

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: A43-02294^G
Date Received: 6/08/1989
Receipt No: 5007690
Received By: ADM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENTON WHITAKER 208-645-2518
Address: H.C. 72 BOX 2192
MALTA, ID 83342

AND/OR

Name: CLETA WHITAKER 208-645-2518
Address: H.C. 72 BOX 2192
MALTA, ID 83342

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 of	Lot	County
14S	27E	8	NW	NW	SW		CASSIA
			SW	SW	SW		CASSIA
			SW	NW	SE		CASSIA

5. Description of diverting works:
THREE WELLS & PUMPS 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	2.050		

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

8. Total consumptive use is 720.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-02294^G

Page 1

Date: 06/08/89

MICROFILMED

MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	27E	8	SW		NW		IRR	10.0
			SE		NW		IRR	10.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	10.0
			SE		SW		IRR	10.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	240.0
							Total Acres	240.0

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:
A43-10425 & RAFT RIVER DECREES

14. Remarks:
TRANS. 2154 & 2822. THIS CLAIM IS BASED ON A COMBINATION OF
43-02294B & 43-02294F.

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

Number of attachments: 0

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): Denton Whitaker Date: 6-8-89

Date: _____

State of Idaho)
County of Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of June 19 89
[Signature]
Notary Public

Seal

Residing at Ketchikan, Id

My Commission Expires 6/30/92

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	27E	8	SW		NW		IRR	10.0
			SE		NW		IRR	10.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	10.0
			SE		SW		IRR	10.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								240.0
Total Acres								240.0

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:
A43-10425 & RAFT RIVER DECREES

14. Remarks:
TRANS. 2154 & 2822. THIS CLAIM IS BASED ON A COMBINATION OF
43-02294B & 43-02294F.

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: _____

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: _____

MICROFILMED

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



ate 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

27-Dec-1991

DENTON WHITAKER
CLETA WHITAKER
HC 72 BOX 2192
MALTA ID 83342

RE: Snake River Basin Adjudication (SRBA)
Cassia County - #A43-02294B
Identification Number Change

Dear Mr. and Mrs. Whitaker:

The Identification Number of your Notice of Claim to a Water Right has been changed from A43-02294B to A43-02294G. The suffix has been changed in order to better identify your claim as it combines original water rights 43-02294B and 43-02294F. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosures:
Claim A43-02294G

MICROFILMED
MAR 03 1993

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 43-02294G**
)

On October 9, 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 43-02294G 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-02294G

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

SOURCE: GROUND WATER

QUANTITY: 2.05 CFS
960.00 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	2.05 CFS 960.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T14S R27E S08	
	SWNW 6.5	SENW 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 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Roger Burdick
Presiding Judge of the
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

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: A43-02294G

Date Received: 6/ 8/1989

Receipt No: S007690

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENTON WHITAKER 208-645-2518
Address: H.C. 72 BOX 2192
MALTA ID 83342

AND/OR

Name: CLETA WHITAKER 208-645-2518
Address: H.C. 72 BOX 2192
MALTA ID 83342

2. Date of Priority: MAR 5, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
THREE WELLS & PUMPS 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	2.050		

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

8. Total consumptive use is 720.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED

MAR 6 3 1993

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): 43-02294G

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 43-02294G 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

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

CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342
Phone: 208-645-2518

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/06/03

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 9 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	)	Subcase 43-02294G
	)	(Whitaker)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

Denton and Clela Whitaker, 2145 South, 2350 East, Malta, Idaho 83342, filed a *Notice of Claim to a Water Right* on June 8, 1989, claiming 2.05 cfs from groundwater to irrigate 240 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 1* on September 28, 2001. The Director recommended the claim as filed, but for irrigation of 240 acres within a 329.3 acre place of use.

The Whitakers filed an *Objection* on January 10, 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 quantity remark, the place of use remark and explanatory material.

Conclusions of Law

Denton and Clela 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 43-02294G*.

DATED October 9, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

SPECIAL MASTER REPORT
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10/9/02 12:24 PM

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-02294G

OCT 09 2002

By

Clerk

Deputy Clerk

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

SOURCE: GROUND WATER

QUANTITY: 2.05 CFS
960.00 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	2.05 CFS 960.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T14S R27E S08	
	SWNW 6.5	SENW 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 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

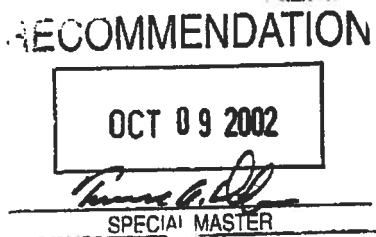
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

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

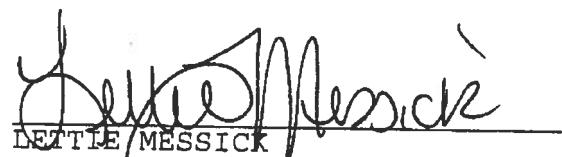
Water Right(s): 43-02294G

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 (A01), 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.


LETTIE/MESSICK
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
10/09/02

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-02294G

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

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

CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342
Phone: 208-645-2518

CERTIFICATE OF MAILING


LETTIE MESSICK
Deputy Clerk

PAGE 1
10/09/02

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

LANCE A. LOVELAND

DAVID F. SHIRLEY

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

pss@pmt.org

September 20, 2002

RECEIVED
SEP 23 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 *8/9/02*

RIGHT NUMBER: 43-2294G

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: 2.05 CFS
960.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF $\approx$ 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	2.050 CFS 960.00 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 ~~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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. 43-02294D,
43-02294G, & 43-10425 PURSUANT TO SECTION 42-1416B, IDAHO CODE.~~

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-02294B & 43-02294F.

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

RIGHT NUMBER: 43-2294G

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: 2.050 CFS
960.000 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	2.050 CFS 960.00 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 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

~~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.~~

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-02294B & 43-02294F.

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

~~THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-02294B & 43-02294F.~~

IDAHO DEPARTMENT OF WATER RESOURCES

AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-2294G

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.05 CFS
960.0 AFYUSE 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 CountyPURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.050 CFS 960.00 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 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.THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-02294B &
43-02294F.

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

WATER RIGHT NUMBER: 43-2294G V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLETA WHITAKER 2145 S 2350 E MALTA, ID 83342 (208)645-2518
Current Owner	DENTON 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	2.050 CFS	960.00 AF
	<u>Total Diversion:</u>	2.050 CFS	960.00 AF

Location of Point(s) of Diversion

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		
GROUND WATER	SW1/4SW1/4SW1/4	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

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2294G V2

1. 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.
2. 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.
3. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-02294B & 43-02294F.

