

LAWRENCE G. WASDEN
ATTORNEY GENERAL

DARRELL G. EARLY
Chief of Natural Resources Division

GARRICK L. BAXTER, ISB No. 6301
LACEY RAMMELL-O'BRIEN, ISB No. 8201
MARK CECCHINI-BEAVER, ISB No. 9297
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Facsimile: (208) 287-6700
garrick.baxter@idwr.idaho.gov
lacey.rammell-obrien@idwr.idaho.gov
mark.cecchini-beaver@idwr.idaho.gov

Attorneys for Plaintiff

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI**

THE IDAHO DEPARTMENT OF
WATER RESOURCES,

Plaintiff,

vs.

FLOYD JAMES WHITTAKER and
JORDAN WHITTAKER, as individuals;
WHITTAKER TWO DOT RANCH, LLC,
an Idaho limited liability company; and
WHITTAKER TWO DOT LAND, LLC,
an Idaho limited liability company,

Defendants.

CV30-22-0169

Case No. _____

**DECLARATION OF
LACEY B. RAMMELL-O'BRIEN**

I, Lacey B. Rammell-O'Brien, certify and declare under penalty of perjury pursuant to the laws of the State of Idaho, that the following is true and correct:

1. I am over the age of eighteen (18) years and competent to testify to the matters contained herein. I make this declaration pursuant to Idaho Code § 9-1406 and based on my own personal knowledge.

2. I am currently a deputy attorney general for the Office of the Attorney General representing the Idaho Department of Water Resources (IDWR). My work address is 322 E. Front Street, Boise, ID 83702-7371. I have served in this capacity since June 2021.

3. Defendant Floyd James Whittaker has four decreed water rights in the Lee Creek Basin that are relevant to this litigation:

a. On January 23, 2009, the presiding judge of the SRBA issued a Partial Decree for water right no. 74-15788 to F. James Whittaker and Paula J. Whittaker, 83 Big Eight Mile Rd., PO Box 240, Leadore, ID 83464, for 1.97 cubic feet per second ("cfs") for irrigation out of Stroud Creek, tributary to Lee Creek in Lemhi County. Water right no. 74-15788 has a priority date of 12/31/1982. A true and correct copy of the *Partial Decree for Water Right No. 74-15788* is attached to this Declaration as "**Exhibit 1.**"

b. On February 19, 2009, the presiding judge of the SRBA issued a Partial Decree for water right no. 74-369 to F. James Whittaker and Paula J. Whittaker, 83 Big Eight Mile Rd., PO Box 240, Leadore, ID 83464, for 2.40 cfs for irrigation out of Left Fork Lee Creek, tributary to Lee Creek in Lemhi County. Water right no. 74-369 has a priority date of 05/12/1883. A true and correct copy of the

Partial Decree for Water Right No. 74-369 is attached to this Declaration as **“Exhibit 2.”**

c. Also on February 19, 2009, the presiding judge of the SRBA issued a Partial Decree for water right no. 74-1136 to F. James Whittaker and Paula J. Whittaker, 83 Big Eight Mile Rd., PO Box 240, Leadore, ID 83464, for 2 cfs for irrigation out of Left Fork Lee Creek, tributary to Lee Creek. Water right no. 74-1136 has a priority date of 06/28/1912. A true and correct copy of the *Partial Decree for Water Right No. 74-1136* is attached to this Declaration as **“Exhibit 3.”**

d. On April 4, 2012, the presiding judge of the SRBA issued a Partial Decree for water right no. 74-157 to F. James Whittaker and Paula J. Whittaker, PO Box 240, Leadore, ID 83464, for 3.2 cfs for irrigation and stockwater from springs tributary to Lee Creek in Lemhi County. Water right no. 74-157 has a priority date of 4/1/1916. A true and correct copy of the *Partial Decree for Water Right No. 74-157* is attached to this Declaration as **“Exhibit 4.”**

4. Bruce and Glenda McConnell have seven decreed water rights in the Lee Creek Basin that are relevant to this litigation:

a. On August 13, 2014, the presiding judge of the SRBA issued a partial decree for water right no. 74-362 to Bruce McConnell and Glenda McConnell. Water right no. 74-362 has a priority date of 05/01/1906. A true and correct copy of the *Partial Decree for Water Right No. 74-362* is attached to this Declaration as **“Exhibit 5.”**

- b. On August 13, 2014, the presiding judge of the SRBA issued a partial decree for water right no. 74-363 to Bruce McConnell and Glenda McConnell. Water right no. 74-363 has a priority date of 05/12/1883. A true and correct copy of the *Partial Decree for Water Right No. 74-363* is attached to this Declaration as **“Exhibit 6.”**
- c. On August 13, 2014, the presiding judge of the SRBA issued a partial decree for water right no. 74-364 to Bruce McConnell and Glenda McConnell. Water right no. 74-364 has a priority date of 06/01/1900. A true and correct copy of the *Partial Decree for Water Right No. 74-364* is attached to this Declaration as **“Exhibit 7.”**
- d. On August 13, 2014, the presiding judge of the SRBA issued a partial decree for water right no. 74-365 to Bruce McConnell and Glenda McConnell. Water right no. 74-365 has a priority date of 05/12/1883. A true and correct copy of the *Partial Decree for Water Right No. 74-365* is attached to this Declaration as **“Exhibit 8.”**
- e. On August 13, 2014, the presiding judge of the SRBA issued a partial decree for water right no. 74-367 to Bruce McConnell and Glenda McConnell. Water right no. 74-367 has a priority date of 05/12/1883. A true and correct copy of the *Partial Decree for Water Right No. 74-367* is attached to this Declaration as **“Exhibit 9.”**
- f. On August 13, 2014, the presiding judge of the SRBA issued a partial decree for water right no. 74-368 to Bruce McConnell and Glenda McConnell. Water right no. 74-368 has a priority date of 11/05/1909. A true and correct copy of

the *Partial Decree for Water Right No. 74-368* is attached to this Declaration as **“Exhibit 10.”**

g. On August 14, 2014, the presiding judge of the SRBA issued an amended partial decree for water right no. 74-361 to Bruce McConnell and Glenda McConnell. Water right no. 74-361 has a priority date of 05/12/1883. A true and correct copy of the *Partial Decree for Water Right No. 74-361* is attached to this Declaration as **“Exhibit 11.”**

5. On September 28, 2018, the Department issued its Final Order *In re Requiring Controlling Works and Measuring Devices on Surface and Ground Water Diversions in Administrative Basin 74*. A true and accurate copy of the Final Order and enclosures is attached to this Declaration as **“Exhibit 12.”**


6. The Department served a copy of the Final Order on F. James and Paula Whittaker by placing a copy in the United States mail, postage prepaid and properly addressed.

7. On June 23, 2020, the Department sent a letter on behalf of the Department to Jordan Whittaker and F. James Whittaker. A true and accurate copy of the June 23, 2020 Letter Re: Notice of Requirement to Install Controlling Works and Measuring Devices – West and East Springs, Water Right No. 74-157 is attached to this Declaration as **“Exhibit 13.”**

8. On April 21, 2022, the Department sent a letter to James Whittaker, with copies sent to Jordan Whittaker and Whittaker Two Dot Land. A true and accurate copy of the April 21, 2022 Letter Re: Cease and Desist Unauthorized Diversion of Stroud Creek (aka Left Fork Lee Creek) Waters (E2022-2813) is attached to this Declaration as **“Exhibit 14.”**

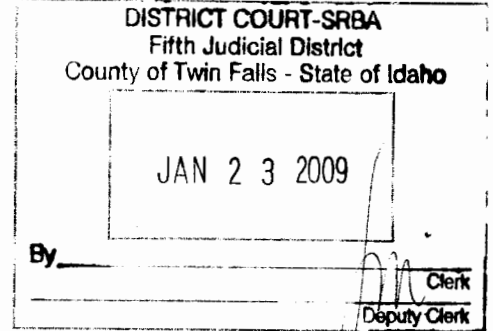
9. On July 1, 2022, a letter was sent to Director Gary Spackman, director of IDWR. The letter was sent by counsel for and on behalf of Bruce and Glenda McConnell regarding the delivery of their water rights on Lee Creek in Lemhi County, Idaho. A true and accurate copy of the July 1, 2022 Letter Re: Delivery of McConnell Water Rights and enclosures is attached to this Declaration as “**Exhibit 15.**”

DATED this 14 day of July 2022.


LACEY RAMMELL-O'BRIEN
Deputy Attorney General
Idaho 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-15788



NAME AND ADDRESS: F JAMES WHITTAKER
PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE, ID 83464

SOURCE: STROUD CREEK TRIBUTARY: LEE CREEK

QUANTITY: 1.97 CFS

Right Nos. 74-1136, 74-369, and 74-15788 are limited to a total combined diversion rate of 4.40 cfs.

PRIORITY DATE: 12/31/1982

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T16N R25E S31 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.97 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R25E S28	S28 35.0
		N28 40.0
		S28 14.0
	S29	SENE 40.0
		SENE 40.0
		N29 18.0
		SENE 40.0
		N29 40.0
		SENE 17.0
	S32	N29 38.0
	S33	N29 12.0
	686.0 Acres Total	

This right is limited to the irrigation of 378.0 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 378.0 acres in a single irrigation season. Combined Right Nos.: 74-369, 74-1136, and 74-15788.

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

This right is based upon an enlargement of Right Nos. 74-369 and 74-1136 pursuant to Section 42-1426, Idaho Code. This right and right 74-0370 shall not be obliged to pro-rate with any other parties on Lee Creek, whose appropriation is of equal priority therewith, in case the flow of the waters of the Left Fk. of Lee Creek shall be an insufficient quantity to supply all rights under date of priority of May 12, 1883. When the flow in the Left Fk. of Lee Creek shall fall below the

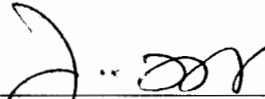
OTHER PROVISIONS (continued)

amounts decreed in rights 74-0369 and 74-0370, the two rights shall be pro-rated according to the respective amounts of water decreed.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

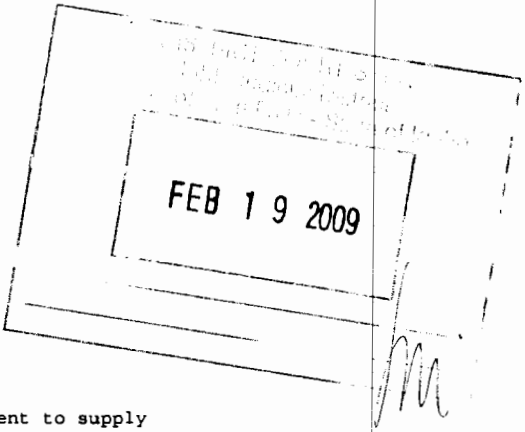
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-00369



NAME AND ADDRESS: F JAMES WHITTAKER
PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE, ID 83464

SOURCE: LEFT FORK LEE CREEK LEE CREEK

QUANTITY: 2.40 CFS

When the flow of water in Lee Creek is insufficient to supply all rights under the 5-12-1883 date of priority, right 74-369 and right 74-370 shall not be pro-rated with any rights on Lee Creek with that priority date. When the flow in the Left Fork of Lee Creek falls below amounts decreed in rights 74-369 and 74-370, the two rights shall be pro-rated according to the respective amounts of water decreed.

PRIORITY DATE: 05/12/1883

POINT OF DIVERSION: T16N R25E S31 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.40 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T16N R25E S28	SWNW 40.0	SENW 35.0
		NESW 32.0	NWSW 40.0
		SWSW 36.0	SESW 14.0
	S29	SWNE 40.0	SENE 40.0
		SWNW 34.0	SENW 40.0
		NESW 40.0	NWSW 18.0
		SWSW 15.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 39.0	SESE 17.0
	S32	NENW 38.0	NWNW 36.0
	S33	NWNW 12.0	
	686.0 Acres Total		

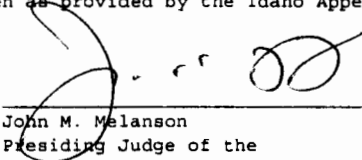
This right authorizes the irrigation of 275.4 total acres. This right is limited to the irrigation of 275.4 acres within the place of use described above in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

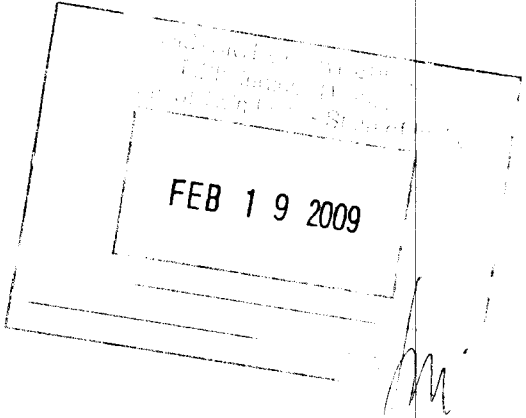
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 74-01136



NAME AND ADDRESS: F JAMES WHITTAKER
PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE, ID 83464

SOURCE: LEFT FORK LEE CREEK TRIBUTARY: LEE CREEK

QUANTITY: 2.00 CFS

PRIORITY DATE: 06/28/1912

POINT OF DIVERSION: T16N R25E S31 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	2.00 CFS

PLACE OF USE: Irrigation Within Lemhi County

T16N R25E S28	SWNW 40.0	SENW 35.0
	NESW 32.0	NWSW 40.0
	SWSW 36.0	SESW 14.0
S29	SWNE 40.0	SENE 40.0
	SWNW 34.0	SENW 40.0
	NESW 40.0	NWSW 18.0
	SWSW 15.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 39.0	SESE 17.0
S32	NENW 38.0	NWNW 36.0
S33	NWNW 12.0	
686.0 Acres Total		

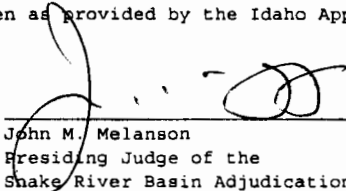
This right authorizes the irrigation of 102.6 total acres.
This right is limited to the irrigation of 102.6 acres within the
place of use described above in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 74-00157
_____)

NAME AND ADDRESS: F JAMES WHITTAKER
PAULA J WHITTAKER
PO BOX 240
LEADORE, ID 83464

SOURCE: SPRINGS TRIBUTARY: LEE CREEK

QUANTITY: 3.20 CFS

PRIORITY DATE: 04/01/1916

POINT OF DIVERSION: T16N R25E S31 NENE Within Lemhi County
S32 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.20 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Stockwater	Within Lemhi County
	T16N R25E S29	SWNE 40.0 SENE 39.0 NWSW 13.0 SESW 40.0	SWNW 33.0 NESW 40.0 SWSW 16.0
	S32	NENW 37.0	NWNW 33.0
	291.0 Acres Total		

Stockwater Within Lemhi County
Same as Irrigation

This right authorizes the irrigation of 291.7 total acres.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 74-00363

NAME AND ADDRESS: BRUCE MC CONNELL
GLENDIA MC CONNELL
100 COTTOM LANE
LEADORE, ID 83464

SOURCE: LEE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 05/12/1883

POINT OF DIVERSION: T16N R25E S30 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 1.00 CFS

PLACE OF USE: Irrigation Within Lemhi County
T16N R25E S09 SWNW 3.1 NWSW 34.7
SWSW 8.3
46.1 Acres Total

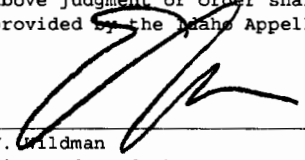
Right Nos. 74-363 and 74-364 are limited to the irrigation of a combined total of 46.1 acres in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 39576)
 _____) Water Right 74-00364

NAME AND ADDRESS: BRUCE MC CONNELL
 GLENDA MC CONNELL
 100 COTTOM LANE
 LEADORE, ID 83464

SOURCE: LEE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.30 CFS

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION: T16N R25E S30 SENE Within Lemhi County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.30 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T16N R25E S09	SWNW 3.1	NWSW 34.7
		SWSW 8.3	
	46.1 Acres Total		

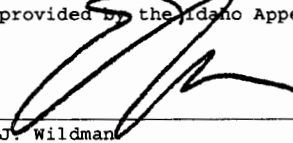
Right Nos. 74-363 and 74-364 are limited to the irrigation of a combined total of 46.1 acres in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
 Presiding Judge of the
 Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 74-00365

NAME AND ADDRESS: BRUCE MC CONNELL
GLEND A MC CONNELL
100 COTTOM LANE
LEADORE, ID 83464

SOURCE: LEE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.20 CFS

PRIORITY DATE: 05/12/1883

POINT OF DIVERSION: T16N R25E S30 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 1.20 CFS

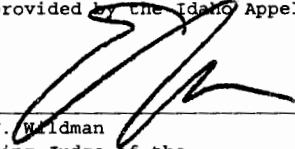
PLACE OF USE: Irrigation Within Lemhi County
T16N R25E S09 SENW 14.5 NESW 6.3
20.8 Acres Total

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Waldman
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-00367

NAME AND ADDRESS: BRUCE MC CONNELL
GLEENDA MC CONNELL
100 COTTOM LANE
LEADORE, ID 83464

SOURCE: LEE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.60 CFS

PRIORITY DATE: 05/12/1883

POINT OF DIVERSION: T16N R25E S30 SENE Within Lemhi County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.60 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T16N R25E S17	NESW 8.8	SWSW 40.0
		SESW 28.2	NWSE 5.7
		SWSE 13.8	
	S18	SESE 38.4	
	S19	NENE 26.3	
	S20	NWNW 40.0	SWNW 39.1
		NNSW 28.5	
	268.8 Acres Total		

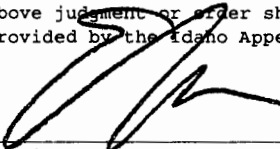
Right Nos. 74-367 and 74-368 are limited to the irrigation of a combined total of 268.8 acres in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RULE 54 (b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 74-00368

NAME AND ADDRESS: BRUCE MC CONNELL
GLENDIA MC CONNELL
100 COTTOM LANE
LEADORE, ID 83464

SOURCE: LEE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 5.80 CFS

PRIORITY DATE: 11/05/1909

POINT OF DIVERSION: T16N R25E S30 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 5.80 CFS

PLACE OF USE: Irrigation Within Lemhi County
T16N R25E S17 NESW 8.8 SWSW 40.0
 SESW 28.2 NWSE 5.7
 SWSE 13.8
 S18 SESE 38.4
 S19 NENE 26.3
 S20 NWNW 40.0 SWNW 39.1
 NWSW 28.5
268.8 Acres Total

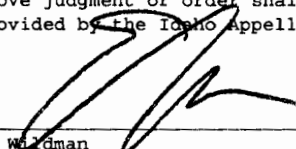
Right Nos. 74-367 and 74-368 are limited to the irrigation of a
combined total of 268.8 acres in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 74-00361

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 14 2014

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: BRUCE MC CONNELL
GLENDIA MC CONNELL
100 COTTOM LANE
LEADORE, ID 83464

SOURCE: LEE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.20 CFS

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

PRIORITY DATE: 05/12/1883

POINT OF DIVERSION: T16N R25E S30 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.18 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Stockwater
	T16N R25E S08 S17	SWSE 34.0 NENE 9.0 SWNE 26.9 SENE 35.0 NWNE 39.8 NENW 40.0 SENE 27.0
	211.7 Acres Total	

Stockwater Within Lemhi County
Same as Irrigation

Right Nos. 74-361 and 74-362 are limited to the irrigation of a combined total of 211.7 acres in a single irrigation season.

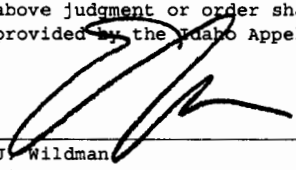
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 28, 2018

RE: Order Requiring Controlling Works and Measuring Devices on Surface and Ground Water Diversions in Administrative Basin 74

Dear Water User,

The Idaho Department of Water Resources ("Department") has issued the enclosed Final Order ("Order") requiring installation of controlling works and measuring devices on certain surface and ground water diversions in Administrative Basin 74. **The Order requires non-irrigation diversions be controlled and measured by January 1, 2019, and irrigation diversions by the start of the 2019 irrigation season.**

The Order waives the measurement requirement for diversions authorized to irrigate less than or equal to five (5) acres and non-irrigation uses authorized to divert less than or equal to 0.24 cubic feet per second. Shared diversions with multiple water rights are subject to the requirements of the Order if the sum of the acres authorized by water rights exceeds five (5), or the sum of diversion rates authorized for non-irrigation water rights exceeds 0.24 cubic feet per second.

Pursuant to Idaho Code § 42-1701A(3), any person aggrieved by the Order may, within fifteen (15) days after receipt of written notice of the Order or receipt of actual notice, file with the Director of the Department a written petition stating the grounds for contesting the Order and requesting a hearing.

Enclosed is the Department's *Minimum Acceptable Standards and Requirements for Open Channel and Closed Conduit Measuring Devices*. This document and related information about acceptable measuring devices is available on the Department's web site at the following address: <https://idwr.idaho.gov/water-data/water-measurement/>

If you have questions concerning this Order, please contact the Department's State Office (208-287-4800) or the WD170 watermaster, Cindy Yenter (208-742-0655).

Respectfully,

Tim Luke
Chief, Water Compliance Bureau

Enclosures: *Order Dated September 28, 2018* (6 pages)
Minimum Acceptable Standards and Requirements for Open Channel and Closed Conduit Measuring Devices (2 pages)

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF REQUIRING CONTROLLING)
WORKS AND MEASURING DEVICES ON)
SURFACE AND GROUND WATER DIVERSIONS) **FINAL ORDER**
IN ADMINISTRATIVE BASIN 74)**

BACKGROUND

On April 6, 2006, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued a final order creating Water District No. 170 (“WD170”) to include specific surface water and ground water rights in Administrative Basins 71 and 72.¹ The Director stated he would “issue separate orders, as necessary, requiring the installation of measuring devices and lockable controlling works for diversions within Water District No. 170.” On February 20, 2007, the Department issued an order requiring installation of measuring devices and controlling works for diversions of surface water and ground water in Administrative Basins 71 and 72.²

On December 10, 2012, the Department issued an order expanding WD170 to include specific surface water and ground water rights in Administrative Basin 73.³ On March 3, 2014, the Department issued an order requiring installation of measuring devices for diversions of ground water rights within Water District No. 73.⁴

On April 10, 2018, the Department issued an order expanding WD170 to include specific surface water and ground water rights in Administrative Basin 74 (“Basin 74”).⁵ This order designated existing water districts within Basin 74 as sub-districts of WD170, modified sub-districts to include ground water diversions, and combined certain sub-districts within Basin 74. The April 10, 2018, order excluded domestic and stockwater rights as defined by Idaho Code §§ 42-111 and 42-1401A(11), and rights for in-stream watering of livestock as defined by Idaho Code § 42-113.

¹ *Amended Final Order in the Matter of Creating the Upper Salmon River Basin Water District for Administration of Rights to the use of Surface Water and Ground Water in Administrative Basins 71 and 72* (Apr. 6, 2006).

² *See Preliminary Order in the Matter of Requiring Measuring Devices and Controlling Works on Diversions from the Salmon River and Tributaries in Water District No. 170* (Feb. 20, 2007).

³ *Preliminary Order in the Matter of the Proposed Revision of Water District Nos. 73 and 170 by Including Administrative Basin 73 Ground Water Rights in in Water District No. 73 and Designating Water District No. 73 as a Sub-District of Water District No. 170* (Dec. 10, 2012).

⁴ *See Final Order in the Matter of Requiring Measuring Devices on Ground Water Diversions in Water District No. 73, the Pahsimeroi River and Tributaries* (Mar. 3, 2014). The Department had previously issued an order requiring installation of measuring devices and headgates for all diversions of water from the Pahsimeroi River and tributaries. *See Order in the Matter of Requiring Measuring Devices and Controlling Works on the Pahsimeroi River and Tributaries, Water District 73* (Nov. 18, 2002).

⁵ *Preliminary Order in the Matter of the Proposed Expansion of Water District 170, the Proposed Modification of all Water Districts within Administrative Basin 74 to Include Ground Water Diversions and the Proposed Combination of Water Districts 74, 74K, 74U and 74Y* (Apr. 10, 2018).

LEGAL PROVISIONS

Section 42-701, Idaho Code, states, in pertinent part:

42-701. INSTALLATION AND MAINTENANCE OF CONTROLLING WORKS AND MEASURING DEVICES BY WATER APPROPRIATORS – PROCEDURE UPON FAILURE TO INSTALL AND MAINTAIN – MEASURING AND REPORTING OF DIVERSIONS – PENALTY FOR FAILURE TO COMPLY – REPORT FILING FEE.

- (1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of public water. . . .
- (2) [T]he appropriator may, upon approval of the director, execute an agreement with the director and submit to the director such information and technical data concerning the diversion and pumping facilities as the director determines necessary to establish the relationship of power usage to water withdrawal by any pump used to divert public water.
- (3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices, or has not executed an agreement in lieu of a measuring device as provided in subsection (2) of this section, upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to section 42-1701B, Idaho Code, to enforce the requirement to construct, install or maintain such devices.
- (4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

CONCLUSIONS OF LAW

1. Idaho Code § 42-701(1) authorizes the Director to require installation and maintenance of suitable, lockable headgates and controlling works, and measuring devices at the point where the water is diverted.
2. The Director has a “clear legal duty to distribute water” according to the partial decrees issued by the Snake River Basin Adjudication (“SRBA”) District Court. *City of Blackfoot v. Spackman*, 162 Idaho 302, 309 (2017). The SRBA District Court issued the *Final Unified Decree* on August 26, 2014. *Final Unified Decree*, In re SRBA, Case No. 39576 (Fifth Jud. Dist. Ct. Aug. 26, 2014).
3. The control and measurement of diversions in Basin 74 is necessary for the Director to comply with his “clear legal duty to distribute water” according to decreed water rights. Adequate control and measurement of diversions ensures:
 - a. The regulation of diversions within the water district or sub-district is consistent with the legal requirements of the prior appropriation doctrine, thereby protecting senior priority rights during times of water scarcity;
 - b. The diversion of water associated with a decreed water right does not exceed the legal limits of the decree; and
 - c. The assessments of individual water users within the water district are calculated based on the amount of water delivered, consistent with Idaho Code §§ 42-612(3) and 42-615.
4. The Director should require the installation of suitable, lockable headgates and controlling works and measuring devices within Basin 74.

ORDER

IT IS HEREBY ORDERED AS FOLLOWS:

1. This order applies to all surface and ground water rights within Basin 74, except domestic and stockwater rights or uses defined by Idaho Code §§ 42-111 and 42-1401A(11), and rights or uses for in-stream watering of livestock as defined by Idaho Code § 42-113.
2. The owners of all affected surface and ground water rights within Basin 74 shall install and maintain on each point of diversion lockable headgates and controlling works.
3. The owners of all affected surface and ground water rights within Basin 74, except those water rights, uses and diversions identified in item 4 below, shall install and maintain on each point of diversion a measuring device of a type acceptable to the Department.
Owners of non-irrigation rights shall comply with this order by January 1, 2019, and owners of irrigation rights shall comply with this order by the start of the 2019 irrigation season.

4. The installation of measuring devices required by this order is waived until further notification by the Department for the following water uses and diversions:
 - a. Surface or ground water diversions authorized to irrigate less than or equal to five acres⁶; and
 - b. Surface or ground water diversions for any purpose other than irrigation authorized to divert less than or equal to 0.24 cfs (approximately 108 gallons per minute).⁷
5. Measuring devices acceptable to the Department are devices identified in the Department's *Minimum Acceptable Standards and Requirements for Open Channel and Closed Conduit Measuring Devices* ("Minimum Acceptable Standards," enclosed).
6. Controlling works and measuring devices must be properly maintained, repaired or replaced if determined inaccurate or inoperable by the Department, the WD170 watermaster or the presiding sub-district watermaster.
7. The Department will consider a request for variance from the requirement to install measuring devices listed in the Minimum Acceptable Standards upon submittal of a written request to the watermaster of WD170. Acceptable variances are limited to the following methods or devices:
 - a. Use of an hour meter (time clock) for open discharge wells with electric pumps that operate at a constant rate of flow; or
 - b. Use of an acceptable closed conduit flow meter installed prior to the date of this order; or
 - c. Use of power consumption coefficient for irrigation wells with a single operating condition and an electric pump connected to a dedicated demand meter; or
 - d. Rated sections or non-standard devices in open channels with approved measurement plans satisfying the requirements of the Minimum Acceptable Standards.
8. All requests for variance must be received by the WD170 watermaster by **December 1, 2018**. The watermaster and the Department will consider requests on a case-by-case basis. Variance requests proposing use of an existing flow meter will be denied unless the existing meter is tested and satisfies the Department's established standards for accuracy and the manufacturer installation specifications. Existing meters that do not satisfy the established standard for accuracy and the manufacturer specifications must be replaced with a meter from the Department's *List of Approved Closed Conduit Flow Meters* (most

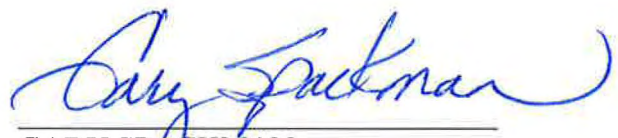
⁶ A common point of diversion used for multiple irrigation rights where each individual right is five acres or less must be measured if the sum of the irrigated acres pursuant to the authorized rights exceeds five acres.

⁷ A common point of diversion serving multiple non-irrigation uses must be measured if the total diversion rate pursuant to the authorized right(s) is greater than 0.24 cfs.

current version), which is available at <https://idwr.idaho.gov/files/water-measurement/approved-flow-meter-list.pdf>.

9. If a user cannot comply with the deadlines in item 3 of this order, the Department may grant an extension. An extension request for each diversion must be submitted to the WD170 watermaster by **December 1, 2018**. Extension requests will be considered on a case-by-case basis. Conditions that may result in the Department granting an extension include, but are not limited to, the following:
 - a. The diversion is unused; or
 - b. Unique site specific condition(s) prevent accurate water measurement; or
 - c. Delays caused by requirements of other government entities.
10. This order shall become effective immediately for any new diversion(s) authorized after the date of this order, except water right diversions described in item 4 of this order.
11. If a water user fails to comply with the requirements of this order, the Director may issue an order instructing the WD170 watermaster and presiding Basin 74 sub-district watermaster to shut off and refuse delivery of water at any non-compliant diversion.
12. Pursuant to Idaho Code § 42-1701A(3), any person aggrieved by this order may, within fifteen (15) days after receipt of written notice of the order or receipt of actual notice, file with the Director a written petition stating the grounds for contesting the order and requesting a hearing.

Dated this 28th day of September 2018.



GARY SPACKMAN
DIRECTOR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of September 2018, the above and foregoing document was served on each individual or entity on the service list for this matter on file at the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho and www.idwr.idaho.gov. Each individual or entity on the service list was served by placing a copy of the above and foregoing document in the United States mail, postage prepaid and properly addressed.

