

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: 27-10250

(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: P.O. Box 306

Fort Hall, ID 83203

Daytime Phone: (208) 239-4580

Name & Address of Attorney, if any:

Jeanette Wolfley

202 N. Arthur

Pocatello, ID 83204

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

Name: Sidney Hale

Address: 24 N 700 W

Blackfoot, ID 83221

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: Volumetric limit should be included in water right. Quantity should be reduced proportional to acreage reductions.
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:
9. ☒ **Place of Use**
Should be: Acreage should be reduced to exclude Reservation lands.
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 Attachment.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Bingham)

Jeanette Wolfley, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

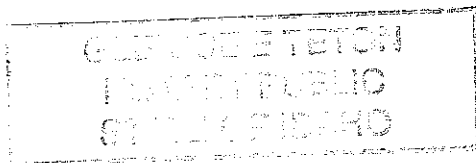
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Jeanette Wolfley
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

03/07/06



Bruce E. Letton
Notary Public for Idaho
Residing at: Bingham, Idaho
My Commission Expires: 12/13/10

G.

CERTIFICATE OF MAILING

I certify that on 3/8, 2006 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:

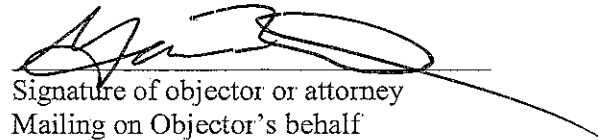
Name: Sidney Hale
Address: 24 N 700 W
Blackfoot, ID 83221

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

ATTACHMENT

E. REASON SUPPORTING OBJECTIONS(S)

3. Quantity

The Idaho Department of Water Resources has adopted a policy that groundwater rights are to defined on a volumetric basis, as opposed to the rate of diversion and length of irrigation season, and has applied this policy in the adjudication of groundwater rights. To be consistent with this policy, and other groundwater rights being recommended in Basin 27, it is necessary that this water right explicitly define a volumetric diversion limit.

9. Place of Use

The Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin (August 2, 1995) decreed all water rights to Indian lands within the exterior boundaries of the Fort Hall Reservation as reserved to the Shoshone-Bannock Tribes. All or a portion of the land served in the place of use for this recommended water right is located within the boundaries of the Fort Hall Reservation, as surveyed by the U.S. Bureau of Land Management, and thus is located on Indian land. This recommendation seeks a water right for land that has already been decreed to the Shoshone-Bannock Tribes. To the extent that the recommended total acreage and water quantity includes Indian lands, the water right should be modified by deducting the decreed Indian land and corresponding water quantity.