

RECEIVED

MAY - 8 2007

Department of Water Resources
Adjudication Bureau

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 78-04002B
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: J. W. Whitman, Inc.

Address: 2157 Mt Cove Road; Boise, Idaho 83702

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

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(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **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 OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

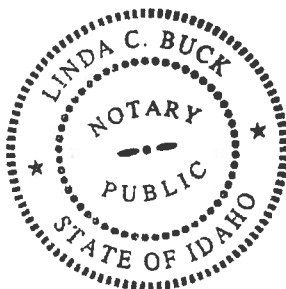
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

David Nguyen for LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: *Jan 4, 2007*

Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho
Residing at: Mountain Home, ID.
My Commission Expires: 12-21-2011

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 May 4th, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: J. W. Whitman, Inc.
Address: 2157 Mt Cove Road; Boise, Idaho 83702

Name:
Address: ;

Name:
Address: ;

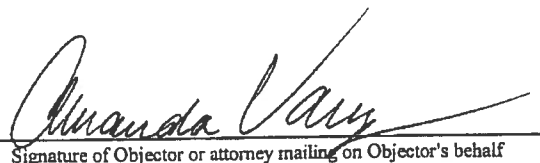
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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


Signature of Objector or attorney mailing on Objector's behalf

01/03/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4002B
NAME AND ADDRESS: J W WHITMAN INC
2157 MT COVE RD
BOISE ID 83702

POU on BLM:

-Claimant is not authorized to farm public land.

SOURCE: ELK CREEK
QUANTITY: 2.830 CFS

TRIBUTARY: LITTLE SALMON RIVER

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/19/1907

POINT OF
DIVERSION: T22N R01E S23 SENESW Within IDAHO County
T22N R01E S26 NENWNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.800 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION in IDAHO County

T22N R01E S22	NESE	26.00	T22N R01E S22	SWSE	3.00
T22N R01E S22	SESE	40.00	T22N R01E S23	NWSW	22.00
T22N R01E S23	SWSW	22.00	T22N R01E S26	NWNW	2.00
T22N R01E S27	NENE	21.00	T22N R01E S27	NWNE	4.00

BLM

STOCKWATER in IDAHO County

T22N R01E S22	NESE	T22N R01E S22	SESE
T22N R01E S23	NWSW	T22N R01E S23	SWSW
T22N R01E S26	NWNW	T22N R01E S27	NENE
T22N R01E S27	SENE		

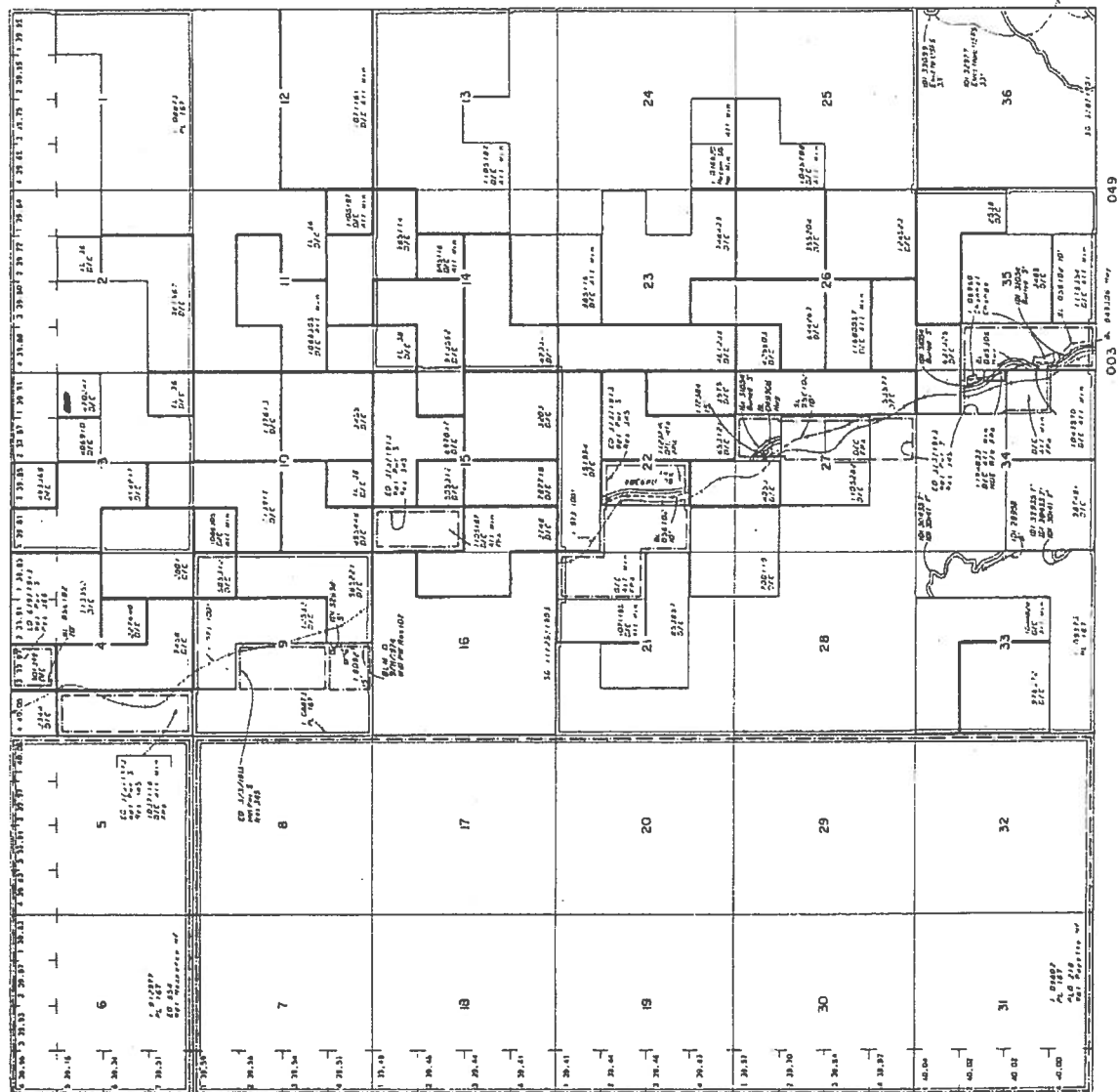
140 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

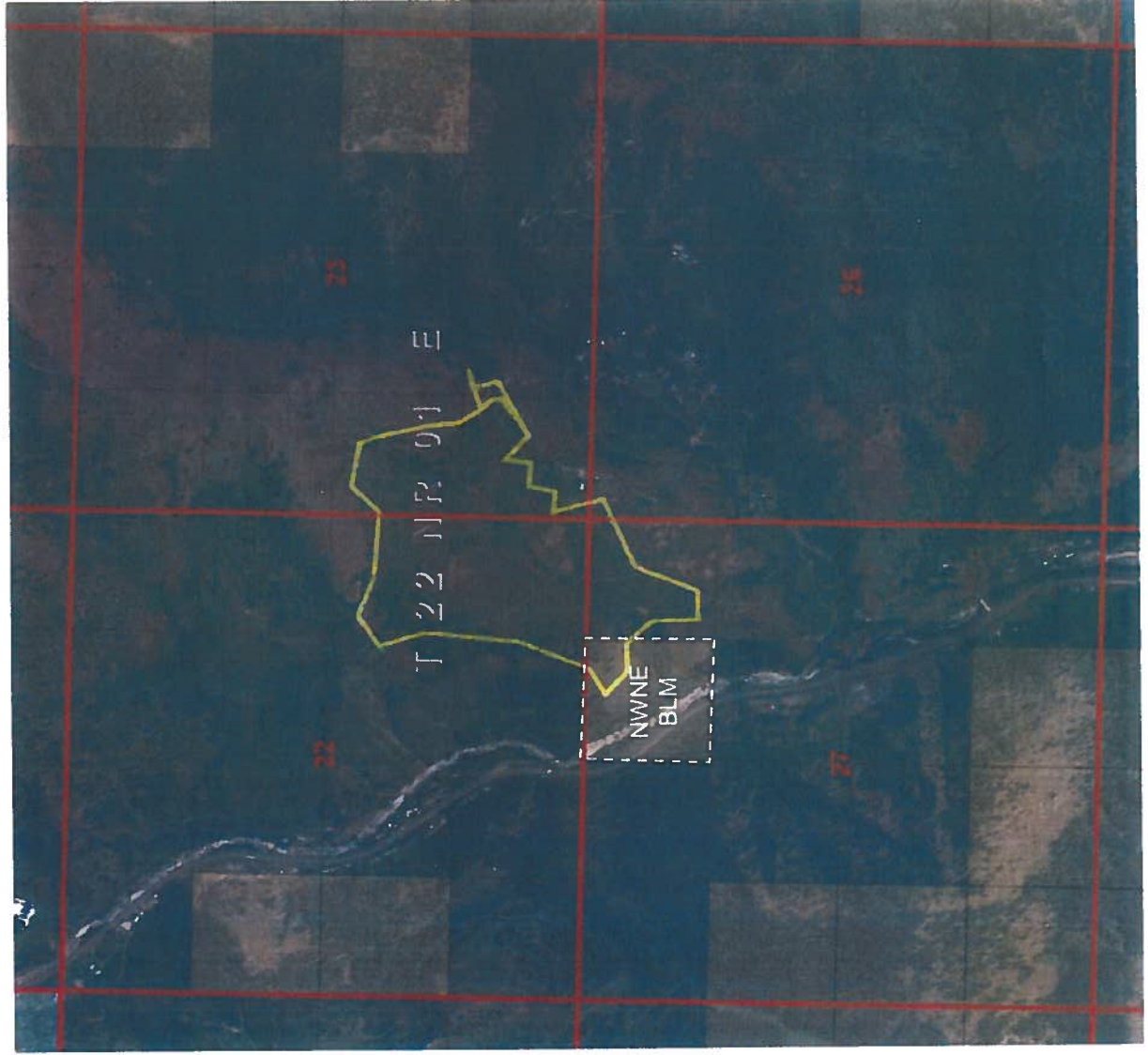
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible][illegible]

