

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 43-10289
Date Received: 5/31/89
Receipt No: E008404
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DENTON WHITAKER Phone: (208) 645-2518
2145 S 2350 E
MALTA ID 83342

CLETA WHITAKER Phone: (208) 645-2518
2145 S 2350 E
MALTA ID 83342

2. Date of Priority: 04/01/1959

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14S	27E	8	SW SW SW	CASSIA	

5. Description of diverting works:

WELL, 300' DEEP, 55 HP PUMP, TO FLOOD/SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/01	0.56	

7. Total Quantity Appropriated is:
0.56 C.F.S.

43-10289

03/05/2001

1

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14S	27E	8	SW	SW	IRRIGATION	30
			SE	SW	IRRIGATION	30
					Section Acres	60
					Total Acres	60

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS FOR 19% OF CLAIM 43-4055
3/5/01 tf; ownership changed Tracy to Whitaker per 1409(6) and warranty deed received
3/2/01.

15. Basis of Claim: Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAR 02 2001
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A43-02294	D			
	A43-10289				

2. The following **REQUIRED** information must be submitted with this form:

- A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Juan M. &/or Maxine J. Tracy
4. New Owner/Claimant(s) Anton Whitaker
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 563 W 1st N, Rigby ID 83442
- City, State and ZIP Code Malta Id. 83342
- New Telephone Number (208) 645-2518
5. Date you acquired the property April 20 - 1990

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>[Signature]</u>	Date <u>3/2/01</u>	Fee <u>0</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

207480

WARRANTY DEED

THIS INDENTURE, made this 20th day of April, 1990, between JUAN M. TRACY and MAXINE A. TRACY, husband and wife, of Rigby, Idaho 83442, ("Grantor"), and DENTON L. WHITAKER and CLETA L. WHITAKER, husband and wife, whose address is HC72, Box 2192, Malta, Idaho 83342, ("Grantee").

W I T N E S S E T H:

That the Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

TOWNSHIP 14 SOUTH, RANGE 27 EAST.
BOISE MERIDIAN.

Section 8: South 3/4 of the S4SW1/4.

SUBJECT TO: 1990 taxes, levies and assessments;

Agreement contained in Warranty Deeds from Malta Land and Irrigation Company, a corporation, to Lorenzo D. Tracy and Lorraine Tracy, his wife, which reads as follows: "This Deed is accepted with the understanding and agreement that Malta Land and Irrigation Company shall administer, apportion and distribute all water to which the grantee shall be entitled to, and with the further understanding that grantee shall hereafter pay his proportionate share of all water

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BOISE, IDAHO

1 charges and of the maintenance of all conduits
2 and ditches for the use of said waters, and is
3 further accepted in fulfillment of that
4 certain agreement made and entered into
5 between the parties hereto as of the 1st day
6 of January, 1938.";

7 Right of Way Deed from Lorenzo Tracy and
8 Lorraine Tracy, his wife, to the Raft River
9 Highway District, a quasi municipal
10 corporation, dated June 19, 1940 and recorded
11 June 19, 1964 as Instrument No. 19194 on Film
12 No. 28, records of Cassia County, Idaho, over
13 and across the West 25 feet of the South 3/4
14 of the SW1/4SW1/4 of Section 8, Township 14 South,
15 Range 27 East, Boise Meridian.;

16 Oil, Gas and Mineral Lease between Lorenzo D.
17 Tracy, a widower, as Lessor, and Standard
18 American Co., as Lessee, dated September 15,
19 1973 as Instrument No. 72599 on Film No. 84,
20 records of Cassia County, Idaho. (S 3/4 SW1/4
21 of Section 8 in Township 14 South, Range 27
22 East of the Boise Meridian.);

23 Agreement for Purchase of Power between Raft
24 River Rural Electric Cooperative, Inc., and
25 Juan Tracy/Denton Whitaker, dated April 1,
26 1969 and recorded May 24, 1978 as Instrument
No. 107840 on Film No. 117, records of Cassia
County, Idaho.

TOGETHER with all water rights used or appurtenant
to said property, and

TOGETHER with all and singular the tenements,
hereditaments and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder
and remainders, rents, issues and profits thereof, and all
estate, right, title and interest in and to said property as
well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-
mentioned and described premises, together with appurtenances
unto the Grantee and to the heirs and assigns of Grantee

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 forever.

2 The Grantor shall and will warrant and by these
3 presents will forever defend the said premises in the quiet and
4 peaceable possession of the Grantee, and the heirs and assigns
5 of Grantee against all and every person and persons whomsoever
6 lawfully claiming the same, except as aforesaid.

7 IN WITNESS WHEREOF, the Grantor has executed this Deed
8 the day and year first above written.

9
10
11 STATE OF IDAHO)
12 County of Cassia) ss

13 On this 16 day of April, in the year 1990, before
14 me, the undersigned, a Notary Public in and for said State,
15 personally appeared JUAN M. TRACY and MAXINE A. TRACY, husband
16 and wife, known or identified to me to be the persons whose
17 names are subscribed to the within instrument, and acknowledged
18 to me that they executed the same.

19 Notary Public for Idaho
20 Residing at
21 My commission expires on

22 State of Idaho } ss
23 County of Cassia } hereby certify that the foregoing instrument
24 is a true and correct copy of the original
25 in this office.
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State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

February 12, 2001

DENTON WHITAKER
HC 72 BOX 2192
MALTA ID 83342

RE: NEW AND AMENDED CLAIMS

Dear Mr. Whitaker,

Enclosed are amended claims for 43-10433, 43-10434, and 43-10435, showing your share of combinations of decreed rights. (The Remarks in #14 on each claim shows the proportionate amounts from each decreed right.) There is no charge for amending these claims, just sign in front of a notary and return ASAP.

There are also two new claims for your portions of 43-00170 and 43-00173, which hadn't previously been claimed. These will require a \$50.00 filing fee for each.

There is an ownership change form for the Tracy rights (43-02294D and 43-10289). Please complete it and sign on page 2, remembering to enclose a map and warranty deed. (No charge)

Mr. Tracy started but never completed three other claims, which are appurtenant to the Tracy property (43-10625, 43-10626, & 43-10627), and the fees were not paid. The Remarks in #14 show which decreed rights they are a combination of and the amount. If you would like to file these claims, a \$50.00 filing fee for each is necessary.

Please remind your son that we still need the ownership change form, map and warranty deed for the property he purchased from Grush. The Preliminary Report is scheduled to go out very soon, so please send everything back to my attention as soon as you can. If you decide to file an all five new claims, don't forget a check for \$250.00.

Please feel free to give me a call at the office if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

4110

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

RECEIVED

JUN 2 1989

Ident. Number: A43-10289
Date Received: 5/31/1989
Receipt No: E008404
Received By: TO

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JUAN M. TRACY 208-745-9471
Address: 563 W. 1ST N.
RIGBY, ID 83442
AND/OR
Name: MAXINE A. TRACY 208-745-9471
Address: 563 W. 1ST N.
RIGBY, ID 83442

2. Date of Priority: APR 01, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	27E	8	SW	SW	SW		CASSIA

5. Description of diverting works:
WELL, 300' DEEP, 55 HP PUMP, TO FLOOD/SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.560		

7. Total Quantity Appropriated is:
0.560 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-10289

Page 1

Date: 05/31/89

MICROFILMED

MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	27E	8	SW	SW		IRR	30.0
			SE	SW		IRR	30.0
						Section Acres	60.0
						Total Acres	60.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
43-02294D.

14. Remarks:
THIS CLAIM IS FOR 19% OF CLAIM 43-4055.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
MAR 04 1993

SECTION 8

WHITAKER
WELL NOT
REGISTERED



POINT OF DIVERSION
TRANSFER #T2154 1.71 CFS
LIC. 43-2294

WELL CLAIM #43-4055
150 INCHES

SECTION 17



POINT OF DIVERSION
LIC. #43-2294
(4 WELLS)

ORIGINAL 6.0 CFS.
WHITAKER TRANSFER 1.71 CFS #T2154
REMAINING 4.29 CFS.

