

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: A43-04118
Date Received: 5/24/1989
Receipt No: 5007304
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

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

2. Date of Priority: JAN 01, 1917

3. Source: EIGHTMILE CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	28E	5	SW	NE	SE		CASSIA

5. Description of diverting works:
EARTH DAM TO BURIED PLASTIC PIPELINE 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	2.700		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 337.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 300 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	28E	5	NE		SW		IRR	9.0
			NE		SW		STOCK	
			NW		SW		IRR	31.0
			NW		SW		STOCK	
			SW		SW		IRR	25.0
			SW		SW		STOCK	
			SE		SW		IRR	10.0
			SE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
			Section Acres					75.0
		6	NE		SE		IRR	35.0
			NE		SE		STOCK	
			NW		SE		IRR	25.0
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
			Section Acres					60.0
			Total Acres					135.0

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:
PERMIT 43-7213

14. Remarks:

THIS CLAIM IS FOR ALL OF THE WATERS OF EIGHTMILE CREEK. 2.7 CFS IS AN ESTIMATE OF THE AVERAGE FLOW OF THE CREEK BUT AT TIMES LARGER OR LESSER AMOUNTS FLOW FROM THE STREAM. THE CATTLE DRINK FROM THE CREEK, FROM THE DIVERSION RESERVOIR AND FROM THE PIPELINE WHICH IRRIG. THE PASTURE.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 Map

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Art Whitaker Date: 5/24/89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of May 19 89

[Signature]
Notary Public

Seal

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04118
ART WHITAKER
LARENE WHITAKER
P.O. BOX 64
MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

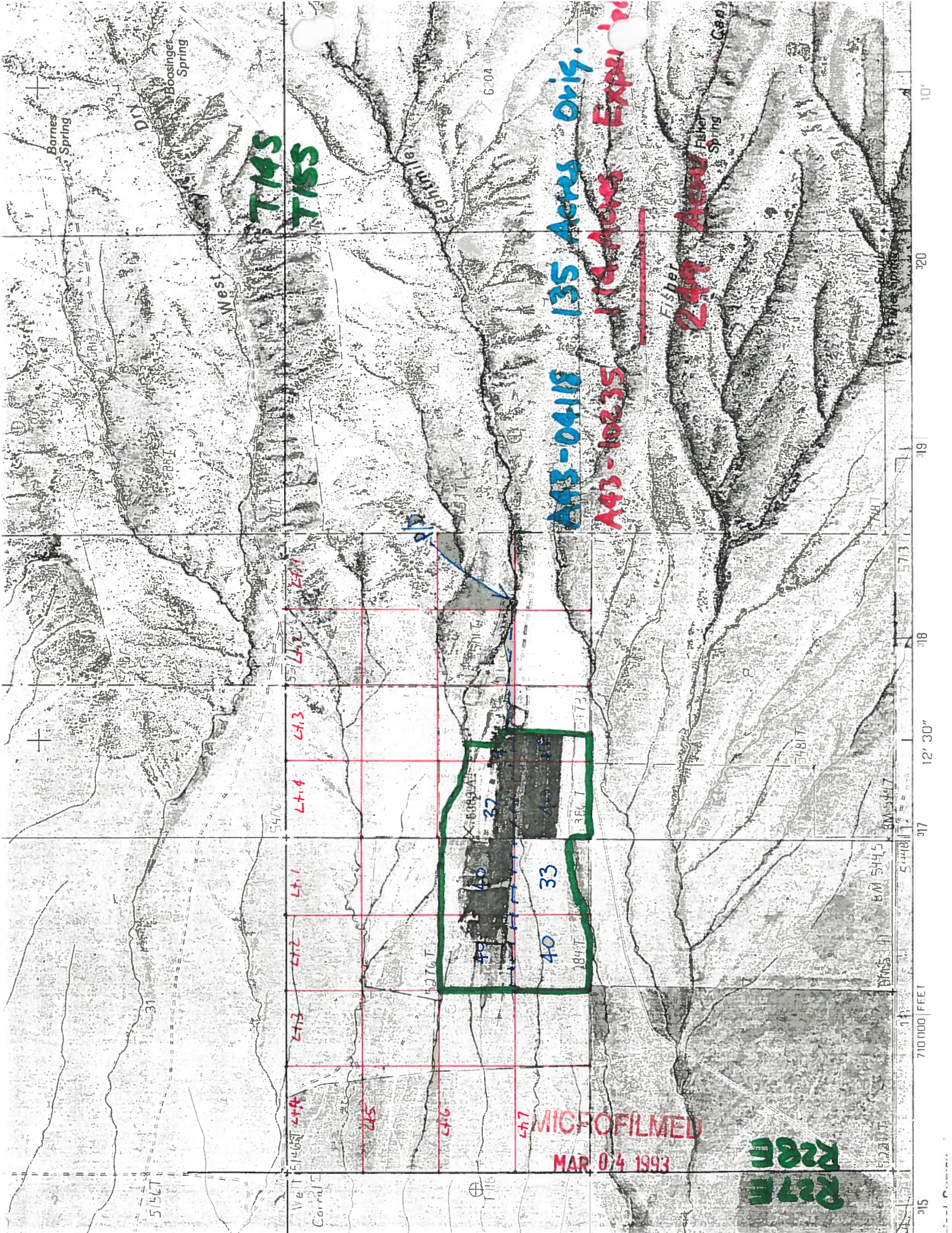
Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 04 1993



T14S
T15S

A43-0418 135 Acres Orig.
A43-10235 114 Acres Exp.

247 Acres

R27E
R28E

MICROFILMED
MAR 04 1993

710,000 FEET

12' 30"

18

19

20

10'

A43-04118

IN THE MATTER OF:)
)
Claim of Water Right to Eight)
Mile Creek by Harvey Wight)
Estate.)
_____)

AFFIDAVIT

STATE OF IDAHO)
) ss
County of Cassia)

MARK DURFEE, first being duly sworn, deposes and says:

That he is a resident of Cassia County, Idaho, and worked for Harvey Wight from 1953 until 1961 and during that time became acquainted with the Eight Mile Ranch and Eight Mile Creek situated in the following described property in Cassia County, Idaho:

Township 15 South, Range 28 East Boise Meridian

Section 5: W $\frac{1}{2}$, SE $\frac{1}{4}$

Section 6: S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

I irrigated for Harvey Wight during those years and placed water on the place. At no time did any of the water run off the place from the time I first arrived. There were ditches on the place to indicate that the place had been irrigated and from the topography of the land, the Eight Mile Creek could not, in its natural state, go any place else except through the ranch. There were no indications that the water had been used any where else but on the land in question. I have seen Harvey Wight's cattle obtain water from the creek, and have at no time seen anyone else using the water.

DATED this 18th day of January, 1982.

Mark Durfee
Mark Durfee

SUBSCRIBED AND SWORN to before me this 18th day of January, 1982.

Loa Dee Wagner
Notary Public for Idaho
Residing at Burley, Idaho

APR 8 1983

NOTARIAL

IN THE MATTER OF:)
)
Claim of Water Right to Eight)
Mile Creek by Harvey Wight)
Estate.)
_____)

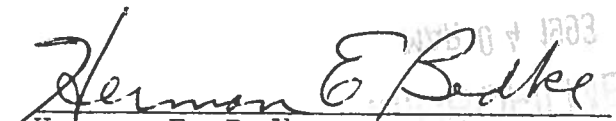
AFFIDAVIT

STATE OF IDAHO)
) ss
County of Cassia)

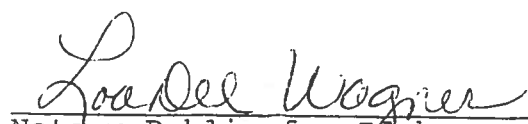
HERMAN E. BEDKE, first being duly sworn, deposes
and says:

That he is a resident of Cassia County, Idaho, and first became acquainted with the Eight Mile Ranch and creek known as Eight Mile Creek situated in Sections 5 and 6, Township 15 South, Range 28 East Boise Meridian, Cassia County, Idaho, in 1960, and have visited the ranch and the surrounding area periodically since such time. In 1960 when I was first on the ranch, Harvey Wight was irrigating approximately 135 acres with the entire stream of Eight Mile Creek having diverted it from the natural channel. It was evident to me at that time from the topography of the ground and the ditches constructed thereon that the land had been under irrigation for many years prior to that time. Harvey Wight was using the entire flow of Eight Mile Creek for irrigation of the land to raise hay for his cattle and for the watering of his cattle at all times when the same were on the ranch. I have seen at least 300 head of cattle on the ranch obtaining water from the said creek and I have observed the creek at various times of the year and the maximum flow of water in the creek I estimate to be approximately 130 inches, but the stream varied with the annual precipitation and the time of the year. At no time have I ever observed anyone else using the water, and, in fact, I believe that all the water is used on the place.

DATED this 23rd day of November, 1981.


Herman E. Bedke

SUBSCRIBED AND SWORN TO before me this 23rd day
of November, 1981.


Notary Public for Idaho
Residing at Burley, Idaho



3212.

