

WM. BART CONLIN, INC.

*P. O. Box 753
Soda Springs, ID 83276*

RECEIVED

MAR 14 2006

**DEPARTMENT OF
WATER RESOURCES**

March 9, 2006

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707

To Whom It May Concern:

I am writing regarding the recent objection by the Shoshone-Bannock Tribes to the water right on my land near the Upper Blackfoot River (see copy attached).

The water for this water right comes from a spring approximately one half-mile away from the Upper Blackfoot River. The water runs approximately one fourth of a mile and then sinks back into the ground. It **does not** ever run into the Upper Blackfoot River.

Because the water never enters the Blackfoot River, the objections listed by the Shoshone-Bannock Tribes are not valid.

Thank you for your consideration of this matter.

Very truly yours,



Wm. Bart Conlin, President

WBC:rnc

cc: Shoshone-Bannock Tribes Water Resources

Jeanette Wolfley, Attorney

✓ IDWR Document Depository

US Dept of Justice Environmental & Nat'l Resources Div

Chief, Natural Resources Division, Office of Attorney General

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: 27-04020
(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: William Bart Conlin Inc
Address: Box 753
Soda Springs, ID 83276

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)

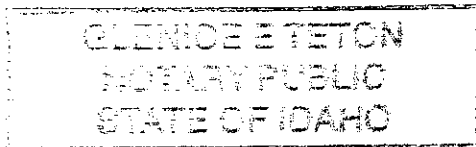
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Jeanette Wolfley
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

03/07/06



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

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.

8. Period of Year

The water rights of the Shoshone-Bannock Tribes were quantified in 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). In water right No. 27-11375, the Shoshone-Bannock Tribes and United States agreed to subordinate the exercise of their 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. It was understood by the parties to the negotiation that diversions in the upper elevations of Basin 27 are limited by the availability of runoff, which lasts to July 1 of each year. The source of water serving this water right is not available for use past July 1. The period of use should be revised to match the period of water availability, and as such should terminate on July 1.