MICROFILMED

MAR 04 1993

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: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Juan M. Tracy Date: 5-31-89
_____ Date: _____

State of Idaho)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31st day

of May 19 89

Seal

Anthony S. Olsen
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-10289
JUAN M. TRACY
MAXINE A. TRACY
563 W. 1ST N.
RIGBY

ID 83442

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED
MAR 04 1993

A43-10289

12-8-91

RIGBY IDAHO

RECEIVED

DEC 11 1991

Department of Water Resources
Southern Region Office

DEPT OF WATER RESOURCES

222 SHOSHONE ST. E.

TWIN FALLS ID 83301

DEAR ALLEN MERRITT

IN REGARD TO YOUR LETTER OF DEC 5-1991 I'M RETURNING THE CLAIM FOR WATER # 43-4055. I NO LONGER OWN THE LAND THE CLAIM COVERS. MR. DENTON WHITAKER OF MALTA, IDAHO PURCHASED THE LAND FROM ME.

AS FOR PROOF OF USE OF THE WATER I HAVE FIRST HAND KNOWLEDGE OF THE USE. I WAS AT HOME ON THE FARM WHEN THE WELL WAS DRILLED AND THE WATER WAS PUT TO BENEFICIAL USE, I WAS THE ONE WHO IRRIGATED WITH IT WHEN DAD WAS WORKING ELSEWHERE!

MR. WHITAKER MAY NEED THIS INFORMATION TO ESTABLISH THE WATER RIGHT. MY DAD FILED CLAIM 43-4055 TO PRESERVE THE CLAIM WHEN IT WAS DETERMINED THAT MALTA LAND & IRRIGATION CO. HAD NOT FILED FOR THE WATER.

SINCERELY

Juan M. Tracy

563 W 1ST N

RIGBY ID 83442

MICROFILMED
MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04055, ~~A43-10289~~
JUAN M. TRACY
563 W. 1ST N.

RIGBY

ID 83442

RECEIVED

DEC 11 1991

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Department of Water Resources
Southern Region Office

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date**, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED
MAR 04 1993

A43-10289

From: DWR60::MERRITT 12-DEC-1991 11:12:15.84
To: DWR03::BAUMHOFF
CC: MERRITT
Subj: TRACEY CLAIMS ON TEMP

I GOT A HOLD OF MR. DENNY WHITTAKER AND HE CONFIRMED THAT HE PURCHASED THE 60 ACRES OF QUESTION IN SECTION 8 T14S R27E FROM MR. TRACY. I INFORMED HIM THAT HE SHOULD FILE A CHANGE IN OWNERSHIP OF THE TWO TRACY CLAIMS. (A43-10289 AND A43-02294D) I ALSO INFORMED HIM THAT THERE APPEARS TO BE SOME DECREED WATER RIGHTS THAT GOES WITH THAT PROPERTY THAT MR. TRACY PREPARED CLAIMS FOR BUT NEVER FINALIZED. (A43-10625, 10626 & 10627) I TOLD HIM THAT SINCE HE MAY HAVE THESE DECREES HE MIGHT CONSIDER CLAIMING THESE BY FILING AMENDMENTS OF THE DECREES HE HAS ALREADY CLAIMED. HE UNDERSTOOD WHAT I WAS SAYING AND INDICATED THAT HE WOULD BE IN TO DO THAT BUT HE INDICATED HE JUST RECENTLY UNDERWENT SURGERY AND WOULD NOT BE ABLE TO GET IN TO THE OFFICE BEFORE MID-JANUARY.

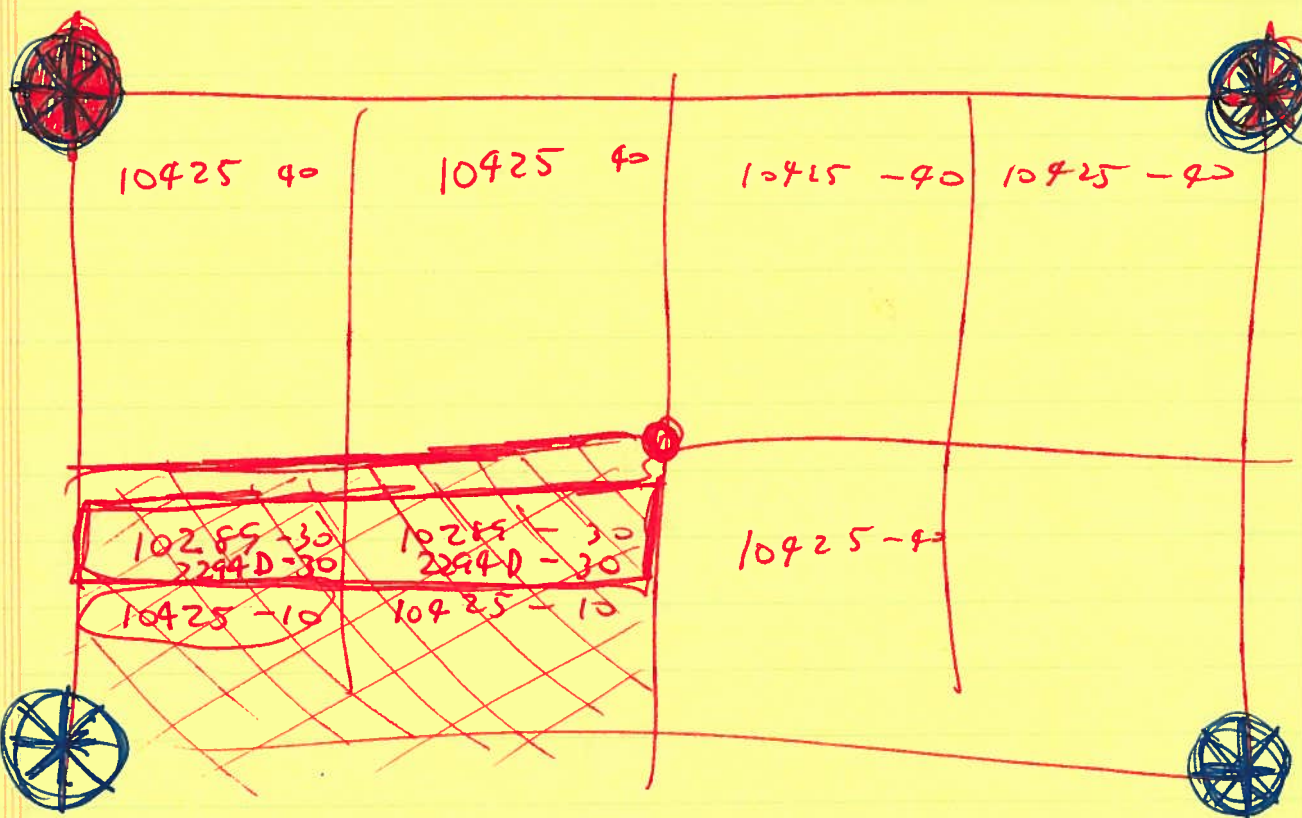
I GUESS FOR NOW JUST LEAVE THOSE THREE ON THE TEMP AND I'LL TAKE THEM OFF AND "Z" THEM WHEN I KNOW WHAT CLAIMS THEY NEED ADDED INTO.

ALLEN

MICROFILMED

MAR 04 1993

(10425
10425)



(60
50
50)

\$160

[10625
10627
10626]

— Turkey Recovers
Housing on Temp.

! Duplicate check

Denton Whitteker
H.C. 72 Box 2192

645-2518

MICROFILMED
MAR 04 1993

Old (2) Number

Address

1 - 563 W. 1ST N.

DEC 11 1991

1 - 563 W. 1ST N.
2 -
3 -
City- RIGBY
Phone - 208-745-9471
1 - 563 W. 1ST N.
2 -
3 -
City- RIGBY
Phone - 208-745-9471

State- ID zip- 83442
Department of Water Resources
Southern Region Office
State- ID zip- 83442

+	-	-	-	Stage	-	-	-	+
J	-	-	-	BENEFICIAL USE				

```
+ - - - Status - -
```

+ - - - - Tributary

Stream Index (Blank if no Index Code)

31) CASSIA

----- Diversion Rate ----- Diversion Volume -----

0.560

- Volume	- +	- Total Div. Capacity	- +	- Total Consumptive
				150.0

Use - + + - KW Usage - +

Trm	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
14S	27E	8	SW SW		30.0	01	IRRIGATION	(31) CASSIA
14S	27E	8	SE SW		30.0	01	IRRIGATION	(31) CASSIA
Total Acres:					60.0			

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - 43-02294D.

[illegible]

```

+-----+-----+-----+-----+-----+-----+-----+-----+
- - - - - Old Water Right Numbers - -
- - - - - No Old Water Right Numbers found.

