



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 29, 2013

F JAMES AND PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

RE: Water Rights 74-2088, 74-2095, 74-2148 & 74-15663

Dear James and Paula Whittaker:

I am writing to inform you of some discrepancies recently identified on the water rights listed above by our staff while completing work on another matter. It appears that some of the authorized point of diversion (PODs) legal descriptions from Basin Creek may not reflect the actual physical locations. This is apparent when you view the location of the source in relation to the authorized legal descriptions. I have included proof reports of the rights and maps representing the current authorized PODs and irrigation place of use of each right for your reference.

- **74-2088** identifies a POD in the **NESE** of Section 36, T15N, R25E that likely should be in the **SWNE** of that section.

Also a POD in the SESE of **Section 36**, T15N, R25E that likely should be in the SESE of **Section 35**, T15N, R25E.

- **74-2095** identifies a POD in **SENE** of Section 36, T15N, R25E that likely should be in the **SWNE** of that section.
- **74-2148** identifies a POD in **SENE** of Section 36, T15N, R25E that likely should be in the **SWNE** of that section.

Also a POD in SESE of Section 35, **T14N**, R25E that likely should be in the SESE of Section 35, **T15N**, R25E.

- **74-15663** identifies four PODs in Section 35 and 36, **T14N**, R25E that likely should be in **T15N**, R25E.

Also identifies one of the four PODs from above in **SENE** of Section 36, T14N, R25E that likely should be in the **SWNE** of that section in **T15N**, R25E.

It was also noted that a combined right rate limit condition on **74-2088** includes water right 74-15332, but should probably refer to right 74-15662 to be consistent with the other rights in the group.

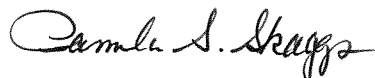
All of these rights are partial decrees issued by the Snake River Basin Adjudication Court in 2009 as reflected in our water right database. Only the PODs identified on the partial decrees are authorized for diversion of water from Basin Creek. Nominal shapes in the center of a quarter-quarter represent the PODs not located on the source, Basin Creek, in our geographic information system (GIS) as shown on the attached maps.

If you want to divert water from the suggested likely PODs described above you have two options. You can approach the SRBA Court to make changes to the partial decrees issued by that court, or file an Application for Transfer of Water Right to change the currently authorized points of diversion to reflect actual practices.

If you don't want to divert water at the PODs described as the suggested likely locations above, you do not need to take any action. The suggested PODs are not authorized and water should not be diverted at those locations. I do recommend that you submit written direction to abandon any PODs not located on the source of Basin Creek to clean-up the record and representation of the rights in our water right database and GIS system. Use department form Notice of Abandonment of Water Right and describe the specific PODs that you choose to abandon.

If you would like to discuss this matter or require additional information you can call me at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail.

Sincerely,



Pamela S. Skaggs
Water Rights Supervisor

c: MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD
C/O SCOTT L CAMPBELL
PO BOX 829
BOISE, ID 83701-0829

James Cefalo, Eastern Region IDWR
Nick Miller, State Office IDWR

11/29/2013

Name and Address
F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE, ID 83464
(208)768-2491

Status: Active

Tributary
BIG TIMBER CREEK

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
03/15	11/15	0.930 CFS
<u>Total Diversion</u>		0.930 CFS

BASIN CREEK	SENE	Sec. 2, Twp 14N, Rge 25E,	LEMHI County
BASIN CREEK	NWSW	Sec. 1, Twp 14N, Rge 25E,	LEMHI County
BASIN CREEK	NWSE	Sec. 2, Twp 14N, Rge 25E,	LEMHI County
BASIN CREEK	NENW	Sec. 2, Twp 14N, Rge 25E,	LEMHI County
BASIN CREEK	SESE	Sec. 35, Twp 14N, Rge 25E,	LEMHI County
BASIN CREEK	SENE	Sec. 36, Twp 14N, Rge 25E,	LEMHI County
BASIN CREEK	NWSW	Sec. 36, Twp 14N, Rge 25E,	LEMHI County
BASIN CREEK	SWSW	Sec. 36, Twp 14N, Rge 25E,	LEMHI County

IRRIGATION within LEMHI 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
14N	25E	1						27.0	22.0										49.0
14N	25E	2	32.0	32.0	12.0	24.0	7.0												107.0
15N	25E	25															25.0	30.0	55.0
15N	25E	35												14.0			30.0		44.0
15N	25E	36	2.0	5.0							2.0	35.0	35.0	6.0					85.0

POU Total Acres: 340.0

1.	C18	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.
2.	C11	This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
3.	K02	This right is based upon an enlargement of Right Nos. 74-2088, 74-2095, and 74-2148