Documents served: **Final Order in the Matter of Requiring Controlling Works and Measuring Devices on Surface and Ground Water Diversions in Administrative Basin 74**



Sarah Shaul
Technical Records Specialist II
Idaho Department of Water Resources

ACE HARDWARE
1216 SHOUP ST
SALMON ID 83467

JOSEPH L AND REBECCA ADAMS
547 HWY 28
SALMON ID 83467

RONALD G AND ARNYCE R ADAMS
7602 THOMAS GRANT DR
ALEXANDRIA VA 22315-5922

TEDDY K ADAMS
PO BOX 65
LEADORE ID 83464-0065

MIKE MC NEAL AND MYRIAM ESPINOSA AGUIRRE
5030 SEAVIEW AVE
CASTRO VALLEY CA 94546

DONNA R ALDOUS
56 THREE MILE LN
SALMON ID 83467

DICK, DON AND SUZIE ALDOUS AND WAYNE DOUGLAS
SCOGGINS
631 LEMHI RD
SALMON ID 83467

CAROL M AND STANLEY J ALLEN
1705 MARY ST
SALMON ID 83467

DEBRA ALLRED
1723 FAUNSDALE CIRCLE
SANDY UT 84092

AMERICAN RIVER TOURING ASSN INC
24000 CASA LOMA RD
GROVELAND CA 95321

JOHN C AMONSON JR AND JUDITH W AMONSON
14 ZEPH CREEK RD
LEADORE ID 83464

MARIAN B AMONSON
PO BOX 36
LEMHI ID 83465

DIANE B AND ROBERT B AMONSON
PO BOX 51
LEMHI ID 83465

JEAN AND ROBERT C ANDERS
306 S TERRACE
SALMON ID 83467-4141

DARE R AND JOYCE ANDERSON
221 ANDERSON RD
PO BOX 95
LEADORE ID 83464-0095

G WALLACE AND RUTH M ANDERSON
PO BOX 61
TENDROY ID 83468

BILL E AND TERRY L ANDREWS
10 B & T RD
SALMON ID 83467-5438

BOYD E ANDREWS
1438 HWY 28
SALMON ID 83467-5333

CHRISTINE M ANDREWS
305 WATER ST
SALMON ID 83467

LOLA ANDREWS
309 N WARPATH
SALMON ID 83467

GAIL D AND LOUISE ANDREWS
37 17-MILE RD
SALMON ID 83467

MELVIN W ANDREWS
809 JEFFERSON ST
SALMON ID 83467

LORNA ANDREWS
RT 1 BOX 48-C
SALMON ID 83467

VIOLA B ANGLIN
PO BOX 35
TENDROY ID 83468

BONNIE AND KELLY W ANGLIN
PO BOX 56
TENDROY ID 83468

ILENE J ARRINGTON
PO BOX 1110
SALMON ID 83467

ASSURED PERFORMANCE NETWORK
24422 AVENIDA DE LA CARLOTA STE 490
LAGUNA HILLS CA 92653

DAVID W AND REBECCA J AUWEN
12 N HAWK RD
SALMON ID 83467

JENNIFER JO AYERS
87 HAWLEY CREEK RD
LEADORE ID 83464

B & H APARTMENTS
402 MAIN ST
SALMON ID 83467

DARRELL BAGLEY
14574 E LANGELL V RD
BONANZA OR 97623

JOE A BAILEY AND MARK YOHMAN
1609 MARY ST
SALMON ID 83467

ALESHA AND SHANE BAILEY
PO BOX 108
TENDROY ID 83468

CECIL T JACKSON AND JUDITH A BAILEY JACKSON
1705 LEMHI RD
SALMON ID 83467

JUDITH A BAILEY-JACKSON
42 WILD ROSE RD
SALMON ID 83467

MYRON GENE AND PATSY KAYE BAIR
24 SKINNER RANCH RD
SALMON ID 83467

BRET BAIRD
82 HWY 28
SALMON ID 83467

RUSSELL L BANTA
BOX 11 BANTA DR
SALMON ID 83467

BAR 13 RANCH LTD PARTNERSHIP AND JACK AND ROSS
GODDARD
PO BOX 11
TENDROY ID 83468

ANNETTE AND SPIRO DASKALOS, BAR 20 RANCH LLC,
DASKALOS FAMILY 2002 TRUST AND SALMON IDAHO
INVESTORS LLC
1560 FOOTHILLS VILLAGE DR
HENDERSON NV 89012

