

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 43-12979
Date Received: 3/12/01
Receipt No:
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 USA 83342

CLETA WHITAKER Phone: (208)645-2518

2145 S 2350 E
MALTA ID USA 83342

2. Date of Priority: 04/01/1871

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	04/01	07/01	1	

7. Total Quantity Appropriated is:
1 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 COMBINATION OF PORTIONS OF THE FOLLOWING RIGHTS:

43-00166	0.30 CFS	04-01-1871	04-01 TO 07-01
43-00167	0.30 CFS	04-01-1871	04-01 TO 07-01
43-00176	0.40 CFS	04-01-1871	04-01 TO 07-01

15. Basis of Claim: Decreed

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 43-10435
Date Received: 6/8/89
Receipt No: S007690
Received By: *[Signature]*

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

RECEIVED
MAR 02 2001
Department of Water Resources
Southern Region

2. Date of Priority: 04/01/1871

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	1.395	

7. Total Quantity Appropriated is:
1.395 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 COMBINATION OF PORTIONS OF THE FOLLOWING RIGHTS:

43-00164	0.048	CFS	04-01-1871	04-30 TO 07-01
43-00165	0.30	CFS	04-01-1871	04-30 TO 07-01
43-00166	0.30	CFS	04-01-1871	04-01 TO 07-01
43-00167	0.30	CFS	04-01-1871	04-01 TO 07-01
43-00175	0.047	CFS	04-01-1871	
43-00176	0.40	CFS	04-01-1871	04-01 TO 07-01

43-12979

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.

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

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-12979

2003 JAN 6 AM 11 29

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 04/01/1871

POINT OF DIVERSION: T14S R27E S17 SESWS 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	04-01 TO 07-01	1.00 CFS

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 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.



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

ORDER ISSUING PARTIAL DECREE

Page 1 1/06/03

FILE COPY FOR 00305

Robbin Hall
Deputy Clerk

OCT 09 2002

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,
Case No. 39576) 43-12959, 43-12976, 43-12977, 43-12978,
) 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-12979

OCT 03 2002
By  C.E.
Deputy Clerk

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 04/01/1871

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	04-01 TO 07-01	1.00 CFS

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 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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
OCT 09 2002
Thomas G. Olsen
SPECIAL MASTER

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

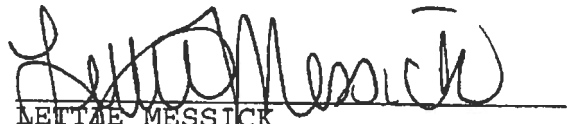
Water Right(s): 43-10434
(SEE ATTACHED EXHIBIT A)

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

NOTICE OF ISSUANCE

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

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 BY 8/9/6/02

09/11/2002

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

RIGHT NUMBER: 43-12979
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: 1.00 CFS
PRIORITY DATE: 04/01/1871
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	04/01 07/01	1.000 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 120 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-12976, 43-12978, 43-12979, & 43-12980.

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 COMBINATION OF PORTIONS OF OLD RIGHT NOS. 43-00166A, 43-00167, & 43-00176A.

Water Right 43-12979

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

RIGHT NUMBER: 43-12979

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: 1.000 CFS
0.000 AFY

PRIORITY DATE: 04/01/1871

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	04/01 07/01	1.000 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 120 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 43-12976, 43-12978, 43-12979, & 43-12980.

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.~~

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 COMBINATION OF PORTIONS OF OLD RIGHT NOS. 43-00166A,
43-00167, & 43-00176A.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-12979 V2

WATER RIGHT NUMBER: 43-12979 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: 04/01/1871

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	04/01 to 07/01	1.000 CFS	
	<u>Total Diversion:</u>	1.000 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 43-12979 V2

2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-12976, 43-12978, 43-12979, & 43-12980.
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 COMBINATION OF PORTIONS OF OLD RIGHT NOS. 43-00166A, 43-00167, & 43-00176A.

