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MAR 06 2006

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 21-11218

(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: DOUGLAS L. DRAKE

Address: 4150 N. BIG SPRING RD. ISLAND PARK ID 83429

Daytime Phone: 208 558 7150

Name & Address of Attorney, if any:

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

Name: DOUGLAS L. DRAKE

Address: HC 66 BOX 10 ISLAND PARK ID 83429

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of BONNEVILLE

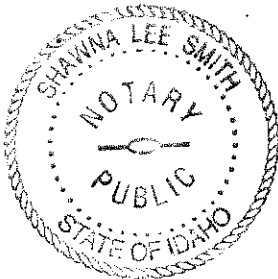
DOUGLAS L DRAKE, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Douglas Drake
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 24 FEBRUARY



Shawna Lee Smith
Notary Public for STATE OF IDAHO
Residing at: IDAHO FALLS, ID
My Commission Expires: 3-15-08

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 3/1, ²⁰⁰⁶~~199~~, 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: Douglas L Drake
Address: 4150 N BIG SPRINGS RD ISLAND PARK ID
83429

3. Copies to:

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

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

Douglas L Drake
Signature of Objector or attorney
mailing on Objector's behalf

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ Name and Address 4150 N BIS SPRING RD ISLAND PARK ID 83429
Should be: DOUGLAS DRAKE / CAROL DRAKE
2. ☒ Source
Should be: Ground water
3. ☐ Quantity
Should be: _____
4. ☒ Priority Date IN The 1930^s
Should be: _____
5. ☒ Point(s) of Diversion
Should be: T14^N R43 E S24 S W N W S E WITHIN Fremont County
6. ☐ Instream Flow Description
Should be: _____
7. ☒ Purpose(s) of Use Domestic
Should be: STORE & CABIN'S RV PARK - Commercial
8. ☐ Period of Year
Should be: _____
9. ☒ Place of Use 4150 N BIS SPRING RD COOP
Should be: ISLAND PARK ID 83429

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): The Whalups bought the Robins Roost in 1949 from Emmett Robins. But we understand that the store was a house build by Don McLee in about 1930 which was sold to the Robins in 1947 and they turned it into a store and built Cabins. Then the store + Cabins were sold to Jay + Emily Whalup in 1949. They ran the business and build the RV Park. We have tried to find documents from the County Assessor but they say records only go back to 1960. We have ^{over} _____

gone to Forsgren Associates who do the water test
but their records were lost in the Teton Dam
flood. We are sending this notarised document
from Emily Whaley & Mac Whaley (son) showing that
the well was there in 1949.

Carol Drake March 1, 2006
Douglas & Inez ^{March} 1/2006

Pocatello, Idaho
February 13, 2006

To whom it may concern:

I, Mack Whaley, acting as a legal representative of Emily G. Whaley, do hereby state that the water well located on the property occupied by Robin's Roost and owned by Douglas L. Drake, located in the McGee Addition of Island Park, Idaho, was drilled by Gold Tooth Hopkins, under contract from D.H. McGee, prior to my family's purchase of said property in 1949.



A handwritten signature in cursive script, appearing to read "Mack Whaley".

Mack Whaley.

A handwritten signature in cursive script, appearing to read "S. Mitchel Mulholland".
Bannock County
My Commission expires 12/23/2011
2/13/06

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office, at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress, of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the Acts Supplemental thereto, the claim of Daniel H. McGee, has been established and consummated, in conformity to law, for the north half of the southeast quarter and the southeast quarter of the southeast quarter of Section twenty-four, in Township fourteen north of Range forty-three east and the Lot twelve of Section nineteen in Township fourteen north of Range forty-four east of the Boise Meridian, Idaho, containing one hundred fifty-four acres and seventy-six hundredths of an acre, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That thereis, therefore, granted by the UNITED STATES unto the said claimant, the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserv-

FREMONT COUNTY

ing, however, to the United States, all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the NINETEENTH day of April in the year of our Lord one thousand nine hundred and forty and of the Independence of the United States the one hundred and Sixty-Fourth.