CALVIN R AND GARY BARRETT
24 RED ROCK STAGE RD
SALMON ID 83467

LAURIE E BARRETT
9965 W LA HONTAN DR
BOISE ID 83709-0434

N LORRAINE BARRETT
PO BOX 964
SALMON ID 83467

JIMMIE AND STEVE BARTLETT
412 CONFEDERATE DR
SALMON ID 83467

DAVID AND KATHY BATTERTON
PO BOX 67
TENDROY ID 83468

AMY AND TODD BAUMER
1866 LEMHI RD
SALMON ID 83467

ROMAN BEACHY JR AND VONDA BEACHY
277 RED ROCK STAGE RD
SALMON ID 83467

NANCY E BEALS AND WARREN W WHITE
PO BOX 1090
LA CONNER WA 98257

LOIS A AND RALPH D BEAN
PO BOX 41
LEMHI ID 83465

AMY AND ROBERT T BERASI
26 SEVENTEEN MILE RD
SALMON ID 83467

BERT L & DORIS F HATCH TRUST
C/O BERT L & DORIS F HATCH
5 S BEAN LN
SALMON ID 83467

BEYELER RANCHES LLC
PO BOX 62
LEADORE ID 83464

DENYCE AND JOSEPH A BIGLEY
PO BOX 17
TENDROY ID 83468

EMILY AND GORDON BINNING
390 WITHINGTON CREEK RD
PO BOX 309
SALMON ID 83467

JANET E AND KURT W BIRD
56 LOWER TEXAS CREEK RD
LEADORE ID 83464

ALICIA AND KRIS BIRD
71 HWY 28
SALMON ID 83467

A LEROY AND PHOEBE BIRD
PO BOX 27
TENDROY ID 83468

KENT AND LISA BIRD
PO BOX 76
LEADORE ID 83464

JOSEPH R BISHOP
PO BOX 71
TENDROY ID 83468-0071

BITTERROOT RANCH
PO BOX 10
TENDROY ID 83468

JERRY G BLACKBURN
PO BOX 41
LEADORE ID 83464

CHERYL M AND DAVE L BLANCHARD
37652 S HWY 213
MOUNT ANGEL OR 97362

GEORGE B AND SUSAN H BLODGETT
701 IMPERIAL 3C
SALMON ID 83467

BNH PROPERTIES LLC
PO BOX 367
SPANISH FORK UT 84660

ALLEN AND VIRGINIA BODENHAMER
22 S BARRACKS LN
SALMON ID 83467

ROSS BOND JR
10395 BONNIE LN
LA MESA CA 91941

ROBERT A BONUCCELLI
PO BOX 141449
SPOKANE WA 99214

ARLA BURCH AND CHARLES F BOOTS
25 BOOTS RD
SALMON ID 83467

CHESTER AND LUCILLE BOWMAN
144 HWY 28
SALMON ID 83467

JAY AND LOIS BOWMAN
24 BOWMAN LN
SALMON ID 83467

JARED S AND TEVAGENE A BRAGG
PO BOX 1143
SALMON ID 83467

THEODORE BRENNA
PO BOX 1211
FORT BRAGG CA 95437

ROBERT L AND TERESA A BRESHEARS
3740 ASHUE RD
WAPATO WA 98951

EVA A BROWN HUNT AND TIMOTHY V HUNT
18373 W RICE AVE
HAUSER ID 83854-6395

ELAINE AND R D BURCH
299 LEMHI RD
SALMON ID 83467

JAMES L AND SHELLY BURCH
304 LEMHI RD
SALMON ID 83467

RONALD D BURCH
PO BOX 1188
SALMON ID 83467

THORNTON BURKE
173 HAYNES CR RD
SALMON ID 83467

RONALD E BYERS
1044 LEMHI RD
SALMON ID 83467

SHIRLEY F CADMAN
PO BOX 20
TENDROY ID 83468-0020

HOLLY AND JOEL CANNON
99 LEMHI BACK RD
SALMON ID 83467

MINA R AND ROYDEN O CAPPS
BOX 45
LEMHI ID 83465

EVELYN R AND THOMAS H CARLSON
6220 RD 216
PINE BLUFFS WY 82082

NORMA E AND ROBERT E CARLSON
740 LEE CREEK RD
LEADORE ID 83464

BRIAN S AND THERESA CARPENTER
PO BOX 1393
SALMON ID 83467

JOANN CARROLL
62 CEMETERY LN
SALMON ID 83467

KAREN CARTER
1896 N 800 W
PRESTON ID 83263

JOHN M CASPER
8 S BAKER RD
SALMON ID 83467

DIANN AND JOSEPH R CAYWOOD
PO BOX 3
TENDROY ID 83468

ELI J, KIMBERLY K AND MANDI L CAYWOOD
PO BOX 90
TENDROY ID 83468

LOWELL, LOWELL D AND MARY E CERISE
56 WHITING RD
SALMON ID 83467

C WAYNE AND FAYE RANKIN AND DANIEL W CHANCE
22 STRAWBERRY LN
SALMON ID 83467

JOHN W AND SARA R CHAPLIN
PO BOX 148
SALMON ID 83467-0148

CHARTRAND FAMILY TRUST
PO BOX 117
TENDROY ID 83468

JANIS S AND KERRIE N CHENEY
27 CHENEY LN
SALMON ID 83467

DEBORAH K AND RANDALL F CHENEY
31 SUMMER MEADOW LN
SALMON ID 83467

MARGARET L AND RAYMOND F CHENEY
36 CHENEY LN
SALMON ID 83467

ALBERT CHORN
1117 CAMELOT
BOISE ID 83704

CITY OF LEADORE
PO BOX 157
LEADORE ID 83464-0157

CITY OF SALMON
200 MAIN ST
SALMON ID 83467

BEVA LUE CLARK
700 W TERN DR
KUNA ID 83634-2996

CHARLES AND NICHOLE COCKRELL
185 KIRTLEY CREEK RD
SALMON ID 83467

BEVERLY, CHARLES R AND RAYMOND COCKRELL
32 COCKRELL RD
SALMON ID 83467

RAYMOND M VICKIE J COLSTON
200 WITHINGTON CREEK RD
SALMON ID 83467-5289

FRANCES M AND SIDNEY D COOK
31 W FOOTHILL RD
SALMON ID 83467

JANET F AND RONALD A COOK
49 SUMMER MEADOWS LN
SALMON ID 83467

ERICA H AND TIMOTHY H CRAIG
PO BOX 81291
FAIRBANKS AK 99708

DEE ANN CROFOOT
128 SANDY CREEK RD
SALMON ID 83467

KENT AND PAM DAHLE
277 LEMHI RD
SALMON ID 83467-5141

JEROLD D AND RHONDA DEE DANCE
401 N WARPATH
SALMON ID 83467

BUDDY ROSS AND LISA MARIE PAKUER AND CHARLENE AND
WILLIAM RODGER COBB
PO BOX 46
TENDROY ID 83468

KESTER L AND MONA J COCKRELL AND LAMAR COCKRELL &
SONS LLC
237 LEMHI RD
SALMON ID 83467

ANN B AND DELOS P OLSON, KEVIN COINER AND TAMMY
THOMAS COINER
48 DEMICK LN
SALMON ID 83467

WILLARD COLSTON
61 THOMAS ST
PORTLAND ME 04102

CARY G AND MERRILEE COOK
436 HWY 28
SALMON ID 83467

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6320

JIM AND NANCY CRISMON
PO BOX 2
TENDROY ID 83468

BART S AND MINDY CROFOOT
33 RED ROCK STAGE RD
SALMON ID 83467-5200

JEROLD D AND RHONDA D DANCE
1603 MICK J
SALMON ID 83467

ROBERT L DANIELS
16 OVERACKER WAY RD
SALMON ID 83467-5429

ROBERT H DANIELS
36 CHERRY DR
SALMON ID 83467

EVALYN M AND GORDON D DANIELS
PO BOX 1472
SALMON ID 83467

JAMES AND SANDRA DARTT
PO BOX 594
SALMON ID 83467

JULEAH AND ORION DAVIDSON
190 HWY 28
SALMON ID 83467

CHARLES AND LINDA DAVIDSON
52 RED ROCK STAGE RD
SALMON ID 83467

CHRISTINA AND MIKE J DAVIS
18 S BAKER RD
SALMON ID 83467

CALVIN L AND SHIRLEY P DE CORA
147 LEMHI RD
SALMON ID 83467

CALVIN L DECORA
12 CLARK DR
SALMON ID 83467

PATRICIA A AND TERRY R DELESKI
PO BOX 122
TENDROY ID 83468

JOANN DEMICK
1414 MAIN
SALMON ID 83467

MARLENE R DEMICK
7995 TRES ARROYOS DR
SPARKS NV 89436-6224

DUKE AND KAREN DEMICK
8 KARLA DR
SALMON ID 83467

JAMES AND LESLIE DENARDO
814 WESTON ST
LANSING MI 48917

RICK DORONY
800 MAIN ST
SALMON ID 83467

DOUBLE BARREL MANAGEMENT L P AND JACK P AND
SHARON M JAKOVAC
71 RED ROCK STAGE RD
SALMON ID 83467

BARTON FULSTONE AND INGRID DRIELING
PO BOX 86
TENDROY ID 83468

WINFRED DUDLEY
12365 MAPLEVIEW ST
LAKESIDE CA 92040

JAMES E DUNFORD
1531 LEMHI RD
SALMON ID 83467

JOEL AND SUSAN DYE
PO BOX 26
TENDROY ID 83468

E J WILSON & SONS PARTNERSHIP
C/O CHUCK WILSON
LIDDY HOT SPRINGS
DUBOIS ID 83423

EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON ID 83467

JEROME L AND MARIAN L EASTMAN
PO BOX 57
TENDOY ID 83468

JEFFREY ARTHUR AND SUZANNE MARIE EDER
163 HWY 28
SALMON ID 83467

JAY L AND RHONDA EDWARDS
40 MILLER LN
SALMON ID 83467

CLARA E AND DUANE R ELLIS
PO BOX 146
LEADORE ID 83464

ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE ID 83464

MARVIN AND MICHELLE ENGLAND
PO BOX 723
SALMON ID 83467

ESTATE OF LEWIS BIRCH
PO BOX 1345
SALMON ID 83467

ESTATE OF ROGER KENT OGDEN AND PENNY J OGDEN-
EDWARDS
2330 S 350 W
PERRY UT 84302

JAMES W AND LYNDA K EVANS
194 HWY 28
SALMON ID 83467

BRIAN K EVARTS
295 HWY 28
SALMON ID 83467

AMANDA WORTHY AND BRANDON FAHNHOLZ
18 STRAWBERRY LN
SALMON ID 83467

FAR NIENTE RANCH LLC AND GREGORY P AND LAURA J
TORLAI
PO BOX 135
HOLT CA 95234

CURTIS R AND SHANNON R FAYLE
1480 LEMHI RD
SALMON ID 83467

KATHRYN A FELCHLE
204 N WARPATH
SALMON ID 83467

ALYCE AND KEN FELKER
PO BOX 177
CARMEN ID 83462

PAUL E AND WILMA C FISHER AND PAUL E FISHER JR
12 FISHER LN
SALMON ID 83467

LORI O AND PAUL E FISHER
8 FISHER LN
SALMON ID 83467

FISHERMENS LODGE HOME OWNERS ASSN
PO BOX 20
LEMHI ID 83465

JON AND PEGGY FLINDERS
46 MILLER LN
SALMON ID 83467

SHANNA L FOSTER
PO BOX 212
LEADORE ID 83464

BOYD D AND RICHARD E FOSTER
PO BOX 55
LEADORE ID 83464

CLAUDIA W AND ROBERT B FRAHME
PO BOX 27
LEMHI ID 83465

E DAN AND T EILEEN FRENCH
218 HWY 28
SALMON ID 83467

JO ANN FUREY AND SHERMAN F FUREY JR
116 N CENTER ST
SALMON ID 83467

JILL AND LARRY GARDNER
PO BOX 52
TENDRY ID 83468

BEN AND DELILA T GARECHANA
103 CEMETARY LN
SALMON ID 83467

GEORGE AND PHYLLIS GARRISON
PO BOX 5
TENDRY ID 83468-0005

JOHN T AND KATHLEEN M GATENS
36 CHERRY DR
SALMON ID 83467-5062

DARLENE AND JAMES L GAUTHIER
PO BOX 8
TENDRY ID 83468

MARLENE GEORDGE
PO BOX 62
SALMON ID 83467

RICK D AND MICHELLE GERBO
PO BOX 1905
TRUCKEE CA 96160

EDWIN R AND MARLENE J GIBSON
1015 LEMHI RD
SALMON ID 83467

PHYLLIS H GILES
1704 MAIN ST
SALMON ID 83467

DAVID D GILES
240 W SUNFLOWER DR
ST GEORGE UT 84790

DEBORAH L AND KENNETH L GINN
20561 DEERHAVEN DR
TUOLUMNE CA 95379

JOHN GITTLESON
205 BEACH ST
SALMON ID 83467

ROBERT P GLENNEY
PO BOX 434
SALMON ID 83467

MARGARET AND MICHAEL J GLODOWSKI
430 CONFEDERATE DR
SALMON ID 83467

PHILIP R GOODELL II
400 HWY 28
SALMON ID 83467

CHARLES A AND ROBERTA I GOODMAN
61 THREE MILE LN
SALMON ID 83467

CLYDE L AND LEOLA BELLE GOODWIN
204 LEMHI RD
SALMON ID 83467

CINDY AND GLENN GOULET
274 SANDY CREEK RD
SALMON ID 83467

SANDE K GREBE
179 LEMHI RD
SALMON ID 83467

GUARDIAN LTD PARTNERSHIP NO 2
1740 S YELLOWSTONE HWY
IDAHO FALLS ID 83403

BILL AND PAULA GUTH
25 COUNTRY LIVING LN
SALMON ID 83467

TIMOTHY M HAAK
1301 K NW
STE 900 EAST TOWER
WASHINGTON DC 20005

TIMOTHY M HAAKE
1301 K ST NW STE 1100 E
WASHINGTON DC 20005

DARLENE HAAS
PO BOX 55
TENDROY ID 83468

JEREL G HAGEN
PO BOX 32
TENDROY ID 83467

JEFFREY JAMES HAIRE
319 PALOS VERDES BLVD UNIT 411
REDONDO BEACH CA 90277

CLAYNE A AND JULIE HANSON
PO BOX 98
LEWISVILLE ID 83431

MINNIE L HARRIS
1904 E MAIN
SALMON ID 83467

VAUGHN HARTMAN
PO BOX 4
LEADORE ID 83464

JUDY B AND LENARD A HATCH
144 HIGHWAY 28
SALMON ID 83467

BESSIE M AND RAYMOND HATHHORN
17 RIVER VISTA LN
SALMON ID 83467

CAROL J AND GRANT M HAVEMANN
3 BOOTS RD
SALMON ID 83467

TERESA A HAWLEY
877 HWY 28
SALMON ID 83467

JAMES E HAWLEY
PO BOX 1055
SALMON ID 83467

HAYDEN CREEK CATTLE & HORSE GROWERS
C/O KARL W SNYDER
PO BOX 49
LEMHI ID 83465

JOHN M HAYES
2843 TONGASS
KETCHIKAN AK 99901

HAYNES CREEK CATTLE & HORSE ASSN
C/O ED SNOOK
1205 HWY 28
SALMON ID 83467

LINDA B AND TERRENCE C HEATON
102 HWY 28
SALMON ID 83467

CARL C AND LINDA HECKENDORF
2345 N SHIELDS ST
FORT COLLINS CO 80524

PAUL O HEDT JR AND JULANA HEDT
1024 TRIUMPH DR
MIDDLETON ID 83644

BEVERLY KIRKHAM HEINZ
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

KELSEY HELFRICH AND KIDD YOUREN
35 BOOTS RD
SALMON ID 83467

JANE AND ROGER HENRY
5665 S 5TH W
IDAHO FALLS ID 83404

MATTHEW J AND NICOLE CHERIE HERBEK
1307 BRYAN
SALMON ID 83467

LYNN, LYNN A, ROBIN AND ROBIN R HERBST
26 PINE CREEK RANCH RD
SALMON ID 83467

JANNA LYNN AND STEVEN R HERBST AND NELSON FAMILY
CO LTD
74 LEMHI RD
SALMON ID 83467

AUBREE B AND EMIL L HERBST
PO BOX 44
TENDROY ID 83468-0044

HERMITS OF MOUNT CARMEL IDAHO INC
PO BOX 37
LEMHI ID 83465

IRVIN B HEROD
1551 SONOMA AVE
SEASIDE CA 93955

CHARLES L AND PATRICIA HIATT
3655 SUNNYSIDE RD
AMMON ID 83406

WHITNEY R HICKEY
16 STRAWBERRY LN
SALMON ID 83467

JOHN E AND REBECCA J HILGENDORF
PO BOX 1517
SALMON ID 83467-1517

JOHN AND MELANIE HOECK
PO BOX 94
TENDROY ID 83468

ALPHONSE L AND CLARICE C HOKANSON
PO BOX 596
SALMON ID 83467

DARLENE S AND DEE R HOLLAND
PO BOX 23
TENDROY ID 83468

JOSHUA HOLLOWAY AND MORGAN KING
2046 BETH ST
POCATELLO ID 83201

CHARLENE HOLSCHER-TOMCHAK
580 CRIMSON DR
IDAHO FALLS ID 83401

SUSAN AND WILLIAM HUDSON
4105 N SHATTO LN
BOISE ID 83703

DAVE AND MARCY HULL
19 SUNNY LN
SALMON ID 83467

JOEL REA AND MARLA HUNTEMAN
10 KARLA DR
PO BOX 576
SALMON ID 83467

MARK A HURLEY
5470 N COLLISTER DR
BOISE ID 83703-3810

MARK A HURLEY
PO BOX 70
TENDROY ID 83468-0070

HUSTON FARM & RANCH REPAIR LLC
PO BOX 1076
SALMON ID 83467-1076

DEBRA A AND JOHN N INFANGER
1241 MAIN ST
GOODING ID 83330

RAY E AND VERA S INFANGER
9 MOUNTAIN LEGEND LN
SALMON ID 83467-5165

DARCY M AND PHILIP JACKSON
268 HWY 28
SALMON ID 83467

DEAN ROBERT AND PEGGY J JACKSON
50 SUMMER MEADOW LANE
SALMON ID 83467

ANTHONY AND STACEY S JAMES
1438 HWY 28
SALMON ID 83467

JEFFREY J BOCKMON & KELLY A BOCKMON REVOCABLE
FAMILY TRUST
18501 E COMSTOCK RD
LINDEN CA 95236

BERT W AND RIKKA J JEFFRIES
299 GEERTSON CREEK RD
SALMON ID 83467

LEANN JENSEN
1420 CASH AVE
PAHRUMP NV 89048

BRADLEY N JENSEN
365 S 1300 W
PINGREE ID 83262

RINALDO E JENSON
1712 LEMHI RD
SALMON ID 83467

GARY R AND JOAN JENSON
55 THREE MILE LN
SALMON ID 83467-5251

GARY R AND JOAN JENSON AND HOLLY A AND RICHARD M
NATELSON
55 THREE MILE LN
SALMON ID 83467

JOHN G ANDERSEN LIVING TRUST
40547 ORANGELAWN
PLYMOUTH MI 48170

AARON F, AL, ALLEN F, JAMIN K AND VIRGINIA M RUGGLES
AND SUSAN AND STEVEN L JOHNSON
1019 LEE CREEK RD
LEADORE ID 83464

ESTHER J AND ZACH A JOHNSON
12660 W BERGHAN ST
BOISE ID 83709

DOUGLAS JOST AND STEPHANIE A JOHNSON-JOST
448 FERNANDO
PALO ALTO CA 94306

E DALE AND MILDRED H JOLLEY
646 LEMHI RD
SALMON ID 83467

E DALE JOLLEY
650 LEMHI RD
SALMON ID 83467

CHERYL AND LLOYD JONES
107 CEMETARY LN
SALMON ID 83467

DORIS AND IVAN L JONES
1463 ELSIE DR
MURRAY UT 84123-5366

DAVID AND LEANN JONES
185 QUINCY
TWIN FALLS ID 83301

RUSSELL E JONES
2409 ROCKEDEL ST
LA CRESCENTA CA 91214

PHYLLIS M AND ROBERT M JONES
PO BOX 28
LEMHI ID 83465

CLARK L AND SANDRA RAU JORDAN
PO BOX 1015
SALMON ID 83467

KATHLEEN A AND RICHARD L JORDAN
PO BOX 44356
BOISE ID 83711

EUGENE AND JANIS JUD
13765 HARDING AVE
SAN MARTIN CA 95046

RAY L KAGEL JR
3879 E 200 N
RIGBY ID 83442

JOHN AND LENORE KATRI
5870 S 45TH W
IDAHO FALLS ID 83402

THOMAS WRIGHT KEEGAN
29 NIGHTHAWK LN
SALMON ID 83467

DEE M KEIRNES
523 MAIN ST
SALMON ID 83467

COLLEEN AND FORREST R KEIRNES
PO BOX 371
SALMON ID 83467

HUGH L AND PATRICIA KEITH
92 HWY 28
SALMON ID 83467

JANADEEN KELLER
26 SUMMER MEADOW LANE
SALMON ID 93467

DENISE M KELLER
PO BOX 65
LEADORE ID 83464

KIM AND SCOTT W KESL
PO BOX 33
TENDROY ID 83468

HEATHER, MICHAEL, SCOTT AND SHAYNE WHITSON AND
JANET KIBBEE
21 STARGAZER TRAIL
SALMON ID 83467

JANET KIBBEE
3927 E 400 N
RIGBY ID 83442

KIRK AND TINA KLEMMER
PO BOX 122
SALMON ID 83467

KARL AND KRISTINE D TYLER AND KLT FOUNDATION
PO BOX 16025
MISSOULA MT 59808

ANDREW M AND KATHLEEN M KNIGHT
PO BOX 71
LEMHI ID 83465

ALICE C AND JOE F KOLMAN
56 N BAKER RD
