

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 37-22013
Date Received: 12/12/2006
Receipt No: 5029110
Received By: KKC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILLIAM C WHITAKER II Phone: (208)788-0284
RAE DEAN WHITAKER Phone: (208)788-0284
PO BOX 51
HAILEY ID USA 83333

2. Date of Priority: 03/09/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	19E	7	SW NE NW	BLAINE	

5. Description of diverting works:

well to pressure tank system to a sprinkler system

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.17	

7. Total Quantity Appropriated is:

0.17 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
01N	19E	7	NE NW	IRRIGATION	3.1
			NW NW 1	IRRIGATION	3.2
			SW NW 2	IRRIGATION	0.7
			SE NW	IRRIGATION	1.3
				Section Acres	8.3
				Total Acres	8.3

11. Place of use in counties: BLAINE
12. Do you own the property listed above as place of use? Yes
13. Other Water Rights Used:
14. Remarks:

This claim is based upon a portion of 37-2567.

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.

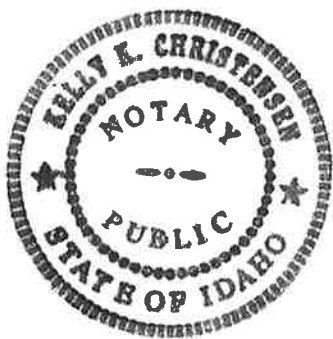
Signature of Claimant(s): William C. Walter Jr Date: 12/12/06
 _____ Date: _____

State of Idaho)
 County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day of Dec 2006

Kelly K. Christensen
 Notary Public

Residing at _____ Twin Falls, ID
 My commission Expires 4-2-2010



Lloyd C. Moore²⁰⁸
184 GANNETT RD. 3148
BELLEVUE, ID. 83313
DEC 11, 2006.

To Whom It May CONCERN:

I MOVED ON THIS PROPERTY IN APRIL 1979. I HAVE CONTINUOUSLY LIVED HERE TIL THIS DATE, AND HAVE OBSERVED THE DEVELOPMENT OF BELLEVUE FARMS & OPERATIONS & OWNER TRANSFERS OF ADJACENT PROPERTIES, INC, MY NEXT DOOR NEIGHBOR MARK HENRY & BILL WHITAKER WHO OWNS THE GARY GUTCHES PROPERTY NORTH OF MARKS.

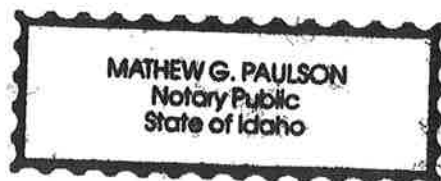
ALL THIS TO SAY: GARY GUTCHES USED A HAND LINE TO SPRINKLE IRRIGATE HIS 10 +/- ACRES NOW OWNED BY BILL WHITAKER. IT IS MY UNDERSTANDING THAT ACCORDING TO GARY GUTCHES AND BILL WHITAKER THAT A 7 1/2 HP PUMP IN AN 8" WELL DRILLED BY KEN SMITH (OR HIS PREDECESSOR) SUPPLIED THE WATER FOR THE ABOVE MENTIONED SPRINKLE SYSTEM. I OBSERVED THOSE SPRINKLERS IN OPERATION AS I TRAVELED THE GANNETT RD N. TO WORK EVERY WORKING DAY FOR MANY YEARS.

SINCERELY



State of Idaho
County of Blaine

On December 11, 2006, before me Mathew G. Paulson a notary public personally appeared Lloyd C. Moore personally known to me to be the person whose name is subscribed to this document.