```

MICROFILMED
MAR 04 1993

Prefix Translation: ADJUDICATION CLAIM

+ - - - Decree Plaintiff	- - - +	+ - - - Decree Defendant	- - - +	+ - Decree Date
				00/00/0000

+ - - Audit Fields - 05/31/89 OLENICHA

-Comments-

No Comments Found

----- Adjudication Rights Dates and Flags Area -----

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	359576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	05/31/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	ED08404	Federal/State Indicator	-	S
claims Tape Error Flag	-		POU Ownership Flag	-	Y	Persumption Flag	-	
Fee Exempt Flag	-		Name Connector	-	AND/OR	Notice of Error Flag	-	

MICROFILMED
MAR 04 1993

SD-36	Township: 14S	Range: 27E	Section: 8	Tract:	Lot:	
S	L	STATE	O	S	Max # Records	
E	O	Name	W	T	Priority	
L	Tract T	Water Right No.	N	AC	G	
		Last, First			Date	
					Use Code	
					Desc	
—	SENW	A43-02296B	CHURCH OF JESUS CHRIST	O 30	L 03/05/1945	
—	SENW	A43-02294B	WHITAKER, DENTON	C 10	L 03/05/1945	01 IRR
—	SENW	A43-10425	WHITAKER, CLETA	C		
—	SENW	A43-10425	WHITAKER, DENTON	C 10	J 04/01/1959	01 IRR
—	SENW	A43-10433	WHITAKER, CLETA	C		
—	SENW	A43-10433	WHITAKER, DENTON	C 10	D 04/01/1879	01 IRR
—	SENW	A43-10434	WHITAKER, CLETA	C		
—	SENW	A43-10434	WHITAKER, DENTON	C 10	D 12/12/1911	01 IRR
—	SENW	A43-10435	WHITAKER, CLETA	C		
—	SENW	A43-10435	WHITAKER, DENTON	C 10	D 04/01/1871	01 IRR
—	NESW	A43-04055	WHITAKER, CLETA	C		
—	NESW	A43-04055	TRACY, LORENZO D.	~~O 40~~	~~S 04/01/1959~~	01 IRR
—	NESW	A43-04055	TRACY, JUAN M.	C		
—	NESW	A43-02294B	WHITAKER, DENTON	C 40	L 03/05/1945	01 IRR
—	NESW	A43-02294B	WHITAKER, CLETA	C		
—	NESW	A43-10425	WHITAKER, DENTON	C 40	J 04/01/1959	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
MAR 04 1993

SD-36	Township: 14S	Range: 27E	Section: 8	Tract:	Lot:				
S	L	STATE	O	S	Max # Records				
E	O	Name	W	T	Priority				
L	Tract T	Water Right No.	N	AC	G				
		Last, First			Date				
					Use Code				
					Desc				
—	NESW	A43-10425	WHITAKER, CLETA	C	40	J	04/01/1959		
—	NESW	A43-10433	WHITAKER, DENTON	C	40	D	04/01/1879	01	IRR
—	NESW	A43-10434	WHITAKER, CLETA	C					
—	NESW	A43-10434	WHITAKER, DENTON	C	40	D	12/12/1911	01	IRR
—	NESW	A43-10435	WHITAKER, CLETA	C					
—	NESW	A43-10435	WHITAKER, DENTON	C	40	D	04/01/1871	01	IRR
—	NESW	A43-10435	WHITAKER, CLETA	C					
—	NESW	A43-04149	COMBINED RIGHT	C	20		03/15/1955	01	IRR
—	NESW	A43-04149	WHITAKER, CLETA	O					
—	NWSW	A43-04055	TRACY, LORENZO D.	O	40	S	04/01/1959	01	IRR
—	NWSW	A43-04055	TRACY, JUAN M.	C					
—	NWSW	A43-02294B	WHITAKER, DENTON	C	40	L	03/05/1945	01	IRR
—	NWSW	A43-02294B	WHITAKER, CLETA	C					
—	NWSW	A43-10425	WHITAKER, DENTON	C	40	J	04/01/1959	01	IRR
—	NWSW	A43-10425	WHITAKER, CLETA	C					
—	NWSW	A43-10432	WHITAKER, DENTON	C		J	12/31/1955	43	DOMES

(Enter=Continue)

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(MENU _____)

MICROFILMED
MAR 04 1993

SD-36	Township: 14S	Range: 27E	Section: 8	Tract:	Lot:				
S	L	STATE	O	S	Max # Records				
E	O	Name	W	T	Priority				
L	Tract T	Water Right No.	N	AC	G				
		Last, First			Date				
					Code				
					Des				
---	---	-----	---	---	-----	---			
---	NWSW	A43-10432	WHITAKER, CLETA	C	J	12/31/1955	04	STOC	
---	NWSW	A43-10432	WHITAKER, DENTON	C	J	12/31/1955	43	DOME	
---			WHITAKER, CLETA	C			04	STOC	
---	NWSW	A43-10433	WHITAKER, DENTON	C	40	D	04/01/1879	01	IRR
---			WHITAKER, CLETA	C					
---	NWSW	A43-10434	WHITAKER, DENTON	C	40	D	12/12/1911	01	IRR
---			WHITAKER, CLETA	C					
---	NWSW	A43-10435	WHITAKER, DENTON	C	40	D	04/01/1871	01	IRR
---			WHITAKER, CLETA	C					
---	NWSW	A43-04149	COMBINED RIGHT	C	20		03/15/1955	01	IRR
---			WHITAKER, CLETA	O					
---	SWSW	A43-02294D	MALTA LAND & IRR. CO.	O	30	L	03/05/1945	01	IRR
---			TRACY, JUAN M.	C					
---			TRACY, MAXINE A.	C					
---	~~SWSW~~	~~A43-04055~~	~~TRACY, LORENZO D.~~	~~O~~	~~40~~	~~S~~	~~04/01/1959~~	~~01~~	~~IRR~~
---			~~TRACY, JUAN M.~~	~~C~~					

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
MAR 04 1993

SD-36	Township: 14S	Range: 27E	Section: 8	Tract:	Lot:
S	L	STATE	O	S	Max # Records
E	O	Name	W	T	Priority
L	Tract T	Water Right No.	N	AC	G
		Last, First			Date
					Code
					Des
---	---	-----	---	---	---
---	SWSW	A43-10289	C	30	J
		TRACY, JUAN M.			04/01/1959
		TRACY, MAXINE A.			01 IRR
---	SWSW	A43-02294B	C	10	L
		WHITAKER, DENTON			03/05/1945
		WHITAKER, CLETA			01 IRR
---	SWSW	A43-10425	C	10	J
		WHITAKER, DENTON			04/01/1959
		WHITAKER, CLETA			01 IRR
---	SWSW	A43-10433	C	10	D
		WHITAKER, DENTON			04/01/1879
		WHITAKER, CLETA			01 IRR
---	SWSW	A43-10434	C	10	D
		WHITAKER, DENTON			12/12/1911
		WHITAKER, CLETA			01 IRR
---	SWSW	A43-10435	C	10	D
		WHITAKER, DENTON			04/01/1871
		WHITAKER, CLETA			01 IRR
---	SWSW	A43-04149	C	10	
		COMBINED RIGHT			03/15/1955
		WHITAKER, CLETA			01 IRR
---	SESW	A43-02294D	O	30	L
		MALTA LAND & IRR. CO.			03/05/1945
		TRACY, JUAN M.			01 IRR

(Enter=Continue)

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(MENU _____)

MICROFILMED

MAR 04 1993

SD-36	Township: 14S	Range: 27E	Section: 8	Tract:	Lot:				
S	L	STATE	O	S	Max # Records				
E	O	Water	W	T	Priority				
L	Tract T	Right No.	N	AC	G				
		Name			Date				
		Last, First			Use				
					Code				
					Desc				
SES	W	A43-02294D	TRACY, MAXINE A.	C	30	L	03/05/1945		
SES	W	A43-04055	TRACY, LORENZO D.	O	40	S	04/01/1959	01	IRR
SES	W	A43-10289	TRACY, JUAN M.	C	30	J	04/01/1959	01	IRR
SES	W	A43-02294B	TRACY, MAXINE A.	C	10	L	03/05/1945	01	IRR
SES	W	A43-10425	WHITAKER, DENTON	C	10	J	04/01/1959	01	IRR
SES	W	A43-10433	WHITAKER, DENTON	C	10	D	04/01/1879	01	IRR
SES	W	A43-10434	WHITAKER, DENTON	C	10	D	12/12/1911	01	IRR
SES	W	A43-10435	WHITAKER, DENTON	C	10	D	04/01/1871	01	IRR
SES	W	A43-04149	COMBINED RIGHT	C	10		03/15/1955	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
MAR 04 1993

