

2004 JUL 16 PM 4 13

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	) Subcases 51-02002, <i>et al.</i> [Exhibit A]
	) (Riddle Ranches / Jackson)
Case No. 39576	) and
	) Subcases 51-12756, <i>et al.</i> [Exhibit B]
	) Subcases 51-12604, <i>et al.</i> [Exhibit C]
	) (US / Shoshone-Paiute Tribes)
	)
	) ORDER DESIGNATING LEAD
	) SUBCASES
	) AND SETTING STATUS /
	) SCHEDULING
	) CONFERENCE

On July 14, 2004, the United States and the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation fax-filed a *Joint Motion to Consolidate Claims on behalf of the Shoshone-Paiute Tribes of the Duck Valley Reservation into One Consolidated Subcase* proposing consolidation of all their claims and designation of subcase 51-12756 as the consolidated subcase number. The same date, the United States and the Tribes lodged a *Proposed Scheduling Order* proposing a trial date of July 17, 2006, for their claims. The State of Idaho also lodged a proposed *Scheduling Order* by fax on July 14, 2004, proposing the same trial date.

A scheduling conference was held by telephone on July 15, 2004. Jeanne S. Whiteing appeared for the Shoshone-Paiute Tribes; Peter C. Monson, Frank S. Wilson, Vanessa Boyd Willard and Q. Brown appeared for the United States; Charles L. Honsinger appeared for Riddle Ranches, Inc., and Nancy and Peter Jackson; David J. Barber appeared for the State of Idaho; Vic Conrad appeared for J.R. Simplot Company, *et al.*; John K. Simpson appeared for Idaho Power Company; and Susan E. Hamlin and Chris M. Bromley appeared for IDWR.

The parties discussed 1) consolidation of the United States and Shoshone Paiute Tribes consumptive and non-consumptive claims for trial, 2) the proposed scheduling orders and 3) the status of settlement negotiations. After the hearing, the Special Master discussed the issue of

formal consolidation of subcases with the SRBA Clerk relative to records-keeping and she pointed out the problems when some, but not all, of the United States and Shoshone-Paiute Tribes claims proceed on different tracks. At the hearing, counsel for the State suggested that unless there is a comprehensive settlement, the United States and Shoshone-Paiute Tribes consumptive claims may be litigated separately from their non-consumptive claims.

THEREFORE, IT IS ORDERED that:

1. The United States and Shoshone-Paiute Tribes *Joint Motion to Consolidate Claims* is **granted**, in part. The United States and Shoshone-Paiute Tribes consumptive and non-consumptive claims shall proceed to trial simultaneously, but without formal consolidation. Hereafter, their claims shall be described using only the lead subcase numbers:

“Subcases 51-12756, *et al.*” – non-consumptive, instream flow claims, Exhibit B

“Subcases 51-12604, *et al.*” – consumptive claims, Exhibit C.

2. The Riddle Ranches / Jackson claims shall be described using only the lead subcase number “Subcases 51-02002, *et al.*” – Exhibit A.

3. The attached Exhibits A, B and C shall be used to describe all the claims within each category.

4. For purposes of clarifying the record only and to avoid later confusion, the SRBA Court’s April 1 and 26, 1996 **Orders** consolidating the United States and Shoshone-Paiute Tribes non-consumptive, instream flow claims under subcase 51-12756, are **vacated**. As ordered above, those claims will henceforth be described simply as “Subcases 51-12756, *et al.*”

5. Because none of the subcases are now formally consolidated, the parties shall continue to file all documents in the lead subcases *and* provide the SRBA Court with a copy for each subcase described in the attached Exhibits A, B and C.

6. A status / scheduling conference will be held by telephone on **Thursday, August 5, 2004, 10:00 a.m.** Before the hearing, the parties shall lodge with the SRBA Court a draft agreement or, at a minimum, a comprehensive status report on settlement negotiations to help the Special Master determine whether the trial set for January 13, 2005, should be re-set.¹

7. The parties’ proposed scheduling orders will be taken under advisement.²

¹ If the parties lodge a draft agreement, they must indicate whether the document is to be sealed and whether the Special Master may examine the document.

