

01/07/2007

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

RIGHT NUMBER: 73-133

NAME AND ADDRESS: WHITWORTH RANCHES INC
PO BOX 167
MAY ID 83253

SOURCE: MORGAN CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 3.200 CFS

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION:

T15N R21E S11 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T15N R21E S12	SWSE	40.00	T15N R21E S12	SESE	38.00
T15N R21E S13	NENE	37.00	T15N R21E S13	NWNE	40.00
T15N R21E S13	SWNE	31.00	T15N R21E S13	SENE	36.00
T15N R21E S13	NESE	37.00	T15N R21E S13	NWSE	39.00
T15N R21E S13	SWSE	40.00	T15N R21E S24	SESE	21.00
T15N R21E S25	NENE	26.00	T15N R22E S07 Lot 4	SWSW	40.00
T15N R22E S18	NENW	9.30	T15N R22E S18 Lot 1	NWNW	40.00
T15N R22E S18 Lot 2	SWNW	39.00	T15N R22E S18	SENE	27.00
T15N R22E S18	NESW	4.40	T15N R22E S18 Lot 3	NWSW	38.00
T15N R22E S19 Lot 1	NWNW	39.00	T15N R22E S19 Lot 2	SWNW	40.00
T15N R22E S19 Lot 3	NWSW	37.00			

698.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 698.7 acres in a single irrigation season. Combined Right Nos.: 73-128, 73-133, 73-137, 73-138, 73-2166. 73-4005.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

09/05/2006

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

RIGHT NUMBER: 73-133
NAME AND ADDRESS: WHITWORTH RANCHES INC
PO BOX 146
MAY ID 83253
SOURCE: MORGAN CREEK TRIBUTARY: PATTERSON CREEK
QUANTITY: 3.200 CFS
PRIORITY DATE: 06/01/1883
POINT OF DIVERSION:
T15N R21E S11 NENE Within LEMHI County
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	3.200 CFS
PLACE OF USE:	<u>IRRIGATION Within LEMHI County</u>		
	T15N R21E S12 SWSE	40.00	T15N R21E S12 SESE 35.00
	T15N R21E S13 NENE	37.00	T15N R21E S13 NWNE 40.00
	T15N R21E S13 SWNE	31.00	T15N R21E S13 SENE 31.00
	T15N R21E S13 NESE	38.00	T15N R21E S13 NWSE 37.00
	T15N R21E S13 SWSE	40.00	T15N R21E S24 SESE 21.00
	T15N R21E S25 NENE	26.00	T15N R22E S07 Lot 4 SWSW 2.10
	T15N R22E S18 NENW	9.30	T15N R22E S18 Lot 1 NWNW 32.00
	T15N R22E S18 Lot 2 SWNW	37.00	T15N R22E S18 SENW 23.00
	T15N R22E S18 Lot 3 NWSW	34.00	T15N R22E S19 Lot 1 NWNW 23.00
	T15N R22E S19 Lot 2 SWNW	40.00	T15N R22E S19 Lot 3 NWSW 37.00

613.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 613.4 acres in a single irrigation season. Combined Right Nos.: 73-128, 73-133, 73-137, 73-138, 73-142, 73-143, 73-2166.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

10/07/2006

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

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NAME AND ADDRESS: WHITWORTH RANCHES INC
PO BOX 146
MAY ID 83253

SOURCE: MORGAN CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 3.200 CFS

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION:

T15N R21E S11 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.200 CFS

PLACE OF USE:

IRRIGATION Within LEMHI County

T15N R21E S12	SWSE	40.00	T15N R21E S12	SESE	38.00
T15N R21E S13	NENE	37.00	T15N R21E S13	NWNE	40.00
T15N R21E S13	SWNE	31.00	T15N R21E S13	SENE	36.00
T15N R21E S13	NESE	37.00	T15N R21E S13	NWSE	39.00
T15N R21E S13	SWSE	40.00	T15N R21E S24	SESE	21.00
T15N R21E S25	NENE	26.00	T15N R22E S07 Lot 4	SWSW	40.00
T15N R22E S18	NENW	9.30	T15N R22E S18 Lot 1	NWNW	40.00
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698.7 ACRES TOTAL

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Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

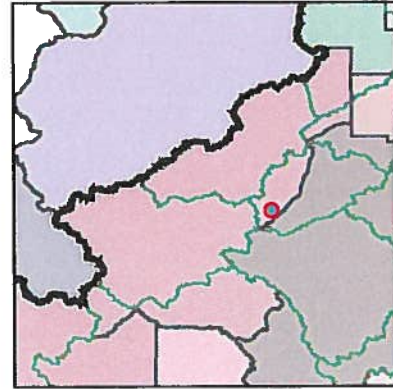
SRBA Recommendation:

73-133

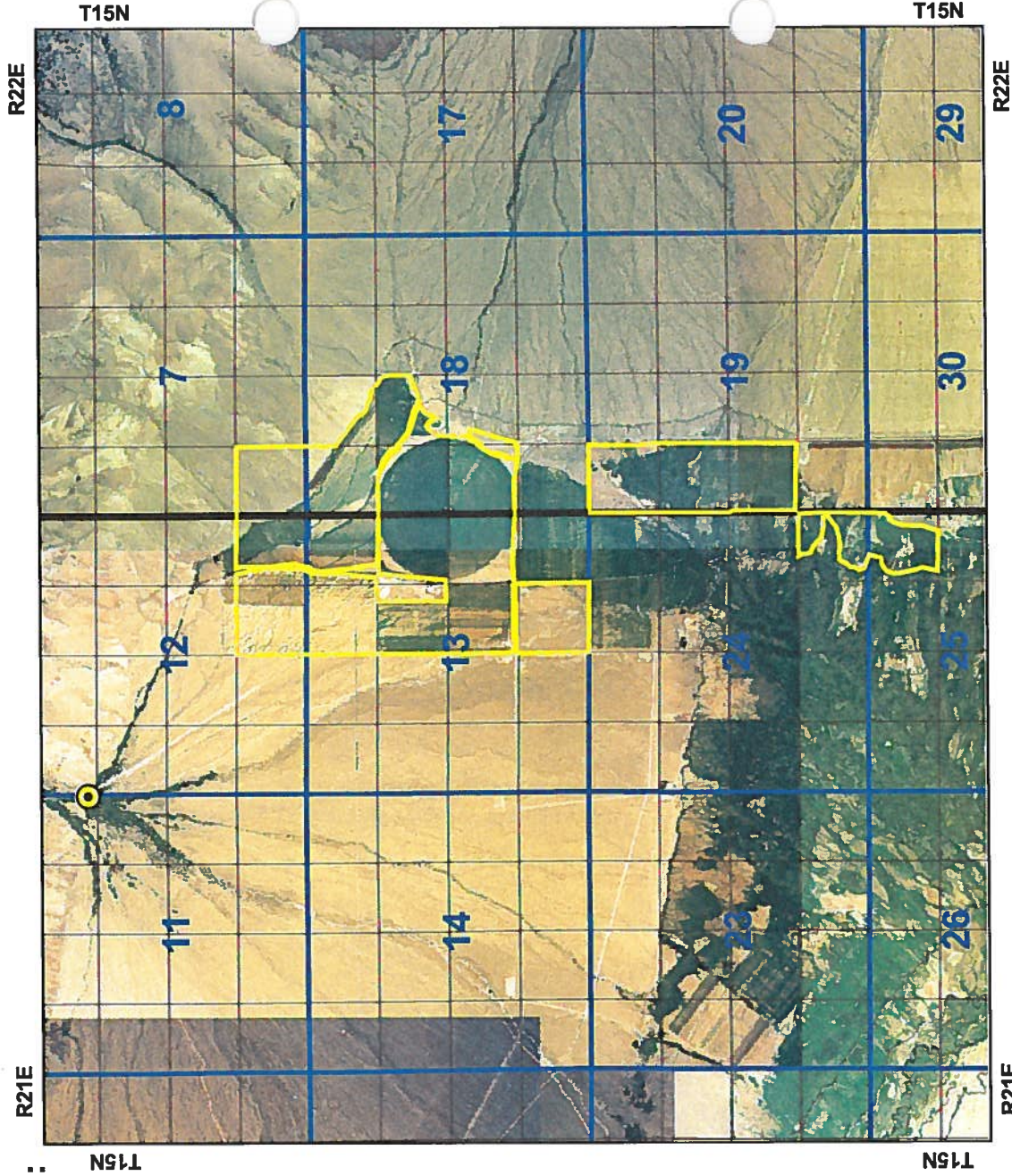
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 73



0 1 2 Miles

Prepared by R. Brown
On Saturday, October 7, 2006
1987/88 Aerial Photography

10/07/2006

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

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PO BOX 146
MAY ID 83253

SOURCE: MORGAN CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 3.200 CFS

PRIORITY DATE: 06/01/1883

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T15N R21E S11 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.200 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R21E S12	SWSE	40.00	T15N R21E S12	SESE	35.00
T15N R21E S13	NENE	37.00	T15N R21E S13	NWNE	40.00
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T15N R21E S13	SWSE	40.00	T15N R21E S24	SESE	21.00
T15N R21E S25	NENE	26.00	T15N R22E S07 Lot 4	SWSW	2.10
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DRAFT



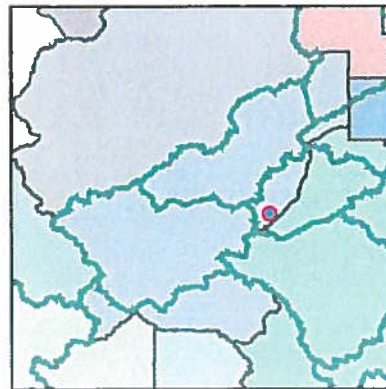
Idaho Department of Water Resources

SRBA Recommendation:

**73-128, 73-133,
73-137, 73-138**

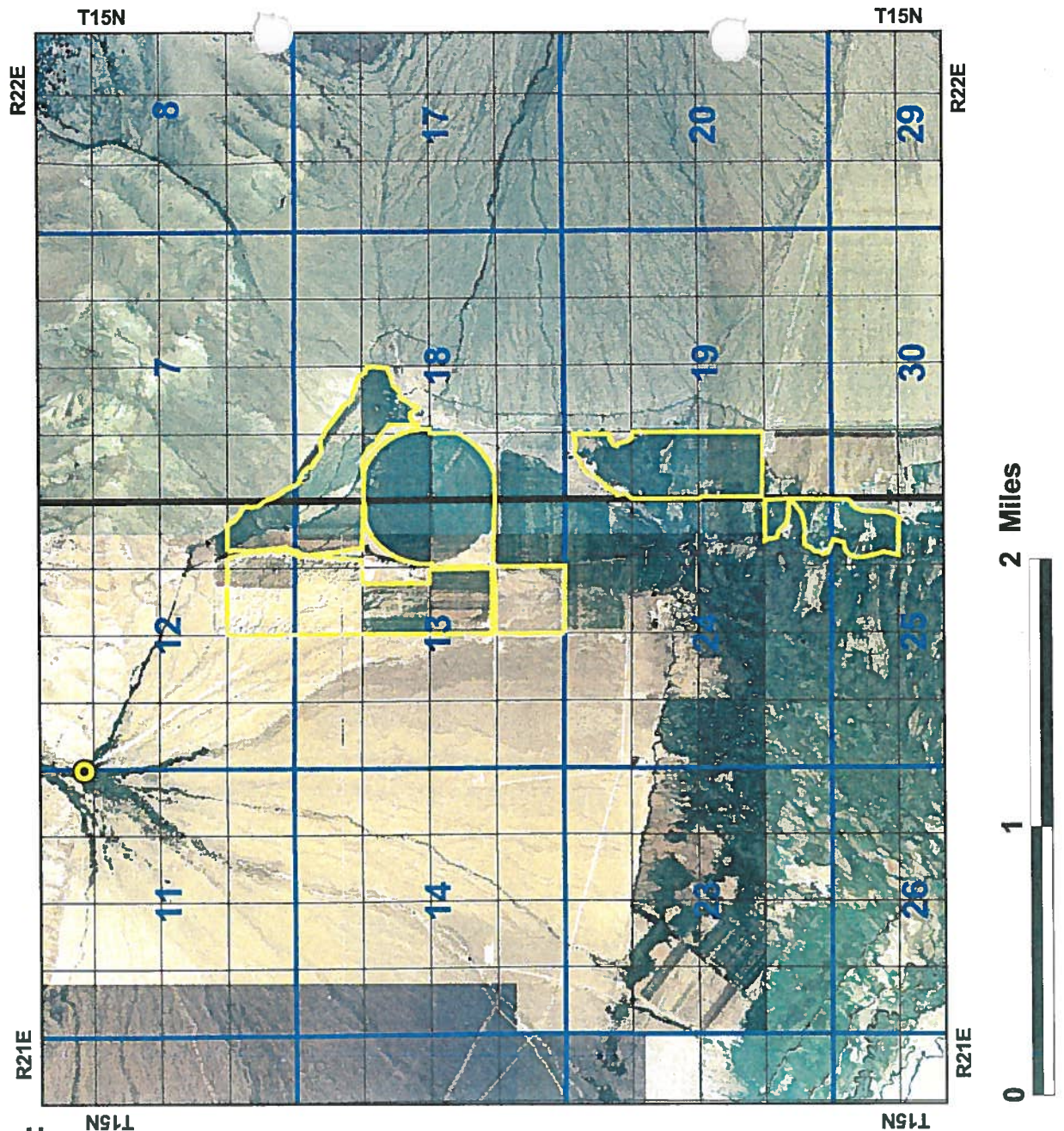
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 73

