

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A73-02169
Date Received: 11/ 6/1989
Receipt No: E011113
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: LARRY D WHITTIER 208-876-4474
Address: HC 62 BOX 2161
MAY ID 83253
AND/OR
Name: JUDI A WHITTIER 208-876-4474
Address: HC 62 BOX 2161
MAY ID 83253

2. Date of Priority: APR 25, 1949

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	24E	5	SW	NW		R	CUSTER
		8	NE	NW		R	CUSTER
		32	SW	NW			CUSTER

5. Description of diverting works:
REFER TO REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.560		

7. Total Quantity Appropriated is:
3.560 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 445.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	24E	5	NE	NW	3	IRR	30.0
			NW	NW	4	IRR	40.0
			SE	NW		IRR	38.0
			NE	SW		IRR	40.0
						Section Acres	148.0
		6	NE	NE	1	IRR	30.0
						Section Acres	30.0
						Total Acres	178.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A73-02064A, A73-00167, A73-02058, A73-10003.

14. Remarks:

WOODEN HEADGATE ON PAHSIMEROI AND TWO 18 INCH STEEL CULVERTS WITH METAL HEADGATES ON GOLDBERG CREEK. WATER IS DIVERTED FROM THE PAHSIMEROI RIVER IN SEC. 32 ABOVE DESCRIBED AND IS DIVERTED INTO A DITCH THAT DUMPS INTO GOLDBERG CREEK IN APPROXIMATE SEC. 16, T12N, R24E, AND IS THEN DIVERTED FROM GOLDBERG CREEK AT TWO POINTS OF DIVERSION, ONE BEING IN NE1/4NW1/4, SEC. 8, T12N, R24E, AND THE OTHER BEING IN SW1/4NW1/4 OF SEC. 5, T12N, R24E, BOISE MERIDIAN BY MEANS OF TWO 18 INCH CULVERTS AND HEADGATES. THE CLAIM ABOVE IDENTIFIED IS KNOWN BY THE CLAIMANT BY THE COMMON NAME OF STEVENS PLACE.
 CHANGED OWNERSHIP 11/12/96/JT/GT

15. Basis of Claim: LICENSE

Water Right Number: 732169

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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IN RE THE GENERAL ADJUDICATION
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Date Received: 11/06/1989
Receipt No: E011113
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES WHITTIER 208-876-4268
Address: H.C. 62, BOX 2160
MAY, ID 83253

AND

Name: THETA WHITTIER 208-876-4268
Address: H.C. 62, BOX 2160
MAY, ID 83253

2. Date of Priority: APR 25, 1949

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	24E	5	SW	NW		R	CUSTER
		8	NE	NW		R	CUSTER
		32	SW	NW			CUSTER

5. Description of diverting works:
REFER TO REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.560		

7. Total Quantity Appropriated is:
3.560 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 445.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A73-02169

Page 1

Date: 11/15/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	24E	5	NE	NW	3	IRR	30.0
			NW	NW	4	IRR	40.0
			SE	NW		IRR	38.0
			NE	SW		IRR	40.0
						Section Acres	148.0
		6	NE	NE	1	IRR	30.0
						Section Acres	30.0
						Total Acres	178.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A73-02064A, A73-00167, A73-02058, A73-10003.

14. Remarks:

WOODEN HEADGATE ON PAHSIMEROI AND TWO 18 INCH STEEL CULVERTS WITH METAL HEADGATES ON GOLDBERG CREEK. WATER IS DIVERTED FROM THE PAHSIMEROI RIVER IN SEC. 32 ABOVE DESCRIBED AND IS DIVERTED INTO A DITCH THAT DUMPS INTO GOLDBERG CREEK IN APPROXIMATE SEC. 16, T12N, R24E, AND IS THEN DIVERTED FROM GOLDBERG CREEK AT TWO POINTS OF DIVERSION, ONE BEING IN NE1/4NW1/4, SEC. 8, T12N, R24E, AND THE OTHER BEING IN SW1/4NW1/4 OF SEC. 5, T12N, R24E, BOISE MERIDIAN BY MEANS OF TWO 18 INCH CULVERTS AND HEADGATES. THE CLAIM ABOVE IDENTIFIED IS KNOWN BY THE CLAIMANT BY THE COMMON NAME OF STEVENS PLACE.

