

Date: 12/12/2007 - 12/13/2007 & 12/17/2007
Agent: S. Hemenway
Claimant: F. James and Paula J. Whittaker
WR# 74-15788
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: Lee Creek Left Fork; T16N R25E Sec 31 SENE
System Description: headgate to ditch, to sprinkler and flood irrigation
2004 NAIP shows ditches, and pivots
Measuring Device: Decreed (Nothing found in Decreed files, stating that there was or was not a measuring device)
Field Exam: N/A, due to based on Decrees
Nonirrigation Uses: NONE
Other Uses: NONE
Other WRs Used: 74-349; 74-338B; 74-1105 (all 3 are Decrees), 74-15787; 74-369 Decree; 74-1136 Decree (flood H20)
74-157 Decree (spring source)
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 Borstelmann (referencing irrigation since 1955)

NOTES:

74-15788 is an Enlargement based on Lemhi County Decrees:

74-369 5/12/1883, 2.4 cfs, 275.4 acres (****see conditions on decree in Green Book)

74-1136 6/28/1912, 2.0 cfs, 102.6 acres WR DURING FLOOD WATER FLOWS.

Enlargement for 74-15788 would be the 2 Decrees listed above, with limits of 4.4 cfs, and 378.0 acres total allowed to be irrigated in one season, w/ 74-369, 74-1136, and 74-15788 combined.

74-369 Decree, Decree states from Left Fork Lee Creek.

74-1136 Decree, used during flood water flows (same POD as 74-369, only decree states Stroud Ck)

No accomplished changes of POD or POU were found in files for 74-369 and 74-1136.

In 74-1136 file, there is an objection written by claimant about Stroud Creek, that the POD should be listed as claimed "Left Fork Lee Creek." Recommendation was made that way.

74-15787(B/U), and 3 Decreed WR's 74-349, 74-1105, 74-338B, PODs are all from Big Eightmile Ck

Recommendation:

K02 THE WR IS BASED ON Enlargement of 74-369 and 74-1136 pursuant Sec. 42-1426 IDAHO CODE.

E51: 74-369, 74-1136, and 74-15788 are limited to total combined diversion rate of (4.40 cfs)

Recommended Total Diversion: 4.4cfs total from decrees/686 total acres = 0.0064 cfs/acre

(0.0064) (686 total acres - 378.0 decreed acres) =

(0.0064) (308.0 enlarged acres) = **1.97 cfs recommended for 74-15788**

C18, C11

F05 74-369, 74-1136, and 74-15788 is diverted through the same POD.

K06 THIS WR IS LIMITED TO IRRIGATION OF (378.0 ACRES) WITHIN THE POU DESCRIBED IN A SINGLE IRRIGATION SEASON.

T18

E56 Limit all rights that overlap to 686 acres: WRs 74-338b, 74-157, 74-349, 74-369, 74-1136, 74-15787, 74-15788,

CHANGED SOURCE AND TRIBUTARY, DUE TO LOCATION OF POD V SOURCE FOR DECREES 74-1136 AND 74-369. TOPO AND 2004 NAIP MAPS SHOW THEY ARE LOCATED ON STROUD CK, TRIBUTARY TO LEE CK. Did not find in any of the files where the POD had been changed, but did find notes in the files stating that 74-1136 and 74-369 diverted from the same POD. (Approved by Craig Saxton)