



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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.

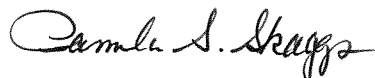
All of these rights are partial decrees issued by the Snake River Basin Adjudication Court in 2009 as reflected in our water right database. Only the PODs identified on the partial decrees are authorized for diversion of water from Basin Creek. Nominal shapes in the center of a quarter-quarter represent 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](mailto: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

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right 74-2148**

11/29/2013

|                          |                                                                                                                          |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                                                                           |
| Attorney                 | MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD<br>C/O SCOTT L CAMPBELL<br>PO BOX 829<br>BOISE, ID 83701-0829<br>(208)345-2000 |
| Current Owner            | F JAMES WHITTAKER<br>PAULA J WHITTAKER<br>83 BIG EIGHT MILE RD<br>PO BOX 240<br>LEADORE, ID 83464<br>(208)768-2491       |
| Original Owner           | FLOYD J WHITTAKER<br>PO BOX 177<br>LEADORE, ID 83464                                                                     |

**Priority Date:** 7/6/1912

**Basis:** Decreed

**Status:** Active

|                      |                         |
|----------------------|-------------------------|
| <b><u>Source</u></b> | <b><u>Tributary</u></b> |
| BASIN CREEK          | BIG TIMBER CREEK        |

|                              |                               |                  |                              |                      |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 3/15                          | 11/15            | 0.600 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 0.600 CFS                    |                      |

**Source and Point(s) of Diversion**

|             |      |                                         |
|-------------|------|-----------------------------------------|
| BASIN CREEK | NWSE | Sec. 2, Twp 14N, Rge 25E, LEMHI County  |
| BASIN CREEK | NWSW | Sec. 36, Twp 15N, Rge 25E, LEMHI County |
| BASIN CREEK | SWSW | Sec. 36, Twp 15N, Rge 25E, LEMHI County |
| BASIN CREEK | SESE | Sec. 35, Twp 14N, Rge 25E, LEMHI County |
| BASIN CREEK | SENE | Sec. 36, Twp 15N, Rge 25E, LEMHI County |

**Place Of Use**

IRRIGATION within LEMHI 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   |        |
| 14N | 25E | 2   |     |     | 12.0 |    | 7.0 |    |    |    |     |      |      |     |    |    |      |      | 19.0   |
| 15N | 25E | 25  |     |     |      |    |     |    |    |    |     |      |      |     |    |    | 25.0 | 30.0 | 55.0   |
| 15N | 25E | 36  | 2.0 | 5.0 |      |    |     |    |    |    | 2.0 | 35.0 | 35.0 | 6.0 |    |    |      |      | 85.0   |

Right Acre Limit: 19.0

POU Total Acres: 159.0

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right 74-2148**

11/29/2013

**Conditions of Approval:**

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. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. E51 Right Nos. 74-2148, 74-15662 and 74-15663 are limited to a total combined diversion rate of 0.6 cfs.
5. 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
6. E55 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.
7. 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
8. K01 Right Nos. 74-15662, and 74-15663 are an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9. K06 This right is limited to the irrigation of 19 acres within the place of use described above in a single irrigation season.
10. U42 Place of use does not include federal public lands

**Dates and Other Information**

Decreed Date: 10/26/2009

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Mitigation Plan: False

**Combined Use Limits**

| <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

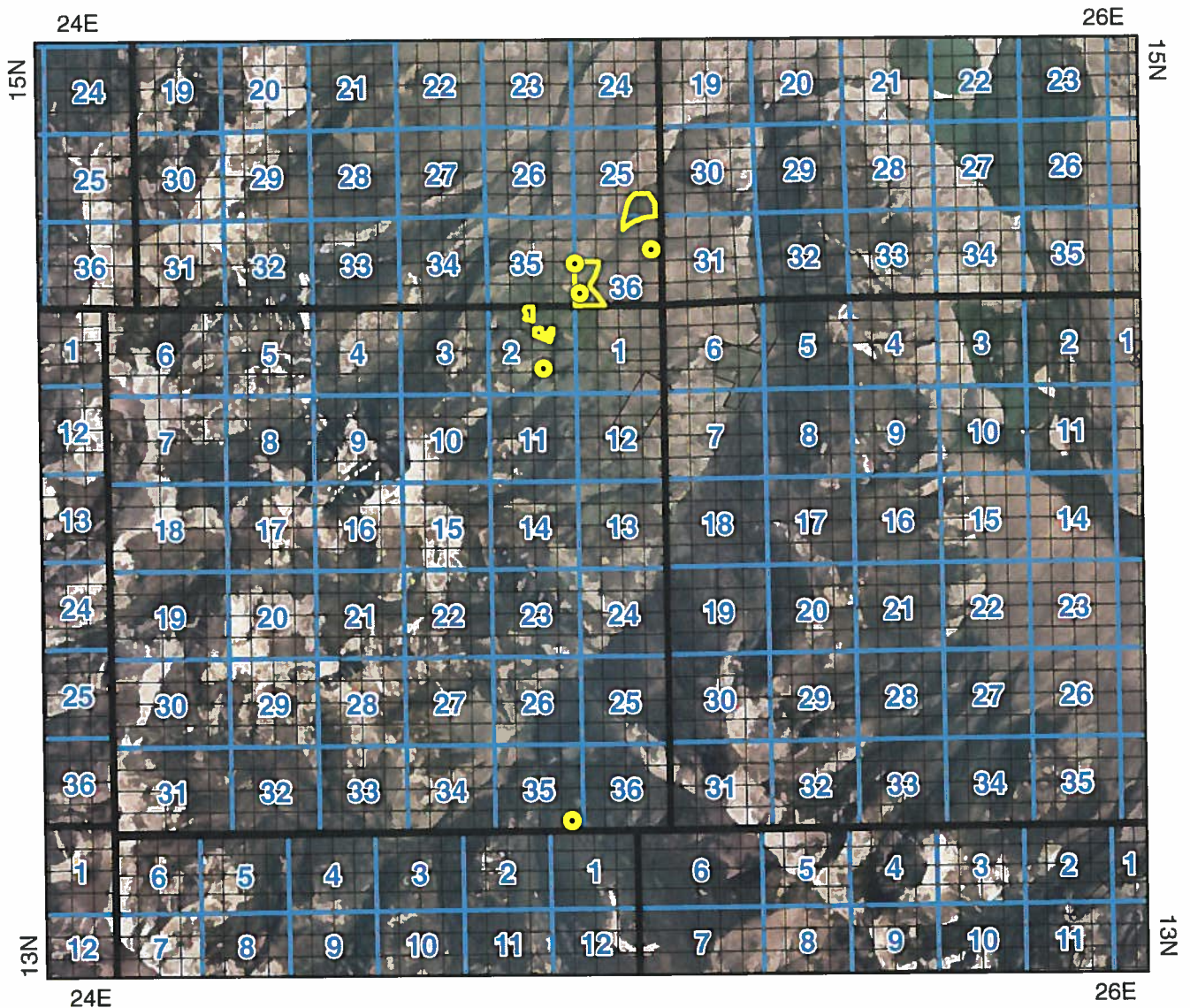
State of Idaho  
Department of Water Resources

# Water Right

74-2148

F James & Paula J Whittaker

November 29, 2013



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

0 1.25 2.5 5 Miles