SALMON ID 83467

AUSTIN JAMES KONCZ
PO BOX 1372
SALMON ID 83467

GALEN J AND NORMA F KOSSLER
8 KOSSLER LN
SALMON ID 83467-5219

JAMES R AND SONDRAS KREFT
5120 FOSTER RD
PARADISE CA 95969-6221

ETHEL A AND LEONARD E LA PIERRE
RT 1 BOX 79
SALMON ID 83467

MELISSA SARTOR AND RANDY LAMBETH
3 CREWS RD
SALMON ID 83467

BETSI AND CHARLES LAMOURE
65 THREEMILE LN
SALMON ID 83467

PATRICIA LANDRY
PO BOX 1381
SALMON ID 83467-1381

LESLIE LANDRY
PO BOX 1446
PORT ORCHARD WA 98366

ANN M AND MICHAEL B LANE
286 LEMHI RD
SALMON ID 83467

CHARLIE AND CONI LANSCH
PO BOX 433
OAKLEY UT 84055

LEADORE LAND PARTNERS LTD PARTNERSHIP
10115 MULLAN RD
MISSOULA MT 59808-9477

THOMAS LEIPHART
17 S HAWK RD
SALMON ID 83467

LEMHI HYDROPOWER CO
1032 GRANDVIEW DR
IVINS UT 84738

LEMHI RIVER ESTATES
C/O WINFRED DUDLEY
PO BOX 1
TENDROY ID 83468

LEMHI RIVER ESTATES SUBDIVISION
PO BOX 37
TENDROY ID 83468

CATHY AND ROBERT LETH
939 HWY 93 S
SALMON ID 83467

DAVID, JAN, JEFFREY AND LAYNE PARMENTER AND
MICHELLE LIDDIARD
139 CEMETERY LN
SALMON ID 83467

BRENDA AND DENNIS LILE
PO BOX 793
SALMON ID 83467

DEBBIE LYNN AND WILLIAM FLOYD LINGER
PO BOX 51
TENDROY ID 83468

LINGER DISTRIBUTING INC
175 HWY 28
SALMON ID 83467-5336

NANCY C LISCHNER
33 LEMHI RD
SALMON ID 83467

JERRY D SMITH AND MARIANNE LITTLE
PO BOX 40
TENDROY ID 83468

CONNIE L AND SHAWN P LIVINGSTON
15 LEMHI BACK RD
SALMON ID 83467

JAMES W LOCKES
C/O BONNIE LOCKES
3770 LEMHI RD
LEADORE ID 83464

BONNIE E LOCKES
3770 LEMHI RD
LEADORE ID 83464

NICOLE J AND R TERRY LOFT
167 WIMPEY CREEK RD
SALMON ID 83467

RALPH G LOGAN
C/O KATHLEEN A JORDAN
7187 HAPPY VALLEY RD
KUNA ID 83634

MILDRED I LOGAN
48 RED ROCK STAGE RD
SALMON ID 83467

DANIEL AND DARCY LOHMILLER
637 COULEE DR
BOZEMAN MT 59718

HARRY G AND RAYLENE LOMONACO
10 BAIRD LN
SALMON ID 83467-5023

LONG CREEK MINING COMPANY
PO BOX 600
CHALLIS ID 83226-0600

ANN L AND ROBERT R LOUCKS
260 WITHINGTON CREEK RD
SALMON ID 83467

JO ANN AND WILLIAM E LOUDY
PO BOX 68
TENDROY ID 83468

GORDON LUCAS
PO BOX 1209
SALMON ID 83467

CARL J AND ROBIN S LUFKIN
1413 HWY 28
SALMON ID 83467

DIANE K AND JAMES A LYON
PO BOX 15
TENDROY ID 83468

JUNE PLAYFAIR AND MARIE MAHAFFEY
PO BOX 38
LEMHI ID 83465-0038

MAHAFFEY BROTHERS
PO BOX 14
LEMHI ID 83465

FRANK MAJKA
PO BOX 81
LEMHI ID 83465

CHARLES AND DIANE MAJOR
8 HOKANSON LN
SALMON ID 83467

JAMES C, MARYNEL G AND TIFFANY ANN MALCOM
10 BEEHIVE LN
SALMON ID 83467

BETTY L AND FRANK MARAFFIO
PO BOX 713
CHALLIS ID 83226

MARCIA DECANN ANDERSEN REVOCABLE TRUST
2 N HAWK RD
SALMON ID 83467

DOUGLAS MARSHAK
9360 NW OLD SKYLINE BLVD
PORTLAND OR 97231

JANICE AND ROMALDO MARTIN
1192 FALLON RD
HOLLISTER CA 95023

ALFONSO AND SUSAN MARTINEZ
PO BOX 22
TENDROY ID 83468

MARY ANN BEASLEY REVOCABLE TRUST
267 HWY 28
SALMON ID 83467

LINDA A MATTHEWS
210 LEMHI ST
SALMON ID 83467-4527

BRAD A AND TAMARA MATTHEWS
42 THREE MILE LN
SALMON ID 83467-5251

SHANE R MC AFEE
PO BOX 2008
SALMON ID 83467

DAVID M AND GAYLE N MC CAMPBELL
3 NICOLE LN
SALMON ID 83467

PATRICK D MC CONNAGHY
373 SANDY CR LN
SALMON ID 83467

BRUCE AND GLENDA MC CONNELL
100 COTTOM LN
LEADORE ID 83464

GINA C MC FARLAND
319 N ST CHARLES
SALMON ID 83467

MC FARLAND LIVESTOCK CO INC
PO BOX 50
LEMHI ID 83465-0050

F PAULINE MC GEE
PO BOX 223
SALMON ID 83467

WHIT AND JUNE M MC KINNEY
PO BOX 39
LEMHI ID 83465-0039

BARBARA AND SAM P MC KINNEY
PO BOX 52
LEMHI ID 83465

TERRY A MC NELLIS
PO BOX 4
LEMHI ID 83465

JESSICA K AND TERRY A MC NELLIS
PO BOX 834
RANCHO SANTA FE CA 92067

MARJORIE E MC REA
PO BOX 121
LEADORE ID 83464

VICTORIA MELTON
10 BANTA DR
SALMON ID 83467

STEFANI MELVIN
35 N BAKER RD
SALMON ID 83467

GARRY D MERRITT
PO BOX 1516
SALMON ID 83467

JERRY R MEYERS
254 FOURTH OF JULY CREEK RD
NORTH FORK ID 83466

M MAE MILLER
C/O LINDA MATTHEWS & JEANNE VARILONE
210 N LEMHI RD
SALMON ID 83467-4527

JOHN W AND RUBY MILLER
176 RED ROCK STAGE RD
SALMON ID 83467-5201

DONALD E MILLER
228 MEADOW LARK LN
HAMILTON MT 59840-9147

BEVERLY SCHUPP AND MARCUS R MILLER
PO BOX 1218
HAINES AK 99827

PATRICIA M AND RYAN MILLER
PO BOX 44
SALMON ID 83467

DELOY AND NELDA MILLER
RT 1 BOX 19
SALMON ID 83467

BOB AND JANE MINOR
1135 HWY 28
SALMON ID 83467

WILLIAM W MITCHELL
PO BOX 69
TENDROY ID 83468

RUTH ANN MONSON
2303 BELMONT
IDAHO FALLS ID 83404

GERALD R AND ROSE H MORPHEY
PO BOX 625
SALMON ID 83467-0625

JAMES A MOUNT
379 W 200 N
BLACKFOOT ID 83221

DANIEL J MUDD
48 BEEHIVE LN
SALMON ID 83467

BRENT W MULKEY
1008 HWY 28
SALMON ID 83467-5303

DOYLE L AND LOAH K MULKEY
25 MULKEY LN
SALMON ID 83467

CARLA R AND NICHOLAS A MUNNING
23 N BAKER RD
SALMON ID 83467

DEAN AND CYNTHIA MURPHY
PO BOX 1089
SALMON ID 83467-1089

MARK S MYERS
282 WITHINGTON CREEK RD
SALMON ID 83467-5289

GINGER L MYERS
PO BOX 88
TENDROY ID 83468

RAYMOND E AND STELLA R NANCOLAS
195 N HIGBEE AVE #2
IDAHO FALLS ID 83401

MARCY A AND WILLIAM E NEAL
13 S BAKER RD
SALMON ID 83467

SUZANNE NEBEKER
51 N BAKER RD
SALMON ID 83467

JOSEPH AND MARGARET S NEBEKER
PO BOX 598
SALMON ID 83467

CLYDE S AND RUBY M NELSON AND THE NELSON FAMILY CO
LTD
152 LEMHI RD
SALMON ID 83467

JOAN R NELSON
PO BOX 266
WISDOM MT 59767

GARY A NICHOLS
PO BOX 898
SALMON ID 83467

DANIEL T SURMELIS AND RHEA NICK
9200 W CARIBOU RD
POCATELLO ID 83204

DALEEN AND MICHAEL DEAN NOONER
885 HWY 28
SALMON ID 83467

MARK AND SONYA J NOREM
PO BOX 1285
BIG TIMBER MT 59011

JERI J AND KENNETH J NUTT
9525 E GLORIA RD
MIDDLETON ID 83644-5045

FLOYD BRENT AND MARTHA L NYBORG
20 SUMMER CREEK DR
SALMON ID 83467

DAVID JEFFREY ODELL
2742 ALPENGLOW RD
STEVENSVILLE MT 59870

CHARLES G OEDING
1706 SHOUP ST
SALMON ID 83467-4501

PAIGE OEDING
PO BOX 626
SALMON ID 83467

VALERIE AND VERDELL A OLSON
151 GEERTSON CREEK RD
SALMON ID 83467

HEATHER OLSON AND ROBERT OLSON JR
2 PEAK VIEW DRIVE
SALMON ID 83467

DALLAS AND SHIRLEY OLSON
28 DEMICK LN
SALMON ID 83467

KATHLEEN, V DON AND VERGIL DON OLSON
479 LEMHI RD
SALMON ID 83467

VERGIL O OLSON
536 LEMHI RD
SALMON ID 83467

KIMBERLY AND MARK OLSON
74 DEMICK LN
SALMON ID 83467-5079

GINO AND NANCY OTTONELLO
1051 LEMHI RD
SALMON ID 83467

GREGORY G PAINTER
559 HWY 28
SALMON ID 83467

GREGORY G AND KATHRYN C PAINTER
9 NICOLLE LN
SALMON ID 83467

JEROME T AND MARY LOU PASTO
PO BOX 711
SAINT MARIES ID 83861-0711

ALISA AND MORGAN PEETS
522 RIVER ST
SALMON ID 83467

DAN T AND LOIS M PENCE
179 COSGROVE LN
DILLON MT 59725-8871

JOHN T AND TONI L PETERSON
1537 HWY 28
SALMON ID 83467

DOROTHY J PETERSON
PO BOX 24
LEMHI ID 83465

HARVEY E, JANETTE S AND KENNETH J PETERSON
PO BOX 58
LEADORE ID 83464

DALE A PETERSON
PO BOX 67
LEADORE ID 83464

PETERSON LAND & LIVESTOCK INC
PO BOX 85
LEADORE ID 83464

ROBERT L AND SUSAN E PETRAY
PO BOX 76
TENDROY ID 83468

A KENT AND PAULA K PHARIS
4 DELOREAN WAY
SALMON ID 83467-5204

MARK L AND ALTA H PHILLIPS
607 E CONFEDERATE DR
SALMON ID 83467

SAM PIAZZA
206 COURTHOUSE DR
SALMON ID 83467-3900

MICHAEL A AND TERESA POSTEL
PO BOX 35
LEMHI ID 83465

PRATT CREEK RANCH LP
178 PRATT CREEK RD
SALMON ID 83467

ALLAN AND KARLA PROBST
1748 LEMHI RD
SALMON ID 83467

RICK AND SANDY PRUETT
545 HWY 28
SALMON ID 83467

ALLAN F AND BETTY M PURCELL
98 PURCELL RD
LEADORE ID 83464

KERRY W PURCELL
PO BOX 45
LEADORE ID 83464

QB CORP
C/O DICK SMITH
1420 HWY 28
SALMON ID 83467

RAY FAMILY TRUST
1545 ST MARKS PLAZA # 4
STOCKTON CA 95207

MARYLU RAYMOND
615 LEMHI RD
SALMON ID 83467

JOSEPHINE AND PAUL RECKINGER
21 CLARK DR
SALMON ID 83467

DARLA D AND ODEEN K REDMAN
PO BOX 22
ALBION ID 83311

CECELIA AND GARY REGNANI
1101 TAFT AVE
SALMON ID 83467

COREY A AND SARAH B REGNANI
PO BOX 686
WILLIAMS CA 95987

JACQUELINE L AND RAYMOND C REYNOLDS
426 HWY 28
SALMON ID 83467

DAWN AND MIKE J RICHIE
26 HAYNES CREEK RD
SALMON ID 83467

JAMES BRETT RIGGAN
121 HWY 93 N
SALMON ID 83467-5293

CONNIE RIGGAN
1311 HWY 93 N
SALMON ID 83467

JAMES E RIGGAN
196 WIMPEY CREEK RD
SALMON ID 83467

ERIC AND KRIS RINEER
11803 GILA DR
KUNA ID 83634

RIVCO LLC
PO BOX 640
SALMON ID 83467

JEROME C AND MURIEL M ROACH
19 THREE MILE LN
SALMON ID 83467

ADRIAN RAND, ADRIAN RUSSELL, DOROTHY H, JOEL RAND
AND STACEY ROBISON
503 N 4000 E
RIGBY ID 83442

ROGER W AND SHIRLEY ROCKWELL
1259 HWY 28
SALMON ID 83467

ROGER K OGDEN ESTATE
1650 E 875 S #A
CLEARFIELD UT 84015

RITA JEAN ROGERS
19766 NORTHEAST 156 PL
WOODINVILLE WA 98077

CALVIN MARION AND NYLENE KAYE ROWLEY
21 S BARRACKS LN
SALMON ID 83467

DONALD J AND MARY ANN SABATTE
1560 FOOTHILLS DR
HENDERSON NV 89012

MAXINE AND WILLIAM N SAGER
61 RED ROCK STAGE RD
SALMON ID 83467

RICK AND TAMI SAGER
985 HWY 28
SALMON ID 83467

SALMON INTERMOUNTAIN INC
28 DEMICK LN
SALMON ID 83467-5079

DAVID SANTOS
1085 FULLMER LN
BLACKFOOT ID 83221

R MARLENE SANTOS
651 LEMHI RD
SALMON ID 83467

RICHARD SCOTT SANTOS
695 LEMHI RD
SALMON ID 83467

AMY AND DAVID W SAY
581 HWY 28
SALMON ID 83467

AMANDA SCHRAMM AND CHAD WIPPERMANN
PO BOX 46
LEMHI ID 83465

DANIEL L SCHROEDER AND JOANN E WOLTERS
64 MILLER LN
SALMON ID 83467

GLENN AND KATHY SEABERG
PO BOX 471
SALMON ID 83467

GLENN M AND VICKIE M SEBER
PO BOX 703
LIBBY MT 59923-0703

SELF INC
C/O FRANKLIN JACK POWER
3154 S CRABAPPLE LN
BOISE ID 83706-1239

JOHN E SELLS
PO BOX 34
TENDRY ID 83468

LAVERNE, MINA LAVERNE AND RICHARD G SESSIONS
10 EAGLE LN
SALMON ID 83467-5450

SHEPARD OF THE VALLEY LUTHERAN CHURCH
178 HWY 28
SALMON ID 83467

ROSS D SHEPPEARD
5 ROSS LN
SALMON ID 83467

CHRISTY AND MARK SHINER
PO BOX 116
LEMHI ID 83465

CHRISTY, DEBBIE A, DEBRA, DEENA, JAMES D, MARK AND
STEPHEN SHINER
PO BOX 43
LEMHI ID 83465

SHINER RANCH INC
PO BOX 26
LEMHI ID 83465-0025

GEORGE L AND RAMONA L SHOUP
PO BOX 48
TENDRY ID 83468

JOHN ALFRED AND SUSAN ISLEY SIMPSON
774 LEMHI RD
SALMON ID 83467

NEIL SIMS
292 LEE CREEK ROAD
LEADORE ID 83464

JIM AND JUDY SKINNER
47 SKINNER RANCH RD
SALMON ID 83467-5238

SKINNER FAMILY TRUST
47 SKINNER RANCH RD
SALMON ID 83467

ROBERT M SKROCH
PO BOX 2157
HAMILTON MT 59840-4157

BARBARA K, MILTON A, ROBERTA A AND WILLIAM G SLAVIN
PO BOX 255
CARMEN ID 83462

MARY E SLOAN
1063 LEMHI RD
SALMON ID 83467

ELZIE RAY SLOAN JR
1065 LEMHI RD
SALMON ID 83467

STEVE SMITH
1200 MAIN ST
SALMON ID 83467

JORDAN P AND MARY K SMITH
129 LEMHI RD
SALMON ID 83467

JORDON P SMITH
807 MAIN ST
SALMON ID 83467

JENNIE H AND RICHARD R SMITH
PO BOX 1032
SALMON ID 83467

CLYDE C AND JENNIFER SMITH
PO BOX 244
SALMON ID 83467

GRACE A AND R J SMITH
PO BOX 65
TENDROY ID 83468

LOIS AND QUINTON SNOOK
C/O EDWARD SNOOK
1205 HWY 28
SALMON ID 83467

FRED H SNOOK
SNOOK LAW OFFICE
44 CEMETERY LN
SALMON ID 83467

EDWARD M SNOOK
1205 HWY 28
SALMON ID 83467

CLAYSON S AND DOROTHY C SNOOK
8 QUINTON LN
SALMON ID 83467

KARL W AND WILLIAM A SNYDER
PO BOX 49
LEMHI ID 83465

CLARENCE R AND SHARON J SOLAAS
3 S BAKER RD
BAKER ID 83461

SOUTH LEMHI SCHOOL DISTRICT #292
PO BOX 119
LEADORE ID 83464

SCOTT R SPAETH
PO BOX 147
SALMON ID 83467

MIDY AND STEVEN SPEICH
160 HWY 28
SALMON ID 83467

BARBARA J AND JAMES E SPRINKLE
609 HWY 28
SALMON ID 83467

CRAIG R STAHL
PO BOX 1214
SALMON ID 83467

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

KENNETH E AND RAMONA C STAUFFER
15 RED ROCK STAGE RD
SALMON ID 83467

ANN, THOMAS AND THOMAS R STEPHENSON
31 RED ROCK STAGE RD
SALMON ID 83467-5200

J FRANK STODDARD
HC 68 BOX 17
LEADORE ID 83464

BETTY W STOKES
19 N BARRACKS LN
SALMON ID 83467-5171

KATHERYNE W AND ROBERT W STOKES
61 LEMHI RD
SALMON ID 83467

STOUT FAMILY TRUST
10835 GARRETT RD
STANTON CA 90680-2206

CYNDIE J AND TERRY S STRATTON
PO BOX 6
TENDROY ID 83468

JAMES B AND LA VINNA STROUD
PO BOX 162
LEADORE ID 83464

STATE OF IDAHO
DEPT OF FISH & GAME
C/O OFFICE OF THE ATTORNEY GENERAL
MICHAEL ORR
PO BOX 83720

STATE OF IDAHO
DEPT OF LANDS
STATEHOUSE
BOISE ID 83720-0050

GORDON AND MARY STEPHENSON
30 N BAKER RD
SALMON ID 83467-5170

JEAN STOCKTON
814 E ST
RUPERT ID 83350

PAUL STOKES
10 PARKVIEW RD
SALMON ID 83467

PATSY AND WYNN STOKES
322 N ST CHARLES
SALMON ID 83467

DAWNA R AND LARRY R STOUT
PO BOX 43
LEADORE ID 83464

FRANK STRATTON
PO BOX 1840
TRUCKEE CA 96160

CHARLOTTE STREET
608 FAIRMONT ST
SALMON ID 83467

DE ANNA STROUD
PO BOX 164
LEADORE ID 83464

A VINN AND DEBORAH LEE STRUPP
324 LEE CR RD
LEADORE ID 83464

JUDY K AND WILLIAM STUDEBAKER
2616 E 4000 N
TWIN FALLS ID 83301

DENNIS AND LEAH STUDEBAKER
PO BOX 2618
KENAI AK 99611

LARRY A AND MARGARET SCOTT SVALBERG
PO BOX 1181
SALMON ID 83467

RODGER C SWANSON
71 PRICE CREEK RD
SALMON ID 83467

ERIC, JIM AND REAH TARKALSON
705 LEMHI RD
SALMON ID 83467

PHILIP EDWARD AND SHERRY TAYLOR
27 N BAKER RD
SALMON ID 83467

B ALLEN AND WHITNEY E TELLER
PO BOX 79
TENDRY ID 83460

TERRY & JESSICA MC NELLIS FAMILY TRUST
PO BOX 834
RANCHO SANTA FE CA 92029

THE BANK OF COMMERCE
FBO CLAYNE A HANSON IRA
3543 E 630 N
MENAN ID 83434

THE JEANA MARIE DONALDSON-THOMAS TRUST
1620 CUSTER AVE
ODESSA TX 79761

KAMI THIMONS
14 STRAWBERRY LN
SALMON ID 83467

DORENE THOMAS
5697 S FAR VISTA DRIVE
SALT LAKE CITY UT 84118

C LYNN AND HEATHER THOMAS
PO BOX 215
SALMON ID 83467

KIM GEORGE THOMAS
PO BOX 375
SALMON ID 83467

KARLA AND LARRY THOMPSON
15141 OSPREY PL
CALDWELL ID 83607

JOANNE S TINGLE
PO BOX 812
SALMON ID 83467

RONALD D TOBIAS
PO BOX 13
LEMHI ID 83465-0013

DAVID R TOMCHAK
305 BARLOW DR
IDAHO FALLS ID 83401

CHRISTOPHER L AND DANIEL LEE TONSMEIRE
129 N BAYSHORE DR
EASTPOINT FL 32328

ELIZABETH D TONSMEIRE AND TONSMEIRE PROPERTIES LLC
6 S SUMMIT ST
FAIRHOPE AL 36532

FRANCES B AND JOSEPH L TONSMEIRE
PO BOX 72
LEMHI ID 83465

CHRISTINE M, DANIEL L AND JOSEPH L TONSMEIRE
PO BOX 871
SALMON ID 83467

RONALD J TROY AND YVETTE TORREZ TROY
