

Exhibit List

Contested Case: Applications for Permit 74-16224, 74-16225, 74-16227
Applicant: Idaho Fish & Game Commission
Date/Time: March 14, 2022 9:00 AM
Location: IDFG Conference Room – Salmon, Idaho
Hearing Officer: James Cefalo

No.	Description	Offered?	Objection?	Admitted?
1	18mile Creek Breshears 404_Attachment_A			
2	18mile Creek Breshears_404 app_signed			
3	18-mile Oxbow road			
4	18mile-3 Easement Agreement			
5	18mile-3 Flow Agreement			
6	18mile-3 Headgate Agreement			
7	18mile-3 Temp. Construction Agreement			
8	2022 Screen Route Book			
9	20000524LemhiRDewatering			
10	20000810LemhiFlowEnforce			
11	20010910LemhiCA			
12	20020508LemhiIrrigation			
13	Above Whittaker			
14	Basic Fish Screen Site Layout			
15	Basic screen operations, DRAFT			
16	Breshears to Leadore			

No.	Description	Offered?	Objection?	Admitted?
17	Bypass WR App, correspondence			
18	Canyon Creek 404 Permit, NWP #27			
19	Canyon Creek aerial			
20	Canyon Creek BLM Right of Way Consolidation App			
21	Canyon Creek BLM Right of Way			
22	Canyon Creek Flow Data			
23	Canyon Creek Sediment Basin, looking downstream			
24	Canyon Creek Site & Screen details, aerial			
25	Canyon Creek Water Rights 1			
26	Canyon Creek Water Rights			
27	Canyon Creek-03 Headgate			
28	Canyon Creek-03 Screen			
29	Canyon-03 Aerial Map			
30	Distribution Map, Canyon Creek.			
31	Distribution Map, Hawley Creek			
32	Distribution Map, Pratt Creek			
33	Distribution Map, Pratt_Creek_2018 (003)			
34	Diversion Modification Agreement (LSWCD)			
35	Eighteen Mile, Water Rights			
36	Eighteen Mile Flow Data			
37	Eighteen Mile Screen Site & Screen details			

No.	Description	Offered?	Objection?	Admitted?
38	Eighteen Mile Water Rights 2			
39	Eighteen Mile Water Rights			
40	Eighteen Mile WR Compilation - revised			
41	Eighteen Mile, BLM ROW Application			
42	Eighteen Mile-03 Aerial Map			
43	Eighteen Mile-03 and new creek, looking upstream			
44	Eighteen Mile-03 screen and new creek, Downstream			
45	Eighteen Mile-03, drum, looking down			
46	Eighteen Mile-03, screen, top of bypass pipe to creek			
47	Eighteen mile Creek Habitat Improvement Project Final Drawings(Lemhi Soil and Water Cons. District)			
48	Email 2.23.22 from Stacey Meyer			
49	Email 11.13.19 from Chad Zens			
50	Fish Bypass Flowrate Table			
51	Fish Distribution Map (18mile)			
52	Fish Distribution Map (Hawley)			
53	Fish Screen - Definition and Design Characteristics			
54	Flow Agreement Pratt Creek			
55	General Site & Screen details			
56	Headgate Agreement			
57	Headgate			
58	IDFG Anadromous Fish Screen Program - Overview and History 1			

No.	Description	Offered?	Objection?	Admitted?
59	Intensively Monitored Watersheds 10 yr report			
60	LEMC-03 & Whittaker's POD locations			
61	LEMC-03 POD & Whittaker's POD			
62	NMFS Biop for Lemhi USFS Diversions			
63	NOAA Anadromous Salmonid Passage Facility Design 2011			
64	NWW-2019-226 NWP Ltr			
65	Oxbow			
66	Permit S74-20130			
67	POD Map, Canyon Creek			
68	POD Map, Eighteen Mile-03			
69	POD Map, Pratt Creek-03			
70	Pratt Creek Aerial			
71	Pratt Creek BLM Right Of Way			
72	Pratt Creek Distribution Map			
73	Pratt Creek Flow Data			
74	Pratt Creek LPC-03 404 Permit Application			
75	Pratt Creek POD's & Water Rights			
76	Pratt Creek rights			
77	Pratt Creek Site & Screen details, aerial			
78	Pratt Creek Water Rights			
79	Pratt Creek WR Compilation			

No.	Description	Offered?	Objection?	Admitted?
80	Pratt Creek-03 Aerial Map			
81	Pratt Creek-03 drums, looking upstream			
82	Pratt Creek-03 headgate, concrete of screen			
83	Pratt Creek-03, drums, looking downstream			
84	Pratt Creek-03, rear of screen, pipe opening, bypass slide gate			
85	Pratt Joint Permit Authorization (404) Permit S74-20128			
86	Raw Data at array, 18-mile and Hawley			
87	Sandy and Pratt Creek Fisheries Report			
88	Screen Diagram, Flow			
89	Screen Engineering Design Plans Eighteen mile Creek			
90	Screen Engineering Design Pratt Creek			
91	Screen Engineering Design			
92	Screen POD's & WR's			
93	Screen, looking upstream			
94	Screen			
95	Sediment Basin, looking downstream			
96	Upper Salmon Screening/Tributary Passage Project ISRP 2021 FINAL			
97	USFWS Biop USFS Lemhi Diversions			
98	Walters et al 2012 TAFS			
99	WaterRight74-1771 (1)			
100	WaterRight74-1772 (1)			

No.	Description	Offered?	Objection?	Admitted?
101	WaterRight74-2006 (3)			
102	WaterRight74-2091A (1)			
103	WaterRight74-2124 (2)			
104	WaterRight74-15061 (2)			
105	Waterway & Habitat Conservation Agreement			
106	Whittaker upper			
107	Whittaker, LEMC-03 POD's			
108	WR Compilation			
109	74-16224 App			
110	74-16225 App			

No.	Description	Offered?	Objection?	Admitted?
201	Photograph			
202	Photograph			
203	Photograph			
204	Photograph			
205	Photograph			
206	Photograph			
207	Photograph			
208	Photograph			
209	Photograph			
210	State of Idaho's Motion for Summary Judgement 74-15051 (January 30, 2009)			
211	Idaho Code § 42-605A			
212	Map 1 (from IDWR)			
213	Map 2 (from IDWR)			
214	Statement from James C. Malcolm WSB Rental Application 74-2320, 74-15190			
215	Summary of Eighteenmile Creek Rights			
216	Water District 74W Records – 2016			
217	Water Right Summary – Beyeler Home Place			
218	Partial Decree – Water Right 74-159			
219	Water District 74W Records - 2016			
220	License – Water Right 74-16176			
221	Beneficial Use Field Report – Water Right 74-16176			

Roster of Attendance

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IDWR Representatives: James Cefalo (hearing officer), ~~David Graybill~~ Anna Kaiser

Parties, Attorneys, Consultants

Name	Representing	Role
Ann Vonde	IFGC	attorney
James Whittaker	self	
April Hawkes	Whittaker	daughter

Others in Attendance

Name	Affiliation
Tom Bassista	IDFG
Jim Malcolm	witness for Whittaker
Dan Smith	witness for Whittaker
Jeff Richards	IDFG
Patty Murphy	witness for IFGC
Mike Demmick	IDFG
Tom Curet	IDFG

Witness List

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WITNESS	CALLED BY	DATE / TIME
Patrick Murphy	IFGC	9:15
Jim Malcolm	Whittaker	2:30
Dan Smith	Whittaker	2:45
James Whittaker	Whittaker	3:00