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DEPARTMENT OF
WATER RESOURCES

October 17, 2006

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IDWR Regional Office
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
Attn: Mr. Carter Fritschle

Re: Objections to Recommendation Concerning Water Right Number 73-187B

Dear Mr. Fritschle:

As promised, I am enclosing the executed affidavits of Jud Whitworth and Jim Martini concerning historical usage of Big Gulch waters.

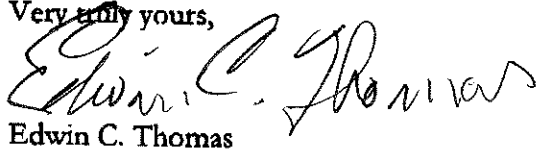
It is important to note that Mr. Whitworth was both an owner and the manager of Sulphur Creek Livestock from 1983 to 2005. His description of rights and practices concerning the delivery of Big Gulch waters for the period prior to November 1987 is especially relevant since he was a beneficiary of same which only adds credibility to his view of the matter.

The bottom line is that Right #73-187B has never been understood or applied in any manner even close to that mandated by the preliminary recommendation in question.

Mr. Martini's position is no less relevant given his official status as Watermaster from 1977 through 1983.

Thank you for your attention to this matter.

Very truly yours,


Edwin C. Thomas

ECT:rr

Enclosures

AFFIDAVIT

I, ~~Jud~~ Whitworth, make this Affidavit at the request of Ed and Linda Thomas, the present owners of the Summit Ranch.

I have lived in the Pahsimeroi all of my life.

I am aware that in approximately 1960, Mr. Fife installed a 6-8 inch pipe to carry the waters from Hill Creek to be used on his property which would later be acquired by Sulphur Creek Ranch. ^{LIVESTOCK} JW.

Hill Creek and Graves Springs have never and will never achieve a combined flow of 125 CFS. Hill Creek has never exceeded approximately 20-35 CFS at the most, and the flow from Graves Springs has never exceeded approximately 2-10 CFS.

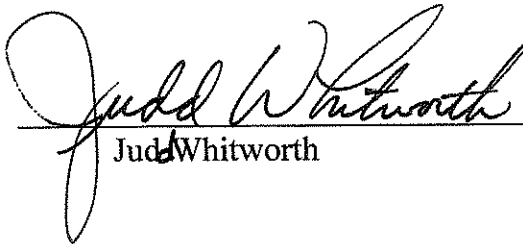
In 1983, I leased the property previously owned by Mr. Fife. Several years later (before November, 1987) I acquired an ownership interest in that property which then became known as the Sulphur Creek Ranch. ^{LIVESTOCK} JW.

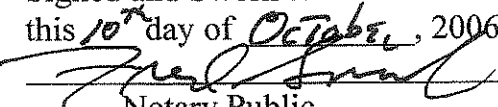
From 1983 until the Sulphur Creek Ranch property was sold in 2005, Big Gulch waters were divided 4/9 to Summit Ranch and 5/9 to Sulphur Creek Ranch. ^{LIVESTOCK} JW. During this period there was never a claim made nor did a circumstance occur under which Summit Ranch was denied its right to receive a 4/9 share of waters of Big Gulch Creek.

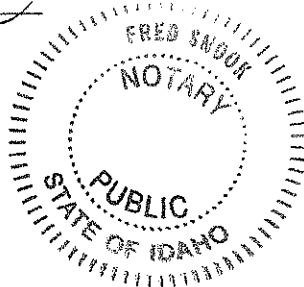
Towards the end of each season, when the flow from Big Gulch Creek diminished to the point where Sulphur Creek Ranch's 5/9 share of said waters became insubstantial, Summit Ranch received all of the waters from Big Gulch Creek. ^{LIVESTOCK'S} JW.

Louis Gassi (now deceased) was the watermaster for Basin 73 for many years in the 1950s and 1960s.

Further Affiant sayeth not.


Judd Whitworth

Signed and Sworn to
this 10th day of October, 2006

Notary Public



AFFIDAVIT

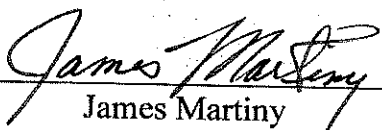
I, James Martiny, make this Affidavit at the request of Ed and Linda Thomas, the present owners of the Summit Ranch.

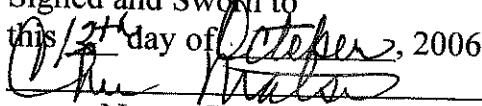
I have lived in the Pahsimeroi all of my life. My address is 83 Hooper Lane, May, Idaho 83253.

I served as watermaster in Basin 73 on two separate occasions, first from approximately 1977 through 1983, and again from 2001 through 2005.

While I served as watermaster, the waters of Big Gulch Creek were divided approximately equally between Summit Ranch and Sulphur Creek Ranch, except that late in the season, when Big Gulch Creek's flow diminished to the point that Sulphur Creek's share became insubstantial, Summit Ranch received all of the waters from Big Gulch Creek.

Further Affiant sayeth not.


James Martiny

Signed and Sworn to
this 13th day of October, 2006

Notary Public

