

T5243

PROTESTED - SEE PROTEST DRAWER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5243

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant JAMES AND/OR PAULA WHITTAKER Phone (208) 768-2491
Post Office address PO Box 240 LEADORE, ID 83464

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes change place of use from poor ground to more productive ground

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>74-00073A</u>	<u>3-24-1883</u>	<u>2.36 cfs</u>	<u>irrigation</u>	<u>04-01</u> to <u>11-01</u>
<u>74-00117A</u>	<u>5-14-1920</u>	<u>2.12 cfs</u>	<u>irrigation</u>	<u>04-01</u> to <u>11-01</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 4.48 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Purcell Creek tributary to Texas Creek

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	10	14N	26E	Lemhi	
		SW	NE	10	14N	26E	Lemhi	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
14N	26E	2						8			14	15							37.0
		3											9.3	16.9	10				64.2
		10	40			13.4													63.4
		11					1.4	27	31										59.4

Total acres 224.0

PART 1

6. General Information:

a. Description of diversion system pump + pivot

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes / No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
ground in NWSE S03 T14N R26E would be taken out
of production

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-00073A Decreed to MAHAFFEY LIVESTOCK INC
in case of STATE OF IDAHO vs. MAHAFFEY LIVESTOCK
dated 06-17-1971 in IDAHO county of LEMMING
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Purcell Creek tributary to Texas Creek

4. Date or priority 3-24-1883

5. Water is used for the following purpose:

amount 2.36 cfs for irrigation purposes from 3-15 to 11-15
(cfs/ac-ft) 04-01 to 11-01
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 2.36 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	10	14N	26E	LEMMING	
		SW	NE	10	14N	26E	LEMMING	

8. Lands irrigated or place 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	
14N	26E	2							8			14	15						37
		3				28							9.3	16.9	40.2				94.2
		10	40			23.4													63.4
		11					27	1											28.0

Total acres 222.6

9. Describe any other water rights used for the same purpose as described above 74-00117A

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 30 cfs for irrigation purposes from 04-01 to 11-01
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place 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	
14N	26E	03														30			30

Total acres 30

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.06 cfs for irrigation purposes from 04-01 to 11-01
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place 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	
14N	26E	02							8		14	15							37
		03				28							9.3	16.9	10				64.2
		10	40			23.4													63.4
		11						27.0	1.0										28.0

Total acres 192.6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-00117A Decreed to MAHAFFEY LIVESTOCK INC
 in case of STATE OF IDAHO vs. MAHAFFEY LIVESTOCK INC
 dated 06-17-1971 in IDAHO county of LEMHI
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Purcell Creek tributary to Texas Creek

4. Date or priority 5-14-1920

5. Water is used for the following purpose:

amount 2.12 cfs for irrigation purposes from 04-01 to 11-01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 2.12 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	10	14N	26E	LEMHI	
		SW	NE	10	14N	26E	LEMHI	

8. Lands irrigated or place 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	
14N	26E	02							8			14	15						37
		03				28								9.3	16.9	40			94.2
		10	40			23.1													63.4
		11					1.4	27	1										29.4

Total acres 224.0

9. Describe any other water rights used for the same purpose as described above 74-0073A

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 30 cfs for irrigation purposes from 04-01 to 11-01
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place 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	
14W	26E	03																	30

Total acres 30

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.82 cfs for irrigation purposes from 04-01 to 11-01
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place 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	
14W	26E	02																	37
		03				28								93	16.9	10			64.2
		10	40			23.4													63.4
		11					1.4	27	1										29.4

Total acres 194

EXISTING
POL

40 ac 3

2

NW 1/4 NE 1/4

NE 1/4 NE 1/4

NW 1/4 NW 1/4

619

SE 1/4 NE 1/4

3180

SW 1/4 NW 1/4

10

10

3140 ac

Proposed
Change in POL

RIGHT TO COAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

PART 3**B. CHANGES IN NATURE OF USE**

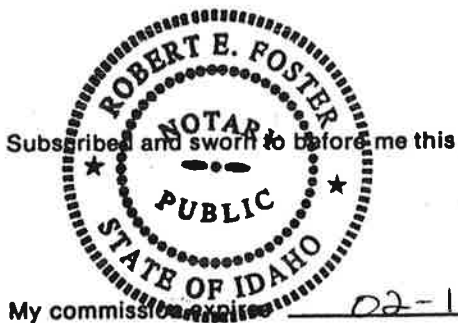
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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 willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

James W. Whittaker
(Signature of Applicant)
27th day of March, 19 98.

Robert E. Foster
(Notary Public)

My commission expires 02-16-2001**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 1 attachmentsReceived by SCDate 3-30-98

Protest filed by _____

Prelim. check by _____

Fee \$100.00Receipted by HWS #E024006Date 3-3-98Published in Boise Herald-Examiner

Copies of protest forwarded by _____

Pub. dates April 16 & 23, 1998

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

PARCEL NO.

RP 14N26E034800 A

TAX CODE 3 00

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE 1997
1 IRRGTD AG	356.858 AC	208,987
5 DRY GRAZING	164.817 AC	6,042
10 RURAL HOMESITE	1.000 AC	8,700
19 WASTE	10.725 AC	25,722
31 RURAL RES BLDG		22,056
32 RURAL IMP ON AG		
	533.400	271,507

PARCEL NO.

RP 14N26E110000 A

TAX CODE 3 00

CATEGORY DESCRIPTION

LOTS/ACRES

MARKET VALUE 1997

2 IRRGTD PASTURE	519.021 AC	153,112
5 DRY GRAZING	120.979 AC	5,474
	640.000	153,586*

OWNER WHITTAKER JAMES
& WHITTAKER PAULA
BOX 240
LEADORE ID 83464

LEGAL E2SW4 SE4 LOTS 1 2 3 4
S2NE4 SE4NW4
3 14 26
JAMES 50%
PAULA 50%

PROPERTY ADDRESS

PARCEL NO. RP 14N26E034800 A TAX CODE 3 00

OWNER WHITTAKER JAMES
& WHITTAKER PAULA
BOX 240
LEADORE ID 83464

LEGAL ALL
11 14 26
JAMES 50%
PAULA 50%

PROPERTY ADDRESS

PARCEL NO. RP 14N26E110000 A TAX CODE 3-00

PARCEL NO.

RP 14N26E105400 A

TAX CODE 3 00

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE 1997
2 IRRGTD PASTURE	179.514 AC	52,956
5 DRY GRAZING	59.246 AC	4,566
19 WASTE	1.240 AC	
	240.000	57,522

OWNER WHITTAKER JAMES
& WHITTAKER PAULA
BOX 240
LEADORE ID 83464

LEGAL N2S2 E2NE4
10 14 26
JAMES 50%
PAULA 50%

PROPERTY ADDRESS

PARCEL NO. RP 14N26E105400 A TAX CODE 3 00

