



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 21, 2006

Sam Whitten
Box 578
Riggins, ID 83549

RE: 78-4020B

Dear Mr. Whitten:

We have reviewed your Notice of Error Reply. Your comments indicate that you feel your water right should have the same diversion rate and acreage irrigation as 78-4020. That cannot be done because that right has been split and used by six different owners.

Sincerely,

Kenneth Knoblock
Water Resources Agent

11/15/2006

NOTICE OF ERROR
REPLY

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: December 8, 2006

Water right number: 78-4020B

SAM J WHITTEN
PO BOX 518
RIGGINS ID 83549
Telephone Number: (208) 628-3952

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

See Ident # A78-04020

2. Describe the changes you wish to make in the proposed recommendation:

Keep The SAME AS IDENT # A78-04020

3. Give a brief explanation as to why you disagree with these portions:

NO Change From Ident # A78-04020

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

DATE: 12-8-06 SIGNATURE: Sam Whitten

Please print your name: SAM WHITTEN

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Pedigree Search (History of Water Right Number splits)

Adjudication Pedigree for 78-4020 *2.12 of 28 acres*
-- Water Right Number / Status / Reason for split
--78-4020C /Parent /Ownership Change *1.14 15 acres*
--78-12206 /Parent /Ownership Change *.76 10 acres*
--78-12209 /Parent /Ownership Change *.74 10 acres*
--78-12287 /Active /Ownership Change *.73 8.5 (disallowed)*
--78-12288 /Active /Ownership Change *.05 10*
--78-12210 /Active /Ownership Change *.02 (stock)*
--78-12207 /Active /Ownership Change *.38 5*

Water Right Pedigree for 78-4020C

~~78-4020 - *2.12*~~
78-4020A - *0.18 of 6 acres*
78-4020B -
78-4020D - *0.17 of 5*

09/15/2005

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

RIGHT NUMBER: 78-4020B
NAME AND ADDRESS: SAM WHITTEN
PO BOX 578
RIGGINS ID 83549
SOURCE: SQUAW CREEK TRIBUTARY: LITTLE SALMON RIVER
QUANTITY: 0.110 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 04/01/1890
POINT OF DIVERSION:

T24N R01E S17 NWSE Within IDAHO County
T24N R01E S17 SESE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.090 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within IDAHO County
T24N R01E S17 SESE 4.5
STOCKWATER Within IDAHO County
T24N R01E S17 SESE

