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 74-157
Date Received: 10/4/2005
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

PAULA J WHITTAKER Phone: (208)768-2491

PO BOX 240
LEADORE ID USA 83464

2. Date of Priority: 04/01/1916

3. Source: SPRINGS Trib. to: LEE CREEK

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County	Type
16N	25E	31		NE	NE		LEMHI	
16N	25E	32		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	03/15	11/15	3.2	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
3.2 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
16N	25E	28	SW NW		IRRIGATION	40
			SE NW		IRRIGATION	37
			NE SW		IRRIGATION	23
			NW SW		IRRIGATION	40
			SW SW		IRRIGATION	35.2
					Section Acres	175.2
16N	25E	29	SW NE		IRRIGATION	40
			SE NE		IRRIGATION	40
			SW NW		IRRIGATION	33
			SE NW		IRRIGATION	39
			NE SW		IRRIGATION	40
			NW SW		IRRIGATION	13
			SW SW		IRRIGATION	16
			SE SW		IRRIGATION	40
			NE SE		IRRIGATION	40
			NW SE		IRRIGATION	40
			SW SE		IRRIGATION	37
			SE SE		IRRIGATION	15.7
					Section Acres	393.7
16N	25E	32	NE NW		IRRIGATION	37
			NW NW		IRRIGATION	33
					Section Acres	70
16N	25E	33	NW NW		IRRIGATION	9
					Section Acres	9
					Total Acres	647.9

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 to represent the use of a permissable place of use. This claim is for 291.7 acres within the combined place of use.

15. Basis of Claim: Decreed

03/02/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-157

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

added Paula 3/3/04 RB

SOURCE: SPRINGS TRIBUTARY: LEE CREEK

QUANTITY: 3.200 CFS

PRIORITY DATE: 04/01/1916

POINT OF DIVERSION:

T16N R25E S31 NENE Within LEMHI County

T16N R25E S32 SWNW Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	3.200 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T16N R25E S29	SWNE	40.0	T16N R25E S29	SWNW	33.0
T16N R25E S29	SENW	39.0	T16N R25E S29	NESW	40.0
T16N R25E S29	NWSW	13.0	T16N R25E S29	SWSW	16.0
T16N R25E S29	SESW	40.0	T16N R25E S32	NENW	37.0
T16N R25E S32	NWNW	33.0			

STOCKWATER same as IRRIGATION

291 ACRES TOTAL

This right authorizes the irrigation of 291.7 total acres.

