

10/21/2003

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

RIGHT NUMBER: 74-70

NAME AND ADDRESS: TWO DOT RANCH
C/O PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464

TWO DOT RANCH
C/O F JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464

SOURCE: TEXAS CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 04/01/1887

POINT OF DIVERSION:

T15N R26E S26 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	4.000 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R26E S23	NENW	31.0	T15N R26E S23	NWNW	40.0
T15N R26E S23	SWNW	40.0	T15N R26E S23	SENW	40.0
T15N R26E S23	NESW	40.0	T15N R26E S23	NWSW	40.0

231 ACRES TOTAL

This right authorizes the irrigation of 231.4 total acres.

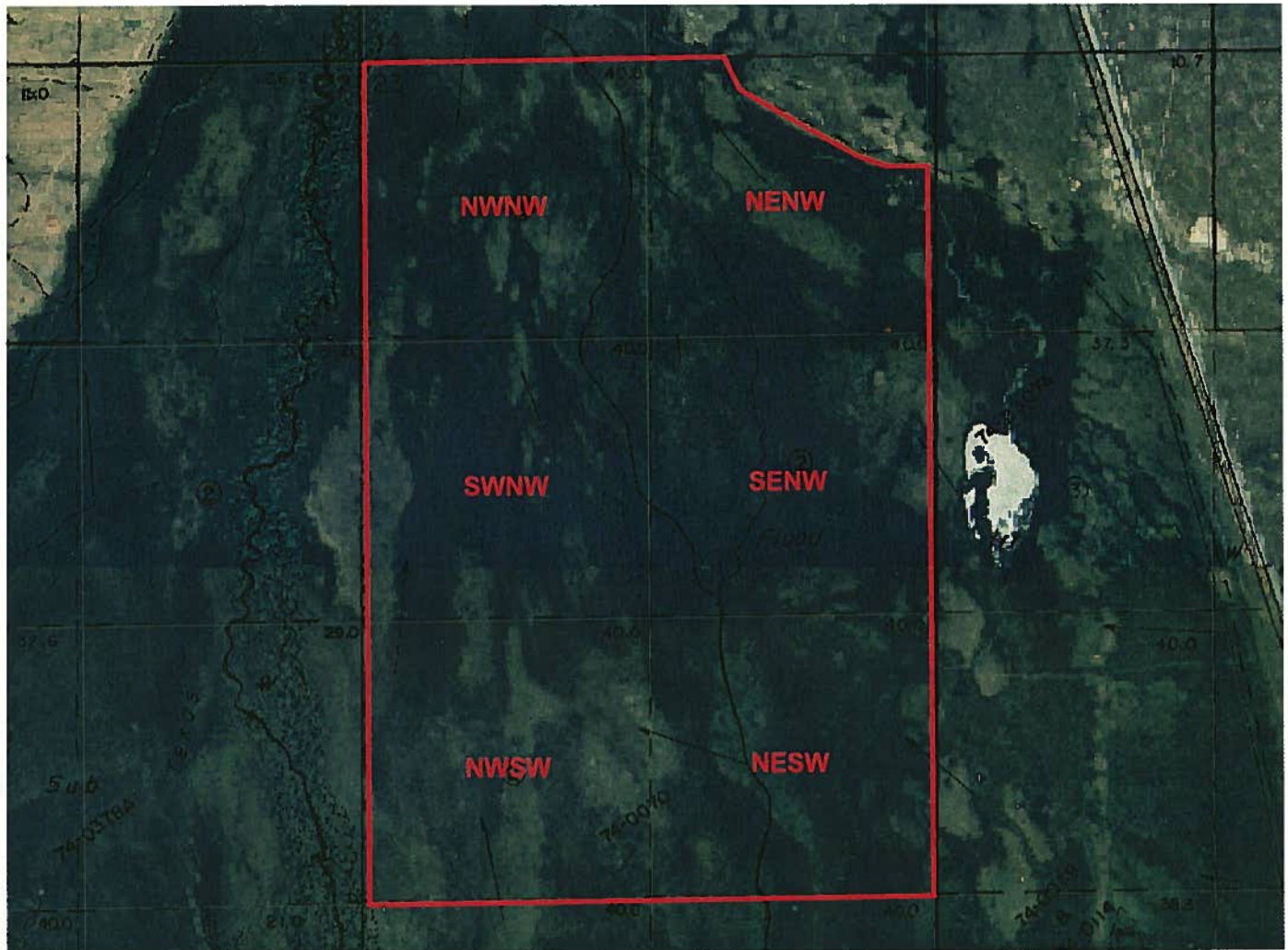
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Decreed

