

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: A43-00297A
Date Received: 5/24/1989
Receipt No: S007304
Received By: _____

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

1. Name: LARENE WHITAKER 208-645-2292
Address: P.O. BOX 64
MALTA ID 83342

AND/OR

Name: ART WHITAKER 208-645-2292
Address: P.O. BOX 64
MALTA ID 83342

2. Date of Priority: APR 1, 1894

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	12	SE	NW	SW		CASSIA

5. Description of diverting works:

CHECKDAM, HEADGATE, EARTHEN DITCH, POND TO BOOTER TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

7. Total Quantity Appropriated is:

1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 273.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	12	SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			SE	NW		IRR	12.0

Section Acres 91.0

Total Acres 91.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-00297 THRU 00299, & A43-02530B.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
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 _____ 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 _____

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: A43-00297A
Date Received: 4/03/1989
Receipt No: 500730F
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ART WHITAKER 208-645-2292
Address: P.O. BOX 64
MALTA, ID 83342

AND/OR
Name: LARENE WHITAKER 208-645-2292
Address: P.O. BOX 64
MALTA, ID 83342

2. Date of Priority: APR 01, 1894

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	12	SE	NW	SW		CASSIA

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NONE

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	12	SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			SE	NW		IRR	12.0
						Section Acres	91.0
						Total Acres	91.0

11. Place of use in counties: CASSIA

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

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A43-00297 THRU 00299, & A43-02530B.

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
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 map

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): Art W. Sataken Date: 5/28/89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of May 19 89 Art W. Sataken
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/92

12S

13S

T13S
R26E

A43-00297
A43-00298
A43-00299
A45-02530B
A43-10236



MICROFILMED
MAR 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

05-Dec-1991

LARENE WHITAKER
ART WHITAKER
PO BOX 64
MALTA ID 83342

RE: Snake River Basin Adjudication (SRBA)
Cassia County - #A43-00297, A43-00298, A43-00299
Identification Number Change

Dear Mr. and Mrs. Whitaker:

The Identification Numbers of your Notice of Claim to a Water Right have been changed from A43-00297 to A43-00297A, A43-00298 to A43-00298B, and A43-00299 to A43-00299B. The suffix "A" or "B" has been added to the number in order to distinguish your claim from other claims that may claim a portion of the same original water right. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claims with the new Identification Numbers. Refer to these record numbers in any future inquiries or correspondence.

Sincerely,


Jeanie Robertson
Records Clerk

/jr

Enclosures:

Claim A43-00297A, A43-00298B, A43-00299B

MICROFILMED

MAR 03 1993

**Idaho Dept of Water Resources
Claims review notes and narrative**

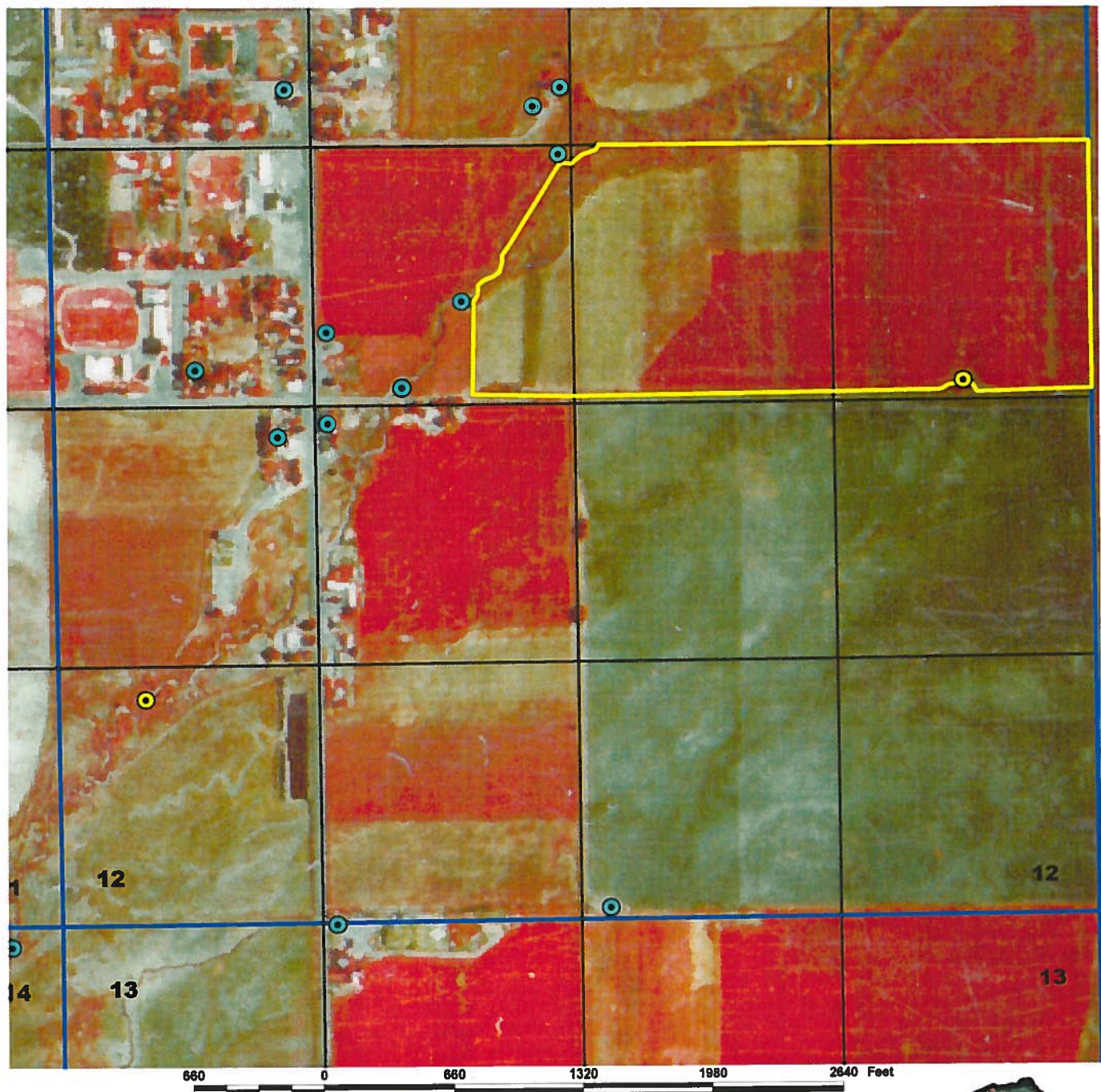
Date: 7-20-2001

File:

Prepared by Kelly K Christensen

DALAN SPENCER FILED A NOTICE OF ERROR FOR HIS CLAIMS (43-12969 THRU 43-12975). I CHANGED THE PLACE OF USE BOUNDARY FOR ARTS CLAIMS IN THE SWNW OF SEC 12 BASED UPON THE PLAT MAP SUBMITTED BY DALAN. THIS CHANGE DID NOT CHANGE THE ACRE RECOMMENDATION FOR ART.

RECOMMENDED PLACE OF USE FOR 43-297A, 43-298B, 43-299B, 43-2530B & 43-10236



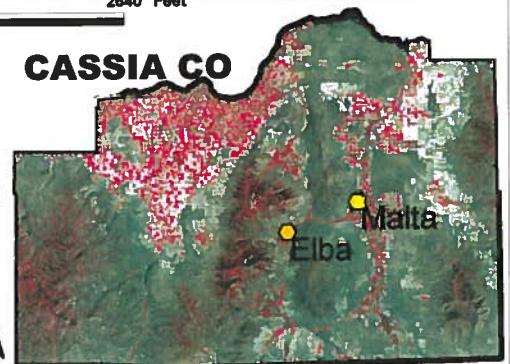
PLACE OF USE
TWP 13S, RNG 26E, SEC 12
Data entry on July 19, 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



CASSIA CO



**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: June 15, 2001

Water right number: 43-297A

ART WHITAKER

PO BOX 64

MALTA ID 83342

Telephone Number: (208)645-2292

LARENE WHITAKER

PO BOX 64

MALTA ID 83342

Telephone Number: (208)645-2292

RECEIVED**JUN 18 2001**

Department of Water Resources

RECEIVED**JUN 20 2001**Department of Water Resource
Southern Region

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: June 15, 01 SIGNATURE: Art D. Whitaker

