

10/06/2003

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

RIGHT NUMBER: 74-72

NAME AND ADDRESS: PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464

F JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464

SOURCE: UNNAMED STREAM

TRIBUTARY: TEXAS CREEK

QUANTITY: 0.840 CFS
409.900 AFY

Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 12.36 cfs and a total annual maximum diversion volume of 1235.5 af at the field headgate.

Rights 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 5.40 cfs, and a total annual maximum diversion volume of 553.0 af at the field headgate.

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION:

T15N R26E S21 NWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.840 CFS 409.90 AFY

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R26E S21	NENE	38.0	T15N R26E S21	NWNE	35.0
T15N R26E S21	SWNE	35.0	T15N R26E S21	SENE	40.0
T15N R26E S21	NESE	6.0	T15N R26E S22	NWNE	0.4
T15N R26E S22	SWNE	3.0	T15N R26E S22	NENW	33.0
T15N R26E S22	NWNW	40.0	T15N R26E S22	SWNW	40.0
T15N R26E S22	SENW	40.0	T15N R26E S22	NESW	16.6
T15N R26E S22	NWSW	26.0			

353 ACRES TOTAL

Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total irrigation of 353.0 acres.

Rights 74-72 and 74-15005 when combined shall not exceed a total irrigation of 158.0 acres in 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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

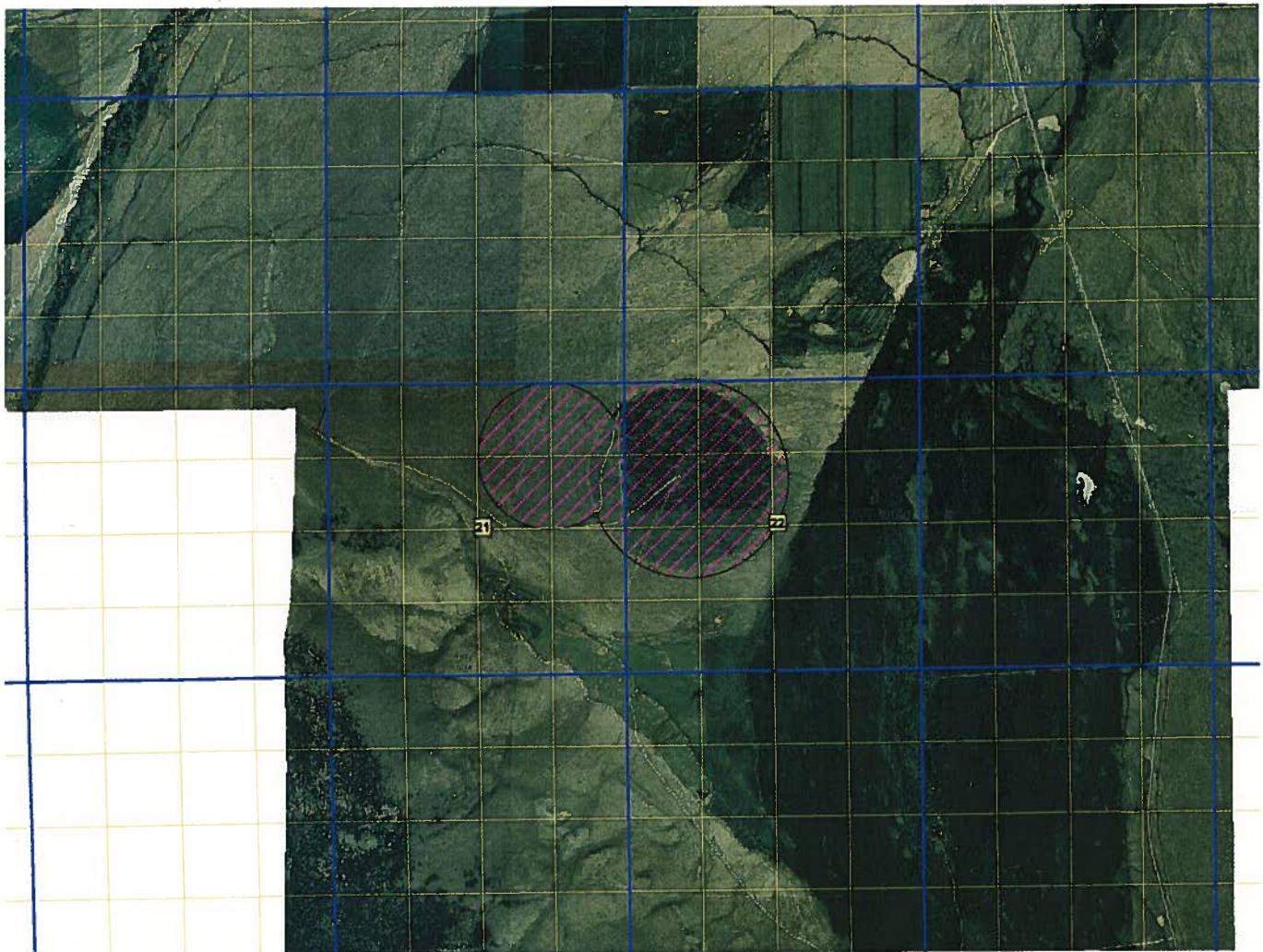
Prior to diversion of water under Rights 74-72 and 74-15005, the right holder shall provide and maintain a means of measurement acceptable to the watermaster for measuring the flow in Nez Perce Creek at the original points of diversion in NESW, S15 and S22, T14N, R26E.

Diversion of water under Rights 74-72 and 74-15005 is limited to those times water is available for diversion under these rights and priorities from Nez Perce Creek, and shall not exceed the amount that remains undiverted in Nez Perce Creek that is ultimately allowed to reach Texas Creek.

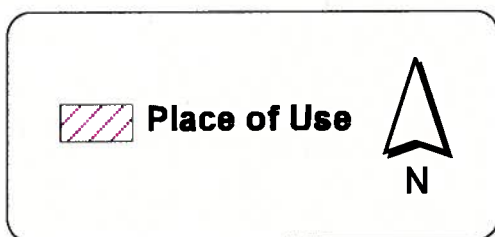
EXPLANATORY MATERIAL: Decreed

Source known locally as Warm Spring Creek.

Idaho Dept. of Water Resources
Water Right Nos. 74-39B, 74-63, 74-72, 74-15005
James Whittaker



0.6 0 0.6 1.2 Miles



T15N R26E

GIS Presentation
Prepared by R. Brown
October 6, 2003
1993/94 True Color Photography