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OCT 26 2009

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	)	A.	Subcase 74-15212
	)		
Case No. 39576	)		STANDARD FORM 1
	)		OBJECTION
_____	)		

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: Nez Perce Tribe

Address: P.O. Box 305
100 Agency Road
Lapwai, ID 83540

NAME AND ADDRESS OF ATTORNEY:

Name: K. Heidi Gudgell
Office of Legal Counsel

Address: P.O. Box 305
100 Agency Road
Lapwai, ID 83540

Phone: (208) 843-7355

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

Name and Address: Leadore Land Partners LTD Partnership
C/O Karl Tyler
3663 N. Reserve
Missoula, MT 59808

D. I object to the following elements as recommended in the Director's Report:

1. X **Name and Address**
Should be: See E Below
2. X **Source**
Should be: See E Below
3. X **Quantity**
Should be: See E Below
4. X **Priority Date**
Should be: See E Below
5. X **Point(s) of Diversion**
Should be: See E Below
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. X **Purpose(s) of Use**
Should be: See E Below
8. X **Period of Year**
Should be: See E Below
9. X **Place(s) of Use**
Should be: See E Below
10. I object because:

X This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

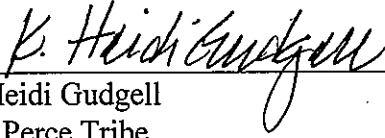
E. REASONS SUPPORTING OBJECTION(S):

There has been no lawful appropriation of a water right under state law. This water use claim should have been made in the Lemhi Adjudication and is thus barred. There is no apparent

basis for the claimed priority date. The place of use is not adequately identified. The quantity claimed exceeds the reasonable duty of water and the amount that has been beneficially used. Any use of water recognized under the claim is subject to existing and future water rights being first satisfied.

Dated this 23rd day of October, 2009.

Respectfully submitted,



K. Heidi Gudgell
Nez Perce Tribe
Office of Legal Counsel

VERIFICATION

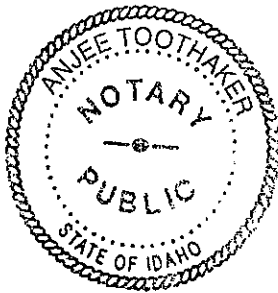
[illegible]

K. Heidi Gudgell, being first duly sworn, upon oath, deposes and says:

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.

K. Heidi Gudgell

Subscribed and sworn to before me on October 23, 2009
(date)



Annie Loathe
Notary Public for: Idaho
Residing at: Winchester
My Commission expires: 11/03/09

CERTIFICATE OF MAILING

I certify that on October 23, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

Josephine P. Beeman
409 W. Jefferson Street
Boise, ID 83702

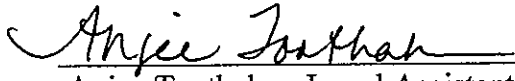
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

Gene Bray & Thomas R. Stuart, III
c/o Laurence J. Lucas
PO Box 1612
Boise, ID 83701

3. One copy to the claimant of the water right at the following address:

Leadore Land Partners LTD Partnership
C/O Karl Tyler
3663 N. Reserve
Missoula, MT 59808


Anjee Toothaker, Legal Assistant



Nez Perce

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TRIBAL EXECUTIVE COMMITTEE
Office of Legal Counsel

P.O. BOX 305 • LAPWAI, IDAHO 83540-0305 • (208) 843-7355
FAX (208) 843-7377

October 23, 2009

Clerk of the District Court
Snake River Basin Adjudication
Post Office Box 2707
Twin Falls, Idaho 83303-2707

In Re SRBA Case No. 39576
Subcase No.'s 74-15212 & 74-15213

Dear Clerk:

Enclosed for filing in the above-entitled matter are the original Standard Form 1 Objections in both Subcase No. 74-15212 and 74-15213. I have also enclosed the front page from each Objection to be date stamped and returned to me in the pre-addressed, stamped envelope provided.

Thank you for your assistance in this matter.

Sincerely,

Anjee Toothaker

Anjee Toothaker
Legal Assistant to Heidi Gudgell

Enclosures