SD-36	Township: 14S	Range: 27E	Section: 8	Tract:	Lot:			
S	L	STATE	O	S	Max # Records			
E	O	Name	W	T	Priority			
L	Tract T	Water Right No.	N	AC	G			
		Last, First						
					Date			
					Code			
					Des			
SES	SW	A43-04149	WHITAKER, CLETA	O	10	03/15/1955		
NE	SE	~~A43-04055~~	~~TRACY, LORENZO D.~~	~~O~~	~~40~~	~~S~~	~~04/01/1959~~	~~01 IRR~~
			~~TRACY, JUAN M.~~	~~C~~				
NE	SE	A43-10425	WHITAKER, DENTON	C	40	J	04/01/1959	01 IRR
			WHITAKER, CLETA	C				
NE	SE	A43-10433	WHITAKER, DENTON	C	40	D	04/01/1879	01 IRR
			WHITAKER, CLETA	C				
NE	SE	A43-10434	WHITAKER, DENTON	C	40	D	12/12/1911	01 IRR
			WHITAKER, CLETA	C				
NE	SE	A43-10435	WHITAKER, DENTON	C	40	D	04/01/1871	01 IRR
			WHITAKER, CLETA	C				
NW	SE	~~A43-04055~~	~~TRACY, LORENZO D.~~	~~O~~	~~40~~	~~S~~	~~04/01/1959~~	~~01 IRR~~
			~~TRACY, JUAN M.~~	~~C~~				
NW	SE	A43-02294B	WHITAKER, DENTON	C	40	L	03/05/1945	01 IRR
			WHITAKER, CLETA	C				
NW	SE	A43-10425	WHITAKER, DENTON	C	40	J	04/01/1959	01 IRR

(Enter=Continue)

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(MENU _____)

MICROFILMED
MAR 04 1993

SD-36	Township: 14S	Range: 27E	Section: 8	Tract:	Lot:
S	L	STATE	O	S	Max # Records
E	O	Name	W	T	Priority
L	Tract T	Water Right No.	N	AC	G
		Last, First			Date
					Use Code
					Des
---	---	---	---	---	---
---	NWSE	A43-10425	WHITAKER, CLETA	C 40 J	04/01/1959
---	NWSE	A43-10433	WHITAKER, DENTON	C 40 D	04/01/1879 01 IRR
---			WHITAKER, CLETA	C	
---	NWSE	A43-10434	WHITAKER, DENTON	C 40 D	12/12/1911 01 IRR
---			WHITAKER, CLETA	C	
---	NWSE	A43-10435	WHITAKER, DENTON	C 40 D	04/01/1871 01 IRR
---			WHITAKER, CLETA	C	
---	SWSE	A43-04055	TRACY, LORENZO D.	C 40 S	04/01/1959 01 IRR
---			TRACY, JUAN M.	C	
---	SWSE	A43-02294B	WHITAKER, DENTON	C 40 L	03/05/1945 01 IRR
---			WHITAKER, CLETA	C	
---	SWSE	A43-10425	WHITAKER, DENTON	C 40 J	04/01/1959 01 IRR
---			WHITAKER, CLETA	C	
---	SWSE	A43-10433	WHITAKER, DENTON	C 40 D	04/01/1879 01 IRR
---			WHITAKER, CLETA	C	
---	SWSE	A43-10434	WHITAKER, DENTON	C 40 D	12/12/1911 01 IRR

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(MENU _____)

MICROFILMED
MAR 04 1993

SD-36	Township: 14S	Range: 27E	Section: 8	Tract:	Lot:	
S	L	STATE	O	S	Max # Records	
E	O	Name	W	T	Priority	
L	Tract T	Water Right No.	N	AC	G	
		Last, First			Date	
					Use Code	
					Des	
---	---	-----	---	---	-----	---
---	SWSE	A43-10434	WHITAKER, CLETA	C	40	D 12/12/1911
---	SWSE	A43-10435	WHITAKER, DENTON	C	40	D 04/01/1871 01 IRR
---	SWSE	A43-04149	WHITAKER, CLETA	C		
---	SWSE	A43-04149	COMBINED RIGHT	C	20	03/15/1955 01 IRR
---	SESE	A43-04055	WHITAKER, CLETA	O		
---	SESE	A43-04055	TRACY, LORENZO D.	O	40	S 04/01/1959 01 IRR
---	SESE	A43-04055	TRACY, JUAN M.	C		
---	SESE	A43-02294B	WHITAKER, DENTON	C	40	L 03/05/1945 01 IRR
---	SESE	A43-02294B	WHITAKER, CLETA	C		
---	SESE	A43-10425	WHITAKER, DENTON	C	40	J 04/01/1959 01 IRR
---	SESE	A43-10425	WHITAKER, CLETA	C		
---	SESE	A43-10433	WHITAKER, DENTON	C	40	D 04/01/1879 01 IRR
---	SESE	A43-10433	WHITAKER, CLETA	C		
---	SESE	A43-10434	WHITAKER, DENTON	C	40	D 12/12/1911 01 IRR
---	SESE	A43-10434	WHITAKER, CLETA	C		
---	SESE	A43-10435	WHITAKER, DENTON	C	40	D 04/01/1871 01 IRR

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED

MAR 04 1993

SD-36	Township: 14S	Range: 27E	Section: 8	Tract:	Lot:	
S	L	STATE	O	S	Max # Records 9	
E	O	Water	W	T	Priority Use	
L Tract	T	Right No.	N	AC	G	
		Name			Date	
		Last, First			Code	
					Des	
SESE	A43-10435	WHITAKER, CLETA	C	40	D	04/01/1871
SESE	A43-04149	COMBINED RIGHT	C	20		03/15/1955
		WHITAKER, CLETA	O			01 IRR

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED

MAR 04 1993

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

RECEIVED
JAN - 8 2003

2003 JAN 6 AM 9 14

Department of Water Resources

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA)
Case No. 39576) **ORDER OF PARTIAL DECREE**
) **For Water Right 43-10289**
)

On October 9, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-10289 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED January 6, 2003



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 JAN 6 AM 9 14

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10289

NAME AND ADDRESS: CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.56 CFS
240.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G,
43-10289, & 43-10425.

PRIORITY DATE: 04/01/1959

POINT OF DIVERSION: T14S R27E S08 NWNWSW Within Cassia County
SWSWSW
SWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.56 CFS 240.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T14S R27E S08	
	SWNW 6.5	SENW 8.8
	NESW 40.0	NWSW 38.0
	SWSW 39.0	SESW 38.0
	NESE 39.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
	329.3 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2294D, 43-10289, 43-10627, 43-12981,
43-12982, 43-12983, 43-12984 & 43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289,
43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976,
43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982,
43-12983, 43-12984, & 43-12985.

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. I.C. SECTION 42-1412(6).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2003 JAN 06 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 43-10289

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-10289 was mailed
on January 06, 2003, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CLETA WHITAKER
DENTON WHITAKER
Represented by:
WILLIAM A. PARSONS
PO BOX 910
137 WEST 13TH STREET
BURLEY, ID 83318
Phone: 208-678-8382

DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342
Phone: 208-645-2518

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/06/03

OCT 03 2002

By _____

Clerk

Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

)

Subcase 43-10289

)

(Whitaker)

Case No. 39576

)

)

SPECIAL MASTER REPORT

Findings of Fact

Juan and Maxine Tracy filed a *Notice of Claim to a Water Right* on May 31, 1989, claiming .56 cfs from groundwater to irrigate 60 acres in Cassia County from April 1 to October 1 with a priority date of April 1, 1959, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim to Denton and Cleta Whitaker, 2145 South, 2350 East, Malta, Idaho 83342, for .266 cfs to irrigate 29.3 acres within a 329.3 acre place of use from March 15 to November 15 with a priority date of June 30, 1985.

The Whitakers filed an *Objection* on January 10, 2002, objecting to quantity, priority date and point of diversion. On October 7, 2002, the Whitakers and IDWR filed a *Standard Form 5* agreeing to .56 cfs, amendment of the place of use remarks and explanatory material and a priority date of April 1, 1959.

Conclusions of Law

Denton and Cleta Whitaker are entitled to a partial decree adjudicating a water right as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-10289*.

DATED October 9, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

SCANNED
OCT 10 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 03 2002

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-10289

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.56 CFS
240.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G,
43-10289, & 43-10425.

PRIORITY DATE: 04/01/1959

POINT OF DIVERSION: T14S R27E S08 NWNWSW Within Cassia County
SWSWSW
SNNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.56 CFS 240.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T14S R27E S08	
	SNNW 6.5	SENW 8.8
	NESW 40.0	NWSW 38.0
	SWSW 39.0	SESW 38.0
	NESE 39.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
	329.3 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RGHT NOS.: 43-2294D, 43-10289, 43-10627, 43-12981,
43-12982, 43-12983, 43-12984 & 43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289,
43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976,
43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982,
43-12983, 43-12984, & 43-12985.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

OCT 09 2002

Thomas C. Olsen
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 09 2002

By _____ Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-10289

On October 09, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 09, 2002.


LETTIE MESSICK
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
10/09/02

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 09 2002

By _____

Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 43-10289

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 09, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CLETA WHITAKER
DENTON WHITAKER
Represented by:
WILLIAM A. PARSONS
PO BOX 910
137 WEST 13TH STREET
BURLEY, ID 83318
Phone: 208-678-8382

DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342
Phone: 208-645-2518

CERTIFICATE OF MAILING


LETTIE MESSICK
Deputy Clerk

PAGE 1
10/09/02

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

LANCE A. LOVELAND

DAVID F. SHIRLEY

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

pss@pmt.org

September 20, 2002

RECEIVED
SEP 21 2002
Department of Water Resources
Southern Region

Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

A COPY FOR YOUR INFORMATION
PARSONS, SMITH & STONE, LLP

RE: SRBA 43-2294D, 43-2294G, 43-10289, 43-10425, etc.

Dear Clerk:

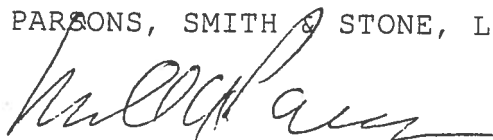
A settlement conference was held with representatives of the SRBA and subsequently Standard Form 5's were provided. I have not had an opportunity to go over them with our client and I will not be able to until next week because of certain health restraints of my client.

I believe we are close to a settlement after reviewing the SF5S forms and would respectfully request that the hearing scheduled for the 26th of September be vacated and recycled in the off chance that the settlement is not reached.

Please confirm.

Sincerely,

PARSONS, SMITH & STONE, LLP



William A. Parsons

WAP/nj

09/05/2002

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

VERIFIED BY

8 9/3

RIGHT NUMBER: 43-10289
NAME AND ADDRESS: DENTON WHITAKER
2145 S 2350 E
MALTA ID 83342

CLETA WHITAKER
2145 S 2350 E
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.266~~ 0.56 CFS
240.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~3~~ 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, & 43-10425.

PRIORITY DATE: ~~06/30/1985~~ 04/01/1959

POINT OF DIVERSION:

T14S R27E S8 NWNWSW Within CASSIA County

T14S R27E S8 SWSWSW Within CASSIA County

T14S R27E S8 SWNWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	~~0.266~~ <u>0.560 CFS</u> <u>240.00 AFY</u>

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R27E S08	SWNW	6.5	T14S R27E S08	SENW	8.8
T14S R27E S08	NESW	40.0	T14S R27E S08	NWSW	38.0
T14S R27E S08	SWSW	39.0	T14S R27E S08	SESW	38.0
T14S R27E S08	NESE	39.0	T14S R27E S08	NWSE	40.0
T14S R27E S08	SWSE	40.0	T14S R27E S08	SESE	40.0

329.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2294D, 43-10289, 43-10627, 43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~329.3~~ 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 29.3 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.

~~THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-02294D, 43-02294G, & 43-10425 PURSUANT TO SECTION 42-1416B, IDAHO CODE.~~

EXPLANATORY MATERIAL: Beneficial Use

Water Right 43-10289

1

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

RIGHT NUMBER: 43-10289

NAME AND ADDRESS:

CLETA WHITAKER
2145 S 2350 E
MALTA ID 83342

DENTON WHITAKER
2145 S 2350 E
MALTA ID 83342

SOURCE: GROUND WATER

Tributary:

QUANTITY: 0.560 CFS 0.266 CFS
240.000 AFY 0.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G,
43-10289, & 43-10425.

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G,
43-10289, & 43-10425.~~

PRIORITY DATE: 04/01/1959
06/30/1985

POINT OF DIVERSION:

T14S R27E S8 NWNWSW Within CASSIA County

T14S R27E S8 SWSWSW Within CASSIA County

T14S R27E S8 SWNWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
IRRIGATION		03/15 11/15	0.560 CFS 240.00 AFY
			0.266 CFS

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

PLACE OF USE: IRRIGATION within CASSIA County

T14S R27E S08 SWNW 6.5
T14S R27E S08 SENW 8.8
T14S R27E S08 NESW 40.0
T14S R27E S08 NWSW 38.0
T14S R27E S08 SWSW 39.0
T14S R27E S08 SESW 38.0
T14S R27E S08 NESE 39.0
T14S R27E S08 NWSE 40.0
T14S R27E S08 SWSE 40.0
T14S R27E S08 SESE 40.0

329.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 43-2294D, 43-10289, 43-10627, 43-12981, 43-12982, 43-12983,
43-12984, & 43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434, 43-10627,
43-12958, 43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980, 43-12981,
43-12982, 43-12983, 43-12984, & 43-12985.

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 329.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434,
43-10627, 43-12958, 43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980,
43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 29.3 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.

~~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.
THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-02294D, 43-02294G, & 43-10425
PURSUANT TO SECTION 42-1416B, IDAHO CODE.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

09/05/2002

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

RIGHT NUMBER: 43-10289
NAME AND ADDRESS: DENTON WHITAKER
2145 S 2350 E
MALTA ID 83342

CLETA WHITAKER
2145 S 2350 E
MALTA ID 83342

SOURCE: GROUND WATER
QUANTITY: 0.56 CFS
240.0 AFY

TRIBUTARY:

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, & 43-10425.

PRIORITY DATE: 04/01/1959

POINT OF DIVERSION:

T14S R27E S8 NWNWSW Within CASSIA County
T14S R27E S8 SWSWSW Within CASSIA County
T14S R27E S8 SWNWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.560 CFS 240.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R27E S08	SWNW	6.5	T14S R27E S08	SENW	8.8
T14S R27E S08	NESW	40.0	T14S R27E S08	NWSW	38.0
T14S R27E S08	SWSW	39.0	T14S R27E S08	SESW	38.0
T14S R27E S08	NESE	39.0	T14S R27E S08	NWSE	40.0
T14S R27E S08	SWSE	40.0	T14S R27E S08	SESE	40.0

329.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2294D, 43-10289, 43-10627, 43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.

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

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EXPLANATORY MATERIAL: Beneficial Use

Water Right 43-10289

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10289 V2

WATER RIGHT NUMBER: 43-10289 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENTON WHITAKER 2145 S 2350 E MALTA, ID 83342 (208)645-2518
Original Owner	JUAN M TRACY 563 W 1ST N RIGBY, ID 83442 (208)745-9471
Original Owner	MAXINE A TRACY 563 W 1ST N RIGBY, ID 83442 (208)745-9471
Current Owner	CLETA WHITAKER 2145 S 2350 E MALTA, ID 83342 (208)645-2518

Priority Date: 04/01/1959

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.560 CFS	240.00 AF
	<u>Total Diversion:</u>	0.560 CFS	240.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4SE1/4	Sec. 8,	Twp 14S,	Rge 27E, B.M.
CASSIA County				
GROUND WATER	NW1/4NW1/4SW1/4	Sec. 8,	Twp 14S,	Rge 27E, B.M.
CASSIA County				
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 8,	Twp 14S,	Rge 27E, B.M.
CASSIA County				

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	
14S	27E	8							6.5	8.8	40.0	38.0	39.0	38.0	39.0	40.0	40.0	40.0	329.3

Total Acres: 329.3

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-10289 V2

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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2294D, 43-10289, 43-10627, 43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.
2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.
3. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, & 43-10425.

Comments:

1. jroberts 9/5/2002 V2 Recommendation
Comment: This new recommendation was created to resolve an Objection, changing total diversion rate to 6 cfs on groundwater rights and the Pou to 300 acres within a 329.3 ac PPU.

