

RECEIVED
SEP 13 2012
DEPARTMENT OF
WATER RESOURCES

September 8, 2012

Attn: Shelley W. Keen, Manager
Water Rights Section
State of Idaho
Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: Water Right Permit No. 74-15613

Dear Mr. Keen:

In response to your letter of August 14, 2012, I am enclosing the Water Master's report for 2011, and letter indicating that Water Right No. 74-15613 was diverted as Clark. I have also enclosed a short note from Dan Smith, Water Master for 74-W, showing the dates for the 2012 season.

The pictures I am including clearly show the beneficial use of water on the Clark Place even though it only had ten days of water this year. (2012) The pictures also show that most of the place has been farmed and seeded with improved grasses. In 2011, thirty five days produced a lot of pasture.

Concerning the matter of the data logger, I contacted Brian Higgs with Water Well Consultants, August 23, 2012, and faxed him your letter and the information I printed from the web site you provided in your letter. I reached him again on September 4, 2012, at which time he told me he was unable to find out anything and he would contact the IDWR.

At this point, I decided to contact IDWR myself. I spoke with you, Mr. Keen, and you indicated that you had heard of data loggers on wells but not really on surface waters. You were going to call Nick Miller and have him contact me and to date I have yet to hear from Mr. Miller.

It seems like an unjustified expense for a water right that normally runs ten days to two weeks a year. Initial expense plus maintenance could make it cost prohibitive.

I have made an effort to comply with what you have wanted and have not received any helpful information from IDWR or the Idaho Department of Fish and Game.

Letter to Shelley W. Keen

September 8, 2012

Re: Water Right Permit No. 74-15613

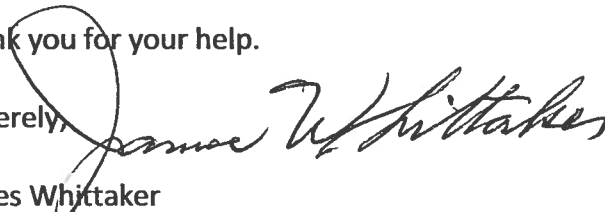
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We have spent a lot of money both securing the water right, developing the ground and have met all other criteria including a measuring device.

It is time to approve Water Right No. 74-15613 and let us move on.

Thank you for your help.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Whittaker". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

James Whittaker

83 Big Eight Mile Road

PO Box 240

Leadore, Idaho 83464

Telephone: 208-768-2491

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Name	WR#	Big Timber																			
		July, 11	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
K. Tyler	74-37		3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36	3.36
K. Tyler	74-40		1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
M. Beyeler	74-31		1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4
C. Ellsworth	74-42		4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8
K. Bird	74-32		3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24	3.24
K. Bird	74-34		2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17	2.17
J. Whittaker	74-39B		6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
K. Tyler	74-39A		2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53	2.53
K. Bird	74-148		27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8	27.8
R. Foster	74-51		6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4
K. Bird	74-35		6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61	6.61
K. Tyler	74-54		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
J. Whittaker	74-56		2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
A. Purcell	74-59A		2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
V. Hartman	74-59B		0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28	0.28
J. Whittaker	74-63		0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
K. Bird	74-1801		0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16	0.16
T. Carlson	74-1619		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
J. Whittaker	74-1103		0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48
A. Purcell	74-398		5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	5.76	4	4	4
K. Purcell	74-399		0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0.48	0	0	0
J. Whittaker	74-1102																				

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Name	WR#	Big Timber		2011			
		May	June	July	Aug.	Sep.	Total
K. Tyler	74-37	67.2	100.8	104.16	104.16	100.8	477.12
K. Tyler	74-40	24	36	37.2	37.2	36	170.4
M. Beyeler	74-31	28	136.8	43.4	43.4	42	293.6
C. Ellsworth	74-42	96	144	148.8	148.8	144	681.6
K. Bird	74-32	64.8	97.2	100.44	100.44	97.2	460.08
K. Bird	74-34	43.4	241.2	67.27	67.27	65.1	484.24
J. Whittaker	74-39B	114	180	186	186	153.76	819.76
K. Tyler	74-39A	48.07	75.9	78.43	78.43	75.9	356.73
K. Bird	74-148	280.2	834	861.8	294.55	10.23	2280.78
R. Foster	74-51	31.12	186.98	198.4	35	0	451.5
K. Bird	74-35	8	195.69	204.91	20.61	0	429.21
K. Tyler	74-54	0	0	0	0	0	0
J. Whittaker	74-56	0	52	60	0	0	112
A. Purcell	74-59A	0	52	60	0	0	112
V. Hartman	74-59B	0	6.44	7.28	0	0	13.72
J. Whittaker	74-63	0	22.08	24.96	0	0	47.04
K. Bird	74-1801	0	3.68	3.84	0	0	7.52
T. Carlson	74-1619	0	0	0	0	0	0
J. Whittaker	74-1103	0	11.04	11.52	0	0	22.56
A. Purcell	74-398	0	132.48	104.16	0	0	236.64
K. Purcell	74-399	0	11.04	7.68	0	0	18.72
J. Whittaker	74-1102	0	147.2	102.4	0	0	249.6
A. Purcell	74-1834	0	31.51	21.92	0	0	53.43
K. Tyler	74-61	0	85.56	59.52	0	0	145.08
K. Bird	74-7165	0	150.65	104.8	0	0	255.45
P. Ogden	74-7175	0	11.5	6.5	0	0	18
J. Whittaker	Clark	0	125	50	0	0	175

