

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 27-11946

(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: PO Box 306

Fort Hall, Idaho 83203

Daytime Phone: (208) 232-1922

Name & Address of Attorney, if any:

Jeanette Wolfley, Special Counsel

PO Box 306

Fort Hall, Idaho 83203

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

Name: Opal & Florian Wernette

Address: 494 N 600 E

Firth ID 83236

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: See E. Reasons Supporting Objections(s)
3. ☐ **Quantity**
Should be: _____
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.

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)

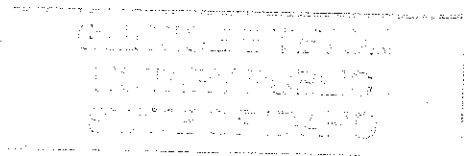
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Jeanette Wolfley
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

03/13/06



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

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 MAR 13, 2006, I mailed the original 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:

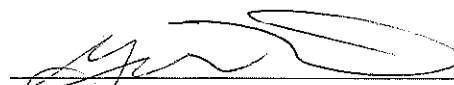
Name: Opal & Florian Wernette
Address: 494 N 600 E
Firth ID 83236

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 attorney
Mailing on Objector's behalf

ATTACHMENT

2. SOURCE

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 this subordination was applicable to those water rights whose primary water source was the Blackfoot River system. If, at the time of the 1990 Agreement, a water right user was primarily dependent on the Snake River as opposed to the Blackfoot River system, the Tribes will not subordinate their water rights to satisfy this water right's Blackfoot River diversions. All or a portion of the land served by this recommended water right has a senior right to Snake River water and therefore is not primarily served by the Blackfoot River. The Tribes object to the water right because the primary water source for the water right lands was the Snake River at the time of the 1990 Agreement. This water right should include administrative provisions specifying that the Tribes are not obligated to satisfy this water right through subordination of their decreed water rights.