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MAR 16 2007

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

Case No. 39576

A. Subcase

74-0054
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: JAMES WHITTAKER
Address: P.O. 240
LEADORE, IDAHO 83464
Daytime Phone: 208-768-2491

Name & Address of Attorney, if any:

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

Name: LEADORE LAND PARTNERS LTD Partnership
Address: C/O Karl Tyler
3663 N. Reserve
Missoula, Montana 59808

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 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):** This water right has been abandoned for years. I don't ever remember it being used.

F.

VERIFICATION (must be completed)

State of Idaho)
County of Lemhi) ss.

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

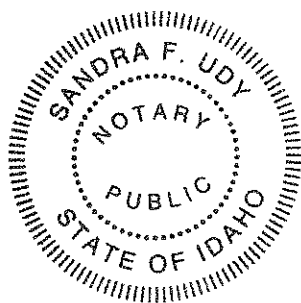
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

James Whitaker
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 12, 2007

Sandra F. Udy
Notary Public for _____
Residing at: Bozeman, Idaho
My Commission Expires: 09/18/2008



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 MARCH 13, 2007, 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:

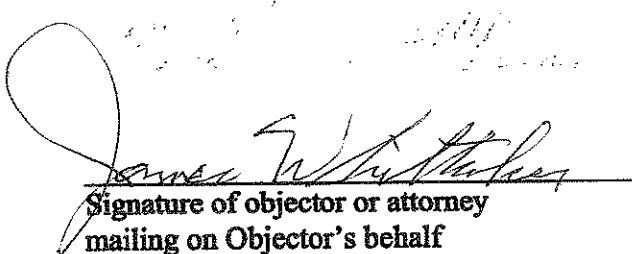
Name: Leadore HAND Partners LTD Partnership
Address: C/O Karl Tyler
3663 N. Reserve
MISSOULA, MONTANA 59808

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

March 12, 2007
Leadore, Idaho 83464

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, Idaho 83303-2707

RE: Water Right #74-0054

To Whom It may Concern:

This objection is late because I did not know the Idaho Department of Water Resources had not realized this Water right, 74-0054, had been abandoned until I received the Director's Report showing it as being recommended.

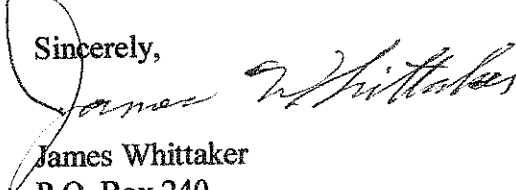
I don't ever remember this water right being used, as the "Place of Use" has always been sagebrush.

This water right, 74-0054, needs deleted from the list.

Enclosed are pictures of the ditch showing only run-off water in it with sage brush growing in the ditch and the ground listed as "Place of Use" is covered with sage brush.

Also enclosed are affidavits stating that the water has never been delivered in that ditch and the ground has not been irrigated in anyone's memory.

Sincerely,


James Whittaker
P.O. Box 240
Leadore, Idaho 83464
Phone: 208-768-2491



Looking towards headone, POU
on right hand side of Adams
Road 3/16/07



Looking West from Adams Road,
you can see runoff entering
pitch 3/16/07

POU = Place of Use



Ditch running east from
Adams Road. POU on left
hand side 3/16/07
Runoff water in ditch

3-10-2007

Idaho Dept. of Water Resources
Boise, Idaho

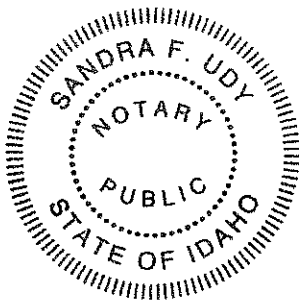
To Whom It May Concern:

I worked for Kermit Purcell on the Purcell Ranch from 5-1-1964 to 12-10-2001. The water right 74-0054 was never diverted during the years I was employed there.

Ed Peterson

Ed Peterson

Box 85
Leadore, Idaho 83464
208-768-2495

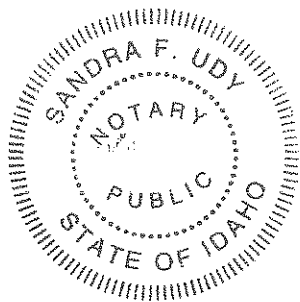


Sandra F. Udy
Leadore Idaho
Exp. 09/18/2008

The water right number 74-54 with a diversion point 15 North – 26 East Section 8 has not been called for or delivered in the 19 years I have been Watermaster of 74-W.

Dan P. Smith
Watermaster of 74-W

Dan P. Smith



Sandra F. Udy
Readare to
Exp. 09/18/2008

Witnessed by me, Notary Public, on this 19th day of August, 2008.
Sandra F. Udy

03/10/2007

Pertaining to Water Right 74-54 point of division T 15N R 26E S8 NW NE.

I, Ted Adams, was raised on the Adams Ranch adjoining this property. Born in 1944, was on the Adams Ranch until 1979. In 1984 went to work for the Lemhi County Road and Bridge. I maintain this road and do so to this day.

The point of diversion for water right 74-54 was never used, if there was water in the ditch, it was from spring water run off. The water followed the ditch by county road and drained in the said above ditch.

Place of use for water right 74-54 was never used to irrigate the following parcels listed below:

T 15N R 26E S3 SW NW- 40 acres
T 15N R 26E S3 NW SW- 40 acres
T 15N R 26E S4 SE NE- 40 acres
T 15N R 26E S4 NE SE- 40 acres

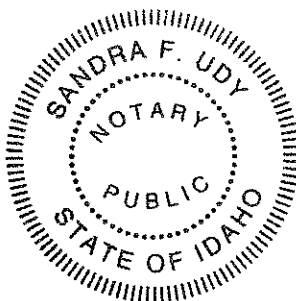
I've spent all my life here. This water right was never used to irrigate the parcels listed. These parcels have always been sagebrush ground.

An old timer told me there was one crop raised there when the Carey Act was first put in. Water supplies dwindled. The ground was used for grazing with no water right even to water cows.

SIGNED:

Ted Adams

Ted Adams
PO Box 23
LEMHU, IDAHO 83465



Sandra E. Udy
Sandra Udy
Exp - 09/18/2008