

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

83587

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
AUG 08 2019

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) HERB WHITWORTH JR

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☐ #10 Other. Please describe: Supplemental Application for Transfer Description of Rights After Transfer AND Supplemental POD POU attached.

83587

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) HERB WHITWORTH JR Phone (208) 589-3016
Mailing address 5425 HWY 93 MACKAY, ID 83251 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Herb Whitworth
Signature of Applicant or Authorized Representative

Herb Whitworth
Print Name and Title if applicable

8/8/19
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
This transfer proposes to rearrange portions of the permissible place of use to allow for better and more efficient use of water by installing center pivot irrigation within the permissible place of use. The POU rearrangement will cover portions of proposed center pivot installation that would otherwise not be covered by a the permissible place of use.

STATE OF IDAHO
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Supplemental pp. 1-2 attached

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☐ ☐				_____ to _____	
☐ ☐				_____ to _____	
☐ ☐				_____ to _____	
☐ ☐				_____ to _____	
☐ ☐				_____ to _____	
☐ ☐				_____ to _____	
☐ ☐				_____ to _____	
☐ ☐				_____ to _____	
☐ ☐				_____ to _____	
☐ ☐				_____ to _____	

Total authorized under rights 26.54 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 15.62 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			591

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT
Supplemental Page for Description of Rights after Transfer**

[illegible]

****Insert this page into Part 1B of the Application for Transfer of a Water Right.**

83587

Ident. No. _____

Attachment to: ☐ Application for Permit to appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

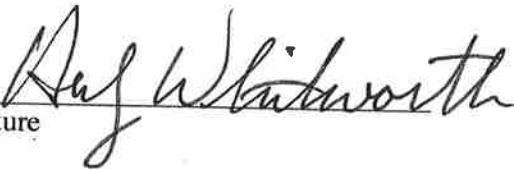
[illegible]

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Transfer 83587 Point of Diversion Supplement

While processing this transfer it was discovered that four of the water rights included in this transfer (rights 34-755, 34-757, 34-758, and 34-10164) currently have the wrong legal description for one of the two points of diversion shown on these rights. The two points of diversion are the Longhurst Ditch and the Chilly Canal. The legal description for the Longhurst Ditch, SESWSE Sec 32 T9N R22E, is correct. However, the legal description for the Chilly Canal currently shows NENWNW Sec 12 T8N R21E. The actual location is in SESW Sec 1 T8N R21E. In addition to the place of use changes described elsewhere in this transfer I would also like to correct the legal description of the Chilly Canal heading on the four rights listed above in order to show the actual location, SESW Sec 1 T8N R21E. There will be no physical change in point of diversion. Only the legal description of the Chilly Canal heading will change.


Signature


Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Diversion system is made up two pumps situated along the Thousand Springs Creek. The system is proposed to supply two pivots with the potential of four pivots total within the permissible place of use. A power shutoff switch will be accessible for both POD's.

- b. Who owns the property at the point(s) of diversion? Herbert Whitworth Jr.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Land will not be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

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Proof Report

7/22/2019

- Irrigation THE IRRIGATION OF A COMBINED TOTAL OF 699 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019
4. C18 General 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.
5. Explanatory WATER IS DELIVERED THROUGH LONGHURST DITCH.

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31.440		
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-10165 ,34-14019		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
28.230		661.0
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-14019		

SubCase:

N/A

Water Supply Bank:

N/A

7/22/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HERB WHITWORTH JR 5425 HWY 93 MACKAY, ID 83251 (208) 588-2820

Status: Active

Tributary SINKS

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
5/01	10/15	2.400 CFS
<u>Total Diversion</u>		2.400 CFS

Volume

BIG LOST RIVER	SESWSE	Sec. 32, Twp 09N, Rge 22E,	CUSTER County
BIG LOST RIVER	NENWNW	Sec. 12, Twp 08N, Rge 21E,	CUSTER County

IRRIGATION within CUSTER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31.0 L4	40.0			20.0	37.0	35.0	3.0				166.0
08N	22E	3	39.0 L1	40.0 L2	30.0	29.0	24.0 L3	37.0 L4		30.0					32.0	35.0		35.0	331.0
08N	22E	11						38.0											38.0
09N	22E	33													24.0	2.0	3.0	8.0	37.0
09N	22E	34							23.0	13.0	32.0	40.0	19.0	37.0			32.0	18.0	214.0

POU Total Acres: 786.0

1.	S34	Period of Use	THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2.		Quantity	USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.04 CFS. COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764.