2012

Big Timber Creek Clark ditch
was on from May 14th to May
25th. Water was in ditch earlier
from Alan Purcell wash out.
It was not recorded.

This is a note from Dan Smith,
showing ~~the~~ when ^{the} water right
74-15613 was diverted in 2012

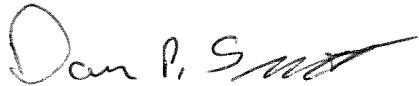
James Whittaker

In 2011 water season water right number 74-15613 was recorded in the daily log as Clark.

In 2010, there was some questions about the permit and late that year Tim Luke gave me a not to deliver order . In the spring of 2011, James Whittaker said he got a permit 74-15613 but I did not until the 2012 water season. That was the reason I recorded as the Clark.

Dan P. Smith Watermaster 74-w

8/19/2012

A handwritten signature in black ink that reads "Dan P. Smith". The signature is written in a cursive style with a long, sweeping underline.



Clark Place looking North
towards Kent Bird's.

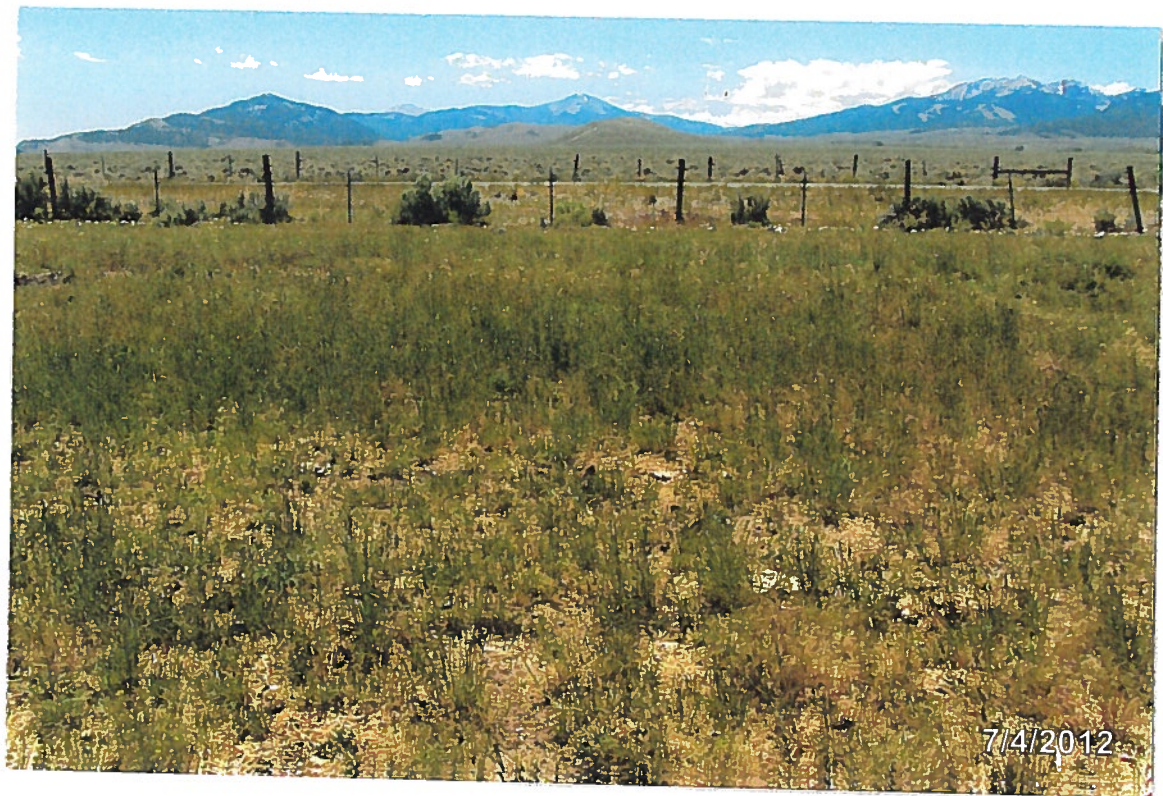


Clark Place looking Northeast
towards Allan Purcell's.



Clark Place looking west,
with house + cattle in the
background

Pictures of beneficial use of water right # 14-15613



CLARK PLACE looking
south across Lee Creek Road