My Commission Expires On
November 7, 2009

a
12/22/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/05/2007

Water right number: 37-22013

WILLIAM C WHITAKER II

PO BOX 51

HAILEY ID 83333

Telephone Number: (208)788-0284

RAE DEAN WHITAKER

PO BOX 51

HAILEY ID 83333

RECEIVED

JAN 09 2007

DEPARTMENT OF
WATER RESOURCES

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

1/5/07

SIGNATURE:

William C. Whitaker II

Please print your name:

William C. Whitaker II

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

RECEIVED

JAN 11 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SCANNED

JAN 09 2007

12/21/2006

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

RIGHT NUMBER: 37-22013
NAME AND ADDRESS: WILLIAM C WHITAKER II
PO BOX 51
HAILEY ID 83333

RAE DEAN WHITAKER
PO BOX 51
HAILEY ID 83333

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.170 CFS
29.000 AFY

PRIORITY DATE: 03/09/1955

POINT OF DIVERSION:

T01N R19E S7 SWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.170 CFS 29.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S07	NENW	2.80	T01N R19E S07 Lot 1 NWNW	3.10
T01N R19E S07 Lot 2 SWNW	0.80	T01N R19E S07	SENW	1.60

8.3 ACRES TOTAL

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

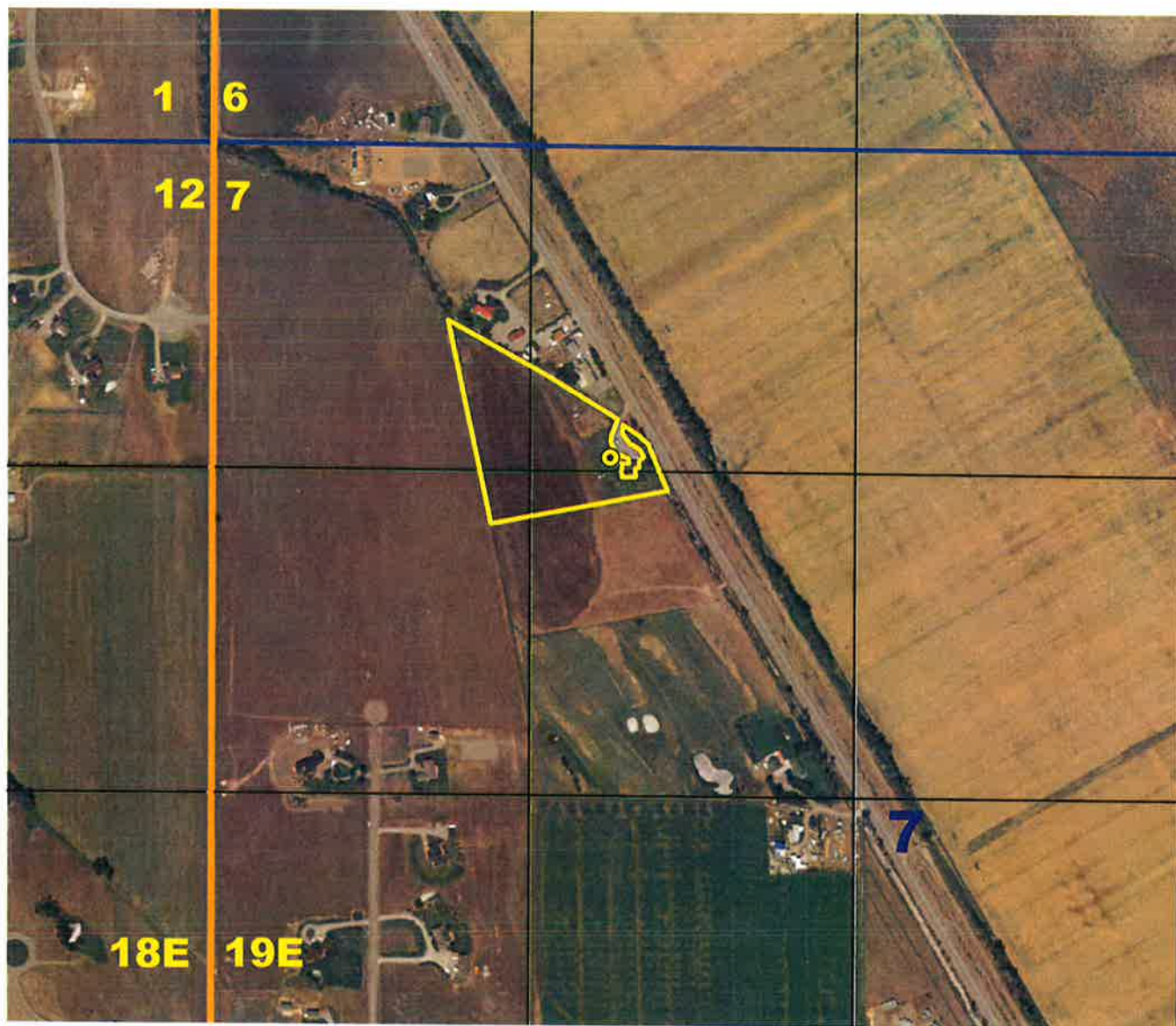
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This claim is based upon a portion of 37-2567.

