

04/13/2006

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

RIGHT NUMBER: 74-39B

NAME AND ADDRESS: PAULA J WHITTAKER  
PO BOX 240  
LEADORE ID 83464  
  
F JAMES WHITTAKER  
PO BOX 240  
LEADORE ID 83464

SOURCE: BIG TIMBER CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 6.000 CFS  
682.500 AFY

Rights 74-39B and 74-63 when combined shall not exceed a total diversion rate of 6.96 cfs and a total annual maximum diversion volume of 682.5 af at the field headgate.

Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 12.36 cfs and a total annual maximum diversion volume of 1235.5 af at the field headgate.

PRIORITY DATE: 06/10/1901

POINT OF DIVERSION:

T15N R26E S19 NESE 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          | 6.000 CFS<br>682.50 AFY |

PLACE OF USE: IRRIGATION Within LEMHI County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T15N R26E S21 | NENE | 38.00 | T15N R26E S21 | NWNE | 35.00 |
| T15N R26E S21 | SWNE | 35.00 | T15N R26E S21 | SENE | 40.00 |
| T15N R26E S21 | NESE | 6.00  | T15N R26E S22 | NWNE | 0.40  |
| T15N R26E S22 | SWNE | 3.00  | T15N R26E S22 | NENW | 33.00 |
| T15N R26E S22 | NWNW | 40.00 | T15N R26E S22 | SWNW | 40.00 |
| T15N R26E S22 | SENE | 40.00 | T15N R26E S22 | NESW | 16.60 |
| T15N R26E S22 | NWSW | 26.00 |               |      |       |

353 ACRES TOTAL

Rights 74-39B and 74-63 when combined shall not exceed a total irrigation of 195 acres in the place of use described above in a single irrigation season.

Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total irrigation of 353.0 acres.

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

04/13/2006

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Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.

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.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

COPY

RECEIVED

APR 19 2006  
DEPARTMENT OF  
WATER RESOURCES

7004 APR 19 AM 10:16

ASST. CLERK-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

In Re SRBA

Case No. 39576

Water Right: See Exhibit A

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☒ Other: Added Paula J. Whittaker as co-claimant

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water right(s) except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4/14/2006

Royanne Brown

Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on April 17, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

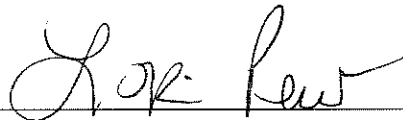
Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

### 2. Copies to:

Clive Strong  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

F. James and Paula J. Whittaker  
P.O. Box 240  
Leadore, ID 83464



Signature of person mailing this document

## EXHIBIT A

|    |        |
|----|--------|
| 74 | 39 B   |
| 74 | 63     |
| 74 | 70     |
| 74 | 71     |
| 74 | 72     |
| 74 | 73 A   |
| 74 | 73 B   |
| 74 | 74     |
| 74 | 75     |
| 74 | 76     |
| 74 | 88     |
| 74 | 89     |
| 74 | 90     |
| 74 | 96     |
| 74 | 97     |
| 74 | 99     |
| 74 | 337    |
| 74 | 338 B  |
| 74 | 340 B  |
| 74 | 341    |
| 74 | 349    |
| 74 | 354    |
| 74 | 369    |
| 74 | 378 A  |
| 74 | 378 B  |
| 74 | 1567   |
| 74 | 1771   |
| 74 | 1772   |
| 74 | 1829   |
| 74 | 2006   |
| 74 | 2088   |
| 74 | 2091 A |
| 74 | 2095   |
| 74 | 2124   |
| 74 | 2125   |
| 74 | 2148   |
| 74 | 2308   |
| 74 | 15655  |
| 74 | 15656  |
| 74 | 15658  |