

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

A73-11931
Ident. Number: A73-07089A
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 208-876-4218
Address: H.C. 62, BOX 2160
MAY, ID 83253

AND

Name: THETA WHITTIER 208-876-4218
Address: H.C. 62, BOX 2160
MAY, ID 83253

2. Date of Priority: JUN 01, 1966

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	24E	31	SW	SE	NE		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.
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/BEEF CATTLE UP TO 250 HEAD

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	24E	31	SW NE		STOCK	

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:
NONE

14. Remarks:

WOODEN HEAD BOX COLLECTS WATER AT SPRING. WATER IS DIVERTED INTO PLASTIC PIPE WHICH CONVEYS WATER TO STOCK TROUGHS LOCATED ON PLACE OF USE. SEE MAP ATTACHED.
THIS CLAIM IS BASED ON THE BENEFICIAL USE PRIORITY DATE FOR THE STOCKWATER PORTION OF PERMIT 73-7089.
THE CLAIM ABOVE IDENTIFIED IS KNOWN BY THE CLAIMANT BY THE COMMON NAME OF BARNEY SPRINGS.

15. Basis of Claim: BENEFICIAL USE

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

Renumbered
To:
A73-11931
per
EC

39576

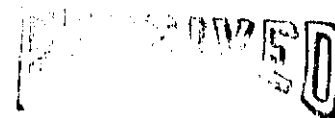
~~A73-07089A~~

11/6/1989

E01113

KW

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



NOV 6 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) James Whittier and Theta Whittier, husband and wife Phone (208) 876-4218

Mailing Address H.C. 62, Box 2160, May, Idaho Zip 83253

2. Date of Priority (Only one (1) per claim) June 1, 1966

3. Source of water supply (a) A spring
which is tributary to (b) Sinks in Pahsimeroi River water shed

4. a. Location of existing point of diversion is: Township 13N Range 24E Section 31
SW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Custer

Additional points of diversion if any: None

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

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

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 head box collects water at spring.
Water is diverted into plastic pipe which conveys water to stock troughs located on
place of use. See map attached.



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A73-11931

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 1-1 to 12-31 amount .07 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .07 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Beef cattle up to 250 head

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
13N	24E	31			S														

Total number of acres irrigated _____

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.

or None (X)