ABSTRACT OF TITLE

TO

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE COUNTY OF CASSIA, STATE OF IDAHO, TO WIT:

THE SOUTH HALF OF THE NORTHEAST QUARTER, THE NORTH HALF OF THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, THE SOUTH HALF OF THE SOUTHEAST QUARTER, OF SECTION SIX, AND THE SOUTHWEST QUARTER OF SECTION FIVE, TOWNSHIP FIFTEEN, SOUTH OF RANGE TWENTY-EIGHT, EAST OF THE BOISE MERIDIAN.

A 43-04118

APPLICATION NO.	A90115
APPLICANT	D.D.Y.
STATE	IDAHO

Geo. D. Barnard & Co. St. Louis.

Leave open
MICROFILMED
MAR 14 1983
FEB 1

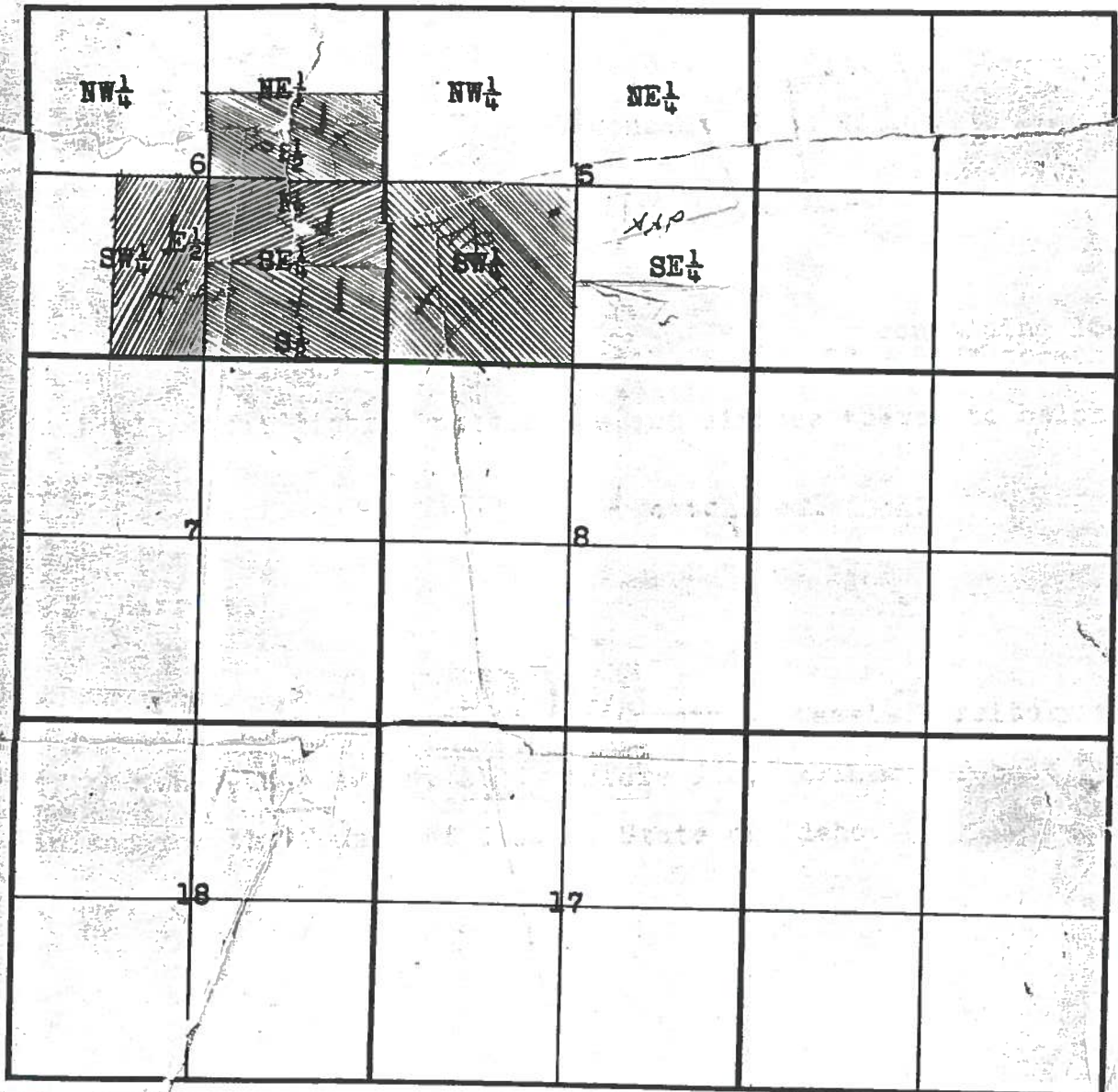
No. _____

Map of the Property Described in the Foregoing Caption

(Scale—40 Chains to the Inch)

Township FIFTEEN, SOUTH Range TWENTY-EIGHT, E.B.M.

NORTH



SOUTH

et No. _____



MICROFILMED
MAR U 4 1993

FLP 2

Filed, Oct. 19th, 1922,

Caption same as Complaint.

State of Idaho,)
County of Cassia,) ss

SHERIFF'S RETURN OF SALE OF REAL
ESTATE ON FORECLOSURE.

I, Steve Mahoney, the duly appointed, qualified and acting sheriff of the County of Cassia, State of Idaho, do hereby certify and declare that I received the within Writ of Execution on the 7th day of September, 1922, wherein and whereby I was directed to sell at public sale to the highest and best bidder for cash the following described real estate in the County of Cassia, State of Idaho, to-wit:

The S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6, SW $\frac{1}{4}$, Sec. 5, all in Twp. 15 S.R. 28, E.B.M. And all of the flow of the waters of that certain stream known as Eight Mile Creek; together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

That pursuan to said Writ of Execution, I duly caused three notices of sale particularly describing the property and the time and place of sale, to be posted for a period of twenty days preceding the date of sale, in three public places in the precinct of Bridge, County of Cassia, State of Idaho, the precinct in which said property is located; and I duly caused three notices of sale particularly describing the property and the time and place of sale to be posted in the precinct of Burley County of Cassia, State of Idaho, the precinct in which the said sale was held; that the said notices were posted on the 11th day of September, 1922 and remained posted until the time of said sale; that the said notices were posted in the Burley Precinct as follows; one at the front of the courthouse in Burley; one at the Nibley-Channel Lumber Company's yard; one at the post office.

I further certify and return that I caused a copy of said notice to be published in the Cassia County Courier, a weekly newspaper published at Burley in the County of Cassia, State of Idaho, for a period of twenty days, a copy of said notice of sale, particularly describing the premises to be sold and the time and place of sale; that the first publication was made on the 7th day of September, 1922 and the last publication was made on the 28th day of September, 1922, a copy of which notice, together with the affidavit of the publisher is hereto attached and made a part of this return. That pursuant to the notices so posted and published as aforesaid, I, the said sheriff on the 30th day of September, 1922, at the hour of eleven o'clock P.M. (Mountain Time), did offer for sale to the highest and best bidder for

27747
31 46P

MAR 4 1923 FLB 47

cash all of the property described in said Writ of Execution, and notices, in tracts of forty acres each; that I received no bid for the same or any part thereof; that I thereupon offered for sale all of the said premises in one tract or body; that I received therefor one bid the bid of Orson Platts, the plaintiff in the above entitled action; that the said Orson Platts did for the said premises and the whole thereof, together with the appurtenances, the sum of \$10,201.61, which bid was the highest and best bid received and the said Orson Platts was the highest and best bidder therefor; that thereupon I did sell to the said Orson Platts all of the following described premises in the County of Cassia, State of Idaho, to-wit:

The S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6, and SW $\frac{1}{4}$, Sec. 5, all in Twp 15 S.R. 28, E.B.M. together with all of the flow of the waters of that certain stream known as Eight Mile Creek, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

That all of the said sums after the payment of costs of sale were credited upon the judgment; that after crediting the sum bid upon the judgment, there still remains due and unpaid thereon, the sum of \$1600.00 for which said sum the plaintiff is entitled to a deficiency judgment.

That my fees for making said sale were as follows, to-wit:-----

Dated this 30th day of September, A.D. 1922.

Steve Mahoney
Sheriff Cassia County,
By. J. I. Burgess, Deputy.

MICROFILMED

MAR 4 1933

FLB 48

748
472

MORTGAGE.

✓ ORSON PLATTS, and
REBECKIE PLATTS, his wife,

Dated June 24, 1915.

TO

Filed Aug. 6, 1915, at 9:30 A.M.

THE UNION CENTRAL LIFE INSURANCE
COMPANY, a Corporation.

Recorded in Book 9 of Mtgs at
Page 505
Consideration: \$ 1500.00

DESCRIPTION:

S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, Twp. 15, S.R. 28 E.B.M. contain-
ing 160 acres together with all the waters of Eight Mile Creek.

THIS GRANT is intended as a Mortgage to secure the pay-
ment of a certain promissory note for \$1500.00, due Jan. 1, 1926,
with interest at the rate therein specified payable annually.

Orson Platts.

Rebeckie Platts.

Acknowledged in the County of Cassia, State of Idaho,
June 24, 1915, by Orson Platts and Rebeckie Platts, his wife, be-
fore H.J. Carlisle, a Notary Public in and for the said County and
State.

(SEAL)

Residing at Strevell, Idaho.