8600 BEVERLY HILLS AVE NE
ALBUQUERQUE NM 87122

DEBRA JEAN ENGQUIST TORSKE
2630 ELM AVE
GRAND JUNCTION CO 81501

JOHN B AND KATHERINE A TRACY
20 TRACY LN
SALMON ID 83467

MALINDA AND VINCENT TRACY
3 PRAIRIE RD
SALMON ID 83467

ARTHUR P TURNER
7103 REDWOOD RD #421
WEST JORDAN UT 84084

DONNA F AND KEVIN TYLER
10115 MULLAN RD
MISSOULA MT 59808

EUNICE AND SCOTT TYLER
762 LEE CREEK RD
LEADORE ID 83464

KARL L TYLER
PO BOX 401
LEADORE ID 83464

WANDA L UDY
PO BOX 184
LEADORE ID 83464

DAVID L UDY
PO BOX 87
LEADORE ID 83464-0087

ALAN AND LINDA ULERY
193 HWY 28
SALMON ID 83467

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

UNITED STATES OF AMERICA ACTING THROUGH
USD I BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

DEBORAH AND WAYNE UNRUH
10 KARLA DR
SALMON ID 83467

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1206 S CHALLIS ST
SALMON ID 83467

JAMES J VENEROS
89 SAGEBRUSH AVE
SALMON ID 83467

MICKEY AND THERESA VERBECK
108 LOMBARD
SALMON ID 83467

CONRAD E AND JUNE E VITZTHUM
12 RED ROCK STAGE RD
SALMON ID 83467

DONALD AND TERESA WADE
1538 HWY 28
SALMON ID 83467

JAMES W WAGNER
216 RED ROCK STAGE RD
SALMON ID 83467

DAVID BARRY WAGNER
403 ARROYO CHICO
BOULDER CO 80302

LEEANN AND ROCKIE L WALKER
569 HWY 28
SALMON ID 83467

MARGUERITE J AND MICHAEL P WALKER
93 DC BAR RD
LEADORE ID 83464

JAMES R AND RANEE C WALL
12024 GOLDENROD DR
BOISE ID 83713

DONALD E WARD
145 WIMPEY CREEK RD
SALMON ID 83467-5284

DONALD E AND SHARYN WARD
1970 VAN CIR
IDAHO FALLS ID 83404

ELLSWORTH B WARD
221 S AGATE DR
SALMON ID 83467-5217

SHARYN WARD
RT 1 BOX 25AB
SALMON ID 83467

BETH ANN WATERBURY
29 NIGHT HAWK LN
SALMON ID 83467

ROBIN WATKINS
PO BOX 2244
SALMON ID 83467

STEVE WATTS
454 10TH ST
IDAHO FALLS ID 83404

CHRISTINE AND JAMES WEBB
PO BOX 706
SPRINGVILLE CA 93265

JESSICA S AND KEVIN L WEIKERT
401 POWELL WAY
CORVALLIS MT 59828-9372

JAC WEINHEIMER
55 VALLEY LN
BUFFALO WY 82834

JAMES O WEISS
8 HAYNES CREEK RD
SALMON ID 83467

RULON G WELLARD
15 THREE MILE LN
SALMON ID 83467

C RICHARD, CHARLES, JO E AND TERRI WENGER
189 LEMHI RD
SALMON ID 83467

CARI AND WALTER T WHITSON
13 LEMHI RD
SALMON ID 83467

WALTER BRUCE WHITSON
PO BOX 22
LEMHI ID 83465-0022

F JAMES AND PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

CALVIN J AND CAROL L WHITTAKER
PO BOX 10
LEADORE ID 83464

DORIS MAYE WIKAN
PO BOX 154
LEADORE ID 83464

BRENT L AND KANDICE J WILCOX
TRUSTEE OF THE BRENT L & KANDICE J WILCOX FAMILY
TRUST
3644 BROKEN FEATHER DR
NORCO CA 92860

WILLIAM H & EMILY L WHITE FAMILY TRUST
516 MAIN ST # 347
SALMON ID 83467

CAILLE ROSE, GARY JOHN, KURT ALAN, ROCKY ANTHONY
AND SCOTT SEBASTIAN WILLIAMS
209 WIMPEY CREEK RD
SALMON ID 83467

GRACE, OLIVER AND SIDNEY WILLIAMS
3 SCOTT LN HWY 28
SALMON ID 83467

C R WILSON
RT 1 BOX 25A
SALMON ID 83467

PAUL WITHERS
815 LEMHI RD
SALMON ID 83467

MARGARET ANN WITTE
PO BOX 14
SALMON ID 83467-0014

DALE K AND MARILYN F WOLFLEY
15 SUMMER MEADOW LN
SALMON ID 83467

Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS ID 83303-5023

JUNE P YANCEY
13577 S UNION RD
MANTECA CA 95336

FRANKLIN DELANO YANCEY
PO BOX 1554
MANTECA CA 95336

DELILA AND RULON RICHARD YOUNG
1700 SHOUP ST
SALMON ID 83467

LYNN M AND STEPHEN L YOUNG
PO BOX 103
SALMON ID 83467-0103

HARVEY J B AND SUSANNE S YOUNG
PO BOX 1954
BROOKINGS OR 97415

ZENAS R HARTVIGSON CO
746 KING ST
DENVER CO 80204

COURTESY COPY SENT TO:

JERRY ELZINGA
WATER DISTRICT 74C
700 MONROE
SALMON ID 83467

DEREK PAPTAEODORE
WATER DISTRICT 74W
PO BOX 82
LEADORE, ID 83464-0082

BEN ARMSTRONG
WATER DISTRICT 74J
PO BOX 486
SALMON ID 83467-0486

PAUL MAUGHAN
WATER DISTRICT 74Z
PO BOX 64
LEADORE ID 83464-0064

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES (IDWR)

MINIMUM ACCEPTABLE STANDARDS AND REQUIREMENTS
FOR OPEN CHANNEL AND CLOSED CONDUIT
MEASURING DEVICES

The water source, diversion structure and conveyance system must be adequately evaluated prior to selection of a measuring device. Surface water sources such as streams, springs and drains are commonly diverted into open channels, ditches or canals. Closed conduits such as pipes or culverts are also used to convey surface water. Ground water is more commonly diverted into pipes (closed conduits) which convey water from the well to system discharge points such as irrigation sprinkler systems. Ground water may also discharge from a well through a short section of pipe to open channels, ditches or ponds. When required by IDWR, measuring devices must be installed at or very near the point of diversion to ensure the watermaster can accurately determine the amount of water diverted from the public water source. The standards below are intended to qualify measuring devices that are “acceptable to the Department”, and to assist water users and watermasters in the proper selection and installation of such devices when required pursuant to Section 42-701, Idaho Code.

I. MEASUREMENT IN OPEN CHANNELS

The following requirements are applicable to diversions from surface water sources. Measurement of a ground water diversion with an open channel measuring device must be specifically approved by IDWR.

A. Industry Standard Open Channel Measuring Devices

All open channel surface water diversions must be measured using one of the following industry standard (standard) open channel flow measuring devices:

- **Weirs:** contracted or suppressed rectangular weirs, Cipolletti weir, 90 degree V-notch weir
- **Flumes:** Parshall flume, trapezoidal flume, ramped flume (ramped, broad-crested weir)
- **Submerged Orifices:** submerged rectangular orifice, constant head orifice
- **Current Meter/Acoustic Profiler:** acoustic Doppler flow meter (ADFM), acoustic Doppler current profiler

Construction, installation and operation of these devices must be consistent with water measurement guidelines, published by the United States Bureau of Reclamation¹ or the United States Geological Survey². Measuring devices, associated rating tables and specifications contained in these publications are considered by IDWR to be industry standard.

B. Non-Standard Open Channel Devices Including Rated Structures or Rated Sections

Any weir, flume or other measuring device that has not been constructed, installed or maintained to measure flow consistent with industry standard rating tables or curves shall be considered non-standard. IDWR may authorize the use of non-standard devices or rated channel sections on a case by case basis, upon the submittal and approval of a measurement plan. A measurement plan must contain an acceptable proposal, using industry standard procedures for developing a rating curve, or document that a rating curve has been fully developed for the device or section. Proposed rating plans must include provisions for periodic re-measurement and maintenance of the rating. The established rating must achieve the desired accuracy standard of plus or minus ten percent ($\pm 10\%$), the equivalent accuracy of a standard open channel device. All rating measurements must be conducted by a qualified individual (eg. engineer, hydrologist, certified examiner), using a standard portable open channel measuring device. If a measurement plan is not approved by IDWR, a standard device must be installed and maintained.

¹ The BOR guidelines can be found at: <https://idwr.idaho.gov/files/water-measurement/2001-Bureau-of-Reclamation-Water-Measurement-Manual.pdf>

² The USGS guidelines can be found at: <https://pubs.er.usgs.gov/>

II. CLOSED CONDUIT MEASURING DEVICES

The following requirements are applicable to measurement of diversions from any water source that conveys water through a full pipe or conduit. Full pipe means that water within the pipe is under at least some positive pressure and contains insignificant amounts of air or gas.

A. Standard Closed Conduit Measuring Devices

Standard closed conduit measuring devices are flow meters that have been approved for use by IDWR based on independent third party testing. IDWR has developed and published a list of meters that have been tested and approved for use³. Tests were conducted for both accuracy and repeatability on all submitted models. The lab tested accuracy standard for flow rate is plus or minus two percent ($\pm 2\%$). The *IDWR List of Approved Closed Conduit Flow Meters* (approved list) may be found at: <https://idwr.idaho.gov/files/water-measurement/approved-flow-meter-list.pdf>

Approved full profile magnetic flow meters and spooled ultrasonic flow meters must be installed with a minimum straight pipe length equivalent of three (3) pipe diameters upstream and two (2) pipe diameters downstream measured from the center of the meter spool. Approved clamp-on and wetted ultrasonic flow meter transducers must be located with a minimum straight pipe equivalent of ten (10) pipe diameters upstream and five (5) pipe diameters downstream of the nearest transducer. All other manufacturer installation specifications (excepting up and down spacing) must be met. *Installation of an approved meter inconsistent with the requirements noted above, may be cause for IDWR to require reinstallation of the meter.*

B. Requests for Variance to Use Power Consumption, Hour Meter or Existing Meter

Requests for variance will be considered for qualifying diversions on a case by case basis only upon submittal of the appropriate "Request for Variance" form. If a water user can demonstrate that an existing flow meter or other method of measurement meets an equal standard of accuracy when compared to meters on the approved list, a variance may be granted. If a variance request is not granted, an approved meter will be required.

The following alternate measurement methods may be considered:

- Development of a Power Consumption Coefficient (PCC), which is a ratio of power usage to water withdrawal,
- Use of an hour meter (time clock), or
- Use of a flow meter that was *installed prior* to the date a measurement order was issued and *is not* on the IDWR approved list.

Any alternate measurement method will require field testing using a portable ultrasonic flow meter or other meter tested and accepted by IDWR (testing meter). Field testing may be performed by any of the following:

- IDWR staff,
- a water district watermaster,
- a ground water district hydrographer,
- an irrigation district hydrographer,
- a certified field examiner, or
- as otherwise approved by IDWR

Existing flow meters must be operational and installed consistent with applicable specifications. If the testing margin of error of an installed meter when compared to the testing meter exceeds plus or minus ten percent ($\pm 10\%$) for mechanical type meters, or plus or minus five percent ($\pm 5\%$) for magnetic or ultrasonic type meters, the installed meter must be replaced with a new meter from the approved list. The owner or operator of any diversion system which requires a field measurement must provide a testing section of unobstructed straight pipe 15 pipe diameters in length.

³ Testing was conducted at the Utah Water Research Laboratory (UWRL), a National Institute of Standards and Technology (NIST) traceable lab in Logan, Utah.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Salmon Field Office • 102 South Warpath • Salmon, Idaho 83467
Phone: (208) 742-0658 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 23, 2020

JORDAN WHITTAKER
PO BOX 177
LEADORE ID 83464-177

F JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464-240

RE: Notice of Requirement to Install Controlling Works and Measuring Devices – West and East Springs,
Water Right No. 74-157

Water Users:

On September 28, 2018 the Idaho Department of Water Resources (IDWR or Department) issued a *Final Order in the Matter of Requiring Controlling Works and Measuring Devices on Surface and Ground Water Diversions* (Measurement Order) for the entire Lemhi River Basin, including tributary streams. The deadline for compliance with the Measurement Order was prior to the 2019 irrigation season for all irrigation diversions.

On June 10, 2020 I met with Jordan Whittaker and the WD74Z watermaster Merritt Udy at the West Spring, which is one of two spring sources for irrigation water right 74-157. The West Spring flows into Lee Creek and is rediverted from Lee Creek into a ditch. Two weirs have been installed in Lee Creek, one above and one below the spring inflow, which enable a measurement of the West Spring. An orifice plate is installed at the head of the spring diversion ditch which Mr. Whittaker estimated would limit the total flow entering the ditch to 80 inches, or 1.6 cfs. Based on area of the orifice opening and the upstream head over the opening, I calculated a free-flow discharge through the orifice of approximately 93.5 inches (1.87 cfs).

The flumes in the creek are acceptable for measuring the total spring discharge. An orifice plate of standard dimensions could be used to quantify the rediverted spring flow from Lee Creek, but the ditch lacks a sufficient control structure or headgate. Whittaker indicated that the East spring had no control structure or measuring device. Both springs are tributaries to Lee Creek under right 74-157, and required to be administered in priority with Lee Creek water rights. The watermaster must have adequate control of the diversions, including the ability to close the ditches and allow the spring flows to return to Lee Creek when the right is not in priority.

Pursuant to Idaho Code § 42-701 and the Lemhi Basin Measurement Order, you are hereby required to install and maintain suitable and lockable controlling works, and standard measuring devices on both the East and West springs within 30 days of the date of this letter.

Cindy Yenter
IDWR Water Distribution Section
Watermaster, WD170

cc: Merritt Udy, WD74Z Watermaster
Rob Whitney, IDWR Water Distribution Section Manager
Garrick Baxter, Idaho Deputy Attorney General



Governor Brad Little

Director Gary Spackman

April 21, 2022

James Whittaker
PO Box 240
Leadore, ID 83464

RE: Cease and Desist Unauthorized Diversion of Stroud Creek (aka Left Fork of Lee Creek)
Waters (E2022-2813)

Dear Mr. Whittaker:

The Department has been working with Merritt Udy, watermaster for Water District 74Z (WD74Z), to ensure Stroud Creek water can be delivered to downstream senior water right holders on Lee Creek. Currently, Whittaker Two Dot Land, LLC (Whittaker) captures and diverts all water in the Stroud Creek drainage below Whittaker's authorized Stroud Creek diversion (Ericsson corral) at or before the West Springs Ditch. The West Springs Ditch cuts across the Stroud Creek drainage within the NENE, Sec 31, Twp 16N, Rge 25E, B.M. (map attached). Water right 74-157, owned by James and Paula Whittaker, authorizes only the diversion of 3.2 cfs from springs tributary to Lee Creek. The complete capture of water by the West Springs Ditch deprives downstream senior water rights on Lee Creek from receiving their rightful entitlement of water. Whittaker has no authorized diversion point(s) for Stroud Creek water below the Ericsson corral diversion. Based on IDWR records, communication with the WD74Z watermaster, and direct communication with Jordan Whittaker, the Department concludes that Whittaker's diversion of Stroud Creek water as noted above is not authorized. Downstream of the Ericsson corral diversion, Whittaker is only entitled to divert spring water when water right 74-157 is deliverable by priority.

As identified in the attached map, the natural drainage of Stroud Creek runs through Whittaker's property (outlined 120 acres). By diverting Stroud Creek water at the West Springs Ditch, refusing to allow Stroud Creek to flow downstream of the West Springs Ditch through the natural drainage, and diverting tributary springs out of priority, Whittaker may be subject to 1) administrative and civil enforcement actions for violating the provisions of Idaho Code § 42-351; and 2) a private civil action from downstream water user(s).

On September 28, 2018, the Department issued an order requiring installation of measuring devices and controlling works on water diversions in the Lemhi River Basin. These devices were required to be installed prior to the 2019 irrigation season. In a letter from the Water District 170 watermaster dated June 23, 2020, James and Jordan Whittaker were again notified of this requirement and the applicability to diversions under water right 74-157. Diversions in WD74Z must be equipped with suitable headgates, controlling works, and measuring devices pursuant to Idaho Code § 42-701. The suitability of such controlling works and measuring devices shall be determined by the watermaster and the Department. Currently, there are two headgates associated with Whittaker's authorized Stroud Creek diversion near the

Ericsson corral. The in-channel headgate on Stroud Creek is not suitable because it limits the amount of natural flow that can pass down the Stroud Creek drainage depending on gate position. The newer headgate on the Whittaker ditch appears suitable for proper administration of water rights 74-369, 74-1136, and 74-15788, by the watermaster.

The Department requires that Whittaker immediately implement and accomplish the following actions:

- 1. Cease diverting the waters of Stroud Creek below the authorized diversion point for water rights 74-369, 74-1136, and 74-15788, near the Ericsson corral. The Department's field observations confirm that the Stroud Creek channel exists above and below the Whittaker in-channel headgate.*
- 2. Remove or modify the in-channel headgate noted in no.1 above to allow all Stroud Creek water in excess of authorized diversions under water rights 74-369, 74-1136, and 74-15788, to flow downstream to the confluence with Lee Creek. An open-top check structure in Stroud Creek, designed to direct water through the new headgate on the existing ditch may be determined suitable.*
- 3. Install suitable headgates or controlling works and measuring devices at or near both diversion points authorized by water right 74-157. The WD74Z watermaster must have the ability to deliver spring waters, tributary to Lee Creek, downstream to satisfy senior water rights.*

Failure to comply with the above requirements on or before May 5, 2022, may cause the Department to initiate enforcement action(s) under Idaho Code § 42-1701B, and to seek injunctive relief in the district court for violation of the provisions of Idaho Code § 42-351.

Sincerely,

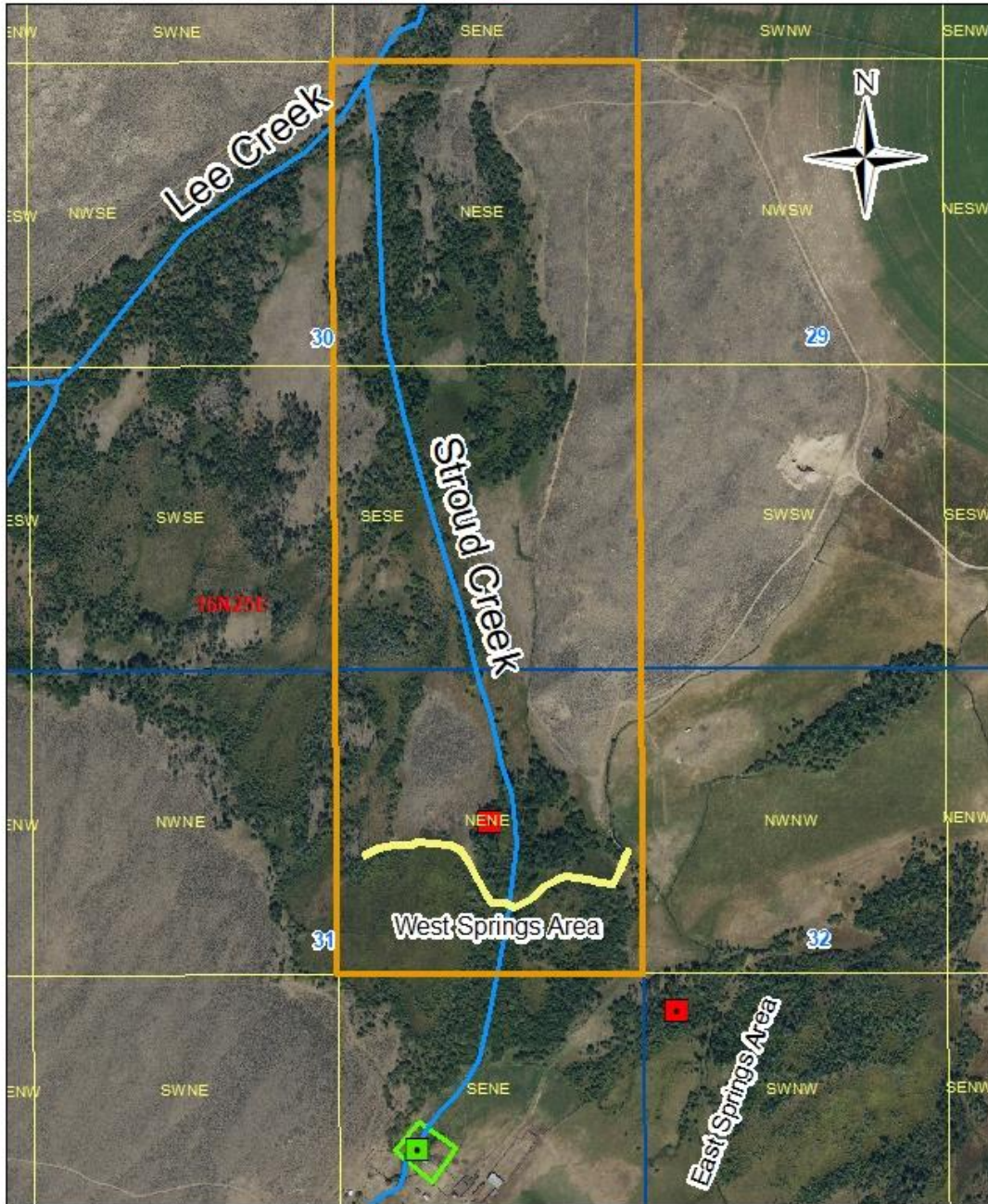


Rob Whitney
Water Compliance Bureau

cc: Jordan Whittaker, Whittaker Two Dot Land
Rob Harris, Esquire
Chris Bromley, Esquire
Bruce McConnell
Merritt Udy, WD74Z Watermaster
David Graybill, WD170 Watermaster
Mark Cecchini-Beaver, IDWR Deputy AG
James Cefalo, IDWR Eastern Region
Cherie Palmer, IDWR Enforcement

Whittaker Two Dot (E2022-2813)

Twp 16N Rge 25E



- West Springs Ditch
- Whittaker 120 Acres
- Ericsson Corral
- Water Right 74-157 PODs
- Water Rights 74-369, 74-1136, and 74-15788 POD

M^CHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

Candice M. McHugh
cmchugh@mchughbromley.com

380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

July 1, 2022

Director Gary Spackman
Idaho Dept. of Water Res.
322 E. Front St., Ste. 648
Boise, ID 83702-7371
gary.spackman@idwr.idaho.gov

Sent via electronic mail

Re: Delivery of McConnell Water Rights

Dear Director Spackman:

I represent Bruce and Glenda McConnell (“McConnell”), senior right holders on Lee Creek, in Lemhi County, Idaho. The McConnell water rights are: 74-361, 74-362, 74-363, 74-364, 74-365, 74-367, and 74-368.

As you are aware, on November 2, 2021, you issued an *Order on Exceptions; Final Order Approving Transfer* (“Final Order”) in which you adopted Hearing Officer James Cefalo’s *Preliminary Order Approving Transfer, Order Denying Petitions for Reconsideration and Order Denying Petition to Re-Open Hearing and Petition for Site Visit*, approving the addition of McConnell’s historic point of diversion on Lee Creek. In so doing, you explicitly found no injury would result to the upstream water rights held by James Whittaker and Whittaker Two Dot Ranch (“Whittaker”) that are tributary to Lee Creek. Another notable finding from the Final Order was the fact that Whittaker’s capture of Stroud Creek water at the West Springs Ditch is unauthorized and therefore illegal. *Preliminary Order* at 5, ¶ 24.

On January 14, 2022, I sent a letter to the watermaster asking for priority delivery of McConnell’s Lee Creek water rights. The list of water rights in the January 14, 2022 letter was corrected by a letter I sent on January 25, 2022. Attached are copies of the letters for your convenience.

On April 6, 2022, David Graybill, with the Idaho Department of Water Resources (“IDWR”), Salmon Field Office, performed a Field Investigation of the Whittaker diversions upstream of McConnell, finding, among other things, that recent earth work is allowing West Springs Ditch to capture Stroud Creek water to the detriment of Lee Creek: “Recent earth work that results in the capture of Stroud Cr. and West springs water. This location is where [watermaster] Merritt Udy was able to deliver West springs water to Bruce McConnell. Due to the recent blockage all water collected in the west springs ditch including Stroud Cr. water get[s] diverted to the east side of a hill and can not reach Lee Cr.” Emphasis added. Attached is a copy of the Field Investigation for your convenience.

On April 21, 2022, IDWR sent a letter to Whittaker to “Cease and Desist Unauthorized Diversion of Stroud Creek (aka Left Fork of Lee Creek Waters),” in which IDWR notified Whittaker to stop his illegal diversion of water at West Springs Ditch. Emphasis added. IDWR warned Whittaker: “Failure to comply with the above requirements on or before May 5, 2022, may cause the Department to initiate enforcement action(s) under Idaho Code § 42-1701B, and to seek injunctive relief in the district court for violation of the provisions of Idaho Code § 42-351.” Attached is a copy of this letter for your convenience.

With water not being delivered to them, my clients reached out to Mr. Graybill as to the status of the enforcement. On June 10, 2022, my clients received an email from Mr. Graybill informing them IDWR had changed its mind to enforce against Whittaker due to threat of litigation:

We decided not to put water in the ditch because we received an email from Whittakers (sic) attorney putting in writing that all Stroud Creek water that is released below Ericssons (sic) Corral would go into Whittakers (sic) private ditches.

Emphasis added. Attached is a copy of the email for your convenience. The issue of water in Whittaker’s private ditch was raised below and rejected by you and Hearing Officer Cefalo. *See also Martiny v. Wells*, 91 Idaho 215, 216-17, 419 P.2d 470, 471-72 (1966). No stay of your Final Order was asked for by Whittaker, IDAPA 37.01.01.780, nor was a stay issued *sua sponte*.

As you are aware, IDWR has a clear legal duty to deliver water, in priority. I.C. § 42-602; *Musser v. Higginson*, 125 Idaho 392, 395, 871 P.2d 809, 812 (“We conclude that the Director’s duty to distribute water pursuant to this statute is a clear legal duty. The director himself testified that he was aware that his duty to deliver water under I.C. § 42-602 is mandatory.”). Whittaker’s water rights are junior to McConnell and tributary to Lee Creek; therefore, the Director has a clear legal duty to rectify Whittaker’s illegal diversion and deliver water to McConnell.

While the spring and early summer was unusually wet in the Lemhi drainage, flows in Lee Creek have dropped. With diminishing flows comes the paramount, Constitutional responsibility to deliver water rights to senior users ahead of junior users. Idaho Const. Art. XV § 3. By way of this letter, my clients again demand delivery of their Lee Creek water rights, water that Whittaker is preventing from flowing downstream. Because time is of the essence, my clients request that IDWR take action no later July 8, 2022, to restore the flow of water to them. If IDWR does not take steps to restore the flow of water by July 8, 2022, my clients have instructed me to take all steps necessary to ensure their water is made available to them for irrigation this year.

Sincerely,



Chris M. Bromley

Encls.

c.c. Robert L. Harris
Garrick L. Baxter

M^CHUGH BROMLEY

ATTORNEYS AT LAW, PLLC

Candice M. McHugh
cmchugh@mchughbromley.com

380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

January 14, 2022

David Graybill
IDWR Salmon Field Office
102 S. Warpath
Salmon, ID 83467-4435

Merritt Udy
PO Box 145
Leadore, ID 83464-0145

Re: Priority Delivery of McConnell Water Rights

Dear David and Merritt:

On behalf of Bruce and Glenda McConnell, please consider this letter as a request for delivery of water right nos. 74-361, 74-362, 74-363, 74-364, 74-367, and 74-368, in priority, as to junior water rights in the Lee Creek drainage. This request for priority delivery includes, but is not limited to, the junior water rights identified in James Cefalo's *Preliminary Order* approving Transfer No. 84441 in the name of Bruce and Glenda McConnell (May 18, 2021), as affirmed by Director Gary Spackman in his *Order on Exceptions; Final Order Approving Transfer* (November 2, 2021).

Sincerely,



Chris M. Bromley

M^cHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

Candice M. McHugh
cmchugh@mchughbromley.com

380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

January 25, 2022

David Graybill
IDWR Salmon Field Office
102 S. Warpath
Salmon, ID 83467-4435

Merritt Udy
PO Box 145
Leadore, ID 83464-0145

Re: Priority Delivery of McConnell Water Rights

Dear David and Merritt:

On January 14, 2022, I sent a letter to both of you on behalf of Bruce and Glenda McConnell, asking for priority delivery of the McConnell irrigation water rights as to junior water rights in the Lee Creek drainage, including but not limited to the junior water rights identified in James Cefalo's *Preliminary Order* approving Transfer No. 84441 in the name of Bruce and Glenda McConnell (May 18, 2021), as affirmed by Director Gary Spackman in his *Order on Exceptions; Final Order Approving Transfer* (November 2, 2021).