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

3/15/01
03/15/2001

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

RIGHT NUMBER: 43-10289

NAME AND ADDRESS: CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY:

0.256 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D,
43-02294G, 43-10289, & 43-10425.

PRIORITY DATE:

06/30/1985

POINT OF DIVERSION:

T14S R27E S8
T14S R27E S8
T14S R27E S8

NWNWSW
SWSWSW
SWNWSE

Within CASSIA County
Within CASSIA County
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.27 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T14S R27E S8	SWNW	6.5	T14S R27E S8	SESW	8.8
T14S R27E S8	NESW	40	T14S R27E S8	NWSW	38
T14S R27E S8	SWSW	39	T14S R27E S8	SESW	38
T14S R27E S8	NESE	39	T14S R27E S8	NWSE	40
T14S R27E S8	SWSE	40	T14S R27E S8	SESE	40

329.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 329.3 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289,
43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976, 43-
12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982, 43-
12983, 43-12984, & 43-12985.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 29.3 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

Water Right 43-10289

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.

~~THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-02294D, 43-
02294G, & 43-10425 PURSUANT TO SECTION 42-1416B, IDAHO CODE.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 30, 2002

WILLIAM A PARSONS
PARSONS SMITH & STONE
PO BOX 910
BURLEY ID 83318

RE: Whitaker Objections

Dear Mr. Parsons,

Before our telephone conference scheduled for 1:30 pm next Wednesday regarding these rights, I thought I'd lay out what I did in my initial recommendations, the Objections, and what could be done to resolve them. I ended up with this analysis and thought it might help if I sent a copy to you ahead of time.

Please feel free to call if you have any questions before then, or else I'll plan to call you on Wednesday.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

WHITAKER RIGHTS:

43-2294

- This license was originally issued for 6 cfs on 700 acres in Sections 8 & 17, T14S, R27E from 4 wells in the SWSW of Section 17
- Transfer # 2154 (approved 10/77) split off 200 acres in Section 8 and 1.71 cfs and changed the Point of Diversion (POD) to a well in the NWSE of Section 8 (Water Right part "B")
- Transfer # 2822 (approved 6/83) split another 40 acres in Section 8 and .34 cfs and changed the PODs to 3 wells in Section 8 (NWSE, SWSW, & NWSW) (Water Right part "F")
- Whitaker originally claimed both of the above under AJ Claim 43-2294B, but since it was actually a combination of B & F, the claim was renumbered to 43-2294G (240 acres and 2.05 cfs)
 - o **43-2294G** was recommended as claimed, but in a 329.3 acre Permissible Place of Use (PPU), limited to 240 acres, from the 3 wells
- Transfer # 2756 (approved 6/83) was filed by Tracy and split off another 60 acres in Section 8 and .514 cfs and changed the POD to a well in the SWSW of Section 8 (Water Right part "D")
- It was claimed, as transferred, by Tracy under 43-2294D and later sold to Whitaker
 - o **43-2294D** was recommended as claimed, but in a 329.3 acre PPU, limited to 60 acres, and to all three wells

43-10425

- This claim was filed by Whitaker as a combination of two old statutory claims:
 - (43-4055 4/1/1959 3 cfs 320 ac well in SWSW of Sec. 8, originally filed by Tracy)
 - (43-4149 4/1/1955 2.4 cfs 100 ac wells in SWSW & NWSW Sec. 8, originally filed by Whitaker - no Evidence of Priority ever submitted for well in NWSW)
- Whitaker claimed priority date of 4/1/1959, 3.55 cfs (1.15 from 43-4055 & 2.4 cfs from 43-4149) on 280 acres (same acres as previously licensed under 43-2294, **except for the 40 acres in the NESE**, which were never licensed or covered by transfers
 - o I recommended this right for only .44 cfs because not enough information had been provided on the development of the wells

43-10289

- This claim was filed by Tracy as 19% (.56 cfs) of 43-4055 on 60 acres, later sold to Whitaker
 - o I recommended this right as an Expansion claim of the previous rights to cover the extra acres in the NESE

OBJECTION RESOLUTIONS/PROPOSALS

- Additional information on the development of the wells has been provided so a total of 6 cfs can be recommended for all rights (inch per acre on 300 acres)
 - **43-10425** could now be recommended as 3.44 cfs, amount needed to bring system total to 6 cfs or an inch per acre for the 300 acres, not covering the expansion acres in the NESE. (These acres don't appear irrigated in either the '62 or '68 aerial photos, nor were they included in the transfers approved in '77 and '83.)
 - **43-10289** could still be recommended as an expansion claim of the other three rights, to cover the extra 29.3 acres, with no additional diversion rate or volume and a 6/30/1985 priority date
 - Or, all the rights could be recommended as claimed, but limited to a total of 6 cfs when combined and to a total of 300 acres within a PPU of 329.3 acres
 - You could file an additional expansion claim to pick up the extra 29.3 acres (**\$50.00 filing fee & Motion to the Court required**)
- Objection stated the well in the NWSE *may* be in the NWNWSE. The claim and recommendation were for the SWNWSE. I did a GPS reading when I was there, and while the well is *very* close to being in the middle of the $\frac{1}{4}$ $\frac{1}{4}$, I believe it is *slightly* to the NW. (657' to the N $\frac{1}{4}$ line, 665' to the S $\frac{1}{4}$ line)
- Objection stated the Priority Date on 43-10425 should be 1955. 1959 was claimed because it was a combination of two rights with differing priority dates, thereby getting the later date. The 1959 date came from 43-4055, originally filed by Tracy on the well in the SWSW of Section 8; there was an affidavit in the file signed by you and others stating that the use began in 1959. The 1955 date came from 43-4149, originally filed by you on the Tracy well **and** the one in the NWSW. If you want the 1955 date, you must split out the claim and file an additional one (**\$50.00 filing fee and Motion to the Court required**), and you will need to submit Evidence of Priority for the other well, showing the use began in 1955 and identify which acres were irrigated at that time.

$Cl = 6.67 \text{ cfs}$
 $Rec = 6.00 \text{ cfs (in/Ac)}$

$\rightarrow$

$Claimed = 340 \text{ Ac.}$
 $GIS = 329.3 \text{ Ac.}$
 $Lic \& B.U. = 300 \text{ Ac.}$
 $Exp = 29.3 \text{ Ac.}$

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	GIS	14S	27E	8							6.5	8.8	40	38	39	38	39	40	40	40	329.3	329.
43-2294G	14S	27E	8								10	10	40	40	10	10		40	40	40	240	
43-2294D	14S	27E	8												30	30					60	
43-10425	14S	27E	8								10	10	40	40	10	10	40	40	40	40	280	
43-10289	14S	27E	8												30	30					60	

[illegible][illegible]

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

Idaho Department of Water Resources
Adjudication Bureau

December 6, 1999

RECEIVED

MAR 02 2001

Department of Water Resources
Southern Region

A4310289

WHITAKER DENTON & CLETA

14S27E8SWSW

_____ *year long well* _____

Data Submission for Estimating Well Pumping Capacity

This form is for documenting historic flow rate from a well based on available information including: flow measurements, pump curves or specifications, system characteristics such as motor horsepower, depth to water, discharge pressure, and irrigation system characteristics. The department is attempting to quantify the maximum rate of flow diverted and put to beneficial use in the years prior to November 1987.

If you have any questions regarding this data request, please contact either Scott King (208) 327-7897 or Cindy Bird (208) 327-5450. You may also dial the adjudication hotline (1-800-451-4129) and ask for Scott or Cindy. If you prefer to discuss these questions with us instead of completing the form, your call is welcomed. We can also be contacted by e-mail at sking@idwr.state.id.us and cbird@idwr.state.id.us

1) Rate of Flow measurements: _____ (cfs or gpm)

Please give approximate date, person or entity performing measurement, description of measuring device and any other applicable data. Examples may include measurements made as part of an energy efficiency survey, which are often provided as a service through your electric utility.

2) Pump characteristic curves or specifications: Please include copy of pump curve, or state designed pumping capacity, rated flow and head, and approximate year of pump installation. Other helpful items may include the pump manufacturer, model number, and number of stages.

Run to 1987 - Open discharge with flood irrigation + 4" tubes (4" - 6-8 tubes) water was split 3 different ways - history on open discharge was 110" - 125" also had Raft River water mixed in some stream at different points.

3) Pumping system characteristics:

Diversion rate can be determined by using power, pumping lift, discharge pressure, and estimated pumping efficiency. If the system has changed over time, you can provide information for several system configurations.

Year	Well pump motor horsepower	Booster pump(s) motor horsepower	Depth to water, pump off (ft)	Depth to water, pump on (ft)	Discharge pressure (psi)
1988	50 HP		40 ft	65 ft	
1987	50 HP		60 ft	-	
2000	50 HP		73 ft	100 ft	

4) Irrigation System:

Please provide description of the water delivery system. State number of lines and birds, nozzle size, and operating pressure(s) of impact-type sprinkler systems; designed rated flow for pivot systems. As above, if various systems have been used through the years, provide year as well. Example:

1963 to 1974 – Well pump open discharges to ditches for flood irrigation using 50 siphons per set. Siphons were 1.5 inch diameter, 5 feet long.

1975 to 1984 – Six wheel lines with 32 birds per line, 5/32 inch nozzles operating at 60 to 70 psi at the sprinklers.

1985 to present – Eight tower center pivot with impact sprinklers and end gun, no corner catcher, designed for 1150 gpm. Also solid set hand lines in corners which operate separate of the pivot, operating a total of 250 birds per set, 9/64 inch nozzles operating at 65 to 75 psi at the sprinklers.

1955 - 1987 - Open discharge - 6-7 (4") siphon tubes + flood irrigation
 1988 - 1990 - put into Hand-line for Juan Tracy (flood irrigation for Wemy Whitaker + Melba Hanks)
 1991 - 2000 - 5 Hand Lines - 26-27 birds per line 5/32 Nozzles with app pressure 62[#]

5) Other information:

Please also include any other information that you feel may indicate maximum historic diversion rate for your well. Mr. Tracy in 1987 put in new bowls for only enough water to do his own ch without permission from either Wemy Whitaker or Melba Hanks. that is the reason a

1991 new bowls were put in so as to get enough water as before
 1987 - 4 stage 10 RL Bowl array 470 GPM at 170 ft
 1991 - Added 4 stages 10 RL-M Bowl array 670 GPM at 270 ft. Hd.
 Prior to 1987 I'm not sure what bowl array.

RECEIVED

JAN 10 2002

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 43-10289

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Denton Whitaker & Cleta Whitaker

Address: 2145 S. 2350 E.

Malta, ID 83342

Daytime Phone: 208-645-2518

Name & Address of Attorney, if any:

William A. Parsons

PARSONS, SMITH & STONE

Box 910

Burley, ID 83318

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Denton & Cleta Whitaker

Address: 2145 S. 2350 E.

Malta, ID 83342

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: At least 329"

4. ☒ **Priority Date**

Should be: 1955 on 43-10425

5. ☒ **Point(s) of Diversion**

Should be: On 43-10425 maybe should NW NWSE

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. I object because:

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Either some information furnished to the IDWR was lost or not considered that would justify the increased quantity of water or the Objecting Party needs to file a motion to file a late claim or amendments to claims. At the time of filing, Whitaker was assisted by Loren Holmes and was under the impression that all was

(cont. on attachment)

(Cont. From Page 2 SF.1 - Objection)

taken care of in the claim process, however that does not seem to be the case now. The objecting party has the map that Loren Holmes prepared for them and can be furnished on request or at a conference. The Objecting Party does not believe that all the water from the three points of diversion has been considered in the report or if it has then some late filings need to be made. The Objecting Party has had some serious illness within the family and has not been able to attend to all the details of this issue, and has therefore employed counsel to assist. Somehow the flow rate is wrong. If it cannot be corrected at this level, then the motion to file late claim or amended claim needs to be done because the use is being made of the increased flow.

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Cassia)

William A. Parsons, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

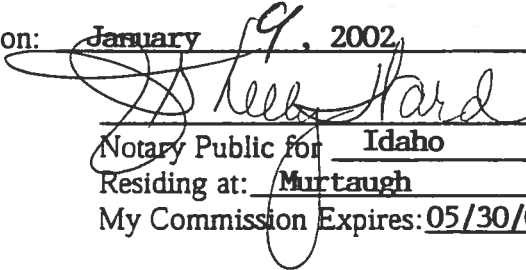
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 9, 2002



Notary Public for Idaho

Residing at: Murtaugh

My Commission Expires: 05/30/02

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 9, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

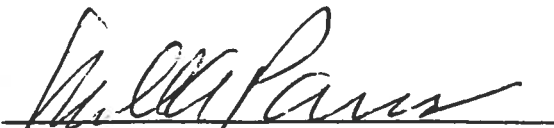
Name: Denton Whitaker & Clela Whitaker
Address: 2145 S. 2350 E.
Malta, ID 83342

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

VERIFIED BY *[Signature]* 3/15/01
03/15/2001

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

RIGHT NUMBER: 43-10289
NAME AND ADDRESS: CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.266 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D,
43-02294G, 43-10289, & 43-10425.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION:	T14S R27E S8	NWNWSW	Within CASSIA County
	T14S R27E S8	SWSWSW	Within CASSIA County
	T14S R27E S8	SWNWSE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.27 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T14S R27E S8	SWNW	6.5	T14S R27E S8	SENW	8.8
T14S R27E S8	NESW	40	T14S R27E S8	NWSW	38
T14S R27E S8	SWSW	39	T14S R27E S8	SESW	38
T14S R27E S8	NESE	39	T14S R27E S8	NWSE	40
T14S R27E S8	SWSE	40	T14S R27E S8	SESE	40

329.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 329.3 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289,
43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976, 43-
12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982, 43-
12983, 43-12984, & 43-12985.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 29.3 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

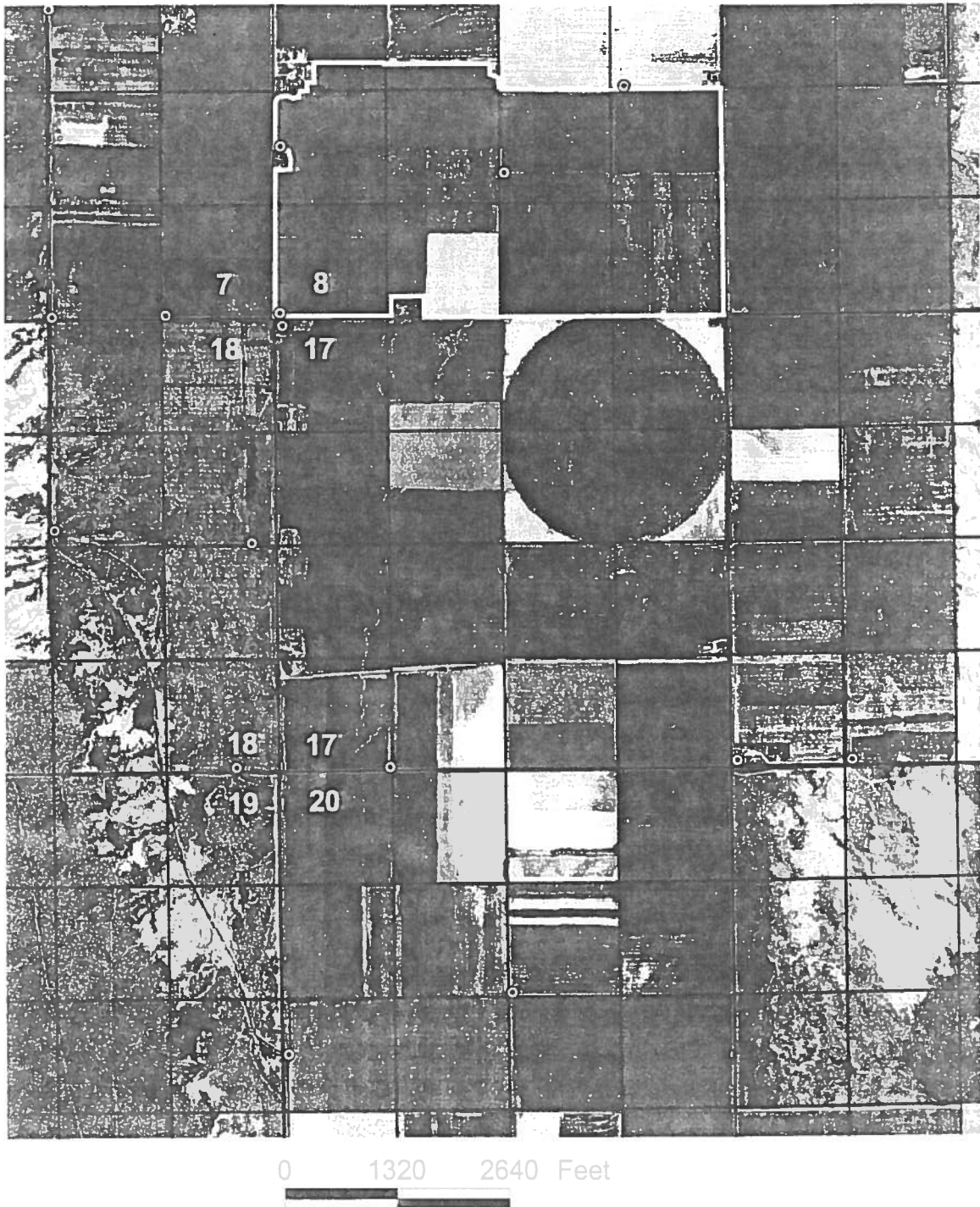
Water Right 43-10289

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.

