

RECEIVED  
05/05/2004

MAY 25 2004

DEPARTMENT OF  
WATER RESOURCES

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: May 21, 2004**

Water right number: 74-370

CALVIN J WHITTAKER  
PO BOX 10  
LEADORE ID 83464

CAROL L WHITTAKER  
PO BOX 10  
LEADORE ID 83464  
Telephone Number: (208)768-2485

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: May 21, 2004 SIGNATURE: Calvin J. Whittaker Carol L. Whittaker  
Please print your name: Calvin J. Whittaker Carol L. Whittaker

IDWR State Office, 1301 N Orchard St, Boise, ID 83706, 208-327-7925

05/05/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RECEIVED

MAY 25 2004

DEPARTMENT OF  
WATER RESOURCES

RIGHT NUMBER: 74-370  
NAME AND ADDRESS: CALVIN J WHITTAKER  
PO BOX 10  
LEADORE ID 83464  
  
CAROL L WHITTAKER  
PO BOX 10  
LEADORE ID 83464

SOURCE: LEFT FORK LEE CREEK TRIBUTARY: LEE CREEK

QUANTITY: 4.000 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:  
T15N R25E S6 NWNW Lot 4 Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 4.000 CFS       |

PLACE OF USE: IRRIGATION Within LEMHI County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T16N R25E S31 | SENE | 11.0 | T16N R25E S31 | NESE | 38.0 |
| T16N R25E S31 | NWSE | 18.0 | T16N R25E S31 | SWSE | 31.0 |
| T16N R25E S31 | SESE | 39.0 | T16N R25E S32 | SWNW | 5.0  |
| T16N R25E S32 | NWSW | 24.0 | T16N R25E S32 | SWSW | 20.0 |

186 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed