

RECEIVED

AUG 16 2004

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 74-39576
Ident. Number 13656
Date Received
Receipt Number C079375NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

d.e. - 11-11-04

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) 5/1/1983

3. Source of water supply (a) Big Eight mile Creek
which is tributary to (b) Lemhi River4. 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 ofAdditional points of diversion if any: 15N 25E 5 SW SE, 15N 25E 8 N E NW
16N 25E 28 SW SE, 16N 25E 28 NW SE

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 sprinklersShiner Pipe - enlargement 2
(Whittaker 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 1.02 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (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:

- 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	
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 remarks to 74-337. This claim is
for an enlargement of 85 acres based on
rights 74-340A and 74-340B.

Please see attached affidavit

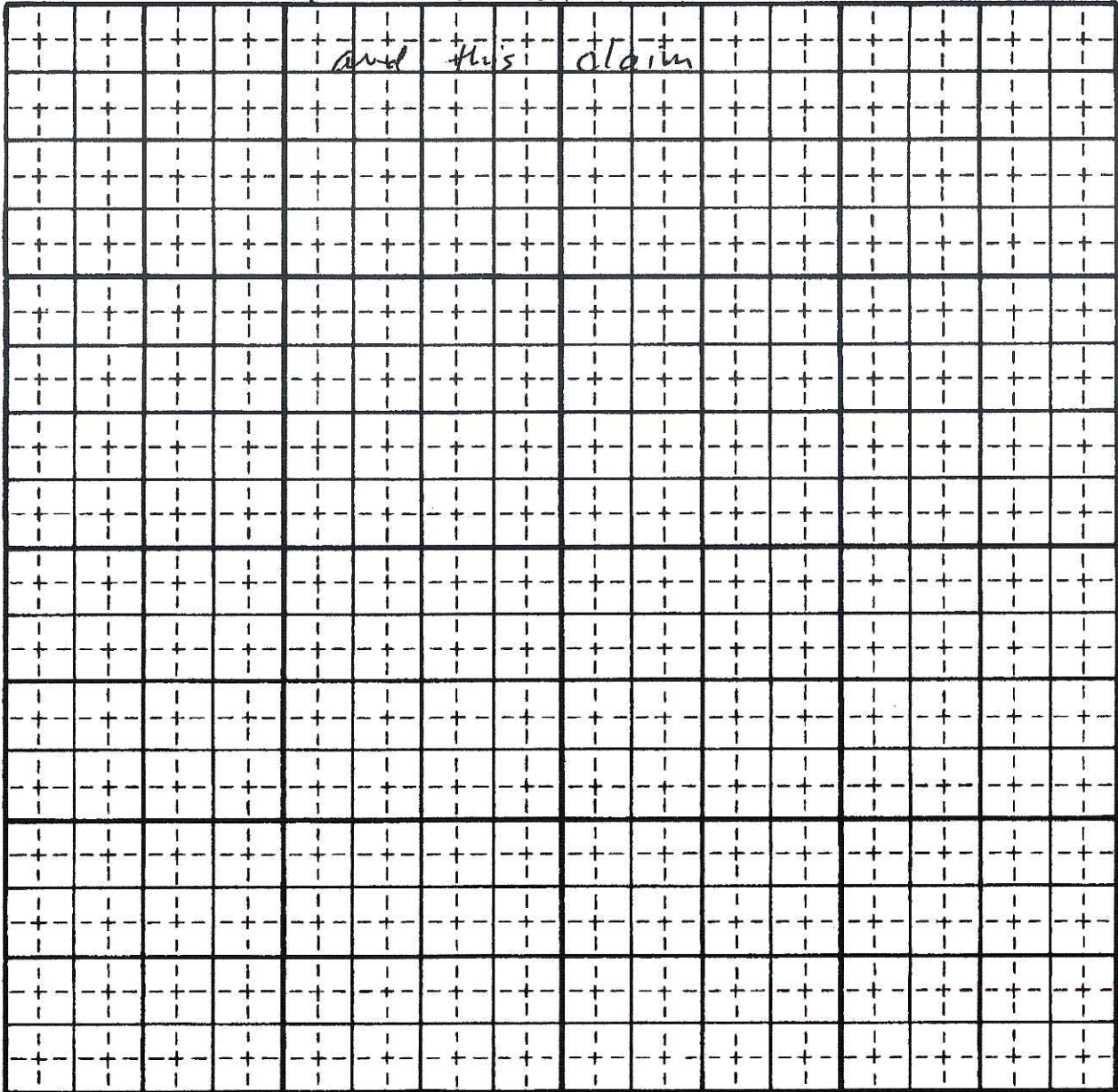
Last Name Whittaker Ident No. 74-15656

Shiner etc PPA enlargement 2

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

Scale: 2 inches equals 1 mile

Please see attachments to A74-337



Last Name Whittaker Ident No. 74-15656

Shiner etc PPA enlargement 2

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 8/10/04
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

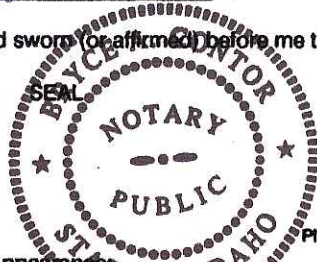
and that the statements contained in the foregoing document are true and correct.