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3. Point of Diversion 34-10166, 34-14019
WATER IS DELIVERED THROUGH THE LONGHURST DITCH UNTIL ALL THE 1902 OR LATER PRIORITY DATE WATER IS NO LONGER DELIVERED; AFTER THAT WATER IS DELIVERED THROUGH THE CHILLY CANAL.
4. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 699 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. C18 General 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.
6. C05 Explanatory RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. C03 Explanatory RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31.440		
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-10165 ,34-14019		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
28.230		661.0
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-14019		

SubCase:

N/A

Water Supply Bank:

N/A

7/22/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HERB WHITWORTH JR 5425 HWY 93 MACKAY, ID 83251 (208) 588-2820

Status: Active

Total Diversion

Sec. 32, Twp 09N, Rge 22E, CUSTER County
Sec. 12, Twp 08N, Rge 21E, CUSTER County

			NE				NW				SW				SE					
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
08N	22E	2						31.0 L4	40.0			20.0	37.0	35.0	3.0					166.0
08N	22E	3	39.0 L1	40.0 L2	30.0	29.0	24.0 L3	37.0 L4		30.0						32.0	35.0		35.0	331.0
08N	22E	11						38.0												38.0
09N	22E	33													24.0	2.0	3.0	8.0		37.0
09N	22E	34							23.0	13.0	32.0	40.0	19.0	37.0				32.0	18.0	214.0

POU Total Acres: 786.0

1.	S34	Period of Use	THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2.		Quantity	USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.04 CFS. COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764.

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- | | | |
|----|---------------------------|---|
| 3. | Point of Diversion | 34-10166, 34-14019
WATER IS DELIVERED THROUGH THE LONGHURST DITCH UNTIL ALL THE 1902 OR LATER PRIORITY DATE WATER IS NO LONGER DELIVERED; AFTER THAT WATER IS DELIVERED THROUGH THE CHILLY CANAL. |
| 4. | Place of Use - Irrigation | USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 699 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. |
| 5. | C18 General | 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. |
| 6. | C03 Explanatory | RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE. |
| 7. | C05 Explanatory | RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE. |

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34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-14019		

SubCase:

N/A

Water Supply Bank:

N/A

7/22/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HERB WHITWORTH JR 5425 HWY 93 MACKAY, ID 83251 (208) 588-2820

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<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
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BIG LOST RIVER	SESWSE	Sec. 32, Twp 09N, Rge 22E,	CUSTER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31.0 L4	40.0			20.0	37.0	35.0	3.0				166.0
08N	22E	3	39.0 L1	40.0 L2	30.0	29.0	24.0 L3	37.0 L4		30.0					32.0	35.0		35.0	331.0
08N	22E	11						38.0											38.0
09N	22E	33													24.0	2.0	3.0	8.0	37.0
09N	22E	34							23.0	13.0	32.0	40.0	19.0	37.0			32.0	18.0	214.0

POU Total Acres: 786.0

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6. C03 Explanatory RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. C05 Explanatory RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31.440		
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-10165 ,34-14019		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
28.230		661.0
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-14019		

SubCase:

N/A

Water Supply Bank:

N/A

7/22/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HERB WHITWORTH JR 5425 HWY 93 MACKAY, ID 83251 (208) 588-2820

Status: Active

Tributary SINKS

Volume

1.300 CFS

Sec. 32, Twp 09N, Rge 22E, CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	2						31.0 L4	40.0			20.0	37.0	35.0	3.0				166.0
08N	22E	3	39.0 L1	40.0 L2	30.0	29.0	24.0 L3	37.0 L4		30.0						32.0	35.0		35.0
08N	22E	11						38.0											38.0
09N	22E	33														24.0	2.0	3.0	8.0
09N	22E	34							23.0	13.0	32.0	40.0	19.0	37.0				32.0	18.0

POU Total Acres: 786.0

1.	S34	Period of Use	THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2.		Quantity	USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.04 CFS. COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019
3.		Place of Use -	USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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- Irrigation THE IRRIGATION OF A COMBINED TOTAL OF 699 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019
4. C18 General 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.
5. Explanatory WATER IS DELIVERED THROUGH LONGHURST DITCH.