14. Remarks:
The claim above identified is known by the claimant by the common name
of Barney Springs

MICROFILMED

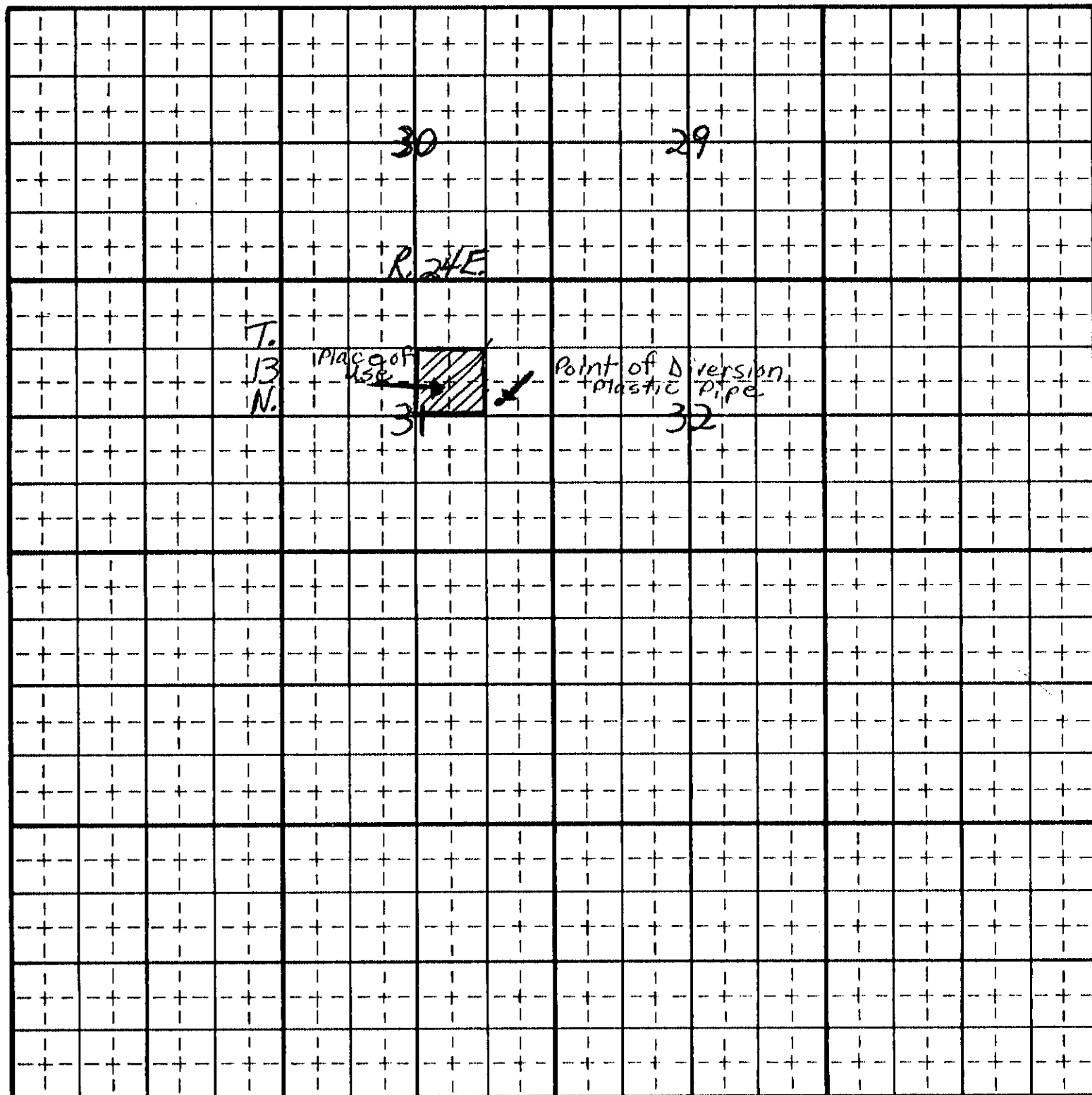
DEC 14 1992

Last Name WHITTIER Ident No. A73-07089

Copies: White - State, Yellow - Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

DEC 14 1992

Last Name WHITTIER

Ident No. A73-07089

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X* Posted Notice _____ License _____ Permit _____
Decree _____ *Application for permit #73-7089 has been filed
If applicable provide IDWR Water Right Number and approved. The water had been used prior to
Court _____ Case Number _____ filing application for permit.
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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments one

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 Whittier
James Whittier

Date 8-23-89

Theta Whittier
Theta Whittier

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 1989

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 [Signature]

G. Rich Andrus

Address 25 North Second East, Rexburg, Idaho 83440

Date 8-23-89

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DEC 14 1992

Last Name WHITTIER

Ident. Number A73-7089

Copies White-State, Yellow-Claimant

AUG-27-1998
0003

1

Renumbered

73-11931

RIGHT NUMBER:

73-07089A

NAME AND ADDRESS:

THETA WHITTIER
JAMES WHITTIER
HC 62 BOX 2160
MAY ID 83253

SOURCE:

SPRING

TRIBUTARY: SINKS

QUANTITY:

0.07 cfs .06 3.4 AFA

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE:

06/01/1998 1/25/1998 OK

POINT OF DIVERSION:

T13N R24E S31

SWSENE

Within CUSTER County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01-01 12-31

QUANTITY

0.07 cfs .06 3.4 AFA

PLACE OF USE:

STOCKWATER

Within CUSTER County

T13N R24E S31

SWNE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - *BEEN CATTLE*
PARCEL NO. RP13N24E312401A
STOCKWATER, 250 BEEF CATTLE

*✓ RB 1A
8/31/98*

*de EC
4/1/98*

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) 356-3633 - TELEPHONE (208) 529-5531 I.F.

October 31, 1989

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

RECEIVED
11/1/89
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

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME WHITTIERCLAIM NO. 73-11931

A73-11931

DATE RECEIVED 11/6/89

CK # _____

AMOUNT \$ _____

A73-07089A

Required
Info?