By the President:

(U.S. SEAL)

RECORDED: Patent Number 1107919

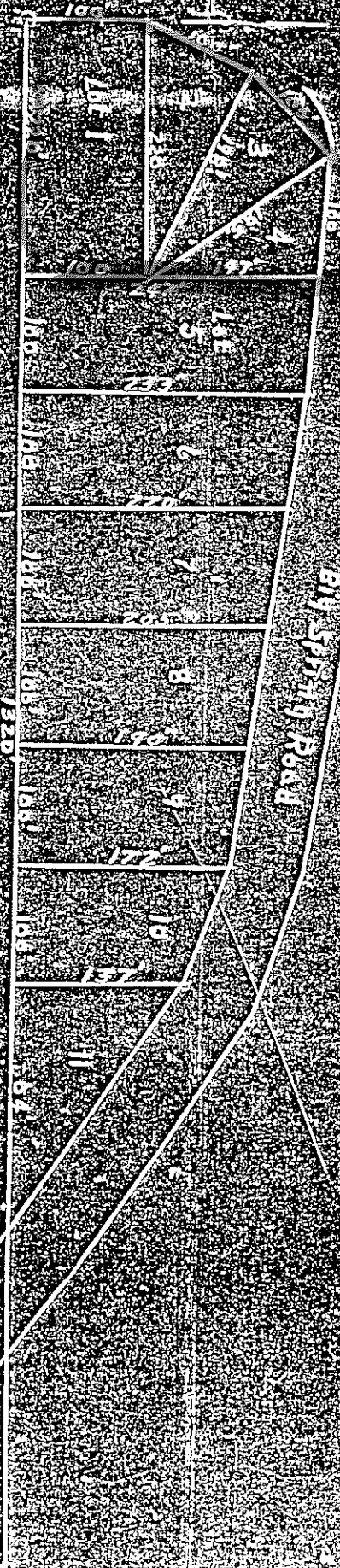
Recorded at request of Daniel H. McGee
October 8th, 1940 at 11:45 A.M.

Franklin D. Roosevelt.
By Jeanne Kavanagh, Secretary
E. Adams Whyte
Recorder of the General Land Office.

E. J. Runsey, Recorder.



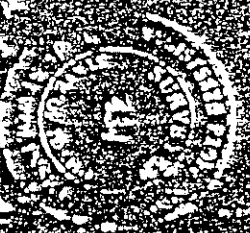
Big Spring Road



N.W. 1/4 of the S.E. 1/4 of Section 24, T.14 N. R. 43 E. B.M.

WEST ADDITION

DH. MCGEE SUMMER HOME SITE



5/16/1944
100 ft. 9/8 1944

Lot 4, of the West Addition to the D. H. McGee Summer Homesite, Fremont County, Idaho, as per the recorded plat thereof.

Also, Beginning at a point 147 feet South of the Northeastly corner of Lot 4, West Addition to the D. H. McGee Summer Homesite, Fremont County, Idaho, as shown by the recorded plat thereof, and running thence Northwestly 185 feet to the Northwestly corner of said Lot 4, thence Southwestly along the Northwestly front line of Lot 3, of said Addition 50 feet, thence Southeastly 185 feet, more or less, to the point of beginning; All of said real property being located in the NWSE $\frac{1}{4}$ of Section 24, Township 14 North, Range 43, East Boise Meridian, Idaho.

Also, Lot 2, and the Southwest Half of Lot 3, of the West Addition of the D. H. McGee Summer Homesite, in the NWSE $\frac{1}{4}$ of Section 24, Township 14 North, Range 43, East Boise Meridian, Idaho.

Also, Commencing at a point 200 feet North and 33 feet West of the Southwest corner of the NWSE $\frac{1}{4}$ of Section 24, Township 14 North, Range 43, East Boise Meridian, which is a point in the Center of Highway #191, and running thence Northerly along the center line of said Highway, 153 feet, more or less, to a point directly West of the Center line of the cut off between West Yellowstone and Big Springs Highway, and thence Easterly along the center line of said cut off highway to the center line of the Big Springs highway, thence Southwestly along the center of said Big Springs highway 223 feet, more or less to the point of beginning. Subject to easements of existing highways. The ground herein conveyed is that certain triangular shape parcel of land located between Highway #191 and Big Springs Highway and the cut off Highway between #191 and the Big Springs Highway in the NWSE $\frac{1}{4}$ of said Section, Township and Range.