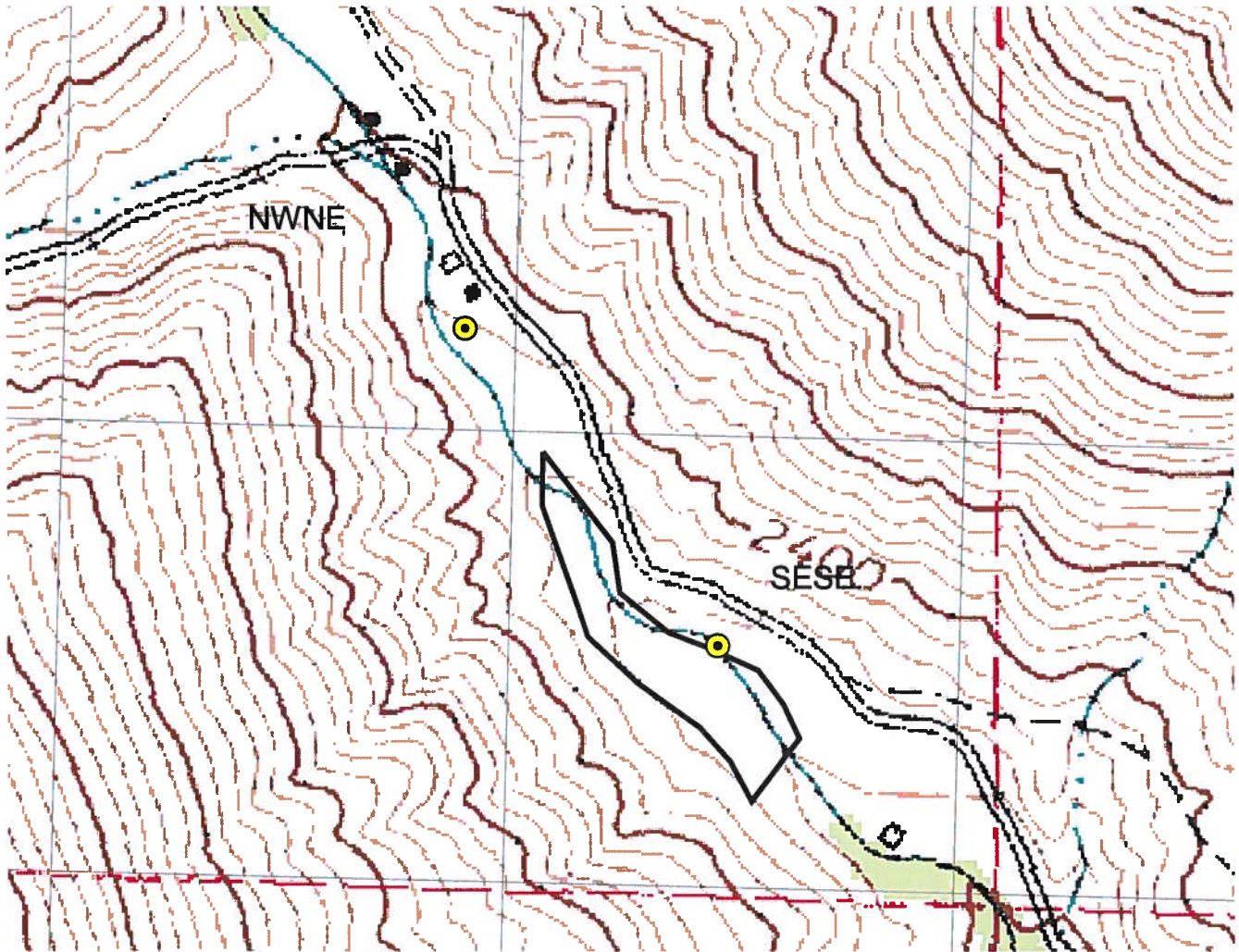
4.5 ACRES TOTAL

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: BASIS OF CLAIM - Beneficial Use

