

Transfer No. 76164

Receipt No. EO 34709EO 35500

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information F JAMES WHITTAKER
 83 BIG EIGHT MILE RD
 PO BOX 240
 LEADORE ID 83464
 (208)768-2491

And

PAULA J WHITTAKER
 83 BIG EIGHT MILE RD
 PO BOX 240
 LEADORE ID 83464
 (208)768-2491

Will this transfer result in an ownership change? _____ Yes ___X___ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
74-345	WR/Decreed	7.04		311.0	359.0	BIG EIGHTMILE CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
74-345	NO	YES	NO	YES	NO	NO

Describe the reason for the proposed changes

Adding the point of diversion at higher elevation will increase the gravity pressure used for the pivots greatly reducing the energy consumption required for irrigation. This transfer will also change the point of diversion. The proof report for water right 74-345 describes one of the points of diversion to be located in Lot 8, SENE of 15N, 25E, Section 5. The spatial location of the point of diversion is in the NENE of 15 N, 25E, Section 5.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

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5. Total Amounts Transferred

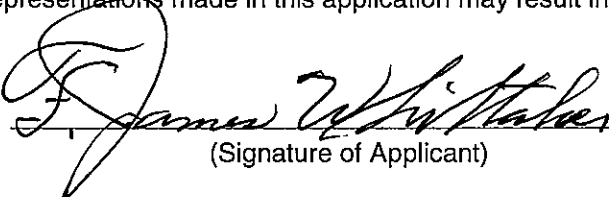
	Rate	Acre Limit	Total Acres	Volume
74-345	7.04 cfs	311.0	359.0	
TOTAL	7.04 cfs	311.0	359.0	

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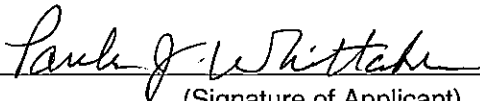
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.


(Signature of Applicant)

(Title or Office)


(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 74-345

Priority Date: December 06, 1909

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG EIGHTMILE CREEK

Tributary: LEMHI RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	7.04 CFS		
	Total Diversion	7.04 CFS		

Source and Point(s) of Diversion:

BIG EIGHTMILE CREEK L8 (SENE) Sec. 5 Twp 15N Rge 25E LEMHI County

BIG EIGHTMILE CREEK SWSE Sec. 28 Twp 16N Rge 25E LEMHI County

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	38.0		41.0	25.0			40.0	41.0	40.0				38.0	40.0	35.0	21.0	359.0

Total Acres: 359

Conditions/Remarks:

1. 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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Right Nos. 74-345 and 74-15682 are limited to a total combined diversion rate of 7.04 cfs.
4. 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. 74Z.

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5. This right is limited to the irrigation of 311 acres within the place of use described above in a single irrigation season.
6. Right Nos. 74-345 and 74-15862 are limited to the irrigation of a combined total of 359.0 acres in a single irrigation season.
7. 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., and at the new point of diversion in SENE Sec. 5 T15N R25E B.M.
8. Diversion of water from the point of diversion in SENE Sec. 5 T15N R25E B.M. is limited to those times water is available for diversion under this right and priority from the point of diversion in SWSE Sec. 28 T16N R25E B.M.
9. Prior to the diversion and use of water under this right, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. This right does not grant any right-of-way or easement across the land of another.
- ✓ 11. Water is delivered through Teds ditch and or Herman's Ditch. *CARTWRIGHT*
12. The right holder shall accomplish the change authorized by transfer 72801 by April 30, 2009.
13. Failure of the right holder to comply with the conditions of approved transfer 72801 is cause for the Director to rescind approval of the transfer.
14. Right No. 74-15682 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
15. 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.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
No Change

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 74-345

Priority Date:

Origin: Water Right

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	7.04 CFS		
	Total Diversion	7.04 CFS		

Source and Point(s) of Diversion:

BIG EIGHTMILE CREEK NENE Sec. 5 Twp 15N Rge 25E LEMHI County

BIG EIGHTMILE CREEK SWNE Sec. 8 Twp 15N Rge 25E LEMHI County

BIG EIGHTMILE CREEK SWSE Sec. 28 Twp 16N Rge 25E LEMHI County

Describe the proposed diversion system

Point of Diversion # 1 Headgate to Ditch

Point of Diversion # 2 Headgate to ditch

Point of Diversion # 3 Headgate to ditch

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	38.0		41.0	25.0			40.0	41.0	40.0				38.0	40.0	35.0	21.0	359.0

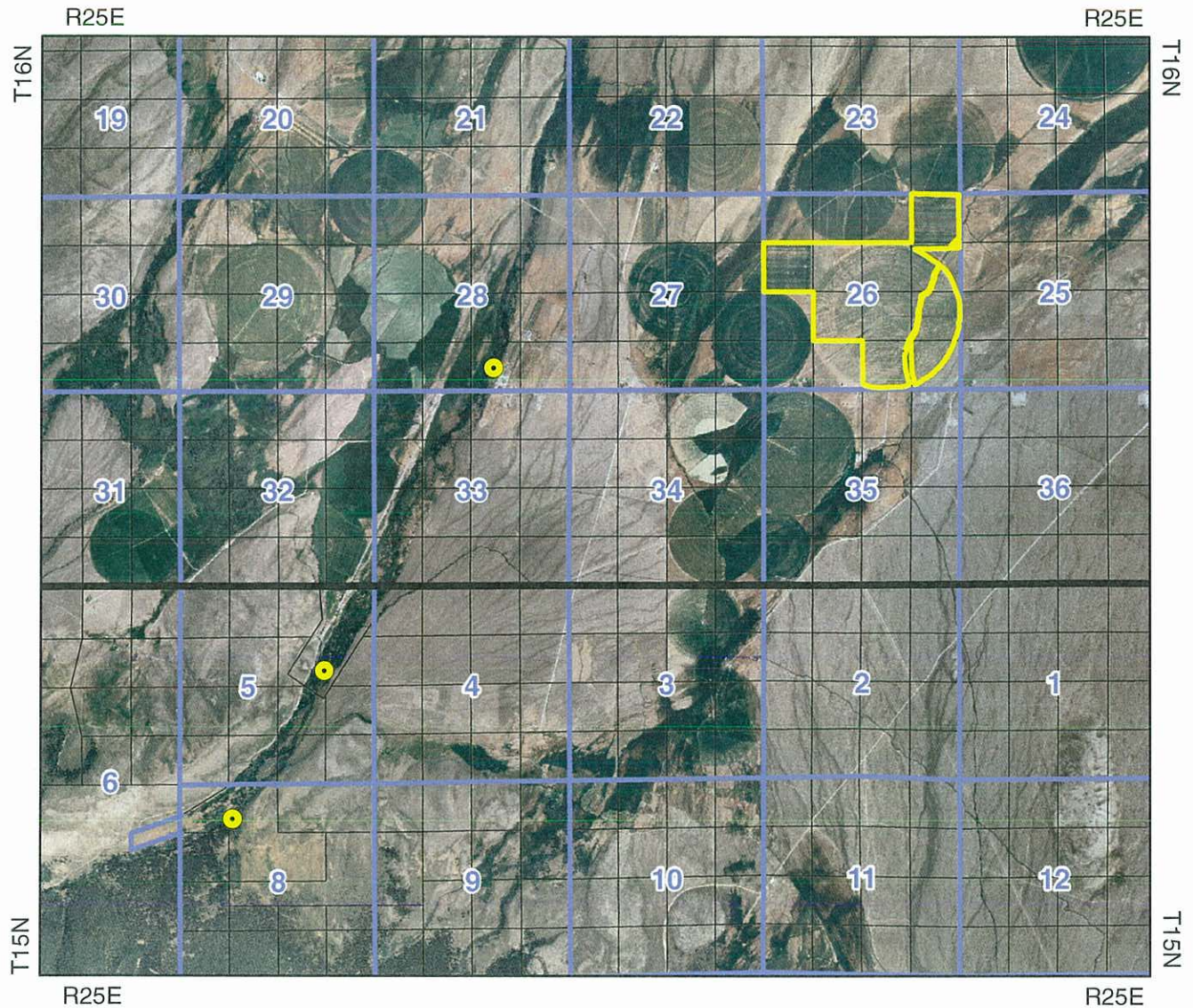
Total Acres: 359

State of Idaho
Department of Water Resources
Transfer Of Water Right

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Water Service Area Boundary for Paula J Whittaker
Rights: 74-345

! F James Whittaker



Legend

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

0 0.5 1 2 Miles



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