

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72801

This is to certify that: F JAMES WHITTAKER And/Or
 PAULA J 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>
74-345	AJC/Decreed	12/06/1909	7.04 cfs	N/A	N/A	311.0	BIG EIGHTMILE CREEK
74-15682	WR/Decreed	03/15/1984	0.94 cfs	N/A	N/A	48.0	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>
74-345	NO	NO	YES	YES	NO	NO
74-15682	NO	NO	YES	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>
74-345	74-345	7.04 cfs	N/A	311.0	359.0		N/A	N/A	N/A	N/A
74-15682	74-15682	0.94 cfs	N/A	48.0	359.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		7.04 cfs	N/A	359.0	359.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of April, 20 08

 Chief, Water Allocation Bureau

SUPPORT DATA
 IN FILE # 74-345

WATER RIGHT NO. 74-345
As Modified by Transfer No. 72801

In accordance with the approval of Transfer No. 72801, Water Right No. 74-345 is now described as follows.

Right Holder: F JAMES WHITTAKER And/Or
 PAULA J 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>
IRRIGATION	03/15 to	11/15	7.04 CFS
			7.04 CFS

LOCATION OF 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 OF APPROVAL

1. 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.
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. 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.
4. This right is limited to the irrigation of 311 acres within the place of use described above in a single irrigation season.
5. Rights 74-345 and 74-15862 when combined shall not exceed a total diversion rate of 7.04 cfs, and the irrigation of 359.0 acres.
6. Right No. 74-15682 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

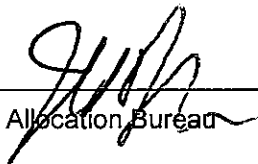
WATER RIGHT NO. 74-345
As Modified by Transfer No. 72801

CONDITIONS OF APPROVAL

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 approval, 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 Ted's Ditch and or Herman's Ditch
12. The right holder shall accomplish the change authorized by this transfer within one year 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 30th day of April, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 74-15682
As Modified by Transfer No. 72801

In accordance with the approval of Transfer No. 72801, Water Right No. 74-15682 is now described as follows.

Right Holder: F JAMES WHITTAKER And/Or
 PAULA J WHITTAKER
 83 BIG EIGHT MILE RD
 PO BOX 240
 LEADORE ID 83464

Priority Date: March 15, 1984

Source: BIG EIGHTMILE CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.94 CFS
			0.94 CFS

LOCATION OF 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								40.0	41.0	40.0		38.0	40.0	35.0	21.0	359.0

Total Acres: 359

CONDITIONS OF APPROVAL

1. 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.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right is limited to the irrigation of 48 acres within the place of use described above in a single irrigation season.
5. Rights 74-345 and 74-15862 when combined shall not exceed a total diversion rate of 7.04 cfs, and the irrigation of 359.0 acres.
6. This right is based upon an enlargement of Right No. 74-345 pursuant to Section 42-1426, Idaho Code.

WATER RIGHT NO. 74-15682
As Modified by Transfer No. 72801

CONDITIONS OF APPROVAL

7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. 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.
9. 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.
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. This right does not grant any right-of-way or easement across the land of another.
12. Water is delivered through Teds ditch and or Herman's Ditch.
13. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 30th day of April, 20 08



Chief, Water Allocation Bureau