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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 29-13728

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Max & La Rue Whitworth

Address: 73 South Indian Creek Rd
Inkom Idaho 83245-

Daytime Phone: 208-775-3738

Name & Address of Attorney, if any:

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Leo D. Lewis

Address: 90 N Indian Creek Rd.
Inkom Idaho 83245

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use

11. Recommendation

- ☒ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho
County of Bannock) ss.

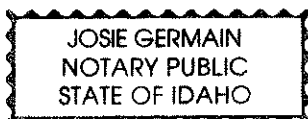
LaRue M. Whitworth, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

LaRue M. Whitworth
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 5, 2007



Josie Germain
Notary Public for Bannock County, State of Idaho
Residing at: 1880 Garrett Way Pocatello, ID 83201
My Commission Expires: Feb. 10, 2013

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F. CERTIFICATE OF MAILING

I certify that on Sept 5, ~~199~~²⁰⁰⁷, I mailed the original and copies of this response, 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: Max & LaRue Whitworth
Address: 73 S. Indian Creek Rd Inkom, Idaho 83245

3. One copy to the party who filed the objection at the following address:

Name: Leo D Lewis
Address: 90 N. Indian Creek Rd.
Inkom Idaho 83245

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

LaRue Whitworth
Your signature or signature of attorney
mailing on your behalf

To: Clerk of the District Court

From: Max and La Rue Whitworth

Date: September 5, 2007

Re: Response to Objection of Subcase 29-13728

Unless Mr. Lewis lived with my family, he wouldn't know how my father used the water flow from Indian Creek;

1. My parents did use the creek to irrigate a garden that was by the creek.
2. After my parents had electricity my dad used a sump pump to irrigate the garden and lawn.

Mr. Lewis mentioned he has only a trickle of water flowing into his property, and this is not a sufficient amount for his fishpond. I have checked the culvert passing under the road into his property, there are two culverts, the main culvert and a small one off to the side. I think Mr. Lewis would benefit if he had the county check the culverts. I also think if Mr. Lewis cleaned up the debris he may see a different amount of flow.

We pasture livestock to help pay for property taxes, the livestock require water on a daily basis, we feel the livestock should take priority over the fishpond.

Times have changed, Indian Creek does not flow like it has in the past, and Mr. Lewis doesn't need as much water as did his mother.

I know late water rights have been issued, Mrs. Neta Kent was issued water rights in the 1980's.

Mr. Lewis did approach me with his concerns about us using the water, he mentioned as long as we left sufficient water running below our diversion point to give him water to which he was entitled there was no legal problem. We felt this was being done until we received the objection letter.

I agree with Mr. Lewis, I feel the Special Master should visit and inspect the properties. I can only say there is plenty of water passing thru my property.

We pasture cattle to help pay for the property taxes and need to have access to the water flow.

If granted the right to use the water, we would be willing to rotate water days with all that have water rights. I feel at this time there needs to be some modification to the existing water law.