

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 27-76

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America

Address: c/o Bureau of Indian Affairs, U. S. Department of the Interior, Pacific Northwest Region
911 NE 11th Ave, Portland Or 97232-4169

Daytime Phone: 503.231.6927

Name & Address of Attorney, if any:
Peter C. Monson, U.S. Dept. of Justice ENRD

999 18th Street - Suite 945

Denver, CO 80202-2439

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

Name: Alma A Hubbard

Address: PO Box 341

Grace ID 83241

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** Must include the total annual volume of diversion, as
Should be: necessary for the proper administration of the water right. _____
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: _____
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 _____

ATTACHMENT

E. REASON SUPPORTING OBJECTIONS

ELEMENT 3. QUANTITY. In order to administer all surface and groundwater rights on the Blackfoot River, it is necessary for the total annual volume of diversion to be decreed with respect to each and every water right in Basin 27. The Director's report recommends the total annual diversion volume for some, but not all, water rights. This water right is one of those where this necessary element is omitted. Tribal water rights are defined by the total annual diversion volume. See, e.g., Tribal Water Right No. 27-11375.ii. 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), contains a provision whereby, the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation and the United States agree to effectively subordinate the exercise of tribal water right No. 27-11375 to certain private surface water rights in the Blackfoot River. See water right No. 27-11375.x.d. The subordination provision was based upon an estimate that the total annual diversion volume of these water rights would not exceed 45,000 acre-feet per year (AFY) in total annual diversion volume. Thus, in order to comply with the above-referenced Decree of this Court, to administer all water rights in the basin and to comply with Idaho water law, it is necessary that all water right decrees issued by the Court in this basin must include a total annual diversion volume measured in acre-feet per year (AFY).

The Idaho Department of Water Resources has reported to the Court on a general methodology to estimate annual volumes of water required at field headgates throughout the state of Idaho. See "Report Regarding Development of Standards for Annual Volume of Irrigation Requirements at the Field Headgate" (August 1, 1996). Maps of Basin 27 identify that field headgate requirements are 4.0 acre-feet per acre in the lower reaches of the watershed and 3.5 acre-feet per acre in the upper watershed. The Technical Team (state, federal and tribal representatives) utilized in the final negotiations for the Partial Final Consent Decree for the Fort Hall Indian Water Rights Agreement estimated an average conveyance efficiency of 66 percent for the overall basin. Applying this efficiency to the field headgate diversion volumes noted above, results in river diversion volumes of 6.0 acre-feet per acre and 5.3 acre-feet per acre in the lower and upper areas, respectively, of Basin 27. These figures should be applied to derive the total annual volume for this water right.

ELEMENT 10. WATER RIGHT SHOULD NOT EXIST. This claim was evaluated utilizing photo-interpretation of aerial photography for the 1987 and 1992 time periods. In addition, aerial surveillances flights by small plane were completed in 1999.

This tract of land historically had only two man made points of diversion from Meadow Creek. They are located in NW NW NW of Section 14, Township 5S, Range 42E and SW SE NE of Section 10, Township 5S, Range 42E. Both of these diversion facilities have been washed out for an extensive period of time. As far as any beneficial use from Meadow Creek, the only value can be attributed to natural overflow during high water. Most of the land is located where it can receive natural sub-irrigation.

The deteriorated condition of the system was evident on 1987 and 1992 stereo aerial photograph as well as on the two over flights in 1999.

The forth diversion point listed in the claim is described as the NE SW NW of Section 14, Township 5S, Range 42E. This location is a spring above the channel of Meadow Creek and it is not developed for spreading water over the claimed lands. The spring naturally flows water through the claimed lands and saturates the land. There is no irrigation system associated with the use of this spring.

Based on the above, there should be no recommended water rights for this claim.

F. VERIFICATION (must be completed)

State of Colorado)
)ss.
County of Denver)

United States of America, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

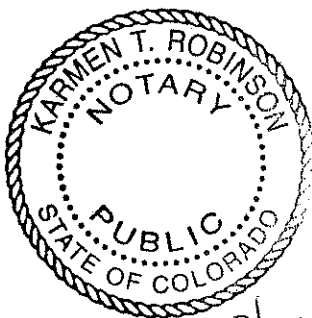
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

March 9, 2006



My Commission Expires 3/25/09

[Signature]
Notary Public for Colorado
Residing at: Denver, Colorado
My Commission Expires: 3/25/09

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 March 9, 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: Alma A Hubbard

Address: PO Box 341

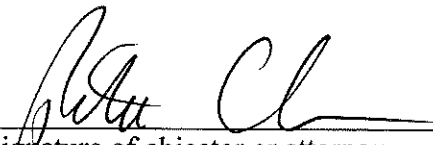
Grace ID 83241

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