

RECEIVED
MAY 09 2005
DEPARTMENT OF
WATER RESOURCES

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

29-4335

(insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information.

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Cory W. Lamb
Address: 2026 South Grant
Pocatello, ID 83204
Daytime Phone: 208 233-1858

Name & Address of Attorney, if any:

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

Name: Cory W. Lamb and/or G. Teri Lamb
Address: 2026 South Grant
Pocatello, ID 83204

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**
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):**

II.
The Cusick Creek water right was filed March 1, 1942. When I purchased the property in June 2004, The water right was included and essential to the purchase. Cusick Creek flows for about 6 months a year and has been used for irrigation of the 2.5 acre pasture since it was established in 1942. No one else has shown an interest in accessing this water source.

* Please see attached letter.

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 May 3, 2005, 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:

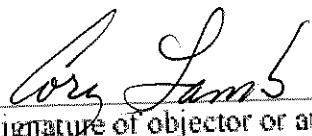
(Self)
Name: Cory Lamb
Address: 2026 S. Grant
Pocatello ID 83204

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

F.

VERIFICATION (must be completed)

State of Idaho)

County of Blaine) ss.

Cory Lane _____, 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

Cory Lane
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on

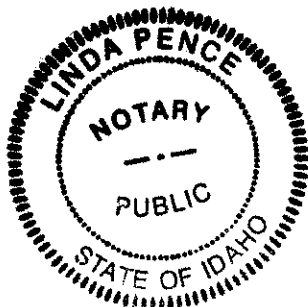
May 03 2005

Linda Pence

Notary Public for

Residing at: Porter, Idaho

My Commission Expires: Jan. 27 2009



Attached to Standard 1 Objection Form
E. Reasons for Supporting Objection

Cory Lamb
2026 South Grant
Pocatello, ID 83204

Ref. 29-4335

May 5, 2005

To Whom it May Concern,

When I purchased the property of Arnold and Berneice Trappett I immediately sent the change of ownership information to IDWR along with the \$25.00 filing fee. I then received a notice stating:

Status: disallowed NO LAWFUL APPROPRIATION SHOWN

The reason for this was unclear.

It looks like the change in ownership was made but the water right was disallowed. I was advised at that time to get a statement from a neighbor who could verify the history of water rights and water use by the previous owner Arnold Trappett, and was told that there would not be a problem in getting this resolved.

Marjorie Strawn was the logical choice for a statement. She had been a neighbor to Trappetts for over 60 years and knew the history of the neighborhood. Her property was adjoining that of Trappetts and she had a good relationship with everyone in the area. Strawn had frequent contact with Trappetts over the years. It was known to Marjorie Strawn that the water from Cusick Creek was being diverted by Trappett to irrigate his pasture. In fact, she chose not to file for a claim on Cusick Creek to make it easier for Trappett to do it.

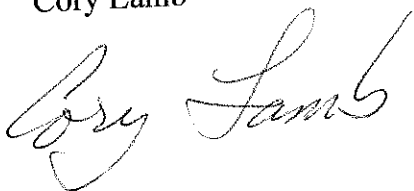
I sent the statement given by Marjorie Strawn to IDWR and was surprised when again this year the recommendation for this water right was disallowed. After speaking again with Ernie in the Idaho Falls office of IDWR. He indicated again that this shouldn't be a problem and he sent the Standard Objection 1 forms to me.

I am also sending a statement of my personal knowledge of the Cusick Creek water use by Trappett. It seems as though it is Trappetts USE of the water that is in dispute and not the water right itself; since his water right was established with a priority date of March 1, 1942 and his records show several updates and claims were made to keep current.

I am sending the Standard Form 1 objection as required. I hope this covers what is needed for the change in ownership of the water right from Trappetts name to mine as well as the change of status for this claim from disallowed to allowed. I have sent everything that has been requested and appreciate your efforts to make the changes needed for this water right to be allowed, and allowed in my name.

The most recent papers I received saying this was disallowed also said: "You may want to hire an attorney". I will only do that if I have to. I am hoping this will take care of it. I would appreciate your help in the matter. Thank You.

Cory Lamb



May 4, 2005

I, Cory Lamb, have personal knowledge that Arnold Trappett and Berneice Trappett diverted water from Cusick Creek as is claimed in water right 29-4335.

Cusick Creek runs inside the property boundaries and through the pasture for the entire length of the property. It is the only water source available to the pasture.

When I purchased this property from Trappetts in June 2004 the water right was included and essential to the purchase. I was provided with documents showing claims Trappett had on the Cusick Creek water since his priority date of March 1, 1942. Trappett made every effort to protect and retain this claim. He kept it current because he needed and used the water.

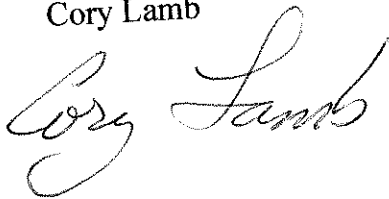
The record of the water right is documented but apparently it is the USE of the water that needs to be verified. However, it wouldn't make sense for Trappett to make the effort to secure a claim to the water if he didn't use the water. It was well known in our small neighborhood that Trappett diverted water from the creek to irrigate his pasture. There wasn't ever a question as to whether he used the creek, it ran right through the pasture and he had the water right.

I have lived in this neighborhood all of my life and have known Trappetts for as long as I can remember. The neighborhood was established by Lamb Dairy whose owner was my grandmother. Since the 1950's I was a frequent visitor to the Trappetts. During my growing up years I spent a lot of time playing near Cusick Creek and year after year Trappett worked on his land irrigating his pasture by diverting water from Cusick Creek.

It is because of this history that I have personal knowledge that Trappett exercised his water right of Cusick Creek. I was there and saw it.

I know this to be true. Trappetts used the water right up until the 2004 season when I purchased their property and filed for a change in ownership of the claim.

Cory Lamb

A handwritten signature in cursive script that reads "Cory Lamb". The signature is written in dark ink and is positioned below the printed name.

July 9, 2004

I, Marjorie Strawn, am the property owner of land adjoining the Arnold Trappett and Berneice Trappett property.

A legal description of the Trappett property is attached in Exhibit A hereto and is commonly known as 1833 South Grant. The point of diversion of Cusick Creek for irrigation is attached in Exhibit B hereto.

As their neighbor, I know Arnold Trappett and Berneice Trappett have exercised their Cusick Creek Water Rights for irrigation of their property since March 1942.

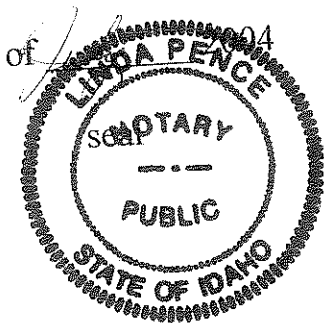
Marjorie M. Strawn Date: 7-9-04

State of Idaho

County of Bannock

) SS.

Subscribed and sworn before me this 9th day



Linda Pence
Notary Public

Residing at Bannock County, Idaho

My Commission Expires _____