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: AND

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

VERIFIED BY *X* 3/15/01

03/15/2001

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

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

SOURCE: GROUND WATER

QUANTITY: 2.05 CFS
960 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 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	2.05 CFS 960.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T14S R27E S8	SWNW	6.5	T14S R27E S8	SENW	8.8
T14S R27E S8	NESW	40	T14S R27E S8	NWSW	38
T14S R27E S8	SWSW	39	T14S R27E S8	SESW	38
T14S R27E S8	NESE	39	T14S R27E S8	NWSE	40
T14S R27E S8	SWSE	40	T14S R27E S8	SESE	40

329.3 ACRES TOTAL

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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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

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



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

August 30, 2002

WILLIAM A PARSONS
PARSONS SMITH & STONE
PO BOX 910
BURLEY ID 83318

RE: Whitaker Objections

Dear Mr. Parsons,

Before our telephone conference scheduled for 1:30 pm next Wednesday regarding these rights, I thought I'd lay out what I did in my initial recommendations, the Objections, and what could be done to resolve them. I ended up with this analysis and thought it might help if I sent a copy to you ahead of time.

Please feel free to call if you have any questions before then, or else I'll plan to call you on Wednesday.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent



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

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Please feel free to call if you have any questions before then, or else I'll plan to call you on Wednesday.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

WHITAKER RIGHTS:

43-2294

- This license was originally issued for 6 cfs on 700 acres in Sections 8 & 17, T14S, R27E from 4 wells in the SWSW of Section 17
- Transfer # 2154 (approved 10/77) split off 200 acres in Section 8 and 1.71 cfs and changed the Point of Diversion (POD) to a well in the NWSE of Section 8 (Water Right part "B")
- Transfer # 2822 (approved 6/83) split another 40 acres in Section 8 and .34 cfs and changed the PODs to 3 wells in Section 8 (NWSE, SWSW, & NWSW) (Water Right part "F")
- Whitaker originally claimed both of the above under AJ Claim 43-2294B, but since it was actually a combination of B & F, the claim was renumbered to 43-2294G (240 acres and 2.05 cfs)
 - o **43-2294G** was recommended as claimed, but in a 329.3 acre Permissible Place of Use (PPU), limited to 240 acres, from the 3 wells
- Transfer # 2756 (approved 6/83) was filed by Tracy and split off another 60 acres in Section 8 and .514 cfs and changed the POD to a well in the SWSW of Section 8 (Water Right part "D")
- It was claimed, as transferred, by Tracy under 43-2294D and later sold to Whitaker
 - o **43-2294D** was recommended as claimed, but in a 329.3 acre PPU, limited to 60 acres, and to all three wells

43-10425

- This claim was filed by Whitaker as a combination of two old statutory claims:
 - (43-4055 4/1/1959 3 cfs 320 ac well in SWSW of Sec. 8, originally filed by Tracy)
 - (43-4149 4/1/1955 2.4 cfs 100 ac wells in SWSW & NWSW Sec. 8, originally filed by Whitaker - no Evidence of Priority ever submitted for well in NWSW)
- Whitaker claimed priority date of 4/1/1959, 3.55 cfs (1.15 from 43-4055 & 2.4 cfs from 43-4149) on 280 acres (same acres as previously licensed under 43-2294, **except for the 40 acres in the NESE**, which were never licensed or covered by transfers
 - o I recommended this right for only .44 cfs because not enough information had been provided on the development of the wells

43-10289

- This claim was filed by Tracy as 19% (.56 cfs) of 43-4055 on 60 acres, later sold to Whitaker
 - o I recommended this right as an Expansion claim of the previous rights to cover the extra acres in the NESE

OBJECTION RESOLUTIONS/PROPOSALS

- Additional information on the development of the wells has been provided so a total of 6 cfs can be recommended for all rights (inch per acre on 300 acres)
 - **43-10425** could now be recommended as 3.44 cfs, amount needed to bring system total to 6 cfs or an inch per acre for the 300 acres, not covering the expansion acres in the NESE. (These acres don't appear irrigated in either the '62 or '68 aerial photos, nor were they included in the transfers approved in '77 and '83.)
 - **43-10289** could still be recommended as an expansion claim of the other three rights, to cover the extra 29.3 acres, with no additional diversion rate or volume and a 6/30/1985 priority date
 - Or, all the rights could be recommended as claimed, but limited to a total of 6 cfs when combined and to a total of 300 acres within a PPU of 329.3 acres
 - You could file an additional expansion claim to pick up the extra 29.3 acres (**\$50.00 filing fee & Motion to the Court required**)
- Objection stated the well in the NWSE *may* be in the NWNWSE. The claim and recommendation were for the SWNWSE. I did a GPS reading when I was there, and while the well is *very* close to being in the middle of the $\frac{1}{4}$ $\frac{1}{4}$, I believe it is *slightly* to the NW. (657' to the N $\frac{1}{4}$ line, 665' to the S $\frac{1}{4}$ line)
- Objection stated the Priority Date on 43-10425 should be 1955. 1959 was claimed because it was a combination of two rights with differing priority dates, thereby getting the later date. The 1959 date came from 43-4055, originally filed by Tracy on the well in the SWSW of Section 8; there was an affidavit in the file signed by you and others stating that the use began in 1959. The 1955 date came from 43-4149, originally filed by you on the Tracy well **and** the one in the NWSW. If you want the 1955 date, you must split out the claim and file an additional one (**\$50.00 filing fee and Motion to the Court required**), and you will need to submit Evidence of Priority for the other well, showing the use began in 1955 and identify which acres were irrigated at that time.

Claimed = 340 Ac.
GIS = 329.3 Ac.
Lic & C.U. = 300 Ac.
Exp = 29.3 Ac.