Rel. 11/31/19

MICROFILMED

MAR 04 1993

FLB 12

dt 11/2
122

05/11/2001

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-4118

ART WHITAKER
PO BOX 64
MALTA ID 83342
Telephone Number: (208)645-2292

LARENE WHITAKER
PO BOX 64
MALTA ID 83342
Telephone Number: (208)645-2292

RECEIVED

JUN 20 2001

Department of Water Resources
Southern Region

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

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

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

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

DATE: June 15, 01 SIGNATURE: Art D. Whitaker
Please print your name: ART D WHITAKER

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

01/25/2001

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

RIGHT NUMBER: 43-4118

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

SOURCE: EIGHTMILE CREEK TRIBUTARY: SINKS

QUANTITY: 2.7 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-10235 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.7 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.7 CFS: 43-07213, 43-10235.

PRIORITY DATE: 01/01/1917

POINT OF DIVERSION: T15S R28E S5 SWNESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	2.70 CFS
STOCKWATER	1-01 12-31	0.07 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T15S R28E S5	NESW	18	T15S R28E S5 NWSW 33
T15S R28E S5	SWSW	36	T15S R28E S5 SESW 17
T15S R28E S6	NESE	39	T15S R28E S6 NWSE 40
T15S R28E S6	SWSE	35	T15S R28E S6 SESE 27
STOCKWATER Within CASSIA County			
T15S R28E S5	NESW		T15S R28E S5 NWSW
T15S R28E S5	SWSW		T15S R28E S5 SESW
T15S R28E S5	NESE		T15S R28E S5 NWSE
T15S R28E S6	NESE		T15S R28E S6 NWSE
T15S R28E S6	SWSE		T15S R28E S6 SESE

245 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 245 ACRES IN A SINGLE
IRRIGATION SEASON. RIGHT NOS: 43-07213, 43-10235.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 135 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 - Beneficial Use

RIGHT NO. 43-10235 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.
STOCKWATER - 300 RANGE COWS

Old (0) Number -

Address - - - - - +

```

+ - - - Status - - -

```

SINKS

1
2
3
4
5
6
7
8
9
10

on Rate	Diversion Volume
2.700	
0.070	

+ - Total Consumptive Use	- +	+ - KW Usage	-
	0.0		

Place of Use									
+	+	+	+	+	+	+	+	+	+
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
15S	28E	5	NE SW		18.0	01	IRRIGATION	(31) CASSIA	
15S	28E	5	NW SW		33.0	01	IRRIGATION	(31) CASSIA	
15S	28E	5	SW SW		36.0	01	IRRIGATION	(31) CASSIA	
15S	28E	5	SE SW		17.0	01	IRRIGATION	(31) CASSIA	
15S	28E	6	NE SE		39.0	01	IRRIGATION	(31) CASSIA	
15S	28E	6	NW SE		40.0	01	IRRIGATION	(31) CASSIA	
15S	28E	6	SW SE		35.0	01	IRRIGATION	(31) CASSIA	
15S	28E	6	SE SE		27.0	01	IRRIGATION	(31) CASSIA	
15S	28E	5	NE SW			04	STOCKWATER	(31) CASSIA	
15S	28E	5	NW SW			04	STOCKWATER	(31) CASSIA	
15S	28E	5	SE SW			04	STOCKWATER	(31) CASSIA	
15S	28E	5	NE SE			04	STOCKWATER	(31) CASSIA	
15S	28E	5	NW SE			04	STOCKWATER	(31) CASSIA	
15S	28E	6	NE SE			04	STOCKWATER	(31) CASSIA	
15S	28E	6	NW SE			04	STOCKWATER	(31) CASSIA	
15S	28E	6	SW SE			04	STOCKWATER	(31) CASSIA	

	+-----+-----+-----+-----+-----+	-Comments-
Date: 01/10/2000 User Id: VHANCOCK Subject: RECOMMENDATION		
PERMISSIBLE PLACE OF USE. COMBINED LIMITS SEE FILE.		
Date: 01/10/2000 User Id: VHANCOCK Subject: COPIED FROM REMARKS		
THIS CLAIM IS FOR ALL OF THE WATERS OF EIGHTMILE CREEK. 2.7 CFS		IS AN ESTIMATE OF THE AVERAGE FLOW OF THE CREEK BUT AT TIMES
LARGER OR LESSER AMOUNTS FLOW FROM THE STREAM.		THE CATTLE DRINK FROM THE CREEK, FROM THE DIVERSION RESERVOIR AND
FROM THE PIPELINE WHICH IRRIG. THE PASTURE.		

Water right number - R43-04118

Prefix Translation: RESEARCH

+ - - Audit fields - - +
05/08/00 VHANCOCK

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +									
Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576	
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-		
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-		
Claim Received Date	-	05/24/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P	
			Receipt Number	-	S007304	Water District	-		
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S	
			Name Connector	-	AND/OR	Presumption Flag	-	C	
						Notice of Error Flag	-		

CLAIM NUMBER A43-04118 DATE 1-10-2000
A43-10235 AGENT DA

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 24
 GIS ACRE TOTAL 24

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	15S	28E	5									9	32	40	15				
GIS												18	33	36	17				
RECOM												18	33	36	17				
CLAIM	15S	28E	6													40	40	40	33
GIS																39	40	35	27
RECOM																39	40	35	27
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP Claim 43-04118 limited to 135 ac within PPU
 SHAPE NOS. Claim 43-10235 limited to 110 ac within PPU

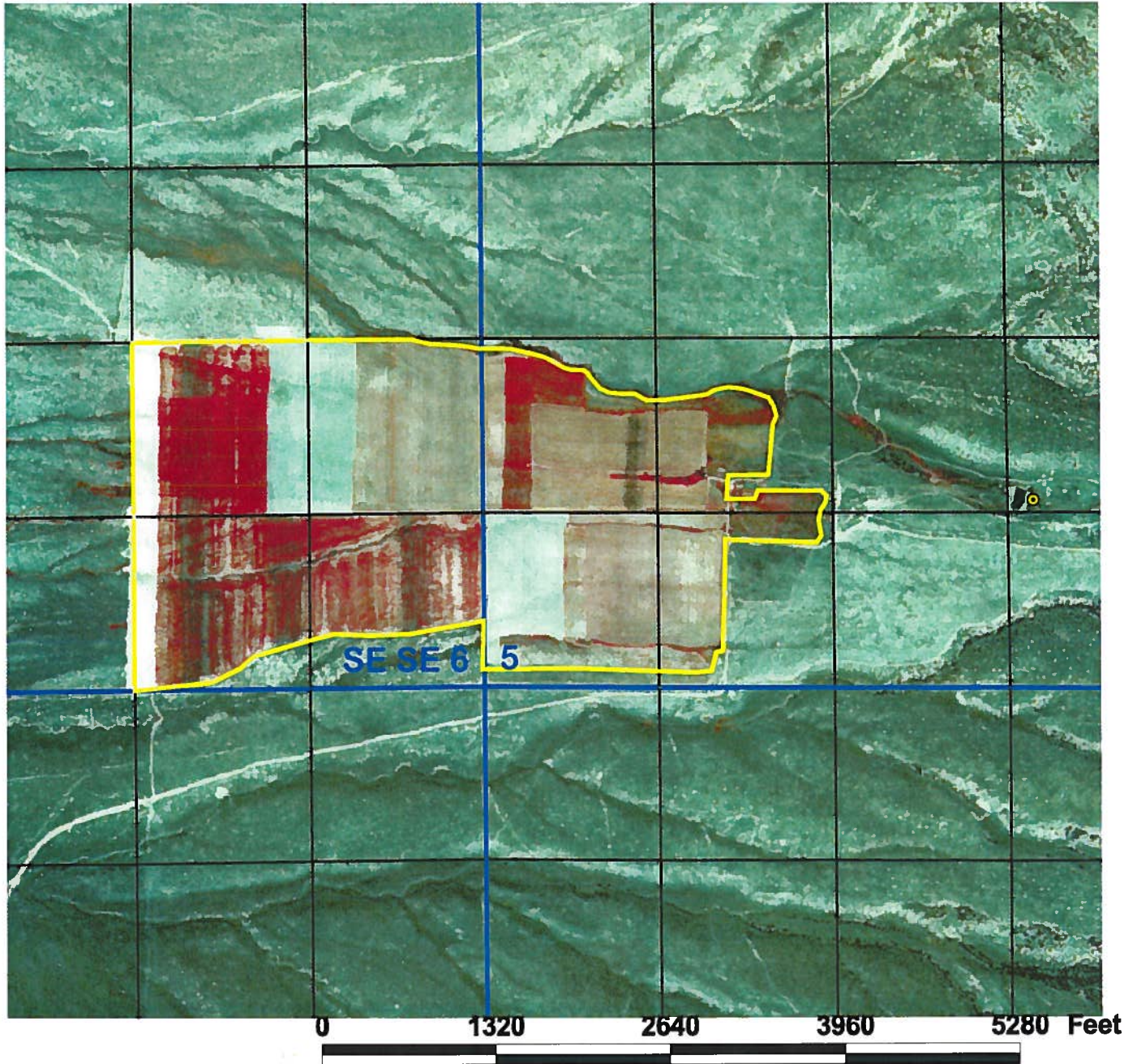
B43-POD.SHP _____
 NOS. DESCRIPTION S1/4 NESE Sec 5 T15S R.28E Eightmile Creek.