78-04002B
J. W. Whitman Inc.



POU on BLM:
-Claimant is not
authorized to farm
public land.

11/08/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4002B
NAME AND ADDRESS: J W WHITMAN INC
2157 MT COVE RD
BOISE ID 83702
SOURCE: ELK CREEK TRIBUTARY: LITTLE SALMON RIVER
QUANTITY: 2.830 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 12/19/1907
POINT OF DIVERSION:

T22N R01E S23 SENESW Within IDAHO County
T22N R01E S26 NENWNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.800 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T22N R01E S22	NESE	26.0	T22N R01E S22	SWSE	3.0
T22N R01E S22	SESE	40.0	T22N R01E S23	NWSW	22.0
T22N R01E S23	SWSW	22.0	T22N R01E S26	NWNW	2.0
T22N R01E S27	NENE	21.0	T22N R01E S27	NWNE	4.0

STOCKWATER Within IDAHO County

T22N R01E S22	NESE	T22N R01E S22	SESE
T22N R01E S23	NWSW	T22N R01E S23	SWSW
T22N R01E S26	NWNW	T22N R01E S27	NENE
T22N R01E S27	SENE		

140 ACRES TOTAL

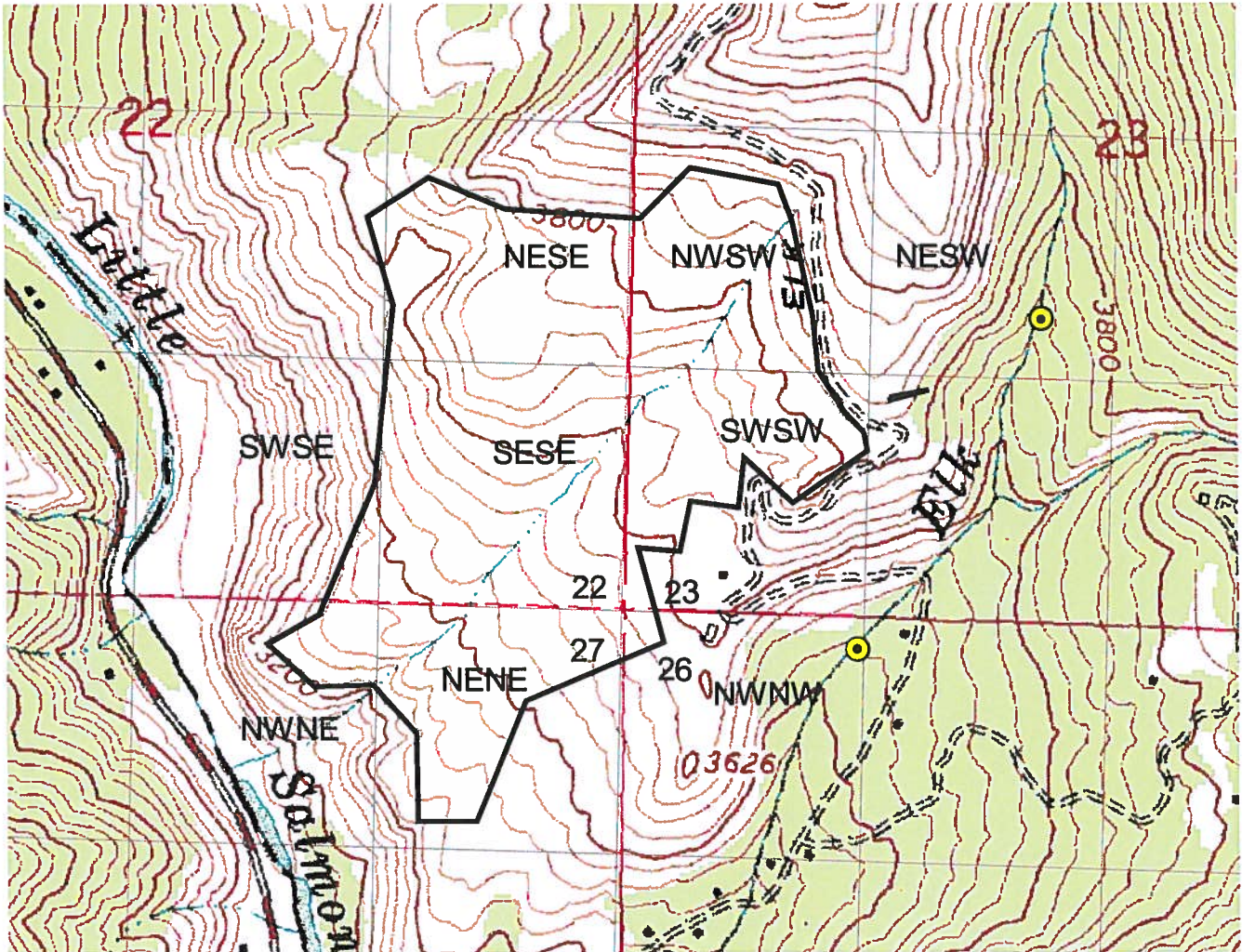
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

78-4002B



0 400 800 Feet

Sections 22, 23, 26 & 27
T22N R1E



● Point of Diversion

□ Place of Use

Map prepared on November 7, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



ELK CREEK | LITTLE SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	2.8 CFS	
STOCKWATER	1/01	12/31	0.03 CFS	
Total Diversion			2.83 CFS	

Location of Point(s) of Diversion:

ELK CREEK | SENESW | Sec. 23 | Township 22N | Range 01E | IDAHO County
 ELK CREEK | NENWNW | Sec. 26 | Township 22N | Range 01E | IDAHO County

Place(s) of use:

Place of Use Legal Description: IRRIGATION IDAHO County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
22N	01E	22		NESE	18		SESE	38						
		23		NWSW	15		SWSW	18						
		26		NWNW	10									
		27		NENE	38		SENE	3						

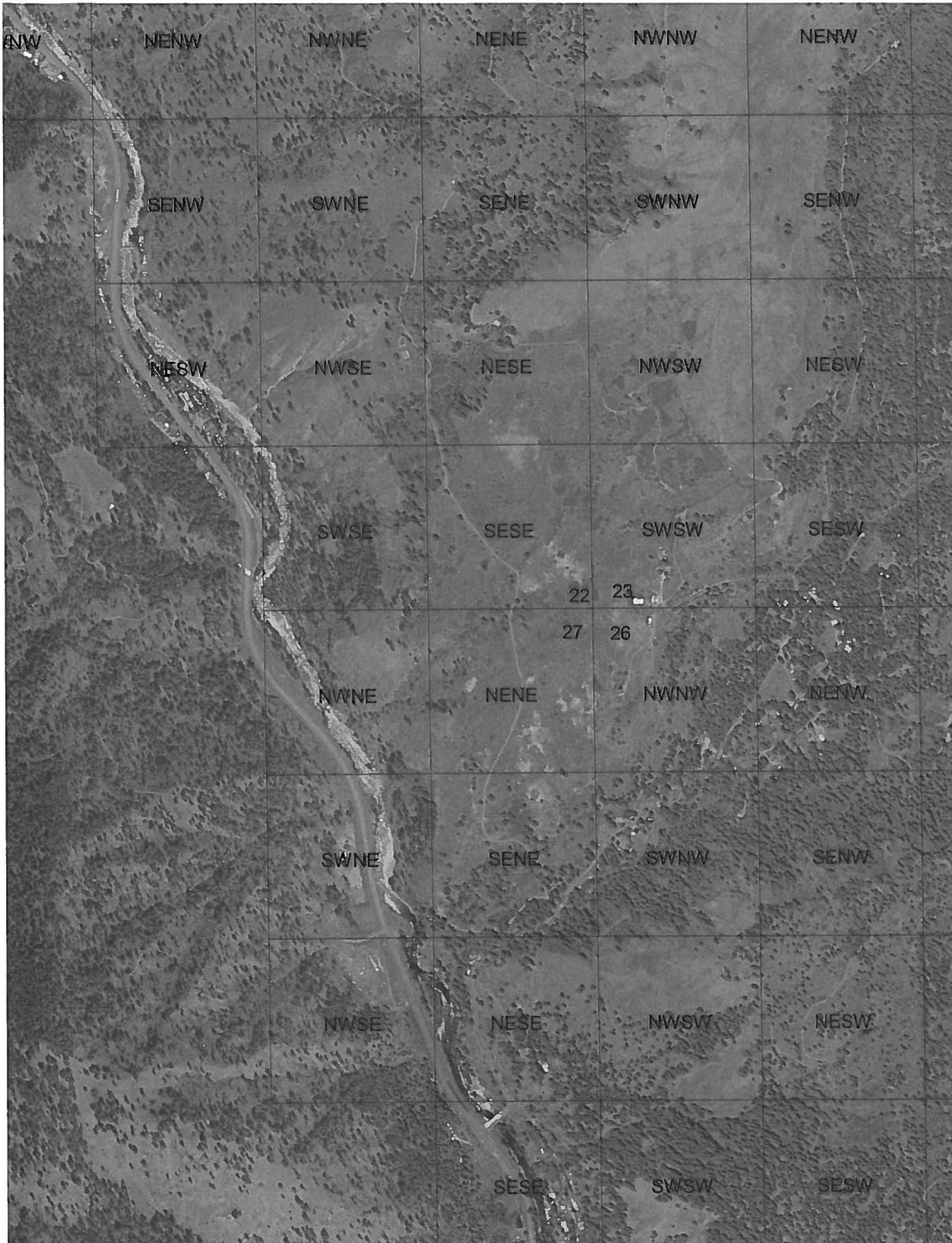
Place of Use Legal Description: STOCKWATER IDAHO County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
22N	01E	22		NESE			SESE							
		23		NWSW			SWSW							
		26		NWNW										
		27		NENE			SENE							

Total Acres: 140

Conditions of Approval:

1. Ownership changed by DB 8/10/2004
2. Address change done by DB 8/24/2004



[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

10/03/2005

WATER RIGHT NO. 78-4002B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J W WHITMAN INC 2157 MT COVE RD BOISE, ID 83702 (208) 345-5891
Original Owner	CLIFTON POWELL 5250 HUNTINGTON DR REDDING, CA 96002
Original Owner	JAMES B HOWELL 1984 PANAMA ST BOISE, ID 83705 (208)345-5335
Original Owner	IRWIN M DERRY RT 1 NEW MEADOWS, ID 83654
Original Owner	JERRY LAUSMANN 200 MEDFORD HEIGHTS MEDFORD, OR 97504
Original Owner	IDAHO HOLDINGS J S LAUSMANN MG PARTNER PO BOX 1608 MEDFORD, OR 97501 (541)776-6507

Priority Date: 06/01/1898

Basis: Statutory Claim

Status: Active

Source

Tributary

3. || OWNERSHIP CHANGED BY LH 10/8/97.

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

Knoblock, Ken

To: Fritschle, Carter
Subject: 78-4002B

In June you sent Jim an e-mail to take this right off the exam list because Sherl did a field exam last year. What now? Do I send this file back to you?

ken

Jim Cindy Zimmerman

From: Fritschle, Carter [Carter.Fritschle@idwr.idaho.gov]
Sent: Monday, June 06, 2005 8:26 AM
To: Jim Zimmerman (E-mail)
Cc: Knoblock, Ken
Subject: 78-4002B

Hi Jim,

I think you will be able to take 78-4002B off of your list of claims to field examine. Sherl Chapman, a geologist with the consulting firm ERO, did a field exam for this one last September and has provided extensive information about the ranch.

I didn't realize I had passed this one off to Ken until I was preparing to mail the field exam/priority date letter.

Carter