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 37-22013



1320 0 1320 2640 3960 Feet

PLACE OF USE
TWP 1N, RNG 19E, SEC 7
Data entry on December 21, 2006

- | | | | |
|--|--------------------------------|--|-------------------|
| | RECOMMENDED POINT OF DIVERSION | | LOCATION IN BASIN |
| | RECOMMENDED PLACE OF USE | | |
| | TOWNSHIP LINES | | |
| | SECTION LINES | | |
| | QUARTER/QUARTER LINES | | |
- GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



12/21/2006

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

RIGHT NUMBER: 37-22013
NAME AND ADDRESS: WILLIAM C WHITAKER II
PO BOX 51
HAILEY ID 83333

RAE DEAN WHITAKER
PO BOX 51
HAILEY ID 83333

VERIFIED BY KKC

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.170 CFS
29.000 AFY

PRIORITY DATE: 03/09/1955

POINT OF DIVERSION:

T01N R19E S7 SWNENW Within BLAINE County

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PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.170 CFS 29.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

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T01N R19E S07 Lot 2 SWNW	0.80	T01N R19E S07	SENW	1.60

8.3 ACRES TOTAL

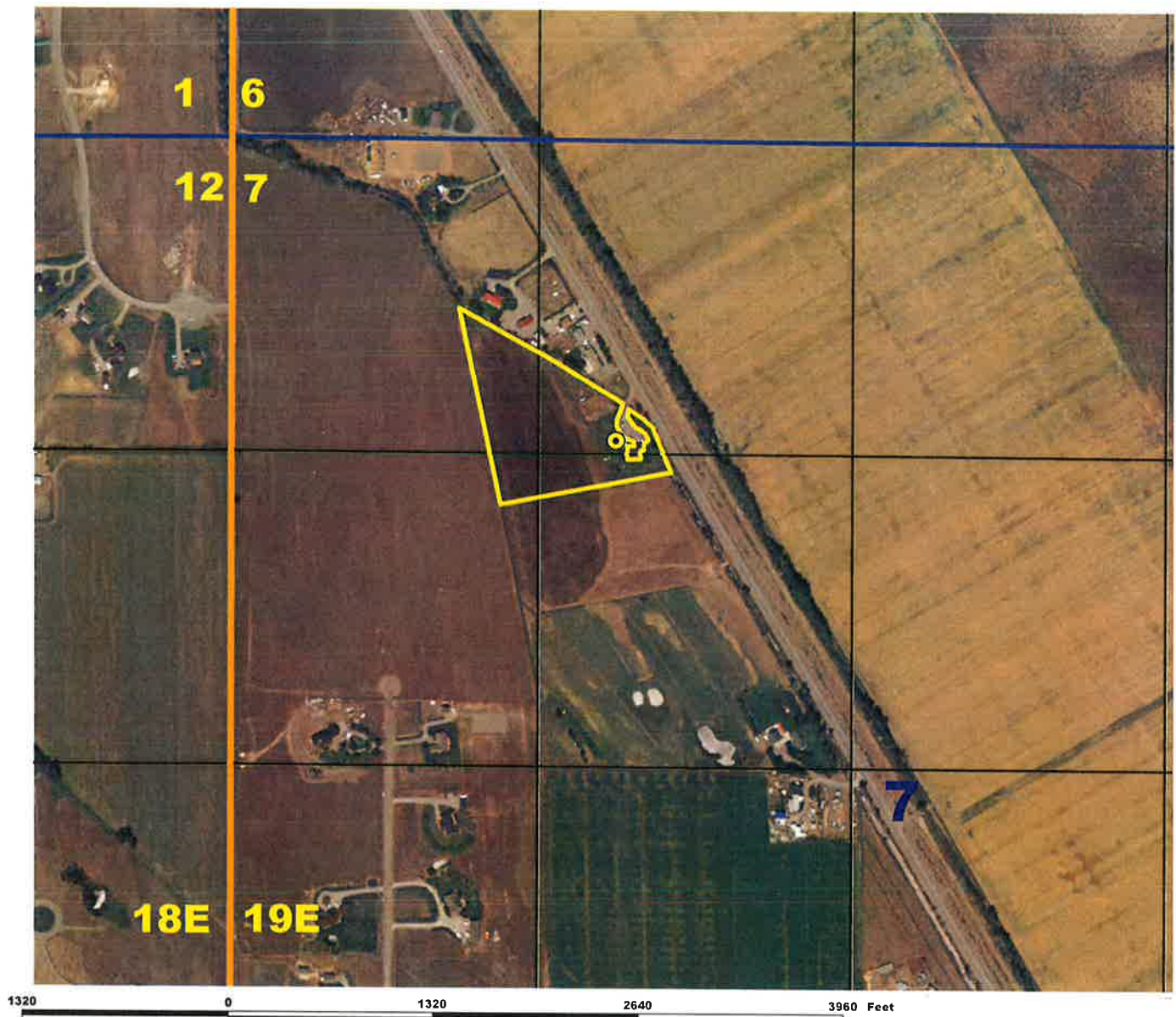
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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RECOMMENDED PLACE OF USE FOR 37-22013