² As discussed at the July 15, 2004 scheduling conference, photocopies of *Objections* filed on December 30, 1995, by Frank and Mary Tanikuni of Homedale, Idaho, in subcases 55-13476, 55-13477 and 55-13486 (United States and

DATED July 16, 2004.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

Shoshone-Paiute Tribes instream flow claims) are enclosed with this *Order*. The Tanikunis' continuing status as objectors will be addressed in the near future in light of their 1) lack of participation and 2) SRBA Court notices mailed to their last known address being returned marked, "attempted – not known."

EXHIBIT A (Subcases 51-02002, *et al.*)

Riddle Ranches, Inc. / Nancy and Peter Jackson

51-02002

51-10293

55-02009

55-02016

55-02032

55-02035

55-02039

55-02063

55-02064

55-02076

55-02080

55-02129

55-02131

55-02169

55-02174

55-02175

55-02181

55-02210

55-02211

55-02435

55-07002

55-07009

55-13479

55-13480

EXHIBIT B (Subcases 51-12756, *et al.*)

United States of America, as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Non-Consumptive, Instream Flow Claims

51-12756

51-12847

51-12848

55-13476

55-13477

55-13485

55-13486

55-13487

55-13668

55-13669

EXHIBIT C (Subcases 51-12604, *et al.*)

United States of America, as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Consumptive Claims

51-12604	51-12799	51-12880	55-13530	55-13566	55-13602
51-12605	51-12800	51-12881	55-13531	55-13567	55-13608
51-12606	51-12801	51-12882	55-13532	55-13568	55-13609
51-12607	51-12802	51-12883	55-13533	55-13569	55-13610
51-12767	51-12803	51-12899*	55-13534	55-13570	55-13611
51-12768	51-12849	-----	55-13535	55-13571	55-13612
51-12769	51-12850	55-13491	55-13536	55-13572	55-13613
51-12770	51-12851	55-13492	55-13537	55-13573	55-13614
51-12771	51-12852	55-13493	55-13538	55-13574	55-13615
51-12772	51-12853	55-13494	55-13539	55-13575	55-13616
51-12773	51-12854	55-13495	55-13540	55-13576	55-13617
51-12774	51-12855	55-13496	55-13541	55-13577	55-13618
51-12775	51-12856	55-13499	55-13542	55-13578	55-13619
51-12776	51-12857	55-13500	55-13543	55-13579	55-13620
51-12777	51-12858	55-13501	55-13544	55-13580	55-13621
51-12778	51-12859	55-13506	55-13545	55-13581	55-13622
51-12779	51-12860	55-13507	55-13546	55-13582	55-13623
51-12780	51-12861	55-13508	55-13547	55-13583	55-13624
51-12781	51-12862	55-13509	55-13548	55-13584	55-13625
51-12782	51-12863	55-13510	55-13549	55-13585	55-13626
51-12783	51-12864	55-13511	55-13550	55-13586	55-13627
51-12784	51-12865	55-13512	55-13551	55-13587	55-13628
51-12785	51-12866	55-13514	55-13552	55-13588	55-13629
51-12786	51-12867	55-13515	55-13553	55-13589	55-13630
51-12787	51-12868	55-13518	55-13554	55-13590	55-13631
51-12788	51-12869	55-13519	55-13555	55-13591	55-13632
51-12789	51-12870	55-13520	55-13556	55-13592	55-13633
51-12790	51-12871	55-13521	55-13557	55-13593	55-13634
51-12791	51-12872	55-13522	55-13558	55-13594	55-13635
51-12792	51-12873	55-13523	55-13559	55-13595	55-13636
51-12793	51-12874	55-13524	55-13560	55-13596	55-13637
51-12794	51-12875	55-13525	55-13561	55-13597	55-13638
51-12795	51-12876	55-13526	55-13562	55-13598	55-13639
51-12796	51-12877	55-13527	55-13563	55-13599	55-13640
51-12797	51-12878	55-13528	55-13564	55-13600	55-13641
51-12798	51-12879	55-13529	55-13565	55-13601	55-13642