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Water Right 74-15663

11/29/2013

- pursuant to Section 42-1426, Idaho Code.
4. K09 This right is for an enlargement of 62 acres within the place of use described for this right.
5. E51 Right Nos. 74-2088, 74-15662, and 74-15663 are limited to a total combined diversion rate of 2.00 cfs.
- Right Nos. 74-2095, 74-15662, and 74-15663 are limited to a total combined diversion rate of 2.50 cfs.
- Right Nos. 74-2148, 74-15662, and 74-15663 are limited to a total combined diversion rate of 0.60 cfs.
6. E52 The rights listed below are limited to a total combined diversion rate of 5.1 cfs.
Combined Right Nos.: 74-2088, 74-2095, 74-2148, 74-15662, and 74-15663
7. E55 Right Nos. 74-2088, 74-15662, and 74-15663 are limited to the irrigation of a combined total of 216 acres in a single irrigation season.
- Right Nos. 74-2095, 74-15662, and 74-15663 are limited to the irrigation of a combined total of 243 acres in a single irrigation season.
- Right Nos. 74-2148, 74-15662, and 74-15663 are limited to the irrigation of a combined total of 159 acres in a single irrigation season.
8. E56 The rights listed below are limited to the irrigation of a combined total of 340 acres in a single irrigation season. Combined Right Nos.: 74-2088, 74-2095, 74-2148, 74-15662, and 74-15663
9. U42 Place of use does not include federal public lands

Dates and Other Information

Decreed Date: 10/26/2009
Enlargement Statute Priority Date: 4/12/1994
Civil Case Number: 39576
Judicial District: FIFTH
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.000		216.0
74-2088 ,74-15662 ,74-15663		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.500		243.0
74-2095 ,74-15662 ,74-15663		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.600		159.0
74-2148 ,74-15662 ,74-15663		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.100		3.4
74-2088 ,74-2095 ,74-2148 ,74-15662 ,74-15663		

Water Supply Bank:

N/A

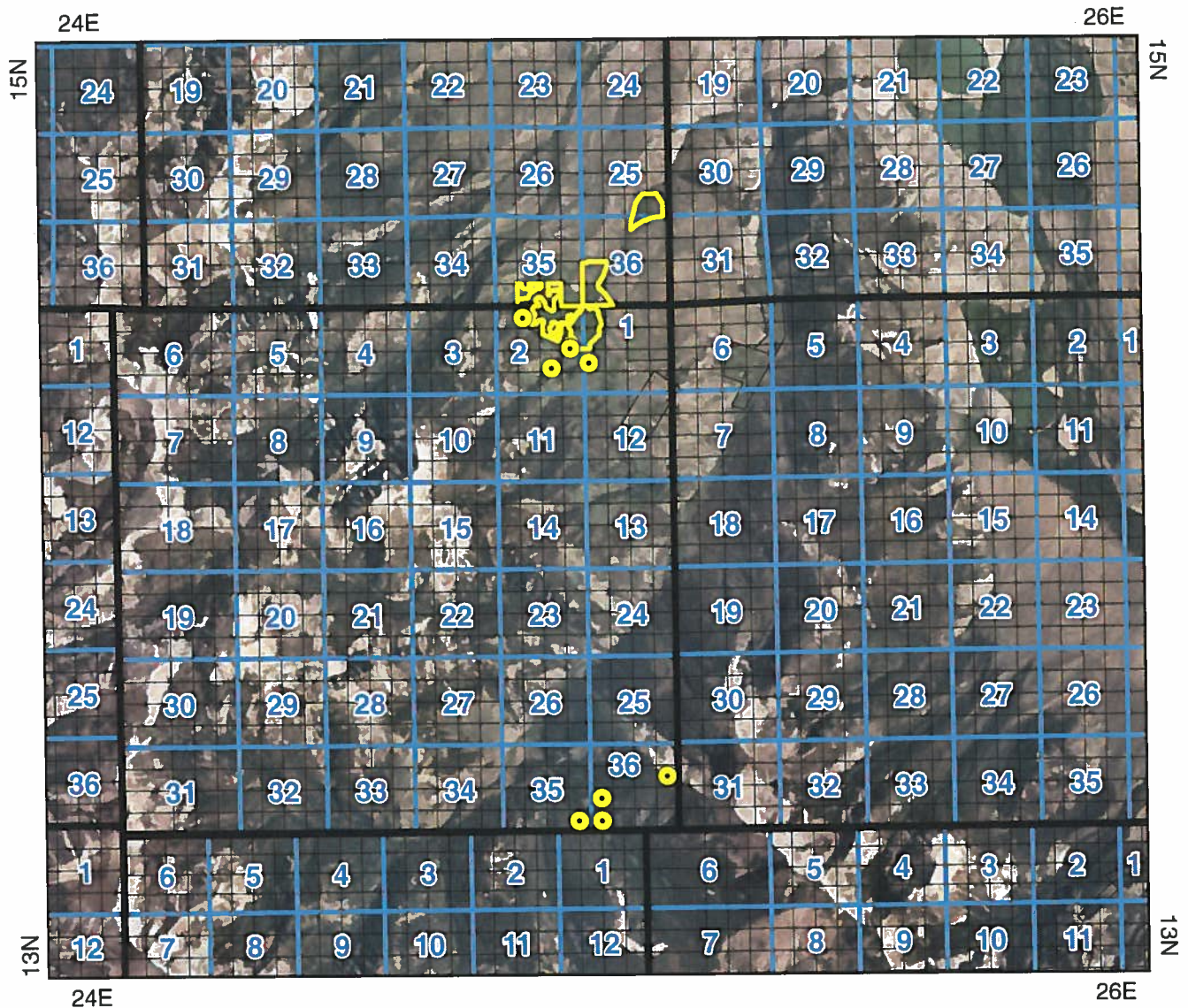
State of Idaho
Department of Water Resources

Water Right

74-15663

F James Whittaker

November 29, 2013



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 1.25 2.5 5 Miles

