

Date: 12/12/2007
Agent: S. Hemenway
Claimant: F. James and Paula J. Whittaker
WR# 74-15787
Mailing Address: 83 Big Eight Mile Rd. PO Box 240 Leadore, Idaho 83464
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Attorney: Scott Campbell (Moffatt Thomas Barrett Rock & Fields CHTD)
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Location of POD: PODs from Big Eightmile Creek (NWSE L10 Sec. 5, and NWSW Sec. 33)
System Description: open ditch, headgate, measuring flume (description in Decrees)
claim states: Allhands Ditch to flood and sprinkler irrigation
2004 NAIP map shows the same as above, but also 2 pivots, and dirt ditches for flood irrigation
Measuring Device: Notes in WRs 74-338B, and 74-1105 talk about a measuring flume
Field Exam: N/A, due to based on Decrees
Nonirrigation Uses: NONE
Other Uses: NONE
Other WRs Used: 74-349; 74-338B; and 74-1105 (all 3 are Decrees) 74-369 Decree; 74-1136 Decree (flood H20)
74-157 Decree (springs for stockwater and irrigation)
Supplemental Water: NONE
Basis of Claim: Beneficial Use
Priority Date: 12/31/1982
Evidence of Priority: Based on Decrees; 2004 NAIP maps; county lot maps
Affidavit from Larry Borstelman (referencing irrigation since 1955)

NOTES:

74-15787 is an Enlargement based on (3) Lemhi County Decrees:

74-349 2.0 cfs 72.7 acres limit; priority date 7/6/1916

74-338 B 3.2 cfs, 128.9 acres limit; priority date 11/1/1887

47-1105 4.0 cfs, 197.0 acre limit; priority date 3/25/1918

Enlargement for 74-15787 would be the 3 Decrees listed above, additive, to make the limit of 9.20 cfs. Enlargement would make the total acreage available to irrigate on as: 724.0 acres with a limit of 398.6 acres (additive acreage from all 3 Decrees) irrigation per irrigation season.

74-369 Decree is from Left Fork Lee Creek.

74-1136 Decree, is used during flood water flows.(same POD as 74-369)

Priority date 12/31/1982

Recommendation:

K02 THE WR IS BASED ON Enlargement of 74-349, 74-338B, and 74-1105 pursuant Sec. 42-1426 IDAHO CODE.

E51:74-349, 74-1105, 74-338B, AND 74-15787 ARE limited to total combined diversion rate of 9.20 cfs
C18, C11

74-349, 74-1105, AND 74-338B SHALL NOT EXCEED 9.20 CFS, NOR A TOTAL COMBINED ANNUAL VOLUME OF 3.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POU PURSUANT SEC. 42-1425, IDAHO CODE (TAKES FROM RECOMMENDATIONS OF DECREED WRS)

T18 PROVIDE A MEANS OF MEASUREMENT AND LOCKABLE CONTROLLING WORKS FOR ALL AUTHORIZED PODS.

K06 THIS WR IS LIMITED TO IRRIGATION OF 398.6 ACRES WITHIN THE POU DESCRIBED IN A SINGLE IRRIGATION SEASON.

E56 Limit all rights that overlap to 724 acres: 74-349, 74-388b, 74-1105, 74-15787, 74-157, 74-369, 74-11

*******CFS Recommended:** 9.2 cfs/724 acres = 0.0127 cfs/acre.

(0.0127) (724 - 398.6 acres limited on parent decreed WR's) =

(0.0127) (325.4 enlarged acres) = 4.13 cfs Diversion Rate