

10/22/2003

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

RIGHT NUMBER: 74-106

NAME AND ADDRESS: JAMES WHITAKER
PO BOX 240
LEADORE ID 83464

PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464

SOURCE: PURCELL CREEK

TRIBUTARY: TEXAS CREEK

QUANTITY: 0.280 CFS
49.400 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Rights 74-96 and 74-106 shall not exceed 0.44 cfs, nor total combined annual volume of 111 af.

PRIORITY DATE: 06/01/1909

POINT OF DIVERSION:

T14N R26E S10 NENE Within LEMHI County
T14N R26E S10 SWNE 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	0.280 CFS 49.40 AFY

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R26E S11 SWNW 31.7
This right is limited to the irrigation of 14.1 acres within the place of use described above in a single irrigation season.

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

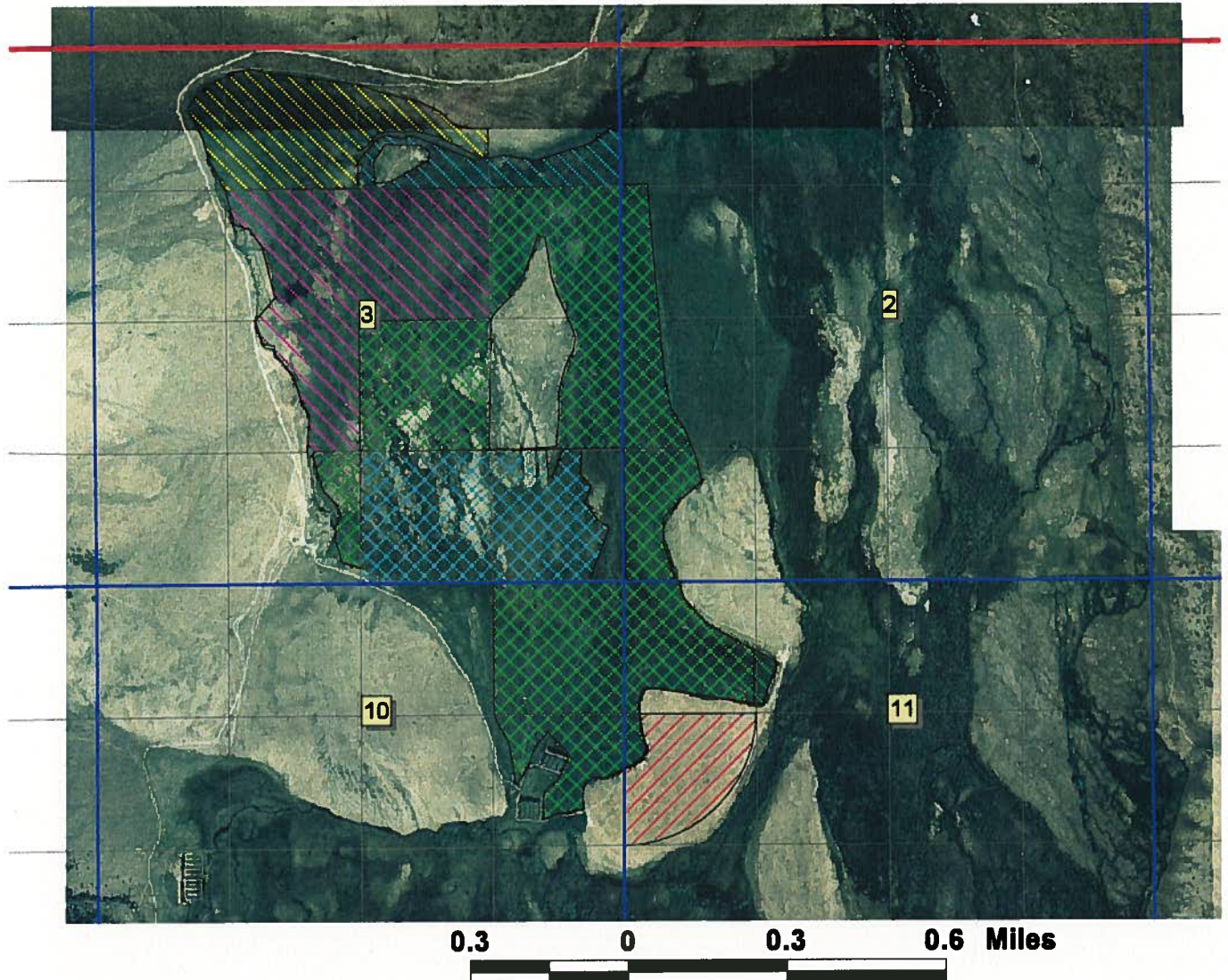
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

EXPLANATORY MATERIAL: Decreed

Idaho Dept. of Water Resources
Water Right Nos. 74-71, 74-73A, 74-74,
74-75, 74-76, 74-96, 74-99,
74-106, 74-117A, 74-118,
74-119, 74-120, 74-142
Two Dot Ranch/Whittaker



	74-00071, 74-00076
	74-00073A
	74-00074, 74-00118
	74-00075, 74-00099, 74-00119, 74-00142
	74-00096, 74-00106
	74-00117A
	74-00120.



T14N R26E

GIS Presentation
Prepared by R. Brown
October 22, 2003
1993/94 True Color Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-106

WATER RIGHT NUMBER: 74-106

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	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	PAULA J WHITTAKER PO BOX 240 LEADORE, ID 83464 (208)768-2491

*- Same as
Two Dot Ranch*

Priority Date: 06/01/1909 ✓

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PURCELL CREEK	TEXAS CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.280 CFS	49.40 AF
	<u>Total Diversion:</u>	0.280 CFS ✓	49.40 AF

Location of Point(s) of Diversion

PURCELL CREEK	NE1/4NE1/4	Sec. 10, Twp 14N, Rge 26E, B.M.
LEMHI County		
PURCELL CREEK	SW1/4NE1/4	Sec. 10, Twp 14N, Rge 26E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T14N R26E S11 SWNW 31.7

Total Acres: 31.7

Conditions of Approval:

1. X27 This right is limited to the irrigation of 14.1 acres within the place of use described above in a single irrigation season. ✓
2. WB4 The total instantaneous diversion of water from all points of diversion under Rights 74-96 and 74-106 shall not exceed 0.44 cfs, nor total combined annual volume of 111 af.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-106

4. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Remarks: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: 74W
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

No Aerial
3/29/03
RRL