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-02294D, 43-
02294G, & 43-10425 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434,
43-10627, 43-12958, 43-12959, & 43-12976 thru 43-12985



RECOMMENDED PLACE OF USE
DATA ENTRY ON MAR. 16, 2001
TWP 14S, RNG 27E, SEC. 8



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:49:58
03/13/01
9

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-10289

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAXINE A TRACY	~~04/01/1959~~	IRRIGATION	~~04-01-10-01~~	0.560 CFS	
C	JUAN M TRACY	6/30/1985		3/15 → 11/15	0.560 CFS	
TOTAL DIVERSION:					0.266	
~~CONSUMPTIVE USE:~~						~~150.00 AFA~~

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T14S R27E S08 SWSWSW NWNWSW SWNNWSE CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
14S	27E	8	:																	
																			60.0	
																			60.0	

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: 43-02294D.

Remarks: GEN THIS CLAIM IS FOR 19% OF CLAIM 43-4055.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

$$\text{div. rate} = 3 \div 329.3 \times 29.3 = 0.266 \text{ cfs}$$

Cond. Code C18
Remarks:
POU1 K06 29.3Ac
E14 329.3Ac w/all
QNT E27 3cfs
120 AF w/-2294D
-2294G
-10425

GEN K04 exp. claim
-2294D
-2294G
-10425

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:49:44
03/13/01

PAGE: 2
QUICKLOOK INFORMATION

8
CLAIM NUMBER: A43-10289

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-							
POINT OF DIV	-							
SOURCE	-							
PLACE OF USE	-							
DIV. AMOUNT CFS/VOLUME	-							
CONSUMPTIVE USE	-							
PURPOSES OF USE	-							
PERIOD OF USE	-							
BASIS OF CLAIM	-							
REMARKS	-							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—

July 28, 2000

DENTON WHITAKER
HC 72 BOX 2192
MALTA ID 83342

RE: Section 17 well

Dear Mr. Whitaker:

I wanted to follow up with you regarding our visit at your home on June 1, 2000. Your description of wells used by you was helpful. Cindy and I visited your "East Well," the "Don Shaw Well," and the "Juan Tracey Well," all in section 8, T14S R27E. IDWR site tag numbers at these wells are A0004847, A0004848, and A0004849.

During our visit, you mentioned that you have additional data on these wells regarding their historic diversion capacity. If you still have this data, we could still use it for recommending water right claims A43-10289 and A43-10425. Please forward it to me at the above address.

You had asked if our records indicate that you have claimed as a point of diversion a well located in section 17. I was unable to find any claim in your name for a diversion (well) in section 17. In section 17, I find that Warr Brothers has several wells claimed for irrigation, Gary Fowles has one small diversion (domestic, stock, and 3 acres of irrigation), the LDS church has one for irrigation (in the SWNW quarter-quarter, claim A43-04208), and Brian Hansen has one (domestic only). You may wish to contact Jeanie Robertson of the Twin Falls IDWR office regarding this issue. I believe that she is working on your claims. The telephone number for the Twin Falls office is (208) 736-3033.

If you have any questions about this matter, please let me know. I can be reached by mail at the above address or by phone at (208) 327-7897.

Sincerely,

Scott King

43-04055 3 cfs 320 Ac.

43-04149 2.4 cfs 100 Ac.

A43-10425 { 1.15 cfs (-04055) 280 Ac.
2.4 cfs (-04149)

A43-10289 .56 cfs (-04055) 60 Ac.

1.29 cfs unclaimed from -04055

WR5809NP
No. 43-04055

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/13/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LORENZO D. TRACY	04/01/1959	IRRIGATION	04/01 10/01	3.000 CFS	
TOTAL DIVERSION:					3.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T14S R27E S08 SWSW CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
14S	27E	8	:						:								40	40	40	40	:	40	40	40	40	:	320.0					
																30	30											TOTAL ACRES	320.0			

Pou County: CASSIA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

43-02294D 43-02294F 43-04149

Other Water Rights Listing Overlapping Place(s) of use:

43-00164A 43-00165A 43-00166A 43-00167 43-00168A 43-00169B 43-00169C 43-00170 43-00172A 43-00173
43-00175A 43-00176A 43-00178C 43-02294B 43-02294D 43-02294F 43-02372 43-04149

Dates: App. Received: Priority Date: 04/01/1959
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/28/88 CONVERT

SD-4110
INQUIRY

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 10/13/99
Time: 15:45:12

Water Right Number: A43-04055 FIRST PAGE
GEN SEE NO. 43-10289 AND 43-10425.

| THIS RIGHT HAS BEEN SPLIT AND IS CLAIMED AS FOLLOWS:

A43-10289 - 0.56 CFS - 60 AC - TRACEY.

A43-10425 - COMBINES 1.15CFS OF 43-04055 WITH ALL (2.4CFS) OF
43-04149 AND IS CLAIMED ON 280 ACRES.

| THIS RIGHT HAS AN UNDER CLAIMED DIVERSION RATE. ALB 1-16-92

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
-	43-04055	TRACY, LORENZO D.	C	04/01/1959	S/	GROUNDWATER	IRR	WI
-	A43-04055	SPLIT RIGHT COMBINED RIGHT	C C	04/01/1959	/Z	GROUNDWATER SPLIT RIGHT COMBINED RIGHT	IRR	AC

```
*Decreed copied to Water Right Database      (G6=Print Profile Rpt)  (G8=Cancel)
(Enter=Continue)  (G1=Print Screen Query)    (G7=This Query)       (Menu _____)
```

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

10/13/99 15:46:31
Page 1

Water Right Number - A43-04055

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

SPLIT RIGHT

1 -
2 -
3 -

City- XXXXX
Phone - 208-000-0000

State- ID Zip- 83342

COMBINED RIGHT

1 -
2 -
3 -

City- N
Phone - 208-000-0000

State- ID Zip- 0

*** O - ORIGINAL OWNER ***

TRACY

JUAN M.

1 - 563 W. 1ST N.
2 -
3 -

City- RIGBY
Phone - 208-745-9471

State- ID Zip- 83442

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - -
04/01/1959 17 SOUTHERN Z - SEE REMARKS

+ - - - - Source - - - - + + - - - - - Tributary - - - - -
GROUNDWATER
SPLIT RIGHT
COMBINED RIGHT

+ - - - - Point of Diversion - - - - -
TwN Rng Sec Tract Lot RFlg County Diversion Name
14S 27E 8 SW SW SW (31) CASSIA

+ - - - - Water Use - - - - -
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/01 3.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage -
3.000 150.0

+ - - - - Place of Use - - - - -
TwN Rng Sec Tract Lot Acres Code Description County

+ - - Diversion Means - WELL, 300' DEEP, 55 HP PUMP TO FLOOD/SPRINKLERS

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - OTHERS

Water right number - A43-04055

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Remarks - - - - -

GEN SEE NO. 43-10289 AND 43-10425.

|

THIS RIGHT HAS BEEN SPLIT AND IS CLAIMED AS FOLLOWS:

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43-04149 AND IS CLAIMED ON 280 ACRES.

|

THIS RIGHT HAS AN UNDER CLAIMED DIVERSION RATE. ALB 1-16-92

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date -
00/00/0000

+ - - Audit Fields - 05/31/89 OLENICHA 12/11/91 MERRITT 01/16/92 BAUMHOFF

+ - - - - - Comments - - - - -
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/31/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- X777777	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-