

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

)
)
)

Water Rights: 74-97, 74-139

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer 73146

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: **MAY 30, 2007**

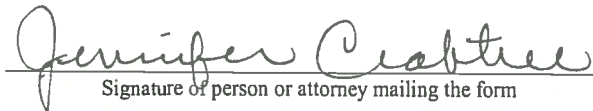
DATED: 4/24/07

Lyle Swank
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 25, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
F JAMES & PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73146

This is to certify that: F JAMES WHITTAKER And/Or
 PAULA J WHITTAKER
 83 BIG EIGHT MILE RD
 PO BOX 240
 LEADORE ID 83464
 (208)768-2491

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-97	AJC/Decreed	06/01/1904	0.96 cfs	N/A		69.0	TEXAS CREEK
74-139	AJC/Decreed	05/14/1920	1.25 cfs	N/A		69.0	TEXAS CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-97	NO	NO	YES	NO	NO	NO
74-139	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-97	74-97	0.96 cfs	N/A	N/A	69.0		N/A	N/A		N/A
74-139	74-139	1.25 cfs	N/A	N/A	69.0		N/A	N/A		N/A
COMBINED TOTALS		2.21 cfs			69		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this _____ day of _____, 20____

 Chief, Water Allocation Bureau

WATER RIGHT NO. 74-97
As Modified by Transfer No. 73146

In accordance with the approval of Transfer No. 73146, Water Right No. 74-97 is now described as follows.

Right Holder: F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

And/Or

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

Priority Date: June 01, 1904

Source: TEXAS CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.96 CFS	
			0.96 CFS	

LOCATION OF POINT(S) OF DIVERSION:

TEXAS CREEK SESE Sec. 11 Twp 14N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N	26E	11	34.0			22.0									12.0			1.0	69.0

Total Acres: 69

WATER RIGHT NO. 74-97
As Modified by Transfer No. 73146

CONDITIONS OF APPROVAL

1. USE OF THIS RIGHT WITH RIGHT NO. 74-139 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 69.2 ACRES IN A SINGLE IRRIGATION SEASON.
2. This right authorizes the irrigation of 69.2 total acres.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Right 74-139 is also diverted through the point(s) of diversion described above.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. This right when combined with all other rights shall provide no more more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this _____ day of _____, 20____

Chief, Water Allocation Bureau

WATER RIGHT NO. 74-139
As Modified by Transfer No. 73146

In accordance with the approval of Transfer No. 73146, Water Right No. 74-139 is now described as follows.

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

AND/OR

F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

Priority Date: May 14, 1920

Source: TEXAS CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	to 11/15	1.25 CFS	
			1.25 CFS	

LOCATION OF POINT(S) OF DIVERSION:

TEXAS CREEK SESE Sec. 11 Twp 14N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N	26E	11	34.0			22.0									12.0			1.0	69.0

Total Acres: 69

WATER RIGHT NO. 74-139
As Modified by Transfer No. 73146

CONDITIONS OF APPROVAL

1. Right 74-139 is also diverted through the point(s) of diversion described above.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
3. USE OF THIS RIGHT WITH RIGHT NO. 74-139 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 69.2 ACRES IN A SINGLE IRRIGATION SEASON.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right authorizes the irrigation of 69.2 total acres.
6. This right when combined with all other rights shall provide no more more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this _____ day of _____, 20_____

Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 25, 2007

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

RE: Application for Transfer #73145 (74-1771), #73146 (74-97, 74-139), #73147 (74-15061), #73148 (74-1772), #73149 (74-2125), #73150 (74-14980) and Notice of Administrative Proceeding (NAP)

Dear Mr. & Mrs. Whittaker:

The Idaho Department of Water Resources (IDWR) received an Application for Transfer for the above referenced water right(s).

In response to the Application, this office is sending the enclosed NAP to the SRBA Court and other parties listed on page 2 of the form. The intent of this mailing is to notify those parties of the requested change.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure