

07/13/2011

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

RIGHT NUMBER: 27-7095

NAME AND ADDRESS: W SHERMAN WHITTEN
315 N 400 E
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.770 CFS
336.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 07/20/1977

POINT OF DIVERSION:

T02S R36E S22 SENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.770 CFS 336.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T02S R36E S22	SWNE	32.00	T02S R36E S22	SENE	32.00
T02S R36E S22	NWSE	32.00			

96 ACRES TOTAL

Right Nos. 27-7095 and 27-12030 are limited to the irrigation of a combined total of 151.6 acres 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 - License

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 27-7095

Date Received:

Receipt Nos:

Received By:

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

Name of Claimant W SHERMAN WHITTEN
315 N 400 E
BLACKFOOT , ID 83221
(208)785-0589

Priority Date: 07/10/1889

Basis: Decreed/License

Status: Active

<u>Source</u>	<u>Tributary</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
Ground Water Snake River	Columbia River	IRRIGATION	04/01	11/01	1.77 CFS	336 AFA
Total Diversion					1.77 CFS	

Location of Point(s) of Diversion:

GROUND WATER SWSENE Sec. 22 Township 02S Range 36E BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02S	36E	22		SWNE 32			SENE 32							
				NWSE 32										

Total Acres: 96

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the Blackfoot Irrigation Co. irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

1. This right when combined with all other rights shall provide no more than 0.02 cfs per R62 acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

- 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
2. C18 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.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

Signature(s)

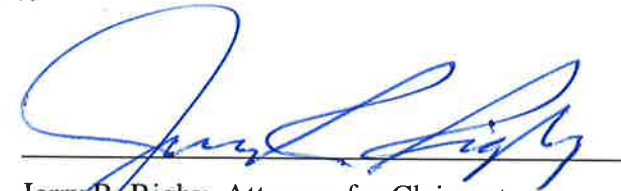
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17th day of August, 2010.


Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)

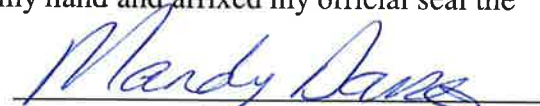
ss.

County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011

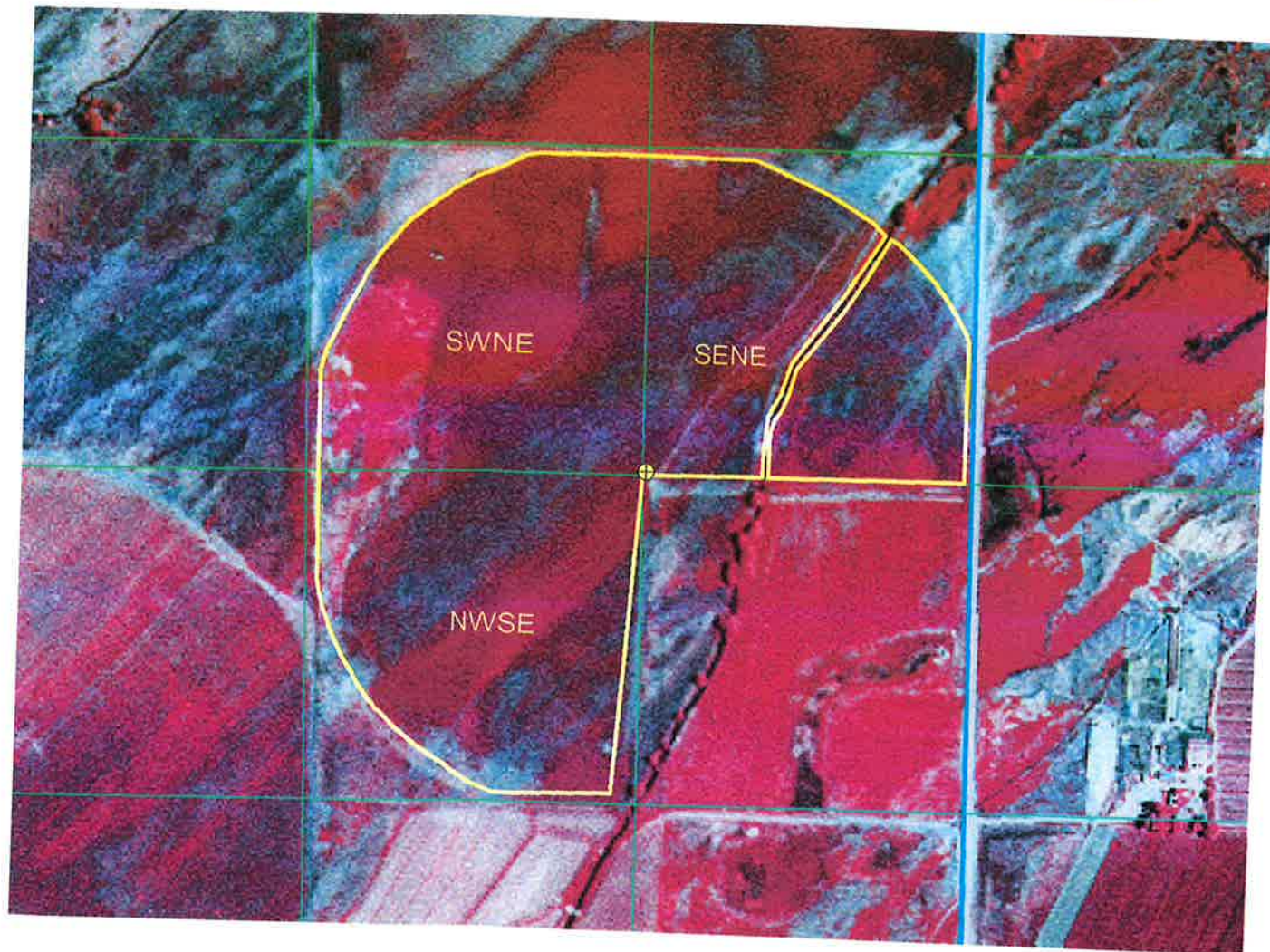


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s) 27-7095



0.1 0 0.1 0.2 Miles

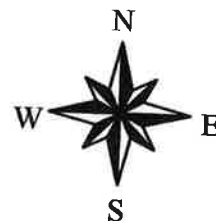
LEGEND

- ⊕ POD
- POU
- Sections
- Quarter-Quarter

Place of Use: T2S, R36E:
(part of) Sec. 22

Point of Diversion: T2S, R36E:
Sec. 22, SWSENE

IRRIGATED ACRES 96



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: C. Bird
Date: October, 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

MAR 20 2006

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 7, 2006

Correct address:

315 N 400E
Blackfoot, Idaho

83221

SHERMAN WHITTEN
9607 PRINCESS CV
SOUTH JORDAN UT 84095-3454

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #27-7095 and 27-12030

Dear Claimant:

Records modified 3-21-06
NCAP prepared. AS

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by March 30, 2006. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claim(s) referenced above, please call this office toll-free at 1/800-451-4129 so we can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

RECEIVED

MAR 27 2006

Department of Water Resources
Eastern Region

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Sherman Whitten
Water Right Holder's Signature

208-785-0589

Telephone No.

315 N 400E
Blackfoot, Idaho
83221

please mail all info to 315 N 400E
Blackfoot, Id.
83221

SCANNED

MAR 22 2006

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES POSTAGE
02 1A
0004396312
\$ 00.87
MAR 01 200
MAILED FROM ZIP CODE 8370

27-7095
27-12030
7 rec's

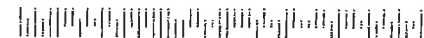
IDAHO DEPARTMENT OF
WATER RESOURCES
322 EAST FRONT ST
P.O. BOX 83720
BOISE, ID 83720-0098

TO Sherman Whitten
1095 East Walker St.
Blackfoot, ID 83221

RECEIVED
MAR 07 2006
DEPARTMENT OF
WATER RESOURCES

WHIT095 832212025 1205 03 03/04/06
FORWARD TIME EXP RIN TO SEND
WHITTEN
9607 PRINCESS CV
SOUTH JORDAN UT 84095-3454

RETURN TO SENDER
|||||



SCANNED
MAR 22 2006

Notes

9/20/04 field exam done 7/10/1986, licensed November 1986. No response from claimant recommending right as licensed / claimed for 96 acres. Claimant also has a claim on 27-23 (27-47?) for the same pr. The S.W. will have to cover the additional acres.

9/22/04 - Needs a layout created. Then it is ready for the CCVR. 27-12030 is still under view. (27-23)

Notes

10/9/03 claim matches the license.
Please verify the owner is the same. (address)

~~If owner~~ When the ownership has
been verified it's ready for a layout
and a CVR. CB

10-20-03 Checked with Bingham Co.
this property is now owned by Francis's
son Sherman Whitten, his address is:
25 East 200 North in Blackfoot.
Sent him a change in ownership form.

11-17-03 Sherman Whitten called. See memo. BPD

8/16/04. May need an enlargement claim. ? In
1987/88 or 89 they put in a solid set in one of
the corners. I explained to Sherman if it
was done after 1987 they would be in violation
and could be fined \$300/acre per day. So they
would need to change the solid set to Blackfoot
River water and not used the G.W.

Sherman is going to get me a FSA photo and
information of when the solid set was installed.
The pivot was put on in 1985, the 1987 photo confirms
that. I explained to Sherman that if the
solid set was installed prior to Nov. 1987
we may be able to cover it under an
enlargement claim. Sherman thought he was
irrigating 106 acres with G.W. but will get me a copy
of the FSA map to confirm that irrigation. CB

Contacts Data Entry Form

Owner Type _____ Full Name Sherman Whitten Address _____ City _____ State _____ Zip 785-7668 Phone _____
Current Owner _____
Name connector: and _____, or _____, and/or _____
Current Owner 1095 E. Walker St.
Current Owner Blackfoot, ID 83221

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

owner matches the license but I
would like to verify that the
Whittens still own this property.

11-19-03 rec'd ownership change

Reviewer: CB

Date: 10/9/03

Priority Date Data Entry FormClaim Number: A27-7095

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

NoneReviewer: CBDate: 10/9/03

Date

Claim No. _____

1. Should this water use have been included in a later court decree of the water rights from this source? Yes () No (X)
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes () No ()
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes () No ()
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes () No ()
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes (X) No ()
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes (X) No ()
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes (X) No ()
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes () No ()
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes () No ()
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes () No ()
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes () No ()
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes () No ()
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes (X) No ()
If Yes, go to 16
If No, Enter the appropriate basis of claim. *license*
16. Is a Priority Date remark and/or condition required? Yes () No (X)
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Point of Diversion and Source Data Entry Form

Claim Number: A27-7095

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T 25, R 36E, Sec. 22 SW, SE, NE. County: BinghamSource: G.W. Tributary:_____☒ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

LicenseTransfers Changing POD noReviewer: CBDate: 10/9/03

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the POD as shown on the Permit. Go to 10

Yes (☐) No (☐)

4. Does the parent right have a POD?

If Yes, go to 5

If No, go to 6

Yes (☒) No (☐)

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10

If No, go to 6

Yes (☒) No (☐)

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7

If No, go to 9

Yes (☐) No (☐)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9

If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes (☐) No (☐)

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10

If No, go to 9

Yes (☐) No (☐)

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10

If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes (☐) No (☐)

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete

If No, POD review is complete.

Yes (☐) No (☒)

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the Source as shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a Source?

If Yes, go to 5

If No, go to 7

Yes (☒) No (☐)

5. Can the claimed Source be verified using the water right file?

If Yes, recommend the Source as shown in the water right file. Go to 11

If No, go to 7

Yes (☒) No (☐)

6. Is the basis of claim a Posted Notice?

If Yes, consult the attorney assigned to the basin. Go to 7

If No, go to 7

Yes (☐) No (☐)

7. Is there evidence that there has been a change in the Source?

If Yes, go to 8

If No, go to 10

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C02, go to 10

If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

Yes (☐) No (☐)

9. Did the claimant file a transfer?

If Yes, recommend the Source as shown in the transfer. Go to 11

If No, go to 10

Yes (☐) No (☐)

10. Does the file contain all of the necessary information to verify the Source?

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11

If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

Yes (☐) No (☐)

11. Is a Source remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Source review is complete.

If No, Source review is complete.

Yes (☐) No (☒)

Place Of Use Data Entry Form

Claim Number: A 27-7095☒ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres 74

Document how the POU was verified:

License, 1987/88 Napp photographyTransfers Changing POU noReviewer: CBDate: 10/9/03

Is the basis of claim a Decree or License?

If Yes, go to 2a

If No, go to 2b

Yes (☒) No (☐)

2a. Is a POU required?

If Yes, go to 5

If No, go to 14

Yes (☒) No (☐)

2b. Is a POU required?

If Yes, go to 3

If No, go to 14

Yes (☐) No (☐)

3. Is the basis of claim a Permit or Application?

If Yes, go to 4

If No, go to 7

Yes (☐) No (☐)

4. Has the License been issued?

If Yes, go to 6

If No, recommend the POU as shown on the Permit. Go to 14

Yes (☐) No (☐)

5. Does the parent right have a POU?

If Yes, go to 6

If No, go to 7

Yes (☒) No (☐)

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14

If No, go to 7

Yes (☒) No (☐)

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8

If No, go to 13

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13

If No, go to 9

Yes (☐) No (☐)

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10

If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes (☐) No (☐)

10. Was an enlargement claim filed?

If Yes, go to 13

If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes (☐) No (☐)

11. Did the claimant file an enlargement claim?

If Yes, go to 13

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14

If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes (☐) No (☐)

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/ or condition. POU review is complete.

If No, POU review is complete.

Yes (☐) No (☒)

Purpose of Use Data Entry Form

Claim Number: A 27-7095☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

License

Transfers Changing Purpose of Use noReviewer: CBDate: 10/2/03

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes (X) No ()
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes () No ()
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13
Yes () No ()
4. Does the parent right have a Purpose of Use?
If Yes, go to 5
If No, go to 6
Yes (X) No ()
5. Can the claimed Purpose of Use be verified using the water right file?
If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6
Yes (X) No ()
6. Is there evidence that there has been a change in the Purpose of Use?
If Yes, go to 7
If No, go to 11
Yes () No ()
7. Can the change be verified as an accomplished transfer?
If Yes, add condition C04, go to 11
If No, go to 8
Yes () No ()
8. Does the change include an enlargement of the Purpose of Use?
If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12
Yes () No ()
9. Was an enlargement claim filed?
If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10
Yes () No ()
10. Did the claimant file an enlargement claim?
If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13
Yes () No ()
11. Does the file contain all of the necessary information to verify the Water Use?
If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
Yes () No ()
12. Did the claimant file a transfer?
If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13
Yes () No ()
13. Is a Purpose of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.
Yes () No (X)

Period of Use and Quantity Data Entry Form

Claim Number: A27-7095☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	11/1	1.77	336.

Overall Diversion Rate 1.77Overall Diversion Volume 336

Document how the Period of Use and/or Diversion Rate were verified:

License

Reviewer: CBDate: 10/9/03

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2 Yes (X) No ()
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6 Yes () No ()
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18 Yes () No ()
4. Does the parent right have a Period of Use?
If Yes, go to 5
If No, go to 6 Yes (X) No ()
5. Can the claimed Period of Use be verified using the water right file?
If Yes, go to 14
If No, go to 6 Yes (X) No ()
6. Is there evidence that there has been a change in the Period of Use?
If Yes, go to 7
If No, go to 12 Yes () No ()
7. Does the change include an enlargement in the Period of Use?
If Yes, go to 9
If No, go to 8 Yes () No ()
8. Can the change be recommended as an accomplished transfer?
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11 Yes () No ()
9. Was an enlargement claim filed?
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10 Yes () No ()
10. Did the claimant file an enlargement claim?
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12 Yes () No ()
11. Was a transfer filed?
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12 Yes () No ()
12. Does the file contain all of the necessary information to verify the Period of Use?
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13 Yes () No ()
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?
If Yes, go to 14
If No, go to 15 Yes () No ()
14. Is irrigation claimed as a purpose of use?
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18 Yes (X) No ()
15. Is irrigation claimed as a purpose of use?
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18 Yes () No ()
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18 Yes () No (X)
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18 Yes () No ()
18. Is a Period of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete. Yes () No (X)

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a diversion rate and/or volume?

If Yes, go to 5
If No, go to 7

Yes (☒) No (☐)

5. Can the claimed diversion rate and/or volume be verified using the water right file?

If Yes, go to 8
If No, go to 7

Yes (☒) No (☐)

6. Is the basis of claim a posted notice?

If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7

Yes (☐) No (☐)

7. Is a flow measurement required?

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9

Yes (☐) No (☐)

8. Does the parent right have an annual diversion volume limit?

If Yes, go to 10
If No, go to 9

Yes (☒) No (☐)

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

If Yes, go to 10
If No, go to 11

Yes (☐) No (☐)

10. Is irrigation a purpose of use?

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

Yes (☒) No (☐)

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12

Yes (☐) No (☐)

12. Is a Quantity remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.

Yes (☐) No (☒)

Summary

Claim No. _____

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

If Yes, go to 2

If No, go to 3

Yes ☒ No ☐

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4

If No, status will be set as Active. Go to 5

Yes ☐ No ☒

3. Is the water being used for all of the purposes claimed and to the extent claimed?

If Yes, status will be set as Active. Go to 5

If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

Yes ☐ No ☐

4. Is any portion of the claim being recommended?

If Yes, status will be set as Active. Go to 5

If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

Yes ☐ No ☐

5. Is an additional remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Go to 6

If No, go to 6

Yes ☒ No ☐

6. Would you like to view the recommended right?

If Yes, go to 7

If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes ☒ No ☐

7. Is this a "split" or "combined" right?

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8

If No, go to 8

Yes ☐ No ☒

8. Do you have documents you would like to attach or link to the file?

If Yes, go to PowerDOCS and profile the documents. Go to 9

If No, go to 9

Yes ☐ No ☒

9. Would you like to set the verification date?

If Yes, the review is complete.

If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes ☒ No ☐

Summary Data Entry Form

Claim No.: _____

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

R62 Qty cond

Split or Combined Right Analysis:

no

Attached Field Notes or Other Documents:

desk top review

Claim No.:

27-7095

Reviewer

CB

Date

10/9/03

Basin 27

Basin No.	Sequence Number	Split Suffix	Name	R	D	Basis of a Claim	yyyy-mm-dd Priority Date	File Movement	Remarks	Y N/A Layout	Useage	Other Water Rights Used	S=Stevens	Stevens Decree #	Total CFS
27	7095		Whitten, Sherman	P		License	1977-07-20	94 ACU.			irrigation	12030			1.77
27	12030		Whitten, Sherman			Decreed	1880-03-25		Renumbered 27-4P		irrigation		s	23	2.40

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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
	A27-7095				
	A27-4	D			

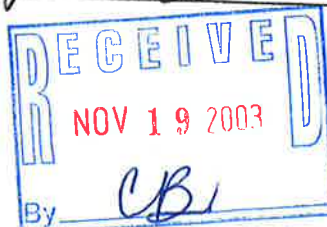
2. The following **REQUIRED** information must be submitted with this form:

- 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) Francis Whitten
315 North 400 East, Blackfoot
4. New Owner/Claimant(s) Sherman Whitten
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1095 East Walker St.
- City, State and ZIP Code Blackfoot, Idaho, 83221
- New Telephone Number (208) 785-7668
5. Date you acquired the property April 2002



RECEIVED
NOV 10 2003

Department of Water Resources
Eastern Region

1/15
21/22

15/14
22/23

Elgin
Simonson

25.1

T1904
3221

T1702
4347

SEE X13

Sand Creek

T769
491

4
100.0

3
3.9

3
15.2

4
6.0

2
21.7

6
14.4

Accom.

512183

WARRANTY DEED

FOR VALUE RECEIVED, WILLIAM SHERMAN WHITTEN AND HOLLY SORENSEN WHITTEN, husband and wife, of the County of Bingham, State of Idaho, the Grantors, do hereby grant, bargain, sell and convey unto WILLIAM SHERMAN WHITTEN and HOLLY SORENSEN WHITTEN, TRUSTEES OF THE OF THE SHERMAN AND HOLLY WHITTEN REVOCABLE TRUST DATED APRIL 5, 2002, whose address is 25 East 200 North, Blackfoot, Bingham County, State of Idaho, the Grantees, the following described premises located in Bingham County, Idaho, to-wit:

The Southwest Quarter of the Southwest Quarter of Section Fourteen, and the South half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section Twenty-two, all in Township Two South of Range Thirty-six East of the Boise Meridian in Idaho;

Together with all improvements, including the house, and together with all fences, tenements, hereditaments, and appurtenances on the above described real property; and

Together with, without limitation, 120 inches of the Fox Whitten decreed water rights in the Blackfoot River as appurtenant thereto, and together with 120 shares of stock in Blackfoot Slough Company, and together with all other water, water rights, water shares, water stock, dams, ditches, canals, pipelines, head gates, diversions, reservoirs, springs, wells, pumps, pumping stations, rights of way, easements and all other means for the diversion or use of water appurtenant to said property or any part thereof, or now or hereafter used or enjoyed in connection therewith, for irrigation, stock watering, domestic or any other use, or drainage of all or any part of said lands, including vested water rights, permitted waters rights, decreed water rights and certificated water rights arising under the laws of the State of Idaho, together with all certificates of appropriation, applications, proofs, permits and maps relating to such water and water rights which are appurtenant to the above-described real property, or any part thereof, or used or enjoyed in connection therewith.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and to the Grantee's heirs, assigns and beneficiaries forever. And the said Grantors do hereby covenant to and with the said Grantees, that the Grantors are the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantors will warrant and defend the same from all claims whatsoever, unto the said Grantees, their heirs, assigns and beneficiaries forever.

Dated: This 24 day of April 2002.

William Sherman Whitten
WILLIAM SHERMAN WHITTEN

Holly Sorensen Whitten
HOLLY SORENSEN WHITTEN

SHIMSHAH COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 6.00
2002 APR 30 AM 9:32
RECORDED AT THE REQUEST OF
FIDELITY & AMERICAN TITLE COMPANY

STATE OF IDAHO)

: ss.

COUNTY OF BINGHAM)

On this 24th day of April in the year 2002, before me The Undersigned, a notary public in and for the State of Idaho, personally appeared before me William Sherman Whitten and Holly Sorensen Whitten known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

John D. Anderson
NOTARY PUBLIC

Residing at: Pocatello

My Commission expires: 10/31/06



512183

Accom.

512182

WARRANTY DEED

FOR VALUE RECEIVED, FRANCIS A. WHITTEN, a single man, of the County of Bingham, State of Idaho, the Grantor, does hereby grant, bargain, sell and convey unto WILLIAM SHERMAN WHITTEN and HOLLY SORENSEN WHITTEN, whose address is 25 East 200 North, Blackfoot, Bingham County, State of Idaho, as husband and wife, the Grantees, the following described premises located in Bingham County, Idaho, to-wit:

The Southwest Quarter of the Southwest Quarter of Section Fourteen, and the South half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section Twenty-two, all in Township Two South of Range Thirty-six East of the Boise Meridian in Idaho;

Together with all improvements, including the house, and together with all fences, tenements, hereditaments, and appurtenances on the above described real property; and

Together with, without limitation, 120 inches of the Fox Whitten decreed water rights in the Blackfoot River as appurtenant thereto, and together with 120 shares of stock in Blackfoot Slough Company, and together with all other water, water rights, water shares, water stock, dams, ditches, canals, pipelines, head gates, diversions, reservoirs, springs, wells, pumps, pumping stations, rights of way, easements and all other means for the diversion or use of water appurtenant to said property or any part thereof, or now or hereafter used or enjoyed in connection therewith, for irrigation, stock watering, domestic or any other use, or drainage of all or any part of said lands, including vested water rights, permitted waters rights, decreed water rights and certificated water rights arising under the laws of the State of Idaho, together with all certificates of appropriation, applications, proofs, permits and maps relating to such water and water rights which are appurtenant to the above-described real property, or any part thereof, or used or enjoyed in connection therewith.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever, unto the said Grantees, their heirs and assigns forever.

Dated: This 24 day of April 2002.

Francis A. Whitten
Francis A. Whitten

FRANCIS A. WHITTEN

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 6.00 DEP 0
2002 APR 30 AM 9:32
RECORDED AT THE REQUEST OF

STATE OF IDAHO)

: ss.

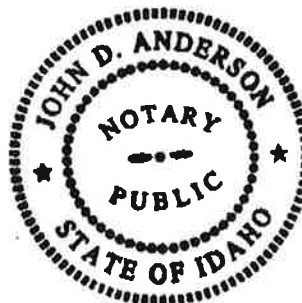
COUNTY OF BINGHAM)

On this 24th day of April in the year 2002, before me The Undersigned a notary public in and for the State of Idaho, personally appeared before me Francis A. Whitten known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same. In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

John D. Anderson
NOTARY PUBLIC

Residing at: Pocatello

My Commission expires: 10/31/06



512182

17 November 2003

Memo to File:

Claim 27-4P

Sherman Whitten called this morning in answer to our letter of October 20 concerning a change of ownership. He said that he gave the form, deed and plat to the Idaho Falls Office last week.

I called Idaho Falls and Jennifer said that she had the documents. I requested that she forward them to us. I also requested that if they receive any documents for other claims that we are working on to please forward them to our office.

Sherman's office number is 782 3028 and home is 785 7668. His permanent address is 25 East 200 North but he is currently living at 1095 E Walker in Blackfoot. His house burned at 25 East 200 North. He thinks that by spring it will be rebuilt.

Barbara



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

Sherman Whitten
25 East 200 North
Blackfoot, Idaho 83221

October 20, 2003

REF: Snake River Basin Adjudication (SRBA)
Water Right Claim No. A27-7095

Subject: Change in Ownership

Response Date: November 14, 2003

Dear Claimant(s),

Bingham County records indicate that you are the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property and water right, we need form 42-248/42-1409(6) Notice of Change in Water Right Ownership, completed and returned to us.

We will also need a copy of the warranty deed, plat, survey map or aerial photo with the appropriate area marked.

Please fill out the highlighted areas on the notice of change form and submit with the necessary documents by the response date stated above.

If you have any questions not covered by this letter please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird PB

Cindy E. Bird
Adjudication Bureau

CEB/PB

Enclosure: Form 42-248/42-1409(6) "Notice of Change in Water Right Ownership"

JUL 18 2001

Log for claim 27-07095

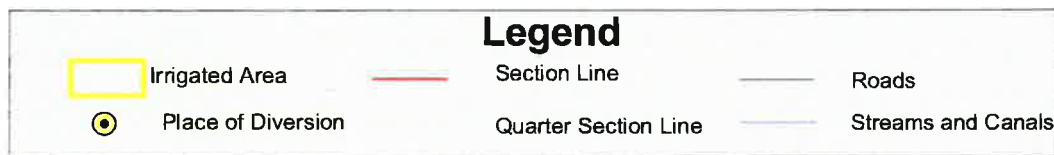
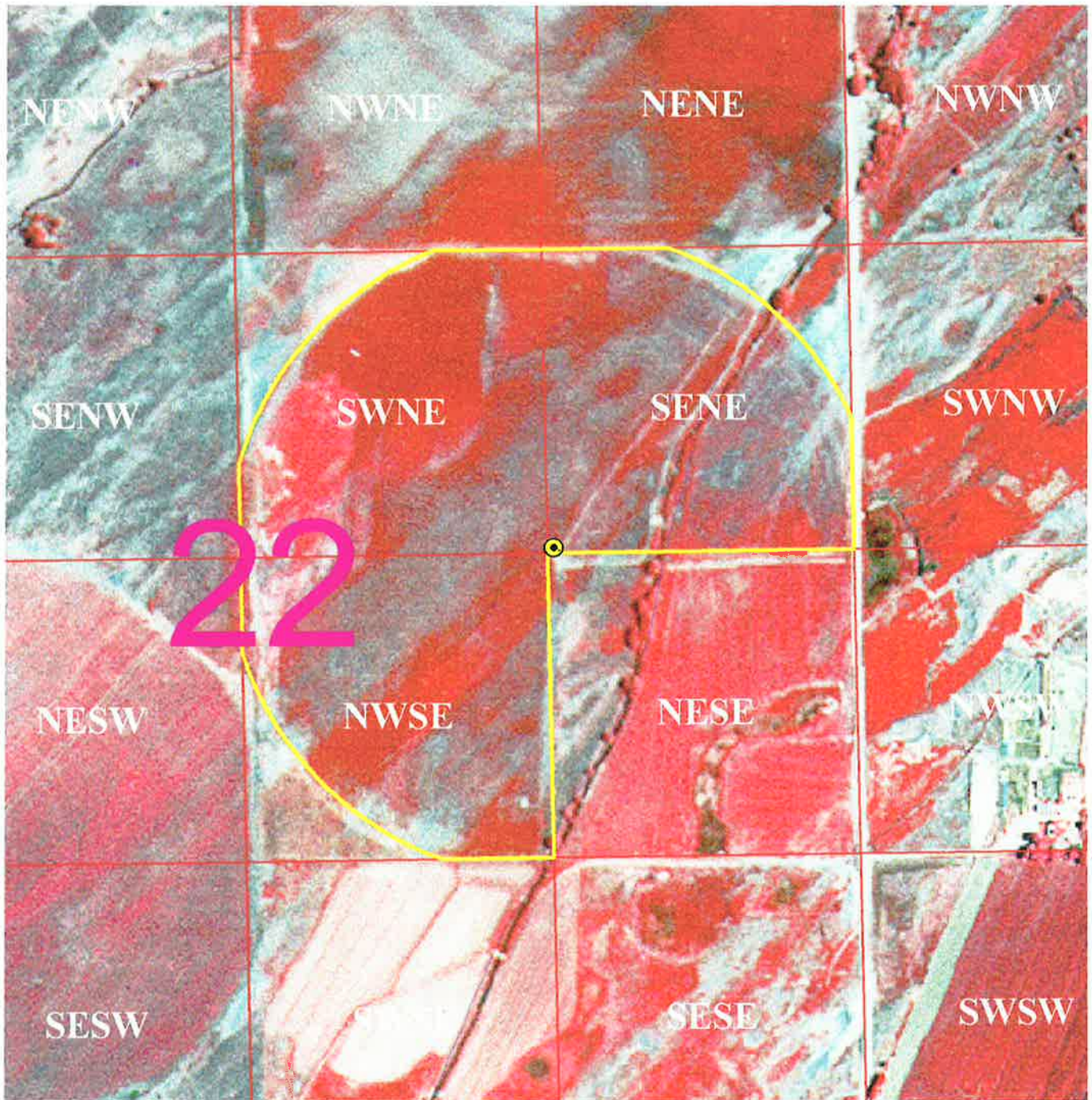
Spatial Dynamics LTD

12/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s36e	22	NWSE	32	34	
02s36e	22	SWNE	32	34	
02s36e	22	SENE	32	35	
Totals:			96	103	

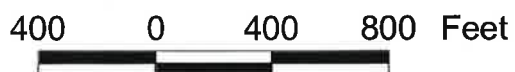
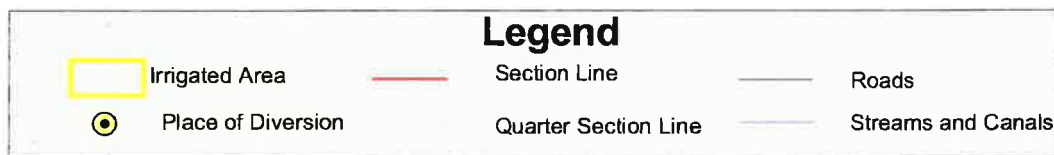
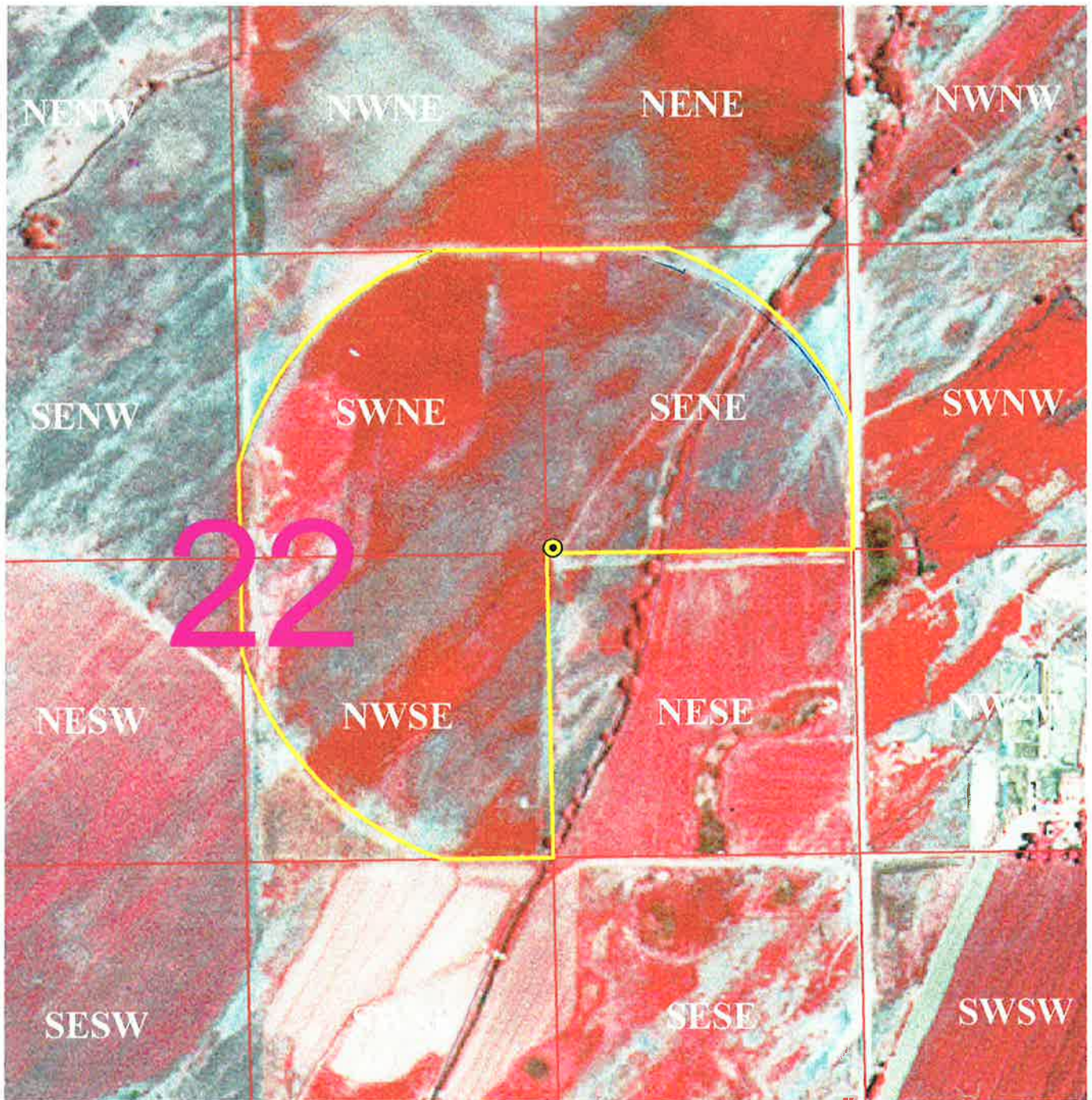
Water Right Claim Number 27-07095
Township , 2S36E

12/28/2000



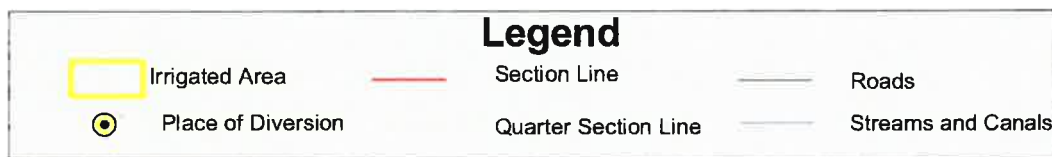
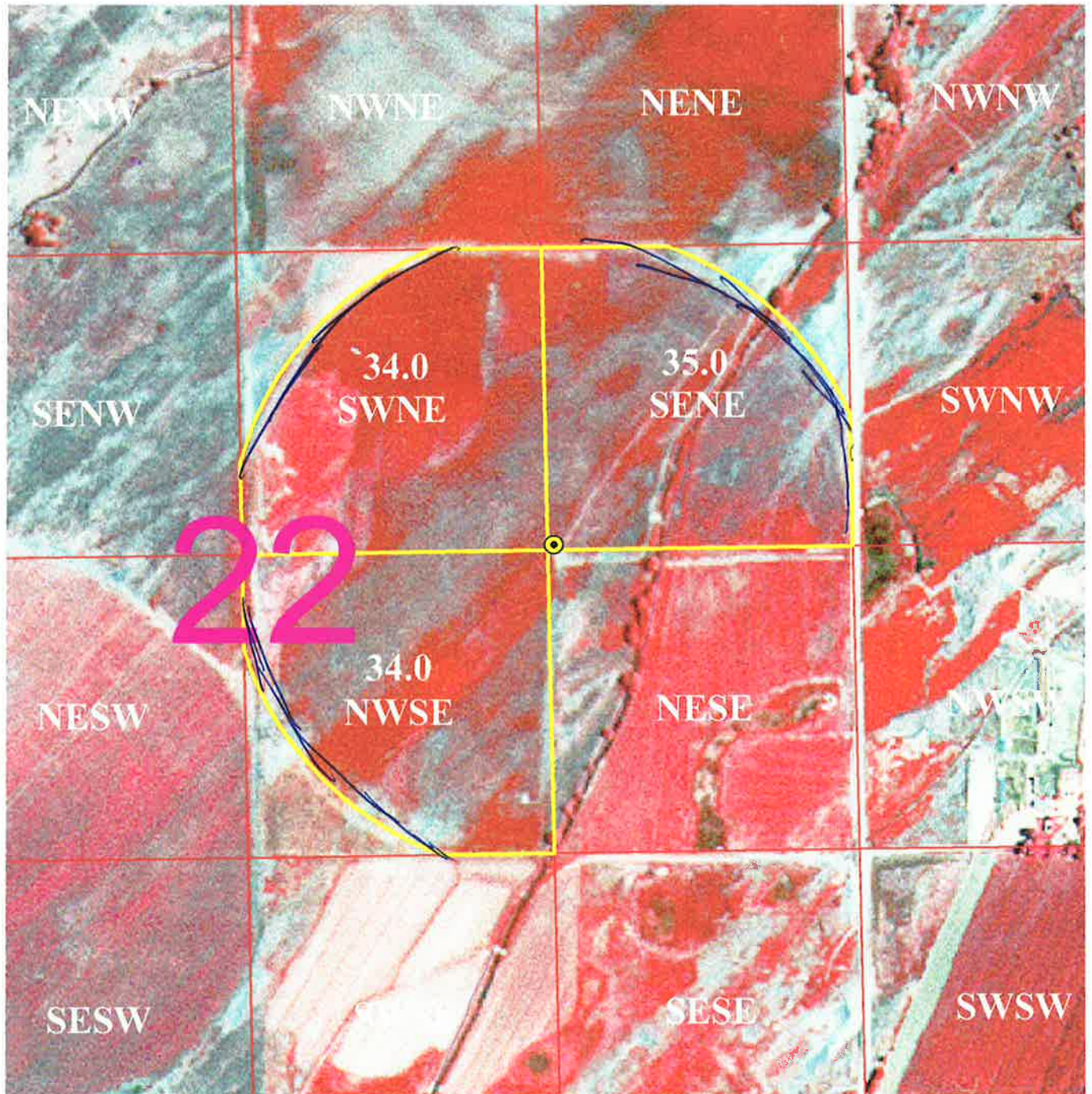
Water Right Claim Number 27-07095
Township , 2S36E

12/28/2000



Water Right Claim Number 27-07095
Township , 2S36E

12/28/2000



AJ5809NP
No. A27-07095

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 104

```
=====
OWNER          PRIORITY      USE PERIOD      DIVERSION      DIVERSION
CODE          NAME & ADDRESS    DATE           WATER USE      FROM   TO      RATE      VOLUME
-----
C  FRANCIS WHITTEN          07/20/1977  IRRIGATION      04-01  11-01      1.770 CFS
   315 N 400 E
   BLACKFOOT ID 83221
   (208) 785-0589
                                     TOTAL DIVERSION: 1.770 CFS
                                     CONSUMPTIVE USE: 240.00 AFA
```

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R36E S22

SENE

BINGHAM 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	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
02S	36E	22	:				32		32	:				:											:	
																							32	:	96.0	
																							TOTAL ACRES	:	96.0	

POU County: BINGHAM

Non-Irrigation Uses: NONE

Other Rights: A27-00004P

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

A01-00001J A01-00298 A27-00004P

Conditions of Approval:

- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for
- irrigation of the lands above.

Remarks: GEN P/U ALSO UNDER FOX WHITTEN WATER RIGHT

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

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

Audit: 05/03/89 WILSON 10/11/94 JTHOMPSO 03/29/95 POST-STD

BENEFICIAL USE FIELD REPORT

Permit No. 27-7095

Phone No. 785-0589

1. Owner: FRANCIS W. HITTEN Phone No. 785-0589
Current Address: RT 6 BOX 246 BLACKFOOT ID 83221

2. Accompanied by: FRANCIS Whitten EXAM. DATE: 7/10/86
Address: SAME Phone No. _____

3. Source: GROUNDWATER tributary to

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US ELEC	40	R6228-06-160	NOT AVAILABLE	

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
MR Whittier WAS A 8 tower Low pressure
pivot with end gun (Pierce Pivot)

10' to STATIC H₂O level

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Hall Flow Meter		COX	120387	120385	6-12	
MANOMETER				#1	46"	
Eagle Eye				091473	10-80	

7. Measurements TP 7.5" ☐ Additional data/computation sheets attached

MANOMETER 25.8" - 12.1" = 13.7" gives Halls ^{MANOMETER} METER Reading of 18.0"
Eagle Eye 9.9" 11.5" 22.8" - 14.9" = 7.9"

Pressure 52 psi

4 1/2 mile from road into P/D

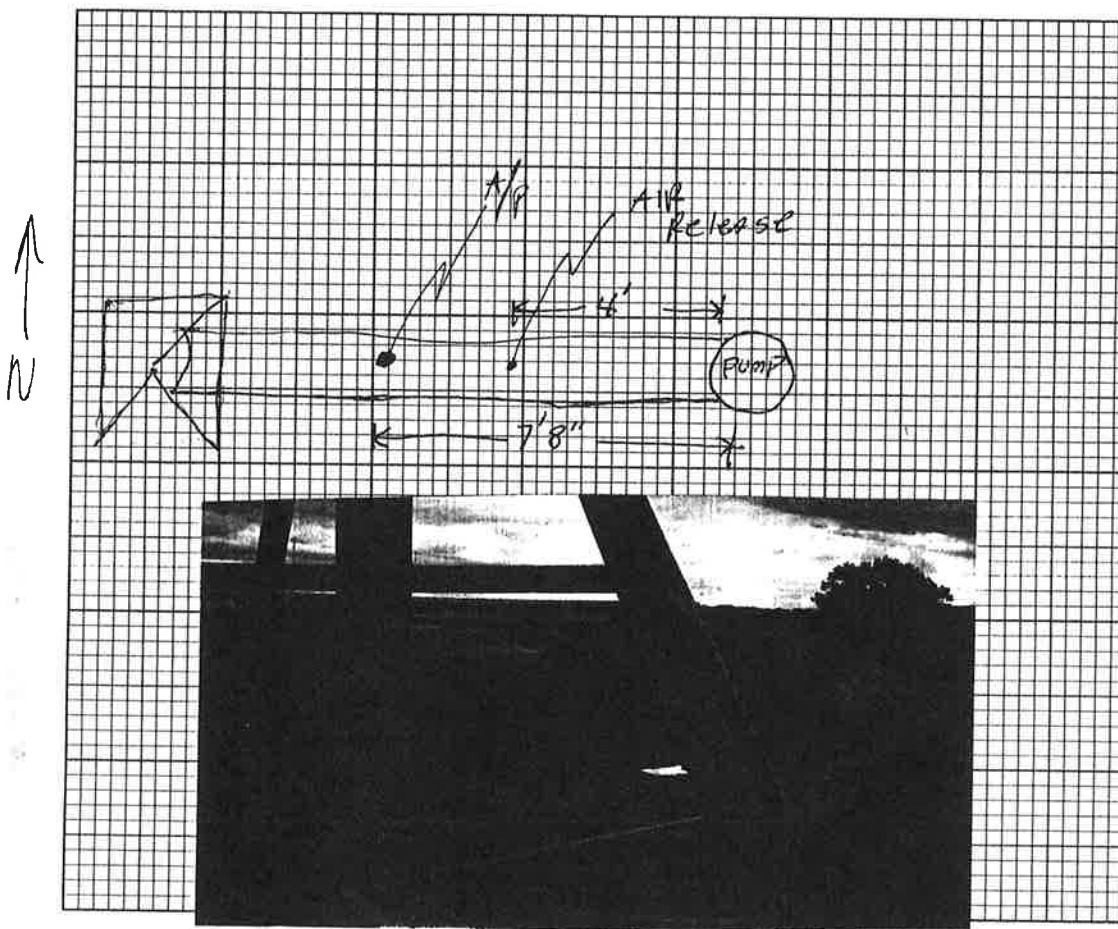
8. Point(s) of Diversion:	Indicate Method of Determination
---------------------------	----------------------------------

[illegible]

9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination
----	------------------	---

Twp.	Rge.	Sec.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Totals	
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
2S	36E	22			32	32								32		96
Total Acres																96

10. Other water rights on the lands 120 in Fox + Whitten Water from the Blackfoot River
11. Other water right diverted from same p.d. NONE
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks NO GATE VALVE After the pump + long delay for turning on. Small irregularities in the eye ± .5 inches

15. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature Sam Feltz

Date 7/10/86

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

RECOMMENDED AMOUNTS

(late proof)

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
27-7095	7-20-1977	1.77 cfs	7-5-1977	9-25-1985	1.77 cfs

4. Permit Holder: Francis Whitten
Address: 315 N. 400 East, Blackfoot, ID 83221

5. Source: GROUNDWATER tributary to _____

6. Beneficial Use: IRRIGATION Period of Use From 4/1 To 11/1 Rate of Diversion Q (cfs) 1.77 cfs Annual Volume V (afa) 336.0 AF

Allowable Maximums: 1.77 cfs 336.0 AF

7. Point(s) of Diversion: No Change

No.	Govt. Lot	1/4	1/4	Sec.	Twp.	Rge.	County
		SE	NE	22	2S	36E	Bingham

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	36E	22			32	32										32		96✓	

Total Acres 96

9. Recommended Conditions/Remarks: R30

RECORDED

DEPT. OF WATER RESOURCES

10. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

11. Examiner's Signature Samuel David Fildth
Checked in Regional Office by Keith C. Wilson
Approved in State Office by K. Walker

Department of Water Resources

Date 7/10/86
Date 8-1-86
Date 10/23/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

27-7095
Permit No.

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Theoretical

$$Q = \frac{40(8.814) \cdot 8^9}{52 \text{ psi}(2.31) + 10'} = \frac{2.44}{2.17} \text{ cfs} \text{ theoretical capacity}$$

$$Q = \frac{C_o \times 18 \text{ in} \times .32 \times \pi \left(\frac{7.5}{12}\right)^2}{4} = 1.77 \text{ cfs} \checkmark$$

$$Q @ .02 \text{ cfs/ac} = .02 \times 96 = 1.92 \text{ cfs}$$

Q IS LIMITED BY 1.77 cfs

b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{IR} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 96 \times 3.5 = 336 \checkmark \\ V_{DR} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.77 \times 214 \times 1.9835 = 751.3 \checkmark \\ V &= \text{Smaller of } V_{IR} \text{ and } V_{DR} = 336 \text{ ac-ft} \checkmark \end{aligned}$$

c) Volume Calculations for Other Uses:

2. Overlap Review per VAX 10/23/86:

a) Other water rights with same place of use: NONE 01-0001 I, 01-0298

b) Other water rights with same point of diversion: NONE ✓

c) Analysis: Recommend R30

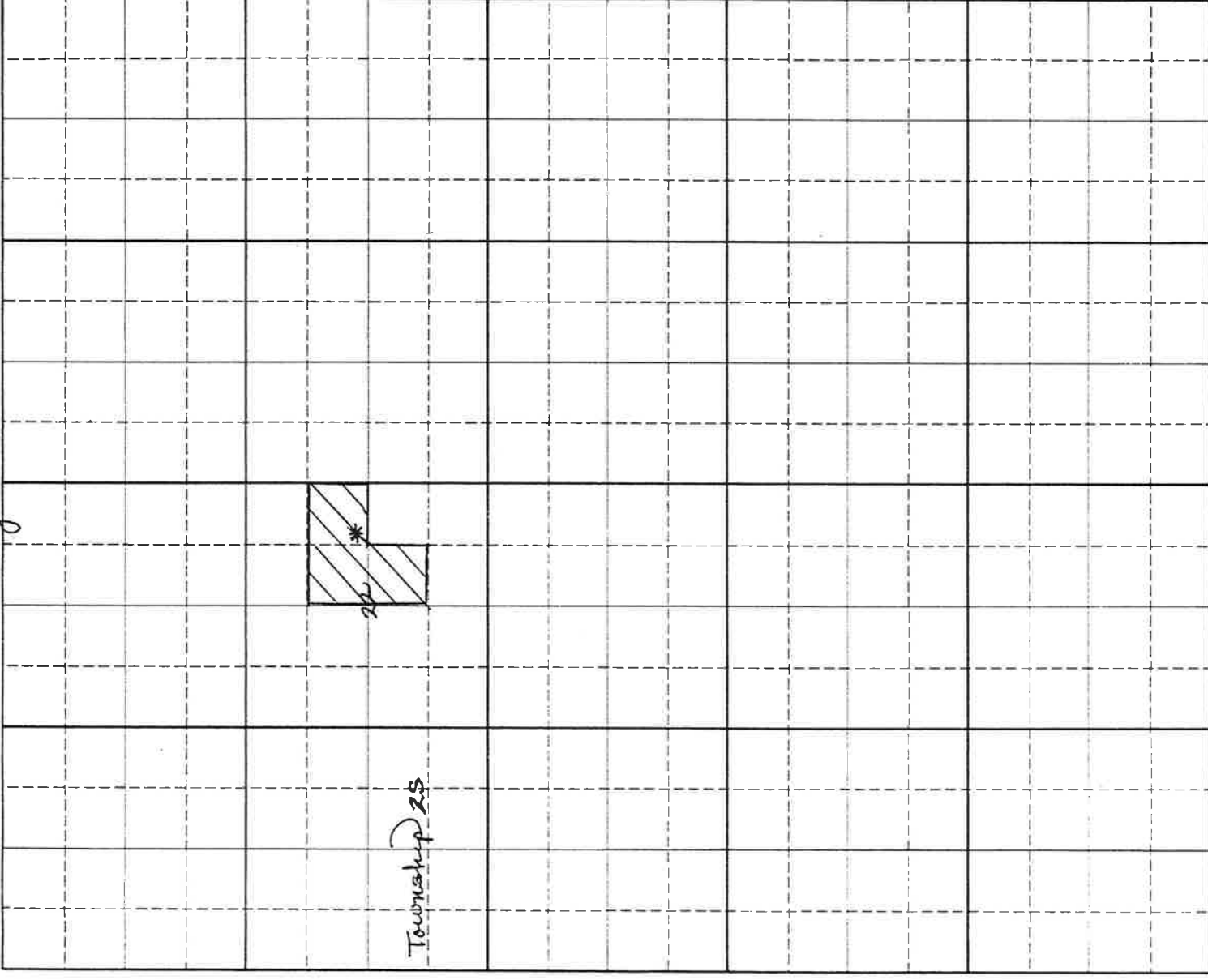
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DEC 15 1986

Department of Water Resources

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Range 36E



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Thomas M. Little
(Applicant)

Proposed Priority 7/ 5/77

Received by CW Date 7-05-77 Time 10:20A
Preliminary check by AFK Fee \$ 45.00
Receipted by CW Date 7-05-77 # 8239
Publication prepared by CW Date 7-08-77
Published in Blackfoot Times
Publication dates July 14 & 21-1977
Publication approved The Date July 25, 1977
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RSC JB

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 27-7095, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 82.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 30 day of August, 19 77.



Director

Identification No. 27 7095

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT**

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Francis Whitten Phone: 785-0589
post office address Rt. #1, Box 287, Blackfoot, Idaho 83221
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22 Township 2S
Range 36E B.M. Bingham County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 2.40 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 2.40 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, flood irrigation

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 60 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 8,000.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

RECEIVED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	36E	22			40	40										40			120

Total number of acres to be irrigated 120

c. Describe any other water rights used for the same purposes as described above.

120 in. of Fox & Whitten water in Blackfoot Slough, 1884 right

9. a. Who owns the property at the point of diversion Applicant
 b. Who owns the land to be irrigated or place of use Applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 27-7095 (Late Proof) Priority July 20, 1977 Amount 1.77 cfs

THIS IS TO CERTIFY, that Francis Whitten
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 27-7095 issued pursuant to Application for Permit dated July 5, 1977,
and has submitted proof to the Department of Water Resources on September 25, 1985,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.77 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>1.77</u> cfs and	<u>336.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.77 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
336.0 acre feet per year, said waters to be diverted within the SE1/4 Section 22,
Twp 2S, Rge 36E in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>2S</u>	<u>36E</u>	<u>22</u>			<u>32</u>	<u>32</u>										<u>32</u>			<u>96</u>

Total number of acres irrigated 96

Department of Water Resources

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26TH day of NOVEMBER, 19 86.

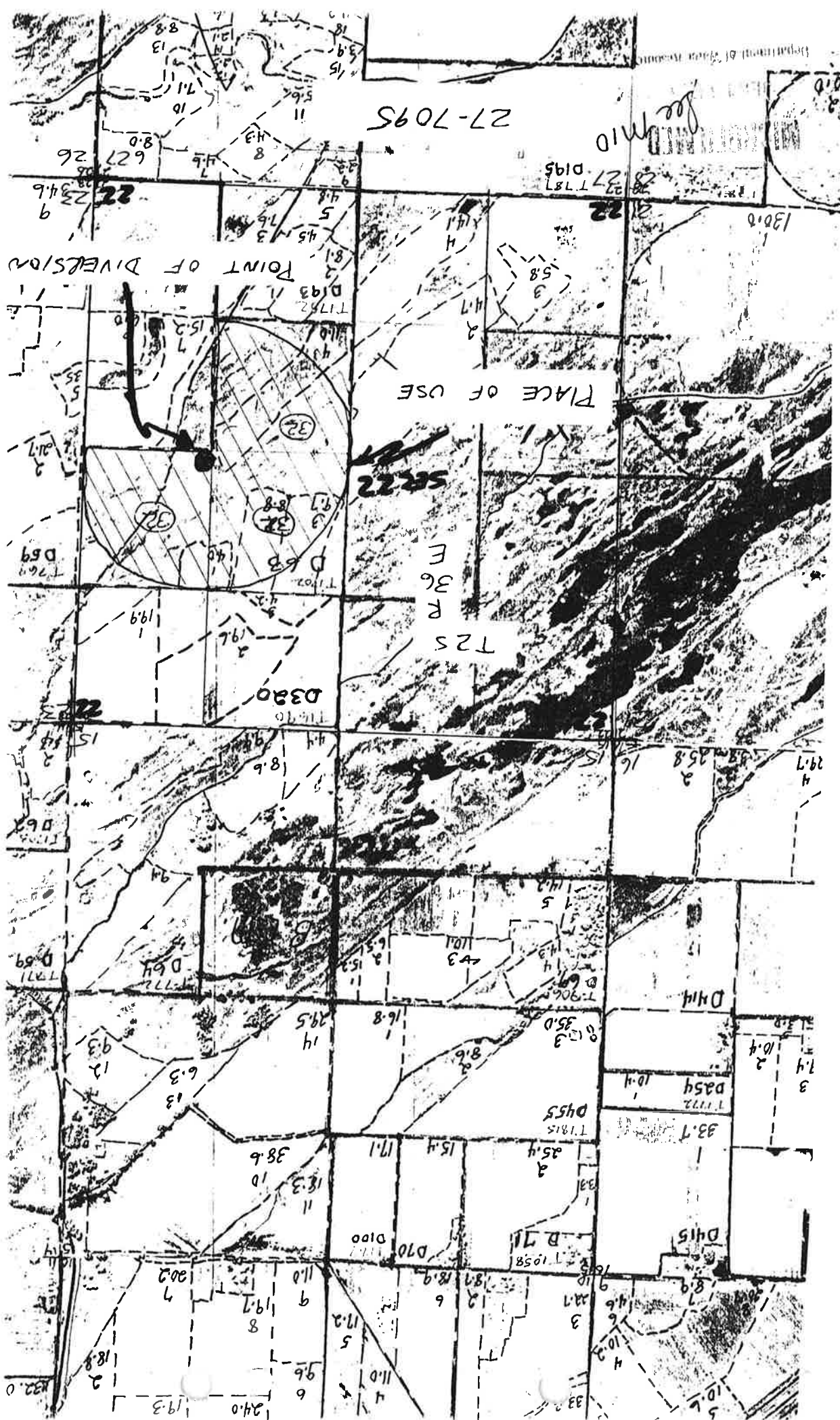
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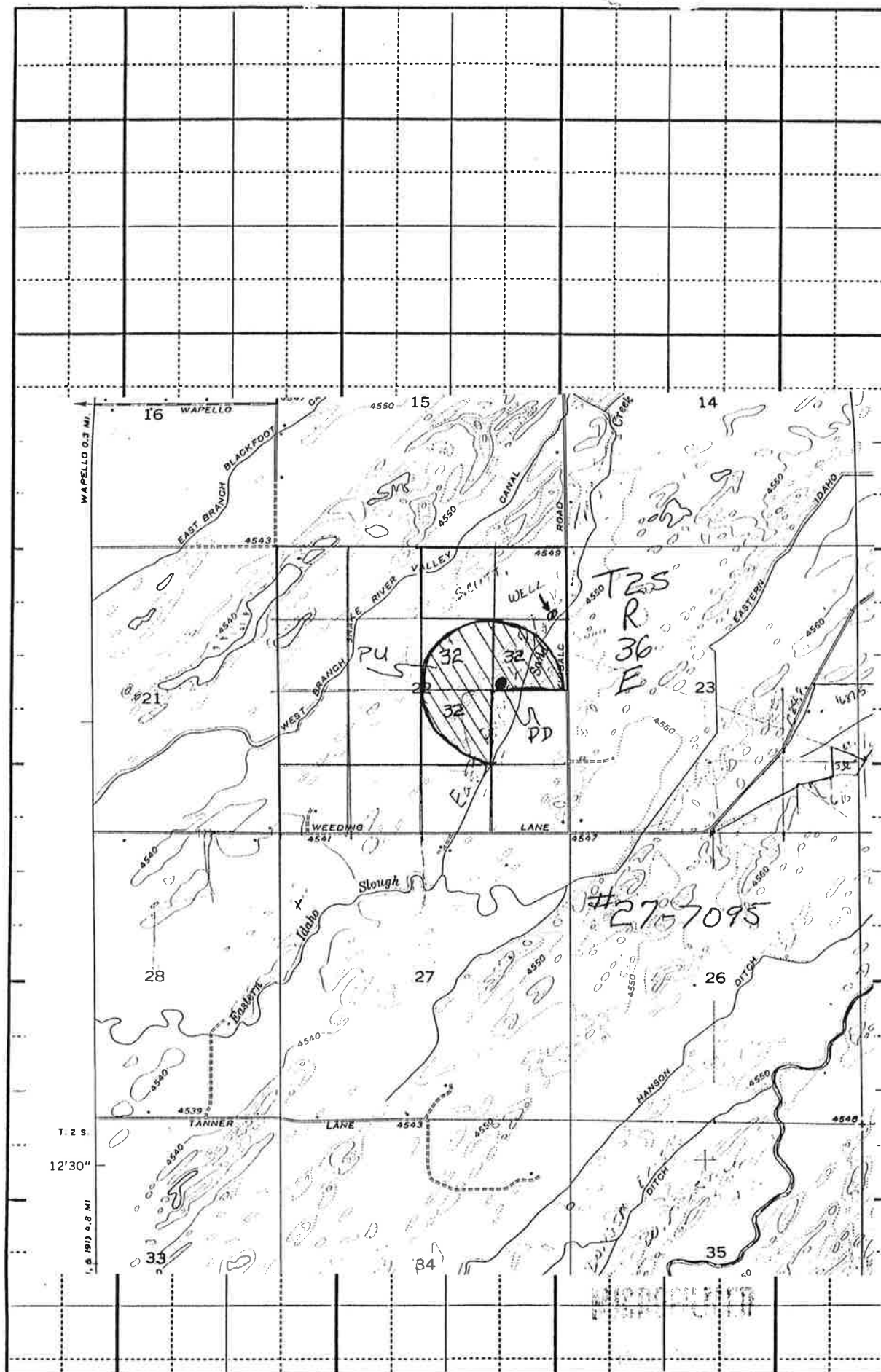
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Department of Water Resources

Acting for the Director

Roman Young





SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

JUL 18 2001

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: A27-07095
Date Received: 5/03/1989
Receipt No: E007113
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCIS WHITTEN 208-785-0589
Address: 315 N. 400 E.
BLACKFOOT, ID 83221

2. Date of Priority: JUL 20, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	36E	22		SE	NE		BINGHAM

5. Description of diverting works:
WELL PUMP MAINLINE TO 3/4 CENTER PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.770		

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

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	36E	22	SW	NE		IRR	32.0
			SE	NE		IRR	32.0
			NW	SE		IRR	32.0

Section Acres 96.0

A27-07095

Page 1

Date: 05/03/89

A2707095



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10. Place of Use: Continued

Total Acres 96.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
A27-00004P

14. Remarks:
P/U ALSO UNDER FOX WHITTEN WATER RIGHT

15. Basis of Claim: LICENSE

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): Francis McWhittan Date: 3 May 1989

Date: _____

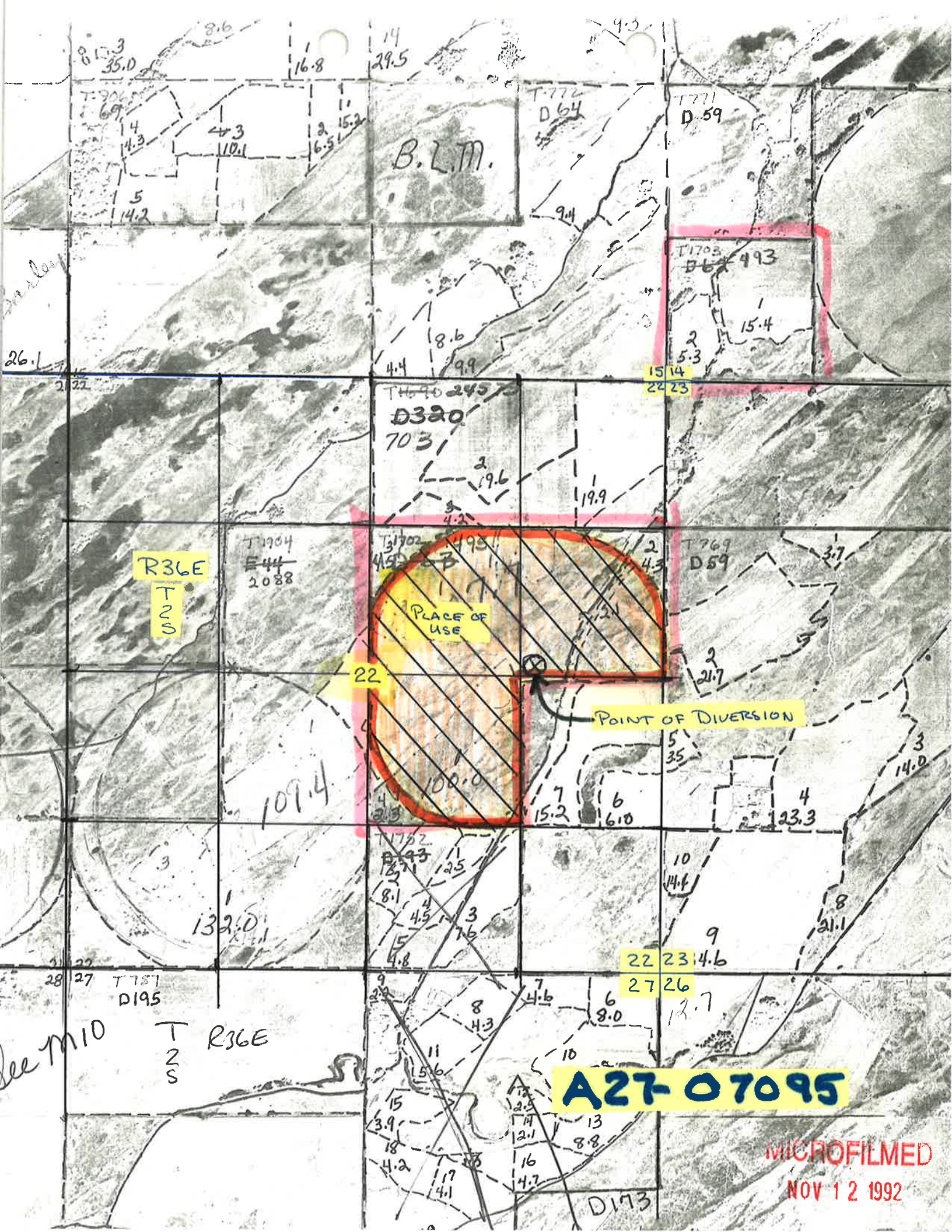
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of May 19 89

Betty J. Thompson
Notary Public



Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires EXPIRES MY COMMISSION EXPIRES: 6-30-94



B.L.M.

R36E
T2S

22

POINT OF DIVERSION

A27-07095

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NOV 12 1992

see M10
T2S
R36E