DBF TABLES UPDATED SEE A43-04118
 B43-DBPOU.DBF Claim file for
 B43-DBPOD.DBF GIS Shape file
 JPEG LAYOUT ✓ 43-04118

Idaho Department of Water Resources

RIGHTS: 43-04118, 43-10235

CLAIMED PLACE OF USE
TWP 15S, RNG 28E, SEC 5 & 6
Data entry on January 10, 2000



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

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY VIKIE HANCOCK

~~33750~~ AFA

1-10-2000
 Chyff
 (bow!) E E-1 EOH (cont)
 Myo
 723 or we
 pin. come

RECOMMENDATION NOTES

From: Vikie Hancock

1/11/00

Regarding: Claim numbers: A43-04118 & A43-10235

Claim A43-04118 is based upon a statutory claim for 135 acres and 2.7 cfs, filed in 1981 by the claimant's mother in law, Sarah Wight – priority date 1917. Claim A43-10235 is for an expansion of 114 acres and an additional 2.28 cfs, based upon beneficial use and reflects an increased number of irrigated acres due to the construction of a reservoir and upgrade to a gravity flow sprinkler system by the claimant – priority 1983. An approved permit number 43-07213, for an additional 1 cfs for irrigation and storage rights – priority date 1985 – is not included in the Adjudication.

Claimant states that *all the water* available in Eightmile Creek has always been used on the ranch since the ranch began, and this is substantiated by documents in the file. He had no measurement data on the creek. My measurement, done in Jun 1999, totaled 2.7 cfs. Claimant states that there is usually more water coming down the creek later in the season.

The claim for 135 acres with a priority date of 1917 agrees with the statutory claim as filed, and is substantiated by affidavits and abstract of title in that claim file. Topography observed also lends credence to 135 acres being flood irrigated at an early date. Affidavits in claim file 43-10235 substantiate the upgrade to gravity sprinkler with additional acres irrigated in 1983. Because of Idaho's mandatory permit statute for surface water, no additional diversion amount can be recommended for claim 43-10235.

If and when a license is issued for an additional 1 cfs with a priority date of 1985 and an irrigated place of use of 245 acres, any high water from Eightmile creek will be allocated to the ranch. At such time, it should be noted that the three combined rights are not to exceed 245 acres or 3.7 cfs.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 43-07213

Priority: June 28, 1985

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume: 433.0 AF

This is to certify, that LA RENE WHITAKER
ART WHITAKER

PO BOX 64

MALTA ID 83342

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 28, 1985; and has submitted Proof of Beneficial Use on April 27, 1992. An examination indicates that the works have a diversion capacity of 2.700 cfs of water from:

EIGHTMILE CREEK

tributary to **SINKS**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.00 CFS	425.0 AF
IRRIGATION STORAGE	01/01 to 12/31		8.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		8.0 AF
Totals		1.00 CFS	433.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNESE, Sec. 5, Township 15S, Range 28E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15S	28E	5	NESW 18	NWSW 33	SWSW 36	104
		6	SESW 17	NWSE 40	SWSE 35	141
			NESE 39			
			SRSE 27			
Total number of acres irrigated:						245

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
2. Use of water under this water right will be regulated by the watermaster of State Water District NO. 43B.

PAGE 2

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 43-07213

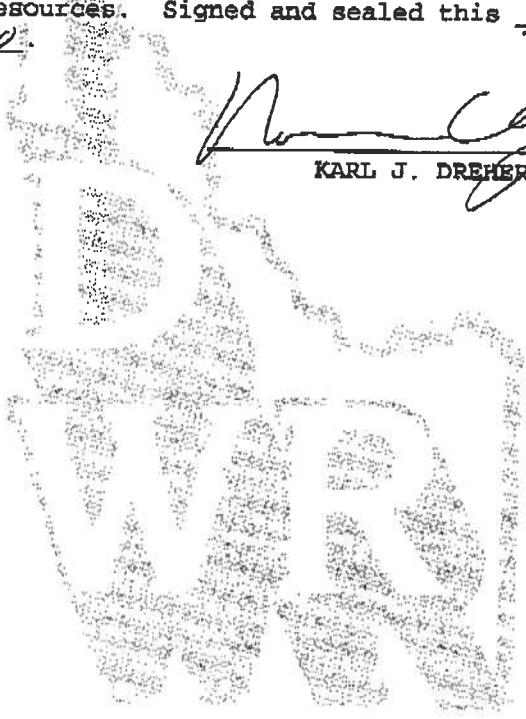
CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Some or all of the water use authorized by this right is claimed with an earlier priority date on Snake River Basin Adjudication Claim Nos. A43-04118 & A43-10235. In the event that these claims are decreed as claimed, the Director may amend or revoke this right to eliminate any redundancy of water rights.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 28th day of

JANUARY, 2000.


KARL J. DREHER, Director





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 1.31.00

TO: Vickie Senack FROM: Kari Lynn
Sawthern State Office

DOCUMENT DESCRIPTION: License 43-07213

COVER SHEET + 2 PAGES

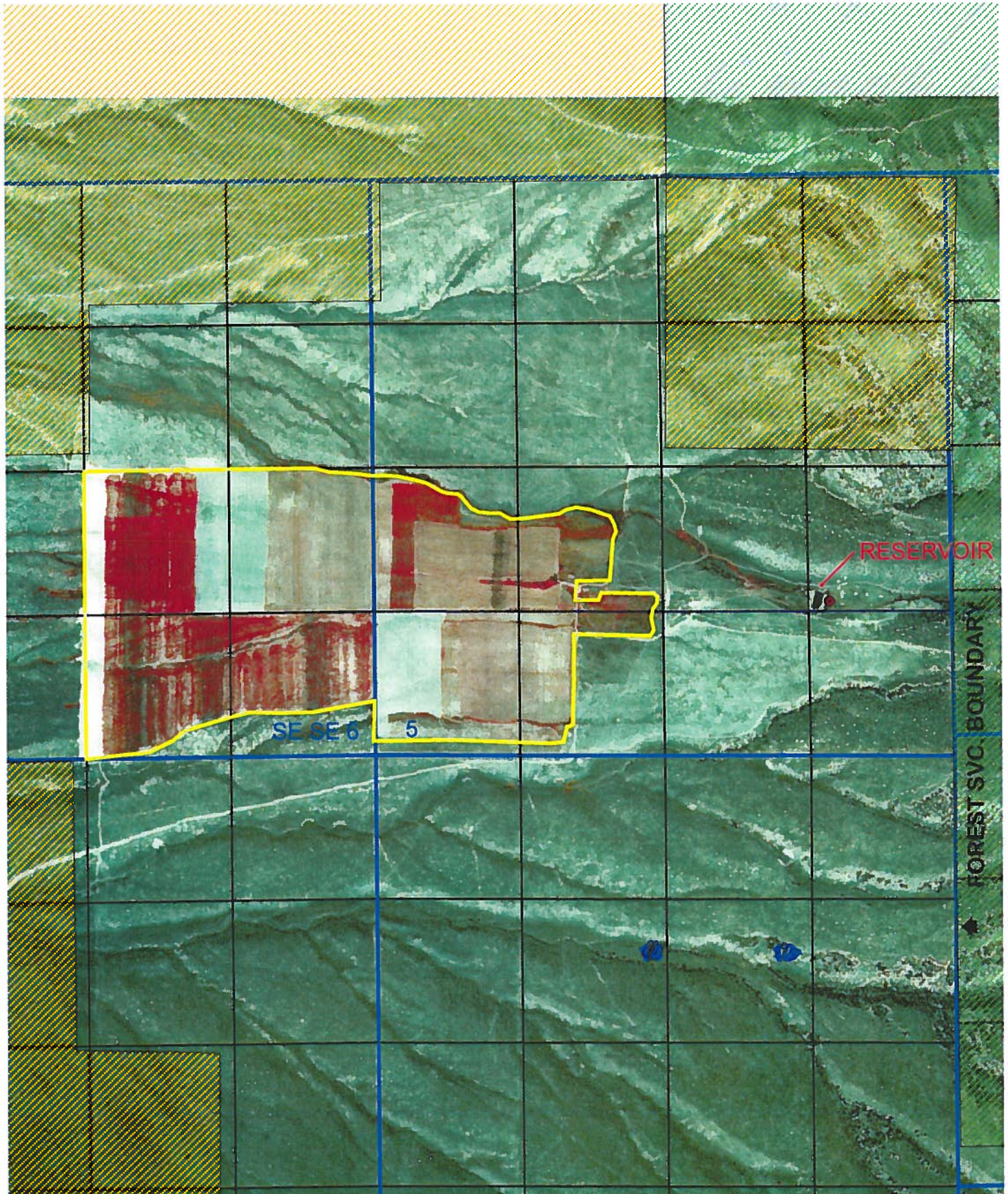
CONTACT: _____ IF YOU DO NOT RECEIVE ALL THE PAGES

THANK YOU!