78-4020B



0 400 800 Feet

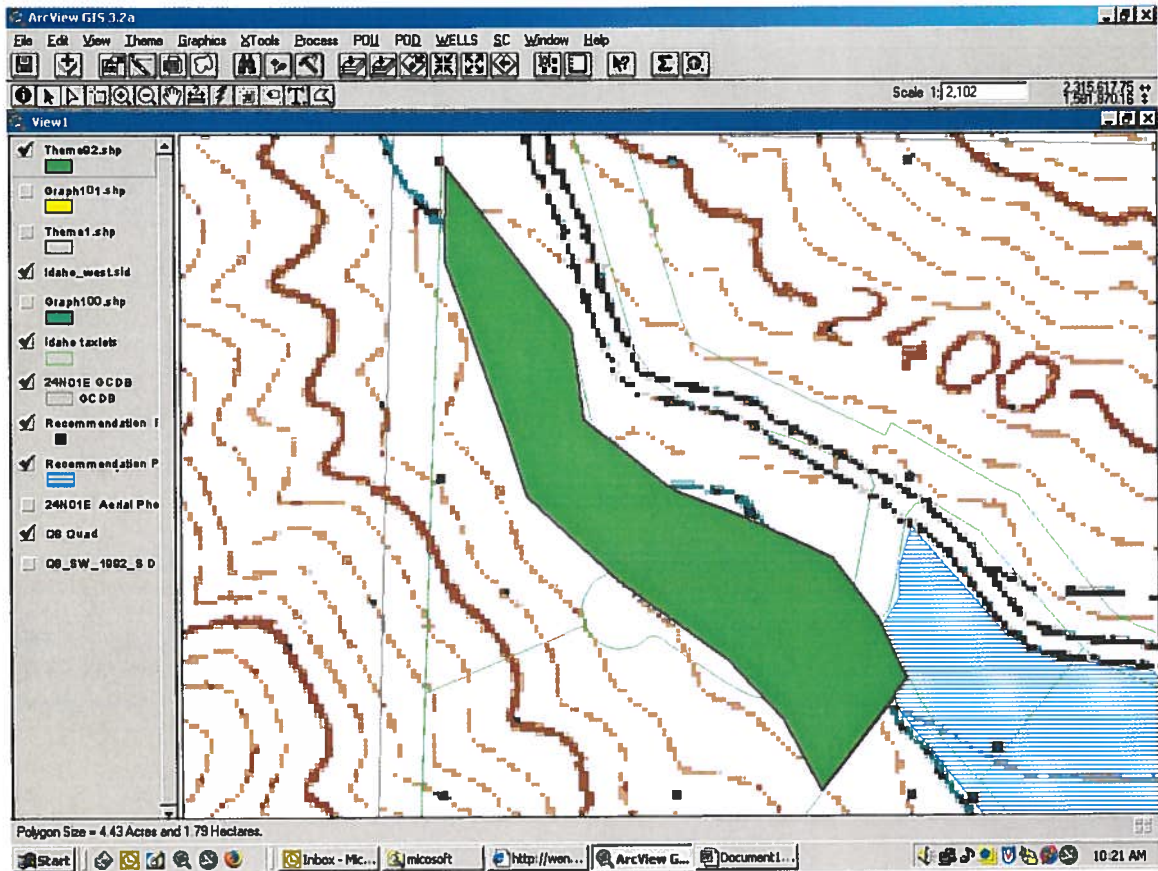
Section 17
T24N R1E

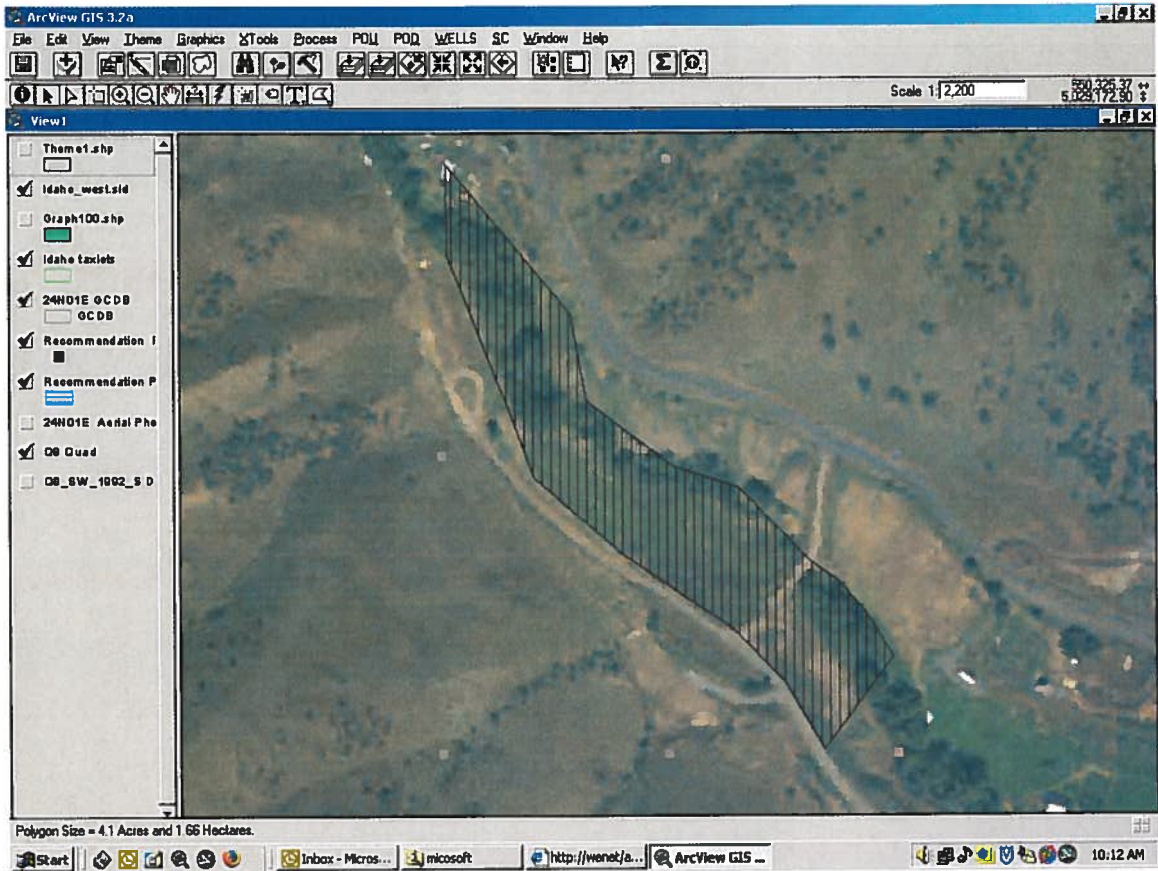


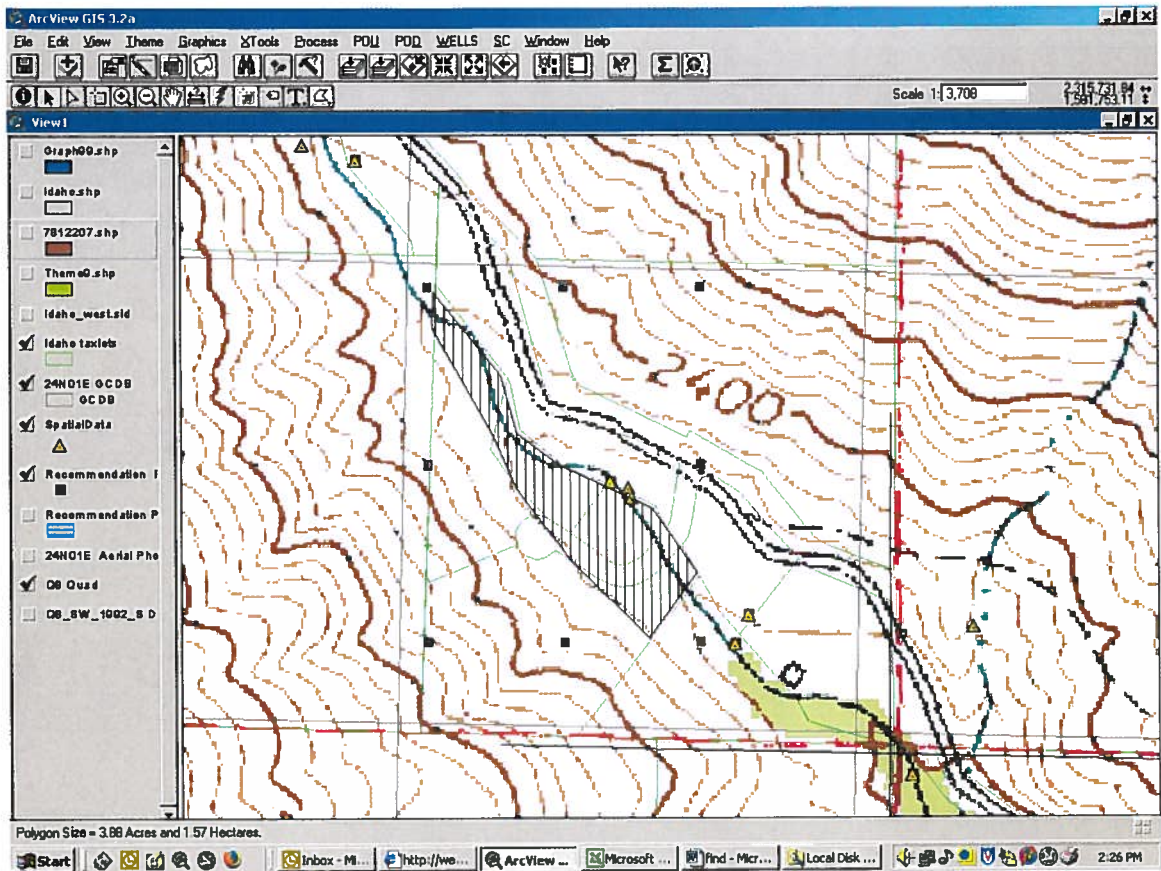
● Point of Diversion

□ Place of Use

Map prepared on September 15, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



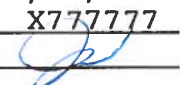




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: A78-04020B
Date Received: 7/26/1988
Receipt No: X777777
Received By: 

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

1. Name: SAM WHITTEN 208-628-3952
Address: PO BOX 578
RIGGINS ID 83549

2. Date of Priority: APR 1, 1890

3. Source: SQUAW CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
24N	01E	17		NW	SE		IDAHO
				SE	SE		IDAHO

5. Description of diverting works:
GRAVITY FLOW FROM CREEK TO HEADGATES AND DITCHES-GRAVITY IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.530		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.530 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 21.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 50 HD STOCK.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
24N	01E	17	SE	SE		IRR	7.0
			SE	SE		STOCK	

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OCT 22 1996

10. Place of Use: Continued

Section Acres 7.0

Total Acres 7.0

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

DURING THE LOW WATER MONTHS A PORTABLE PUMP IS PLACED IN THE CREEK TO IRRIGATE PORTIONS THE FLOOD IRRIGATION CANNOT REACH. PUMP IS PLACED IN THE SAME QUARTER-QUARTERS AS PD'S. LANDS IRRIGATED ARE MOSTLY NARROW, IRREGULARLY SHAPED TRACTS ALONG NORTH AND SOUTH SIDES OF SQUAW CREEK. ALL TRACTS SLOPE SHARPLY TOWARDS CREEK AND SOIL IS SHALLOW, ALL UNDERLAIN WITH GRAVEL AND SAND. LAND DOES NOT SUB-IRRIGATE LIKE LOWER COUNTRY HEAVY SOIL LANDS, BUT WATER SINKS QUICKLY AND GOES BACK TO STREAM FOR THIS REASON, NOT LESS THAN 4 MINERS INCHES OF WATER PER ACRE IS REQUIRED TO EFFECTIVELY IRRIGATE LAND. THERE ARE 2 P/D'S IN THE NWSE & 1 IN THE SESE, SEC. 17.

15. Basis of Claim: BENEFICIAL USE

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

378626

WARRANTY DEED

GRANTOR, DAVID E. CERECHINO and JoANN CERECHINO, husband and wife, of Box 387, Lucile, ID 83542, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto SAM WHITTEN, a single man, of P. O. Box 518, Riggins, ID 83559, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to:

1. General taxes for the year 1994, which are a lien, now due and payable.
2. Power Line Easement, including the terms and conditions thereof, by and between ROY D. WISDOM and META T. WISDOM, his wife, and the IDAHO POWER COMPANY, a corporation, recorded April 24, 1948, under Instrument No. 159357, in Book 80 page 558, records of Idaho County Idaho.

Grantor, for himself, his heirs and assigns does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantee, his heirs and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

WARRANTY DEED

1

STATE of IDAHO	
County of Idaho ss	
Recorded at request of	
IDAHO COUNTY TITLE CO.	
at 40 minutes past 10 o'clock	A M.
this 2 day of Feb	1995
ROSE E. GEHRING	
By Edith L. Anderson	Recorder
Fees \$ 9.00	Deputy

1 IN WITNESS WHEREOF, Grantors have hereunto subscribed their
2 names to this instrument this 15 day of December, 1994.

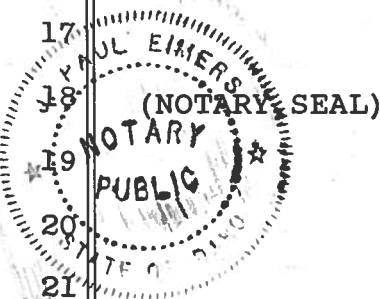
3
4 David E. Cereghino
5 DAVID E. CEREGHINO

6 Jo Ann Cereghino
7 JOANN CEREGHINO

8 STATE OF IDAHO)
9 ss.
10 County of Idaho)

11 On this 15th day of December, 1994, before me,
12 J. Paul Eimers, a Notary for the said County and
13 State, personally appeared DAVID E. CEREGHINO and JOANN CEREGHINO,
14 husband and wife, known or identified to me to be the persons whose
15 names are subscribed to the within instrument, and they
16 acknowledged to me that they freely executed the same and that the
17 statements therein contained are true.

