

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 74-14980
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
 Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
 United States Department of Justice
 Environment and Natural Resource Division
 General Litigation Section
 550 West Fort Street, MSC 033
 Boise, Idaho 83724

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

Name: F. James & Paula J. Whittaker
Address: P.O. Box 240; Leadore, Idaho 83464

Name:
Address: ;

Name:
Address: ;

Name: *
Address: ;

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:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
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: See attached.

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 United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist, 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.

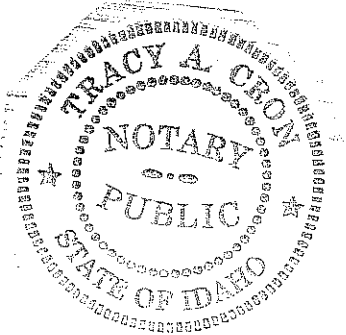
Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 28, 2006

Tracy A. Cron
Tracy A. Cron

Notary Public for State of Idaho
Residing at: Meridian, Idaho
My Commission Expires: 08-22-2009



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 6-29, 2006, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

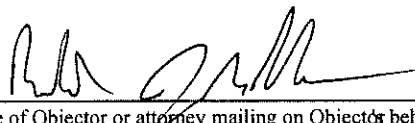
Name: F. James & Paula J. Whittaker
Address: P.O. Box 240; Leadore, Idaho 83464
Name:
Address: ;
Name:
Address: ;
Name: *
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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

01/19/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-14960
NAME AND ADDRESS: F JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464

PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464

Mixed POU:

-The place of use described below contains both private and public lands; claimant is not authorized to farm public land.
-Clarify such that it is clear only private land is intended.

SOURCE: BIG TIMBER CREEK TRIBUTARY: LEMHI RIVER
QUANTITY: 0.970 CFS

USE OF THIS RIGHT WITH RIGHT NO. 74-15003 AND 74-15004 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.4 CFS.

PRIORITY DATE: 06/01/1982

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION: T15N R26E S20 SWNW Within LEMHI County
PURPOSE AND PERIOD OF USE:

PLACE OF USE:	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
	IRRIGATION		03/15	11/15	0.970 CFS	
<u>IRRIGATION Within LEMHI County</u>	T15N R26E S21	SWSE	12.00	T15N R26E S21	SESE	13.00
	T15N R26E S27	NWNW	3.80	T15N R26E S27	SWNW	9.30
	T15N R26E S27	SENW	0.90	T15N R26E S28	NENE	3.70
	42.7 ACRES TOTAL					

Mixed

USE OF THIS RIGHT WITH RIGHT NO. 74-15003 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 178.9 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 74-15003 AND 74-15004 PURSUANT TO SECTION 42-1426, IDAHO CODE.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 42.7 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

74-14980

-Claimant is not authorized to farm public land



1. Since S27 SWNW contains both private and public lands, please insert the following language under place of use to clarify the POU such that only private land is intended:

"Place of use does not include federal public land."

2. Adjust shapefile to exclude BLM Land within S27 SWNW.