Idaho Department of Water Resources

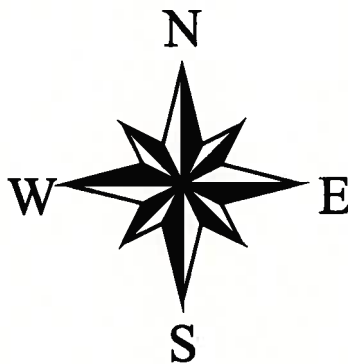
A74-00069 00070



2000 0 2000 Feet



T15N, R26E, S23



Good

Prepared by Anita Warntjes
January 14, 2003
1993/94 True Color Aerial Photo

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-70

WATER RIGHT NUMBER: 74-70

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TWO DOT RANCH C/O PAULA J WHITTAKER ✓ PO BOX 240 LEADORE, ID 83464 (208)768-2491
Current Owner	TWO DOT RANCH C/O F JAMES WHITTAKER PO BOX 240 LEADORE, ID 83464 (208)768-2491
Original Owner	FLOYD J WHITTAKER PO BOX 177 LEADORE, ID 83464

Priority Date: 04/01/1887 ✓

Basis: Decreed

Status: Active

Source

TEXAS CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

4.000 CFS

Annual VolumeTotal Diversion:

4.000 CFS ✓

Location of Point(s) of Diversion

TEXAS CREEK

NW1/4SW1/4

Sec. 26, Twp 15N, Rge 26E, B.M.

LEMHI County

Place of UseIRRIGATION Within LEMHI County

T15N R26E S23	NENW	31.0	T15N R26E S23	NWNW	40.0
T15N R26E S23	SWNW	40.0	T15N R26E S23	SENW	40.0
T15N R26E S23	NESW	40.0	T15N R26E S23	NWSW	40.0

Total Acres: 231

Conditions of Approval:Remarks:

1. General AC. IRR. = 231.4. ✓

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-70

Dates and Other Information:

Claim Received Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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

RRL
3/28/03

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

RIGHT NUMBER: 74-70

NAME AND ADDRESS: TWO-DOT-RANCH

C/O F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

TWO-DOT-RANCH
C/O PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

SOURCE: TEXAS CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 04/01/1887

POINT OF
DIVERSION: T15N R26E S26 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	4.000 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T15N R26E S23	NENW	31.00	T15N R26E S23	NWNW	40.00
T15N R26E S23	SWNW	40.00	T15N R26E S23	SENW	40.00
T15N R26E S23	NESW	40.00	T15N R26E S23	NWSW	40.00
<u>T15N R26E S23</u>	<u>SWSW</u>	<u>40.00</u>	<u>T15N R26E S23</u>	<u>SESW</u>	<u>40.00</u>
<u>T15N R26E S26</u>	<u>NENW</u>	<u>40.00</u>	<u>T15N R26E S26</u>	<u>NWNW</u>	<u>38.00</u>

389 231 ACRES TOTAL

This right is limited to the irrigation of 231.4 acres within the place of use described above in a single irrigation season.

This right authorizes the irrigation of 231.4 total acres.

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

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 74-70
Date Received: 1/14/2006
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

F JAMES WHITTAKER Phone: (208)768-2491

PO BOX 240
LEADORE ID USA 83464

2. Date of Priority: 04/01/1887

3. Source: TEXAS CREEK Trib. to: LEMHI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	26E	26	NW SW	LEMHI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	4	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	26E	23	NE	NW	IRRIGATION	31
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40

			NW	SW	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	311
15N	26E	26	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	38
					Section Acres	78
					Total Acres	389

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

This amended claim is for a permissible place of use per attached affidavits.
This water right serves 231.4 acres within the place of use.

15. Basis of Claim: Decreed

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 A74-70

Date Received _____

Receipt Number _____

AMENDED

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

AMENDED

Please type or print clearly

1. Name of Claimant (s) F James Whittaker Phone (208) 768 2491Mailing Address PO Box 240 Healdore ID Zip 834642. Date of Priority (Only one (1) per claim) 4/1/18873. Source of water supply (a) Texas Creek
which is tributary to (b) Lemhi River4. a. Location of existing point of diversion is: Township 15N Range 26E Section 26,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Per original claim

South of town
15 miles east of town

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 4.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15N	26E	23					31	40	40	40	40	40					40	40	311
		26					40	38											78

Total number of acres irrigated 389

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
74-70 and 74-1567 are overlapped on a PPU basis. or None ()

14. Remarks:

This amended claim is for a permissible place of use per attached affidavits. This water right serves 231.4 acres within the place of use. Acres per preliminary recommendations by DWR.

Last Name Whittaker Ident No. A74-70

Copies: White -State, Yellow-Claimant

Please see attached

[illegible]

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 74-70
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

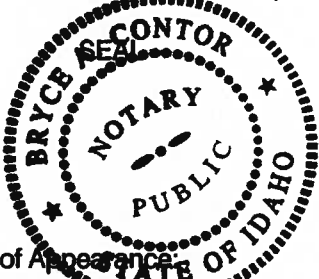
Signature of Claimant (s) James Whitaker Date 8/10/04
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 10th day of August 2004