18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
19 official seal the day and year first above written.



29 J. Paul Eimers
30 Notary Public for State of Idaho,
31 Residing at Grangerville, therein.
32 My commission expires on 6-24, 19 99.

EXHIBIT A

Township 24 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 17: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South and West of the
Centerline of Squaw Creek.

ALSO A tract of land located in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 24
North, Range 1 East, Boise Meridian, Idaho County, Idaho, being
50.00 feet wide and 25.00 feet each side of the following
described centerline, to-wit:

Beginning at the Southeast Section corner for said Section
17, a brass cap and pipe;
thence N.36°31'03"W., 974.60 feet to the centerline for the
existing county road (United States Forest Service Papoose
Creek Road Number 517) and the True Point of Beginning, a
monument;
thence S.08°36'34"W., 21.62 feet to the Southerly Easement
line for the above said county road, a monument;
thence continuing S.08°36'34"W. along the centerline for an
existing road 189.38 feet, a monument;
thence continuing S.08°36'34"W., 20.00 feet to the
centerline of Squaw Creek and the PLACE OF TERMINUS.

All positions called as monuments are marked with a 5/8 inch
diameter by 24 inch long steel pin with a one inch diameter
yellow service cap.

The Bearings are based on the record General Land Office
Survey Bearing between section corner 9, 10, 15 and 16, a
brass cap and pipe;
S.00°05'E., 2614.88 feet to the $\frac{1}{4}$ corner between Sections 15
and 16, a brass cap and pipe.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

OCT 12 1995

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 24 N. Range 1 EAST Boise meridian, Idaho County Id. "SEE EXHIBIT A"
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: _____
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): DAVID E CERECHINO and JOANN CERECHINO
Box 387 Lucile Id 83542 or Donald R. EBERLY
PO Box 1091 McCall Id. 83638
- ☐ New Owner/Claimant (Purchaser): SAM WHITTEN
- ☐ New Mailing Address: Box 578iggins Id. 83549
- ☐ New Telephone Number: (208) 628-3952
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Water That is used For Irrigation Stockwater
Domestic USE ON "EXHIBIT A"

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Sam Whitten Date 10-10-95

Date _____
- ☐ Signature of Former Owner/Claimant(s): _____

Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed: _____

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

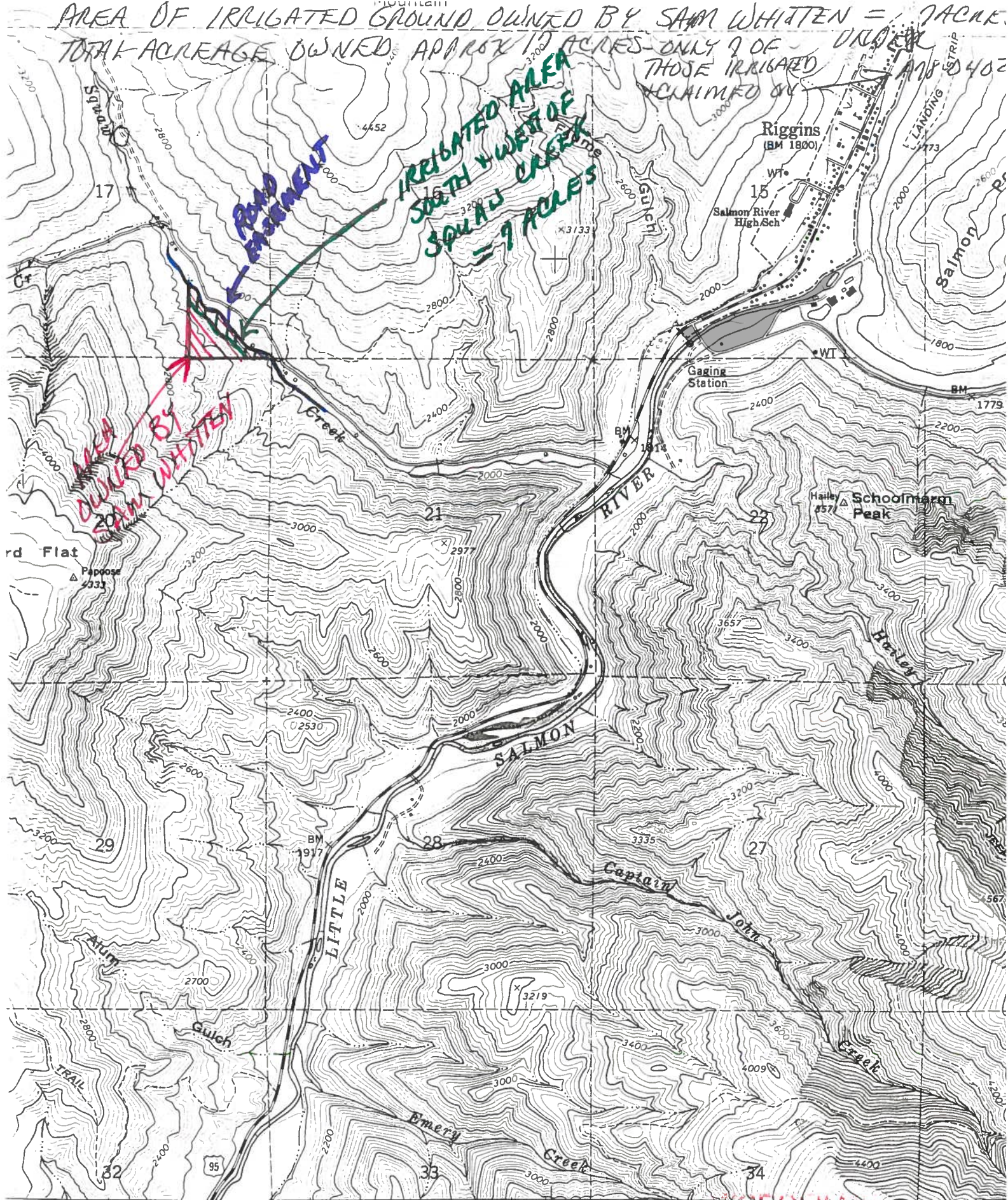
Claim Numbers of Split, if any: _____

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OCT 22 1995

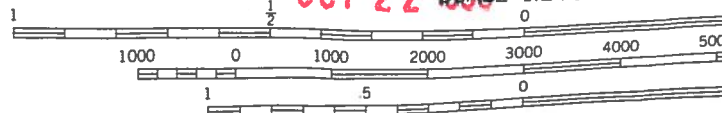
Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

AREA OF IRRIGATED GROUND OWNED BY SAM WHITTEN = 7 ACRES.
 TOTAL ACREAGE OWNED APPROX 10 ACRES - ONLY 2 OF THOSE IRRIGATED CLAIMED BY



and published by the Geological Survey
 and USC&GS

Photogrammetric methods from aerial
 1959. Field checked 1964



1:24,000
 OCT 22 1964

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

SPLIT CLAIM - A78-04020B
Ident. Number: A78-04020
Date Received: 7/26/1988
Receipt No: *MO00593*
Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD R. EBERLE 208-634-2092
Address: P.O. BOX 1091
MCCALL, ID 83638

OR
Name: SELMA ANN EBERLE 208-634-2092
Address: P.O. BOX 1091
MCCALL, ID 83638

2. Date of Priority: APR 01, 1890

3. Source: SQUAW CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
24N	01E	17		NW	SE		IDAHO
				SE	SE		IDAHO
		21		NW	NW		IDAHO
				SE	NW		IDAHO

5. Description of diverting works:
GRAVITY FLOW FROM CREEK TO HEADGATES AND DITCHES-GRAVITY IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	2.120		
STOCKWATER	01/01	12/31	0.050		
DOMESTIC	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
2.120 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 84.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 HD. CATTLE, D/1 HOME(IRRIG. ONLY).
A78-04020 Page 1

Date: 07/26/88

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OCT 22 1988
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
24N	01E	17	NW		SE		STOCK	
			SE		SE		IRR	17.0
			SE		SE		STOCK	
			SE		SE		DOMEST	
			Section Acres					17.0
		21	NW		NW		IRR	6.0
			NW		NW		STOCK	
			SE		NW		IRR	5.0
			SE		NW		STOCK	
			Section Acres					11.0
			Total Acres					28.0

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

DURING THE LOW WATER MONTHS A PORTABLE PUMP IS PLACED IN THE CREEK TO IRRIGATE PORTIONS THE FLOOD IRRIGATION CANNOT REACH. PUMP IS PLACED IN THE SAME QUARTER-QUARTERS AS PD'S. LANDS IRRIGATED ARE MOSTLY NARROW, IRREGULARLY SHAPED TRACTS ALONG NORTH AND SOUTH SIDES OF SQUAW CREEK. ALL TRACTS SLOPE SHARPLY TOWARDS CREEK AND SOIL IS SHALLOW, ALL UNDERLAIN WITH GRAVEL AND SAND. LAND DOES NOT SUB-IRRIGATE LIKE LOWER COUNTRY HEAVY SOIL LANDS, BUT WATER SINKS QUICKLY AND GOES BACK TO STREAM FOR THIS REASON, NOT LESS THAN 4 MINERS INCHES OF WATER PER ACRE IS REQUIRED TO EFFECTIVELY IRRIGATE LAND. THERE ARE 2 P/D'S IN THE NWSE, 1 IN THE SESE, SEC. 17; 2 P/D'S IN THE NWNW, AND 1 P/D IN THE SENW, SEC. 21

15. Basis of Claim: STATUTORY CLAIM

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Salma Elouadi Date: 7/26/88

Date: _____

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 27 day

of July 19 88

John Dale Conner
Notary Public

Seal

Residing at Bain Id

My Commission Expires 6/2/94

POOR ORIGINAL



~~MICROFILMED~~

OCT 22 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 26, 1995

Re: Notice of Claim to a Water Right No. A78-04020B

Sam Whitten
PO Box 578
Riggins, ID 83549

Dear Mr. Whitten:

We have received and processed the Change of Ownership for a portion of Claim to a Water Right No. A78-04020. This change of ownership required a split of the original claim resulting in renumbering this claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Please note that on your change of ownership form you indicated your portion of this claim also included a domestic use. The original claim did list one domestic use located in the SE1/4SE1/4, Sec. 17, Twp. 24N, Rge. 1E. Your place of use is a portion of the SE1/4SE1/4, Sec. 17, however, it is the portion lying south and west of the centerline of Squaw Creek which was not the location of the domestic use claimed on the original claim for this right. The original claim's map indicated the domestic use being claimed was located north of Squaw Creek and is used for lawn irrigation only. If you have additional information indicating that your ownership included the original domestic use claimed, please submit that to this office.

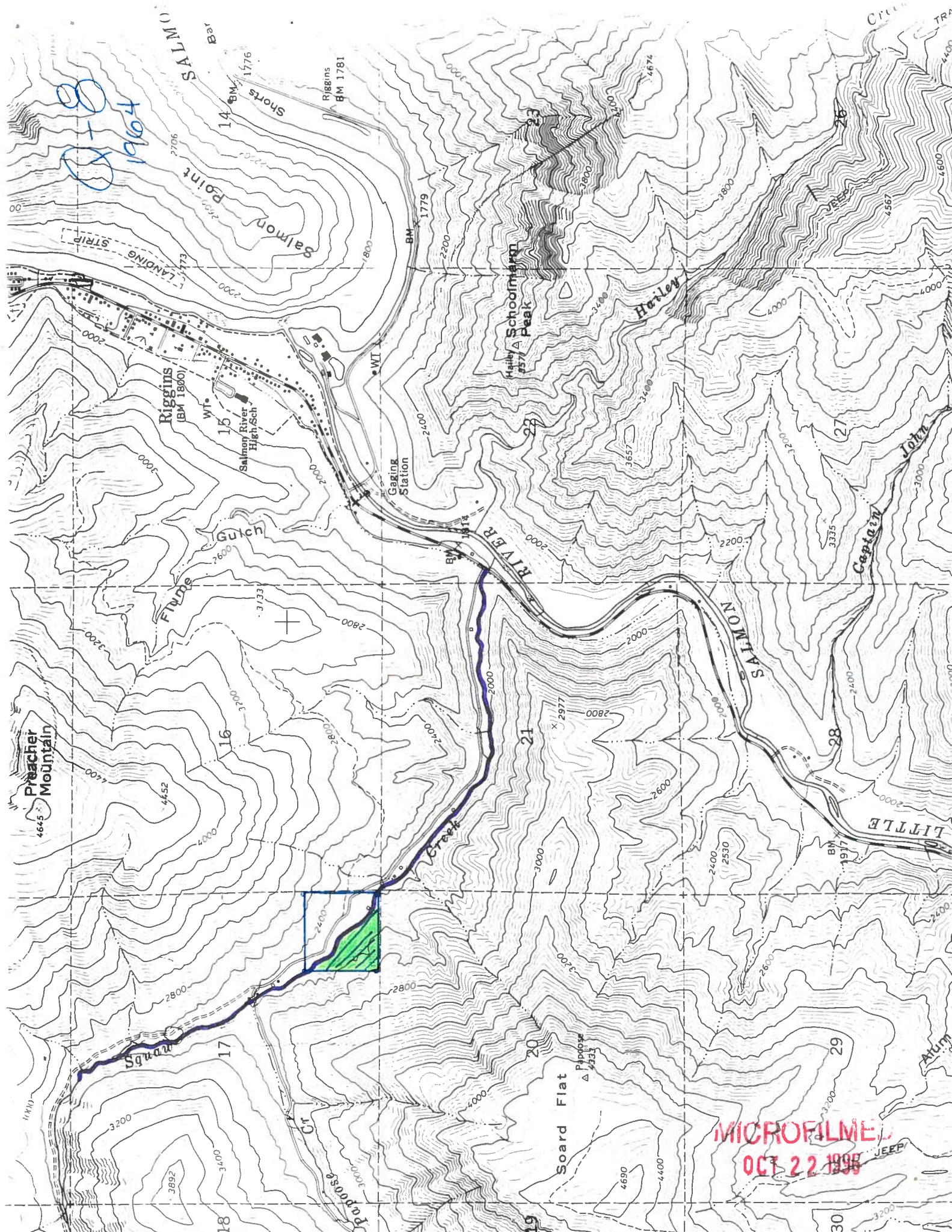
Your portion of this claim also has a specified point of diversion and place of use. If you plan on changing either one of these items, or adding a point of diversion, then an Application for Transfer on your portion of this right will be required. You can obtain further information on the transfer process at this office.

If you have any questions concerning any portion of this letter, please feel free to contact us.

Sincerely,

ADJUDICATION STAFF
Western Regional Office
(208) 334-2190

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OCT 22 1996



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OCT 22 1995

ATTN: Kay
Legal description Sam Witten

EXHIBIT A

Township 24 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 17: That portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying South and West of the
Centerline of Squaw Creek.

ALL A tract of land located in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 24
North, Range 1 East, Boise Meridian, Idaho County, Idaho, being
50.00 feet wide and 25.00 feet each side of the following
described centerline, to-wit:

Beginning at the Southeast Section corner for said Section
17, a brass cap and pipe;
thence N.36°31'03"W., 974.60 feet to the centerline for the
existing county road (United States Forest Service Papoose
Creek Road Map 317) and the True Point of Beginning, a
monument;
thence S.08°36'34"W., 21.62 feet to the Southerly Easement
line for the above said county road, a monument;
thence continuing S.08°36'34"W. along the centerline for an
existing road 189.38 feet, a monument;
thence continuing S.08°36'34"W., 20.00 feet to the
centerline of Squaw Creek and the PLACE OF TERMINUS.

All positions called as monuments are marked with a 5/8 inch
diameter by 24 inch long steel pin with a one inch diameter
yellow service cap.

The Bearings are based on the record General Land Office
Survey Bearing between section corner 9, 10, 15 and 16, a
brass cap and pipe;
S.00°05'E., 2614.88 feet to the corner between Sections 15
and 16, a brass cap and pipe.

CONVERSATION MEMORANDUM

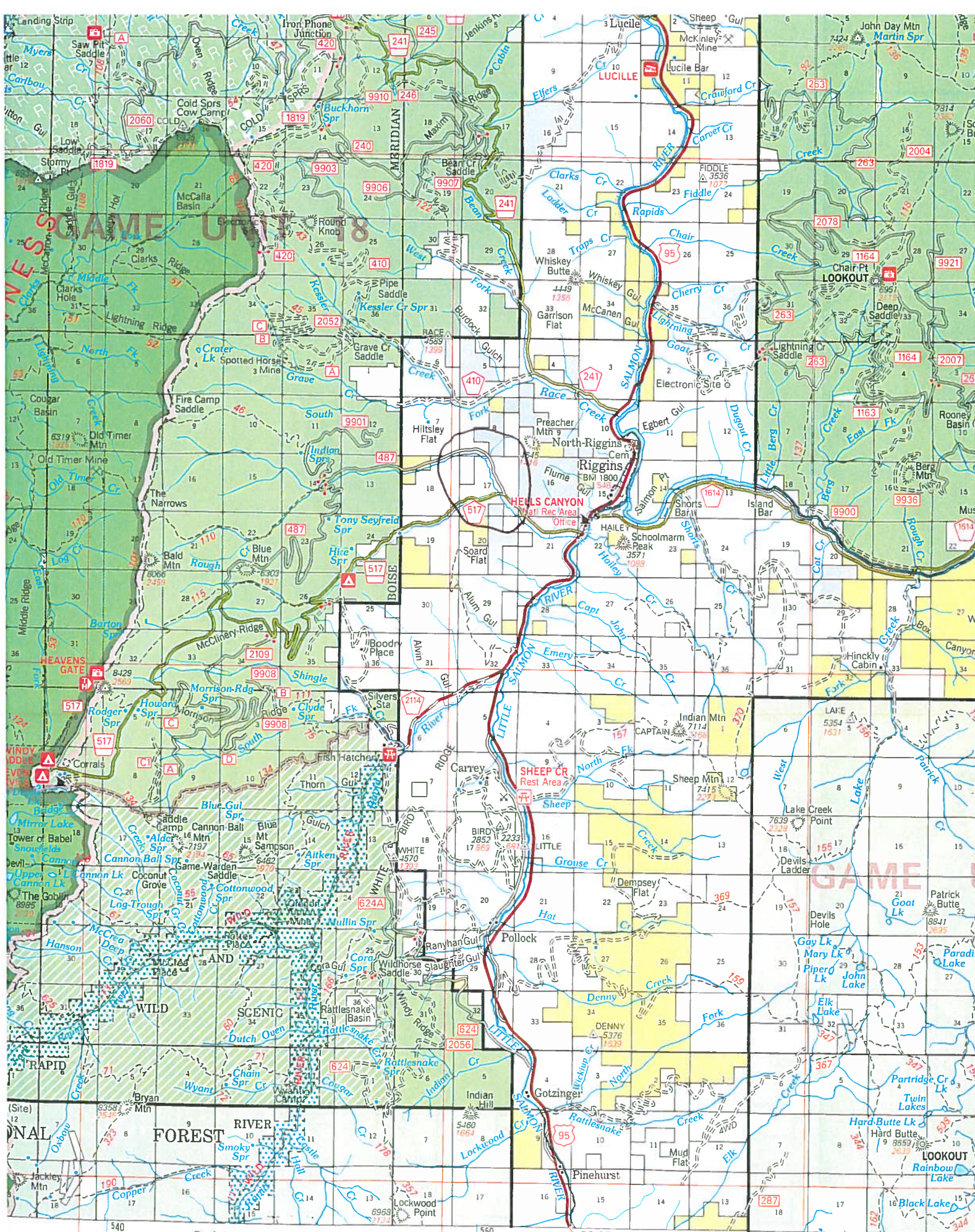
DATE 10/2/95NAME OF PARTY Sam Whitten ²⁰⁸⁻ 628-3952

FILE _____

EMPLOYEE J. LesterRE: Change in Ownership Recorded?Bought some irrig. land from:Dave Cereghinoaka Wisdom Ranch?previously Eberly (? spelling) - A78-04020Squaw Creek H20in 24N 1E 517Was told change of ownership filed on this.Please ✓ i call backAJQ1 Whitten → Name Basin 78 or 79

MICROFILMED

OCT 22 1996



R. 1 W.

R. 1 E. BOISE

R. 2 E.