

**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: 27-10878**  
(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: Little Butte Irrigation Co.  
Address: P.O. Box 580  
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 diversion 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             )

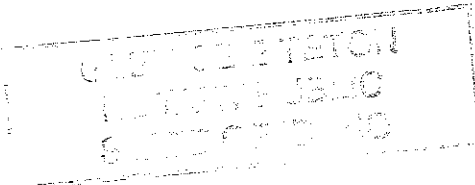
Jeanette Wolfley \_\_\_\_\_, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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



Shirley E. Deton  
Notary Public for Idaho  
Residing at: Bingham, Idaho  
My Commission Expires: 12/13/06

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: Little Butte Irrigation Co.  
Address: P O Box 580  
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 Director's Report recommends a total annual diversion volume for some, but not all, water rights in Basin 27. This recommended water right has no volumetric diversion limit defined. In 1995, the water rights of the Shoshone-Bannock Tribes in the Blackfoot River Basin were quantified on a volumetric basis. Pursuant to the 1995 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), all water rights in the Blackfoot River system (Basin 27) are to be quantified on a volumetric basis as opposed to the rate of diversion and length of irrigation season. In water right No. 27-11375, the Shoshone-Bannock Tribes and United States agreed to subordinate the exercise of their surface water rights in the Blackfoot River to those water users diverting water prior to January 1, 1990. This subordination was based upon an estimate that the total annual diversion volume of these non-Indian water rights would not exceed 45,000 acre-feet per year. Therefore, in order to comply with the 1995 Partial Consent Decree of this Court, it is necessary that all water right decrees issued by the Court in Basin 27 include a total annual diversion volume limit measured in acre-feet per year.

#### **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.