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 2004



Notary Public Bryce A. Contor

Residing at Mud Lake

My Commission Expires 10/14/2004

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 _____

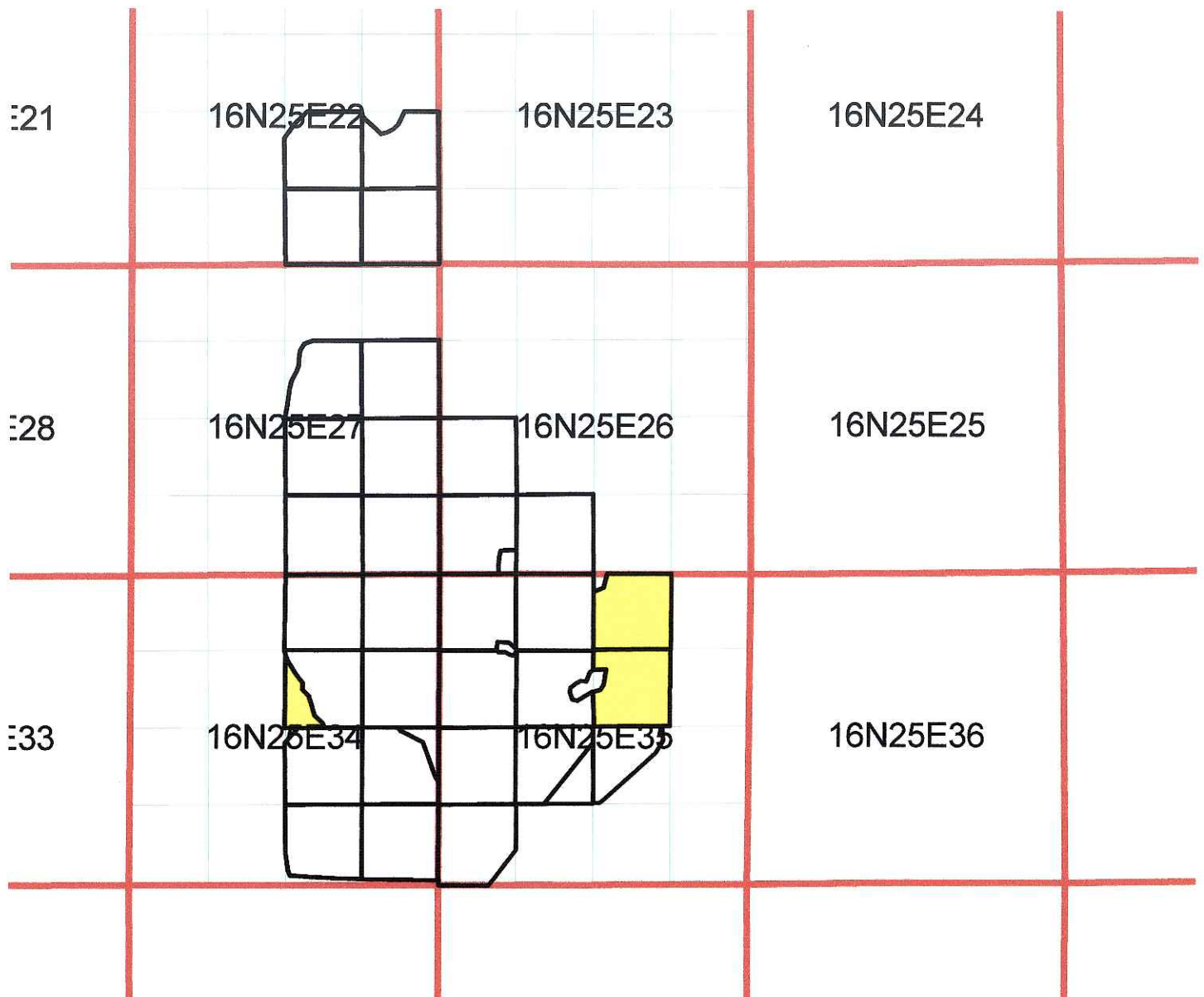
Address _____

Date _____

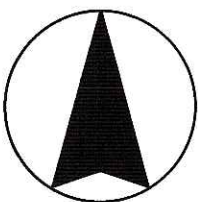
Last Name Whittaker Ident. Number 74-15656

Shiner etc PPA - enlargement 2

James Whittaker Shiner etc.
Combined Place of Use
Enlargement of 74-340A and 74-340B
based on Whittaker affidavit



1992 aerial photo provided by IDWR



Map prepared by Water Resources Field Services 208 681 9100

74-15656

IPWR

6/16/04

Weadore, Idaho

To Whom it may concern,

When we owned the ranch prior to 1984, we irrigated approximately 15 acres on the westside of the Kent Bird ditch in SWNE Sec 34 T16N R25E. We also irrigated the rest of SWNE Sec 35 T16N R25E, except where our house and corrals were. The NWNE S35 T16N R25E, was irrigated except for about 3 acres in the very NW corner, which we used for a stack yard.

Sincerely,

Curt E. Wallabe

74-15656