

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

RIGHT NUMBER: 74-89

NAME AND ADDRESS: TWO-DOT-RANCH

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

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

SOURCE: SPRINGS TRIBUTARY: TEXAS CREEK
TEXAS CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.600 CFS

PRIORITY DATE: 04/09/1909

POINT OF
DIVERSION: T15N R26E S35 NWNW Within LEMHI County
T15N R26E S35 SWNW 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	2.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T15N R26E S27	SWNE	40.00	T15N R26E S27	SENE	35.90
T15N R26E S27	SENW	36.00	T15N R26E S27	NESW	8.00
T15N R26E S27	NESE	39.00	T15N R26E S27	NWSE	37.00
T15N R26E S27	SWSE	9.00	T15N R26E S27	SESE	39.60
T15N R26E S34	NENE	6.00			

250.5 ~~121~~ ACRES TOTAL

This right authorizes the irrigation of 121.2 total acres.

This right is limited to the irrigation of 121.2 acres within the place of use described above in a single irrigation season.

USE OF THIS RIGHT WITH RIGHT NO. 74-133 AND 74-15003 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 136.2 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

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 74-89
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: 04/09/1909

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	35	SW NW	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	2.6	

7. Total Quantity Appropriated is:
2.6 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	22	NE	NE	IRRIGATION	36
			SW	NE	IRRIGATION	14
			SE	NE	IRRIGATION	36
			NE	SE	IRRIGATION	29
			NW	SE	IRRIGATION	33

			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	21
					Section Acres	209
15N	26E	27	NE	NE	IRRIGATION	34
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	35.9
			NE	NW	IRRIGATION	15
			SE	NW	IRRIGATION	36
			NE	SW	IRRIGATION	8
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	37
			SW	SE	IRRIGATION	9
			SE	SE	IRRIGATION	39.6
					Section Acres	333.5
15N	26E	34	NE	NE	IRRIGATION	6
					Section Acres	6
					Total Acres	548.5

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 combines the above rights (74-88, 74-89, 74-90, 74-132, 74-133, 74-378A, 74-1101) on a permissable place of use basis per attached affidavits. The PPU only combines preliminary recommended places of use; no changes. This claim is for 121 acres within the PPU.

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 A74-89

Date Received _____

Receipt Number _____

Amended

NOTICE OF CLAIM Amended
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 2491

Mailing Address PO Box 240 Leadore ID Zip 83464

2. Date of Priority (Only one (1) per claim) 4/9/1909

3. Source of water supply (a) Texas Creek
which is tributary to (b) Lemhi River

4. a. Location of existing point of diversion is: Township 15N Range 26E Section 35,

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

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

Whittaker South of Town West 1 place of use
Combined Place of Use
Amended Claim

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 2.60 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.60 (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	
KN	26E	22	36		14	36									29	33	40	21	209
		27	34	40	40	35.7	15			36	8				39	37	9	39	338.5
		34	6																6

Total number of acres irrigated 548.5

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 X 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.
74-88, 74-89, 74-90, 74-132, 74-133, 74-378A, 74-1101 or None ()

14. Remarks: This amended claim combines the above rights on a permissible place of use basis per attached affidavits. The PPU only combines preliminary recommended places of use; no changes. Per preliminary recommendation this claim is for 121 acres within the PPU.