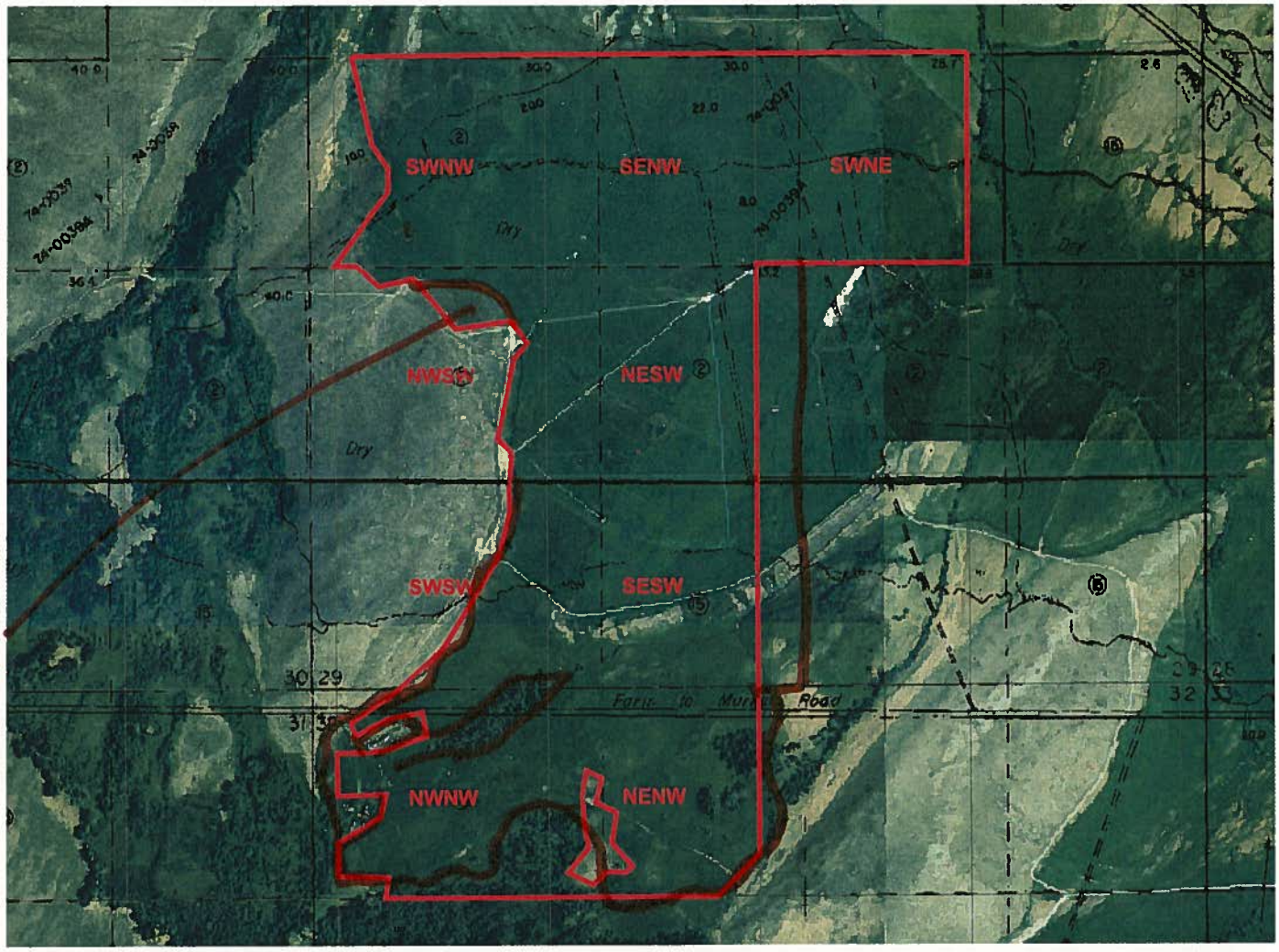
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

A74-00157



out

2000 0 2000 4000 Feet

T16N, R25E, S29 & S32

N
W E
S

Prepared by Anita Warntjes
January 23, 2003
1993/94 True Color Aerial Photo

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-157

WATER RIGHT NUMBER: 74-157

Owner Type	Name and Address
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: 04/01/1916 ✓

Basis: Decreed

Status: Active

Source	Tributary
SPRINGS	LEE CREEK

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	3/15 to 11/15	3.200 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
	Total Diversion:	3.200 CFS ✓	

Location of Point(s) of Diversion

SPRINGS LEMHI County	NE1/4NE1/4	Sec. 31,	Twp 16N, Rge 25E, B.M.
SPRINGS LEMHI County	SW1/4NW1/4	Sec. 32,	Twp 16N, Rge 25E, B.M.

Place of Use

IRRIGATION Within LEMHI County

T16N R25E S29	SWNE	40.0	T16N R25E S29	SWNW	33.0
T16N R25E S29	SENW	39.0	T16N R25E S29	NESW	40.0
T16N R25E S29	NWSW	13.0	T16N R25E S29	SWSW	16.0
T16N R25E S29	SESW	40.0	T16N R25E S32	NENW	37.0
T16N R25E S32	NWNW	33.0			

Total Acres: 291

STOCKWATER same as IRRIGATION

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-157

Remarks:

1. General AC. IRR.= 291.7.

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

RPL 4/5/03

Form No. 42-1409 (2) a 1/88

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 A74-157
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 2491
   Mailing Address PO Box 240 Leadore ID Zip 83464
2. Date of Priority (Only one (1) per claim) 4/1/1916
3. Source of water supply (a) Springs
   which is tributary to (b) Lee Creek
4. a. Location of existing point of diversion is: Township 16N Range 25E Section 31,
   ____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot, ____ B.M., County of Lemhi
   Additional points of diversion if any: 16N 25E 32 SW NW

   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.

NO change in original claim

Allands / Harry's PPL

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 3.20 or _____

For stockwater purposes from 1/1 to 12/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.20 (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.) Range cattle

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	
			Please see attachment to claim																
							74-157.												
			Use Land list A for this claim.																

Total number of acres irrigated _____

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.
_____ or None ( )

14. Remarks:

This amended claim is to describe a permissible place of use. Please see attachment to claim 74-157.
This claim is for 29.7 acres within the combined place of use

Last Name Whittaker Ident No. A74-157

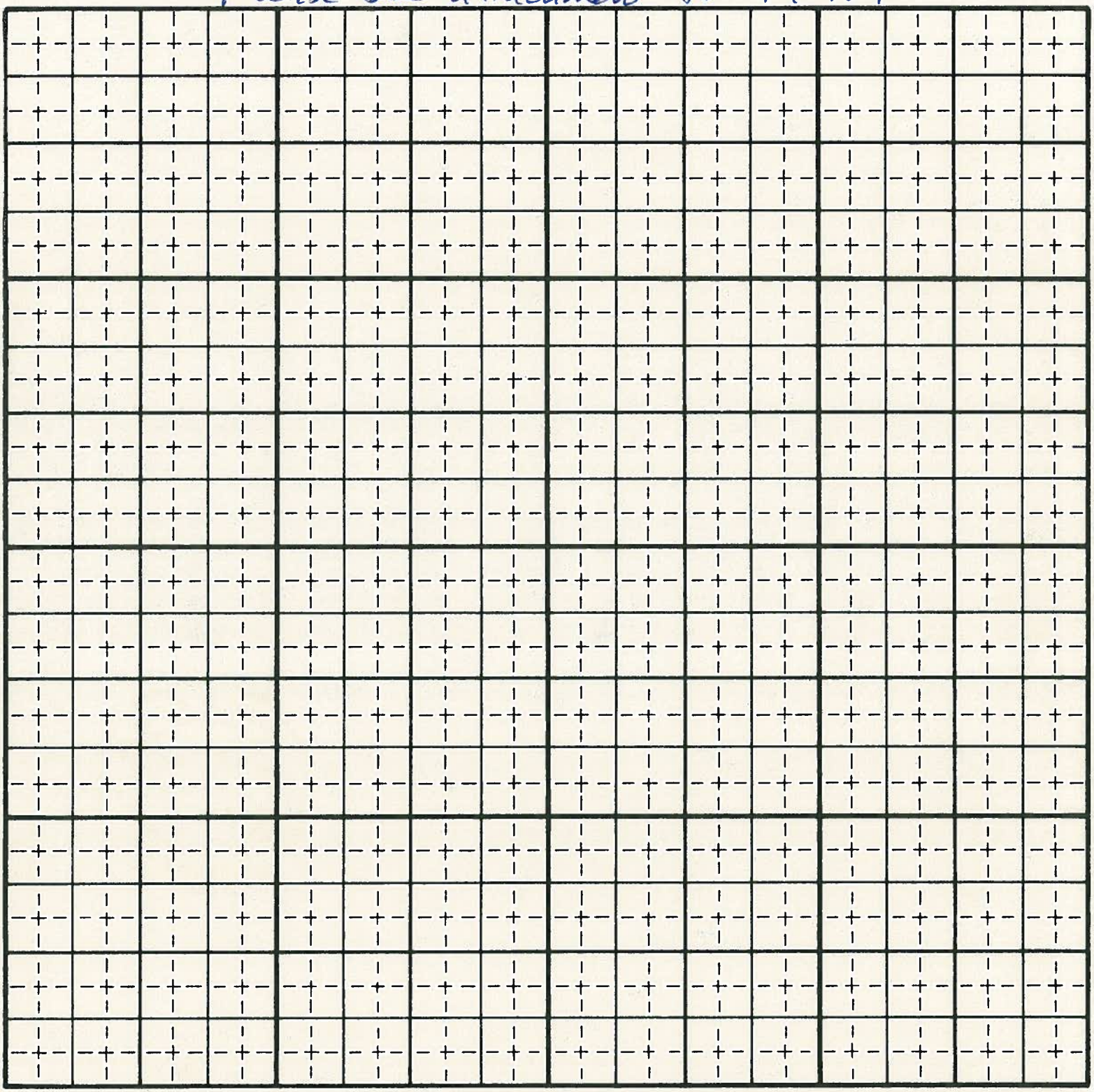
Copies: White -State, Yellow-Claimant

All Lands Have A PPU

Map of Project: show clearly the p[illegible] of diversion, place of use, section number, [illegible]nship, and range number.

Scale: 2 inches equals 1 mile

Please see attachment to 74-157



Last Name Whitaker Ident No. A74-157 *Copies: White-State, Yellow-Claimant*

Alhands/Harris PDII

15. Basis of Claim (check one) B[illegible]cial Use _____ Posted Notice _____ [illegible]nse _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 74-157
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 W Whittaker Date 8/10/04

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ (Title)

of _____ (Organization), that I have signed the foregoing document in the space below as _____ (Title) of _____ (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 _____)
) SS.
County of Bonneville)

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

BRYCE A. CONTOR SEAL NOTARY PUBLIC STATE OF IDAHO

Notary Public Bryce A. Contor

Residing at Mud Lake

My Commission Expires 10/14/2004

Please Print Name

17. Notice of Appearance.
Notice is hereby given that I, _____ 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 Whittaker Ident. Number A74-157

Copies White-State, Yellow-Claimant

Allands / Harris PDU

Water Resources Field Services
1571 N. 1100 E.
Terreton, ID 83450
208-663-4667

Attachment to Whittaker
Adjudication Claims for
Alhands/Harry's Ranch Permissible Place of Use

Introduction

Adjudication claims 74-157, 74-338B, 74-349, 74-369, 74-1105 and 74-1136 are amended to reflect a long-standing historical practice of combining water on a permissible place of use basis. Affidavits attached to claim 74-157 document this practice. An enlargement claim based on 74-338B, 74-349 and 74-1105 is also included within this place of use.

The enlargement acres are based on the attached sketch made by the claimant. All other acres are based on preliminary recommendations made by IDWR.

A ditch carries Big Eightmile Creek water to a ditch split on a ridge. This was located by GPS at IDTM83 coordinates 2,538,659 East and 1,496,693 North. It is shown in Figure 1 and illustrated on the maps as a blue square. Because of this ditch, Big Eightmile Creek water serves all of the place of use. The ridge prevents water from Lee Creek, Stroud Creek, and a spring from reaching the south part of the place of use.

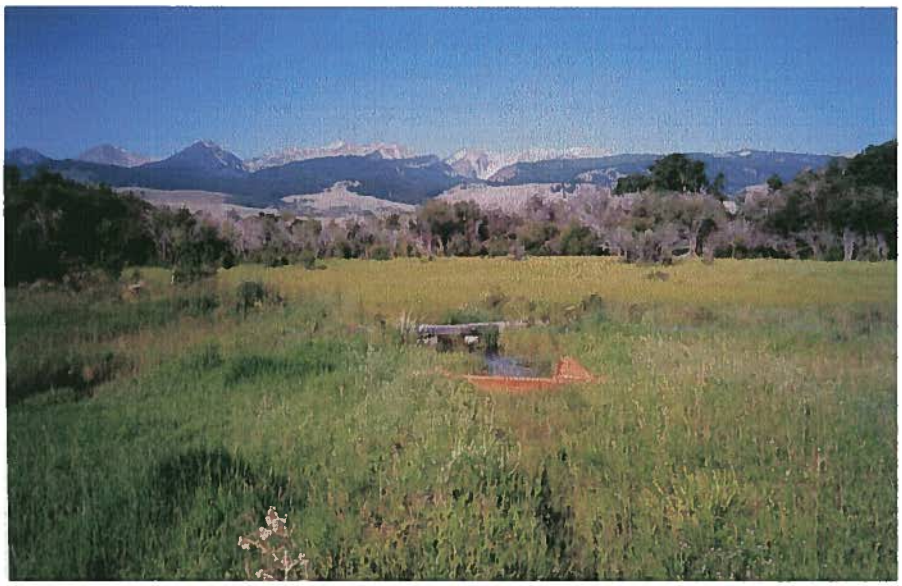


Figure 1. Split in ditch at Alhands House location, looking east. Water comes from east and splits three ways (left, right, and towards camera).

Land List

Table 1 lists the claimed acreage by quarter-quarter section. List A is the land list for claims 74-157, 74-369 and 74-1136. It represents the lands that can be served by Lee Creek, Stroud Creek, and the spring. List B is the land list for claims 74-338B, 74-338, 74-1105 and the enlargement claim. These claims are all from Big Eightmile Creek. Enlargement acres are in **bold** type.

Table 1
Claimed Acreage per Quarter-Quarter
T16N Range 25E
Lemhi County, Idaho

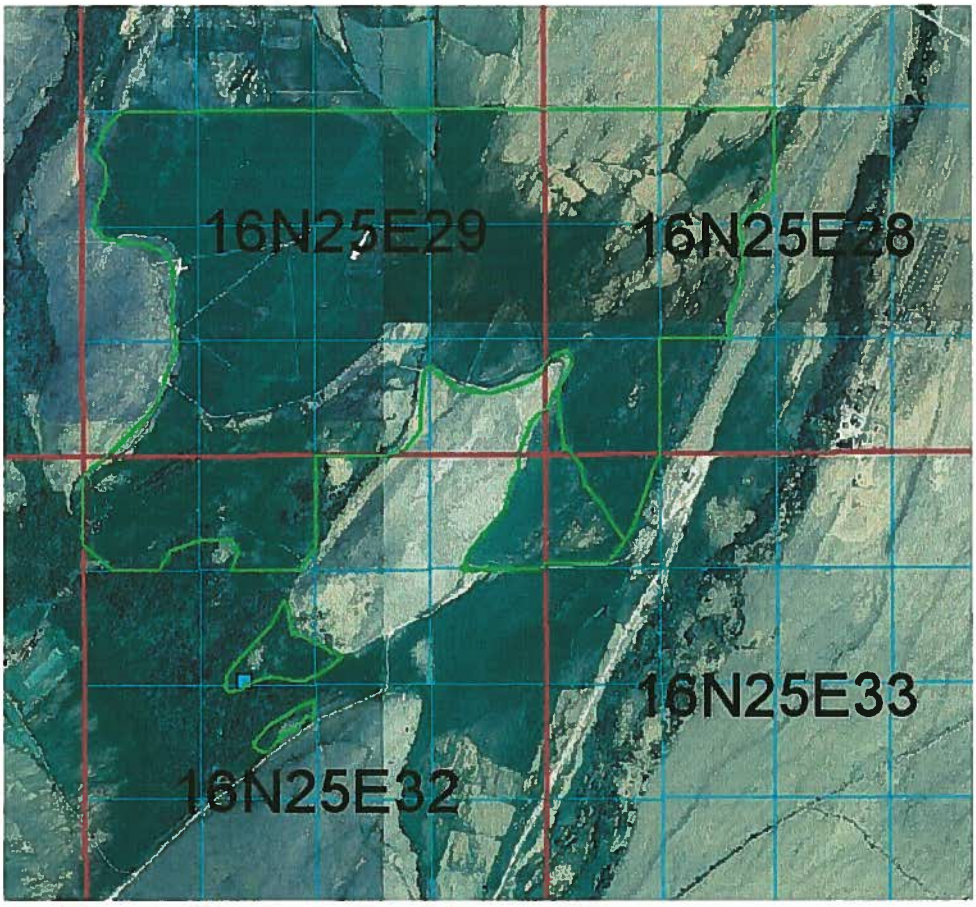
Section	QQ	List A	List B
28	NENW		
	NWNW		
	SWNW	40	40
	SENW	37	37
	NESW	23	23
	NWSW	40	40
	SWSW	35.2	38

	SESW		
29	NENE		
	NWNE		
	SWNE	40	40
	SENE	40	40
	NENW		
	NENW		
	NWNW		
	SWNW	33	33
	SENW	39	39
	NESW	40	40
	NWSW	13	13
	SWSW	16	16
	SESW	40	40
	NESE	40	40
	NWSE	40	40
	SWSE	37	37
	SESE	15.7	18
32	NENE		17
	NWNE		
	SWNE*		**1.4**
	NENW	37	37
	NWNW	33	33
	SWNW		
	SENW*		**11.7**
	NESW*		**3.6**
	NWSW		
	SWSW		
	SESW		
33	NWNW	9	27
	Total	647.9	704.7

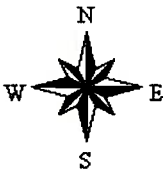
Figure 2, Figure 3 and Figure 4 illustrate the location of the permissible place of use, the lands only served by Big Eightmile Creek, and the Enlargement.

* Enlargement

Alhands and Herman
Permissible Place of Use -
Whittaker



1992 aerial photography supplied by IDWR



Prepared by Water Resources Field Services
208 681 9100
8/5/2004

Figure 2. Permissible Place of Use

Lands Served only by
Big Eightmile Creek -
Whittaker

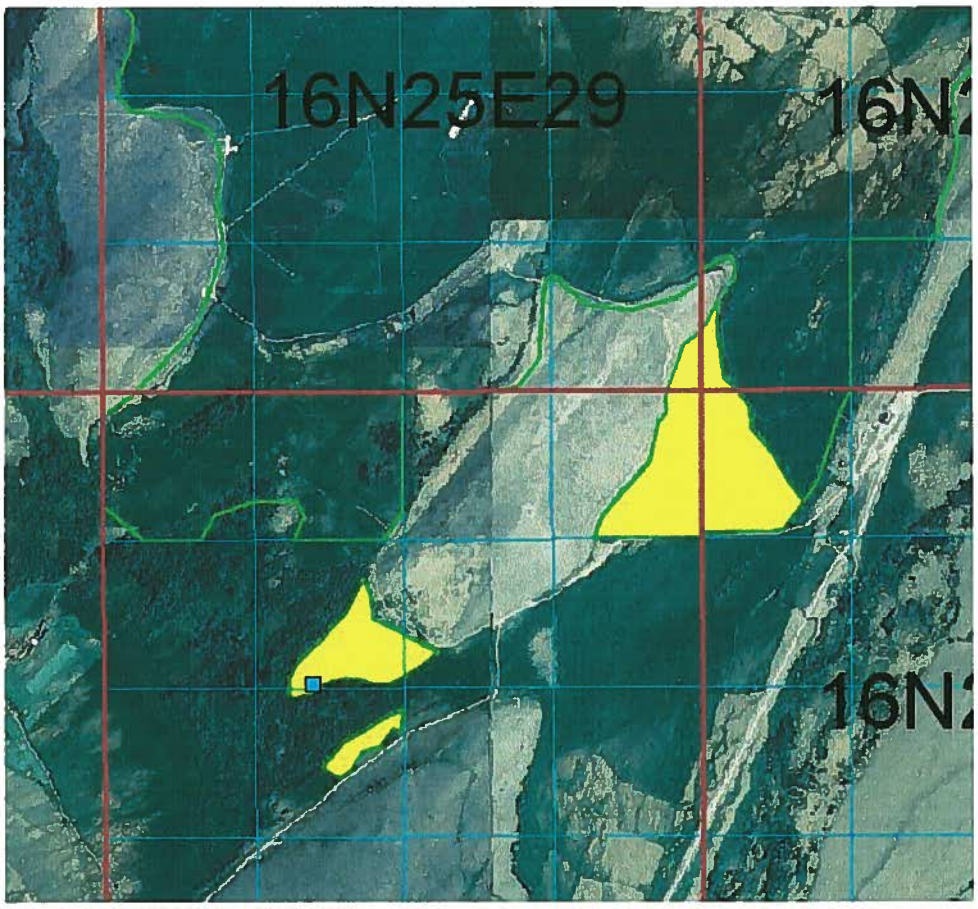


Figure 3. Lands served only by Big Eightmile Creek.

Enlargement -
Whittaker

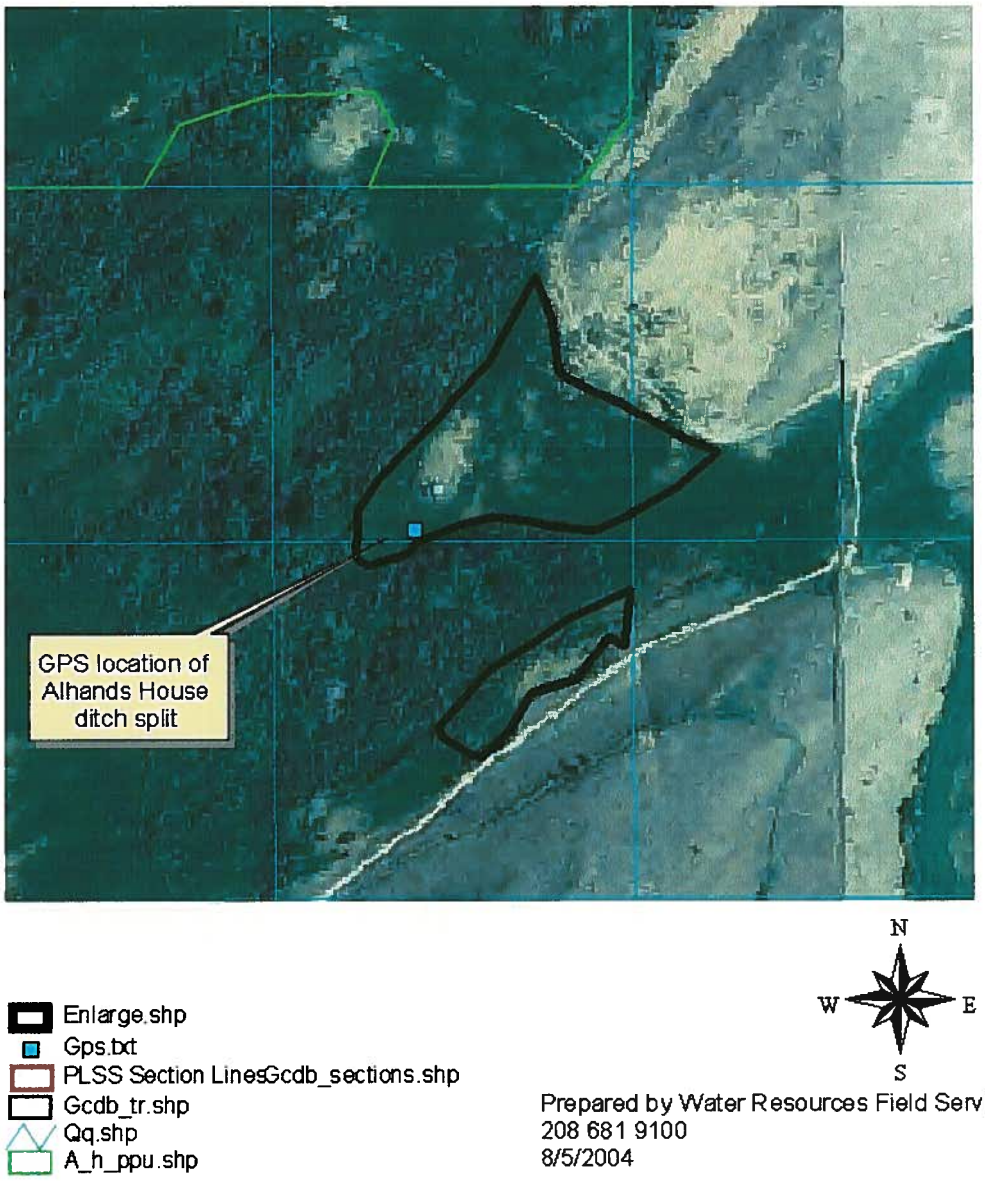


Figure 4. Enlargement acres.