

RECEIVED
MAR 19 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

74-40

(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, MT. 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: Little Timber Creek
3. ☒ **Quantity**
Should be: 4.2 Little Timber Creek
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: T15N R25E S24 SWNW
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):** We've diverted
water from both BTC & L.T.C all my
life & the 1.2 & 3 CFS have ALWAYS
both been diverted from L.T.C.

F.

VERIFICATION (must be completed)

State of Idaho)

County of Gem) ss.

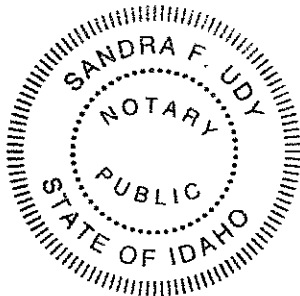
James Whitaker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: 3/14/07



Sandra F. Udy
Notary Public for

Residing at: Boise, ID

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 14, 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:

Address:

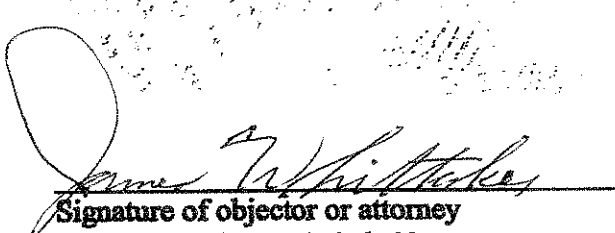
Headore Land Partners LTD Partnership
C/O Kari Tyler
3663 N. Reserve
Missoula, MT. 59808

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 14, 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 74-0040

To Whom It May Concern:

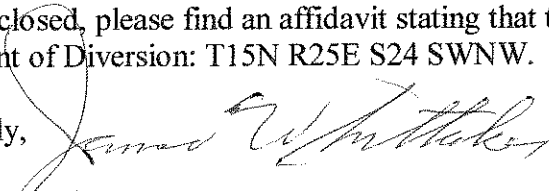
This objection is late because I did not know the Idaho Department of Water Resources had not realized this Water Right, 74-0040, had all been diverted from Little Timber Creek. Both the 1.2 cfs and the 3 cfs have always been diverted from Little Timber Creek's Point of Diversion: T15N R25E S24 SWNW.

If the 1.2 cfs were diverted from Big Timber Creek at Point of Diversion: T15N R26E S5 SENE as shown in the director's report, it would not reach the Place of Use.

This Water Right 74-0040 needs its Point of Diversion corrected to reflect its historical and present use: T15N R25E S24 SWNW.

Also enclosed, please find an affidavit stating that the water has always been diverted at this Point of Diversion: T15N R25E S24 SWNW.

Sincerely,


James Whittaker
PO Box 240
Leadore, Idaho 83464
Phone: 208-768-2491

3-10-2007

Idaho Dept. of Water Resources
Boise, Idaho

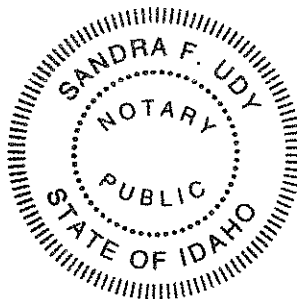
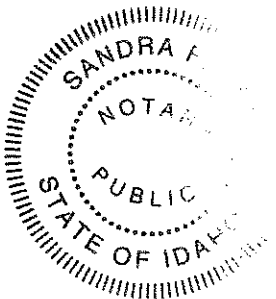
To Whom It May Concern:

I worked for Kermit Purcell on the Purcell Ranch from 5-1-1964 until 12-10-2001. The water right 74-0040 was always diverted from the Little Timber Creek never from Big Timber Creek.

Ed Peterson



Box 85
Leadore, Idaho 83464
208-768-2495



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