

COPY

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 43-10434
Date Received: 6/8/89
Receipt No: S007690
Received By: *X*

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DENTON WHITAKER Phone: (208) 645-2518

HC 72 BOX 2192
MALTA ID USA 83342

CLETA WHITAKER Phone: (208) 645-2518

HC 72 BOX 2192
MALTA ID USA 83342

2. Date of Priority: 12/12/1911

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
14S	27E	17	SE	SW	SW	CASSIA	

5. Description of diverting works:

HEADGATE TO DITCHES & BOOSTER PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	4.80	

7. Total Quantity Appropriated is:
4.80 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
14S	27E	8	NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	10
			SE	SW	IRRIGATION	10
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	NW	IRRIGATION	10
			SE	NW	IRRIGATION	10
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
Section Acres						280
Total Acres						280

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 A PORTION OF THE FOLLOWING RIGHT:
43-00178B 4.80 CFS 12-12-1911

15. Basis of Claim: Decreed

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

Signature of Claimant(s): *State of Hittaker* Date: 2/22/01

Denton Whitaker

Date: _____

State of Idaho)
County of ADAMS) SS.

Subscribed and sworn (or affirmed) before me this

of Feb 20 2001

Barbara Andersen

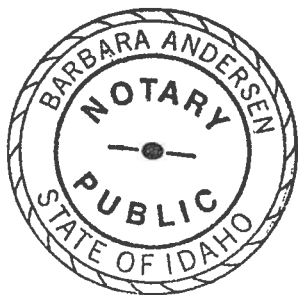
Notary Public

Residing at

Albion, Id

My commission Expires

7-23-05





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

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: A43-10434
Date Received: 6/08/1989
Receipt No: 5007690
Received By: ADM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENTON WHITAKER 208-645-2518
Address: H.C. 72 BOX 2192
MALTA, ID 83342

AND/OR
Name: CLETA WHITAKER 208-645-2518
Address: H.C. 72 BOX 2192
MALTA, ID 83342

2. Date of Priority: DEC 12, 1911

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4
14S	27E	17	SE	SW	SW

5. Description of diverting works:
HEADGATE TO DITCHES & BOOSTER PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or,	A.F.A.
IRRIGATION	03/15	11/15	0.010		

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

8. Total consumptive use is 840.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-10434

Page 1

Date: 06/08/89

MICROFILMED

MAR 05 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	27E	8	SW		NW		IRR	10.0
			SE		NW		IRR	10.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	10.0
			SE		SW		IRR	10.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	280.0
							Total Acres	280.0

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:

A43-10425, 02294B AND 10433 THRU 10435.

14. Remarks:

THIS CLAIM TO BE AMENDED WHEN PROPER CFS RT. DETERMINED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Denton Whitaker Date: 6-8-89

Date: _____

State of Idaho)
County of Thiel F214) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of June 19 89

[Signature]
Notary Public

Seal

Residing at Kinkaid, Id

My Commission Expires 6/30/92

RECEIVED

JAN - 8 2003

Department of Water Resources

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

2003 JAN 6 AM 11 29

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 Rights 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 and 43-12985

On October 9, 2002, a *Special Master's Report and Recommendation* was filed for the above water rights. 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 rights 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 and 43-12985 are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 6, 2003



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 JAN 6 AM 11 29

PAGE 1
Jan-06-2003

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ISSUING PARTIAL DECREE 43-10434 ET AL was mailed on January 06, 2003, with sufficient first-class postage to the following:

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

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

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) Subcases 43-10434, 43-10627, 43-12958,
) 43-12959, 43-12976, 43-12977, 43-12978,
Case No. 39576) 43-12979, 43-12980, 43-12981, 43-12982,
) 43-12983, 43-12984 and 43-12985
) (Whitaker)
)
) **SPECIAL MASTER REPORT**

Findings of Fact

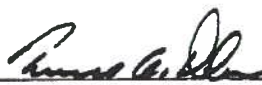
The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the above 14 claims to Denton and Clela Whitaker, 2145 South, 2350 East, Malta, Idaho 83342, for diversions from the Raft River to irrigate 300 acres within a 329.3 acre place of use.

No objections were filed to the above 14 claims, but they overlap with contested claims 43-02294D, 43-02294G, 43-10289 and 43-10425. On October 7, 2002, the Whitakers and IDWR filed *Standard Forms 5* agreeing to the overlapping claims as recommended but with amendments to place of use remarks and additional explanatory material.

Conclusions of Law

Denton and Clela Whitaker are entitled to partial decrees adjudicating water rights under claims 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 and 43-12985 as described in the *Standard Forms 5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 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 and 43-12985*.

DATED October 9, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

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

OCT 09 2002

In Re SRBA)
Case No. 39576)

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

Water Right 43-10434

By:  Clerk:
Deputy Clerk:

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 4.80 CFS

PRIORITY DATE: 12/12/1911

POINT OF DIVERSION: T14S R27E S17 SESWSW Within Cassia County

THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS RIGHT MAY BE DIVERTED THE WATER USER MUST FILE A TRANSFER TO ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASEMENT AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE EXISTS.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.80 CFS

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 200 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-12977, & 43-10434.

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.

RECOMMENDATION

OCT 09 2002

James A. Kline

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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): 43-10434
(SEE ATTACHED EXHIBIT A)

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.

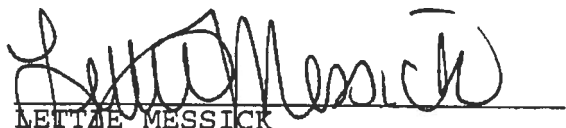

LETTIE MESSICK
Deputy Clerk

Exhibit A

Subcase Nos:

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

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): 43-10434
(SEE ATTACHED EXHIBIT A)

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


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/09/02

Exhibit A

Subcase Nos:

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

VERIFIED 9/6/02

09/06/2002

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

RIGHT NUMBER: 43-10434
NAME AND ADDRESS: DENTON WHITAKER
2145 S 2350 E
MALTA ID 83342

CLETA WHITAKER
2145 S 2350 E
MALTA ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 4.80 CFS
PRIORITY DATE: 12/12/1911
POINT OF DIVERSION:

T14S R27E S17 SESWSW Within CASSIA County

THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS RIGHT MAY BE DIVERTED THE WATER USER MUST FILE A TRANSFER TO ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASEMENT AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE EXISTS.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	4.800 CFS

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 200 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-12977, & 43-10434.

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.

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

THIS RIGHT IS A PORTION OF FORMER RIGHT 43-178C.

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

RIGHT NUMBER: 43-10434

NAME AND ADDRESS:

CLETA WHITAKER
2145 S 2350 E
MALTA ID 83342

DENTON WHITAKER
2145 S 2350 E
MALTA ID 83342

SOURCE: RAFT RIVER

Tributary: SNAKE RIVER

QUANTITY: 4.800 CFS
0.000 AFY

PRIORITY DATE: 12/12/1911

POINT OF DIVERSION:

T14S R27E S17 SESWSW Within CASSIA County

THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS RIGHT MAY BE DIVERTED THE WATER USER MUST FILE A TRANSFER TO ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASEMENT AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE EXISTS.

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	03/15 11/15	4.800 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 200 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 43-12977, & 43-10434.

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 200 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 43-12977, & 43-10434.

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.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED
BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL
UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A PORTION OF FORMER RIGHT 43-178C.

09/06/2002

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

RIGHT NUMBER: 43-10434
NAME AND ADDRESS: DENTON WHITAKER
2145 S 2350 E
MALTA ID 83342

CLETA WHITAKER
2145 S 2350 E
MALTA ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 4.80 CFS
PRIORITY DATE: 12/12/1911
POINT OF DIVERSION:

T14S R27E S17 SESWSW Within CASSIA County

THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS RIGHT MAY BE DIVERTED THE WATER USER MUST FILE A TRANSFER TO ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASEMENT AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE EXISTS.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	4.800 CFS

PLACE OF USE:	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 200 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-12977, & 43-10434.

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A PORTION OF FORMER RIGHT 43-178C.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10434 V2

WATER RIGHT NUMBER: 43-10434 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENTON WHITAKER 2145 S 2350 E MALTA, ID 83342 (208)645-2518
Current Owner	CLETA WHITAKER 2145 S 2350 E MALTA, ID 83342 (208)645-2518

Priority Date: 12/12/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAFT RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.800 CFS	
	<u>Total Diversion:</u>	4.800 CFS	

Location of Point(s) of Diversion

RAFT RIVER	SE1/4SW1/4SW1/4	Sec. 17, 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

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. Point of Diversion THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS RIGHT MAY BE DIVERTED THE WATER USER MUST FILE A TRANSFER TO ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASEMENT AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE EXISTS.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10434 V2

2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-12977, & 43-10434.
3. 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.
4. Explanatory THIS RIGHT IS A PORTION OF FORMER RIGHT 43-178C.

Comments:

1. jroberts 9/6/2002 V2 Recommendation

Comment: New recommendation was created to resolve an Objection, resulting in Pou being limited 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

VERIFIED BY *JK* 3/15/01

03/15/2001

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

RIGHT NUMBER: 43-10434

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 4.8 CFS

PRIORITY DATE: 12/12/1911

POINT OF DIVERSION: T14S R27E S17 SESWSW Within CASSIA County

THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS RIGHT MAY BE DIVERTED THE WATER USER MUST FILE A TRANSFER TO ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASEMENT AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE EXISTS.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	4.80 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 200 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-12977, & 43-10434.

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.

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

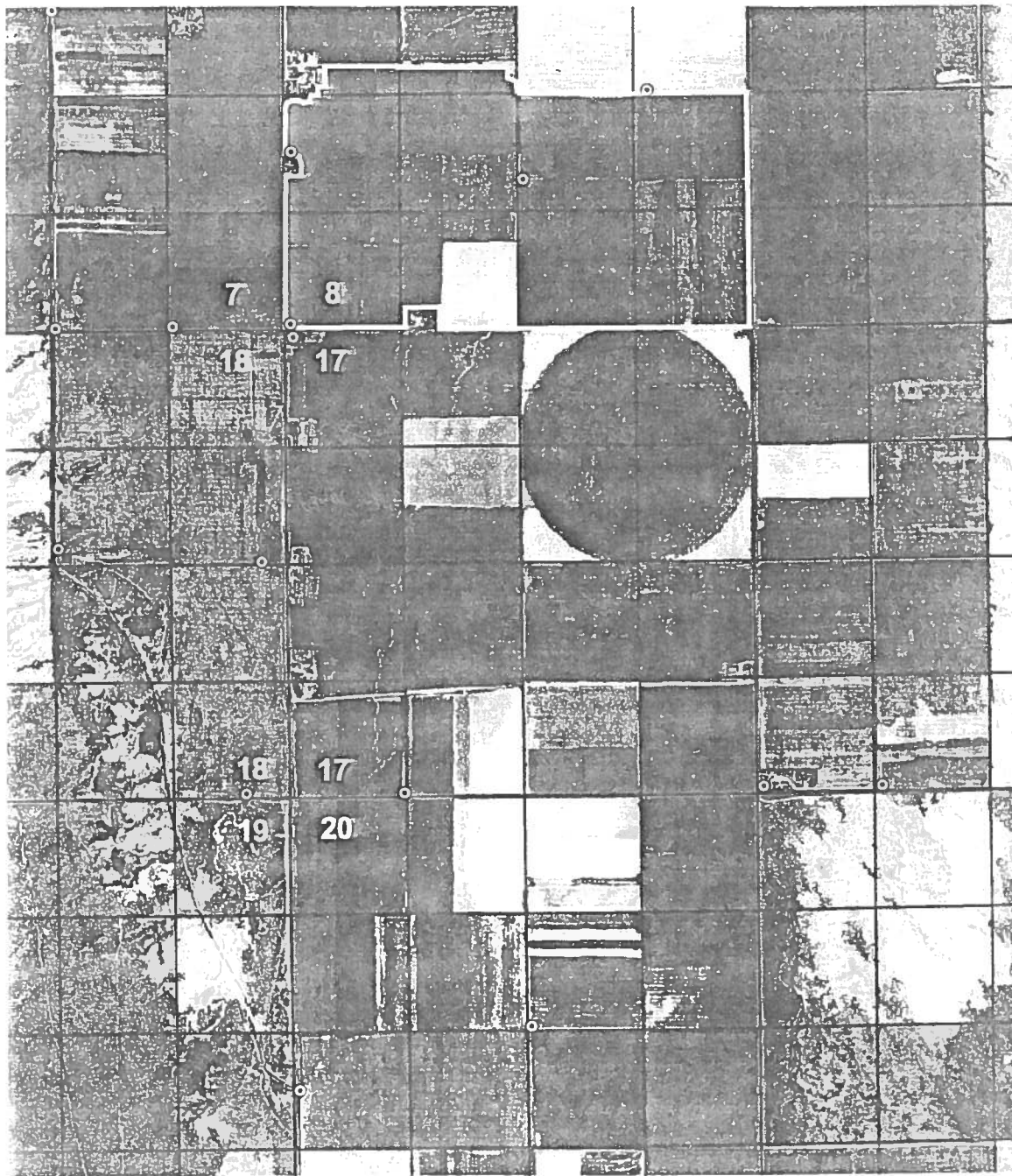
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

part of - 178C

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



0 1320 2640 Feet

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 Naad Photograph
Prepared by Jeanie Roberts

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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PROFILE REPORT

CLAIM NUMBER: A43-10434

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DENTON WHITAKER	12/12/1911	IRRIGATION	03-15 11-15	0.010 CFS	
C	CLETA WHITAKER					
TOTAL DIVERSION:					0.010 CFS	
~~CONSUMPTIVE USE:~~					4.8	~~840.00 AFA~~

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T14S R27E S17

SESWSW

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	:							10	10			40	40	10	10			40	40	40	40	280.0
																						TOTAL ACRES	280.0	

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: A43-10425, 02294B AND 10433 THRU 10435.

Remarks: GEN THIS CLAIM TO BE AMENDED WHEN PROPER CFS RT. DETERMINED.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: D

A part of 00178C

Cond Code C18
Remarks:
POU 1 E14 200 Ac.
w/12977
E14 329.3 Ac.
w/all

POD - unused
facility
- needs transfer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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QUICKLOOK INFORMATION

17
CLAIM NUMBER: A43-10434

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

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USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
04/01 10/31	45.600 CFS	

45.600 CFS

45.600 CFS

Stage: DECREED

MS

193.3 inhabitant

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

Remarks: GEN TRANS. 665.

Proof Due date: Proof Made date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: 43B Field Exam Fees:

Comments: Date: 02/18/1998 User-ID: PSKAGGS Subject: TRANSFER 5140

into parts C & D.

Audit:	09/18/97	MBALDWIN	02/18/98	PSKAGGS	02/18/98	PSKAGGS	02/18/98	PSKAGGS
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SD-0611-2 Basin: 43 Starting Water Right: 00178

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
	43-00178			00/00/0000	/			WR
	43-00178A	BOOTH, BOYD	C	12/12/1911	D/	RAFT RIVER	IRR	WR
	43-00178B			00/00/0000	/Z			WR
	43-00178C	MALTA LAND & IRRIGAT	C	12/12/1911	D/	RAFT RIVER	IRR	WR
	43-00178D	HUTCHISON, J D	C	12/12/1911	D/	RAFT RIVER	IRR	WR
		HUTCHISON, JOYCE	C					
	A43-00178A	BOOTH, BOYD R	C	12/12/1911	D/	RAFT RIVER	IRR	AJ
	A43-00178B	COMBINED RIGHT	C	12/12/1911	/Z	RAFT RIVER	IRR	AJ
		RENUMBERED CLAIM	C			SPLIT RIGHT		
		SPLIT RIGHT	C			COMBINED RIGHT		
						RENUMBERED CLAIM		
	A43-00178C	ELISON, ELMO	C	12/12/1911	D/	RAFT RIVER	IRR	AJ
		ELISON, LOUISE	C					
	A43-00178D	HUTCHISON, JOYCE	C	12/12/1911	D/	RAFT RIVER	IRR	AJ
		HUTCHISON, JD	C					

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

43-00178e
 45.6 cfs ÷ 2240 Ac. = .02 cfs / Ac.
 (56 tracts x 40 Ac. = 2240 Ac.)

SD-0611-2 Basin: 43 Starting Water Right: 00178

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
-	A43-00178E	WARR BROTHERS	C	12/12/1911	D/	RAFT RIVER	IRR	AJ
-	A43-00178F	HARPER, D JAY	C	12/12/1911	D/	RAFT RIVER &/OR	IRR	AJ
-		HARPER, JEANETTE W	C					
-	A43-00178G	PIERCE, JACK A	C	12/12/1911	D/	RAFT RIVER	IRR	AJ
-	A43-00178H	AMERICA, ACTING THRO	C	12/12/1911	D/	RAFT RIVER	IRR	AJ

- A43-00178J 5.80 cts Leno Elson
- A43-10608 1.6 cts combined w/ 1.6 cts from 43-00177
- A43-10257 Doug Nye ?
-
-

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