

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

RIGHT NUMBER: 74-74
NAME AND ADDRESS: F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

SOURCE: COLD SPRING CREEK TRIBUTARY: TEXAS CREEK
QUANTITY: 1.600 CFS
PRIORITY DATE: 04/07/1899
POINT OF
DIVERSION: T14N R26E S3 NESW Within LEMHI County
T14N R26E S3 SESW 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	1.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R26E S03	SWNE	40.00	T14N R26E S03	SENE	32.00
T14N R26E S03	NESW	20.00			

92 ACRES TOTAL

This right authorizes the irrigation of 91.5 total acres.

USE OF THIS RIGHT WITH RIGHT NO. 74-118 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 91.5 ACRES 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 - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-74 V1

WATER RIGHT NUMBER: 74-74 V1

Owner TypeName and Address

Attorney

MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD
C/O SCOTT CAMPBELL
PO BOX 829
BOISE, ID 83701
(208)345-2000

Current Owner

F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE, ID 83464
(208)768-2491

Current Owner

PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE, ID 83464
(208)768-2491

Original Owner

MAHAFFEY LIVESTOCK INC
C/O STEPHEN MAHAFFEY
PO BOX 4
TENDON, ID 83468

Priority Date: 04/07/1899

Basis: Decreed

Status: Active

Source

COLD SPRING CREEK

Tributary

TEXAS CREEK

*Recommendation
appears to match
Both Claim and
Decree. I Don't understand
objection on Grounds
of PPC, which Rights
should have combined
use?*

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

1.600 CFS

Annual VolumeTotal Diversion: 1.600 CFSLocation of Point(s) of Diversion

COLD SPRING CREEK

SE1/4SW1/4

Sec. 3, Twp 14N, Rge 26E, B.M.

LEMHI County

COLD SPRING CREEK

NE1/4SW1/4

Sec. 3, Twp 14N, Rge 26E, B.M.

LEMHI County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
14N	26E	3	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	92.0
					40.0					32.0				20.0					

Total Acres: 92

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 74-74 V1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E64 This right authorizes the irrigation of 91.5 total acres.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-118 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 91.5 ACRES IN A SINGLE IRRIGATION SEASON.

Remarks:Comments:

1. rbrown 10/22/2003 Recommendation
Comment: based on lemhi decree

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		91.5
Combined Water Rights: 74-74 , 74-118		

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-74 V1

SubCase:

SubCase Number: 74-74

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: rbrown

Basis of Claim: Decreed

Date Filed: 5/1/2006 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-74

WATER RIGHT NUMBER: 74-74

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD C/O SCOTT CAMPBELL PO BOX 829 BOISE, ID 83701 (208)345-2000
Current Owner	F JAMES WHITTAKER 83 BIG EIGHT MILE RD PO BOX 240 LEADORE, ID 83464 (208)768-2491
Original Owner	MAHAFFEY LIVESTOCK INC C/O STEPHEN MAHAFFEY PO BOX 4 TENDON, ID 83468

Priority Date: 04/07/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD SPRING CREEK	TEXAS CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

COLD SPRING CREEK LEMHI County	SE1/4SW1/4	Sec. 3, Twp 14N, Rge 26E, B.M.
COLD SPRING CREEK LEMHI County	NE1/4SW1/4	Sec. 3, Twp 14N, Rge 26E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	26E	3			40.0				32.0	20.0									92.0

Total Acres: 92

Conditions of Approval:

1. AC. IRR.=91.5.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-74

Remarks:

Comments:

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

Combined Use Limits:

SubCase:

SubCase Number: 74-74
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: rbrown
Basis of Claim: Decreed
Date Filed: 5/1/2006 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-74

WATER RIGHT NUMBER: 74-74

Owner Type Name and Address
 Current Owner MAHAFFEY LIVESTOCK INC
 C/O STEPHEN MAHAFFEY
 PO BOX 4
 TENDON, ID 83468

Priority Date: 04/07/1899

Basis: Decreed

Status: Active

Source Tributary
 COLD SPRING CREEK TEXAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

COLD SPRING CREEK	SE1/4SW1/4	Sec. 3,	Twp 14N,	Rge 26E, B.M.
LEMHI County				
COLD SPRING CREEK	NE1/4SW1/4	Sec. 3,	Twp 14N,	Rge 26E, B.M.
LEMHI County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
14N	26E	3	40.0	32.0	20.0		92.0

Total Acres: 92

Conditions of Approval:

1. AC. IRR.=91.5.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-74

Licensed Date:
Decreed Date: 12/30/1982
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Mary Adams, et al
Decree Plaintiff: State of Idaho
Civil Case Number: 4948
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 74-74
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: rbrown
Basis of Claim: Decreed
Date Filed: 5/1/2006 Objection Status: Active

Water Supply Bank:

10/22/2003

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

RIGHT NUMBER: 74-74

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

TWO DOT RANCH
C/O PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464

SOURCE: COLD SPRING CREEK

TRIBUTARY: TEXAS CREEK

QUANTITY: 1.600 CFS

PRIORITY DATE: 04/07/1899

POINT OF DIVERSION:

T14N R26E S3 NESW Within LEMHI County

T14N R26E S3 SESW 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	1.600 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R26E S03	SWNE	40.0	T14N R26E S03	SENE	32.0
T14N R26E S03	NESW	20.0			

92 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 74-118 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 91.5 ACRES IN A SINGLE IRRIGATION SEASON.

