

AUG 26 2024

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re PRBA)
)
Case No. 59576)
_____)A. Subcase 87-10601
(Insert water right number)
STANDARD FORM 1
OBJECTIONPlease **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, as trustee on behalf of the Nez Perce Tribe and
Allottees of the Nez Perce Indian Reservation acting through Regional Director,
Northwest Region Department of the Interior, Bureau of Indian Affairs
Address: 911 N.E. 11th Avenue, Portland, OR 97232
Daytime Phone: (303) 844-1353 (attorney phone number)

Name & Address of Attorney, if any:

Vanessa Willard

United States Department of Justice - ENRD

Indian Resources Section

999 18th Street, South Terrace, Suite 370

Denver, CO 80202

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

Name: Jacob and Ginger Osborn
Address: 1480 Uniontown Rd.
Genesee, ID 83832

D. I object to the following elements or general provision as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: SPRING (see Federal claim # 87-12034)
3. ☒ **Quantity**
Should be: up to half of natural spring flow (see claim # 87-12034)
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. ☐ **General Provision** ☐ Individual Water Right ☐ All Water Rights
☐ Should not be recommended.
☐ This general provision was not recommended but should be recommended as described below.
Should be: _____
☐ General provision was recommended but should be modified as described below.
Should be: _____

11. ☐ **I object** because the recommendation contains an accomplished transfer under Idaho Code § 42-1425 resulting in injury to my water right(s) and/or enlargement of the original right.

12. ☐ **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 OBJECTION(S): The July 17, 2024, IDWR Field Examination
of PRBA Water Right Claim No. 87-10601 states that "[t]he depth to water was recorded at 5 feet and 9 inches
below ground surface." However, the photos included in these Field Examination notes appear to show the depth
to water is much closer to the surface and also show the presence of a pipe. This discrepancy, the lack of
discussion about the pipe in the Field Examination notes, statements from historical documents in the water rights
file that "[c]istern (spring) in the south end of the field provides water for an 1.5 inch pipe that delivers water to
the pond," along with claimant's statement reflected in the Field Examination notes that "the water level rises
slightly (as much as 1 foot) during the winter," suggest that the pipe present in the photo is an overflow pipe that
transports water to a nearby pond that is sourced by this spring. Also, based on the "in common" language in
Article VIII of the Treaty of 1863 between the United States and the Nez Perce Indians, June 9, 1863, 14 Stat. 647,
the United States has claimed up to half the natural spring flow with a priority date of time immemorial based on
the Tribe's aboriginal use of springs and objects to the extent claim 87-10601 fails to recognize the Federal claim.

(Signature of person filing objection)



(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail the Objections, 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.

F. CERTIFICATE OF MAILING

I certify that on August 21, 2024, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
Palouse 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:	Jacob and Ginger Osborn	Chris M. Bromley
Address:	1480 Uniontown Rd.	Counsel for Claimants
	Genesee, ID 83832	380 S. 4th St., Ste 103
		Boise, ID 83702

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Div.
550 W. Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010

Nez Perce Tribe
Represented by:
Thomas Murphy
Native American Rights Fund
250 Arapahoe Ave
Boulder, CO 80302

Nez Perce Tribe
Represented by:
Michael A. Lopez
Nez Perce Tribal Legal Counsel
100 Agency Rd.
Lapwai, ID 83540



Signature of Objector or attorney
Mailing on Objector's behalf