

April 10, 2007
Leadore, Idaho 83464

RECEIVED

APR 16 2007

DEPARTMENT OF
WATER RESOURCES

Clerk of the District Court
Snake River Basin Adjudication
253 Third Ave North
Twin Falls, Idaho 83303-2707

Re: Water Rights #74-39B, # 74-69,
#74-72 and #74-15005

To Whom It May Concern:

I am objecting to the addition of acre/ft limitation that was added to the above water rights.

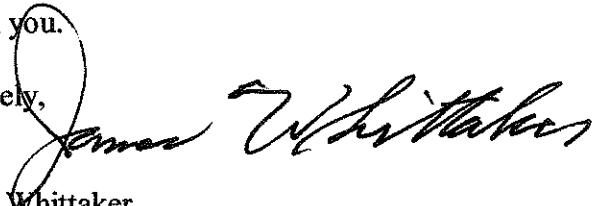
In 1993, when these water rights were transferred, I did not realize that the Water Department had added the acre/ft limitation to these rights.

The General Provisions at that time read, "Water will be delivered as historically done — by rate of diversion (cfs or miner's inch) to the land to which it is appurtenant."

I respectfully request that you remove the acre/ft limitation from these water rights.

Thank you.

Sincerely,


James Whittaker
P.O. Box 240
Leadore, Idaho 83463
Phone: 208-768-2491

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

74-39 B-74-63
(Insert water right number)
74-72 74-15005
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING.

Name:

F. JAMES WHITTAKER

Address:

P.O. Box 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:

F. JAMES WHITTAKER

Address:

P.O. Box 240
LEADORE, IDAHO 83464

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

- AN updated version may*
1. ☒ **Name and Address**
Should be: *Include Paula J Whittaker*
 2. ☐ **Source**
Should be: *if so, disregard this part.*
 3. ☒ **Quantity**
Should be: *It shouldn't have an acre/ft limitation*
 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): *The prior General Provisions had no acre/ft limitation only cts at the field headgate. better attached with General Provisions.*

F.

VERIFICATION (must be completed)

State of Idaho)
County of Lemhi) ss.

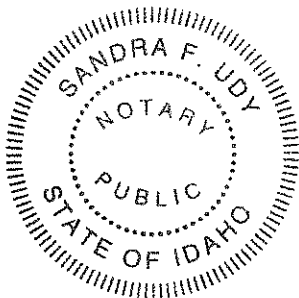
JAMES WHITAKER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: 04/09/2007



Sandra B. Udy
Notary Public for State of Id.
Residing at: Leabore 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 April 10, 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:

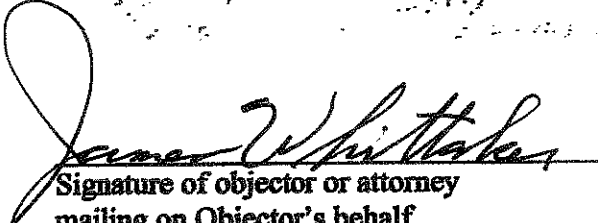
Name: F. JAMES WHITTAKER
Address: P.O. Box 240
Healdsburg, Idaho 83464

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



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 3, 1982

Floyd James Whittaker
Box 177
Leadore, ID 83464

Dear Mr. Whittaker:

The determination of water rights in the Lemhi drainage is almost finished. The specific objections of record dealing with individual water rights essentially are resolved and the majority of general objections have been resolved. I am writing to you because one of the unfinished matters affects you directly.

Shortly after the proposed finding of water rights in the Lemhi drainage (called the "green book" because of its cover) was filed with the district court in Salmon, you were among a number of water right users who filed written objections to the acre-foot limitation, the season of use, and the treatment of "high water." These are general matters which affected all water rights and have been termed "general objections." To complete the Lemhi Adjudication, all of these general objections must be resolved or go to trial.

Many of the water users who filed general objections were represented by attorneys; however, you were among those general objectors who were not represented by an attorney or are no longer represented by an attorney. Over the past several years, the attorneys who represented general objectors have worked with the Idaho Department of Water Resources to settle the problems relating to the acre-foot limitation, the season of use, and the use of "high water." An agreement was reached between the Department and all attorneys of record in the Lemhi River Adjudication proceeding and was signed this last winter and approved by the court. The agreement, called a "stipulation resolving general objections," is available for your review at the Lemhi County Courthouse if you wish to review it. Pages 2 and 3 of the stipulation show which of the general objectors were represented by the attorneys who signed the stipulation. The three general objections were essentially resolved, however, by making the following changes in the Department's previous recommendations to the District Court:

pages

- a) The 3.0 acre-feet per acre originally recommended as a volume at the field headgate has essentially been eliminated. The Findings of Fact and Conclusions of Law now state that the consumptive irrigation requirement (the amount of water required to raise alfalfa or wild hay in the Lemhi River Basin) is 1.45 AF/acre. This is factual information and will not be used to limit delivery of water under existing rights as was the original concern of objectors. Water will be delivered as historically done - by rate of diversion (cfs or miner's inch) to the land to which it is appurtenant.
- b) The normal irrigation season originally recommended as April 1 to November 1 has been changed to March 15 to November 15 of each year with the provision that in some cases water has been and can be applied to a beneficial use outside the normal irrigation season.
- c) The use of "flood water" or "high water" concern has been resolved by essentially changing the original recommendation to say that the existing decreed streams as listed in Conclusion of Law # 3 in the "Green Book" can operate as distinct and separate streams from the mainstream Lemhi River priorities including future appropriations on those particular decreed streams shown in Conclusion of Law # 3.

The individuals who are listed on the "stipulation resolving general objections" had the same general objections as you. For this reason, it is believed that the provisions of the stipulation should also satisfy your concerns. If the stipulation is satisfactory to you, please sign the enclosed "agreement to stipulation" and return to me by September 30, 1982. The court will then be notified that your objection has been settled. If the stipulation is not satisfactory, do not sign the "agreement to stipulation." You will be notified at a later date of a time when your objection can be scheduled for trial before the district court.

A list of all the general objectors who were not represented by attorneys is included. With this list and the names on the stipulation you have the names of all the other general objectors if you would want to discuss this matter with any of them.

Sept. 3, 1982
Page 3

Please feel free to contact me if you have any questions about the stipulation or this letter.

Sincerely,

A handwritten signature in dark ink, reading "L. Glen Saxton". The signature is written in a cursive, flowing style. The first name "L." is small and followed by a period. "Glen" and "Saxton" are written in larger, more prominent cursive letters.

L. Glen Saxton, Chief
Operations Bureau

LGS:jh
Encls.