Prepared by R. Brown
On Thursday, May 11, 2006
1987/88 Aerial Photography



DRAFT

6-5-2003

DIVERSION INFORMATION, WATER DISTRICT 73
PAHSIMEROI RIVER AND TRIBUTARIES

00128
00134
00135
00139B
04005
00138

GENERAL INFORMATION

RANCH NAME (IF APPLICABLE) _____
LAST NAME _____
FIRST NAME _____ PHONE _____
STREET ADDRESS _____
CITY _____ ZIP _____

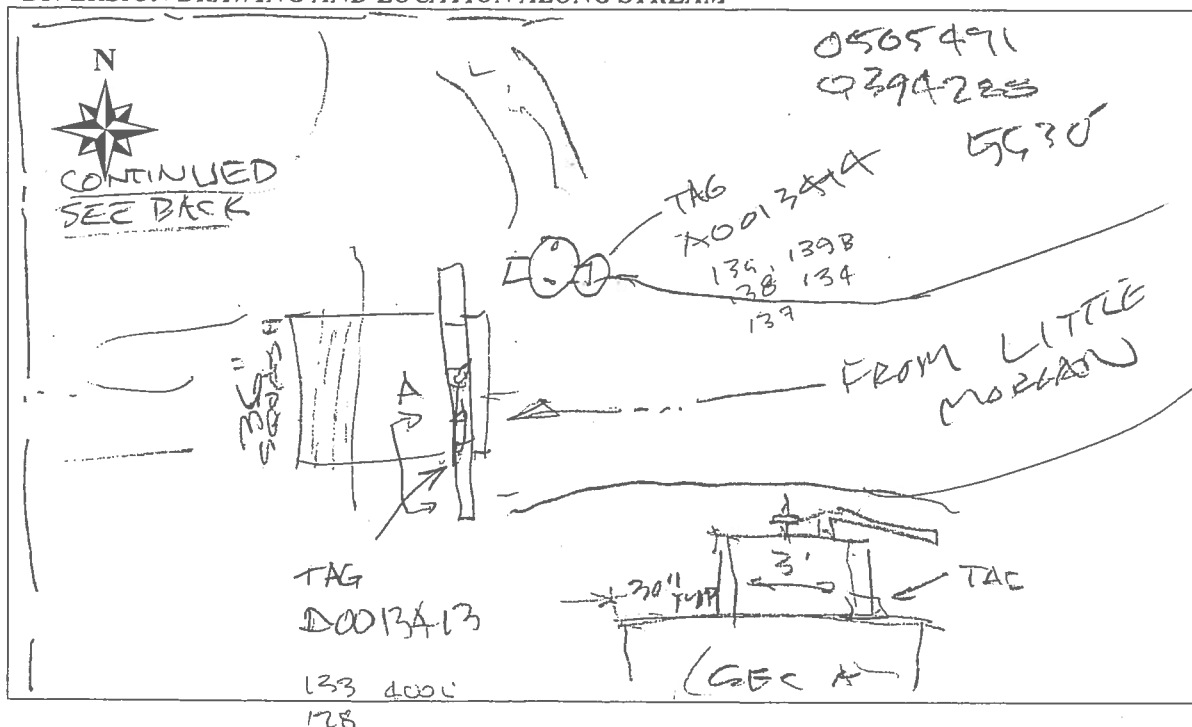
DIVERSION INFORMATION

STREAM, DITCH OR CANAL NAME LITTLE MORGAN CR
DIVERSION NAME _____
GPS TAG, IDWR TAG 10013413 / 100 13914-
PLEASE LIST ANY TAGS OR MARKERS ON OR NEAR DIVERSION
DIVERSION CO-USERS GLENN WHITE WATWORTH
PLEASE LIST ALL OTHER WATER USERS USING THIS DIVERSION

HEADGATE AND MEASURING DEVICE DESCRIPTION

EXISTING HEADGATE-YES X NO _____ HEADGATE PLANNED-YES _____
EXISTING MEASURING DEVICE-YES _____ NO _____ MEASURING DEVICE PLANNED-YES _____
HEADGATE DESCRIPTION 36" LEVER OPERATED SLIDE
PLEASE LIST CONDITION, DIMENSIONS AND CONSTRUCTION TYPE
24" SCREW OPERATED SLIDE
MEASURING DEVICE DESCRIPTION NU-WAY ON LOWER DITCH, 18, CFS
PLEASE LIST CONDITION, TYPE AND MAKE OF DEVICE 2'

DIVERSION DRAWING AND LOCATION ALONG STREAM





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 7, 2006

Jack Whitworth
Whitworth Ranches Inc.
P.O. Box 146
May, ID 83253

Re: Snake River Basin Adjudication (SRBA)
Notice of Error Reply – Subcase No. 73-133
Claim for high flow from Tater Creek (73-12079)
Claim for high flow from Morgan Creek (73-4005)

Dear Jack,

Thank you for your response to our preliminary recommendation of the water right claim(s) captioned above. This letter is an attempt to answer your questions and address your concerns about the recommendation(s).

73-133 We have adjusted the irrigated area to clarify your actual use, based on our conversation concerning the production history of the ranch.. Our calculation indicates a total of 698.7 acres of irrigation from Morgan Creek. We also adjusted the recommendation for 73-128, 73-137 and 73-138 to match these findings.

73-4005 We are unable to recommend this claim without additional information. Since the claim is for additional water from Morgan Creek , please complete and submit the enclosed questionnaire. The information you supply describing your water delivery system and irrigation methods is essential in order for our staff to evaluate this beneficial use claim. Much of the information required is technical; you may wish to contact the Soil Conservation Service or other professionals for assistance with the form.

73-12079 I have enclosed a claim for your use Of Tater Creek high flow. Please review the claim, sign and return it for our investigation. Your signature needs to be notarized. The filing fee for this claim is \$100.00; the fee should be submitted with the claim. I've also enclosed a flow rate questionnaire for this claim.

It was a pleasure meeting with you. Thanks so much for your help with this process.

Please call me at (208) 287-4914 if you have additional questions or concerns. You may also reach me using email: roxanne.brown@idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Roxanne".

Roxanne Brown
Water Rights Supervisor
Adjudication Bureau
Idaho Department of Water Resources

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 7, 2002

WESTERN AG CREDIT FLCA
C/O DAVID BROWN, ASST VICE PRESIDENT
406 W SOUTH JORDAN PARKWAY STE 500
PO BOX 95850
SOUTH JORDAN UT 84095-0850

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 73-13, 73-14, 73-
24A, 73-128, 73-133, 73-137, 73-138, 73-142, 73-143, 73-162, 73-163,
73-164, 73-166, 73-2057, 73-2166, 73-10078, 73-10079

Dear Mr. Brown:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the security interest holder.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosures

cc: Whitworth Ranches Inc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Security Interest in a Water Right

And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right

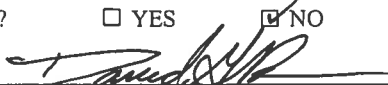
Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 73-0013, 73-0014, 73-0024A, 73-0028, 73-0033, 73-0037, 73-0038,
~~Adjudication Claim~~ ^{Water Right} No(s): 73-00142, 73-00143, 73-00161, 73-00162, 73-00164, 73-02057,
73-02166, 73-10078, 73-10079, 73-00163
2. The following **REQUIRED** information must be submitted with this form:
 - A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

P.O.
 - B) A FEE of \$25.00 per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest

Western Ag Credit, FLCA
% David Brown, Assistant Vice President
P.O. Box 95850, 406 W. South Jordan Pkwy. Suite 500
South Jordan, Utah 84095-0850
4. Name of Water Right Owner/Claimant(s)

Whitworth Ranches, Inc., an Idaho Corporation
5. Expiration Date of Notification Period January 1, 2032
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable)


Assistant Vice President

For Office Use Only

Received by <u>UC</u>	Date <u>5-31-02</u>	Fee <u>\$ 425-</u>
Received by <u>UC</u>	Date <u>5-31-02</u>	Receipt No. <u>E027806</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

RECEIVED

MAY 31 2002

Department of Water Resources
Eastern Region

SCANNED

AUG 29 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

June 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KENNETH L WRIGHT
WESTERN AGCREDIT FLCA
PO BOX 95850
SOUTH JORDAN UT 84095

RE: NOTICE OF PLEDGE FOR WATER RIGHTS 73-13, 73-14, 73-24A, 73-128, 73-133, 73-137, 73-138, 73-142, 73-143, 73-161, 73-162, 73-163, 73-164, 73-2057, 73-2166, 73-10078, 73-10079

Dear Mr. Wright:

I understand you have spoken with our attorney, Candice McHugh, about the enclosed "Notice of Pledge" and your intention to be added as a party with security interest to the above referenced rights.

Please fill out the enclosed "Notice of Security Interest" and attach a check made payable to Idaho Department of Water Resources in the amount of \$425 (\$25 per water right). Send it back to our office and we will process this request as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 9, 1999

UTAH PRODUCTION CREDIT ASSN
406 W SOUTH JORDAN PARKWAY STE 500
SOUTH JORDAN UT 84095

RE: ADDITION OF LIEN HOLDER FOR WATER RIGHTS A73-00013,
A73-00014, A73-00024A, A73-00128, A73-00133,
A73-00137, A73-00138, A73-00142, A73-00143,
A73-00161, A73-00162, A73-00163, A73-00164,
A73-02057, A73-02166, A73-10078, A73-10079

Dear Sirs:

The Department's records have been modified to reflect
Utah Production Credit Association as a lien holder.

If you have any questions regarding this matter, please
feel free to call 525-7161.

Respectfully submitted,

Autumn Jones
Records Clerk

cc: Whitworth Ranches

NOTICE OF PLEDGE

RECEIVED

MAR 29 1999

Department of Water Resources

STATE OF IDAHO
Department of Water Resources
Statehouse
Boise, Idaho 83720

Customer No. 30575851

RECEIVED

APR 01 1999

Attention: Reclamation Engineer

Please be notified that the undersigned have this date executed Mortgages in favor of UTAH PRODUCTION CREDIT ASSOCIATION, covering certain land in LEMHI and CUSTER Counties, State of Idaho, together with all of the Mortgagor's right to use the following:

ADJUDICATION

<u>CLAIM #:</u>	<u>SOURCE:</u>	<u>PRIORITY DATE:</u>	<u>RATE:</u>	<u>ACRES FOR USE:</u>
A73-00013	BIG CREEK	5-01-1917	3.00 CFS	611
A73-00014	BIG CREEK	5-01-1917	2.40 CFS	611
A73-00024A	BIG CREEK	5-01-1911	3.40 CFS	611
A73-00128	MORGAN CREEK	3-01-1898	1.60 CFS	699
A73-00133	MORGAN CREEK	6-01-1883	3.20 CFS	699
A73-00137	MORGAN CREEK	5-01-1891	3.20 CFS	699
A73-00138	MORGAN CREEK	6-01-1895	1.60 CFS	699
A73-00142	TATER CREEK	6-01-1886	1.20 CFS	421
A73-00143	TATER CREEK	6-01-1897	2.00 CFS	421
A73-00161	BIG CREEK	11-20-1885	4.80 CFS	611
A73-00162	BIG CREEK	3-27-1888	3.20 CFS	611
A73-00163	BIG CREEK	3-01-1890	4.80 CFS	611
A73-00164	BURNT CREEK	10-29-1903	3.20 CFS	160
A73-02057	BIG CREEK	3-13-1910	3.40 CFS	170
A73-02166	GROUNDWATER	10-06-1966	1.00 CFS	100
A73-10078	SPRING	5-01-1950	1.00 CFS	27
A73-10079	SPRING	11-20-1885	0.15 CFS	
R73-10079	SPRING	11-20-1885	0.15 CFS	

The said Mortgages, given to secure promissory notes of even date, were recorded FEBRUARY 26, 1999 (LEMHI) and MARCH 01, 1999 (CUSTER), in the office of the County Recorders of the above referenced Counties, as Instrument No. 239810 (LEMHI) and 0217600 (CUSTER).

Please file this notice with your records of the above referenced and direct notice of any intended change of the place of use or other change which materially affects the beneficiary's security interest in the said rights to UTAH PRODUCTION CREDIT ASSOCIATION, 406 West South Jordan Parkway (Suite 500), South Jordan, Utah 84095

Dated: FEBRUARY 08, 1999

WHITWORTH RANCHES, INC., an Idaho Corporation

BY: Emma Lu Z. Whitworth
EMMA LU Z. WHITWORTH, President

BY: Judd Whitworth
JUDD WHITWORTH, Secretary

Please sign your names
EXACTLY as they appear
under the signature lines.