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| 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? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) N/A | ☐ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? N/A | ☐ | ☐ | |
| Is the consumptive use correct? N/A | ☐ | ☐ | |
| 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. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☐ | ☐ | |
| 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 | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A | ☐ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? Exempt | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A | ☐ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: _____ Date: _____

Claim must be returned to claimant: _____ (Yes) _____ (No)

Claimant must be notified of modifications: _____ (Yes) _____ (No)

Receipt Prepared by: _____

Claim data entered by: AK

Sent to claimant by: _____

Date: _____

Date: 11/16/89

Date: _____

Checked by: _____ Date: _____

Comments: (2) CODE "SPRING TRIB OF SINKS" (15) CODE BENEFICIAL USE

"J" AS BASIS OF CLAIM. (14) CODE "THIS CLAIM IS BASED ON 1/1/1992 E

BENEFICIAL USE PRIORITY DATE FOR THE STOCKWATER PORTION OF PERMIT 73-7089."

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 3011113

Date: 11/06/89
Time: 15:01:22

Received
From: WHITTIER, JAMES OR THETA

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$1,286.00

Total \$1,286.00

CHECK 3865

\$ 569 ⁰⁰	\$ 50 ⁰⁰	\$ 50 ⁰⁰	\$ 50 ⁰⁰	\$ 25 ⁰⁰
WR/NO: A73-10003	A73-02169	A73-02064A	A73-00167	A73-07089A
A73-07090	A73-04102A	A73-02058	A73-00186	A73-00160A
\$ 25 ⁰⁰	\$ 25 ⁰⁰	\$ 50 ⁰⁰	\$ 210 ⁰⁰	\$ 232 ⁰⁰

Idaho Department of Water Resources

Region: EASTERN

Signature: Keith C. Wilson

MICROFILMED
DEC 14 1992

OLD (D) NUMBER -

STATE- ID ZIP- 83253

WOODEN HEAD BOX COLLECTS WATER AT SPRING. WATER IS DIVERTED INTO PLASTIC PIPE WHICH CONVEYS WATER TO STOCK TROUGHS LOCATED ON PLACE OF USE. SEE MAP ATTACHED. THIS CLAIM IS BASED ON THE BENEFICIAL USE PRIORITY DATE FOR THE STOCKWATER PORTION OF PERMIT 73-7089. THE CLAIM ABOVE IDENTIFIED IS KNOWN BY THE CLAIMANT BY THE COMMON NAME OF BARNEY SPRINGS.

A73-11931

WATER RIGHT NUMBER - A73-07089A

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.
+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.
+ - - - - DECREE PLAINTIFF - - - - + + - - - - DECREE DEFENDANT - - - - + + - DECREE DATE - +
00/00/0000
+ - - AUDIT FIELDS - 11/16/89 KEISER 06/05/91 THOMPSON
+ - - - - COMMENTS - - - - - +
NO COMMENTS FOUND
+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING - 00/00/0000	FIELD INSPECTION MADE - 00/00/0000	CIVIL CASE NUMBER - 39576
OBJECTION FILED DATE - 00/00/0000	FIELD INSPECTION FLAG -	OLD CASE NUMBER -
RESPONSE FILED DATE - 00/00/0000	VERIFIED DATE - 00/00/0000	OLD JUDICIAL DISTRICT -
CLAIM RECEIVED DATE - 11/06/1989	LAST AMENDED DATE - 00/00/0000	TEMPORARY RIGHT - P
PROOF DUE DATE - 00/00/0000	PROOF MADE DATE - 00/00/0000	WATER DISTRICT -
LICENSED DATE - 00/00/0000	RECEIPT NUMBER - E011113	FEDERAL/STATE INDICATOR - S
CLAIMS TAPE ERROR FLG -	POU OWNERSHIP FLAG - Y	PRESUMPTION FLAG -
FEE EXEMPT FLAG -	NAME CONNECTOR - AND	NOTICE OF ERROR FLAG -

RP 13 N24E 312401 A

DATA ENTRY

ENTERED 11-10-93 JS
CHECKED 2/7/94 DWP

Verified By:
Tara M. Smith-PC
AEDS M.
Watermaster Records
NATT Photos
Field Log
Other (Use Remarks)
County Records
Witness Station
Project Records
WATER RECORDS

VERIFIED
JAN 24 1993

CERTIFIED
APR 20 1993
WATER EXAMINER

MICROFILMED
NOV 15 1996

PROOF
AUG 27 1992