

NOV 09 2009

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

Case No. 39576

(Insert water right number)

Please fill in the following information:

Daytime Phone: (208) 232-1922

Fort Hall, Idaho 83203

Blackfoot, ID 83221

1. ☒ **Quantity**

Should be: Volumetric diversion limit should be included in water right.

Tribes' Water Resources Department did not receive the June 10, 2009 Director's Report for Late Claims until October 30, 2009. Upon receiving the Report, the Shoshone-Bannock Tribes

timely reviewed it and discovered this particular water claim. On November 2, 2009, the Tribes' Water Resource Department contacted the Clerk of the SRBA Court to determine if there was still time to file this Late Objection.

Additionally, The Idaho Department of Water Resources Director's Report recommends a total in 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 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.

VERIFICATION

State of Idaho)
) ss
County of Bannock)

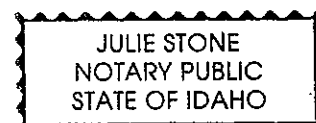
Jeanette Wolfley, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this Motion for Late Objection, and that I am the attorney for the party/claimant objecting and that I have read this Motion for Late Objection, know its contents and believe that the statements are true to the best of my knowledge.

Jeanette Wolfley
Attorney signing in representative capacity

Subscribed and sworn to before me on: 11/6/09

Julie Stone
Notary Public for: Pocatello
Residing at: Pocatello, ID
My Commission Expires: 11-12-15



CERTIFICATE OF MAILING

I certify that on November 6, 2009, I mailed the original and copies of this Motion for Late 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:

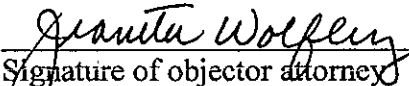
Katie Wallace
449 E. 400 N.
Blackfoot, ID 83221

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 attorney
Mailing on Objector's behalf