Please print your name: ART D. WHITAKER

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

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

10/17/2000

RIGHT NUMBER: 43-297A

NAME AND ADDRESS: ART WHITAKER
LARENE WHITAKER
PO BOX 64
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: Raft River

VERIFIED BY KKC
10-18-00

QUANTITY: 0.88 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.72 CFS. COMBINED RIGHT NOS: 43-297A, 43-298B,
AND 43-299B

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
.02 CFS PER ACRE. COMBINED RIGHT NOS. 43-297A, 43-298B, 43-299B,
43-2530, AND 43-10263.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R26E S12 NWSWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.88 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R26E S12	SENE	38	
T13S R26E S12	SENE	10	
86 ACRES TOTAL			
T13S R26E S12	SWNE		38

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 86 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-297A, 43-298B, 43-299B, 43-2530B, AND
43-10263

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 - Decreed

AIM NUMBER

43-2530 } GW

DATE 10-17-00

TRANSFER NUMBER

43-10263

AGENT KKC

CLAIMED ACRE TOTAL

13-297A } Surface

GIS ACRE TOTAL

13-298B } Water Chims

43-299B

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
43-2530	13S	26E	12			37	34				9									80
43-10236			12			3	5				3									11
Surface Chims			12			40	39				12									
GIS						38.3	38.2				10.2									
RECOM			12			38	38				10									86
43-10236						1	4				1	(6 ac within PPU)								
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP 43-2530 per transfer 2627 the P/U is ~~80~~ claimed 80 Ac; Found 86 ac

SHAPE NOS.

Recom 80 Ac within PPU of 86 Ac.) transfer recognizes standard in season

43-10263 is an exp claim in a crit GW area (42-1416B) & Found

B43-POD.SHP

6 Acres more than licensed. Recommend this right

NOS. DESCRIPTION for 6 Ac within the 86 PPU. condition as an exp right

Sec 12 SESENE according to 42-1416B.

(P/D is very close to the 10 acre tract line)

