

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

Date Received

Receipt Number

74-15655

C079375

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

d.e. - 20  
1-11-06

Please type or print clearly

1. Name of Claimant (s) James F. Whittaker Phone (208) 768 2491

Mailing Address PO Box 240 Leadore ID Zip 83464

2. Date of Priority (Only one (1) per claim) 5/1/73

3. Source of water supply (a) Big Eightmile Creek  
which is tributary to (b) Lemhi River

4. a. Location of existing point of diversion is: Township 15N Range 25E Section 5,

1/4 of SE 1/4 of NE 1/4, Govt. Lot,        B.M., County of       

Additional points of diversion if any: 15N25E 5 SWSE, 15N25E 8 NENE  
16N25E 28 SWSE, 16N25E 28 NWSE

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.

Dams, ditches, headgates,  
pressurized pipe to sprinklers

Shiner PPE - enlargement 1 (Shiner affidavit)

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 2.92 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 2.92 (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.) \_\_\_\_\_

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 |        |
| 16N | 25E | 22  |        |       |       |       |        |       |       |       |        |       |       |       | 36     | 38    | 40    | 40    | 154    |
|     |     | 26  |        |       |       |       |        |       |       |       | 40     | 38    | 40    |       |        |       |       |       | 118    |
|     |     | 27  |        |       | 36    | 40    |        |       |       |       |        |       |       |       | 40     | 40    | 40    | 40    | 236    |
|     |     | 34  | 40     | 40    | 40    | 40    |        |       |       |       |        |       |       |       | 34     | 38    | 37    | 39    | 308    |
|     |     | 35  |        | 38    | 38    |       | 40     | 38    | 39    | 37    | 40     | 40    | 36    |       |        | 24    |       |       | 370    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 1186

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

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.  
74-337, 74-340A, 74-340B, 74-341, 74-354, 74-1829, or None ( )

14. Remarks: 74-2308, plus two enlargements

Please see references to A74-337. This claim is for an enlargement of 146 acres based on rights 74-337 and 74-2308

Please see attached affidavit

Last Name Whittaker Ident No. 74-15655

Shiner etc PPA enlargement 1



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 \_\_\_\_\_  
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 Whitaker Date 8/18/04  
Date \_\_\_\_\_

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 \_\_\_\_\_ of \_\_\_\_\_  
Title 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 \_\_\_\_\_ )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 10th day of August 192004



Notary Public Bryce A. Contor

Residing at Mud Lake

My Commission Expires 10/19/2004

Please Print Name

17. Notice of Appearance:  
Notice is hereby given that \_\_\_\_\_ 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 \_\_\_\_\_

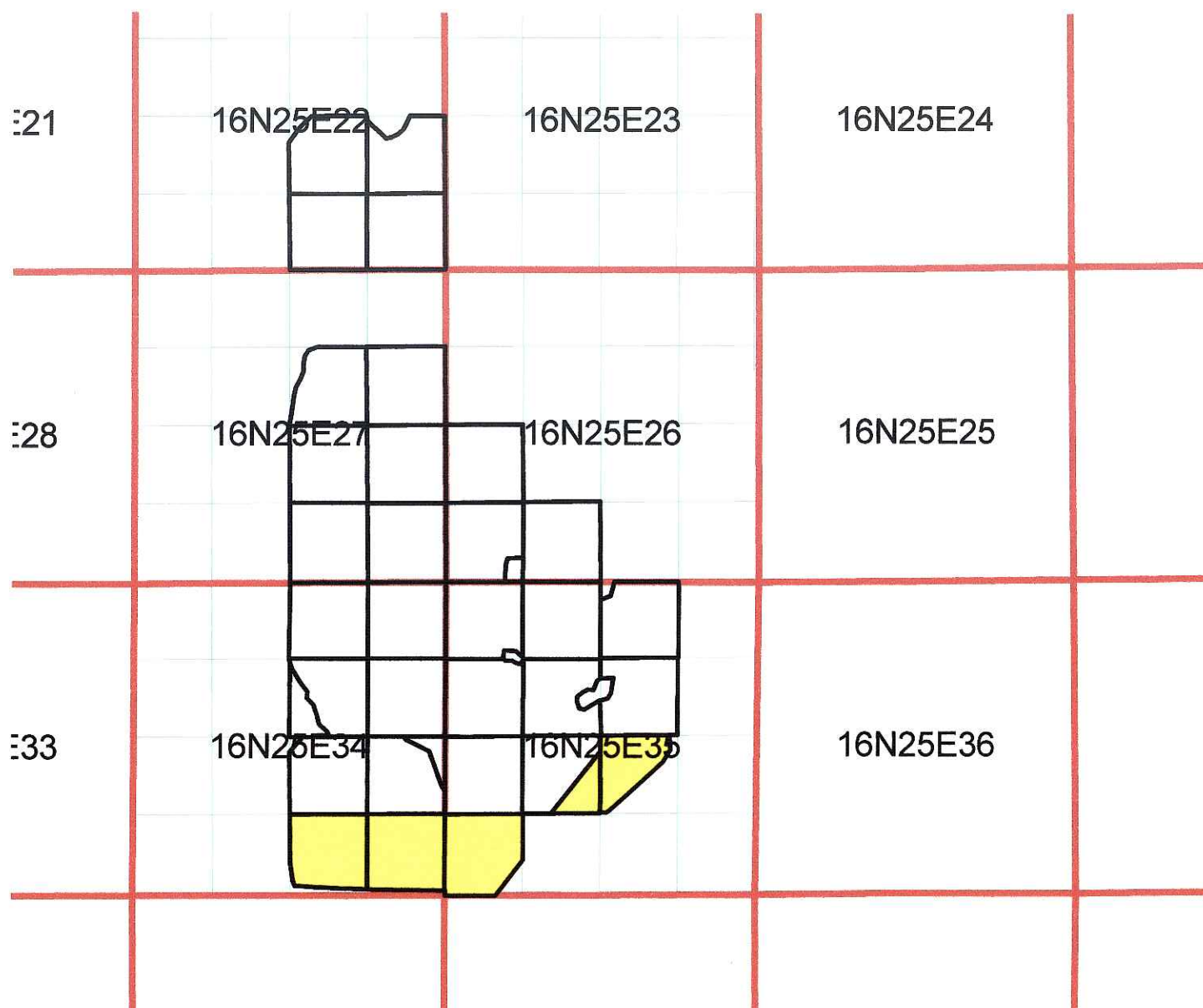
Address \_\_\_\_\_

Date \_\_\_\_\_

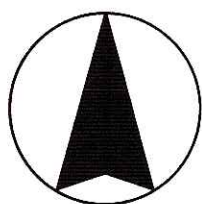
Last Name Whitaker Ident. Number 74-15655

Shiner etc PDC - enlargement 1

James Whittaker Shiner etc.  
Combined Place of Use  
Enlargement of 74-337 and 74-2308  
based on Shiner affidavit



1992 aerial photo provided by IDWR



74-15655

IDWR

6/16/04 Leadore, Id

To whom it may concern

We built a ditch sometime in the mid seventies, that allowed us to irrigate most of the SWSE Sec 34 T16N R25E, All of SESE, ~~most~~ Sec 34 T16N R25E, most of SWSW S35 T16N R25E, the rest of the NESW S35 T16N R25E AND about  $\frac{1}{2}$  of NWSE. SEC 35 T16N R25E.

My brother MARK AND I disked the ground up AND seeded it, after that it was flood irrigated, with water right numbers 74-337 and 74-3308.

Sincerely  
JEAN SHUM

74-15655