Notary Public Bryce A. Contor

Residing at Mid Lake

My Commission Expires 10/14/2005

Please Print Name

17. Notice of Appearance:
Notice is hereby given that _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

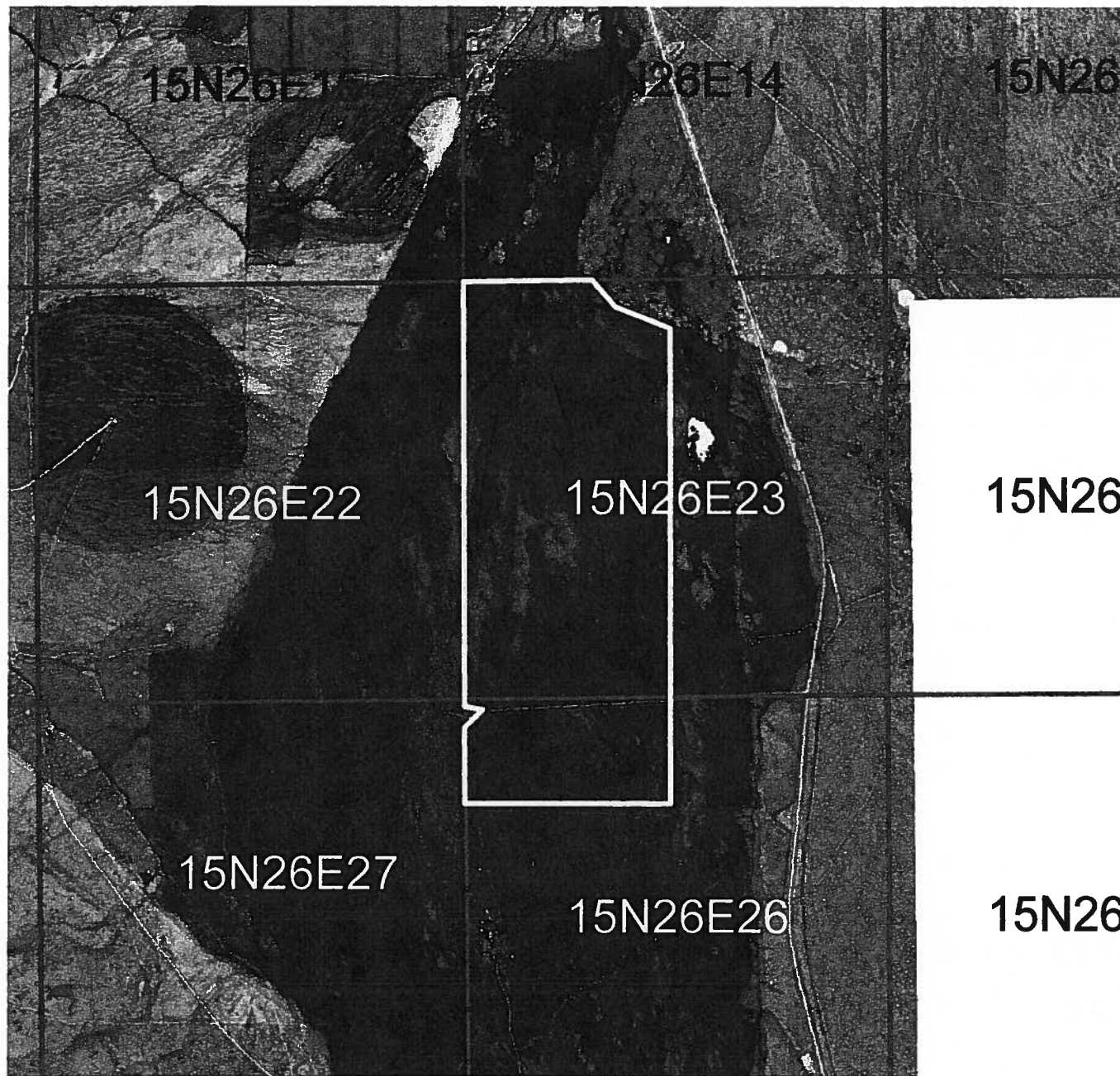
Signature _____

Address _____

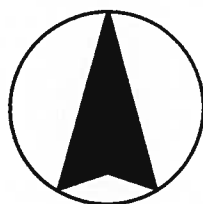
Date _____

Last Name Whitaker Ident. Number A74-70

Whittaker South Town East Combined Place of Use
74-70, 74-1567
Scale 1:24,000



1992 aerial photography provided by IDWR



Prepared by Water Resources Field Services 208 681 9100

IDWR
August 12, 2004

RECEIVED

AUG 16 2004

DEPARTMENT OF
WATER RESOURCES

Leadore, ID

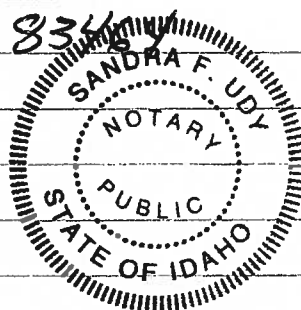
To Whom It May Concern

I started working for James Whittker on
February 1st 1986 and irrigated the Barrows
property that summer.

During that time I used the following
water right numbers where I felt they
would be the most beneficial: 74-70
74-1567 on the east side of Texas creek
74-88, 74-89, 74-90, 74-132, 74-133, 74-1101,
74-378A on the west side of Texas creek

I would start at Top of the field and
keep changing it picking up waste water
and putting out again working to the
bottom of the field

Tony Edlyson
Box 6
Leadore, Idaho



8/12/04

Notary Sandra F. Udy
Location Leadore Idaho
Comm Exp 09/18/2008