Site tag A0004891

* Sec 12 NW SWSW. P/D location as of 1987. this is the recom P/D

Cassia Creek P/D in use since

Sec 14 NENENE 1998

SITE tag A0007924

DBF TABLES UPDATED

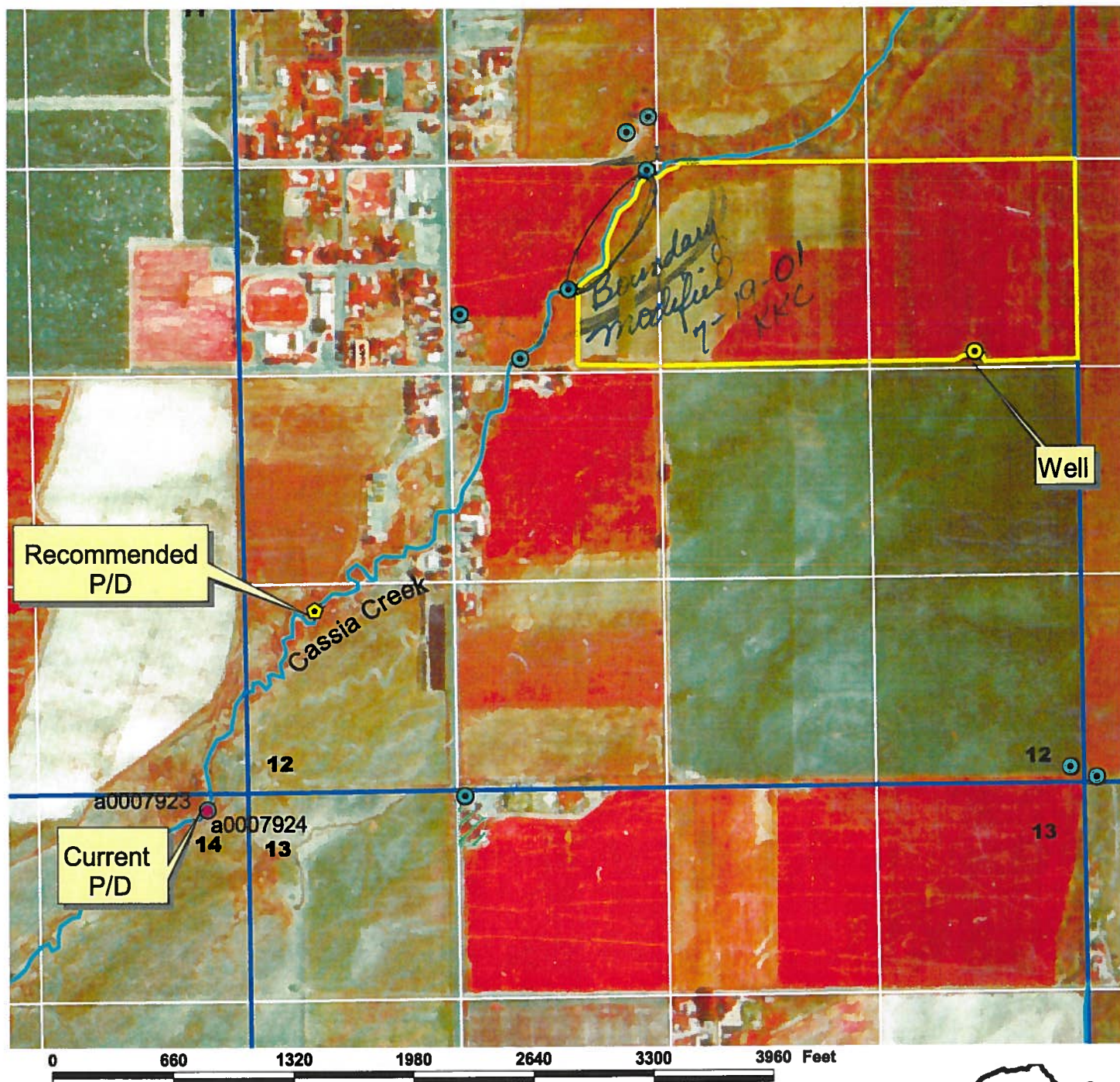
the P/U for the surface water rights match the GW right P/U.

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

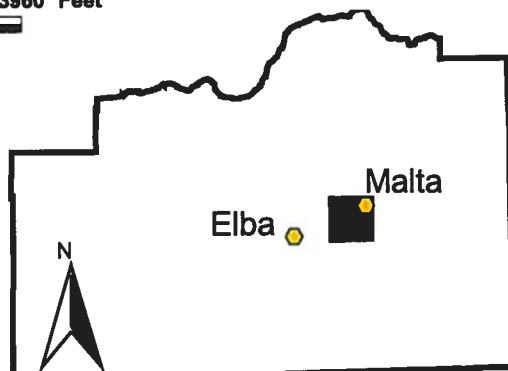
RECOMMENDED PLACE OF USE FOR 43-297A, 43-298B, 43-299B, 43-2530B and 43-10236



PLACE OF USE
TWP 13S, RNG 26E, SEC 12
Data entry on October 16, 2000

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



9-29-00

Art Bought in 1973

Sold 5Ac in 8/82?

no ground water used on ground (5Ac)

Grnd east of Cassia Cr dry (on 5Ac)

Remembers a little in west of Cassia Cr.

met with Art Whitaker

@ Desert Dog Cafe. @ 10:00AM.

FIELD NOTES

9-29-00

KRC

TWP 13S, RNG 26E



Kelly K Christensen

Date: met with ART Whitaker

1987/1988 NAPP PHOTOGRAPHY

Water Right Claim Number A43-00297A

Township , 13S26E





Irrigated Area



Place of Diversion

Legend



Section line



Quarter Section Line



Roads



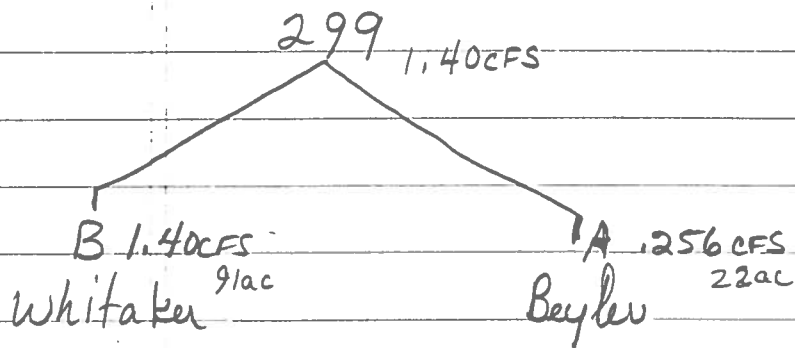
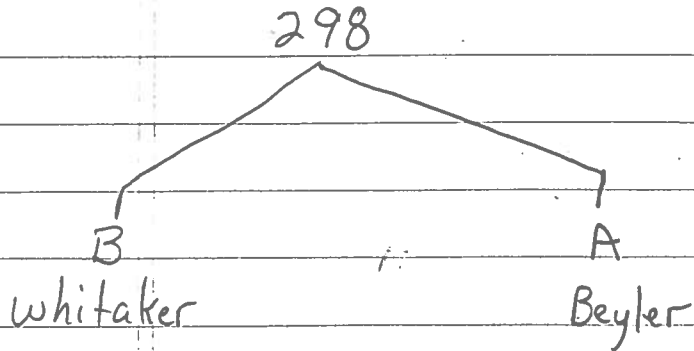
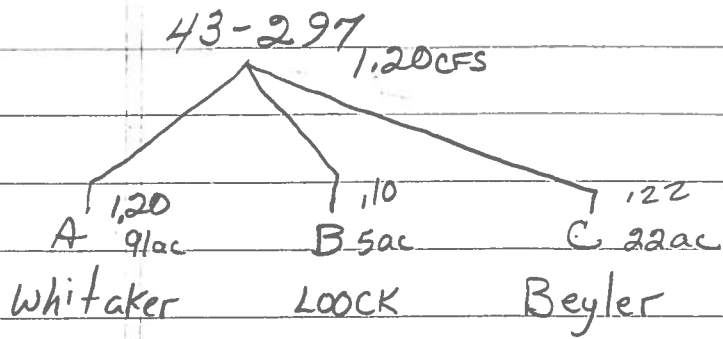
Streams and canals

field notes 9-29-00
KKC

met with Art Whitaker
@ Desert Dog Cafe.



Loock/Beyler/Whitaker
split



Log for claim A43-00297A

Spatial Dynamics LRR

1/31/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
13	26	12	SWNE	40	40	
13	26	12	SENE	39	40	
13	26	12	SENW	12	12	
Totals:				91	92	

Iaho Dept of Water Resources
Claims review notes and narrative

Photo page 1 of 1

Photo Date: 90-29-2000

File: 43-297a whitaker

Prepared by Kelly K Christensen

Pg 1



This is the point of diversion located in TWP 13S, RNG 26E, SEC 12 SWSW. This point of diversion has not been used since approximately 1998 per Art Whitaker. The water instead has been taken from the point of diversion in SEC 14 NENENE. You are looking East-northeast to east in this photo set.



This photo shows the parshall flume location. It is overgrown with grass and partly filled in with silt. It does appear to be in good physical condition otherwise. The staff gauge has been removed. You are looking southeast in this photo.

This site was not GPSed. Art indicated that he is interested in filing a transfer to change the point of diversion from this location to the one in Sec 14. He indicated that it is difficult to maintain diversion works at this point and that at times of high water, the ditch can pose problems with the Desert Dog Café located east of this point by about $\frac{3}{4}$ ths of a mile.

Simplot's flume across Cassia Creek coming from the Sec 14 diversion is approximately 40 feet west of this diversion.



This location is south and a little west of the point of diversion. You are looking northeast on the left to east-southeast on the right. Whitaker's ditch route follows the younger red willows as highlighted by the yellow line. Simplot's ditch that leads to the flume is in the foreground highlighted in black.

