

Whittaker - Pre-Hearing 74-15613

September 12, 2006 @ 1:00 p.m., at
The Commissioner Annex - Salmon ID.

James Whittaker: Bought Ranch 1980 - water right attached
called Clark place - irrigated it - ^{200 ACRES} More potential
for pivot to another location - did transfer
in 1993 to another P.O.D. - Irrigated it under
the Carey Act. Intention to file on high water.
Then moratorium went into effect. were prevented
but did divert water in 94/95 - In 1996
filed an objection - ^{filed} Diversion / headgate still
in place. In 2004 filed a transfer to divert
water - IDWR denied it. Pasture lands to be
irrigated -

Lemhi Irrigation District - what is delivered during
high priority date - junior water right -
irrigation would be 4 to 11 days.

Carl Ellsworth - 5 cfs ~~to be transferred~~ ^{filed}, 200 ACRES.
High water right? Existing? Priority date?
Is it really 2005? Yes -

Whittaker - This will be a junior right.

Carl Ellsworth - uncertainty of adjudication - If every
thing falls into place - Then have no issue.

Fish & Game - have Whittaker done hydrology on
Land

Whittaker 14 days response of stream is
pretty much what was in

May 18 - 17 cfs that went past Leigh Creek
May 19 60 cfs

20 81 cfs
21 83 cfs
22 68 cfs
23 57 cfs
24 52 cfs
25 42 cfs
26 31 cfs
27 29 cfs
28 21 cfs
29 8.6 cfs

Jun 9 20 cfs

10 21 cfs

Big Timber Creek - when water is there - and when
it is gone - its gone -

Bitner - The above come from ~~off~~ gaging station.
Been there 3 yrs. - water can change -

F&G - Snow melt hydro? - Thunder Showers?

Whittaker - no - maybe once a while -

~~Whittaker~~ Whittaker - Overflow - been 2 yrs

Lemhi Irrigation: 28 streams on Lemhi - Those are considered not tributary to Lemhi River. according to the Lemhi Adjudication.

Consumptive use - yes there are going to run down - but the water that the plants drink the water is gone - Lemhi Irrigation feels that water needs to stop being going out.

F&B - Is there something we both can do to settle - such as storage? We would like a solution but can't find something

Reconnect - Big Timber - flushing flows to the Lemhi -

Local Public Interest -

Provision 42 - against local interest.

BLM - BLM Trespass - getting Right away -
No Easement - some water was removed.

Whittaker - RJ answered Mr Barber's question about storage - The only storage is under ground - (aquifers)

Lemhi- Excess Water coming down Big Timber Creek - who's water is he taking.

Carl- 1) Same as Irrigation District. adjudication being secured - high water right?
2) Make sure it is not being grandfathered in.
3) Lag time & water delivery.

RAG- Endangered Species- Flows? Down stream & Big Timber Creek - Reconnected -
Re3 Perce agreement - Taking more water out - Small amount - Short Time - Don't make more difficult
Big Timber Creek - 3 projects -
Investments. Sr. Arigator - Base flow
As much water available as possible

Whittaker - Time frame - Reconnect of water.

Scheduling for Future

Prehearing statement - David Barber -

60-90 days for discovery - would like 120 days

30 days - witness & exchange exhibits

30 days - hearing after exchange

Whittaker wants 60 days for hearing.

Barber - Feb 6th / 12th Hearing
Jan. 9th ID^{mt} of Witnesses
Dec. ~~15th~~ Discovery - end of Discovery)
60 days to tell IDWR where is the hearing
going to be. Would like 2 days of
hearing.

Lemhi Irrigation - hearing in Salmon
Blm - Salmon or Idaho Falls
F&G - Salmon or Idaho Falls
Ellsworth - Salmon or Idaho Falls.