

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 43-2294D
Date Received: 5/31/89
Receipt No: E008404
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DENTON WHITAKER Phone: (208) 645-2518
2145 S 2350 E
MALTA ID 83342

CLETA WHITAKER Phone: (208) 645-2518
2145 S 2350 E
MALTA ID 83342

2. Date of Priority: 03/05/1945

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14S	27E	8	SW SW SW	CASSIA	

5. Description of diverting works:

WELL, 300' DEEP, 55 HP PUMP, TO FLOOD/SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.514	

7. Total Quantity Appropriated is:
0.514 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14S	27E	8	SW	SW	IRRIGATION	30
			SE	SW	IRRIGATION	30
					Section Acres	60
					Total Acres	60

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:

14. Remarks:

TRANS. 2756
3/5/01 tf; ownership changed Tracy to Whitaker per 1409(6) and warranty deed received 3/2/01.

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAR 02 2001
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A43-02294 D				
	A43-10289				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate ~~FILING FEE~~. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Juan M. &/or Maxine A. Tracy
 563 W 1st N, Rigby ID 83442

4. New Owner/Claimant(s)

Denton Whitaker

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

2145 S 2350 E

City, State and ZIP Code

Malta Id. 83342

New Telephone Number

(208) 645-2518

5. Date you acquired the property

April 20 - 1990

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. **Signature of New Owner(s) or Claimant(s)** _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>[Signature]</u>	Date <u>3/2/01</u>	Fee <u>0</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

207480

WARRANTY DEED

THIS INDENTURE, made this 30th day of April, 1990,
between JUAN M. TRACY and MAXINE A. TRACY, husband and wife, of
Rigby, Idaho 83442, ("Grantor"), and DENTON L. WHITAKER and
CLETA L. WHITAKER, husband and wife, whose address is HC72, Box
2192, Malta, Idaho 83342, ("Grantee").

W I T N E S S E T H:

That the Grantor for and in consideration of the sum of
Ten Dollars (\$10.00), lawful money of the United States of
America, and other good and valuable consideration, to the
Grantor in hand paid by the Grantee, the receipt whereof is
hereby acknowledged, has granted, bargained, and sold and by
these presents does grant, bargain and sell, convey and confirm
unto the Grantee, and to the heirs and assigns of Grantee
forever, all of the following described real estate situated in
the County of Cassia, State of Idaho, to-wit:

TOWNSHIP 14 SOUTH, RANGE 27 EAST,
BOISE MERIDIAN.

Section 8: South 3/4 of the S4SW4.

SUBJECT TO: 1990 taxes, levies and
assessments;

Agreement contained in Warranty Deeds from
Malta Land and Irrigation Company, a
corporation, to Lorenzo D. Tracy and Lorraine
Tracy, his wife, which reads as follows: "This
Deed is accepted with the understanding and
agreement that Malta Land and Irrigation
Company shall administer, apportion and
distribute all water to which the grantee
shall be entitled to, and with the further
understanding that grantee shall hereafter
pay his proportionate share of all water

1 charges and of the maintenance of all conduits
2 and ditches for the use of said waters, and is
3 further accepted in fulfillment of that
4 certain agreement made and entered into
5 between the parties hereto as of the 1st day
6 of January, 1938.";

7 Right of Way Deed from Lorenzo Tracy and
8 Lorraine Tracy, his wife, to the Raft River
9 Highway District, a quasi municipal
10 corporation, dated June 19, 1940 and recorded
11 June 19, 1964 as Instrument No. 19194 on Film
12 No. 28, records of Cassia County, Idaho, over
13 and across the West 25 feet of the South 3/4
14 of the SW1/4SW1/4 of Section 8, Township 14 South,
15 Range 27 East, Boise Meridian.;

16 Oil, Gas and Mineral Lease between Lorenzo D.
17 Tracy, a widower, as Lessor, and Standard
18 American Co., as Lessee, dated September 15,
19 1973 as Instrument No. 72599 on Film No. 84,
20 records of Cassia County, Idaho. (S 3/4 S1/4SW1/4
21 of Section 8 in Township 14 South, Range 27
22 East of the Boise Meridian.);

23 Agreement for Purchase of Power between Raft
24 River Rural Electric Cooperative, Inc., and
25 Juan Tracy/Denton Whitaker, dated April 1,
26 1969 and recorded May 24, 1978 as Instrument
No. 107840 on Film No. 117, records of Cassia
County, Idaho.

TOGETHER with all water rights used or appurtenant
to said property, and

TOGETHER with all and singular the tenements,
hereditaments and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder
and remainders, rents, issues and profits thereof, and all
estate, right, title and interest in and to said property as
well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-
mentioned and described premises, together with appurtenances
unto the Grantee and to the heirs and assigns of Grantee

1 forever.

2 The Grantor shall and will warrant and by these
3 presents will forever defend the said premises in the quiet and
4 peaceable possession of the Grantee, and the heirs and assigns
5 of Grantee against all and every person and persons whomsoever
6 lawfully claiming the same, except as aforesaid.

7 IN WITNESS WHEREOF, the Grantor has executed this Deed
8 the day and year first above written.

Juan M. Tracy
Maxine A. Tracy

9
10 STATE OF IDAHO)
11) ss
12 County of Cassia)

13 On this 16 day of April, in the year 1990, before
14 me, the undersigned, a Notary Public in and for said State,
15 personally appeared JUAN M. TRACY and MAXINE A. TRACY, husband
16 and wife, known or identified to me to be the persons whose
17 names are subscribed to the within instrument, and acknowledged
18 to me that they executed the same.

19 Notary Public for Idaho
20 Residing at _____
21 My commission expires on 5-22-94

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

22 State of Idaho } ss
23 County of Cassia } hereby certify that the foregoing instrument
24 is a true and correct copy of the original }
25 as the same appears in this office.
26
8-16-93
Clerk of the District Court, Ex-officio Auditor
and Recorder Cassia County, Idaho
By *[Signature]* Deputy

2074900
LAND TITLE & ESCROW
MAY 9 1 11 PM '90
CASSIA COUNTY, IDAHO
FEE 9.00
216
2074900



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 12, 2001

DENTON WHITAKER
HC 72 BOX 2192
MALTA ID 83342

RECEIVED
MAR 02 2001
Department of Water Resources
Southern Region

RE: NEW AND AMENDED CLAIMS

Dear Mr. Whitaker,

Enclosed are amended claims for 43-10433, 43-10434, and 43-10435, showing your share of combinations of decreed rights. (The Remarks in #14 on each claim shows the proportionate amounts from each decreed right.) There is no charge for amending these claims, just sign in front of a notary and return ASAP.

There are also two new claims for your portions of 43-00170 and 43-00173, which hadn't previously been claimed. These will require a \$50.00 filing fee for each.

There is an ownership change form for the Tracy rights (43-02294D and 43-10289). Please complete it and sign on page 2, remembering to enclose a map and warranty deed. (No charge)

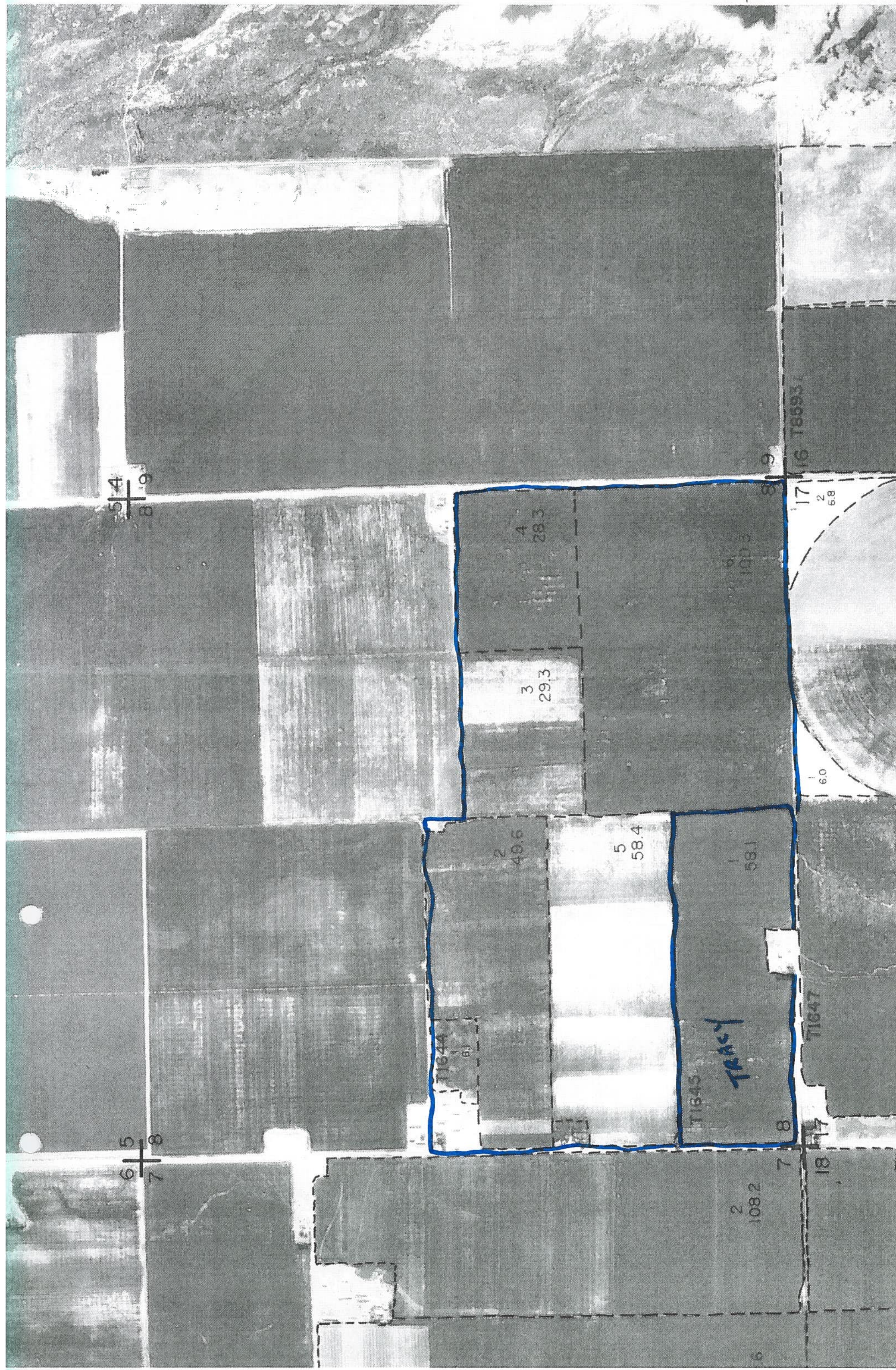
Mr. Tracy started but never completed three other claims, which are appurtenant to the Tracy property (43-10625, 43-10626, & 43-10627), and the fees were not paid. The Remarks in #14 show which decreed rights they are a combination of and the amount. If you would like to file these claims, a \$50.00 filing fee for each is necessary.

Please remind your son that we still need the ownership change form, map and warranty deed for the property he purchased from Grush. The Preliminary Report is scheduled to go out very soon, so please send everything back to my attention as soon as you can. If you decide to file an all five new claims, don't forget a check for \$250.00.

Please feel free to give me a call at the office if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent



#50

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: A43-02294D

Date Received: 5/31/1989

Receipt No: FOO 8404

Received By: JO

RECEIVED

JUN 2 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JUAN M. TRACY
Address: 563 W. 1ST N.
RIGBY, ID

208-745-9471

83442

Name: MAXINE A. TRACY
Address: 563 W. 1ST N.
RIGBY, ID

83442

2. Date of Priority: MAR 05, 1945

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
14S	27E	8	SW SW SW		CASSIA

5. Description of diverting works:

WELL, 300' DEEP, 55 HP PUMP, TO FLOOD/SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.514		

7. Total Quantity Appropriated is:

0.514 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

150.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A43-02294D

Page 1

Date: 05/31/89

MICROFILMED

MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	27E	8	SW	SW		IRR	30.0
			SE	SW		IRR	30.0
					Section Acres		60.0
					Total Acres		60.0

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:
A43-10289.

14. Remarks:
TRANS. 2756.

15. Basis of Claim: LICENSE
Water Right Number: 19600

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: 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): Juan M. Tracy Date: 5-31-89
Date:

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 31st day

of May 19 89

Seal

Anthony S. Olenick
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/1994

SECTION 8

WHITAKER
WELL NOT
REGISTERED

POINT OF DIVERSION
TRANSFER #T2154 1.71 CFS
LIC. 43-2294



WELL CLAIM #43-4055
150 INCHES

SECTION 17



POINT OF DIVERSION
LIC. #43-2294
(4 WELLS)

MICROFILMED

MAR 03 1993

ORIGINAL 6.0 CFS.
WHITAKER TRANSFER 1.71 CFS #T2154
REMAINING 4.29 CFS.

RECEIVED

JAN 8 2003

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JAN 6 AM 9 14

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

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 43-02294D
)

On October 25, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-02294D is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED January 6, 2003



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

FILED

2003 JAN 6 AM 9 14

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-02294D

NAME AND ADDRESS: CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.514 CFS
240.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G,
43-10289, & 43-10425.

PRIORITY DATE: 03/05/1945

POINT OF DIVERSION: T14S R27E S08 NWNWSW Within Cassia County
SWSWSW
SWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.514 CFS 240.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
T14S R27E S08	SWNW 6.5 NESW 40.0 SWSW 39.0 NESE 39.0 SWSE 40.0	SENW 8.8 NWSW 38.0 SESW 38.0 NWSE 40.0 SESE 40.0
	329.3 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02294D, 43-10289, 43-10627, 43-12981,
43-12982, 43-12983, 43-12984 & 43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289,
43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976,
43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982,
43-12983, 43-12984, & 43-12985.

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. I.C. SECTION 42-1412(6).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2003 JAN 06 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-02294D

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-02294D was mailed
on January 06, 2003, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CLETA WHITAKER
DENTON WHITAKER
Represented by:
WILLIAM A. PARSONS
PO BOX 910
137 WEST 13TH STREET
BURLEY, ID 83318
Phone: 208-678-8382

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/06/03

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

2002 OCT 25 PM 3 41

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

) Subcase 43-02294D

) (Whitaker)

Case No. 39576

)

) AMENDED SPECIAL MASTER REPORT

Findings of Fact

Juan and Maxine Tracy filed a *Notice of Claim to a Water Right* on May 31, 1989, claiming .514 cfs from groundwater to irrigate 60 acres in Cassia County from March 15 to November 15 with a priority date of March 5, 1945, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim as filed, but to Denton and Cleta Whitaker, 2145 South, 2350 East, Malta, Idaho 83342, to irrigate a combined total of 60 acres within a 329.3 acre place of use.

The Whitakers filed an *Objection* on January 8, 2002, objecting to quantity, priority date and point of diversion. On October 7, 2002, the Whitakers and IDWR filed a *Standard Form 5* agreeing to amend the place of use remarks and explanatory material.

On October 9, 2002, the Special Master entered a *Special Master Report and Recommendation* for the above claim. However, the quantity remark did not reflect changes made in the *Standard Form 5*. This error has been corrected in the attached *Amended Special Master Recommendation for Partial Decree for Water Rights 43-02294D*.

Conclusions of Law

Denton and Cleta Whitaker are entitled to a partial decree adjudicating a water right as described in the *Standard Form 5* and the attached *Amended Special Master Recommendation for Partial Decree for Water Right 43-02294D*.

DATED October 25, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

FILED
2002 OCT 25 PM 3 41

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-02294D

NAME AND ADDRESS: CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.514 CFS
240.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G,
43-10289, & 43-10425.

PRIORITY DATE: 03/05/1945

POINT OF DIVERSION: T14S R27E S08 NWNWSW Within Cassia County
SWSWSW
SNNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.514 CFS 240.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T14S R27E S08	
	SNNW 6.5	SENN 8.8
	NESW 40.0	NWSW 38.0
	SWSW 39.0	SESW 38.0
	NESE 39.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
	329.3 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02294D, 43-10289, 43-10627, 43-12981,
43-12982, 43-12983, 43-12984 & 43-12985.

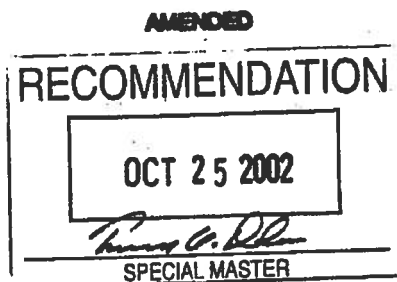
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289,
43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976,
43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982,
43-12983, 43-12984, & 43-12985.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *MM*

2002 OCT 25 PM 3 41

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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-02294D

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 25, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CLETA WHITAKER
DENTON WHITAKER
Represented by:
WILLIAM A. PARSONS
PO BOX 910
137 WEST 13TH STREET
BURLEY, ID 83318
Phone: 208-678-8382

Lettie Messick

LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/25/02

2002 OCT 25 PM 3 41

Water Right(s) : 43-02294D

PAGE 1
10/25/02

Robertson, Jean

From: Kelly, Vicki
Sent: Wednesday, October 16, 2002 10:03 AM
To: Robertson, Jean
Subject: RE: 43-2294D (Whitaker) uh-oh...

Well, at least they didn't do that on all of them!!!! I'll let Lettie know. THANKS!!! -- V

-----Original Message-----

From: Robertson, Jean
Sent: Wednesday, October 16, 2002 9:56 AM
To: Kelly, Vicki
Subject: 43-2294D (Whitaker) uh-oh...

Finally got around to checking the Whitaker SMR's and I see this one has a mistake. The Quantity Remark should say 6 cfs, not 3 cfs. Jeanie

10/16/2002

OCT 11 2002

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

Case No. 39576

Subcase 43-02294D

(Whitaker)

SPECIAL MASTER REPORT

Findings of Fact

Juan and Maxine Tracy filed a *Notice of Claim to a Water Right* on May 31, 1989, claiming .514 cfs from groundwater to irrigate 60 acres in Cassia County from March 15 to November 15 with a priority date of March 5, 1945, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim as filed, but to Denton and Cleta Whitaker, 2145 South, 2350 East, Malta, Idaho 83342, to irrigate a combined total of 60 acres within a 329.3 acre place of use.

The Whitakers filed an *Objection* on January 8, 2002, objecting to quantity, priority date and point of diversion. On October 7, 2002, the Whitakers and IDWR filed a *Standard Form 5* agreeing to amend the place of use remarks and explanatory material.

Conclusions of Law

Denton and Cleta Whitaker are entitled to a partial decree adjudicating a water right as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02294D*.

DATED October 9, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

SCANNED
OCT 10 2002

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

DISTRICT COURT-SRBA

Fifth Judicial District

County of Twin Falls - State of Idaho

OCT 03 2002

In Re SRBA)
PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
Water Right 43-02294D

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.514 CFS
240.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G,
43-10289, & 43-10425.

PRIORITY DATE: 03/05/1945

POINT OF DIVERSION: T14S R27E S08 NWNWSW Within Cassia County
SWSWSW
SWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.514 CFS 240.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T14S R27E S08	
	SWNW 6.5	SENE 8.8
	NESW 40.0	NWSW 38.0
	SWSW 39.0	SESW 38.0
	NESE 39.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
	329.3 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02294D, 43-10289, 43-10627, 43-12981,
43-12982, 43-12983, 43-12984 & 43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289,
43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976,
43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982,
43-12983, 43-12984, & 43-12985.

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. I.C. SECTION 42-1412(6).

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 43-02294D File Number: 00126

PAGE 1
Oct-09-2002

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

OCT 09 2002

Thomas A. Burdick

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

OCT 09 2002

By _____ Clerk:
Deputy 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)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-02294D

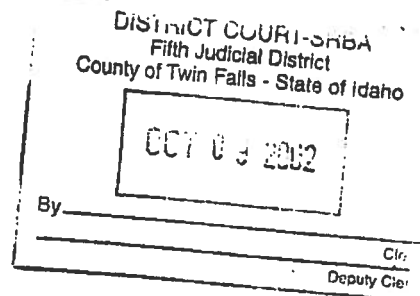
On October 09, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 09, 2002.


LEANNE MESSICK
Deputy 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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

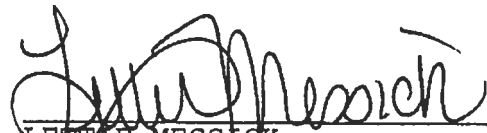
Water Right(s) : 43-02294D

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 09, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CLETA WHITAKER
DENTON WHITAKER
Represented by:
WILLIAM A. PARSONS
PO BOX 910
137 WEST 13TH STREET
BURLEY, ID 83318
Phone: 208-678-8382


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/09/02

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

pss@pmt.org

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

LANCE A. LOVELAND

DAVID F. SHIRLEY

September 20, 2002

RECEIVED
SEP 21 2002
Department of Water Resources
Southern Region

Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

A COPY FOR YOUR INFORMATION
PARSONS, SMITH & STONE, LLP

RE: SRBA 43-2294D, 43-2294G, 43-10289, 43-10425, etc.

Dear Clerk:

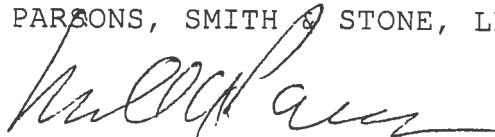
A settlement conference was held with representatives of the SRBA and subsequently Standard Form 5's were provided. I have not had an opportunity to go over them with our client and I will not be able to until next week because of certain health restraints of my client.

I believe we are close to a settlement after reviewing the SF5S forms and would respectfully request that the hearing scheduled for the 26th of September be vacated and recycled in the off chance that the settlement is not reached.

Please confirm.

Sincerely,

PARSONS, SMITH & STONE, LLP



William A. Parsons

WAP/nj

09/05/2002

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW VERIFIED BY *9/5*

RIGHT NUMBER: 43-2294D
NAME AND ADDRESS: DENTON WHITAKER
2145 S 2350 E
MALTA ID 83342

CLETA WHITAKER
2145 S 2350 E
MALTA ID 83342

SOURCE: GROUND WATER
QUANTITY: 0.51 CFS
240.0 AFY

TRIBUTARY:

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~3~~ 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, & 43-10425.

PRIORITY DATE: 03/05/1945

POINT OF DIVERSION:

T14S R27E S8 NWNWSW Within CASSIA County
T14S R27E S8 SWSWSW Within CASSIA County
T14S R27E S8 SWNWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.514 CFS 240.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R27E S08	SWNW	6.5	T14S R27E S08	SENW	8.8
T14S R27E S08	NESW	40.0	T14S R27E S08	NWSW	38.0
T14S R27E S08	SWSW	39.0	T14S R27E S08	SESW	38.0
T14S R27E S08	NESE	39.0	T14S R27E S08	NWSE	40.0
T14S R27E S08	SWSE	40.0	T14S R27E S08	SESE	40.0

329.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-10289, 43-10627, 43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~329.3~~ 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.

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: License

~~RIGHT NO. 43-10289 IS AN EXPANSION OF RIGHT NOS. 43-2294D, 43-2294G, & 43-10425 PURSUANT TO SECTION 42-1416B. IDAHO CODE.~~

Water Right 43-2294D

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

RIGHT NUMBER: 43-2294D

NAME AND ADDRESS:

CLETA WHITAKER
2145 S 2350 E
MALTA ID 83342

DENTON WHITAKER
2145 S 2350 E
MALTA ID 83342

SOURCE: GROUND WATER

Tributary:

QUANTITY:

0.514 CFS
240.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G,
43-10289, & 43-10425.

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G,
43-10289, & 43-10425.~~

PRIORITY DATE: 03/05/1945

POINT OF DIVERSION:

T14S R27E S8 NWNWSW Within CASSIA County

T14S R27E S8 SWSWSW Within CASSIA County

T14S R27E S8 SWNWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	0.514 CFS 240.00 AFY

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

PLACE OF USE: IRRIGATION within CASSIA County

T14S R27E S08 SWNW 6.5
T14S R27E S08 SENW 8.8
T14S R27E S08 NESW 40.0
T14S R27E S08 NWSW 38.0
T14S R27E S08 SWSW 39.0
T14S R27E S08 SESW 38.0
T14S R27E S08 NESE 39.0
T14S R27E S08 NWSE 40.0
T14S R27E S08 SWSE 40.0
T14S R27E S08 SESE 40.0

329.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 43-02294D, 43-10289, 43-10627, 43-12981, 43-12982, 43-12983,
43-12984, & 43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434, 43-10627,
43-12958, 43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980, 43-12981,
43-12982, 43-12983, 43-12984, & 43-12985.

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 43-02294D, 43-10627, 43-12981, 43-12982, 43-12983, 43-12984, &
43-12985.~~

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 329.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434,
43-10627, 43-12958, 43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980,
43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.~~

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 - License

~~RIGHT NO. 43-10289 IS AN EXPANSION OF RIGHT NOS. 43-02294D, 43-02294G, &
43-10425 PURSUANT TO SECTION 42-1416B, IDAHO CODE.~~

09/05/2002

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

RIGHT NUMBER: 43-2294D

NAME AND ADDRESS: DENTON WHITAKER
2145 S 2350 E
MALTA ID 83342

CLETA WHITAKER
2145 S 2350 E
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.51 CFS
240.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF
1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, & 43-10425.