15. Basis of Claim: LICENSE

Water Right Number: 732169

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____
Notary Public

Seal

Residing at _____
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name
acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

A73-02169

39576

~~A73-02169~~

11/6/1989

E011113

KWW

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 6 1989

Department of Water Resol

Eastern District Office

husband and wife

Please type or print clearly

1. Name of Claimant (s) James Whittier & Theta Whittier, Phone (208) 876-4268Mailing Address H.C. 62, Box 2160, May, Idaho Zip 832532. Date of Priority (Only one (1) per claim) April 25, 19493. Source of water supply (a) Pahsimeroi River
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 12N Range 24 Section 32,
1/4 of SW 1/4 of NW 1/4, Govt. Lot, E. B.M., County of CusterAdditional points of diversion if any: NE1/4NW1/4, Sec. 8, T12N, R24E - RECOVERED

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Wooden headgate on Pahsimeroi and two 18 inch
steel culverts with metal headgates on Goldberg Creek. Water is diverted from the Pahsimeroi
River in Sec. 32 above described and is diverted into a ditch that dumps into Goldberg Creek
in approximate Sec. 16, T12N, R24E, and is then diverted from Goldberg Creek at two points
of diversion, one being in NE1/4NW1/4, Sec. 8, T12N, R24E, and the other being in SW1/4NW1/4 of
Sec. 5, T12N, R24E, Boise Meridian by means of two 18 inch culverts and headgates

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A7302169



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 3.56 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.56 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 445 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12N	24E	5				L3 30		L4 40		38	40								148
12N	24E	6	L1 30																30

Total number of acres irrigated 178

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
High water and Howard Springs rights. Separate claims are filed or None ()
concurrently herewith on these two other rights.

14. Remarks:
The claim above identified is known by the Claimant by the common name of
Stevens Place

Last Name Whittier Ident No. A 73-02169

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Copies: White - State, Yellow - Claimant

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73-2169
15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____ two

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

James W Whittier
James Whittier
Theta Whittier
Theta Whittier

Date 8-23-89

Date 8-23-89

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

) SS.

County of Madison)

Subscribed and sworn (or affirmed) before me this 23rd day of August 19 89

SEAL

Notary Public [Signature]

Residing at Rexburg, Idaho

My Commission Expires November 15, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, G. Rich Andrus will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

G. Rich Andrus

Address 25 North Second East, Rexburg, Idaho 83440

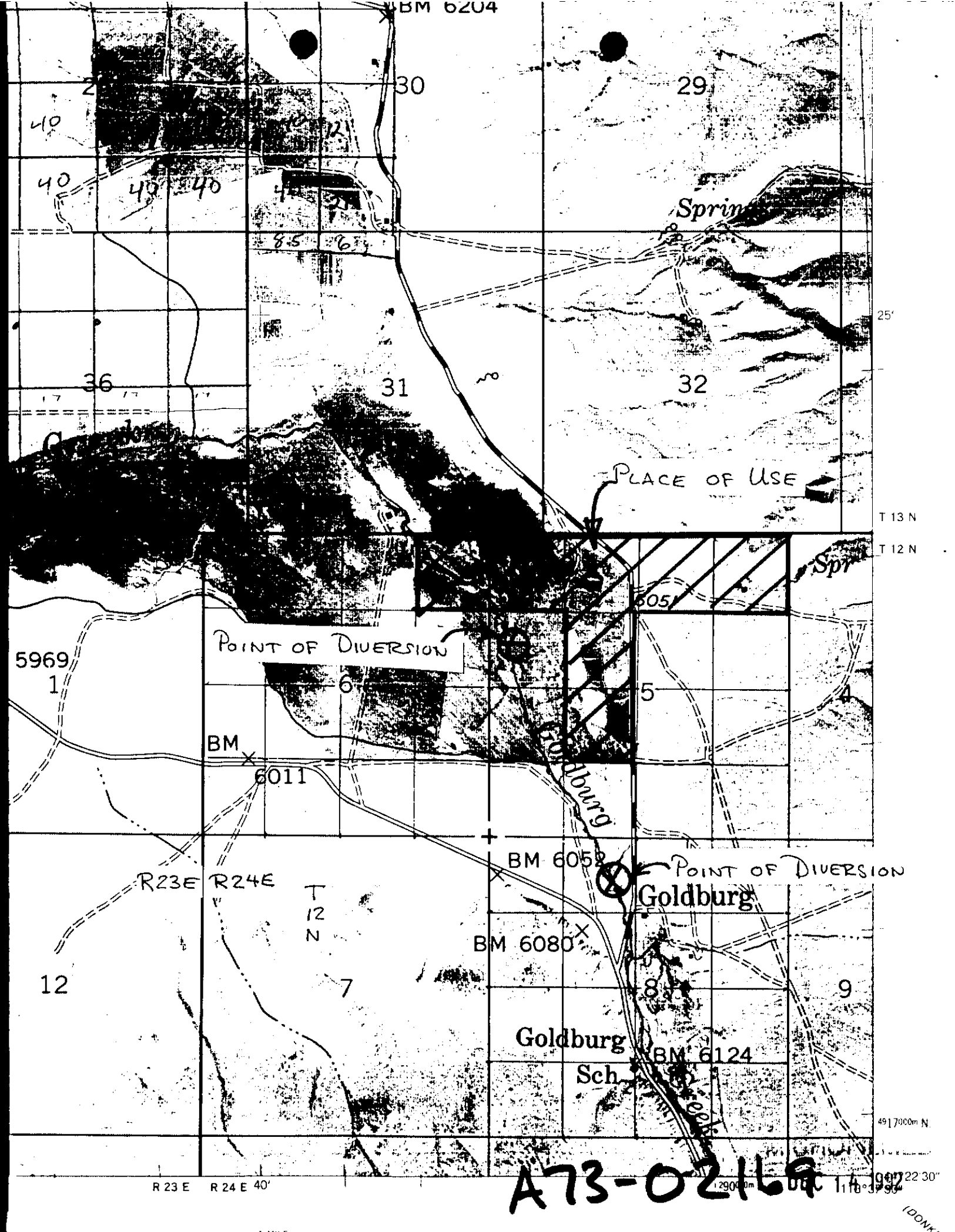
Date 8-23-89

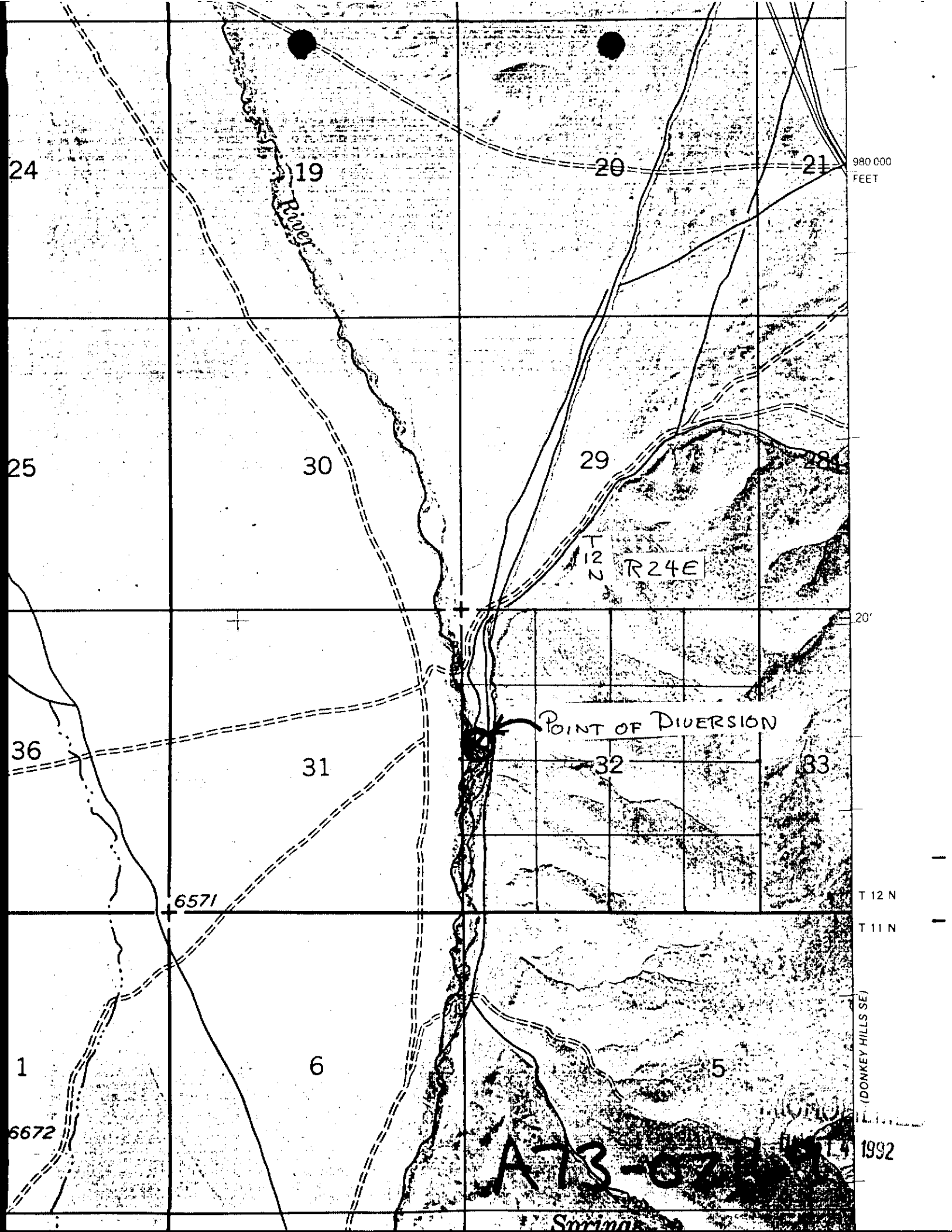
Last Name WHITTIER

Ident. Number A73-02169

DEC 14 1992

Copies White-State, Yellow-Claimant







State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

NOVEMBER 12, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY D WHITTIER
HC 62 BOX 2161
MAY ID 83253

RE: CHANGE IN OWNERSHIP FOR A73-00160A, -00167, -00186
-02058, -02064A, -02169, -10003, -7090, -04102A

Dear Mr. Whittier:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

Regarding 73-07089: this application was applied for **after** the adjudication began. Therefore, I am forwarding a copy of this right to the Boise office and the change in ownership will be done there.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township Range
 Section 1/4 of 1/4 of 1/4 Gov. Lot , BM.

Lot **Block** **Subdivision/Townsite**

If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)**

- Water Right Number(s)
Assigned by IDWR: A73-00160A, 00167, 00186, 02058, 02064A, 02169, 10003

- [1] Name and Address of Former Owner/Claimant(s)(Seller): JAMES C (DECEASED) AND/OR THE ESTATE

- WHITTIER
HC 62 Box 2160 MAY 1983 253

- [] New Owner/Claimant
 (Purchaser): LARRY D AND/OR JUDI A WHITTIER

- [] **New Mailing Address:** HC 62 Box 2161 MAY ID 83253

- [] New Telephone Number:** (208) 876-4474

- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes no**
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [1] Attach proof of ownership, describe proof attached:** _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- | | | | | |
|-----|--|----------------------------|------|--------------|
| [] | Signature of New
Owner/Claimant(s) | _____ | Date | _____ |
| [] | Signature of Former
Owner/Claimant(s) | <i>Phyllis H. Whittier</i> | Date | <i>11-7-</i> |