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

3/15/01
03/15/2001

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

RIGHT NUMBER: 43-12979

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1 CFS

PRIORITY DATE: 04/01/1871

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	04-01 07-01	1.00 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 ³²⁹BELOW 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

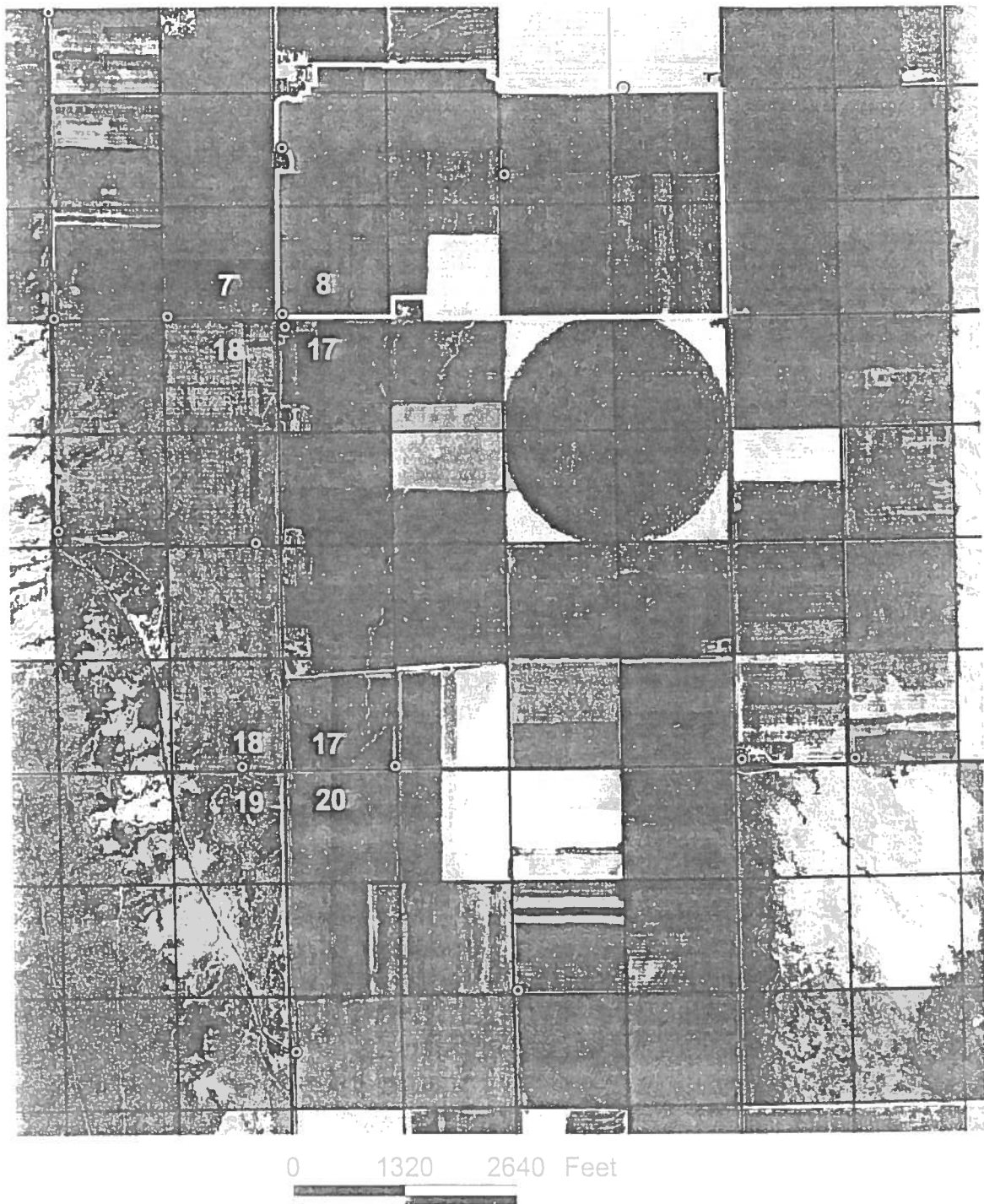
Water Right 43-12979

THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF PORTIONS OF OLD RIGHT NOS.
43-00166A, 43-00167, & 43-00176A.

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 Naco Photograph
Prepared by Jeanie Robert

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:50:25

03/13/01

21

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-10435 ¹²⁹⁷⁹

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DENTON WHITAKER	04/01/1871	IRRIGATION	~~03-15-11-15~~ 4/1-7/1	0.010 CFS	
C	CLETA WHITAKER				0.010 CFS	
TOTAL DIVERSION:					0.010 CFS	
~~CONSUMPTIVE USE:~~						~~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	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM					
14S	27E	8	:						:						:						:						:					
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:49:44
03/13/01

PAGE: 2
QUICKLOOK INFORMATION

20 12979
CLAIM NUMBER: A43-10435

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

DATE : 03/13/01
PAGE : 1

DATE : 03/13/01
PAGE : 1

DIVERSION RATE
2.590 CFS

2.590 CFS

Stage: DECREED

CASSIA County
CASSIA County

NE-

113.3
Whitaker

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

43-00167
43-00173
43-00444

Water Rights Listing	Overlap	Priority of Use
43-00164A	43-00165A	43-00169B
43-00178C	43-02294B	43-02295D
43-02414	43-02419	43-02420
43-04149	43-04208	43-02454
		43-02527
		43-02546
		43-02561
		43-04005B
		43-00172A
		43-02344A
		43-02351
		43-04034
		43-00175A
		43-02372
		43-04055

Dates: App. Received: Priority Date: 04/01/1871

Proof Made Date:
Exam Sent to S.O.:

Field Exam Fee:

Transfer 5140 adds a point of diversion under a portion of Rights 43-00164/165/166/168/172/175 & 176, splitting each right into

WR5809NP
No. 43-00167

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/13/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES WARR	04/01/1871	IRRIGATION	04/01 07/01	3.200 CFS	
C	CHARLES WARR					
TOTAL DIVERSION:					3.200 CFS	

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T14S R27E S07 S20 SMNE NMSW CASSIA County CASSIA County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE		SUM	
T	R	S	NE	SE	NW	SW	NE	SE	NW	SW	SE
14S	27E	5	02-1	1	03-1	1	1	1	1	1	1
14S	27E	6	1	1	1	1	1	1	1	1	1
14S	27E	7	1	1	1	1	1	1	1	1	1
14S	27E	8	1	1	1	1	1	1	1	1	1
14S	27E	17	1	1	1	1	1	1	1	1	1
14S	27E	18	1	1	1	1	1	1	1	1	1

113,3
Winters

Pou County: CASSIA

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

43-00030	43-00032	43-00164A	43-00164B	43-00165A	43-00165B	43-00166A	43-00166B	43-00168A	43-00168B
43-001698	43-00169C	43-00169D	43-00170	43-00171	43-00172A	43-00172B	43-00173	43-00175A	43-00175B
43-00176A	43-00176B	43-001780	43-00253	43-00255	43-00324	43-00443	43-00444		

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

43-00164A	43-00164B	43-00165A	43-00165B	43-00166A	43-00166B	43-00168A	43-00168B	43-00169C
43-00169C	43-00169D	43-00170	43-00172A	43-00172B	43-00175A	43-00175B	43-00176A	43-00178C
43-00178D	43-02294B	43-02294D	43-02294E	43-02295D	43-02296A	43-02296B	43-02324A	43-02367
43-02372	43-02414	43-02419	43-02420	43-02454	43-02456	43-02527	43-02546	43-04005B
43-04034	43-04055	43-04149	43-04208					

Remarks: GEN SEE TRANSFERS #665 & 2505

Dates: App. Received: 04/01/1871
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 43B Field Exam Fee:
Audit: 05/06/85 05/28/88 CONVERT 08/11/89 CURTIS

WR5809NP
No. 43-00176A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/13/01
PAGE: 1

OWNER NAME & ADDRESS
C CHARLES WARR

PRIORITY DATE WATER USE
04/01/1871 IRRIGATION

USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
04/01 07/01 3.410 CFS

TOTAL DIVERSION: 3.410 CFS

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T14S R27E S07
S20

SWNE
NWSW

CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				SUM
	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	
14S 27E 5:																	
14S 27E 6:			02-1					03-1									
14S 27E 7:																	
14S 27E 8:																	
14S 27E 17:																	
14S 27E 18:																	

113.3
Whitaker

Pou County: CASSIA

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

43-00030	43-00032	43-00164A	43-00164B	43-00165A	43-00165B	43-00166A	43-00166B	43-00167	43-00168A
43-00168B	43-00169B	43-00169C	43-00169D	43-00170	43-00171	43-00172A	43-00172B	43-00173	43-00175A
43-00175B	43-00176B	43-001780	43-00253	43-00255	43-00324	43-00443	43-00444		

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	43-00175A
43-00178C	43-02294B	43-02294D	43-02294E	43-02295D	43-02296A	43-02296B	43-02324A	43-02331	43-02372
43-02414	43-02419	43-02420	43-02454	43-02527	43-02546	43-02561	43-04005B	43-04034	43-04055
43-04149	43-04208								

Remarks: GEN SEE TRANSFERS #665 & 2505

Dates: App. Received: Priority Date: 04/01/1871
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

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

Comments: Date: 02/18/1998 User-ID: PSKAGGS Subject: TRANSFER 5140
Transfer 5140 adds a point of diversion under a portion of Rights
43-00164/165/166/168/172/175 & 176, splitting each right into