a place of use for this water right. These lands should be included in a water right under IDL ownership.

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):

The claimant has no authorization to claim these state lands as a point of diversion or place of use of this water right. On April 11, 2000, the claimant conveyed all of its rights to section 5, T16N, R02W, B.M. to the State of Idaho. Since then, third-party Fred Gallant and the State of Idaho, State Board of Land Commissioners, executed State of Idaho State Land Lease No. G-5008 ("Lease No. G-5008"), which authorized the use of these state lands. Paragraph 9.1 of Lease No. G-5008, Attachment B, states as follows:

Water Rights. No water rights are included in this Lease. The establishment of any new water rights during the term of this Lease shall be by and for Lessor and no claim thereto shall be made by Lessee. Such water rights shall attach to and become appurtenant to the leased land.

In accordance with the April 11, 2000 deed and paragraph 9.1 of Lease No. G-5008, this water right should be under IDL ownership.

Attached hereto is a map that shows the land owned by IDL and the water right claimed by the claimant.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID I. STANISH, 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.

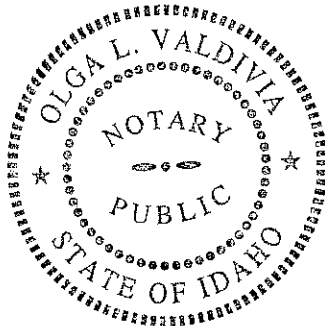
LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID I. STANISH
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on: August 21, 2007

(Insert Date)




Notary Public for IDAHO

Residing at: BOISE, ID

My commission expires: 8/21/07

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 August 21, 2007 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
Twin Falls, Idaho 83303
FEDERAL EXPRESS
2. One copy to the owner of the water right at the following address:
United States of America Acting Through
USDA Forest Service
550 W Fort St MSC 033
Boise, ID 83724
U.S. MAIL
3. Copies to:
State of Idaho,
Department of Lands
954 W. Jefferson
P. O. Box 83720
Boise, ID 83720-0050
STATEHOUSE MAIL
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
STATEHOUSE MAIL
United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
(not applicable)
Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449
(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf