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
GIS	14S	27E	8							65	88	40	38	39	38	39	40	40	40	329.3	329.
43-2294G	14S	27E	8							10	10	40	40	10	10		40	40	40	240	
43-2294D	14S	27E	8											30	30					60	
43-10425	14S	27E	8							10	10	40	40	10	10	40	40	40	40	280	
43-10289	14S	27E	8											30	30					60	

[illegible][illegible][illegible]

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS
wparsons@pmt.org

RICHARD K. SMITH
smithrk@pmt.org

RANDOLPH C. STONE
rstone@pmt.org

LANCE A. LOVELAND
love9593@pmt.org

DAVID F. SHIRLEY
dshirley@pmt.org

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

RECEIVED

JAN 10 2002

January 9, 2002

Department of Water Resources

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707

RECEIVED

JAN 16 2002

Department of Water Resources
Southern Region

RE: Denton & Clela Whitaker
Water Right Nos. 43-02294G, 43-10425, & 43-10289
Our File No. 23341.010010

Dear Clerk:

Enclosed, for filing, is the Standard Form 1 Objection of Denton and Clela Whitaker relating to water rights numbered 43-02294G, 43-10425 and 43-10289.

Thank you for your courtesies. Should you have any questions, please contact me.

Very truly yours,

PARSONS, SMITH & STONE



William A. Parsons

WAP:sw

Enc.

cc: Mr. & Mrs. Denton Whitaker w/enc.
IDWR Document Depository w/enc.
Chief, Natural Resources Division w/enc.
US Department of Justice w/enc.

RECEIVED

JAN 10 2002

Department of Water Resources

RECEIVED

JAN 16 2002

Department of Water Resources
Southern Region

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

A. Subcase 43-02294G

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Denton Whitaker & Cleta Whitaker

Address: 2145 S. 2350 E.

Malta, ID 83342

Daytime Phone: 208-645-2518

Name & Address of Attorney, if any:

William A. Parsons

PARSONS, SMITH & STONE
Box 910

Burley, ID 83318

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Denton & Cleta Whitaker

Address: 2145 S. 2350 E.

Malta, ID 83342

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: At least 329"

4. ☒ **Priority Date**

Should be: 1955 on 43-10425

5. ☒ **Point(s) of Diversion**

Should be: On 43-10425 maybe should NW NWSE

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. I object because:

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Either some information furnished

to the IDWR was lost or not considered that would justify the increased
quantity of water or the Objecting Party needs to file a motion to file
a late claim or amendments to claims. At the time of filing, Whitaker
was assisted by Loren Holmes and was under the impression that all was

(cont. on attachment)

(Cont. From Page 2 SF.1 - Objection)

taken care of in the claim process, however that does not seem to be the case now. The objecting party has the map that Loren Holmes prepared for them and can be furnished on request or at a conference. The Objecting Party does not believe that all the water from the three points of diversion has been considered in the report or if it has then some late filings need to be made. The Objecting Party has had some serious illness within the family and has not been able to attend to all the details of this issue, and has therefore employed counsel to assist. Somehow the flow rate is wrong. If it cannot be corrected at this level, then the motion to file late claim or amended claim needs to be done because the use is being made of the increased flow.

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Cassia)

William A. Parsons, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

William A. Parsons
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 9, 2002

[Signature]
Notary Public for Idaho

Residing at: Murtaugh

My Commission Expires: 05/30/02

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 9, ²⁰⁰²~~199~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

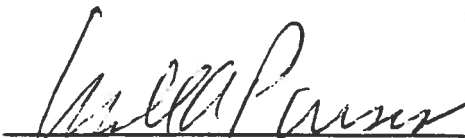
Name: Denton Whitaker & Clela Whitaker
Address: 2145 S. 2350 E.
Malta, ID 83342

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

VERIFIED BY *X* 3/15/01

03/15/2001

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

RIGHT NUMBER: 43-2294G

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

SOURCE: GROUND WATER

QUANTITY: 2.05 CFS
960 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 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	2.05 CFS 960.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T14S R27E S8	SWNW	6.5	T14S R27E S8	SENE	8.8
T14S R27E S8	NESW	40	T14S R27E S8	NWSW	38
T14S R27E S8	SWSW	39	T14S R27E S8	SESW	38
T14S R27E S8	NESE	39	T14S R27E S8	NWSE	40
T14S R27E S8	SWSE	40	T14S R27E S8	SESE	40

329.3 ACRES TOTAL

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Water Right 43-2294G

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-02294B &
43-02294F.

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

Idaho Department of Water Resources

43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434,
43-10627, 43-12958, 43-12959, & 43-12976 thru 43-12985



RECOMMENDED PLACE OF USE
DATA ENTRY ON MAR. 16, 2001
TWP 14S, RNG 27E, SEC. 8

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:49:51
03/13/01
6

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-02294G

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DENTON WHITAKER	03/05/1945	IRRIGATION	03-15 11-15	2.050 CFS	
C	CLETA WHITAKER					
TOTAL DIVERSION:					2.050 CFS	
~~CONSUMPTIVE USE:~~						

960 A1
(240 X 4
720.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T14S R27E S08 NWNWSW SWSWSW SWNWSE CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
14S	27E	8	:					:			10	10	:	40	40	10	10	:			40	40	:	240.0
TOTAL ACRES																						240.0		

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: A43-10425 & RAFT RIVER DECREES

Remarks: GEN TRANS. 2154 & 2822. THIS CLAIM IS BASED ON A COMBINATION OF
43-02294B & 43-02294F.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comb. of 43-02294B
43-02294F

Cond. Code C18
Remarks:
POU 1 K06 240A
E14 329.3
w/ab
QNT E27 3cfs
1200A
w/02294B
-10289
-10425
EXP K03
exp. cl
-102
P15 (Comb.)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:49:44
03/13/01

PAGE: 2
QUICKLOOK INFORMATION

5
CLAIM NUMBER: A43-02294G

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-							
POINT OF DIV	-							
SOURCE	-							
PLACE OF USE	-							
DIV. AMOUNT CFS/VOLUME	-							
CONSUMPTIVE USE	-							
PURPOSES OF USE	-							
PERIOD OF USE	-							
BASIS OF CLAIM	-							
REMARKS	-							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

RECEIVED

 Transfer No. 2154

 Application No. 43-2294

OCT 20 1977

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

 Department of Water Resources
SOUTHERN DISTRICT OFFICE

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

 Name of applicant Denton (Denny) &/or Cleta Whitaker Phone 645-2518

 Post office address Malta, Idaho

DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to

 (Name)
in case of _____ vs _____

 dated _____ in _____ county of _____
(Name of court)

b. License No. 43-2294 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

acquired by purchase of land (quitclaim deeds attached)

3. Source of water groundwater tributary to _____

4. Date of priority March 5, 1945

5. Water is used for the following purposes:

 amount 6.0cfs for irrigation purposes from Mar. 15 to Nov. 15

amount _____ for _____ purposes from _____ to _____

 amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 6.0 cubic feet per second &/or b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17 Township 14S Range 27E, B.M., in Cassia County Additional points of diversion, if any _____

