

05/05/2004

NOTICE OF ERROR
REPLY

Department of Water Resources

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: May 21, 2004

Water right number: 74-117A

PAULA J WHITTAKER
TWO DOT RANCH
PO BOX 240
LEADORE ID 83464
Telephone Number: (208)768-2491

F JAMES WHITTAKER
TWO DOT RANCH
PO BOX 240
LEADORE ID 83464
Telephone Number: (208)768-2491

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/20/04 SIGNATURE: James Whittaker
Please print your name: JAMES WHITTAKER

IDWR State Office, 1301 N Orchard St, Boise, ID 83706, 208-327-7925

SCANNED

MAY 27 2004

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: 3956
Ident. No.

**ATTACHMENT TO
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly:

Name of claimant(s) F. James and/or Paula J. Whittaker

Mailing Address
(including zip code)

Two Dot : Ranch

Box 240

Leadore, Idaho 83464

Phone Number (208) 768 - 2491 *DE/gd*

MIC
Ut

10/22/2003

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

RIGHT NUMBER: 74-117A
NAME AND ADDRESS: TWO DOT RANCH
C/O PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464

TWO DOT RANCH
C/O F JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464

SOURCE: PURCELL CREEK TRIBUTARY: TEXAS CREEK
QUANTITY: 2.120 CFS
PRIORITY DATE: 05/14/1920
POINT OF DIVERSION:

T14N R26E S10 NENE Within LEMHI County
T14N R26E S10 SWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.120 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R26E S02	SWNW	8.0	T14N R26E S02	NWSW	14.0
T14N R26E S02	SWSW	15.0	T14N R26E S03	SENE	28.0
T14N R26E S03	SESW	9.0	T14N R26E S03	NESE	17.0
T14N R26E S03	NWSE	40.0	T14N R26E S10	NENE	40.0
T14N R26E S10	SENE	23.0	T14N R26E S11	NENW	1.0
T14N R26E S11	NWNW	27.0	T14N R26E S11	SWNW	1.0

223 ACRES TOTAL

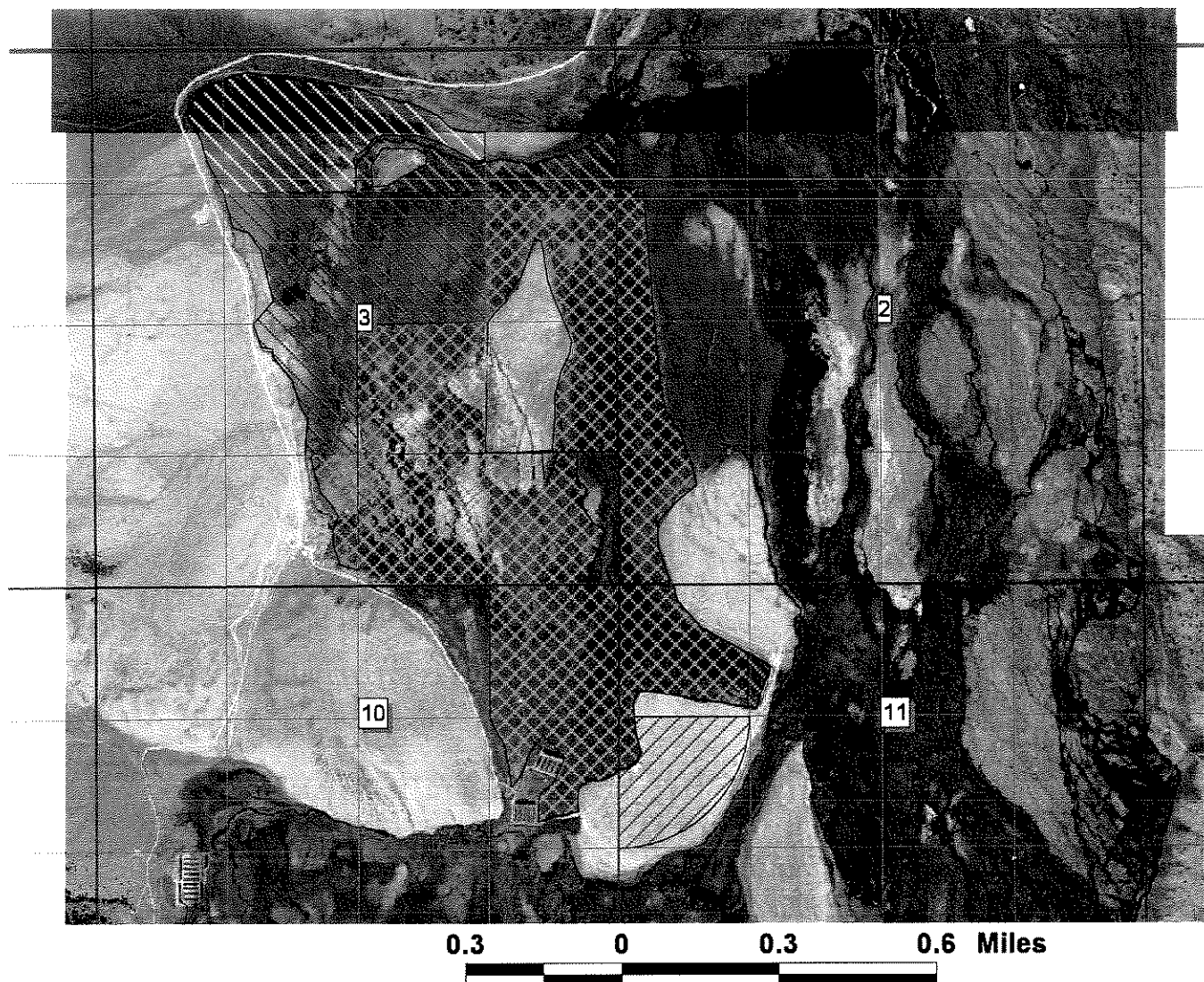
USE OF THIS RIGHT WITH RIGHT NO. 74-73A IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 224.0 ACRES IN A SINGLE IRRIGATION
SEASON.

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

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.

EXPLANATORY MATERIAL: Decreed

Idaho Dept. of Water Resources
Water Right Nos. 74-71, 74-73A, 74-74,
74-75, 74-76, 74-96, 74-99,
74-106, 74-117A, 74-118,
74-119, 74-120, 74-142
Two Dot Ranch/Whittaker



- | | |
|---|--|
|  | 74-00071, 74-00076 |
|  | 74-00073A |
|  | 74-00074, 74-00118 |
|  | 74-00075, 74-00099, 74-00119, 74-00142 |
|  | 74-00096, 74-00106 |
|  | 74-00117A |
|  | 74-00120. |



T14N R26E

GIS Presentation
 Prepared by R. Brown
 October 22, 2003
 1993/94 True Color Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-117A

WATER RIGHT NUMBER: 74-117A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TWO DOT RANCH C/O PAULA J WHITTAKER ✓ PO BOX 240 LEADORE, ID 83464 (208)768-2491
Current Owner	TWO DOT RANCH C/O F JAMES WHITTAKER ✓ PO BOX 240 LEADORE, ID 83464 (208)768-2491
Original Owner	MAHAFFEY LIVESTOCK INC C/O STEPHEN MAHAFFEY PO BOX 4 TENDON, ID 83468

Priority Date: 05/14/1920 ✓

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PURCELL CREEK	TEXAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.120 CFS	
	<u>Total Diversion:</u>	2.120 CFS ✓	

Location of Point(s) of Diversion

PURCELL CREEK	NE1/4NE1/4	Sec. 10, Twp 14N, Rge 26E, B.M.
LEMHI County		
PURCELL CREEK	SW1/4NE1/4	Sec. 10, Twp 14N, Rge 26E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T14N R26E S02	SWNW	8.0	T14N R26E S02	NWSW	14.0
T14N R26E S02	SWSW	15.0	T14N R26E S03	SENE	28.0
T14N R26E S03	SESW	9.0	T14N R26E S03	NESE	17.0
T14N R26E S03	NWSE	40.0	T14N R26E S10	NENE	40.0
T14N R26E S10	SENE	23.0	T14N R26E S11	NENW	1.0
T14N R26E S11	NWNW	27.0	T14N R26E S11	SWNW	1.0

Total Acres: 223 ✓

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-117A

Remarks:

1. General AC. IRR.=224.

Dates and Other Information:

Claim Received Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

*No Aerial
REL
4/5/03*

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: 74-00117A
DATE RECEIVED: 5-2-90/90
RECEIPT NO: X 999 999/80
RECEIVED BY: -----

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: MAHAFFEY LIVESTOCK INC.
ADDRESS: C/O STEVEN MAHAFFEY
P.O. BOX 4
TENDON, ID

83468

2. DATE OF PRIORITY: MAY 14, 1920

3. SOURCE: PURCELL CREEK TRIB. TO: TEXAS CREEK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
14N	26E	10	NE	NE	NE		LEMHI
			SW	NE	NE		LEMHI

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	2.120		

7. TOTAL QUANTITY APPROPRIATED IS:
2.120 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
14N	26E	2	SW	NW		IRR	8.0
			NW	SW		IRR	14.0

A740017A



10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
14N	26E	2	SW	SW		IRR	15.0
						SECTION ACRES	37.0
		3	SE	NE		IRR	28.0
			SE	SW		IRR	9.0
			NE	SE		IRR	17.0
			NW	SE		IRR	40.0
						SECTION ACRES	94.0
		10	NE	NE		IRR	40.0
			SE	NE		IRR	23.0
						SECTION ACRES	63.0
		11	NE	NW		IRR	1.0
			NW	NW		IRR	27.0
			SW	NW		IRR	1.0
						SECTION ACRES	29.0
						TOTAL ACRES	223.0

11. PLACE OF USE IN COUNTIES: LEMHI, LEMHI

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

AC. IRR.=224.

15. BASIS OF CLAIM: DECREED

CASE NUMBER:

COURT :

DECREE DATE:

DECREE PLAINTIFF

VS

DECREE 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 X WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: 1

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S) [Signature] DATE: 5/1/90

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Bonneville) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 1st DAY
OF May 19 90

NOTARY PUBLIC

SEAL

RESIDING AT Idaho Falls, Idaho

MY COMMISSION EXPIRES 2/13/95
DATE: 02/08/90 302