

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75355

This is to certify that: F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464
(208)768-2491

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-341	WR/Decreed	12/06/1909	6.98 cfs	N/A	N/A	314.7	BIG EIGHTMILE CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-341	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-341	74-341	6.98 cfs	N/A	N/A	314.7		N/A	N/A	N/A	N/A
COMBINED TOTALS		6.98 cfs	N/A	N/A	314.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20 day of January, 2010

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 74-341
As Modified by Transfer No. 75355

In accordance with the approval of Transfer No. 75355, Water Right No. 74-341 is now described as follows.

Right Holder: F JAMES WHITTAKER
 83 BIG EIGHT MILE RD
 PO BOX 240
 LEADORE ID 83464

Priority Date: December 06, 1909

Source: BIG EIGHTMILE CREEK **Tributary:** LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	01/15 to 03/14		0.04 CFS
IRRIGATION	03/15 to 11/15		6.98 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG EIGHTMILE CREEK	L8 (SENE)	Sec. 5 Twp 15N Rge 25E	LEMHI County
BIG EIGHTMILE CREEK	NENW	Sec. 8 Twp 15N Rge 25E	LEMHI County
BIG EIGHTMILE CREEK	SWSE	Sec. 28 Twp 16N Rge 25E	LEMHI County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 25E 26										X	X						
16N 25E 27			X	X									X	X	X	X	

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 25E 26										40.0	38.3						78.3
16N 25E 27			36.4	40.0									40.0	40.0	40.0	40.0	236.4

Total Acres: 314.7

CONDITIONS OF APPROVAL

1. Rights 74-341 and 74-15196 when combined shall not exceed the irrigation of 314.7 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74-Z.
3. The right holder shall install and maintain measuring devices and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 74-341
As Modified by Transfer No. 75355

CONDITIONS OF APPROVAL

5. Diversion of water from the point of diversion in NENW Sec. 8 T15N R25E B.M is limited to those times water is available for diversion under this right and priority from the original point of diversion in SWSE Sec. 28 T16N R25E B.M. and point of diversion in SENE Sec. 5 T15N R25E B.M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Big Eightmile Creek at the original point of diversion in SWSE Sec. 28 T16N R25E B.M., point of diversion in SENE Sec. 5 T15N R25E B.M. and at the new point of diversion in NENW Sec. 8 T15N R25E B.M.
7. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described. The quantity diverted to deliver .040 cfs to the place of use for winter stockwater purposes cannot exceed the authorized rate of diversion, 6.980 cfs.
8. The use of water before March 15 for stockwater under this remark is subordinate to all water rights having no subordinated early or late use and a priority date earlier than the date a partial decree is entered for this right.
9. This right does not grant any right-of-way or easement across the land of another.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
11. Water is delivered through Teds Ditch, Hermans Ditch and or the Cartwright Ditch.
12. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20 day of January, 2010


for Chief, Water Allocation Bureau