PLACE OF USE
TWP 1N, RNG 19E, SEC 7
 Data entry on December 21, 2006

- | | | | |
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| | QUARTER/QUARTER LINES | | |
- GIS PLACE OF USE PRESENTATION
 2004 AERIAL PHOTOGRAPHY
 DATA ENTRY BY KELLY K CHRISTENSEN



State of Idaho License and Certificate of Water Right

Water License No. 0-25527Amount 8.97 c.f.s.

Water District No.

Priority March 9, 1955

THIS IS TO CERTIFY that WALTER E. STEWART
of Bellevue, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 9, 19 55; that Permit No. G-25527
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
8.97 second feet, was issued thereunder on November 2, 19 60, showing that said works
were completed on the 11th day of March, 19 60; and that on the 11th
day of March, 19 60,

WALTER E. STEWART

of Bellevue, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of two wells
, a tributary of subterranean flow , for the purpose of irrigation
, under Use Permit No. G-25527 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6999, on the 2 day of November, 19 60 ;
The right hereby confirmed dates from March 9, 19 55 ;

The Point of Diversion is located SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ In the -- $\frac{1}{4}$ -- $\frac{1}{4}$, Sec. 1, Tp. 1 N, R. 18 E, B. M. Elaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 8.97 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N	18 E	1	NW $\frac{1}{4}$ NE $\frac{1}{4}$	28	17.4
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	36	14.5
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	11	8.5
			SE $\frac{1}{4}$ NW $\frac{1}{4}$		22.9
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	10	20.0
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	34	34.7
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	30	37.1
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	27	38.8
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	38.8
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	38.8
1 N	19 E	12	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7	6.9
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	39	39.19
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	39	39.19
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	30	30.0
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40.0
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	39	39.2

Total number of acres to be irrigated 465.98
The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

2nd day of November, 19 60.

State Reclamation Engineer.

(SEAL)

37 2567

RECEIVED

MAY 17 1999

Department of Water Resources

INTEROFFICE MEMORANDUM

TO: TRANSFER FILE NO. 5275
 FROM: KELLY K CHRISTENSEN *KKC*
 SUBJECT: ADJUDICATION REVIEW OF TRANSFER
 DATE: 05/13/99

Water right 37-02567 was split by T-3210 into parts "A" and "B". The "B" portion was subsequently claimed in the adjudication as A37-02567B. This right is claimed in full.

The "A" portion has three adjudication claims against that right. The base right is not fully claimed through the adjudication process at this time, unless there exists a 10,000 series claim against this right. I did not do a priority date search to determine if a 10,000 series claim exists.

RECOMMENDATION:

I have not found any adjudication issues that affect this transfer. I recommend that this portion of the base right receive an "E" suffix so that the allocations number will match the claimed suffix assigned in the adjudication process.

D-0611-2 Basin: 37 Starting Water Right: 02567

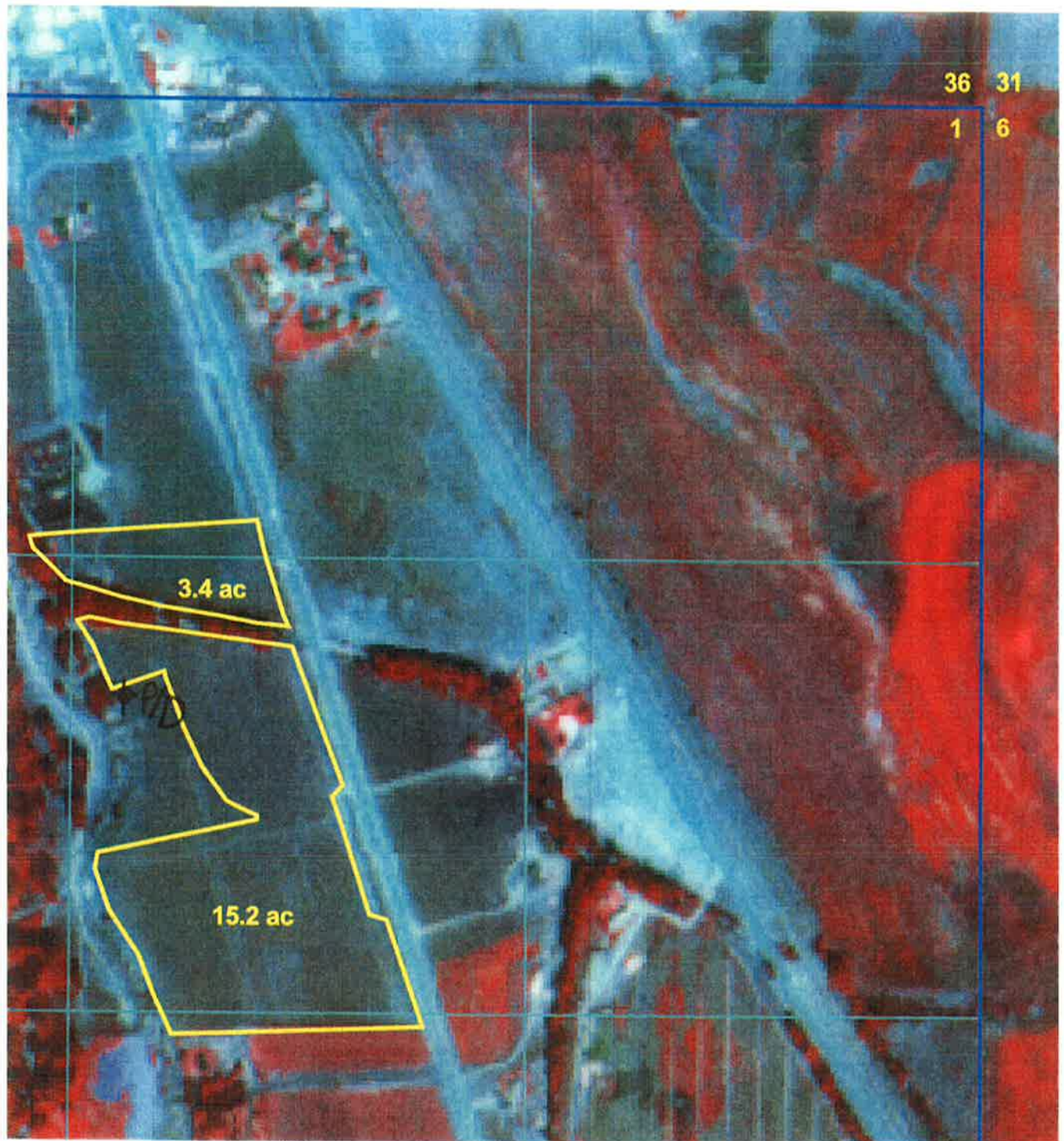
S	O	W	Priority	STG/	Use	S
E Water Name		N Date		STS Source	Desc	
L Right No Last, First						
37-02567		00/00/0000	/			WR
37-02567A STEWART, WALTER E	C	03/09/1955	L/	GROUNDWATER	IRR	WR
37-02567B MOORE, LLOYD C	C	03/09/1955	L/	GROUNDWATER		WR
MOORE, MARILYN P.	C					
T37-02567C STEWART, WALTER E	C	03/09/1955	L/	GROUNDWATER	IRR	WR
T37-02567D WALKER, JIM J	C	03/09/1955	L/	GROUNDWATER	IRR	WR
A37-02567A NOT CLAIMED - SPLIT	C	03/09/1955	/Z			
NOT CLAIMED - SP				GROUNDWATER	IRR	AJ
A37-02567B MOORE, LLOYD C	C	03/09/1955	L/	GROUNDWATER	IRR	AJ
MOORE, MARILYN P	C					
A37-02567C CONGER, JAMES P	C	03/09/1955	L/	GROUNDWATER	IRR	AJ
A37-02567D JUDGE, LOUISA JANE H	C	03/09/1955	L/	GROUNDWATER	IRR	AJ
A37-02567E WALKER, JIM J	C	03/09/1955	L/	GROUNDWATER	IRR	AJ
WALKER, JO AN S	C					

