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MAY 14 2008

DEPARTMENT OF
WATER RESOURCES

COPY

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY 12 2008
By _____ Clerk
_____ De. A. Clerk

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

)

Water Rights: 74-345, 74-15682

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights 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: May 9, 2008

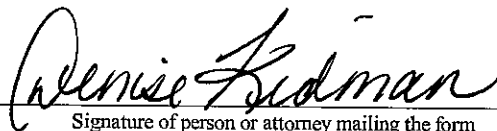
Ernest Calman

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 9, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
F James Whittaker
Paula J Whittaker
PO Box 240
Leadore, ID 83464
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

05/07/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-345

NAME AND ADDRESS: PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

Prior to the diversion and use of water under transfer 72801, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 7.040 CFS

Right Nos. 74-345 and 74-15862 are limited to the irrigation of a combined total of 359.0 acres in a single irrigation season.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 74-345 and 74-15682 are limited to a total combined diversion rate of 7.04 cfs.

PRIORITY DATE: 12/06/1909

POINT OF
DIVERSION:

T15N R25E S5 SENE Lot 8 Within LEMHI County
T16N R25E S28 SWSE 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	7.040 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T16N R25E S26 NENE 38.00	T16N R25E S26 SWNE	41.00
	T16N R25E S26 SENE 25.00	T16N R25E S26 SWNW	40.00
	T16N R25E S26 SENW 41.00	T16N R25E S26 NESW	40.00
	T16N R25E S26 NESE 38.00	T16N R25E S26 NWSE	40.00
	T16N R25E S26 SWSE 35.00	T16N R25E S26 SESE	21.00

359 ACRES TOTAL

This right is limited to the irrigation of 311acres within the place of use described above in a single irrigation season.

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

Diversion of water from the point of diversion in SENE Sec. 5 T15N R25E B.M. is limited to those times water is available for diversion under this right and priority from the point of diversion in SWSE Sec. 28 T16N R25E B.M.

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: BASIS OF CLAIM - Decreed

This right does not grant any right-of-way or easement across the land of another.

Right No. 74-15682 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Water is delivered through Teds ditch and or Herman's Ditch.

The right holder shall accomplish the change authorized by transfer 72801 by April 30, 2009.

Failure of the right holder to comply with the conditions of approved transfer 72801 is cause for the Director to rescind approval of the transfer.

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(s).

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 742.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Big Eightmile Creek at the original point of diversion in SWSE Sec. 28 T16N R25E B.M., and at the new point of diversion in SENE Sec. 5 T15N R25E B.M.

05/07/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-15682

NAME AND ADDRESS: F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

Prior to the diversion and use of water under transfer 72801, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 0.940 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 74-345 and 74-15682 are limited to a total combined diversion rate of 7.04 cfs.

Right Nos. 74-345 and 74-15862 are limited to the irrigation of a combined total of 359.0 acres in a single irrigation season.

PRIORITY DATE: 03/15/1984

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION: T16N R25E S5 SENE Lot 8 Within LEMHI County
T16N R25E S28 SWSE 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	0.940 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T16N R25E S26	NENE	38.00	T16N R25E S26	SWNE	41.00
T16N R25E S26	SENE	25.00	T16N R25E S26	SWNW	40.00
T16N R25E S26	SENW	41.00	T16N R25E S26	NESW	40.00
T16N R25E S26	NESE	38.00	T16N R25E S26	NWSE	40.00
T16N R25E S26	SWSE	35.00	T16N R25E S26	SESE	21.00

359 ACRES TOTAL

This right is for an enlargement of 48 acres within the place of use described for this right.

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

Diversion of water from the point of diversion in SENE Sec. 5 T15N R25E B.M. is limited to those times water is available for diversion under this right and priority from the point of diversion in SWSE Sec. 28 T16N R25E B.M.

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.

This right is based upon an enlargement of Right No. 74-345 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right does not grant any right-of-way or easement across the land of another.

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(s).

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Big Eightmile Creek at the original point of diversion in SWSE Sec. 28 T16N R25E B.M., and at the new point of diversion in SENE Sec. 5 T15N R25E B.M.

Water is delivered through Teds ditch and or Herman's Ditch.

The right holder shall accomplish the change authorized by transfer 72801 by April 30, 2009.

Failure of the right holder to comply with the conditions of approved transfer 72801 is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.74Z.