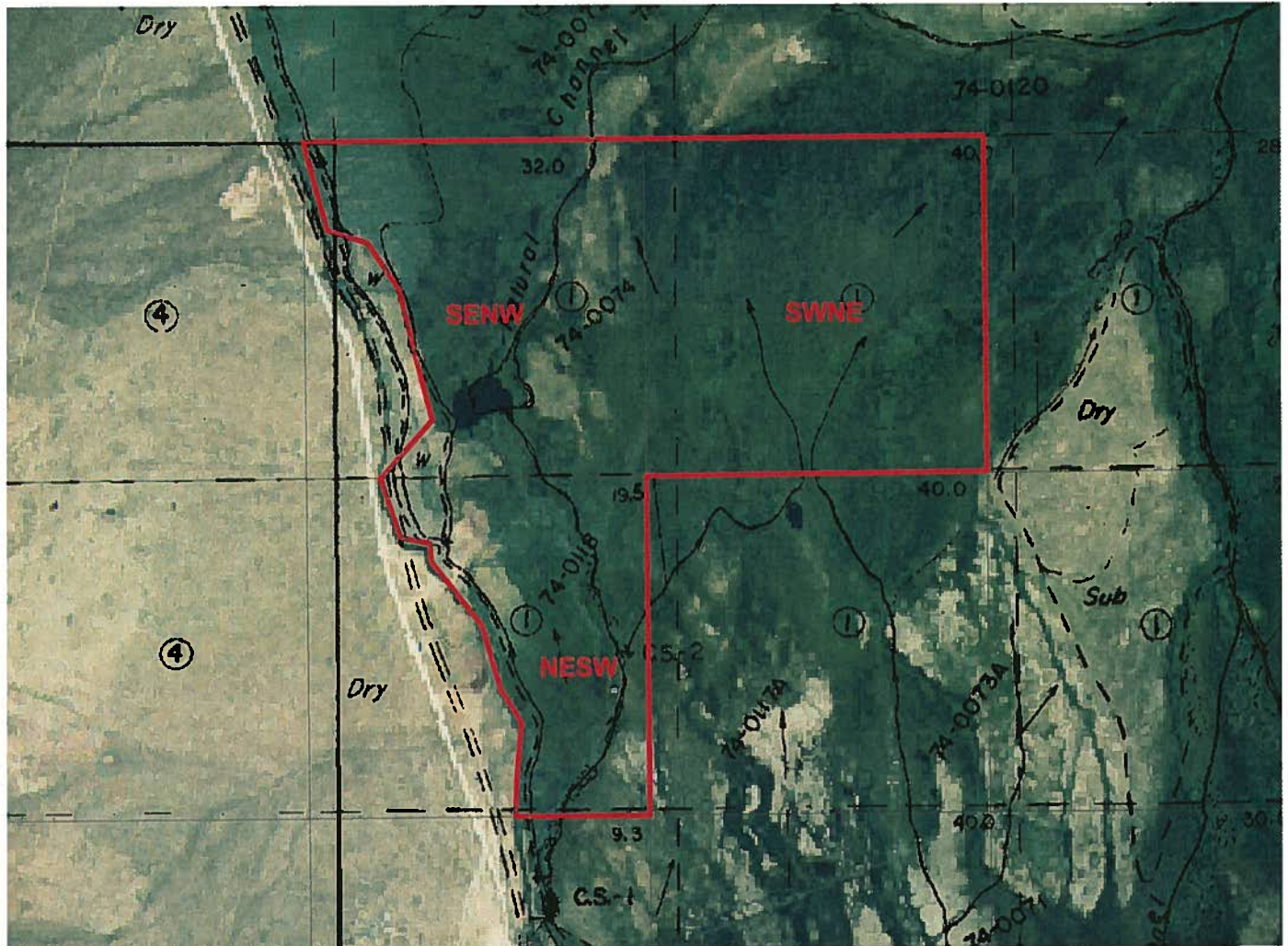
This right authorizes the irrigation of 91.5 total acres.

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

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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

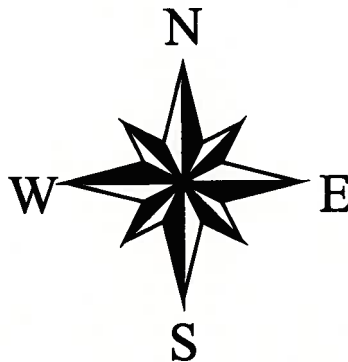
A74-00074



1000 0 1000 2000 3000 Feet



T14N, R26E, S3



Shift

**Prepared by Anita Warntjes
January 15, 2003
1993/94 True Color Aerial Photo**

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-74

WATER RIGHT NUMBER: 74-74

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TWO DOT RANCH C/O F JAMES WHITTAKER ✓ PO BOX 240 LEADORE, ID 83464 (208)768-2491
Original Owner	MAHAFFEY LIVESTOCK INC C/O STEPHEN MAHAFFEY PO BOX 4 TENDON, ID 83468
Current Owner	TWO DOT RANCH C/O PAULA J WHITTAKER PO BOX 240 LEADORE, ID 83464 (208)768-2491

Priority Date: 04/07/1899 ✓

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD SPRING CREEK	TEXAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS ✓	

Location of Point(s) of Diversion

COLD SPRING CREEK	SE1/4SW1/4	Sec. 3,	Twp 14N,	Rge 26E, B.M.
LEMHI County				
COLD SPRING CREEK	NE1/4SW1/4	Sec. 3,	Twp 14N,	Rge 26E, B.M.
LEMHI County				

Place of UseIRRIGATION Within LEMHI County

T14N R26E S03	SWNE	40.0	T14N R26E S03	SENE	32.0
T14N R26E S03	NESW	20.0			

Total Acres: 92

Conditions of Approval:Remarks:

1. General AC. IRR.=91.5. ✓

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-74

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

RRV
3/28/03