PRIORITY DATE: 03/05/1945

POINT OF DIVERSION:

T14S R27E S8 NWNWSW Within CASSIA County

T14S R27E S8 SWSWSW Within CASSIA County

T14S R27E S8 SWNWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.514 CFS 240.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R27E S08	SWNW	6.5	T14S R27E S08	SENW	8.8
T14S R27E S08	NESW	40.0	T14S R27E S08	NWSW	38.0
T14S R27E S08	SWSW	39.0	T14S R27E S08	SESW	38.0
T14S R27E S08	NESE	39.0	T14S R27E S08	NWSE	40.0
T14S R27E S08	SWSE	40.0	T14S R27E S08	SESE	40.0

329.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
43-02294D, 43-10289, 43-10627, 43-12981, 43-12982, 43-12983, 43-12984, &
43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434, 43-10627, 43-12958,
43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980, 43-12981,
43-12982, 43-12983, 43-12984, & 43-12985.

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: License

Water Right 43-2294D

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2294D V2

WATER RIGHT NUMBER: 43-2294D V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENTON WHITAKER 2145 S 2350 E MALTA, ID 83342 (208)645-2518
Original Owner	JUAN M TRACY 563 W 1ST N RIGBY, ID 83442 (208)745-9471
Original Owner	MAXINE A TRACY 563 W 1ST N RIGBY, ID 83442 (208)745-9471
Current Owner	CLETA WHITAKER 2145 S 2350 E MALTA, ID 83342 (208)645-2518

Priority Date: 03/05/1945

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.514 CFS	240.00 AF
	<u>Total Diversion:</u>	0.514 CFS	240.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SW1/4	Sec. 8,	Twp 14S,	Rge 27E, B.M.
CASSIA County				
GROUND WATER	NW1/4NW1/4SW1/4	Sec. 8,	Twp 14S,	Rge 27E, B.M.
CASSIA County				
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 8,	Twp 14S,	Rge 27E, B.M.
CASSIA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	27E	8							6.5	8.8	40.0	38.0	39.0	38.0	39.0	40.0	40.0	40.0	329.3

Total Acres: 329.3

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-2294D V2

Conditions of Approval:

1. C18 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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-10289, 43-10627, 43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.
2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.
3. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, & 43-10425.

Comments:

1. jroberts 9/5/2002 V2 Recommendation
Comment: This new recommendation was created to resolve an Objection, changing total diversion rate to 6 cfs on groundwater rights and the Pou to 300 acres within a 329.3 ac PPU.

Dates and Other Information:

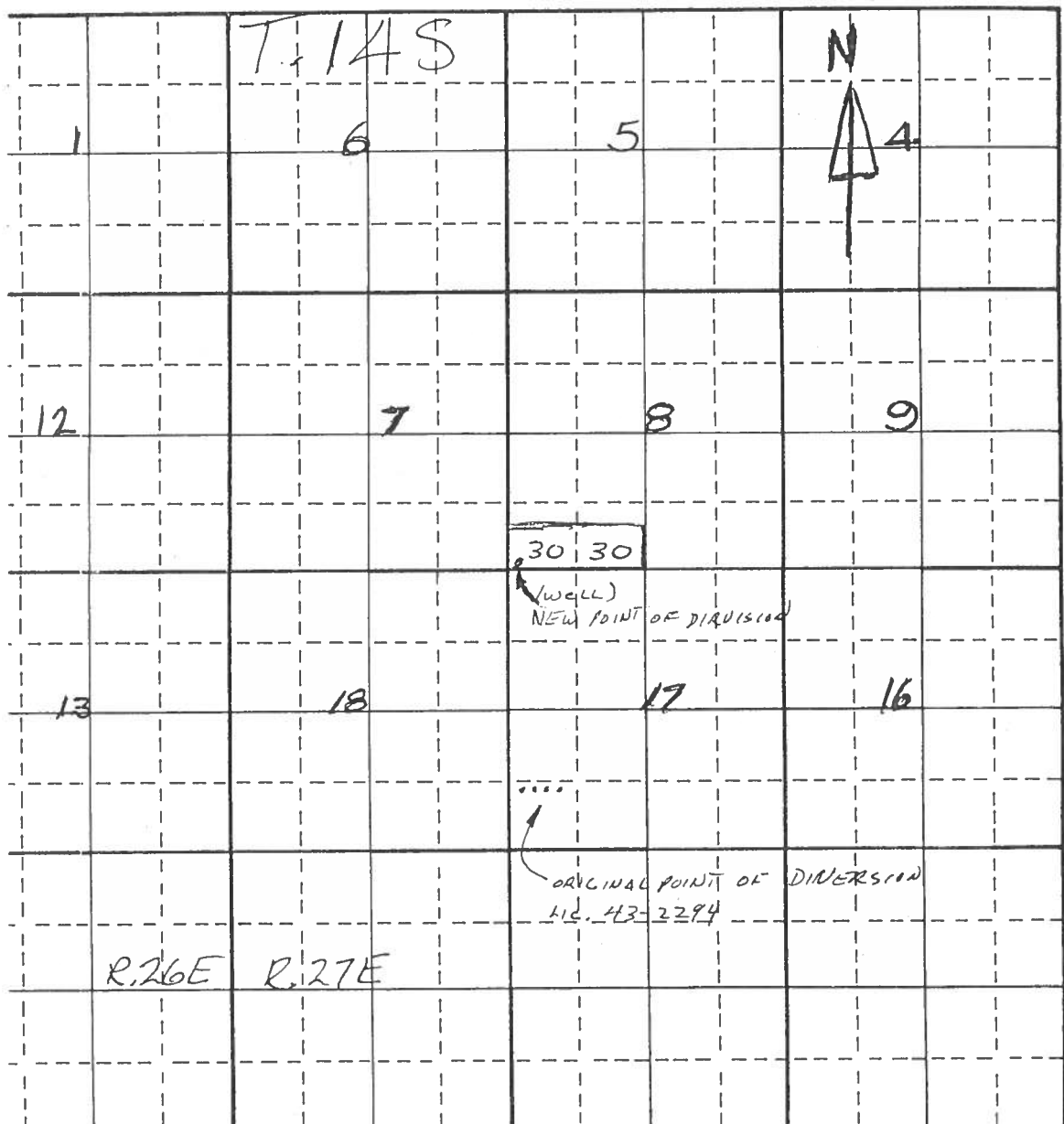
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

c. Describe the lands and place of use to which the right will be transferred:

RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
		NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
S	27E	8										30	30					60A

Total number of acres to be irrigated 60A

- Describe any other water rights used for the same purpose as described above. CLAIM # 43-4055
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



2 inches equal 1 mile. Draw plan in ink.

1. REMARKS

THE CLAIM # 43-4055 WAS FILED BECAUSE LICENSE # 43-2294 WAS NOT KNOWN ABOUT AT THE TIME BY LORENZO TRACY ~~AND~~ IT CAME TO MY ATTENTION WHEN PENTON WHITAKER TRANSFERED PART OF IT AND TRANSFER # 2154 THE TRANSFER WAS NOT MADE BY HEALTH LAND & IRRIGATION CO (NO LONGER IN ^{EXISTANCE} ~~EXIST~~) WHEN THE WELL WAS DRILLED ON SW 1/4, SW 1/4 SECTION 8, IN 1959. I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement

use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Juan M Tracy
(Signature of Applicant)

Subscribed and sworn to before me this 25 day of Oct, 19 82.

Jane Colvin
(Notary Public)

My commission expires

Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2294 and said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 16th day of June, 19 83.

L. Glen Saxton
L. GLEN SAXTON, Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by Marya Date 10/27/82 Protest filed by Penton Whitaker w/Drawn
Relim. check by ADA Fee 50.00 at Conf. 3/9/83
Accepted by Marya Date 11/19/82 # 23845
Published in Southwest Press Copies of protest forwarded by _____
Pub. dates Dec 2 + 9, 1982 Hearing held by BE Date 3/9/83
Watermaster recommendation requested on 11/23/82 Recommended for approval denial
_____ rec'd. _____ by [Signature]

Water Source:	GROUNDWATER	Tributary to:	
Stage:	LICENSE		

ME

TOTAL ACRES	60.0
-------------	------

43-02294F 43-04055 43-04149

Remarks: GEN TRANS. 2756.

Misc: Water District Number: Field Exam Fee:

57/329.3 PPU



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

February 12, 2001

DENTON WHITAKER
HC 72 BOX 2192
MALTA ID 83342

RE: NEW AND AMENDED CLAIMS

Dear Mr. Whitaker,

Enclosed are amended claims for 43-10433, 43-10434, and 43-10435, showing your share of combinations of decreed rights. (The Remarks in #14 on each claim shows the proportionate amounts from each decreed right.) There is no charge for amending these claims, just sign in front of a notary and return ASAP.

There are also two new claims for your portions of 43-00170 and 43-00173, which hadn't previously been claimed. These will require a \$50.00 filing fee for each.

There is an ownership change form for the Tracy rights (43-02294D and 43-10289). Please complete it and sign on page 2, remembering to enclose a map and warranty deed. (No charge)

Mr. Tracy started but never completed three other claims, which are appurtenant to the Tracy property (43-10625, 43-10626, & 43-10627), and the fees were not paid. The Remarks in #14 show which decreed rights they are a combination of and the amount. If you would like to file these claims, a \$50.00 filing fee for each is necessary.

Please remind your son that we still need the ownership change form, map and warranty deed for the property he purchased from Grush. The Preliminary Report is scheduled to go out very soon, so please send everything back to my attention as soon as you can. If you decide to file an all five new claims, don't forget a check for \$250.00.

Please feel free to give me a call at the office if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

N₂

1 183.7 NH₂/W

2 127.9 NH₂/W

1 256.0
1 164.4 NH₂/W

1 356.2 NH₂/W

1 124.4 NH₂/W

2 49.6 NH₂/W

3 29.3 NH₂/W

4 28.3 NH₂/W

5 58.4 NH₂/W

356.0
T 1645

7 8 58.1 NH₂/W

18 102.0 NH₂/W

T 1647

6 100.3 NH₂/W

3 6.0

4 6.8

8 171.16 NH₂/W

158.1 NH₂/W

T 8593

CLAIM NUMBER

A43-02294D
A43-10289

DATE

AGENT

TRANSFER NUMBER

CLAIMED ACRE TOTAL

60

GIS ACRE TOTAL

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	14S	27E	8											30	30				
GIS	14S	27E	8																
RECOM	14S	27E	8																
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

IDAHO
CASSIA
Report ID: ASCS-156EZ

U.S. Dept. of Agriculture
Agri. Stab. & Conserv. Svc.
Abbreviated 156 Farm Record

FARM 3214
Prepared: 04/13/9
Crop Year: 9
Page:

No. of Tracts: 4

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	027	A027	W	CW	FW	PC	AW	HW	RW	MG	CWTE	CWNA	PCW
1425	800.0	323.8	323.8	Y	Y	Y	Y	N	N								N
IDENTIFIER			X30 S8 T14 R25														
OWNER		1 - DENTON L WHITAKER															
1644	280.0	272.0	272.0	N	N	N	Y	N	N								N
IDENTIFIER			EE30 S4.5.8 T14 R25														
OWNER		1 - DENTON L WHITAKER															
1645	60.0	58.1	58.1	N	N	N	Y	N	N								N
IDENTIFIER			EE30 S8 T14 R27														
OWNER		1 - DENTON L WHITAKER															
1651	163.0	156.8	156.8	N	N	N	Y	N	N								N
IDENTIFIER			EE32 S20 T14 R27														
OWNER		1 - JENNIFER WHITAKER, 2 - TRAVIS WHITAKER															

*used to belong to
Juan Tracy*

IDAHO
CASSIA
Report ID: ASCS-156EZ

U.S. Dept. of Agriculture
Agri. Stab. & Conserv. Svc.
Abbreviated 156 Farm Record

FARM 3214
Prepared: 04/13/9
Crop Year: 9
Page:

OPERATOR: Name, Address & I D No.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	EFFECTIVE CROPLAND	FARM IDENTIFIER	STATUS
519-44-9544 S DENTON L WHITAKER MALTA	1303.0	810.7	810.7	810.7	NONE	ACTIVE
ID 83342 0000						

CRP: .0
IFM: N
RECON. REF. NO.: A40090
OFAY NORMAL PLANTED ACRES: .0

CROP	ROT.	BASE	CRP REDUCTION	ADJ. BASE	DATE	-----P&CP-----		-----YIELD-----	
						YEAR		YEAR	NI
WHEAT	1	34.6	.0			93	34.2	94	25
						92	26.5	85	25
						91	39.7		
						90	37.3		
	IAM NAW	39.7 .0				89	34.9	94	71
						88	32.5	85	77
									HWY
BARLEY	1	170.1	.0			93	182.2	94	23
						92	197.5	85	23
						91	199.8		
						90	58.2		
	IAM NAW	198.9 .0				89	212.8	94	82
						88	242.9	85	86
									HWY
OATS	1	2.3	.0			93	2.2	94	25
						92	1.8	85	25
						91	2.2		
						90	4.3		
	IAM NAW	2.2 .1				89	1.4	94	66
						88	1.0	85	68
									HWY
CORN	1	1.9	.0			93	1.9	94	50
						92	1.4	85	50
						91	1.9		
						90	1.9		
	IAM NAW	.0 1.9				89	2.3	94	50
						88	2.0	85	50
									HWY

State of Idaho

License and Certificate of Water Right

43-2294

Water License No. 19300

Amount Six (6) second feet

Water District No.

Priority March 1, 1945

THIS IS TO CERTIFY that

of Talla, Idaho, made application for a permit appropriate the public waters of the State of Idaho, dated March 1, 1945, that there was issued under said application, that the right to use the waters of the State, showing that said waters were completed on the 15th day of March, 1945, and that on the 15th day of March, 1945.

of Talla, Idaho, made application for a permit appropriate the public waters of the State of Idaho, dated March 1, 1945, that there was issued under said application, that the right to use the waters of the State, showing that said waters were completed on the 15th day of March, 1945, and that on the 15th day of March, 1945.

The right hereby confirmed dates from

The Federal Diversion is located

in the SW 1/4 Sec 17, T. 14 N., R. 27 E., B. 1 F. Cassia County

That the amount of water to which such right is entitled, and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed six (6) second feet per acre.

Description and location of

Top	Range	Section	Acres	Devised in Permit	No. Acres Actually Irrigated
-----	-------	---------	-------	-------------------	------------------------------

The water covered by this license is supplemental to the water right from other sources, and is subject to the following conditions:

1. The water shall be used for the purpose of irrigation.
2. The water shall be used for the purpose of irrigation.
3. The water shall be used for the purpose of irrigation.

The right to the use of the water aforesaid is hereby confirmed and restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 8th day of March, 1946.

(SEAL)

MARK D. GULF
State Reclamation Engineer