



Idaho Department of Water Resources

SRBA Recommendation:

74-15660

(Irrigation)

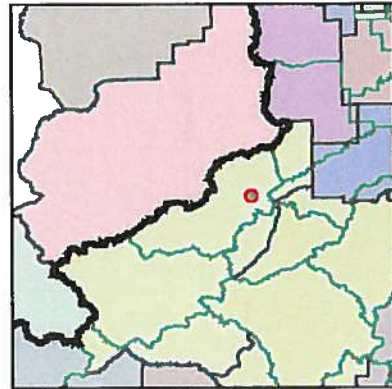
Legend

Place of Use

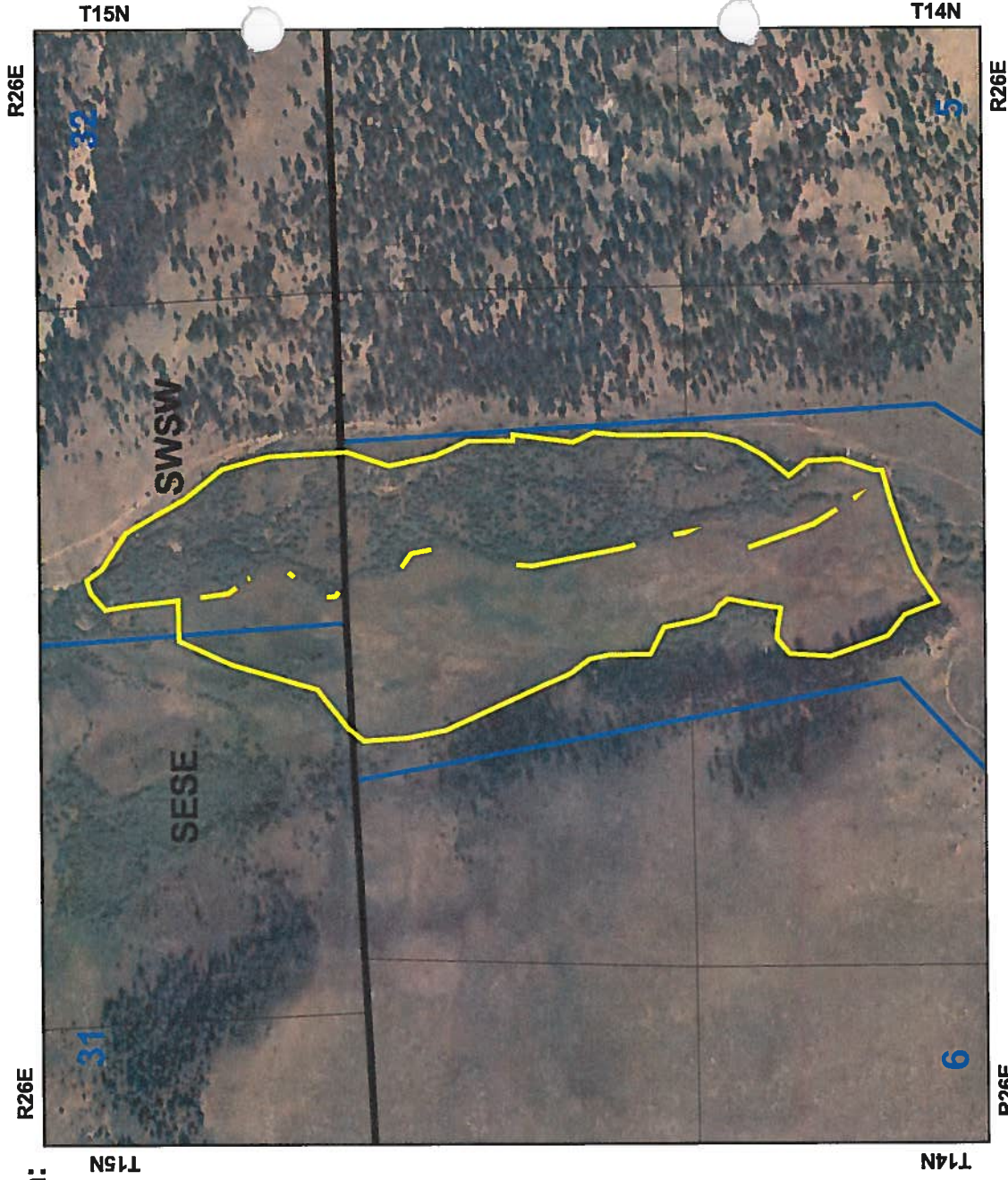
Townships

PLS Sections

Quarter Quarters



Lemhi County
IDWR Basin 74



0.6 Miles

0.3

0

Prepared by N. Arave
On Thursday, July 26, 2007
2004 Aerial Photography

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

RIGHT NUMBER: 74-1103

NAME AND ADDRESS: F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

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

SOURCE: BIG TIMBER CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.480 CFS

Right Nos. 74-1103 and 74-15660 are limited to a total combined diversion rate of 0.48 cfs.

PRIORITY DATE: 11/19/1922

POINT OF
DIVERSION: T14N R26E S5 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.480 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R26E S05	NWNW	19.40	T14N R26E S05	SWNW	15.40
T14N R26E S06	NENE	8.70	T14N R26E S06	SENE	0.80
T15N R26E S31	SESE	7.60	T15N R26E S32	SWSW	2.66

54.1 ACRES TOTAL

Place of use does not include federal public lands

A PORTION OF THIS PROPERTY IS ALSO KNOWN AS HES 657.

This right is limited to the irrigation of 24 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right No. 74-15660 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Idaho Dept. of Water Resources
1301 N. Orchard Boise, ID
January 16, 2006

To: 74-15660
From: Roxanne Brown
Subject: Enlargement claim

This is a claim for the enlargement of water right 74-1103. The right was previously decreed in the Lemhi adjudication.

The claimed priority date for the enlargement is 1976. An affidavit submitted with the claim supports some additional irrigation in 1976.

If the irrigation occurred prior to 1971, it could have been claimed in the Lemhi adjudication as a valid beneficial use claim. Irrigation of the land in question was in violation of the mandatory permit statute in 1976. The Lemhi decree was final in 1986.

If the irrigation occurred after the decree was final in 1986, but before the commencement of the SRBA on November 19, 1987, it could be recommended pursuant to §42-1426, Idaho Code. The aerial photography available to IDWR is inconclusive as to irrigation under this claim.

The enlargement claim 74-15660 will not be recommended for decree in the SRBA.

01/16/2006

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

RIGHT NUMBER: 74-15660

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

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

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included

where

a right was determined not to exist in a prior adjudication.