MICROFILMED
 DEC 0 5 1999

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Version</u>	<u>Source Title</u>	<u>App.ID</u>
37	2567	B	License	Active	3/9/1955	0.76		IRRIGATION	MOORE, LLOYD C (C	wr	AdjudicationClaim	
37	2567	C	License	Active	3/9/1955	1.13		IRRIGATION	CONGER, JAMES P (	wr	AdjudicationClaim	
37	2567	D	License	Active	3/9/1955	1.02		IRRIGATION	JUDGE, LOUISA JAN	wr	AdjudicationClaim	
37	2567	E	License	Active	3/9/1955	0.38	66.5	IRRIGATION	WALKER, JIM J (Cur	wr	AdjudicationClaim	
37	11383		License	Active	3/9/1955	0.1		DOMESTIC, IRRIG	HINZMAN, J FAYE (C	wr	AdjudicationClaim	
37	22013		License	Active	3/9/1955	0.17		IRRIGATION	WHITAKER II, WILLIA	wr	AdjudicationClaim	
						3.56						
37	2567	A		See Rema	3/9/1955	8.21		IRRIGATION			wr	AdjudicationClaim
37	2567	B	License	Active	3/9/1955	0.76	133	IRRIGATION	MOORE, L	1	wr	AdjudicationRecommendation
37	2567	C		Disallowed	3/9/1955	1.13		IRRIGATION	CONGER,	1	wr	AdjudicationRecommendation
37	2567	D	License	Active	3/9/1955	1.02	108.2	IRRIGATION	JUDGE, LC	1	wr	AdjudicationRecommendation
37	2567	E	License	Active	3/9/1955	0.38	66.5	IRRIGATION	WALKER,	1	wr	AdjudicationRecommendation
37	11383		License	Active	3/9/1955	0.08	5.5	DOMESTIC, IRRIG	HINZMAN,	1	wr	AdjudicationRecommendation
37	22013				3/9/1955	0.17		IRRIGATION	WHITAKEI	1	wr	AdjudicationRecommendation
37	2567	B	License	Active	3/9/1955	0.76		IRRIGATION	MOORE, LLOYD C (C	wr	WaterRight	
37	2567	C	License	Active	3/9/1955	7.83		IRRIGATION	STEWART, WALTER	wr	WaterRight	
37	2567	D	License	Active	3/9/1955	0.38	66.5	IRRIGATION	WALKER, JIM J (Cur	wr	WaterRight	
						8.97						

IDAHO DEPARTMENT OF WATER RESOURCES

T-5238
37-02567D

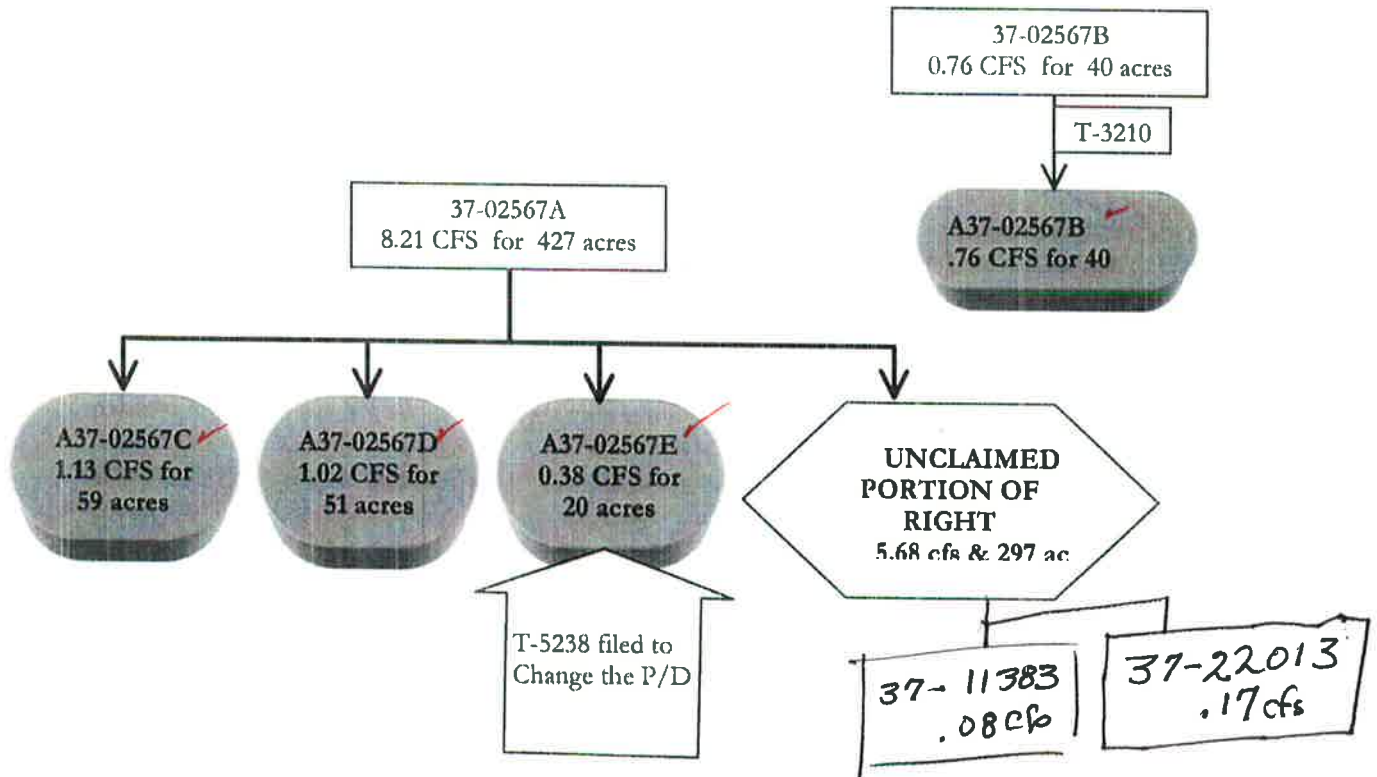


- ⊙ RECOMMENDED POINT OF DIVERSION
- ▭ RECOMMENDED PLACE OF USE
- ▭ SECTION LINES
- ▭ QUARTER QUARTER LINES
- ▭ STREAMS AND DITCHES

MICROFILMED
DEC 8 9 1999
TRANSFERRED PLACE OF USE
CREATED MAY 12, 1999

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

37-2567
licensed for 8.97cfs on 465.98ac
SPLIT TREE FOR 37-02567A AND 37-02567B



MICROFILMED

DEC 09 1999