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31.440		
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-10165 ,34-14019		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
28.230		661.0
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-14019		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2019

Water Right 34-766

Owner Type **Name and Address**
Current Owner HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251
(208) 588-2820

Priority Date: 5/1/1885

Basis: Decreed

Status: Active

Source
ELKHORN CREEK

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	7.080 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
DOMESTIC	1/01	12/31	0.060 CFS	
<u>Total Diversion</u>			7.160 CFS	

Source and Point(s) of Diversion

ELKHORN CREEK	NWNW	Sec. 35, Twp 09N, Rge 22E, CUSTER County
ELKHORN CREEK	SESW	Sec. 26, Twp 09N, Rge 22E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	2						31.0	40.0		20.0	9.0		3.0					103.0
								L4											
08N	22E	3	39.0	40.0	26.0	29.0	24.0			15.0									173.0
			L1	L2			L3												
09N	22E	34												30.0			30.0	18.0	78.0

POU Total Acres: 354.0

DOMESTIC within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	22E	34																X	

STOCKWATER Same as DOMESTIC

Conditions of Approval:

1. S34 Period of Use THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2019

- | | | | |
|----|-----|---------------------------|---|
| | | | THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES. |
| 2. | | Quantity | USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.04 CFS.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019 |
| 3. | N15 | Quantity | THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED. |
| 4. | N14 | Quantity | THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY. |
| 5. | | Place of Use - Irrigation | USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 699 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019 |
| 6. | N09 | General | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. |
| 7. | C18 | General | 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. |
| 8. | | Explanatory | STOCKWATER, 500 CATTLE |
| 9. | C05 | Explanatory | RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE. |

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31.440		
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-10165 ,34-14019		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
28.230		661.0
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-14019		

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2019

Water Right 34-10164

Owner Type **Name and Address**
Current Owner HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251
(208) 588-2820

Priority Date: 6/1/1875

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	5.200 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		5.200 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER	NENWNW	Sec. 12, Twp 08N, Rge 21E,	CUSTER County
BIG LOST RIVER	SESWSE	Sec. 32, Twp 09N, Rge 22E,	CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	2						31.0	40.0		20.0	37.0	35.0	3.0					166.0
								L4											
08N	22E	3	39.0	40.0	30.0	29.0	24.0	37.0		30.0					32.0	35.0		35.0	331.0
			L1	L2			L3	L4											
08N	22E	11						38.0											38.0
09N	22E	33													24.0	2.0	3.0	8.0	37.0
09N	22E	34							23.0	13.0	32.0	40.0	19.0	37.0			32.0	18.0	214.0

Right Acre Limit: 260.0

POU Total Acres: 786.0

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. S34 Period of Use THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. N05 Quantity THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER

IDAHO DEPARTMENT OF WATER RESOURCES
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3. Quantity DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.04 CFS.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019
4. N15 Quantity THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
5. Point of Diversion WATER IS DELIVERED THROUGH THE LONGHURST DITCH UNTIL ALL THE 1902 OR LATER PRIORTY DATE WATER IS NO LONGER DELIVERED; AFTER THAT WATER IS DELIVERED THROUGH THE CHILLY CANAL.
6. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE THE IRRIGATION OF A COMBINED TOTAL OF 699 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 260 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. C18 General 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.
8. N08 General THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
9. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NO. 34-00754 AND 34-00756.
10. C03 Explanatory STOCKWATER, 800 CATTLE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
11. C05 Explanatory RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

Rate
31.440

Volume

Acres

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2019

Water Right 34-10166

Owner Type **Name and Address**
Current Owner HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251
(208) 588-2820

Priority Date: 4/1/1912
Basis: Decreed
Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	3.140 CFS	
	<u>Total Diversion</u>		3.140 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER SESWSE Sec. 32, Twp 09N, Rge 22E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	2						31.0	40.0		20.0	37.0	35.0	3.0					166.0
								L4											
08N	22E	3	39.0	40.0	30.0	29.0	24.0	37.0		30.0					32.0	35.0		35.0	331.0
			L1	L2			L3	L4											
08N	22E	11						38.0											38.0
09N	22E	33													24.0	2.0	3.0	8.0	37.0
09N	22E	34							23.0	13.0	32.0	40.0	19.0	37.0			32.0	18.0	214.0

POU Total Acres: 786.0

Conditions of Approval:

1. S34 Period of Use THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A COMBINED DIVERSION RATE OF 29.04 CFS.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019
3. Place of Use - USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO

IDAHO DEPARTMENT OF WATER RESOURCES
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7/22/2019

- Irrigation THE IRRIGATION OF A COMBINED TOTAL OF 699 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019
4. C18 General 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.
5. Explanatory WATER IS DELIVERED THROUGH LONGHURST CANAL.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00763 AND 34-00765.

