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DEC - 4 2008

Department of Water Resources
Adjudication Bureau

James Paul Hudson
P.O. Box 173
Carmen, ID 83462
208-756-3193

**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)
)
Water Right 75-10080)
_____)

MOTION TO FILE LATE OBJECTION

I respectfully request the Court for an Order Granting Motion to File Late Objection concerning the above referenced water right.

The circumstances for this request are the direct result of recent determinations by the Idaho Department of Water Resources ("IDWR") in four other subcases that I am currently a party to, namely 75-10079, 75-10543, 75-10544 and 75-10705.

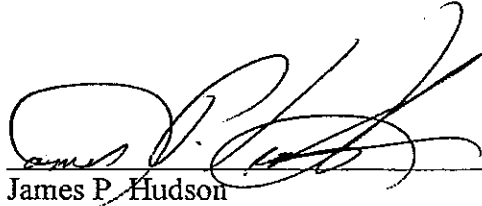
In the above subcases, in addition to other issues, IDWR, in the Director's Report, disregarded the individual quantities of different sources of irrigation water and limited the combined diversion rate to a maximum of one inch/acre, instead of treating the sources independently. My research revealed that this was inconsistent with recommendations for other claimants within the Carmen Creek drainage. As a consequence of discussions I had with IDWR Senior Water Resource Agent, Nate Arave, IDWR modified their recommendations to the Court in the above referenced subcases.

With respect to my Water Right 75-10080, no objections were made and I received a notice of Partial Decree on November 19, 2008. The Partial Decree shows a maximum diversion rate of

.224 cfs or one inch/acre for combined water rights 75-10080 (spring source), 75-10079 (waste water) and 75-69B, 75-70B, 75-10061B, 75-10062C (Carmen Creek decreed water from the 1902 Court Decree). I immediately contacted Mr. Arave on the afternoon of November 19, 2008. He informed me that only water right claims under objection were being reviewed and modified. He indicated that the "Objection" process would be required to remedy the error and recommended that I file a Motion To File Late Objection with the Court so that a correction on Water Right 75-10080 could be made.

I respectfully request the Court to grant my motion and accept the attached objection.

Date: November 26, 2008


James P. Hudson

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)

A. Subcase 75-10080

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: JAMES PAUL HUDSON

Address: P.O. BOX 173

CARMEN, ID 83462

Daytime Phone: 208-256-3193

Name & Address of Attorney, if any:

N/A

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

Name: JAMES PAUL HUDSON

Address: P.O. BOX 173

CARMEN, ID 83462

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: TOTAL COMBINED DIVERSION RATE LANGUAGE
SHOULD BE REMOVED FROM RECOMMENDATION
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): IDWR HAS ACKNOWLEDGED
THAT AN ERROR WAS MADE.

F.

VERIFICATION (must be completed)

State of Idaho)

County of Remmi) ss.

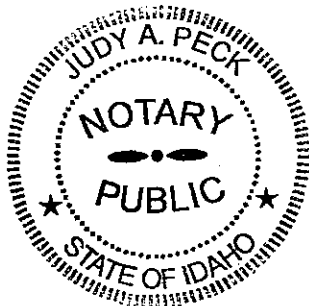
James P. Hudson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Dec. 1, 2008



Judy A. Peck
Notary Public for East Idaho Credit Union
Residing at: 348 Hwy 93 N. Carmen Id.
My Commission Expires: 7-31-2012

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 December 1, 2008, 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: JAMES PAUL HUDSON

Address: P.O. Box 173

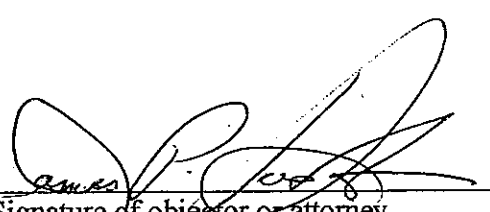
CARMEN, ID 83462

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