In the January 14, 2022 letter, I listed the McConnell water rights as: 74-361, 74-362, 74-363, 74-364, 74-367, and 74-368. I was recently made aware that this list of water rights inadvertently omitted water right no. 74-365. The omission of water right no. 74-365 was unintentional. Water right no. 74-365 should be included in the list of McConnell water rights for priority delivery.

Please consider this letter as a correction to the January 14, 2022 letter.

Sincerely,



Chris M. Bromley

Field Investigation – Narrative

Investigator: David Graybill

Date: 04/06/2022

Enforcement Case No: E2022-2813

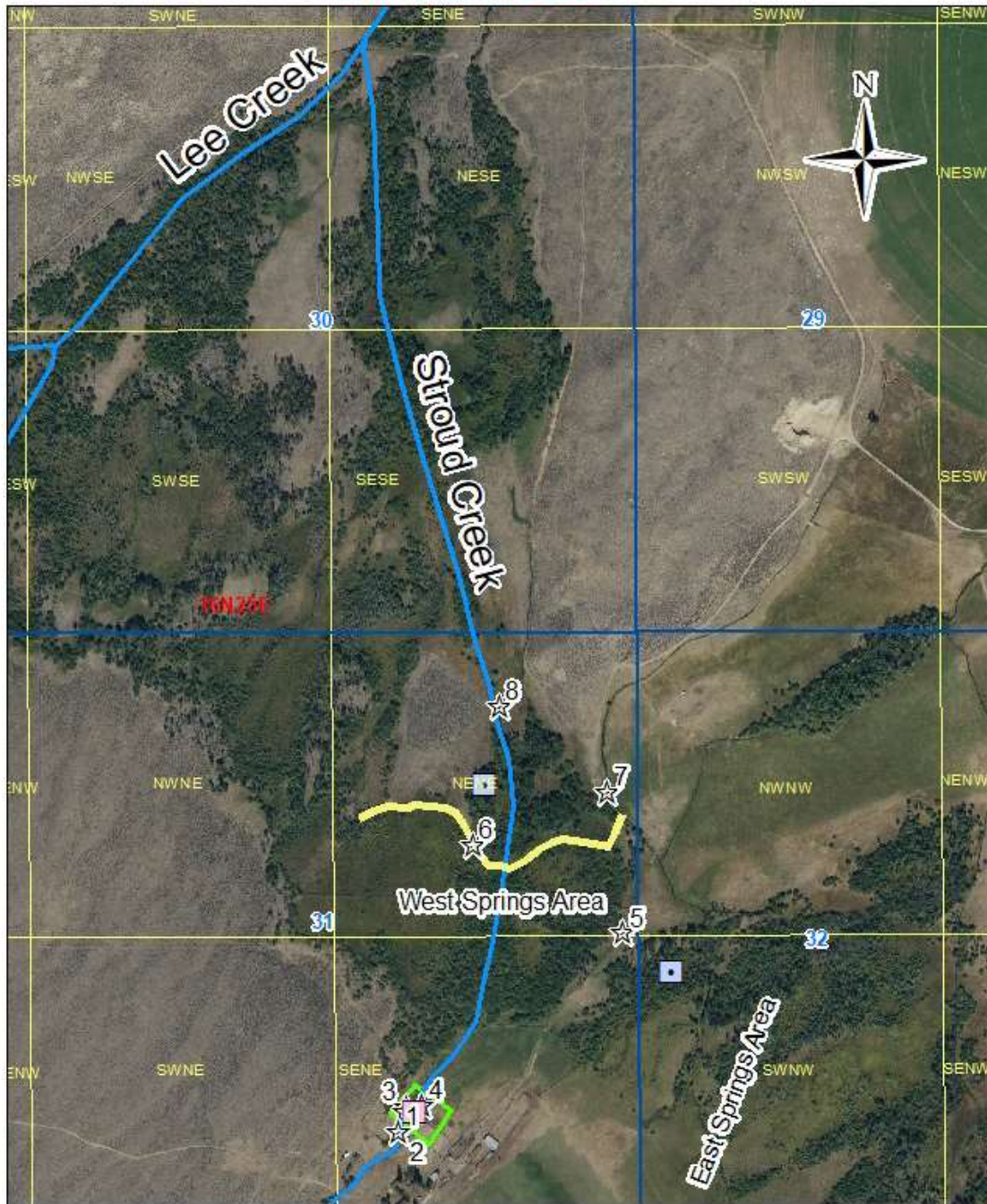
April 2022, Department staff and WD74Z watermaster conducted a field investigation at the Two Dot Ranch located in T16NR25E Sections 30, and 31 in Lemhi County. The goal of the field investigation was to understand if and how the Stroud Cr drainage had been altered to prevent Stroud Cr and West Springs water from connecting with Lee Cr and to check the compliance status of measurement and control requirements. The field investigation started at Whittaker's "upper diversion" located near the Ericsson corral and progressed down the Stroud Cr drainage ending at the confluence with Lee Cr. The investigation findings are as follows. Stroud Cr is clearly identified above the Ericsson Corral (Picture 1) at which point two headgates are located (Picture 2). The east headgate controls water flowing into a ditch system, "the ditch headgate", while the west headgate controls water flowing into the Stroud Cr channel, the "in-stream headgate". The in-stream top-down headgate prevents excess water in the system from flowing down Stroud Cr and must be removed, or if needed for control, it can be replaced with a bottom-up control design.

Immediately downstream of the ditch headgate is the ditch heading north and the ditch weir (Picture 4). The ditch weir and headgate meet Department standards. The ditch heads north to the "ditch split" (Picture 5) where water can flow east to commingle with the east springs water and then to the pivot or it can continue north and commingle with the west springs water and head to a different pivot. Immediately downstream of the in-stream headgate is the Stroud Cr Channel (Picture 3) heading NE towards the "west springs area" (see map). The West Springs Area is comprised of nearly flat topography, willows, thick vegetation, and marsh like conditions and the hydrology is dynamic including both subsurface and surface flow, water likely channelizes during periods of high flow. The Stroud Cr drainage through the west springs area is likely in similar condition and function as it was before land development up to the "west springs ditch" (Picture 6). The west springs ditch traverses nearly the entire Stroud Cr drainage collecting and diverting water from both Stroud Cr and the west springs before heading east to the POU. This diversion does not have any control or measurement, control at this diversion is critical for the priority delivery of Stroud Cr and west springs water. Adequate control of the diversion will be difficult as the west springs ditch acts as a 0.25-mile-wide diversion and simply placing a headgate in the ditch likely will not result in adequate control of the diversion.

In 2021 Department staff instructed the 74Z watermaster to deliver west springs water in priority to a water user down stream on Lee Cr. By placing a metal plate in front of an 18" cipoletti weir (Picture 7) located in Whittaker's ditch the watermaster was able to deliver the water west in a return flow ditch back into the Stroud Cr drainage. During the site visit department staff observed recent earth work (Picture 7) that resulted in a complete block of the return flow ditch eliminating any path for the diverted water to be returned to the Stroud Cr drainage. As department staff continued to work down the drainage from the west springs ditch they observed that there was not any water flowing down the drainage past the ditch. However, 425 ft down gradient of the west springs ditch water was observed to be subbing up and flowing and gaining water as it moved down the drainage and by 625 feet past the west springs ditch, Stroud Cr had re-channelized and was flowing at a rate of near 1 cfs (Picture 8) and continued to gain flow all the way to the confluence with Lee Creek.

Whittaker Two Dot (E2022-2813)

Twp 16N Rge 25E



- ☆ Picture Location
- West Springs Ditch
- Ericsson Corral
- Water Right 74-157 PODs
- Water Rights 74-369, 74-1136, and 74-15788 POD

Field Investigation – Photo Report



Picture 1

Site Identification/Details:
Stroud Creek Upstream of Ericsson Corral

Date Taken: 4/6/2022

GPS Location or other Location Information:
Lat. 44; 40; 26.9040000000093 Long 113; 31;
23.9808000000194

Comments:
This north facing photo shows a stretch of Stroud
Creek above the Ericsson corral. The stream
stretch from the headwaters to the Ericsson corral
is not disputed as the natural stream channel.



Picture 2

Site Identification/Details:
Ericsson Corral/ Whittaker Upper Diversion

Date Taken: 04/06/2022

GPS Location or other Location Information:
Lat. 44; 40; 26.9040000000093 Long 113; 31;
23.9808000000194

Comments:
This north facing photo shows the old in-stream
headgate on the west/left side of the photo and
Whittaker's ditch diversion on the east/right side of
the photo. The in-channel headgate on Stroud
Creek is not suitable because it limits the amount
of natural flow that can pass down the Stroud
Creek drainage depending on gate position.
Whittaker's headgate is adequate.



Picture 3

Site Identification/Details:
Stroud Creek historic channel immediately
downstream of the Ericsson Corral

Date Taken: 04/07/2022

GPS Location or other Location Information:
Lat. 44; 40; 26.9040000000093 Long 113; 31;
23.9808000000194

Comments:
This north facing photo shows a defined stream
channel that is heading North East towards the
West Springs Area. Stroud Cr is an easily
identifiable stream upstream of Ericssons corral
where it collects in a pool held back by the 2
headgates. Water can either continue down the
Stroud drainage or be diverted into Whittakers
private ditch system.



Picture 4

Site Identification/Details:
Whittaker ditch immediately downstream of the
Ericsson Corral.

Date Taken: 04/06/2022

GPS Location or other Location Information:
Lat. 44; 40; 26.9040000000093 Long 113; 31;
23.9808000000194

Comments:
This south facing photo shows Whittakers private
ditch and measurement weir. At the time of the
site visit Whittaker was diverting all the Stroud
Creek water with priority water rights. The
measuring device meets Department standards.



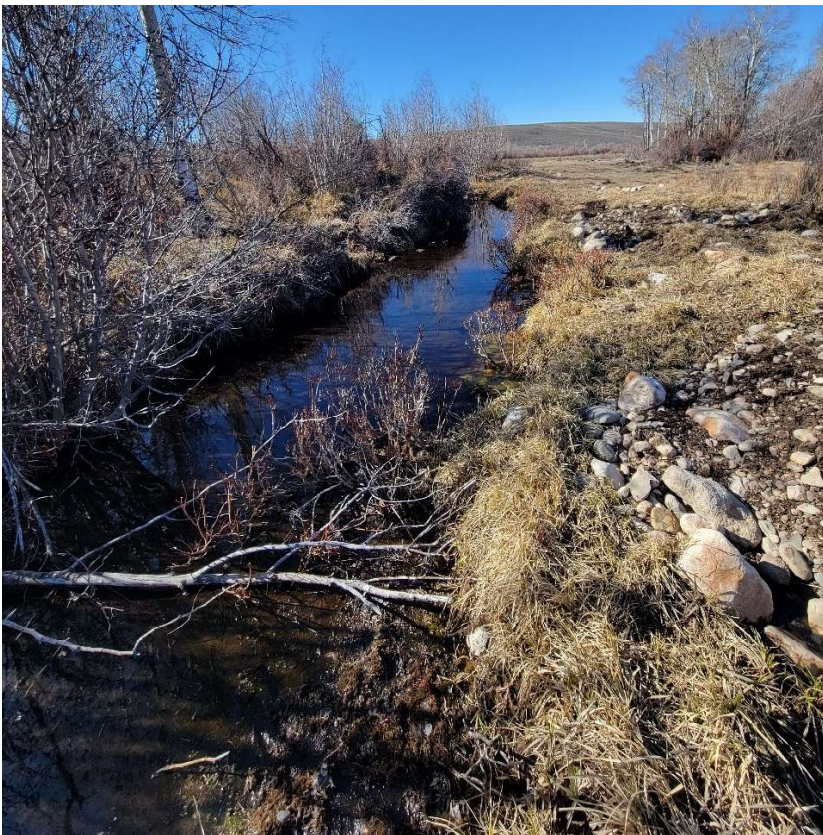
Picture 5

Site Identification/Details:
Whittaker ditch split

Date Taken: 04/06/2022

GPS Location or other Location Information:
Lat. 44; 40; 35.4550790000068, Long 113; 31;
10.509238999977

Comments:
Whittaker ditch splitting point can send water east to connect with East Spring Ditch or send it north to connect with West Springs Ditch. If the water goes north it will comingle with west springs water before being passing over an 18" Cipolletti weir. This measurement location is not adequate because there is no way to distinguish between Stroud Cr and West Springs water using it.



Picture 6

Site Identification/Details:
West springs ditch

Date Taken: 04/06/2022

GPS Location or other Location Information:
Lat. 44: 401: 39.37511900000038, Long 113; 31;
19.748638999977

Comments:
Ditch that traverses across the Stroud creek drainage. This ditch captures both West Springs water and Stroud creek water.



Picture 7

Site Identification/Details:
Whittaker Ditch Blockage Disconnecting the
System from Lee Creek Photo Point

Date Taken: 04/06/2022

GPS Location or other Location Information:
Lat. 44; 40; 45.2096399999865, Long 113; 31;
17.870519999996

Comments:
Recent earth work that results in the capture of
Stroud Cr. and West springs water. This location is
where Merritt Udy was able to deliver West
springs water to Bruce McConnel. Due to the
recent blockage all water collected in the west
springs ditch including Stroud Cr. water get
diverted to the east side of a hill and can not reach
Lee Cr.



Picture 8

Site Identification/Details:
Stroud drainage subbed water

Date Taken: 04/06/2022

GPS Location or other Location Information:
Lat. 44; 40; 45.2096399999865, Long 113; 31;
17.870519999996

Comments:
Near 425 ft North and down gradient of the west
springs ditch water was subbing from the ground
and gained as department staff followed it down
the drainage. After 200 ft the water had collected
into a defined flow of near 1 cfs that continued to
gain and flow in a channel down the drainage until
connecting with Lee Cr.

Chris Bromley

From: Glenda Montana <bar11ranch@hotmail.com>
Sent: Friday, June 10, 2022 11:00 AM
To: Chris Bromley
Subject: Fw: Water

----- Original message-----

From: Graybill, David
Date: Fri, Jun 10, 2022 10:44 AM
To: Glenda Montana;
Cc:
Subject:RE: Water

Hi Glenda,

We decided not to put water in the ditch because we received an email from Whittakers attorney putting in writing that all Stroud Creek water that is released below Ericssons Corral would go into Whittakers private ditches. Also, we would be giving the Whittakers 7 cfs in their ditches which they would likely use to irrigate their fields with their pivots. Currently Merritt has been instructed to deliver all water on Stroud and Everson that is deliverable in priority. Yes, this results in Whittaker being delivered water while we work on a resolution. Though I will say the Whittakers are certainly not getting the extra 7 cfs that they would have been getting if we performed the test and tried to deliver the water to you. There is currently no way under Idaho Law for us to deliver the Stroud water to you. We are though diligently working on a resolution in this matter. Also, it seems to me that the offer the Whittakers made with you is good and if it were me I would exploring that option. You would likely get most of your water, of which you have not seen in a long time.

Best,

David Graybill
Water Distribution Section
Water District 170 Watermaster
Salmon Field Office
208-742-0658
<https://idwr.idaho.gov/>



From: Glenda Montana <bar11ranch@hotmail.com>
Sent: Thursday, June 9, 2022 2:47 PM
To: Graybill, David <David.Graybill@idwr.idaho.gov>
Subject: Water

I don't understand why back down on your plans on putting water in that ditch. The ditch is illegal they shouldn't be using it anyway. An if high water is happening now extra water that not thier right is going in that ditch right now . why are you allowing junior water right holder before us to receive water.

Glenda McConnell

Sent from my LG Mobile