8. Lands irrigated or place of use:

P.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
IS	27E	8							10	10	40	40	40	40		40	40	40	300
		17	40	40	40	40	40	40	40	40	40	40							400

 Total number of acres to be irrigated 700

1177-CL

B. DESCRIPTION OF PORTION OF RIGHT TO WATER. IF THE CHANGE IS REQUESTED OF THE ENTIRE RIGHT, the requested changed, omit part B)

1. Amount of water: a. 1.71 cubic feet per second &/or acre feet per annum
b.
2. Point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17 Township 14S
Range 27E., B.M., Cassia County
Additional points

3. Place of use:

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14S	27E	8							10	10	40	40	10	10		40	20	20	200

DESCRIPTION OF RIGHT OR PORTION THEREOF, AND THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 1.71 c.f.s. &/or acre feet
 - b. Point(s) of diversion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8 Township 14S
Range 27E., B.M., Cassia County
Additional points
 - c. Description of diverting works well, pump, sprinklers
 - d. Describe the reasons for applying for a change in the point(s) of diversion
original wells are not on applicant's land; applicant does not have use of original water source.

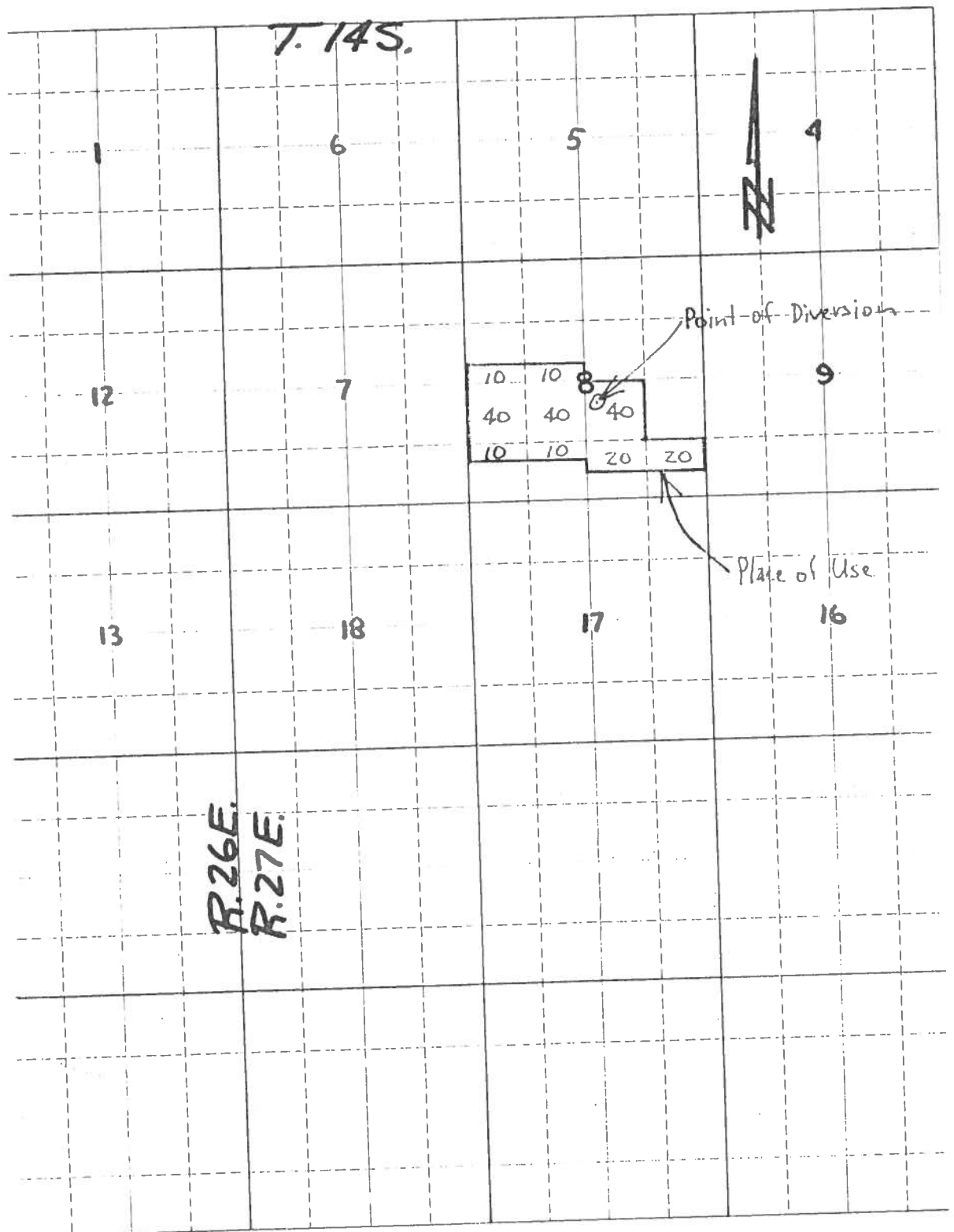
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
		NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
27E	8							10	10	40	40	10	10		40	20	20	200

Total number of acres to be irrigated 200

- b. 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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Denton L. Larkin
(Signature of applicant)

Subscribed and sworn to before me this 16 day of August, 19 77

Michael L. Stule
(Notary public)

My commission expires September

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

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 11 day of October, 19 77

[Signature]
Deputy Director

FOR DEPARTMENT USE ONLY

Received by ADM Date 8/16/77
Prelim. check by CLF Fee 10⁰⁰ #8713
Receipted by [Signature] Date 8/16/77
Published in South Idaho Press
Pub. dates 9/6 + 9/13/77
Watermaster recommendation requested on _____
rec'd. _____

Protest filed by _____
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by Michael L. Stule

RECEIVED

MAR 11 1974

Department of Water Administration
Southern District Office

March 8, 1974 **CERTIFIED MAIL**

Re: Application for Transfer
of Water Right No. 43-2294

Warr Brothers
Malta,
Idaho 83342

Gentlemen:

Enclosed you will find a Memorandum Decision and Order along with a copy of your Application for Transfer of Water Right No. 43-2294 which has been DENIED by this Department.