Last Name Whittaker Ident No. 74-89

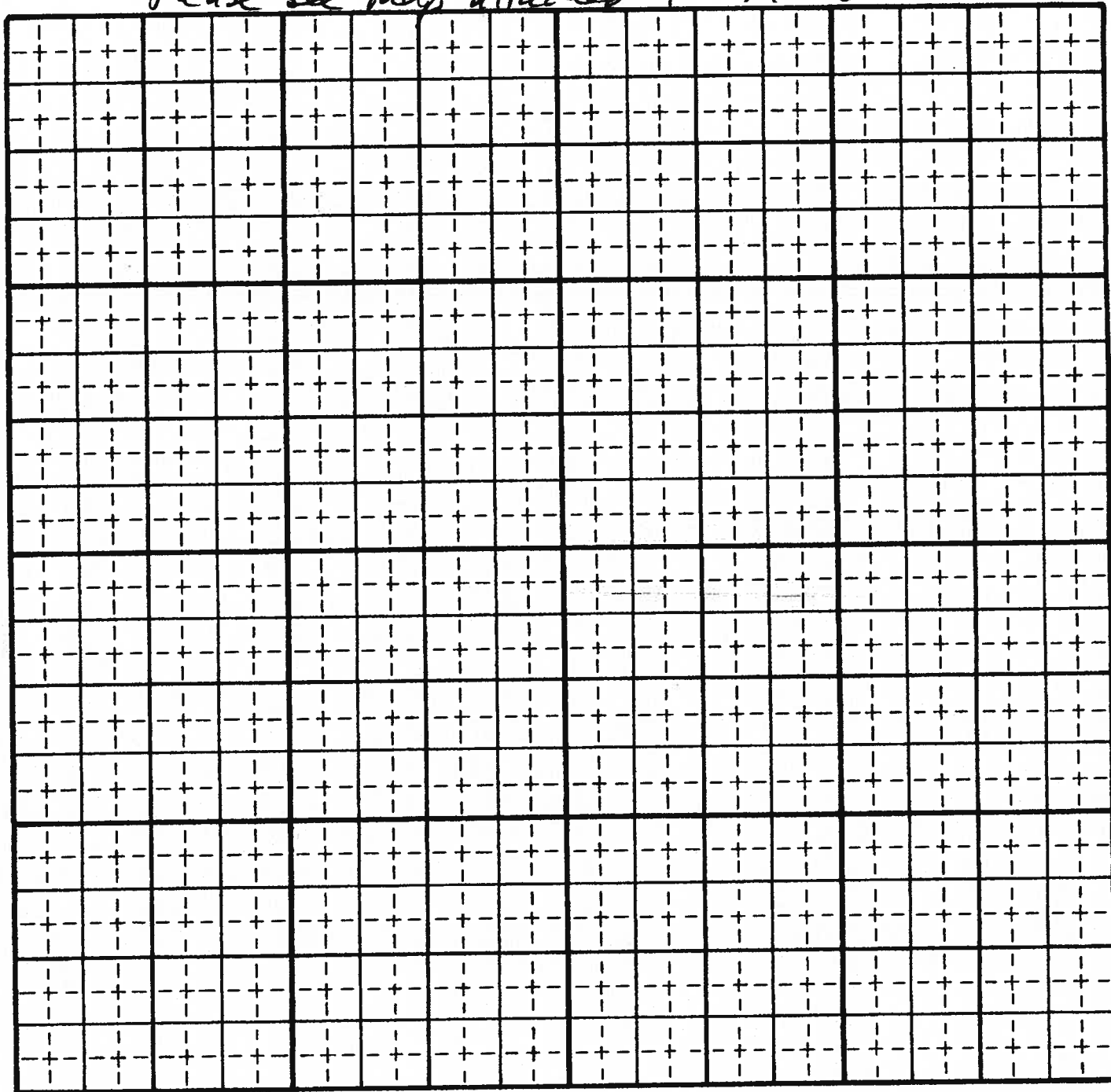
Copies: White -State, Yellow-Claimant

Whittaker South of Town West place of use
Combined Place of Use
Amended Claim

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Please see map attached to 74-88



6th. H.L.

Whittaker South of Town West
Combined Place of Use
Amended Claim

Ident No. 74-89

place of use

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 74-89

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) _____

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 to (affirmed) before me this

10th

day of

August

2005

Notary Public

Bryce A. Contor

Residing at

Mud 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 _____

Whittaker South of Town West
Combined Place of Use
Amended Claim

it. Number

74-89

place of use

Copies White-State, Yellow-Claimant

10/21/2003

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

RIGHT NUMBER: 74-89

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: 2.600 CFS

PRIORITY DATE: 04/09/1909

POINT OF DIVERSION:

T15N R26E S35 SWNW 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	2.600 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R26E S27	SWNE	40.0	T15N R26E S27	SENE	36.0
T15N R26E S27	NESW	8.0	T15N R26E S27	NWSE	37.0

121 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 74-133 AND 74-15003 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 136.2 ACRES IN A SINGLE
IRRIGATION SEASON.

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This right authorizes the irrigation of 121.2 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

Overlap

	<u>89</u>	<u>133</u>	<u>15003</u>
15N26E527 SWNE	40.0	40.0	40.0
NENW			15.0
SENE	36.4	36.4	36.0 36.4
NESW	7.9	7.9	8.0 7.9
NWSE	<u>36.9</u>	<u>36.9</u>	<u>37.0 36.9</u>
	121.2	121.2	136.2

