

Jun. 11. 2007 4:30PM nawley Troxell Ennis & Hawley

No 2865 P 2

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ORIGINAL

Ponds Lodge LLC
P.O. Box 120
Island Park, Idaho 83429
Lodge Phone (208)-558-7221
Fax (208) 736-4155

DISTRICT COURT - SRBA,
TWIN FALLS CO., IDAHO
FILED

2007 JUN 11 PM 4 33

Pro Se

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

RESPONSE TO AMENDED
DIRECTORS REPORT
MAY 11, 2007

Ponds Lodge LLC hereby submits its objection to the Amended Directors Report regarding water rights # 21-11144 as follows:

1. The revision by the Department of Water Resources is in error both as to the priority date and as to the flow rate.
2. Ponds Lodge was established in 1923, and this is the proper priority date. The Lodge has been in continuous existence since that date. This fact is well documented in all records of the federal, state, county and city governments. The Island Park Historical Society has published a history of the Lodge and the Lodge has a chapter in the book, "The History of Island Park," which discusses the founding of the Lodge.
3. Ponds has served as the U.S. Post Office, State liquor store, county voting precinct and site for city elections.

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4. The Lodge has used water throughout its history for ice making, meat cutting, restaurant, bar, grocery store, horse stables and pasture, lumber milling, gas station, lodging, camping and R.V. sites, mobile home park, a medical clinic, school house, commercial laundry, public shower facilities, fire fighting, and associated irrigation of the property.

5. The Lodge has never had less than 28 cabins with water and 60 camping-R.V. sites all with water service.

6. The proposed amendment is in error by listing only ten cabins. The Lodge from the beginning in 1923 always had at least 28 cabins. The reference in the amendment to 60 R.V. spots is incomplete and misleading as well, because 40 of those sites had year around mobile homes located on them.

7. The proposed amendment is also in error as to the size of the property. Ponds Lodge contains 20 acres of land not the 13.7 shown in the proposed amendment.

8. Ponds Lodge worked in good faith with the Idaho Falls office on establishing these rights and it is disappointing that it can be amended with no reasonable explanation by the Department.

We object to the proposed amendment and ask that the water right be returned to the proper rate of 0.4 CFS and to the priority date of June 1, 1923.

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DATED THIS 11th day of June, 2007.



Gary Wayne Campbell
Managing Member
Ponds Lodge LLC

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11 day of June, 2007, I caused to be served a true copy of the foregoing RESPONSE TO AMENDED DIRECTORS REPORT MAY 11, 2007 by the method indicated below, and addressed to each of the following:

Clerk of the Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy 208-736-4155

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Chief, Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Fremont County Courthouse
151 W. 1st N. Rm. 15
St. Anthony, ID 83445

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy


Gary D. Babbitt

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