If you should have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosures

cc: Mr. Lloyd J. Webb
Enc: Copy of Memorandum Decision
and Order

bc: Southern District Office ✓

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

THE MATTER OF APPLICATION FOR
TRANSFER OF WATER RIGHT NO. 43-2294
in the name of WARR BROTHERS

MEMORANDUM DECISION
AND ORDER

On March 8, 1946, License No. 19600/43-2294 was issued, with a priority of March 6, 1945, to the Malta Land and Irrigation Company for the diversion and use of 2.0 cubic feet per second of water from five wells located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Twp. 14S, Rge. 27E, B.M. The water was to be used for the irrigation of the S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17, all in Twp. 14S, Rge. 27E, B.M. This license was issued with the limitation that the water covered by the license is supplemental to decreed rights from other sources.

On July 23, 1963, the lands irrigated under this license, along with other adjoining lands, were included within a designated critical groundwater area.

On December 7, 1973, an application for transfer of water right was submitted by Warr Brothers, a partnership, requesting a change in a portion of the place of use and one point of diversion. The applicant requests that 2.57 cubic feet per second of water be diverted from a well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, Twp. 15S, Rge. 26E, B.M., for the irrigation of 300 acres of land in the W $\frac{1}{2}$, Sec. 36, Twp. 15S, Rge. 26E, B.M.

On January 4, 1974, the Department received a protest against the approval of this application from Frank Olson and Glen Olson. A conference was held to consider this application, and protests, at Burley, Idaho.

The applicants and protestants agreed to allow the Department of Water Administration to render a decision based upon statements made at the conference, the information contained in the records of the Department, and the Department's understanding of the law. The Director of the Department of Water Administration, therefore, makes the following Findings of Fact, Conclusions of Law, and Order:

Findings of Fact

(1) The applicants have constructed about 1700 feet of concrete lined ditch, and installed 3000 feet of mainline, and a sprinkler system for the irrigation of the land in Section 17. This has improved the irrigation efficiency so that in most years there is adequate water for the irrigation of that land under the decreed water rights from the

t River.

(2) The land in Section 17, from which the water right license is proposed to be transferred, will continue to be irrigated by water from the Raft River.

(3) The water right requested transferred is supplemental, and has only been used during the time that surface water is unavailable.

(4) The land in Section 36, to which the water is proposed to be transferred, is not presently irrigated.

(5) The major portion of the water rights decreed from Raft River, for use on the land in Section 17, may be diverted and used during the period of April 1 to October 1 each year.

Conclusions of Law

(1) It is agreed that a wateruser should be encouraged to increase the efficiency of his irrigation system, however, in this instance the irrigation of an additional 300 acres would require the use of more water than that to which the applicants are entitled.

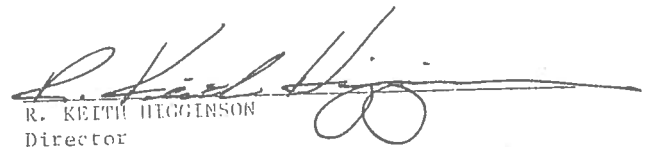
(2) The applicant would, if the transfer were allowed, be taking water from the groundwater source as the primary source of water that will be diverted during the entire season, rather than as a supplemental source diverted only during the periods of the year that surface water is not available. During most years this would create an additional withdrawal of water from the groundwater system, and therefore, cause injury to other existing water rights.

(3) If this water right license is transferred there would not be adequate water remaining after October 1 to irrigate the 300 acres of land from which it was removed.

Order

IT IS, THEREFORE, ORDERED that Application for Transfer of Water Right No. 43-2294 is hereby DENIED.

Dated this 7 day of March, 1974.


R. KEITH HIGGINSON
Director

DF:JC

Identification No. _____

Transfer No. 43-2294

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

DENIED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Warr Brothers (a partnership)
Post office address Malta, Idaho 83342

2. Right obtained by:

a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____

b. License No. 43-2294 issued by the State of Idaho, Department of Reclamation.

3. Source of water Groundwater tributary to _____
(Name of stream or source)

4. Date of Priority March 5, 1945

5. Amount of water a. 6 c.f.s. and/or

b. _____ acre feet/annum

6. Water is used for Irrigation from Mar. 15 to Nov. 15
(Month, Day) (Month, Day)

7. Original location of point of diversion is SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17,
Township 14S, Range 27E, B.M., in Cassia County;

Additional points of diversion, if any 5 points of diversion

8. Lands presently irrigated or place of use:

RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
		NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
27E	8							10	10	40	40	40	40		40	40	40	300
	17	40	40	40	40	40	40	40	40	40	40							400

Total number of acres presently irrigated 700

was not original holder of this right explain how it was a ed
by right of purchase

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 2.57 c.f.s. and/or acre feet
- b. New point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 15S
 , Range 26E, B.M.

c. Description of method of diversion and conveyance from new points of diversion:
Deep well mainline and sprinklers

- d. Is water to be conveyed to the lands previously irrigated? Yes No X

If not, the place of use should be changed below.

- e. Describe the reasons for applying for a change in the point of diversion:
The water can be more efficiently used on the new lands.

- f. Do you intend to make the transfer permanent? Yes

- g. Do you intend to abandon completely the old point of diversion? Yes

- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

NP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4S	27E	17	Lands irrigation water was removed from																300
			20	20	40	40	10	10	40	40	40	40							
			New lands to be irrigated.																
15S	26E	36					40	40	40	40	40	40	20	40					300

Total number of acres to be irrigated 300

[illegible]

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
We have groundwater and surface water rights associated with these lands we
are transferring our Right No. 43-2294 only.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Wan Brothers by Gene Warr
(signature of applicant)

Subscribed and sworn to before me this seventh day of December, 1973

John M. Maceromith
(notary public)

My commission expires June 15, 1977

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2294
and said application is hereby DENIED

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: Pursuant to Memorandum Decision of
this date.

Witness my hand this 7 day of March, 1974

DENIED

[Signature]
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by mls Date 12/7/73

Prelim. check by RWM Date 12-7-73

#11734 Fee received by juw Date 12-7-73 Fee \$30.00

Approved for publication by RWM

Published in South Idaho Press Dates 12-18 & 12-25-73

Hearing held _____

Watermaster Recommendation sent _____

Protest filed by: _____ Date _____

RESOLUTION #83-4

The Board of Directors of Columbia Basin Electric Cooperative, Inc., on February 10, 1983, did adopt unanimously the following resolution to be sent to the Washington Public Power Supply System Executive Board and all public power agencies of the Northwest.

WHEREAS the Washington Public Power Supply System has failed to build any of the nuclear plants within the original cost estimates,

WHEREAS the huge cost overrun and mismanagement from the Washington Public Power Supply System projects have caused serious damage to the economy of the Northwest,

WHEREAS the Washington Public Power Supply System has failed to represent the interests of ratepayers and utilities of the Northwest,

WHEREAS the continuance of the Washington Public Power Supply System has represented the interests of bondholders on the projects and that said interest is in direct conflict with the interests of the ratepayers and utilities of the Northwest,

WHEREAS the Washington Public Power Supply System projects have done incalculable and irreparable damage to the credibility of Public Power in the Northwest,

THEREFORE, be it resolved that the Board of Directors of Columbia Basin Electric Cooperative, Inc. hereby demands that the Executive Board pursue immediately Chapter 9 bankruptcy for all the Washington Public Power Supply System projects.

H. C. Wright
Fred Greiner
Kenneth C. Wright
Frank Bettencourt
Wm. C. Collins

H. C. Wright, President
Fred Greiner, Vice President
Kenneth C. Wright, Secretary-Treasurer
Frank Bettencourt, Director
Wm. C. Collins, Director
Walter Jaeger, Director
Bob Lankford, Director
Dexter Miles, Director
Harold Rietmann, Director

Bob Lankford
Dexter M. Miles
Harold Rietmann

RECEIVED

JUN 22 1983

Department of Water Resources
Southern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**Name of applicant Denton (Denny) &/or Clea Whitaker Phone 645-2518Post Office address Malta, ID 83342**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenantPurchase of land & portion of water right**3. Source of water** Groundwater tributary to _____**4. Date of priority** March 5, 1945**5. Water is used for the following purposes:**

amount 4.29 cfs for Irrigation purposes from Mar 15 to Nov 15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 4.29 cubic feet per second
&/or
b. _____ acre feet per annum**7. Location of original point of diversion is** SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17Township 14S Range 27E, B.M., in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14S	27E	8											30	30			20	20	100
		17	40	40	40	40	40	40	40	40	40	40							400

Total number of acres to be irrigated 500**9. Describe any other water rights used for the same purpose as described above**Claim 43-4055**10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse?** No

DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water 0.34 cubic feet per second
&/or
b. _____ acre feet per annum

Point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17 Township 14S
Range 27E, B.M., Cassia County
Additional points _____

3. Place of use:

T.P.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4S	27E	8															20	20	40

Total number of acres to be irrigated 40

DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 0.34 c.f.s. &/or _____ acre feet
b. Description of diverting works 3 wells & pumps, pipelines, sprinklers
c. Describe the reasons for the proposed changes Allow water to be pumped from wells
that the new land owner either owns or has access to.

2. Change in point of diversion

Point of diversion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8 Township 14S
Range 27E, B.M., Cassia County
Additional points SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8 T. 14S R. 27E

3. Change in place of use No Change

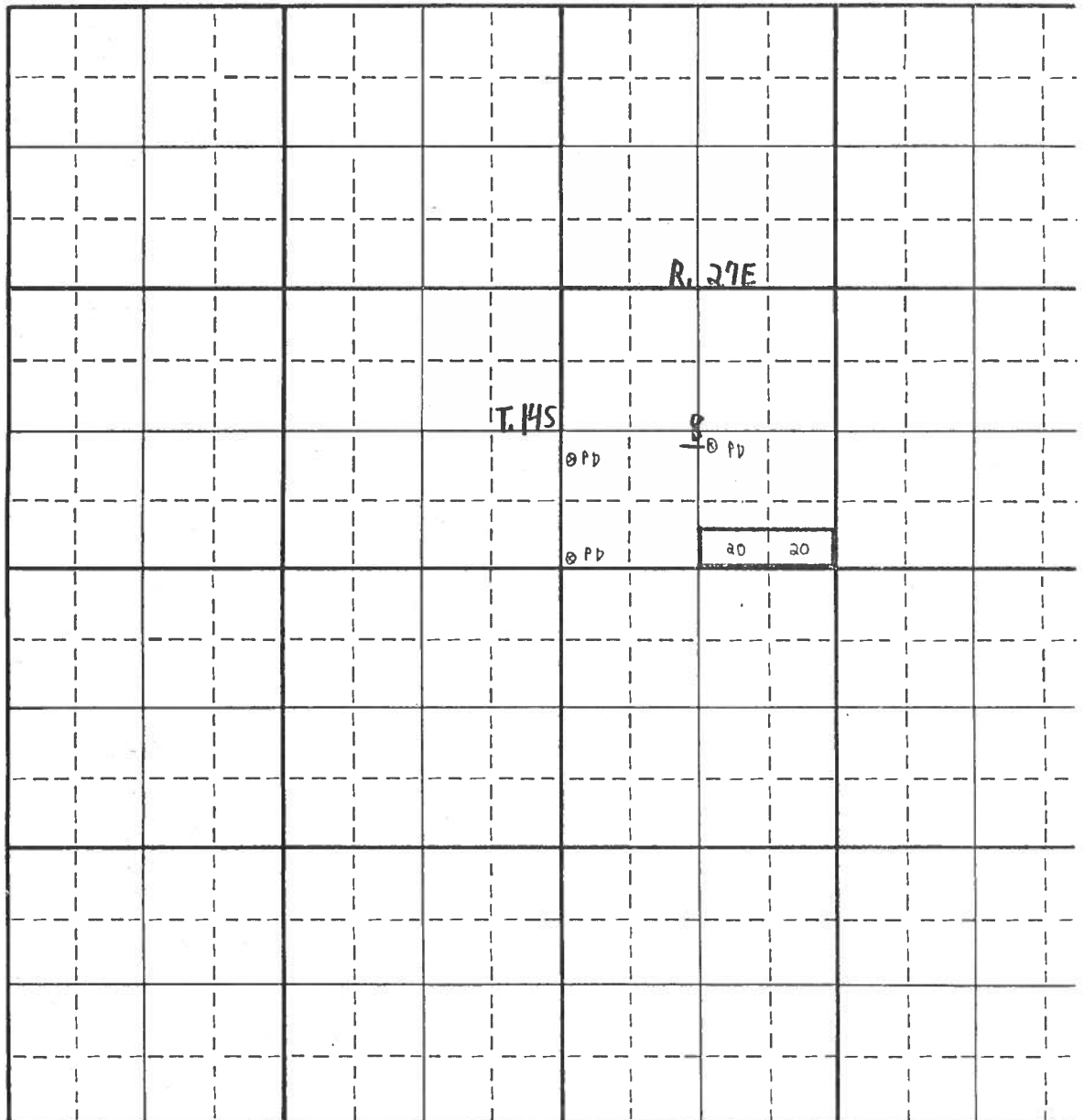
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
none/ Raft River decreed rights
5. 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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in 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.