Beginning at a point which is South 939.40 feet more or less from the Northeast corner of the Northeast Quarter of the Southwest Quarter of Section 24, Township 14 North, Range 43 East, Boise Meridian, Fremont County, Idaho and running thence S 82°26'36" W. 9.90 feet to a point in a line parallel with and 200.0 feet easterly from the centerline of U.S. Highway 191; thence southerly along said parallel line being an 8,385.11 foot radius curve right having a central angle of 41°50' a distance of 70.0 feet more or less to a point in the East line of the Northeast Quarter of the Southwest Quarter; thence North 70.60 feet more or less to the point of beginning.

SUBJECT TO existing easements and roadways.

ROBIN'S ROOST

401630

2P = 8-W-3
EL-A-W-3A

APPLICATION FOR MEMBERSHIP AND FOR ELECTRIC SERVICE

The undersigned (hereafter called the "Applicant") hereby applies for membership in, and agrees to purchase electric energy from the Fall River Rural Electric Cooperative, Inc., (hereinafter called the "Cooperative"), upon the following terms and conditions:

1. The Applicant will pay to the Cooperative the sum of \$5.00, which, if this application is accepted by the Cooperative, will constitute the Applicant's membership fee.

2. The Applicant will, when electric energy becomes available, purchase from the cooperative all electric energy used on the premises described below and will pay therefor monthly at rates to be determined from time to time in accordance with the by-laws of the Cooperative; provided, however, that the Cooperative may limit the amount of electric energy to be furnished for industrial uses. The applicant will pay a bill of at least \$_____ per month regardless of the number of kilowatt hours consumed.

3. The Applicant will cause his premises to be wired in accordance with wiring specifications approved by the Cooperative. The Applicant's house is approximately _____ feet from proposed distribution line and _____ feet from the nearest public road.

4. The Applicant will comply with and be bound by the provisions of the certificate of incorporation and by-laws of the Cooperative, and such rules and regulations as may from time to time be adopted by the Cooperative.

5. The Applicant, by paying a membership fee and becoming a member, assumes no personal liability or responsibility for any debts or liabilities of the Cooperative, and it is expressly understood that under the law his private property cannot be attached for any such debts or liabilities.

The acceptance of this application by the Cooperative shall constitute an agreement between the Applicant and the Cooperative, and the contract for electric service shall continue in force for one year from the date service is made available by the Cooperative to the Applicant, and thereafter until canceled by at least 30 days written notice given by either party to the other.

Notwithstanding anything herein contained, the Applicant expressly agrees that the Cooperative may, prior to the acceptance of this application, use the \$5.00 for the development of a rural electrification project. If the Cooperative is unable to obtain a loan from the Rural Electrification Administration to finance the construction of such a project, the Applicant agrees that only so much of the \$5.00 as has not been expended for development expenses will be returned to him. If the Cooperative succeeds in establishing a rural electrification project but is unable to furnish service to the Applicant, the sum of \$5.00 will be returned to the Applicant.

Dated July 7 1947
Witness E. J. Roberts

The above application for membership
accepted this _____ day of _____

FALL RIVER RURAL ELECTRIC
COOPERATIVE, INC.

BY _____

Samuel Roberts
(Applicant)
Max D. J. Idaks
(Post Office Address)

LAND DESCRIPTION

_____ acres located on _____
side of _____ road
approximately _____ miles N&E*
S-1/4 from _____

Owner _____

Address _____

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..... 127
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HISTORY OF ISLAND PARK

*A Pictorial and Written History from before
1890 to Idaho's Centennial Year 1990*

By Dean H. Green

Copyright © 1990

By

Dean H. Green

Island Park - Gateway Publishing Co.

Ashton, Idaho

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Topeka, Kansas

highway in Island Park) and they joined the ranks of Resort Condominiums International. By doing this they were part of the first Time Share Projects in the country. As Todd said, *The fact that Time Share Owners can exchange their condo unit here for one of a 1000 or more Time Share Resorts around the world has made Time Share Ownership a way of life today, and tens of thousands enjoy just such vacations."*

Since Don Todd's retirement, a management company directed by Ross Reese, continues the expanding, successful development of the lodge and condominiums.



