

04/13/2006

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

RIGHT NUMBER: 74-72

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

PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464

SOURCE: UNNAMED STREAM

TRIBUTARY: TEXAS CREEK

QUANTITY: 0.840 CFS
409.900 AFY

Rights 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 5.40 cfs, and a total annual maximum diversion volume of 553.0 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: 06/01/1883

POINT OF DIVERSION:

T15N R26E S21 NWSE 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	0.840 CFS 409.90 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	SENW	40.00	T15N R26E S22	NESW	16.60
T15N R26E S22	NWSW	26.00			

353 ACRES TOTAL

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

Rights 74-72 and 74-15005 when combined shall not exceed a total irrigation of 158.0 acres in the place of use described above in a single irrigation season.

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

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Prior to diversion of water under Rights 74-72 and 74-15005, the right holder shall provide and maintain a means of measurement acceptable to the watermaster for measuring the flow in Nez Perce Creek at the original points of diversion in NESW, S15 and S22, T14N, R26E.

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.

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

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.

Diversion of water under Rights 74-72 and 74-15005 is limited to those times water is available for diversion under these rights and priorities from Nez Perce Creek, and shall not exceed the amount that remains undiverted in Nez Perce Creek that is ultimately allowed to reach Texas Creek.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source known locally as Warm Spring Creek.

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:

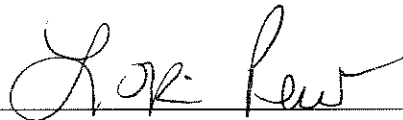
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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