Denton Whitaker
(Signature of Applicant)

Subscribed and sworn to before me this 31st day of March, 19 83

Loren O. Halmer
(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. 43-2294A
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 <u>GO</u>	Date <u>3-31-83</u>	Protest filed by <u>None</u>
Prelim. check by <u>ADM</u>	Fee <u>\$50.</u>	
Receipted by <u>GO</u>	Date <u>3-31-83</u> # <u>26141</u>	
Published in <u>South id press</u>		Copies of protest forwarded by _____
Pub. dates <u>4/21 & 4/28/83</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>N/A</u>		Recommended for <u>approval</u> denial
_____ rec'd. _____		by <u>ADM Jm</u>

CLAIM NUMBER A43-02294G DATE _____
AGENT _____

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL 240
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							10	10	40	40	10	10		40	40	40
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 _____

SD-0611-2 Basin: 43 Starting Water Right: 02294

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
-	43-02294			00/00/0000	/			WI
-	43-02294A			00/00/0000	/			WI
X	43-02294B	WHITAKER, DENTON WHITAKER, CLETA	C C	03/05/1945	L/	GROUNDWATER	IRR	WI
-	43-02294C			00/00/0000	/			WI
X	43-02294D	TRACY, MAXINE A. TRACY, JUAN M.	C C	03/05/1945	L/	GROUNDWATER	IRR	WI
X	43-02294E	MALTA LAND & IRRIGAT	C	03/05/1945	L/	GROUNDWATER	IRR	WI
X	43-02294F	WHITAKER, DENTON WHITAKER, CLETA	C C	03/05/1945	L/	GROUNDWATER	IRR	WI
-								
X	A43-02294B	RENUMBERED CLAIM COMBINED RIGHT	C C	03/05/1945	/Z	GROUNDWATER RENUMBERED CLAIM COMBINED RIGHT	IRR	Ai
-								
X	A43-02294D	TRACY, JUAN M TRACY, MAXINE A	C C	03/05/1945	L/	GROUNDWATER	IRR	Ai

*Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
 (Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

240/329.3 PP4

[illegible]

*Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

DATE: 10/13/99
PAGE: 1

DIVERSION
VOLUME

	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
T R S :	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
14S 27E 8 :	:	:	:	:	10	10	:	:	40	40	10	10	:	:	200.0 200.0		

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

Other Water Rights Listing Overlapping Place(s) of use:

43-00164A	43-00165A	43-00166A	43-00167	43-00168A	43-00169B	43-00169C	43-00170	43-00172A	43-00173B
43-00175A	43-00176A	43-00178C	43-02294D	43-02294F	43-02296A	43-02296B	43-02372	43-04055	43-04149
43-04208									

Dates:	
App. Received:	Priority Date:
Proof Due Date:	Proof Made Date:
Exam Made Date:	Exam Sent to S.O.:
Licensed Date:	
10/07/1983	03/05/1985

Misc: Water District Number: Field Exam Fees:

Audit:	03/26/85	05/28/88	CONVERT	07/18/89	CURTIS
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WR5809NP
NO. 43-02294E

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/13/99
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MALTA LAND & IRRIGATION CO. MALTA ID 83342	03/05/1945	IRRIGATION	03/15 11/15	3.436 CFS	
TOTAL DIVERSION:					3.436 CFS	

Water Source: GROUNDWATER Tributary to: Stage: LICENSE
Point(s) of Diversion: T14S R27E S17 SMSW CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
14S 27E 17	: 40	: 40	: 40	: 40	: 40
TOTAL ACRES					400.0

Pou County: CASSIA

Other Water Rights Listing Overlapping Place(s) of use:

43-00164A	43-00165A	43-00166A	43-00167	43-00168A	43-00169B	43-00169C	43-00170	43-00172A	43-00173
43-00175A	43-00176A	43-00178C	43-02389	43-02419	43-02420	43-04034			

Dates: App. Received: Priority Date: 03/05/1945
Proof Due Date: Proof Made Date: Exam Made Date: Exam Sent to S.O.: Licensed Date: 10/07/1983

Misc: Water District Number: Field Exam Fee:
Audit: 03/26/85 05/28/88 CONVERT 07/18/89 CURTIS

DIVERSION RATE	DIVERSION VOLUME
0.340 CFS	
0.340 CFS	

Stage: LICENSE

CASSIA County

SEE

TOTAL ACRES

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):	43-02294B	43-02294D	43-02372	43-04055	43-04149

Other Water Rights Listing Overlapping Place(s) of use:			
43-001698	43-00170	43-00173	43-00178C
			43-022948
			43-04055
			43-04149

03/05/1945

Priority Date:
Proof Made Date:
Exam Sent to S.O.:

Field Exam Fee:

Audit:	03/26/85	05/28/88	CONVERT
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DATE: 10/13/99
PAGE: 4

DATE: 10/13/99
PAGE: 1

Remarks:	GEN	TRANS.	2756.	
Dates:	Exam Made Date:	Verified Date:	03/26/1985	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:		
		Presumption Flag:		
Audit:	05/31/89	OLENICHA	03/30/95	POST-STD

DATE: 10/13/99
PAGE: 2

Stage: LICENSE

CASSIA County
CASSIA County

ME

TOTAL ACRES

Other Rights: A4310381,00173,00177

Dates:	Exam Made Date:	Verified Date:	03/26/1985	Objection Filed Date:
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Field Inspection Flag: C
Presumption Flag:

06/07/89	SSRBA	03/30/95	POST-STD
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DATE: 10/13/99
PAGE: 3

Stage: LICENSE

CASSIA County

SEE

TOTAL ACRES

Other Rights: A43-10425 & RAFT RIVER DECREES

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	

Audit: 12/26/91 BAUMHOFF 03/30/95 POST-STD

State of Idaho
License and Certificate of Water Right
43-2294

Water License No. 20600

Amount Six (6) second feet

Water District No.

Priority March 1, 1945

THIS IS TO CERTIFY that **WILKINSON LAND & RECLAMATION COMPANY**

of **Idaho**, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated **March 1, 1945**, and that **March 1, 1945** was issued under said application that Certificate of Appropriation of water, with a carrying capacity of **6** second feet, was issued to the said **WILKINSON LAND & RECLAMATION COMPANY**, showing that said work were completed on the **24th** day of **March**, **1945**, and that on the **11th** day of **April**, **1945**.