Dan McGee, the original developer of the property at Island Park Lodge.



"Cactus Pete" Piersanti, co-owner of Island Park during the early 1950's. Pete later moved to Nevada and became the organizing force for Jackpot Nevada.



Chris Schafroth, a long-time Island Park personality, with his St. Bernard "Joey". Chris owned much of the ground adjacent to the Island Park golf course. (Photos courtesy of Robert Wuthrich)



Nettie Hertz, the best cook in the village, with friends who are showing off their fish and geese.

Robin's Roost

The Robin's Roost property was originally part of Dan McGee's subdivision. This facility was built in 1947 by Emmett Robins and was primarily an overnight accomodation for tourists. Then in 1949, Jay and Emily Whaley purchased the property at which time they modernized the rental units and added a grocery store outlet to serve the area.

Numerical Index to Section No. 24, Township No. 14, 43 Range

GRANTOR		GRANTEE	Instrument	FILED		RECORDED		N-E		S-E		N-W		S-W	
				Month	Day	Year	Book	cx.	Page	N-E	S-E	N-W	S-W	N-E	S-W
United States		State of Idaho	bL	5	2	1921	I		37						
"		"	bL	8	26	1921	I		48	///		///			
Bagon Geo. F.		Standard Securities Co.	W.D.	2	1	1924	23		478						
United States		Daniel H. Mc Gee	Patent	10	8	1940	I		224		✓	✓			
Idaho State Lumber Co.		D.H. Mc Gee	Lien	1	7	1941	F		230		✓				
State of Idaho		Charles Kennedy	State Patent	8	12	1941	I		234						
Mc Gee Daniel H.		Ernest Huthrich	H. I.	8	28	1944	47		312		✓	✓			
"		"	"	9	20	1944	47		333		✓				
"		"	"	12	5	1944	B		27		✓	✓			
Mc Gee D.H.		Eleanor B. Albaugh	H. I.	1	2	1945	47		414						
Mc Gee D.H.		E. A. Warner	W. D.	7	2	1945	47		583		✓				
"		"	"	8	23	1945	47		615		✓	✓	✓		
"		"	"	10	31	1945	50		15			✓			
"		"	"	1	17	1946	50		99			✓			
Whittinghill Mary Ann		James C. Beahm	W.D.	3	30	1946	50		170			✓			
Mc Gee, D. H.		Lewis Talbot	W.D.	7	2	1946	50		266			✓			
Mc Gee, Daniel H.		Raymond H. Peterson	W.D.	9	9	1946	50		329			✓			
Mc Gee, Daniel H.		Lola Angell	W.D.	9	14	1946	50		335			✓			
Mc Gee Daniel H.		Adah Lempke	W.D.	9	17	1946	50		346						
Mc Gee, Daniel H.		David L. Butler	W.D.	5	9	1947	50		554						
Mc Gee, James et al		Emmett Robbins	W.D.	5	20	1947	50		562						
Mc Gee Daniel H.		Emmett Robbins	W.D.	6	16	1947	50		593			✓			
Mc Gee Daniel H.		"	affidavit	6	16	1947	R		471		✓	✓			
Mc Gee D.H.		Emmett Robbins	H. I.	7	7	1947	50		629						
Mc Gee, David L.		Ethel J. Parker	W.D.	8	7	1947	50		623						
Mc Gee, Daniel H.		Lawrence R. Ellison	W.D.	10	12	1947	52		67						
Mc Gee, Daniel H.		David L. Butler et al	W.D.	1	16	1948	52		129						
Mc Gee Daniel H.		L. P. Griggs	W.D.	2	25	1948	52		157						
Mc Gee, D.H.		D.H. Mc Gee et al	Plat	8	11	1948	B		36			✓			
Mc Gee, Daniel H.		Lawrence R. Ellison	W.D.	7	16	1949	52		564			✓			
Mc Gee, Daniel H.		Robert Wuthrich	W.D.	11	8	1951	56		171			✓			
Mc Gee, Daniel H.		"	"	2	8	1954	F		88			✓			
Mc Gee, Daniel H.		"	"	2	26	1954	P		99				✓		
Mc Gee, R.E.		Emmett R. Blackburn	W.D.	5	27	1954	60		165		✓	✓	✓		