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Department of Water Resources
Adjudication Bureau

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 67-206

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Cuddy Meadows Ranch, LLP

Address: 2165 Seid Creek Road

Cambridge, Idaho 83610

Daytime Phone: (208) 257-3790

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

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

Name: Harold Gibson, c/o Gene Gibson and Chad Gibson

Address: Gene Gibson, 20 Lilac Lane, Sagle, Idaho 83860

Chad Gibson, 16770 Agate Lane, Wilder, Idaho 83676

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: Pine Creek
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion** Please see Attachment 1.
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **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): Please see Attachment 1.

F

VERIFICATION (Must be Completed)

State of Ada)
) ss.
County of Idaho)

Scott L. Campbell, 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.

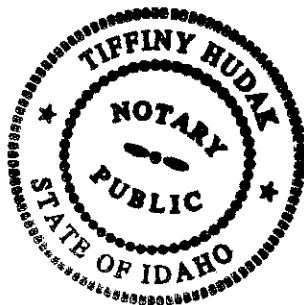
(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 14, 2007

Tiffany Hudak
Notary Public for Idaho
Residing at: Bove
My Commission Expires: 9/16/09



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 April 16, 2007, 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:

Name: Harold Gibson, c/o Gene Gibson and Chad Gibson
Address: Gene Gibson, 20 Lilac Lane, Sagle, Idaho 83860
Chad Gibson, 16770 Agate Lane, Wilder, Idaho 83676

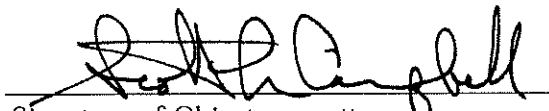
3. Copies to:

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

Cuddy Meadows Ranch, LLP
2165 Seid Creek Road
Cambridge, ID 83610

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

**ATTACHMENT 1 TO OBJECTION
TO WATER RIGHT 67-206**

Source and Points of Diversion: The source of this water right under the original Muir Allison Decree is Pine Creek. In its Director's Report, the Idaho Department of Water Resources has recommended an additional point of diversion from Little Pine Creek under the accomplished transfer statute (Idaho Code Section 42-1425), in direct contravention with Idaho Code §42-1425. Given the 1891 priority date of this water right, diversion from Little Pine Creek materially interferes with and injures the water rights of the Objectors, whose water rights are also diverted from Little Pine Creek and were either decreed under the Muir Allison Decree or licensed, with later priority dates. For these reasons, the point(s) of diversion for this water right should exclude any diversion from Little Pine Creek.

Additional Objection: This water right should not exist due to forfeiture of the water right under Idaho Code Section 42-222(2), for failure to beneficially use the water for the purposes for which it was appropriated and within the prescribed time period.