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ **By:** _____

Further Action Needed:

Further Action Taken

Date: _____ **By:** _____

Final Review and Data-Entry

Date: **Br:**

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME W. H. T. T. T. CL IDENT. NO. A73-02169DATE RECEIVED 11/6/89 CK # _____ AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|------------------------------|----------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | _____ | * |
| 2. Is a priority date entered? | <u>X</u> | _____ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| 3. (a) Is a source entered? | <u>X</u> | _____ | * |
| (b) Is a tributary to entered? (if required) | N/A <u>SEE COMMENTS</u> | <u>X</u> | * |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | _____ | * |
| 5. Is there a description of the diverting works? | <u>X</u> <u>SEE COMMENTS</u> | _____ | * |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | _____ | * |
| Is the period of use included? | <u>X</u> | _____ | * |
| Is a quantity claimed for each use? | <u>X</u> | _____ | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | _____ | * |
| 8. If required is a consumptive use entered? | N/A <u>X</u> | _____ | * |
| Is the consumptive use correct? | N/A <u>X</u> | _____ | * |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A <u>X</u> | _____ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | _____ | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | _____ | * |
| 12. Is the ownership of p.u. checked? | <u>X</u> | _____ | * |
| 13. Are other water rights listed or "none" indicated? | <u>SEE COMMENTS</u> | _____ | * |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | N/A <u>X</u> | _____ | * |
| 15. Is the basis of the claim indicated? | <u>X</u> | _____ | * |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | N/A <u>X</u> | _____ | * |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | _____ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | _____ | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | _____ | * |
| 20. Is the fee enclosed correct? | Exempt <u>X</u> | _____ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | N/A <u>X</u> | _____ | * |
| 22. Should this claim be data entered? | <u>X</u> | _____ | * |

Claim checked by: TO Date: 11/13/89Claim must be returned to claimant: (Yes) X (No) _____Claimant must be notified of modifications: (Yes) X (No) _____Receipt Prepared by: _____ Date: _____
Claim data entered by: CK Date: 11/13/89 Checked by: _____ Date: _____
Sent to claimant by: _____ Date: _____Comments: ③ PAH-SMEROE RIVER TRIB. TO SALMON RIVER. ④ CODE ADDITIONAL PD'S
AS RE-DIVERSION PTS "R". ⑤ CODE PD DESCRIPTION IN "REMARKS" 4-1992
⑬ CODE A73-02064A, A73-00167, A73-02058, A73-10003.

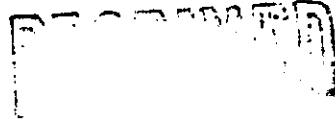
LAW OFFICES

RIGBY, THATCHER, ANDRUS,
RIGBY & KAM, *Chartered*

25 NORTH SECOND EAST - P.O. BOX 250 - REXBURG, IDAHO 83440
RAY W. RIGBY - GORDON S. THATCHER - G. RICH ANDRUS
JERRY R. RIGBY - MICHAEL S. KAM
TELEPHONE (208) 358-3633 - TELEPHONE (208) 529-5531 I.F.

October 31, 1989

Keith Wilson
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402



Dep. of Water Resources
Eastern District Office

Dear Keith:

I have enclosed ten Notice of Claim forms submitted to be filed on behalf of our clients, James and Theta Whittier of May, Idaho. The forms have been corrected pursuant to your suggestions made at the recent conference between my clients, myself and you held on October 30, 1989. I have also enclosed the check of James or Theta Whittier, payable to IDWR in the amount of \$1,286 to cover the cost of filing the within claims.

Please return the claimant's copy to our firm and I will then forward them on to the clients. If there are any questions, please call. Thank you for your help and consideration in connection with this matter.

Sincerely,

G. Rich Andrus

GRA:dc
Enclosures

11507/4459C

MICROFILMED
DEC 14 1992