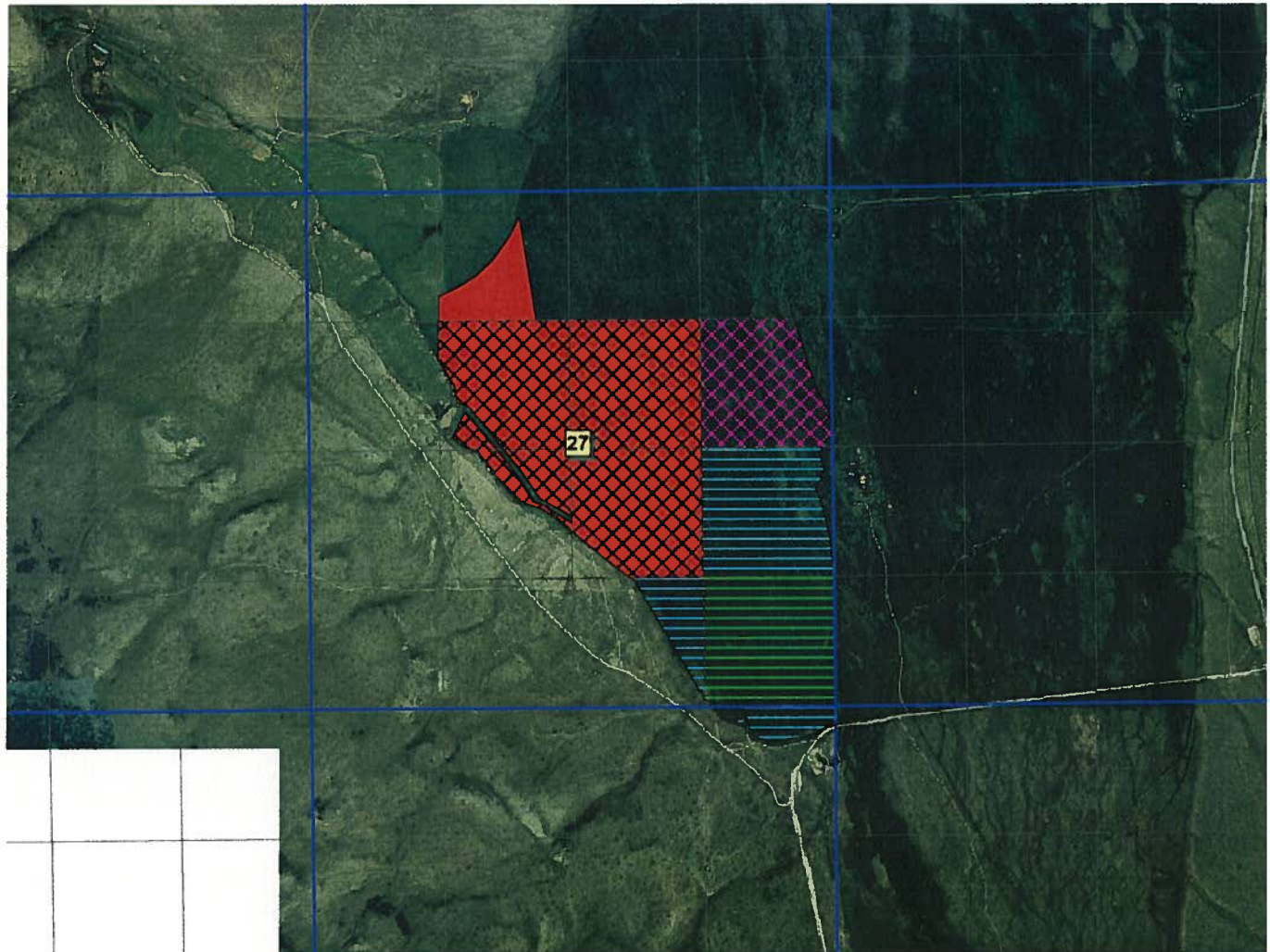
Combinations

89, 133: 121.2 acres

89, 133, 15003: 136.2 acres

R Brown
10/21/03

Idaho Dept. of Water Resources
Water Right No. 74-88, 74-89, 74-90, 74-132,
74-133, 74-1101, 74-15003
Two Dot Ranch



0.3 0 0.3 0.6 Miles

- | | |
|--|----------|
| | 74-00088 |
| | 74-00089 |
| | 74-00090 |
| | 74-00132 |
| | 74-00133 |
| | 74-01101 |
| | 74-15003 |



T 15N R26E

GIS Presentation

Prepared by R. Brown

October 21, 2003

1998/2001 Satellite Photography

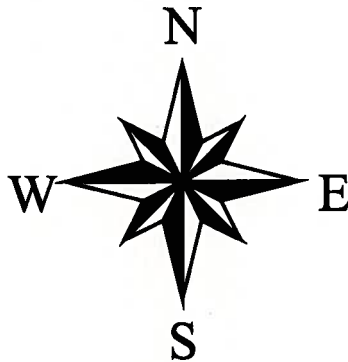
Idaho Department of Water Resources

A74-00089



1000 0 1000 2000 3000 Feet

T15N, R26E, S27



Shift

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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-89

WATER RIGHT NUMBER: 74-89

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

Priority Date: 04/09/1909 ✓

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TEXAS CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.600 CFS	
	<u>Total Diversion:</u>	2.600 CFS ✓	

Location of Point(s) of Diversion

TEXAS CREEK	SW1/4NW1/4	Sec. 35, Twp 15N, Rge 26E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T15N R26E S27	SWNE	40.0 ✓	T15N R26E S27	SENE	36.0 ✓
T15N R26E S27	NESW	8.0 ✓	T15N R26E S27	NWSE	37.0 ✓
Total Acres: 121					

Conditions of Approval:Remarks:

1. General AC. IRR.=121.2 ✓

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-89

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