

T3056 WHITTAKER



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

RECEIVED

OCT 29 1984

Department of Water Resources
Eastern District Office

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 25, 1984

RE: Transfer of Water Right No. 74-0056

Floyd J. Whittaker
Box 240
Leadore, ID 83464

Dear Mr. Whittaker:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3056). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

JUL 16 1984

STATE OF IDAHO

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant FLOYD J. WHITTAKER Phone 768-2491
Post Office address Box 240, Leadore, ID 83464

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-0056 Decreed to Floyd J. Whittaker
in case of Findings of Fact, Lemhi River Basin Case #4948
dated in 12-30-1982 in 7th District Court county of Lemhi
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant
is original and current owner.

3. Source of water Big Timber Creek tributary to Lemhi River

4. Date of priority 5-1-1910

5. Water is used for the following purposes:

amount 2.00 for Irrigation purposes from 3-15 to 11-15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7
Township 14N Range 26E, B.M., in Lemhi County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>14N</u>	<u>26E</u>	<u>6</u>			<u>1</u>										<u>34</u>	<u>9</u>	<u>7</u>	<u>18</u>	<u>69</u>
		<u>5</u>									<u>5</u>								<u>5</u>

Total number of acres to be irrigated 74

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
- Additional points _____

3. Place of use: _____

[illegible]

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted 2.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgate and weir on Big Timber Creek, portable dam and open ditch on unnamed stream.
- c. Describe the reasons for the proposed changes Historically the flows from the unnamed stream have been diverted to irrigate a portion of the land described under this decreed right.

2. Change in point of diversion

Point of diversion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7 Township 14N
Range 26E, B.M., Lemhi County
Additional points SWNE Sec. 6, T. 14N, R. 26E.

3. Change in place of use

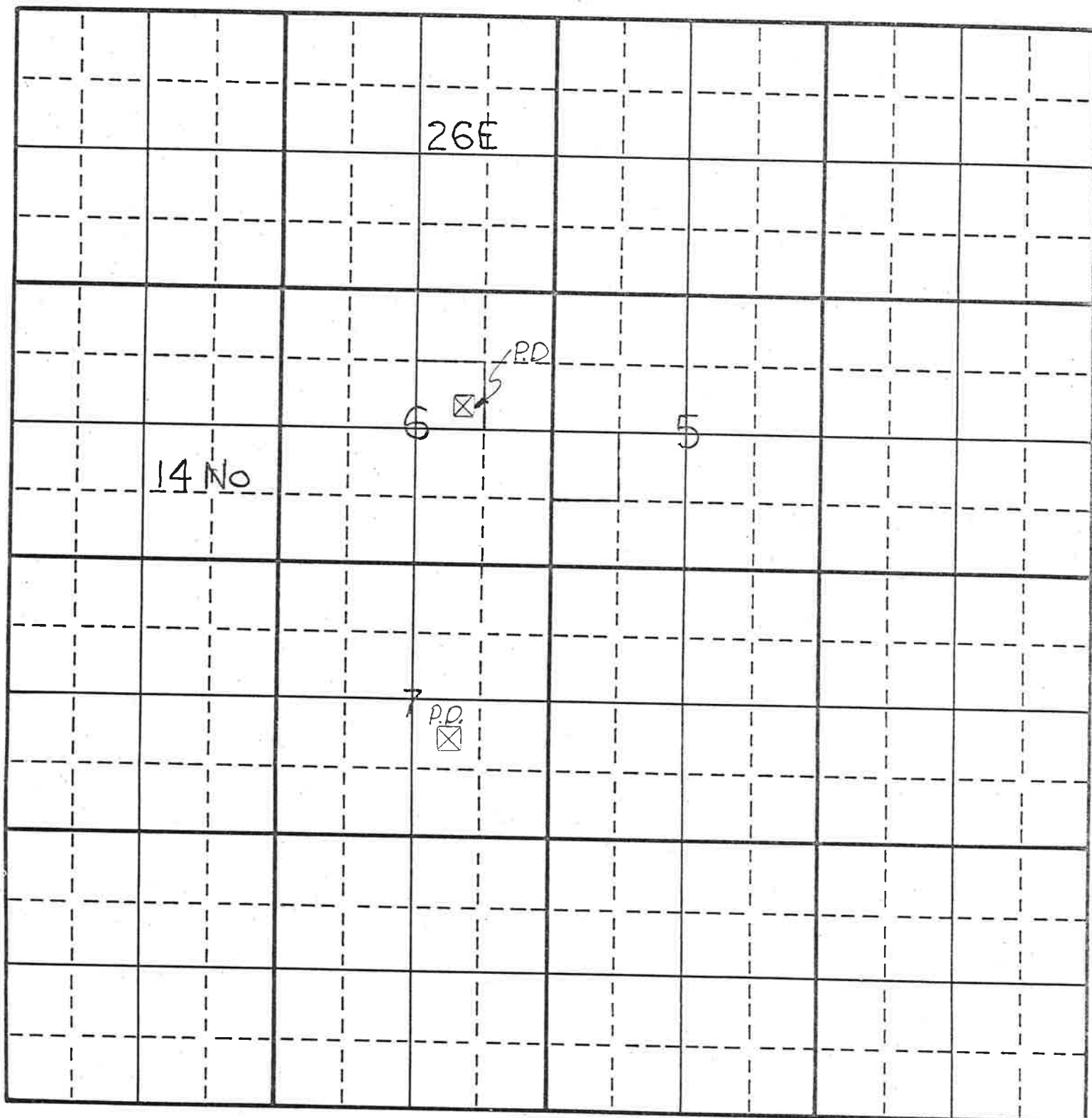
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
There is no change in place of use being proposed by this application.

c. Describe the lands place of use to which the right will be transferred:

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	
14N	26E	6			1										34	9	7	18	69
		5										5							5

Total number of acres to be irrigated 74

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

The unnamed stream diverted in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6 originates from springs in the SE corner Sec. 1, NE $\frac{1}{4}$ Sec. 12, T. 14N, R. 25E and SW corner Sec. 6, T. 14N, R. 26E. The entire flow of this stream has always been diverted in conjunction with and used in conjunction with right 74-0056.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Floyd W. Whittaker
(Signature of Applicant)

Subscribed and sworn to before me this 13th day of July, 1984

Clara E. Ellis
(Notary Public)

My commission expires *Life*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 74-0056 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works at both points of diversion.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 74W, Timber, Hawley, Texas, Junction, Bull, Jake & Canyon Creeks.
3. The combined rate of diversion from the two sources identified under this transfer shall not exceed 2.0 cfs.

Witness my hand this 24th day of October, 1984

J. Glen Saxton
Chief, Operations Bureau

7-24-84 FOR DEPARTMENT USE ONLY			
Received by <u><i>CW</i></u>	Date <u>7-16-84</u>	Protest filed by _____	
Prelim. check by _____	Fee <u>\$50.00 34248</u>	_____	
Received by <u><i>CW</i></u>	Date <u>7-24-84</u>	_____	
Published in <u>Recorder Herald</u>	Copies of protest forwarded by _____		
Pub. dates <u>Aug 2 & 9th, 1984</u>	Hearing held by _____ Date _____		
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial		
_____ rec'd.	by <u>RDC Dpt</u>		