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31.440		
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-10165 ,34-14019		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
28.230		661.0
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-14019		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2019

Water Right 34-10167

Owner Type **Name and Address**
Current Owner HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251
(208) 588-2820

Priority Date: 4/15/1890
Basis: Decreed
Status: Active

Source **Tributary**
THOUSAND SPRINGS CREEK BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	6.340 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		6.340 CFS	

Source and Point(s) of Diversion

THOUSAND SPRINGS CREEK	SWSENW	Sec. 34, Twp 09N, Rge 22E, CUSTER County
THOUSAND SPRINGS CREEK	L2(SENWNE)	Sec. 3, Twp 08N, Rge 22E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	2						31.0	40.0		20.0	9.0		3.0					103.0
								L4											
08N	22E	3	39.0	12.0	6.0	29.0													86.0
			L1	L2															
09N	22E	34															16.0	17.0	33.0

POU Total Acres: 222.0

STOCKWATER Same as IRRIGATION

Conditions of Approval:

- | | | | |
|----|-----|---------------|--|
| 1. | S34 | Period of Use | THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES. |
| 2. | N01 | Quantity | THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT |

IDAHO DEPARTMENT OF WATER RESOURCES
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3. N05 Quantity CONSTITUTE UNREASONABLE WASTE.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.04 CFS.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019
5. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IN QUANTITY IS LIMITED TO TO THE IRRIGATION OF A COMBINED TOTAL OF 699 ACRES IN A SINGLE IRRIGATION SEASON.
6. N08 General THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
7. C18 General 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.
8. Explanatory 0.90 CFS OF 34-00363, 1.6 CFS OF 34-00760, 1.3 CFS OF 34-00764, 2.1 CFS OF 34-00364, 3.14 CFS OF 34-10166 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THOSE RIGHTS LISTED ABOVE.
1.91 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
STOCKWATER 800 HEAD CATTLE

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31.440		
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-10165 ,34-14019		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
28.230		661.0
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-14019		

SubCase:

N/A

7/22/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HERB WHITWORTH JR 5425 HWY 93 MACKAY, ID 83251 (208) 588-2820

Status: Active

Tributary SINKS

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
05/01	10/15	8.800 CFS
Total Diversion		8.800 CFS

Volume

BIG LOST RIVER SESWSE Sec. 32, Twp 09N, Rge 22E, CUSTER County

IRRIGATION within CUSTER County

			NE				NW				SW				SE					
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
08N	22E	2						31.0 L4	40.0			20.0	17.0	35.0	3.0					146.0
08N	22E	3	39.0 L1	40.0 L2	30.0	29.0	24.0 L3	37.0 L4		30.0									35.0	264.0
08N	22E	11						38.0												38.0
08N	22E	33													24.0	2.0	3.0	8.0		37.0
08N	22E	34							23.0	13.0	32.0	40.0	19.0	37.0			32.0	18.0		214.0

POU Total Acres: 699.0

1.	S34	Period of Use	THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2.		Place of Use - Irrigation	USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 699 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2019

3. C18 General 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.
4. Explanatory WATER IS DELIVERED THROUGH LONGHURST CANAL. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00759, 34-00761 AND 34-00762.
5. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.04 CFS. COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-14019
6. C05 Explanatory RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31.440		
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-10165 ,34-14019		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
28.230		661.0
34-10167 ,34-757 ,34-760 ,34-764 ,34-10166 ,34-363 ,34-364 ,34-755 ,34-758 ,34-766 ,34-10164 ,34-14019		

SubCase:

N/A

Water Supply Bank:

N/A

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

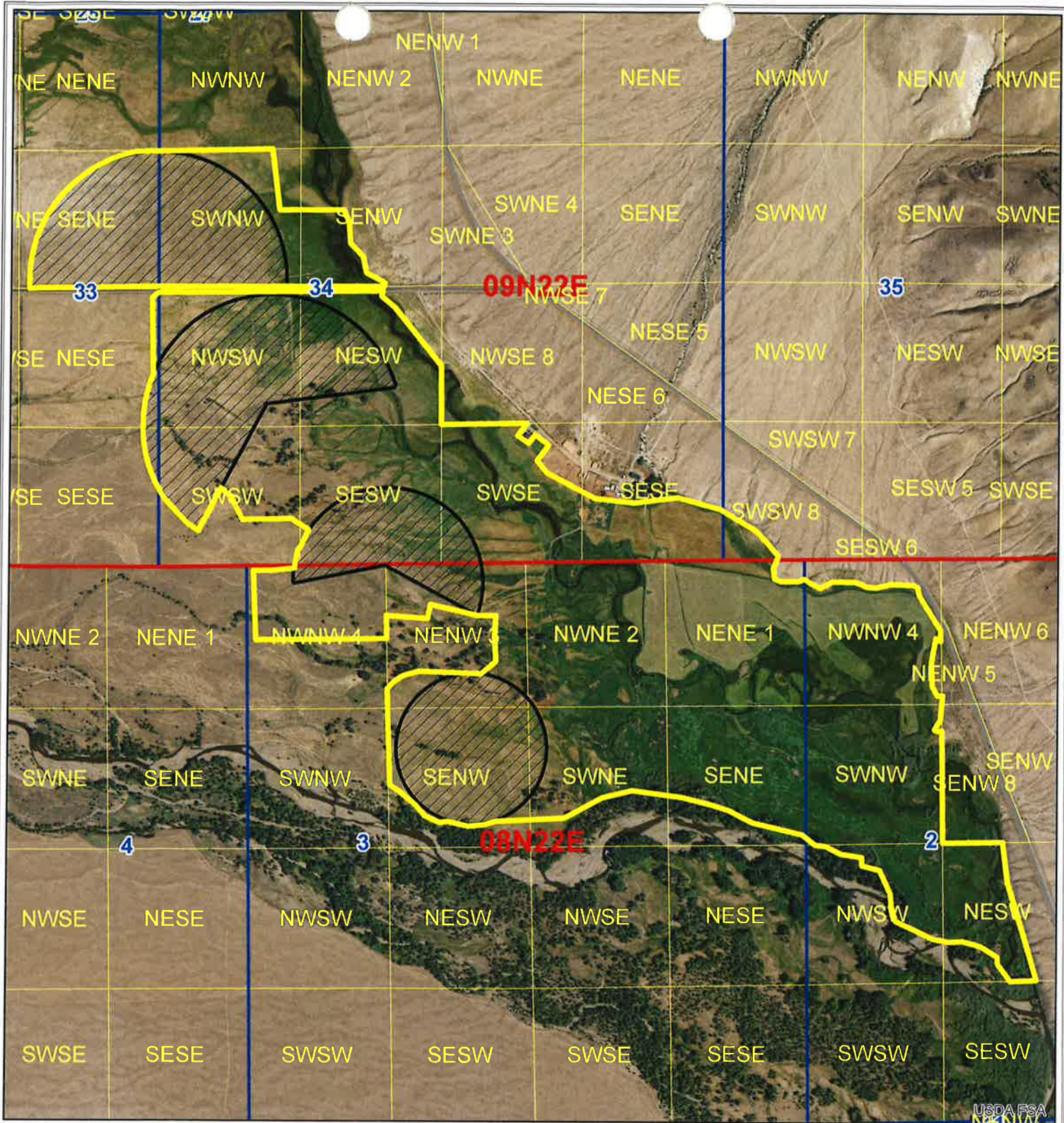
Transfer contains _____ pages and _____ attachments.

Received by SL Date 8/8/89 Preliminary check by _____ Date _____

Fee paid 740 - Date 8/8/19 Received by JC Receipt # E045 227

Add'l fee paid 960 Date 8/26/19 Received by SL Receipt # E045270

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



Legend

- Proposed Whitworth POU
- Proposed Pivot Irrigation
- Township/Range
- Sections
- QQ

0 0.25 0.5 1 Miles



83587

MH