WILKINSON LAND & RECLAMATION COMPANY

of **Idaho**, State of **Idaho**, made application for the satisfaction of the State Reclamation Engineer of the right to use the waters of **Snake River** (subterranean) tributary of **Snake River** for the purpose of **Irrigation Reclamation** under the Permit No. **20600** of the Department of Reclamation and that said right to the use of said water has been perfected in accordance with the laws of Idaho and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **7** of Licenses at page **4200** on the **11th** day of **March**, **1945**.

The right hereby confirmed dates from **March 1, 1945**.

The Point of Diversion is located

in the **SW 1/4** of **Sec. 17**, **T. 34 N.**, **R. 27 E.**, **B. 1**, **Ocean 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 required and beneficially used for said purposes, and shall not exceed **6.7** cubic feet per second.

Description and location of land:

Tract Range	Forty-acre Tract	No Acres Described in Permit	No Acres Actually Irrigated
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The water is used by the licensee for supplemental to ground plants from other sources, and is appurtenant to the following described lands:

1/2 Sec. 34, T. 34 N., R. 27 E., B. 1
1/2 Sec. 35, T. 34 N., R. 27 E., B. 1
1/2 Sec. 36, T. 34 N., R. 27 E., B. 1
1/2 Sec. 37, T. 34 N., R. 27 E., B. 1
1/2 Sec. 38, T. 34 N., R. 27 E., B. 1
1/2 Sec. 39, T. 34 N., R. 27 E., B. 1
1/2 Sec. 40, T. 34 N., R. 27 E., B. 1
1/2 Sec. 41, T. 34 N., R. 27 E., B. 1
1/2 Sec. 42, T. 34 N., R. 27 E., B. 1
1/2 Sec. 43, T. 34 N., R. 27 E., B. 1
1/2 Sec. 44, T. 34 N., R. 27 E., B. 1
1/2 Sec. 45, T. 34 N., R. 27 E., B. 1
1/2 Sec. 46, T. 34 N., R. 27 E., B. 1
1/2 Sec. 47, T. 34 N., R. 27 E., B. 1
1/2 Sec. 48, T. 34 N., R. 27 E., B. 1
1/2 Sec. 49, T. 34 N., R. 27 E., B. 1
1/2 Sec. 50, T. 34 N., R. 27 E., B. 1
1/2 Sec. 51, T. 34 N., R. 27 E., B. 1
1/2 Sec. 52, T. 34 N., R. 27 E., B. 1
1/2 Sec. 53, T. 34 N., R. 27 E., B. 1
1/2 Sec. 54, T. 34 N., R. 27 E., B. 1
1/2 Sec. 55, T. 34 N., R. 27 E., B. 1
1/2 Sec. 56, T. 34 N., R. 27 E., B. 1
1/2 Sec. 57, T. 34 N., R. 27 E., B. 1
1/2 Sec. 58, T. 34 N., R. 27 E., B. 1
1/2 Sec. 59, T. 34 N., R. 27 E., B. 1
1/2 Sec. 60, T. 34 N., R. 27 E., B. 1
1/2 Sec. 61, T. 34 N., R. 27 E., B. 1
1/2 Sec. 62, T. 34 N., R. 27 E., B. 1
1/2 Sec. 63, T. 34 N., R. 27 E., B. 1
1/2 Sec. 64, T. 34 N., R. 27 E., B. 1
1/2 Sec. 65, T. 34 N., R. 27 E., B. 1
1/2 Sec. 66, T. 34 N., R. 27 E., B. 1
1/2 Sec. 67, T. 34 N., R. 27 E., B. 1
1/2 Sec. 68, T. 34 N., R. 27 E., B. 1
1/2 Sec. 69, T. 34 N., R. 27 E., B. 1
1/2 Sec. 70, T. 34 N., R. 27 E., B. 1
1/2 Sec. 71, T. 34 N., R. 27 E., B. 1
1/2 Sec. 72, T. 34 N., R. 27 E., B. 1
1/2 Sec. 73, T. 34 N., R. 27 E., B. 1
1/2 Sec. 74, T. 34 N., R. 27 E., B. 1
1/2 Sec. 75, T. 34 N., R. 27 E., B. 1
1/2 Sec. 76, T. 34 N., R. 27 E., B. 1
1/2 Sec. 77, T. 34 N., R. 27 E., B. 1
1/2 Sec. 78, T. 34 N., R. 27 E., B. 1
1/2 Sec. 79, T. 34 N., R. 27 E., B. 1
1/2 Sec. 80, T. 34 N., R. 27 E., B. 1
1/2 Sec. 81, T. 34 N., R. 27 E., B. 1
1/2 Sec. 82, T. 34 N., R. 27 E., B. 1
1/2 Sec. 83, T. 34 N., R. 27 E., B. 1
1/2 Sec. 84, T. 34 N., R. 27 E., B. 1
1/2 Sec. 85, T. 34 N., R. 27 E., B. 1
1/2 Sec. 86, T. 34 N., R. 27 E., B. 1
1/2 Sec. 87, T. 34 N., R. 27 E., B. 1
1/2 Sec. 88, T. 34 N., R. 27 E., B. 1
1/2 Sec. 89, T. 34 N., R. 27 E., B. 1
1/2 Sec. 90, T. 34 N., R. 27 E., B. 1
1/2 Sec. 91, T. 34 N., R. 27 E., B. 1
1/2 Sec. 92, T. 34 N., R. 27 E., B. 1
1/2 Sec. 93, T. 34 N., R. 27 E., B. 1
1/2 Sec. 94, T. 34 N., R. 27 E., B. 1
1/2 Sec. 95, T. 34 N., R. 27 E., B. 1
1/2 Sec. 96, T. 34 N., R. 27 E., B. 1
1/2 Sec. 97, T. 34 N., R. 27 E., B. 1
1/2 Sec. 98, T. 34 N., R. 27 E., B. 1
1/2 Sec. 99, T. 34 N., R. 27 E., B. 1
1/2 Sec. 100, T. 34 N., R. 27 E., B. 1

The right to the use of the water above and hereby confirmed was granted 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, **W. H. B. B. B.**, this **11th** day of **March**, **1945**.

W. H. B. B. B.

State Reclamation Engineer

(Seal)