55-13643	55-13718	55-13757	55-13796
55-13644	55-13719	55-13758	55-13797
55-13645	55-13720	55-13759	55-13798
55-13646	55-13721	55-13760	55-13799
55-13647	55-13722	55-13761	55-13800
55-13648	55-13723	55-13762	55-13801
55-13649	55-13724	55-13763	55-13802
55-13650	55-13725	55-13764	55-13803
55-13651	55-13726	55-13765	55-13804
55-13652	55-13727	55-13766	55-13805
55-13653	55-13728	55-13767	55-13806
55-13654	55-13729	55-13768	55-13807
55-13691	55-13730	55-13769	55-13808
55-13692	55-13731	55-13770	55-13809
55-13693	55-13732	55-13771	55-13810
55-13694	55-13733	55-13772	55-13811
55-13695	55-13734	55-13773	55-13812
55-13696	55-13735	55-13774	55-13813
55-13697	55-13736	55-13775	55-13814
55-13698	55-13737	55-13776	55-13815
55-13699	55-13738	55-13777	55-13816
55-13700	55-13739	55-13778	55-13817
55-13701	55-13740	55-13779	55-13818
55-13702	55-13741	55-13780	55-13819
55-13703	55-13742	55-13781	55-13820
55-13704	55-13743	55-13782	55-13822*
55-13705	55-13744	55-13783	
55-13706	55-13745	55-13784	
55-13707	55-13746	55-13785	
55-13708	55-13747	55-13786	
55-13709	55-13748	55-13787	
55-13710	55-13749	55-13788	
55-13711	55-13750	55-13789	
55-13712	55-13751	55-13790	
55-13713	55-13752	55-13791	
55-13714	55-13753	55-13792	
55-13715	55-13754	55-13793	
55-13716	55-13755	55-13794	
55-13717	55-13756	55-13795	

* Subcases 51-12899 and 55-13822 were added per US and Tribes' May 21, 2004 *Joint Response*, at 3. The subcases are not claims, but merely subcases created by former-Special Master Fritz X. Haemmerle's March 8, 1999 *Order Clarifying Director's Report*, subcases 51-12899 and 55-13822, for purposes of recording objections to the first 4 pages of the *Director's Report, Irrigation and Other Uses, Reporting Area 6 (IDWR Basins 51 & 55)*, *Federal Reserved Water Rights filed on behalf of the Shoshone-Paiute Tribes*, filed November 24, 1998.

55-13491	55-13545	55-13590	55-13640	55-13721	55-13766
55-13492	55-13546	55-13591	55-13641	55-13722	55-13767
55-13493	55-13547	55-13592	55-13642	55-13723	55-13768
55-13494	55-13548	55-13593	55-13643	55-13724	55-13769
55-13495	55-13549	55-13594	55-13644	55-13725	55-13770
55-13496	55-13550	55-13595	55-13645	55-13726	55-13771
55-13499	55-13551	55-13596	55-13646	55-13727	55-13772
55-13500	55-13552	55-13597	55-13647	55-13728	55-13773
55-13501	55-13553	55-13598	55-13648	55-13729	55-13774
55-13506	55-13554	55-13599	55-13649	55-13730	55-13775
55-13507	55-13555	55-13600	55-13650	55-13731	55-13776
55-13508	55-13556	55-13601	55-13651	55-13732	55-13777
55-13509	55-13557	55-13602	55-13652	55-13733	55-13778
55-13510	55-13558	55-13608	55-13653	55-13734	55-13779
55-13511	55-13559	55-13609	55-13654	55-13735	55-13780
55-13512	55-13560	55-13610	55-13691	55-13736	55-13781
55-13514	55-13561	55-13611	55-13692	55-13737	55-13782
55-13515	55-13562	55-13612	55-13693	55-13738	55-13783
55-13518	55-13563	55-13613	55-13694	55-13739	55-13784
55-13519	55-13564	55-13614	55-13695	55-13740	55-13785
55-13520	55-13565	55-13615	55-13696	55-13741	55-13786
55-13521	55-13566	55-13616	55-13697	55-13742	55-13787
55-13522	55-13567	55-13617	55-13698	55-13743	55-13788
55-13523	55-13568	55-13618	55-13699	55-13744	55-13789
55-13524	55-13569	55-13619	55-13700	55-13745	55-13790
55-13525	55-13570	55-13620	55-13701	55-13746	55-13791
55-13526	55-13571	55-13621	55-13702	55-13747	55-13792
55-13527	55-13572	55-13622	55-13703	55-13748	55-13793
55-13528	55-13573	55-13623	55-13704	55-13749	55-13794
55-13529	55-13574	55-13624	55-13705	55-13750	55-13795
55-13530	55-13575	55-13625	55-13706	55-13751	55-13796
55-13531	55-13576	55-13626	55-13707	55-13752	55-13797
55-13532	55-13577	55-13627	55-13708	55-13753	55-13798
55-13533	55-13578	55-13628	55-13709	55-13754	55-13799
55-13534	55-13579	55-13629	55-13710	55-13755	55-13800
55-13535	55-13580	55-13630	55-13711	55-13756	55-13801
55-13536	55-13581	55-13631	55-13712	55-13757	55-13802
55-13537	55-13582	55-13632	55-13713	55-13758	55-13803
55-13538	55-13583	55-13633	55-13714	55-13759	55-13804
55-13539	55-13584	55-13634	55-13715	55-13760	55-13805
55-13540	55-13585	55-13635	55-13716	55-13761	55-13806
55-13541	55-13586	55-13636	55-13717	55-13762	55-13807
55-13542	55-13587	55-13637	55-13718	55-13763	55-13808
55-13543	55-13588	55-13638	55-13719	55-13764	55-13809
55-13544	55-13589	55-13639	55-13720	55-13765	55-13810

55-13811
55-13812
55-13813
55-13814
55-13815
55-13816
55-13817
55-13818
55-13819
55-13820
55-13822**

**** Subcase 55-13822 was added per US and Tribes' May 21, 2004 *Joint Response*, at 3. The subcase is not a claim, but merely a subcase created by former-Special Master Fritz X. Haemmerle's March 8, 1999 *Order Clarifying Director's Report*, subcases 51-12899 and 55-13822, for purposes of recording objections to the first 4 pages of the *Director's Report, Irrigation and Other Uses, Reporting Area 6 (IDWR Basins 51 & 55), Federal Reserved Water Rights filed on behalf of the Shoshone-Paiute Tribes*, filed November 24, 1998.**

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DESIGNATING LEAD SUBCASES AND SETTING STATUS/SCHEDULING CONFERENCE was mailed on July 16, 2004, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

United States Dept of Justice
Enviro & Natural Resource Div
550 West Fort St MSC 033
Boise, ID 83724

State of Idaho
Natural Resources Div Chief
State of Idaho
Attorney General's Office
PO Box 44449
Boise, ID 83711-4449

Nancy Jackson
Peter Jackson
Riddle Ranches Inc.
Charles L Honsinger
PO Box 2773
Boise, ID 83701-2773

Shoshone-Paiute Tribes
Rep. By:
Jeanette Wolfley
Special Counsel
Shoshone-Bannock Tribe
202 N Arthur
Pocatello, ID 83202

Shoshone-Paiute Tribes
Rep. By:
Jeanne S Whiteing
Whiteing & Smith
1136 Pearl Street, STE 203
Boulder, CO 80302

Idaho Power Company
Rep. By:
John K. Simpson
205 N 10th St STE 520
PO Box 2139
Boise, ID 83701-2139

JR Simplot CO
JR Simplot Self-Declaration
ML Investment CO
TM Ranch CO
Rep. By:
Terry T. Uhling
JR Simplot Co
PO Box 27
Boise, ID 83707

United States of America
For Shoshone-Paiute Tribe
911 N.E. 11th Ave.
Portland, OR 97232

Riddle Ranches Inc
HC 86 Box 37
Bruneau, ID 83604-9402

Frank & Mary Tanikuni
Route 1 Box 1162
Homedale, ID 83628



Deputy Clerk

DISTRICT COURT
Fifth Judicial District
County of Twin Falls
State of Idaho

1995

By _____ Clerk

Deputy Clerk

obj 3
3614

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 35976

Case No. A55-13476 15s 01E 36 NE
15s 01E 19 NW
(Insert water right number)

