

**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 29-13626

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: SHOSHONE-BANNOCK TRIBES

Address: PO BOX 306

FORT HALL ID 83203

Daytime Phone: (208) 238-9375

Name & Address of Attorney, if any:

BRANDELLE WHITWORTH

PO BOX 306

FORT HALL ID 83203

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

Name: CARMA B. SMITH

Address: 5137 W. PORTNEUF RD

INKOM ID 83245

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, 1904
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **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 OBJECTIONS(S): SEE ATTACHED

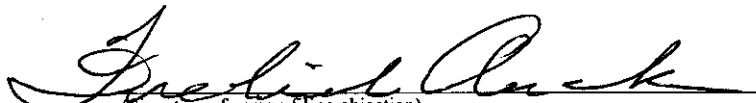
F.

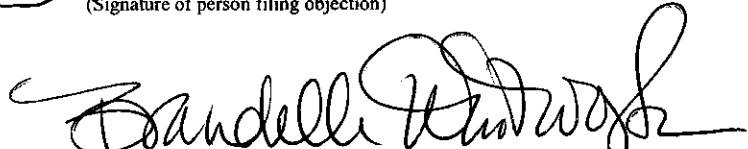
VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of BINGHAM)

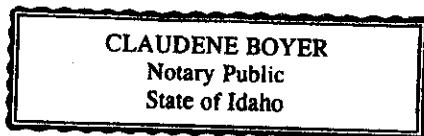
FREDRICK D. AUCK, FHBC CHAIRMAN, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 14, 2003




Notary Public for Idaho
Residing at: Fort Hall, Idaho
My Commission Expires: 2-19-09

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 NOVEMBER 14, 2003, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: CARMA B. SMITH

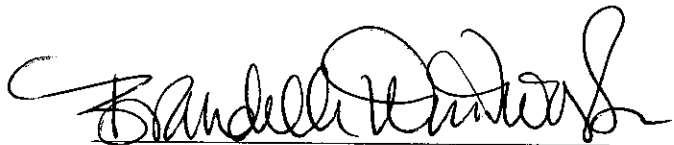
Address: 5137 W. PORTNEUF RD
INKOM ID 83245

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

E. REASONS SUPPORTING OBJECTION(S) (Continued)

Pursuant to the case of *Collville Confederated Tribes v. Walton*, 647 F.2d 42 (9th Cir. 1981) a purchaser of Indian lands is entitled only to the water that was being used by the original Indian allottee at the time of purchase. Additionally, the Original Allotment book held at the Bureau of Indian Affairs, Fort Hall Agency, Idaho, shows that patents issued for land within the Township 8 S., Range 36 E.B.M., do not occur before 1915.