FILE NOTES

CLAIM NO(S): 43-004118, 43-10235

T 15S, R 28E SEC 5, 6



V. HANCOCK

DATE: 1-10-2000

1987/88 NAPP PHOTOGRAPHY



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

June 14, 1999

Art Whitaker
PO Box 64
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
A43-04118, A43-10235

Dear Art,

I just thought I'd let you know that, once I looked at your weir again, I determined that it wasn't going to give me an accurate measurement. The bed of the weir pool is filled in, and not slowing the velocity of the water down as it goes through the crest. I used a current meter and conducted a flow measurement just where the path crosses at the Forest Service boundary. I measured 2.78 cfs there. My staff gauge at your weir indicated there was 1.26 cfs, a relatively big difference.

Now that I have the raw data, I'll be going on to other claims and get back to the paperwork on yours later in the season. If I come up with any questions, I'll get back to you then. Don't hesitate to call me if you have any further information you think would help me with my recommendation on your claims.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vikie Hancock'.

Vikie Hancock
Water Resource Agent

Field Exam Notes

Claim No: A43-04118, A43-10235
Art Whitaker Claims

6/11/1999

Agent: Vikie Hancock

I returned to the Whitaker ranch to verify the weir measurement and to determine where the water was going while the sprinklers were not running. I observed that water is running through a trough and then into 2" black plastic pipe which runs under the fence, close by a small travel trailer situated under one of the trees, and then out into the pasture below the trees, where it floods out onto the ground. There were other troughs scattered about the upper part of the pasture, but no water was being diverted to them at the time.

Mr. Whitaker came by, and said that part of the pivots have been delivered and when it stops raining and his road dries up sufficiently, they should get the pivots up and running. He said he had not been able to find the table that was given to him by the Forest Service to compute the weir measurement. I told him I would go up and use our staff gauge.

Upon further observation of the weir, I determined that the weir was not standard, as the bed of the weir pool had filled in to the point that the velocity of the water going over the crest was abnormally swift. I conducted an open channel discharge measurement with the Swiffer current meter downstream of the weir, at the point where the stream crosses the Forest Service boundary. See measurement notes and calculation in file.



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

June 3, 1999

Art Whitaker
PO Box 64
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Field Exam, Eightmile Creek

Dear Art,

I have been meaning to get back to you about the weir measurement on Eightmile Creek, but have been out in the field much of the time, and expect that you have been keeping busy, yourself.

When I returned to the office, I found that our weir tables did not correlate to the staff gauge on your weir. Would it be possible for you to send or FAX me a copy of your chart to put in your claim file? An alternative would be for me to stop back by and use our weir stick to measure the flow a second time. Please call and let me know if your chart is available, or if I should just drop back by the ranch. I'm going to be examining Gunnell's on Wednesday, June 9th, so could do it then.

Let me know which you would prefer.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock'.

Vikie Hancock
Water Resource Agent

Field Exam Notes

Claim No: A43-04118, A43-10235
Art Whitaker Claims

5/24/1999

Agent: Vikie Hancock

Mr Art Whitaker met me at the farm. He told me a little of the history of the place.

8mile creek is fed from one large spring approximately 2 miles upstream of the reservoir, on Forest Service land. Runoff and snowmelt does not seem to effect the spring, and in fact, usually the highest flows occur in the fall. Since the time that the farm was homesteaded, the entire flow of 8mile creek has been appropriated, as evidenced in the deeds and abstracts included in our files. He also provides as evidence the fact that a pure strain of Yellowstone Cutthroat trout exists in the creek, showing that the creek has not had contact with the rest of the watershed below. Fish and Game put a barrier structure in the creek upstream of his reservoir to prevent any accidental introduction of species from the reservoir, and Mr. Whitaker now limits sportsman access to his property.

Prior to his purchase, the farm belonged to his father-in-law, who had flood irrigated from ditches. When Mr. Whitaker took over, he began to improve the irrigation methods, and put in sprinkler lines. He also constructed a reservoir upstream of the homestead, which he said will hold about 5 days worth of water at the present time. Directly after the reservoir was constructed and more ground was put under cultivation by sprinkler, the drought years of the early 1990's hit, and there was not as much water available from 8mile creek as there had been, historically. Mr. Whitaker said that the flow rate of the creek has increased over the years, but still is not back to the amount that was available to him when our NAPP photos were taken in 1987. He is going to put in two pivot systems with handlines in the corners, and will continue to irrigate as much land as he has water for. He estimates that it takes 6 gpm per acre to irrigate his land. He hopes that the department can preserve his right to all the water of 8mile creek, even though the measurement done this day may not be the most that has been, or ever will, be available from the creek.

$$\frac{69\text{gpm}(244.6\text{ac})}{448.8} = 3.27 \text{ cfs}$$

[illegible]**TOTAL CFS**

LOCATION: AT FOREST SERVICE BOUNDARY

Post-it® Fax Note	7671	Date 1-13-00	# of pages 1
To KAY WALKER	From VIKIE HANCOCK		
Co./Dept. S.O.	Co. SOUTH AJ		
Phone #	Phone #		

Open Channel Discharge Measurement Notes

Water Right No.
(if applicable)

1. Name of stream or ditch: Eightmile Creek
2. Location: At forest Service boundary
3. Person(s) conducting measurement: Vikie Hawcock
4. Date of measurement: 6-9-99 5. Weather conditions: Warm, calm
6. Measuring device size and ID no.: Swooper
7. Spin test before: yes after: yes
8. Purpose of measurement: SRBA field Exam
9. Cross section description: Large gravel, some cobble, dirt banks

[illegible]

SIGNATURE

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: A43-04118 A43-10235

Name or Area of Concern: Whitaker

Page 1 of 1

1999

Date	Roll	Pic #	Description
5/21	5	1	V-NOTCH WIER AT MEASUREMENT SITE
		2	TAG ON TREE AT GPS SITE
		3	PAN OVER RESERVOIR AT GPS SITE
		4	PAN of Place of use taken just south of homesite North to West
		5	
		6	
		7	
		8	
6/9	8	13	Flow measurement at Forest Service boundary (fence) using Swiffer Current meter

Audio tape # GPS File # RDS2117A TAG 0002886

Notes:

WIER (V-NOTCH) set in stream approx 1/8 mile upstream of F.S. Boundary. Wier is permanent structure & appears to be standard. Staff gage mounted on face read 11.2. Mr Whitaker has calibration at home which he is going to call in to verify my Table calculations.

GPS data taken just upstream of where 8 mile creek runs into RESERVOIR and tag is set on cedar tree approx 2 ft from ground.

5-21-99

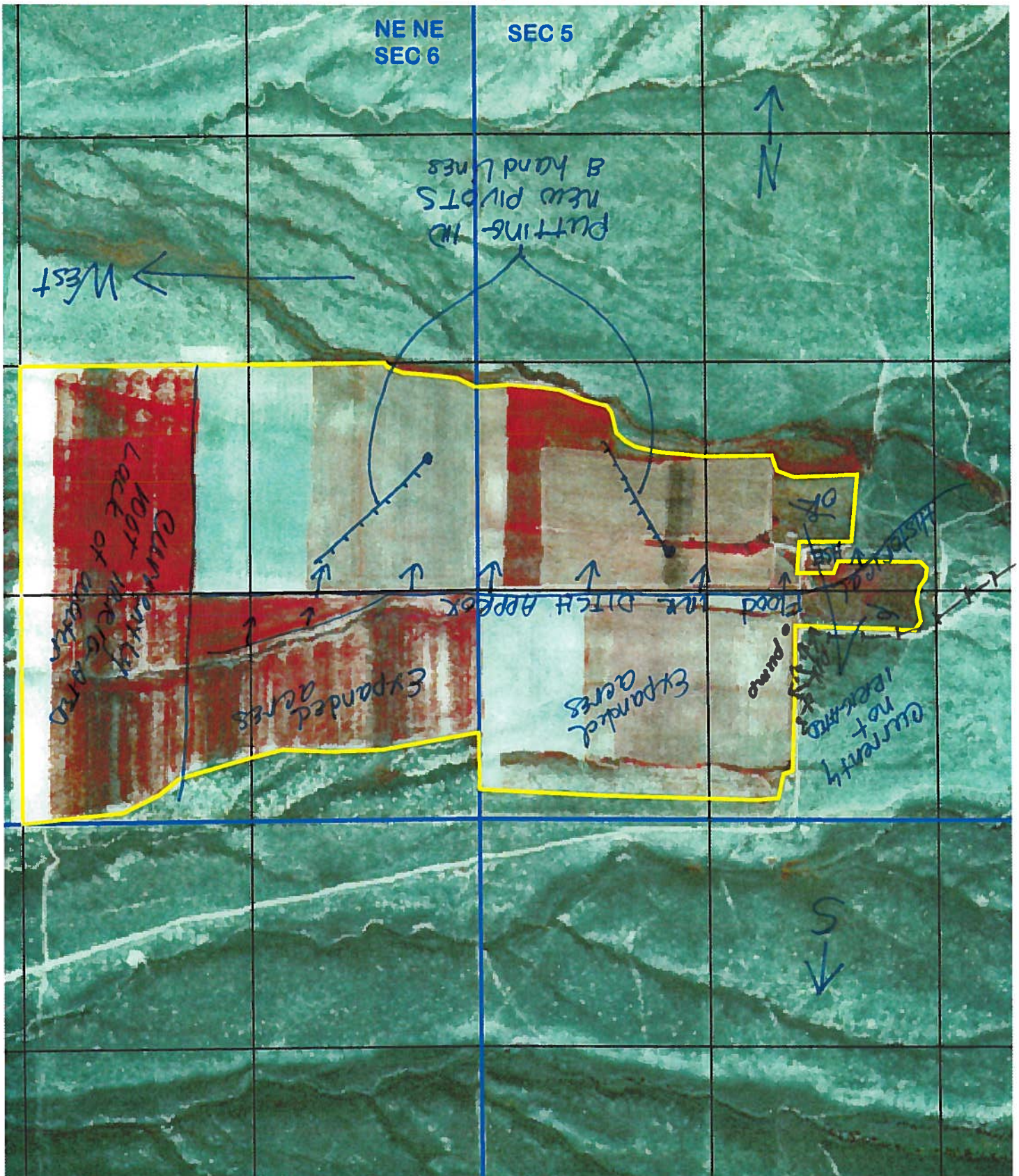
FIELD NOTES

CLAIM NO(S): A43-04118
A43-10235

5-21-99

TWP 15S ,RNG 28E
SEC 5, 6

PER CONVEYANCE W/ OLIMAT



V HANCOCK

Date:

37/1988 NAPP PHOTOGRAPHY

MEASUREMENT SITE 6-9-99 Fence is FS. Boundary

Roll 8
PIX
#13



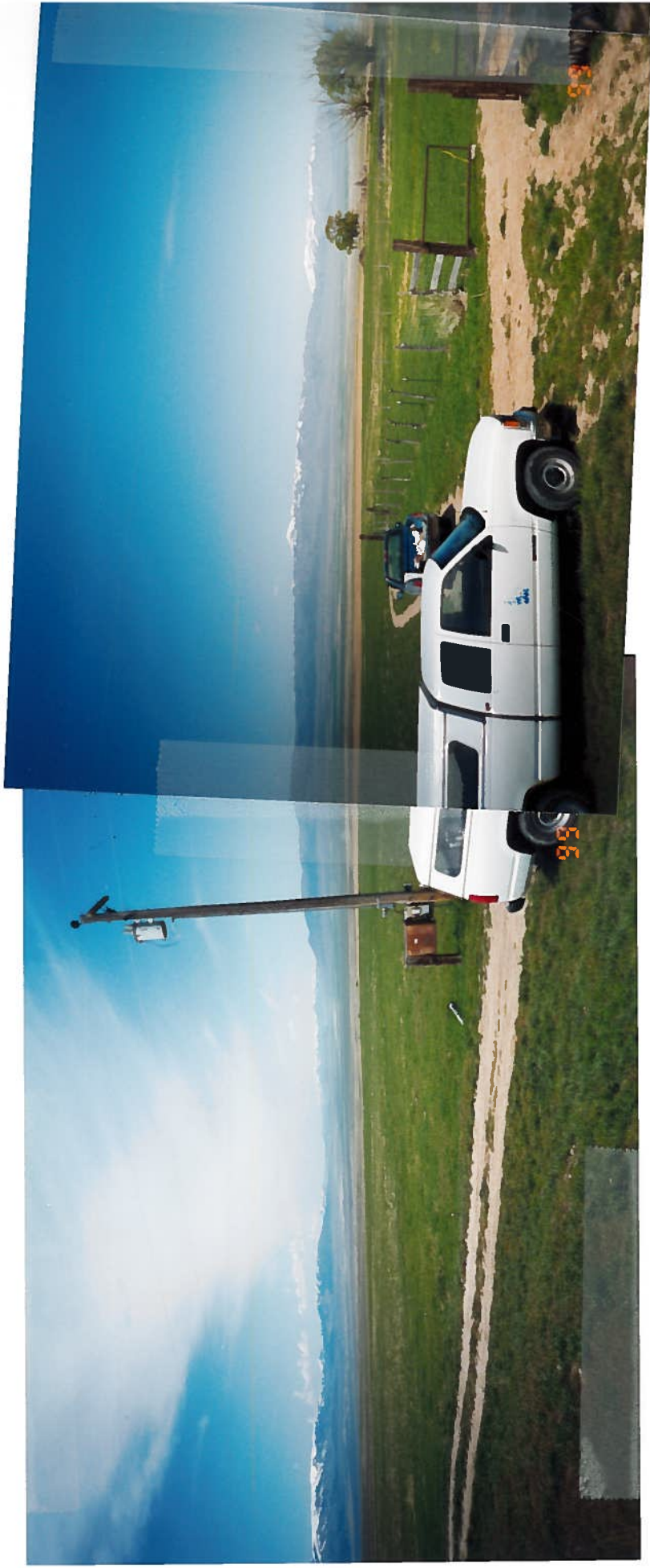
Roll 5
PX 3



GPS SITE LOOKING SOUTH
OVER RESERVOIR

A43-10235

GPS
TAG
Creek runs here



← SW

pan-PLACE OF USE

← W →

→ N

42-10235

Customer:

Whitaker

[illegible]

5-19-99 Mr Whitaker will meet me
at the place on 8 mile creek
Friday May 21 at 10:30 am
Follow signs to 8 mile creek. Go
thru red gate meet at old house.
No one living there now.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Harvey Wight Estate and Sarah D. Wight, surviving wife.

(Name of Claimant)

Box 13, Malta, Idaho

83342

Telephone No. 645-2234

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1917

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Eight Mile Creek tributary to sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity <u>2.7</u>	Use <u>irrigation</u>	Period of Use From <u>Jan. 1</u>	To <u>Jan. 1</u>	
Quantity <u>amount for 300 hd</u>	Use <u>stock</u>	Period of Use From <u>Jan. 1</u>	To <u>Jan. 1</u>	
Quantity _____	Use _____	Period of Use From _____	To _____	
Quantity _____	Use _____	Period of Use From _____	To _____	
Quantity _____	Use _____	Period of Use From _____	To _____	

(4) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SE 1/4, Sec. 5 Twp. 15 Rge. 28 B.M., County of Cassia

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. earth dam

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
15S	28	5									20	20	25	10					75
15S	28	6													35	25			60

No. of acres 135

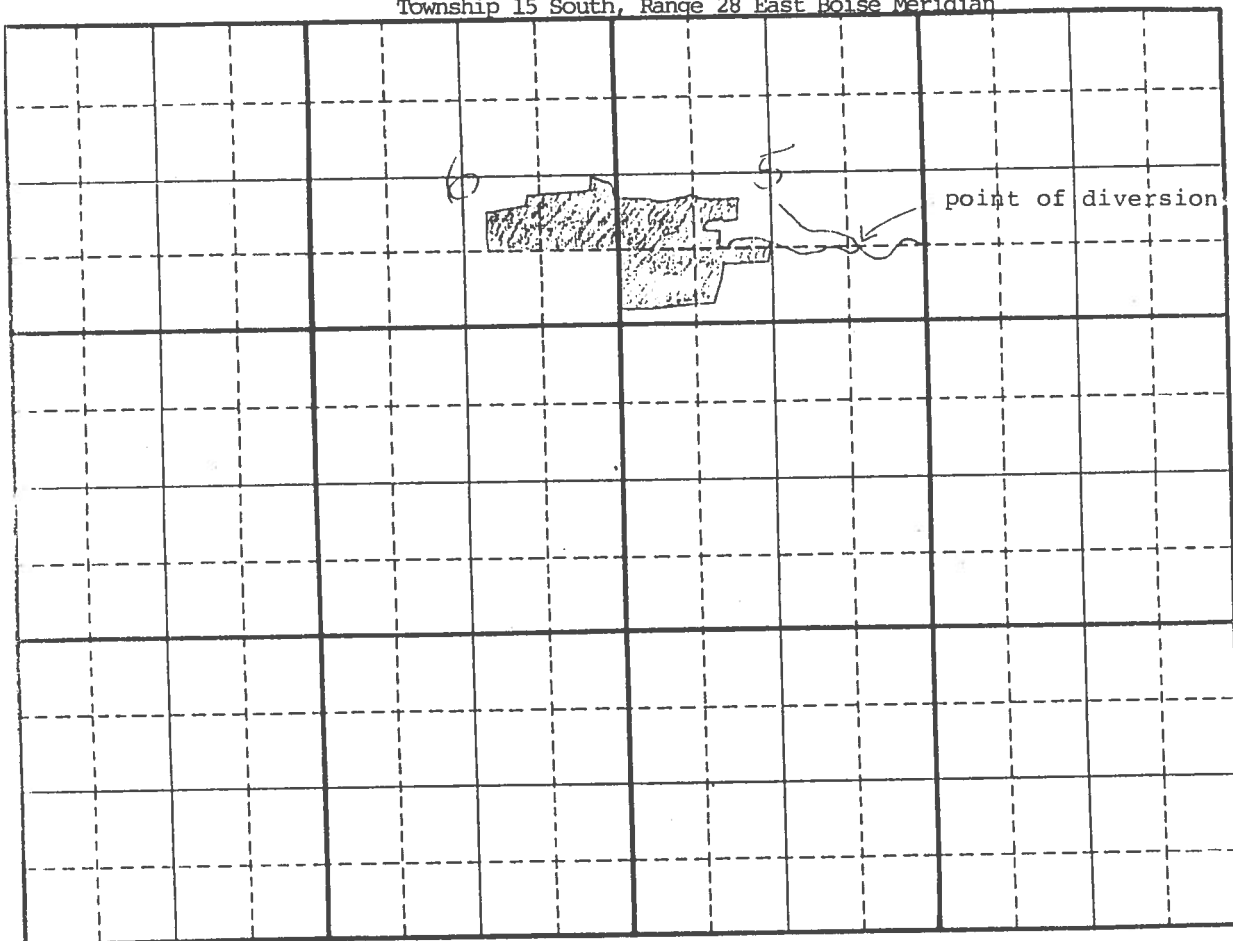
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
stock water, livestock being pastured on place, drinks water from ditch.
approximately 300 hd. of livestock, cattle and horses

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks

Township 15 South, Range 28 East Boise Meridian



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cassia) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 1 day of December

Sarah Wight PR
(Claimant) Individually and as
Personal Representative
of the Harvey Wight Es
Notary Public
Residing at Burley, Idaho

My commission expires 7/15 82

FOR DEPARTMENT USE ONLY

Received by	Date	Exception filed by:	Forwarded to	Date
Prelim. check by TGP	Date 1-25-82		claimant by:	
\$20.00 fee received by	Date	#20768		
Published in				
Dates				

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 22 September 1998
RE: 43-07213

The examination is to verify the irrigated acres for the permit, 43-07213 with a priority date of 06/28/1985. Proof of Beneficial Use was filed 04/25/1992. I utilized previous dam safety inspections (1991 and 1997) and viewed ASCS flights, hard copies (1987 and 1992) and slides (1996, 1997). Although I did not visit the site, I feel IDWR Dam Safety Personnel appropriately verified the storage facility and point of diversion. Also, I am confident the compilation of the ASCS flight data will verify the place of use element.

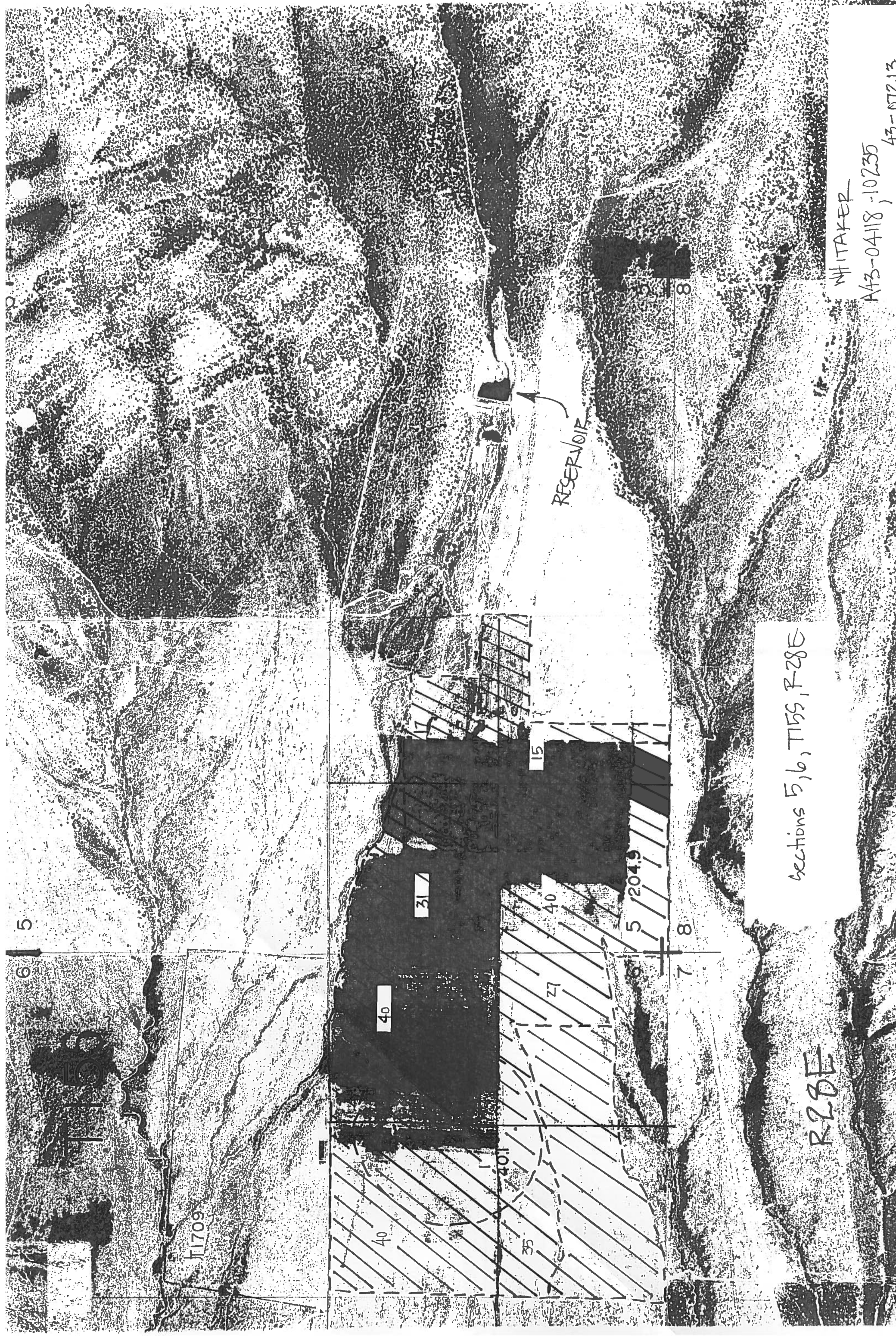
Art and LaRene Whitaker also have a Statutory Claim, (A)43-04118 with a priority date of 01/01/1917, and an expansion claim, A43-10235 with a priority date of 05/01/1983. All three rights call to acres in portions of both Sections 5 and 6, T12S, R28E.

The water for irrigation is from a storage facility, located in the SE $\frac{1}{4}$ of Section 5, on-stream of the Eightmile Creek.

The Whitakers had another permit, 43-07214, with the same priority date as 43-07213. This application for permit was to build up the existing diversion dam to enable the diversion of another 1.0 cubic feet per second (additional to the existing diversion rate). The construction was not completed and the permit lapsed in 05/16/1990.

It appears some of the acres have been irrigated prior to the Proof of Beneficial Use was filed for 43-07213. Because the additional claims are subject to the SRBA Basin 43 Review, the recommendation for this permit will be for 245 acres, with the permitted rate, and the measured storage capacity volume.

All information to files: A43-04118 and A43-10235



R28E
sections 5, 6, T15S, R-28E

WHITAKER
A43-04118, -10235
43-N72.13

1987 FLIGHT

07
1709

7

RESERVOIR

WV

6
8

8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

06:58:53
05/26/95
196
CLAIM NUMBER: A43-04118

LAST: WHITAKER
ADDRESS: PO BOX 64
CITY: MALTA
PHONE NUMBER: 208-645-2292
STATE: ID ZIP: 83342

OWNER CODE: C

FIRST: LARENE
LAST: WHITAKER
ADDRESS: PO BOX 64
CITY: MALTA
PHONE NUMBER: 208-645-2292
STATE: ID ZIP: 83342

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE
Y
FIELD
EXAMINER
Y() N()

CLAIM REMARKS: THIS CLAIM IS FOR ALL OF THE WATERS OF EIGHTMILE CREEK. 2.7 CFS
IS AN ESTIMATE OF THE AVERAGE FLOW OF THE CREEK BUT AT TIMES
LARGER OR LESSER AMOUNTS FLOW FROM THE STREAM.
THE CATTLE DRINK FROM THE CREEK, FROM THE DIVERSION RESERVOIR AND
FROM THE PIPELINE WHICH IRRIG. THE PASTURE.

CONTACT PERSON: Art Whitaker

PHONE NUMBER: () 445-2292

DATE OF FIELD EXAM: 5/24/99 APPOINTMENT MADE: Y () N ()

TIME: : A () P ()

ACCOMPANIED BY: Claimant

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

Take 8 mile Rd east to gate. Public access
blocked at gate by claimant with FS approval.
Met claimant at gate & drove to measurement
site of well on S1/4, marked property
6/9/99 - took open channel measurement unaccompanied
with claimant permission.

A. AJ CLAIM: # A43-04118 PRIORITY DATE: 01-01-1917 STAGE: S

B. WR RECORD: # 43-04118 PRIORITY DATE: 01-01-1917 STAGE: S

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

NOTES:

Abstract of Sheriff Sale
mtg
Affidavits

Analysis of proof of priority supports 1917 date.
for stockwater & irrigation. Possibly before 1917.

RECOMMENDED PRIORITY DATE:

1-1-1917

REVIEWED BY

[Signature]

DATE

1-10-2000

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A43-04118	15S	28E	5	SW	NE	SE				CASSIA		
OTHER AJ CLAIMS WITH SAME AJ POD												
A PREFIX R PREFIX												
A43-10235 NONE												
WR RECORDS IN SAME 40 ACRE TRACT												
43-07213												

SOURCE: EIGHTMILE CREEK

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
43-04118	15S	28E	5	SW	NE	SE				CASSIA		
OTHER WR RECORDS WITH SAME WR POD												
AJ CLAIMS IN SAME 40 ACRE TRACT												
A PREFIX R PREFIX												
43-07213 A43-10235 NONE												

SOURCE: EIGHT MILE CREEK

TRIB: SINKS

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A(✓) Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(✓) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(✓) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(✓) Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(✓) N()

I. HOW WAS THE POD AND SOURCE VERIFIED? Y() N()

LICENSING FIELD EXAM (DATE OF FIELD EXAM) DAM INSPECTION 7-1997 C. SKINNER Y(✓) N()

AJ FIELD EXAM (DATE OF FIELD EXAM) 5-24-99 NAME OF EXAMINER J. Blumack Y(✓) N()

OTHER (DESCRIBE IN NOTES BELOW)

AEC VIEW GIS - 1987-88 MAP PHOTOGRAPHY

NOTES: All waters of Capt. Mule Creek have historically been used on the ranch per deeds & Affidavits. ~~Not~~ Not tributary to Capt. Mule within historical times.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()
DO[illegible]

REVIEWED BY: S. Hancock DATE: 1-10-2000

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A43-04118

B. POU LISTING						AJ	MR	LANDSAT	FIELD	RECOMM.	
TWP	RNG	SEC	1/4	1/4	LOT	NAME	#/ACRES	#/ACRES	DATA	EXAM.	ACRES
15S	28E	5	NE	SW		WHITAKER, ART	A43-04118 / 9.0	43-04118 / 20.0			26.0
			NE	SW		WHITAKER, ART		43-07213 / 25.0			
15S	28E	5	NE	SW		WHITAKER, ART	A43-04118 /	43-04118 / 20.0			26.0
			NE	SW		WHITAKER, ART		43-07213 / 25.0			
15S	28E	5	NW	SW		WHITAKER, ART	A43-04118 / 31.0	43-04118 / 20.0			39.0
			NW	SW		WHITAKER, ART	A43-10235 / 1.0	- /			
			NW	SW		WHITAKER, ART		43-07213 / 40.0			
15S	28E	5	NW	SW		WHITAKER, ART	A43-04118 /	43-04118 / 20.0			39.0
			NW	SW		WHITAKER, ART	A43-10235 / 1.0	- /			
			NW	SW		WHITAKER, ART		43-07213 / 40.0			
15S	28E	5	SW	SW		WHITAKER, ART	A43-04118 / 25.0	43-04118 / 25.0			39.0
			SW	SW		WHITAKER, ART	A43-10235 / 15.0	- /			
			SW	SW		WHITAKER, ART		43-07213 / 40.0			
15S	28E	5	SW	SW		WHITAKER, ART	A43-04118 /	43-04118 / 25.0			39.0
			SW	SW		WHITAKER, ART	A43-10235 / 15.0	- /			
			SW	SW		WHITAKER, ART		43-07213 / 40.0			
15S	28E	5	SE	SW		WHITAKER, ART	A43-04118 / 10.0	43-04118 / 10.0			39.0
			SE	SW		WHITAKER, ART	A43-10235 / 5.0	- /			
			SE	SW		WHITAKER, ART		43-07213 / 27.0			
15S	28E	5	SE	SW		WHITAKER, ART	A43-04118 /	43-04118 / 10.0			39.0
			SE	SW		WHITAKER, ART	A43-10235 / 5.0	- /			
			SE	SW		WHITAKER, ART		43-07213 / 27.0			
15S	28E	5	NE	SE		WHITAKER, ART	A43-04118 /	- /			
			NE	SE		WHITAKER, ART		- /			
15S	28E	5	NW	SE		WHITAKER, ART	A43-04118 /	- /			1.0
			NE	SE		WHITAKER, ART	A43-04118 / 35.0	43-04118 / 35.0			39.0
			NE	SE		WHITAKER, ART	A43-10235 / 5.0	- /			
			NE	SE		WHITAKER, ART		43-07213 / 40.0			
15S	28E	6	NE	SE		WHITAKER, ART	A43-04118 /	43-04118 / 35.0			39.0
			NE	SE		WHITAKER, ART	A43-10235 / 5.0	- /			
			NE	SE		WHITAKER, ART		43-07213 / 40.0			
15S	28E	6	NW	SE		WHITAKER, ART	A43-04118 / 25.0	43-04118 / 25.0			36.0
			NW	SE		WHITAKER, ART	A43-10235 / 15.0	- /			

Handwritten signature and initials

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NW	SE		WHITAKER, ART		43-07213 / 40.0			
15S	28E	6	NW	SE		WHITAKER, ART	A43-04118 / A43-10235 / 15.0	43-04118 / 25.0 43-07213 / 40.0			36.0
			NW	SE		WHITAKER, ART					
15S	28E	6	SW	SE		WHITAKER, ART	A43-04118 / A43-10235 / 40.0	- / 43-07213 / 40.0			31.0
			SW	SE		WHITAKER, ART					
15S	28E	6	SE	SE		WHITAKER, ART	A43-04118 / A43-10235 / 33.0	- / 43-07213 / 40.0			26.0
			SE	SE		WHITAKER, ART					

See attached

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ADDITIONAL POU FOUND

TOTAL ACRES	A43-04118	135.00	270.00	494.00
			POU COUNTY: CASSIA	<i>245 ac</i>

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y() N() *✓*

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-04118	EIGHTMILE CREEK	WHITAKER, ART	2.700	0.020		
A43-10235	EIGHTMILE CREEK	WHITAKER, ART	2.280	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

* IF YES, COMPLETE OVERLAP REVIEW:

Y() N() *✓*

OTHER RIGHTS LISTED IN CLAIM: PERMIT 43-7213

SEE ATTACHED

- E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?
* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.
- F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?
- G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?
- H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

N/A() Y() N()
N/A() Y() N()
Y() N()
Y() N()

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDMR NO. _____; () TOPOGRAPHIC QUAD, IDMR NO. _____;

(X) NAPP, IDMR NO. 1987-88; () ASCS PHOTO; () OTHER _____

NOTES: _____

Designated acres located and calculated using
the 1987-88 NAPP aerial photography
dated 1987-1989.

Recommended 135 ac within 245 ac PPL.

RECOMMENDATIONS:

TOTAL ACRES: 245 N/A()

REVIEWED BY: [Signature] DATE: 1-10-2003

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-04118 IRRIGATION	FROM 03-15 TO 11-15	2.700 CFS	
A43-04118 STOCKWATER	FROM 01-01 TO 12-31	0.070 CFS	
TOTAL DIVERSION RATE/VOLUME		2.700 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-04118 IRRIGATION	FROM 01-01 TO 12-31	2.700 CFS	
43-04118 STOCKWATER	FROM 01-01 TO 12-31	2.700 CFS	
TOTAL DIVERSION RATE/VOLUME		2.700 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

NOTES:

*Specimen was recommended to current
1000 Standard*

AJ CLAIM TOTAL DIVERSION RATE: 2.700 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 2.700 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A () Y () N ()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A () Y () N ()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y () N ()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y () N ()

E. FLOW MEASUREMENT

MEASUREMENT METHOD Current meter - Snodgrass, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 245 x 0.02 CFS/ACRE = 4.9 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y () N ()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N ()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 337.5 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

Measurement was taken at Forest Ave
boundary. Claimant stated that discharge
rate of the stream was generally greater
later in the season.

Entire flow of Snake Creek is captured at
manure and piped to gravity sprinkler
system

NR RECORD CONDITIONS/REMARKS:
S/300 VARIABLE

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
IRRIGATION	03-15	11-15	2.700		237.5
STOCKWATER	07-01	12-31	0.070		337.5
TOTAL FOR THIS RIGHT			2.700		337.5

NON-IRRIGATION USES CLAIMED: S/ 300 RANGE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: [Signature] DATE: 1-10-2000

FLAG: C

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-04118

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.700

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS
----------------------	--------------------------

DIVERSION RATE

CURRENT "R" CLAIM NUM.

"R" DIV. RATE

WR RIGHT NUMBERS

DIVERSION RATE

TOTAL CFS

2.700

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
N

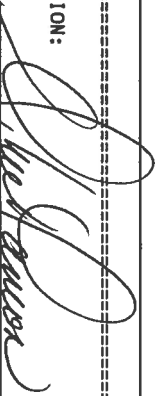
FIELD
EXAMINER
Y () N ()

NOTES:

No Splits

AUTHENTICATION:

SIGNATURE:



DATE:

1-10-2020

NAME OF FIELD EXAMINER:

Mike Hancock

TITLE:

Water Resource Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT		COPY INCLUDED IN FILE?	
TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION		
☐ ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDMR ID NO. _____	Y() N()	
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDMR ID NO. _____	Y() N()	
☐ NAPP	DATE OF PHOTO _____ IDMR ID NO. _____	Y() N()	
☐ ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()	
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()	
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()	
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()	
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()	
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()	
☐ OTHER _____	DATE _____	Y() N()	
☐ OTHER _____	DATE _____	Y() N()	
☐ OTHER _____	DATE _____	Y() N()	
=====			
LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____		
☐ IDMR APPROVED TRANSFER	DATE TRANSFER APPROVED _____		
☐ SYSTEM DESCRIPTION	DATE DRAWN _____		
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____		
☐ OTHER _____	DATE _____		
☐ OTHER _____	DATE _____		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 17
QUICKLOOK INFORMATION

06:58:53
05/26/95
212
CLAIM NUMBER: AK3-06118

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	Y							
POINT OF DIV								
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC
