

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 )

A. Subcase 85-02065

(Insert water right number)

Case No. 39576 )

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Nez Perce Tribe

Address: P.O. Box 305

Lapwai, ID 83540

Daytime Phone: (208) 843-7355

Name & Address of Attorney, if any:

Heidi Gudgell

P.O. Box 305

Lapwai, ID 83540

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

Name: United States of America

Address: 1150 N Curtis Rd., Suite 100

Boise, ID 83706

**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: Less than the claimed amount
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
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: Less than the claimed duration.
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):** There is no evidence for use beyond the growing season. The Tribe reserves the right to modify the above objections after having had a full opportunity to conduct discovery in this matter. Further, the public trust must be considered in assessing the quantity of water awarded, and § 58 1203(2)(b) of the Idaho Code, which purports to eliminate the application of the public trust doctrine to appropriation of water, is unconstitutional.

F.

**VERIFICATION** (must be completed)

State of Idaho )  
 )ss.  
County of Nez Perce )

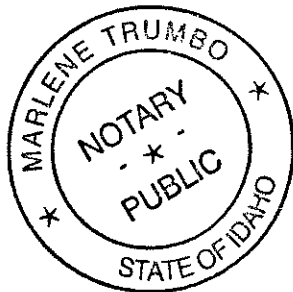
K. Heidi Gudgell, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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)

K. Heidi Gudgell  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 21, 2005



Marlene Trumbo  
Notary Public for Idaho  
Residing at: Lewiston, ID  
My Commission Expires: 10-30-2007

## 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 March 21, 2005 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: United States of America

Address: 1150 N Curtis Rd., Suite 100  
Boise, ID 83706

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

K. Heidi Gurdyle

Signature of objector or attorney  
mailing on Objector's behalf