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the SRBA Court no later than 14 days before the filing deadline to file their pleadings.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: Frank &/or Mary Tanikuni
Route 1, Box 1162
Address: Homedale, Idaho 83628
Phone: Work: _____ Home: (208) 337-3086

Briefly describe your interest in this water right:

These claims will adversely affect the domestic water right
to the domestic well that provides water for the personal
residence located on the Tanikuni farm. (A57-10704)

If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:*

Name: Shoshone-Paiute Tribe

Address: _____

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
3. Quantity: I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre-feet per year; or
 - ☒ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☒ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. Place of Use: I object to:
 - ☒ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. Water Right Recommendation: I object to:
 - ☒ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☒ Description of Reservation: I object to the legal description of the reservation.

13. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See Attachment A

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

ATTACHMENT A

REASONS SUPPORTING EACH BOX CHECKED

(Claim # A55-13476 or A55-13477 or A55-13486)

Box 1., Name and Address; Box 2., Source; Box 3.c. Quantity; Box 4. Priority Date; Box 6. Instream Flow; Box 7 Purpose(s) of Use; Box 8. Period of Year; Box 9. Place of Use; Box 11.a., Water Right Recommendation; Box 12. Description of Reservation.

General Reasons:

1. Due to the limited discovery available, the objecting parties have not had the opportunity to fully investigate their claims and therefore reserve the right to add or amend such objections as facts and law become known through further investigation and discovery.
2. The objecting parties do not have sufficient knowledge or belief as to the truth of the allegations upon which the claimant bases its claim of a federal reserved water right and therefore deny each and every allegation contained in the claim.
3. The objecting parties deny that the claimant or its trustee has taken any action pursuant to law, formal or informal, intentional or unintentional, sufficient to reserve any water right for instream flow purposes.
4. To the extent that any rights for instream flows were reserved, those rights were extinguished by the actions of the United States or the Shoshone-Paiute Tribe. The claim is barred by those acts as well as by operation of law, including but not limited to forfeiture, abandonment, accord and satisfaction, waiver, collateral estoppel, laches and *res judicata*.
5. The claim for the reservation of water for instream flows is not warranted under the facts and the law. To the extent that the claim is warranted, the amounts claimed exceed the minimum amount necessary to accomplish the stated purposes(s) and therefore, the claim must be denied.
6. The claimant has alleged insufficient facts to constitute a claim to a federal reserved water right to any instream flows.
7. The Shoshone-Paiute Tribe is not a proper claimant to a federal reserved right for the purposes of maintaining the channel of the Snake River.

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

Mary Uriko Tanikuni, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Mary Uriko Tanikuni
Signature of person filing objection

By: Attorney signing in representative capacity

Subscribed and sworn to before me on: October 23, 1995

Joyce A. Cuddibach
Notary Public for State of Idaho
Residing at: Homedale, Idaho
My Commission expires: May 22, 1999

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on October 26, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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

Name: Gem Irrigation District
Address: P.O. Box 67
Homedale, Idaho 83628

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734


Signature of party/claimant or attorney

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

10/30/95

By _____ Clerk

123
3410

FILED 30 OCT 1995
TWIN FALLS, IDAHO
Clerk

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 35976

Case No. A55-13486 15s 01E 36 NE
16s 02E 15 NWSESW
(Insert water right number)

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the SRBA Court no later than 14 days before the filing deadline to file their pleadings.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: Frank &/or Mary Tanikuni
Address: Route 1, Box 1162
Homedale, Idaho 83628
Phone: Work: _____ Home: (208) 337-3086

Briefly describe your interest in this water right:

These claims will adversely affect the domestic water right
to the domestic well that provides water for the personal
residence located on the Tanikuni farm. (A57-10704)

If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:*

Name: Shoshone-Paiute Tribe

Address: _____

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
3. Quantity: I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre-feet per year; or
 - ☒ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☒ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. Place of Use: I object to:
 - ☒ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. Water Right Recommendation: I object to:
 - ☒ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☒ Description of Reservation: I object to the legal description of the reservation.

13. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See Attachment A

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

ATTACHMENT A

REASONS SUPPORTING EACH BOX CHECKED

(Claim # A55-13476 or A55-13477 or A55-13486)

Box 1., Name and Address; Box 2., Source; Box 3.c. Quantity; Box 4. Priority Date; Box 6. Instream Flow; Box 7 Purpose(s) of Use; Box 8. Period of Year; Box 9. Place of Use; Box 11.a., Water Right Recommendation; Box 12. Description of Reservation.

General Reasons:

1. Due to the limited discovery available, the objecting parties have not had the opportunity to fully investigate their claims and therefore reserve the right to add or amend such objections as facts and law become known through further investigation and discovery.
2. The objecting parties do not have sufficient knowledge or belief as to the truth of the allegations upon which the claimant bases its claim of a federal reserved water right and therefore deny each and every allegation contained in the claim.
3. The objecting parties deny that the claimant or its trustee has taken any action pursuant to law, formal or informal, intentional or unintentional, sufficient to reserve any water right for instream flow purposes.
4. To the extent that any rights for instream flows were reserved, those rights were extinguished by the actions of the United States or the Shoshone-Paiute Tribe. The claim is barred by those acts as well as by operation of law, including but not limited to forfeiture, abandonment, accord and satisfaction, waiver, collateral estoppel, laches and res judicata.
5. The claim for the reservation of water for instream flows is not warranted under the facts and the law. To the extent that the claim is warranted, the amounts claimed exceed the minimum amount necessary to accomplish the stated purposes(s) and therefore, the claim must be denied.
6. The claimant has alleged insufficient facts to constitute a claim to a federal reserved water right to any instream flows.
7. The Shoshone-Paiute Tribe is not a proper claimant to a federal reserved right for the purposes of maintaining the channel of the Snake River.

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

Mary Uriko Tanikuni _____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Mary Uriko Tanikuni
Signature of person filing objection

By: Attorney signing in representative capacity

Subscribed and sworn to before me on: October 26, 1995

Justin M. Hunt
Notary Public for Idaho
Residing at: Emmett
My Commission expires: 5-25-96

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on October 26, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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

Name: Gem Irrigation District
Address: P.O. Box 67
Homedale, ID 83628

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734

Mary Thirko Janikuni
Signature of party/claimant or attorney

County of _____ Judicial District _____
 State of Idaho

10/30/95

By _____ Clerk _____
 Deputy Clerk _____

012
 3613

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. A55-13477 15s 01E 19 NW

Case No 35976

(Insert water right number)

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

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to the domestic well that provides water for the personal
residence located on the Tanikuni farm. (A57-10704)

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Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:*

Name: Shoshone-Paiute Tribe

Address: _____

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(Claim # A55-13476 or A55-13477 or A55-13486)

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3. The objecting parties deny that the claimant or its trustee has taken any action pursuant to law, formal or informal, intentional or unintentional, sufficient to reserve any water right for instream flow purposes.
4. To the extent that any rights for instream flows were reserved, those rights were extinguished by the actions of the United States or the Shoshone-Paiute Tribe. The claim is barred by those acts as well as by operation of law, including but not limited to forfeiture, abandonment, accord and satisfaction, waiver, collateral estoppel, laches and res judicata.
5. The claim for the reservation of water for instream flows is not warranted under the facts and the law. To the extent that the claim is warranted, the amounts claimed exceed the minimum amount necessary to accomplish the stated purposes(s) and therefore, the claim must be denied.
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State of Idaho

County of Owyhee

Mary Uriko Tanikuni _____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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Mary Uriko Tanikuni
Signature of person filing objection

By: Attorney signing in representative capacity

Subscribed and sworn to before me on: October 26, 1995

[Signature]
Notary Public for Idaho
Residing at: Emmett
My Commission expires: 5-25-96

INSTRUCTIONS FOR MAILING

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P. O. Box 2707
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2. One copy to the owner of the water right at the following address:

Name: Gem Irrigation District
Address: P.O. Box 67
Homedale, ID 83628

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734

Mary Wilko Jamikuni
Signature of party/claimant or attorney