



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

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.

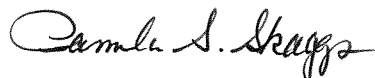
All of these rights are partial decrees issued by the Snake River Basin Adjudication Court in 2009 as reflected in our water right database. Only the PODs identified on the partial decrees are authorized for diversion of water from Basin Creek. Nominal shapes in the center of a quarter-quarter represent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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 74-2095

11/29/2013

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

Priority Date: 7/22/1910

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BASIN CREEK	BIG TIMBER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.500 CFS	
	<u>Total Diversion</u>		2.500 CFS	

Source and Point(s) of Diversion

BASIN CREEK	SENE	Sec. 2, Twp 14N, Rge 25E, LEMHI County
BASIN CREEK	NWSW	Sec. 1, Twp 14N, Rge 25E, LEMHI County
BASIN CREEK	SENE	Sec. 36, Twp 15N, Rge 25E, LEMHI County
BASIN CREEK	SESE	Sec. 35, Twp 15N, 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

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	1		27.0	20.0														47.0
14N	25E	2	32.0			24.0													56.0
15N	25E	25	2.0	5.0							2.0	35.0	35.0	6.0			25.0	30.0	140.0

Right Acre Limit: 103.0

POU Total Acres: 243.0

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 74-2095

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. E51 Right Nos. 74-2095, 74-15662, and 74-15663 are limited to a total combined diversion rate of 2.5 cfs.
3. K06 This right is limited to the irrigation of 103 acres within the place of use described above in a single irrigation season.
4. E55 Right Nos. 74-2095, 74-15662, and 74-15663 are limited to the irrigation of a combined total of 250 acres in a single irrigation season.
5. K01 Right Nos. 74-15662, and 74-15663 are an enlargement of this right pursuant to Section 42-1426, Idaho Code.
6. E52 The rights listed below are limited to a total combined diversion rate of 5.10 cfs. Combined Right Nos.: 74-2095, 74-2088, 74-2148, 74-15662, and 74-15663
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, 74-15663
8. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
9. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
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>
2.500		243.0
74-2095 ,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

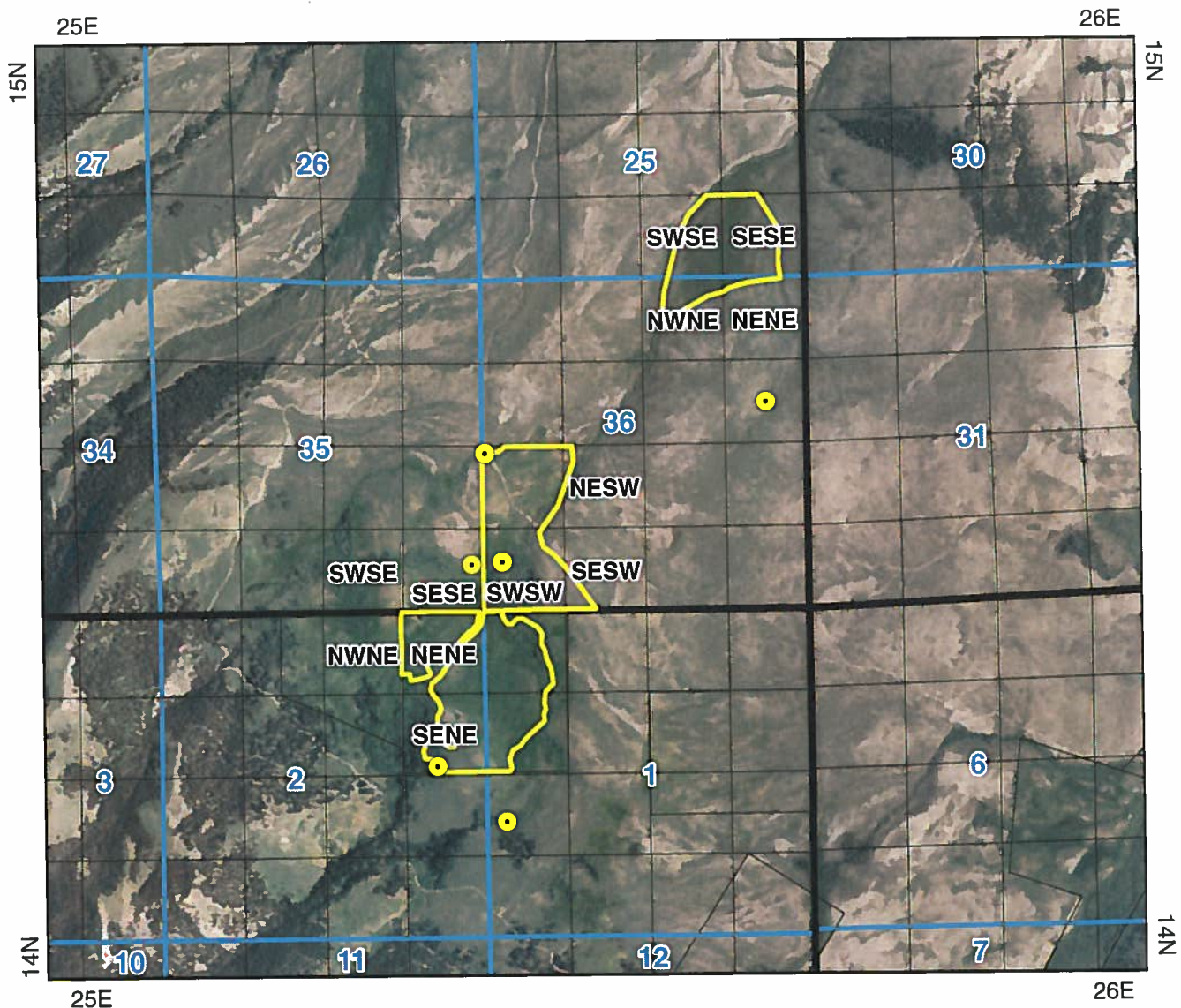
State of Idaho
Department of Water Resources

Water Right

74-2095

F James & Paula J Whittaker

November 29, 2013



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

0 0.35 0.7 1.4 Miles

