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DEPARTMENT OF
WATER RESOURCES

Attorneys for F. James Whittaker

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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

Subcase No. 74-54

AFFIDAVIT OF F. JAMES WHITTAKER

STATE OF IDAHO)
) ss.
 County of Lemhi)

F. JAMES WHITTAKER, having been duly sworn upon oath, deposes and states
 as follows:

1. I am over the age of 18 years and make this affidavit based upon personal information.
2. I have filed a late objection to the above-captioned water right recommendation. I filed this late objection *pro se*, prior to retaining counsel to assist me with the current Lemhi Basin issues in the SRBA. This late objection is currently set for hearing before this Court on June 14, 2007.

AFFIDAVIT OF F. JAMES WHITTAKER - 1

BOI_MT2:652233.1

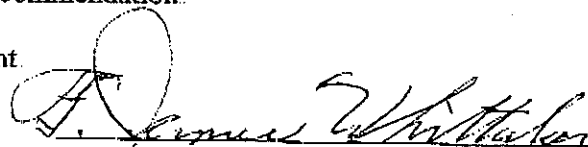
3. On May 15, 2007, the Lemhi Basin Water Users Association, Inc. and I jointly filed a Motion to File Late Objections to water right recommendations of the Lemhi Irrigation District (the "Motion") (attached hereto as Exhibit A) and my affidavit in support thereof (the "Affidavit") (attached hereto as Exhibit B) with this Court. Those documents explain why the late objections included therewith should be allowed in the context of the legal standards that apply to late objections.

4. In support of my late objection to the above-captioned water right recommendation, I hereby adopt the portions of the Motion and Affidavit that address whether my delay in objecting was "willful."

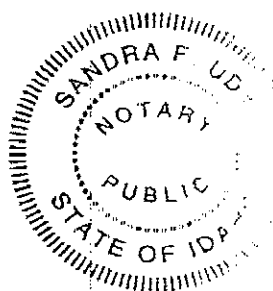
5. In support of my late objection to the above-captioned water right recommendation, I hereby adopt the portions of the attached Motion and Affidavit that address whether my delay in objecting would prejudice the claimant.

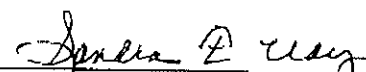
6. The late objection that I have already filed to the above-captioned water right recommendation presents specific, detailed facts constituting meritorious positions under Idaho water law that would allow me to prevail on those issues. The positions I have asserted in my objection would require the denial of this recommendation.

Further your affiant sayeth naught.


F. James Whittaker

SUBSCRIBED AND SWORN to before me this 7th day of June, 2007.




NOTARY PUBLIC FOR IDAHO
Residing at Boise Idaho
My Commission Expires 09/18/2008

AFFIDAVIT OF F. JAMES WHITTAKER - 2

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June, 2007, I caused a true and correct copy of the foregoing **AFFIDAVIT OF F. JAMES WHITTAKER** to be served by the method indicated below, and addressed to the following:

Leadore Land Partners Ltd Partnership
c/o Karl Tyler
3663 N Reserve
Missoula, Montana 59808

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Purcell Ranch Partnership
c/o Allan/Betty/Keiry Purcell
98 Purcell Road
Leadore, Idaho 83464

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Richard E. Foster
P. O. Box 55
Leadore, Idaho 83464

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☐ Hand Delivered
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☐ Facsimile

Kurt Bird
56 Lower Texas Creek Rd
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Dylan B. Lawrence