

Memorandum

Date: September 19, 2012

To: Shelley Keen

From: Craig L. Saxton

Re: Permit 74-15613

I was asked to review the information submitted by James Whittaker in response to Shelley Keen's August 14, 2012 letter requesting; 1) evidence that water was put to beneficial use during the authorized development period in connection with permit 74-15613, and 2) that a data logger has been installed as required by the conditions of the permit.

1) The authorized development period for the permit ended when the permit holder submitted a proof statement on October 25, 2011. In order to show the Department that water was put to beneficial use within the authorized development period, the permit holder submitted the following:

- Watermaster delivery records showing delivery of water to J. Whittaker under the water right ID of "Clark" in June and July of 2011. The records included a statement from the watermaster, Dan Smith, stating, *"In the 2011 water season water right number 74-15613 was recorded in the daily log as Clark."*

The letter indicates that there was no delivery in 2010 as Tim Luke told the watermaster not to deliver the right.

- A hand written note that Mr. Whittaker says was written by the watermaster, Dan Smith, stating water was delivered through **Big Timber Creek Clark Ditch** from May 14 to May 25. Mr. Whittaker indicates that this note confirms water was diverted in 2012.
- 4 pictures dated 7/4/2012 that show the place of use.

The submitted pictures show ditches on the place of use. The pictures also show the contrast in vegetation between the indicated place of use and surrounding ground. The place of use appears clear of sagebrush while the fields in the background show sagebrush. This indicates that some effort has been made to improve pasture ground at the place of use.

In addition, 2011 aerial photography shows a distinction between the permitted POU and the surrounding land without water rights.

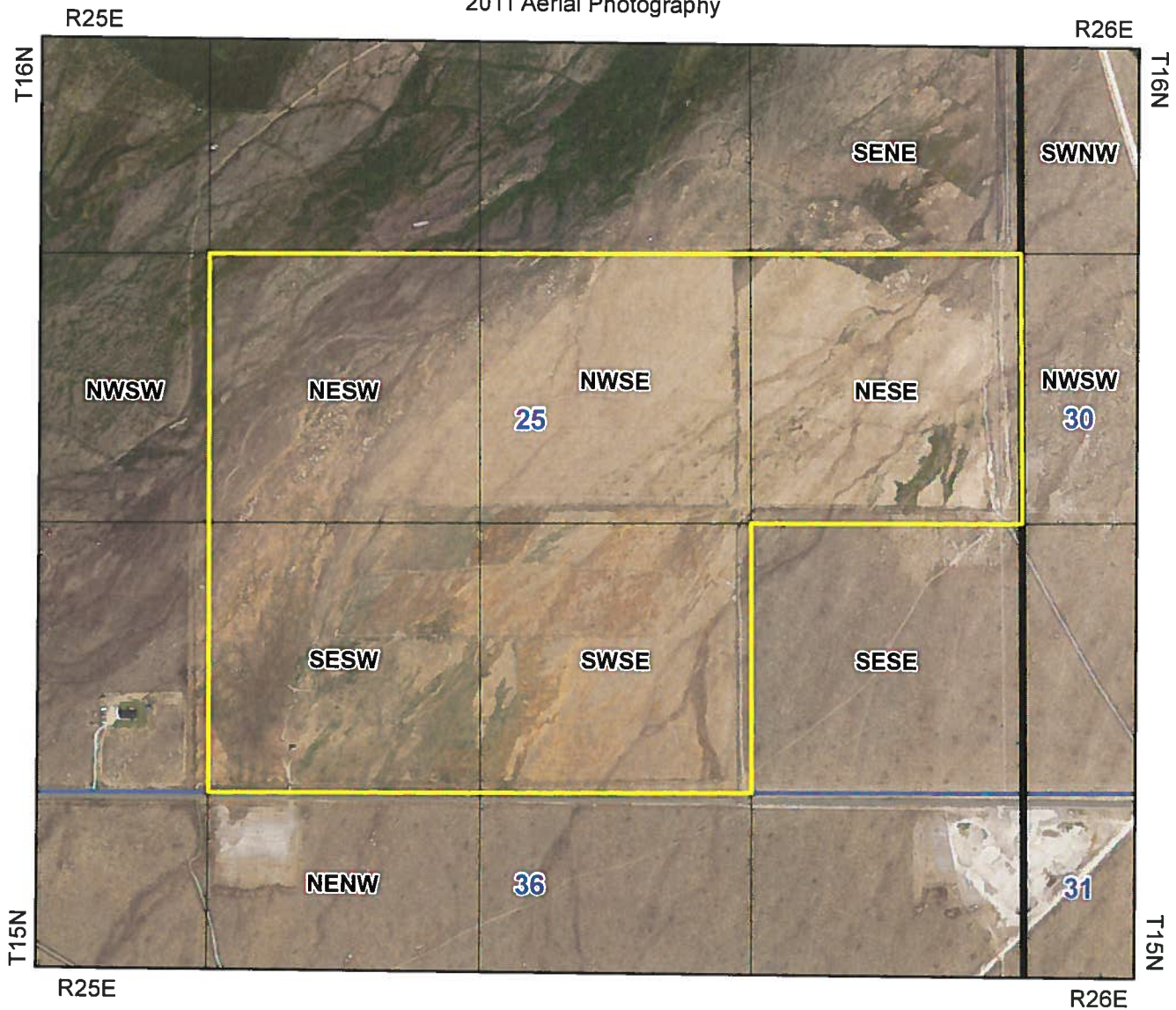
2) To this date, I do not see any evidence that a data logger has been installed.

In order to recommend that there is enough evidence to justify conducting a field exam in the spring of 2013, the permit holder needed to show that water had been put to beneficial use during the authorized development period, and that a data logger has been installed per conditions of the permit.

I do feel there is enough information indicating that water was probably put to beneficial use in connection with permit 74-15613. However, there is no evidence supporting that a data logger has been installed.

State of Idaho
Department of Water Resources
Permitted Place of Use
74-15613

This map is intended to show the contrast between the permitted place of use
and of the land to the south and east that consisting of native vegetation.
2011 Aerial Photography



0 0.1 0.2 0.4 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

