

Transfer No. 72801
Receipt No. E031832

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED 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/Or

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	AJC/Decreed	7.04			311.0	BIG EIGHTMILE CREEK
74-15682	AJC/Beneficial Use	0.94			48.0	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	NO	YES	YES	NO	NO
74-15682	NO	NO	YES	YES	NO	NO

Describe the reason for the proposed changes

The addition of this point of diversion upstream increases total hydraulic head, allowing us to put in a gravity irrigation system instead of having to run a pump. The second purpose of this transfer is to alter the place of use to reflect the addition of a center pivot.

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

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
74-345	7.04 cfs	311.0	359.0	
74-15682	0.94 cfs	48.0	359.0	
TOTAL	7.04 cfs	359.0	359.0	

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JAN 23 2008

Department of Water Resources
Eastern Region

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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.

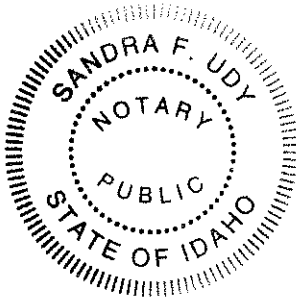
James Whittaker
(Signature of Applicant)

Paula J. Whittaker
(Signature of Applicant)

Subscribed and sworn to before me this 22ND day of JANUARY, 2008.

Sandra E. Udy
(Notary Public)

My commission expires 09/18/2008



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

Current Water Right No. 74-345

Priority Date: December 06, 1909
Origin: Adjudication Recommendation
Basis:
Status:

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	7.04 CFS		
	Total Diversion		7.04 CFS		

Source and Point(s) of Diversion:

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	40.0		40.0	40.0		40.0	40.0	40.0		40.0				32.0	39.0	311.0	

Total Acres: 311

Conditions/Remarks:

1. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS A PART OF THE DIVERTING WORKS.
2. 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.

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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

Lockable headgates and open ditches both places

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
AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 74-15682

Priority Date: March 15, 1984
Origin: Adjudication Recommendation
Basis: Beneficial Use
Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.94 CFS		
	Total Diversion	0.94 CFS		

Source and Point(s) of Diversion:

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																	26.0	22.0		48.0

Total Acres: 48

Conditions/Remarks:

1. This right is based upon an enlargement of Right No. 74-345 pursuant to Section 42-1426, 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. 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.
4. Right Nos. 74-345 and 74-15682 are limited to a total combined diversion rate of 7.04 cfs.
5. 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.

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6. 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, Big Eightmile and Lee Creeks..
7. This right is for an enlargement of 48 acres for right 74-345.

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

Lockable headgates and open ditches both places

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
AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 74-345

Priority Date: December 06, 1909

Origin: Adjudication
 Recommendation

Basis: Beneficial Use

Status: Active

Source: BIG EIGHTMILE CREEK

Tributary: LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>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 SENE Sec. 5 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 Teds Ditch - Lockable headgates and open ditches both places

Point of Diversion # 2 Hermans Ditch - locakable headgates and open ditches both places

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

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

Proposed Water Right No. 74-15682

Priority Date: March 15, 1984

Origin: Adjudication
 Recommendation

Basis: Beneficial Use

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	0.94 CFS		
	Total Diversion	0.94 CFS		

Source and Point(s) of Diversion:

BIG EIGHTMILE CREEK SENE Sec. 5 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 Teds Ditch - Lockable headgates and open ditches both places

Point of Diversion # 2 Hermans Ditch - locakable headgates and open ditches both places

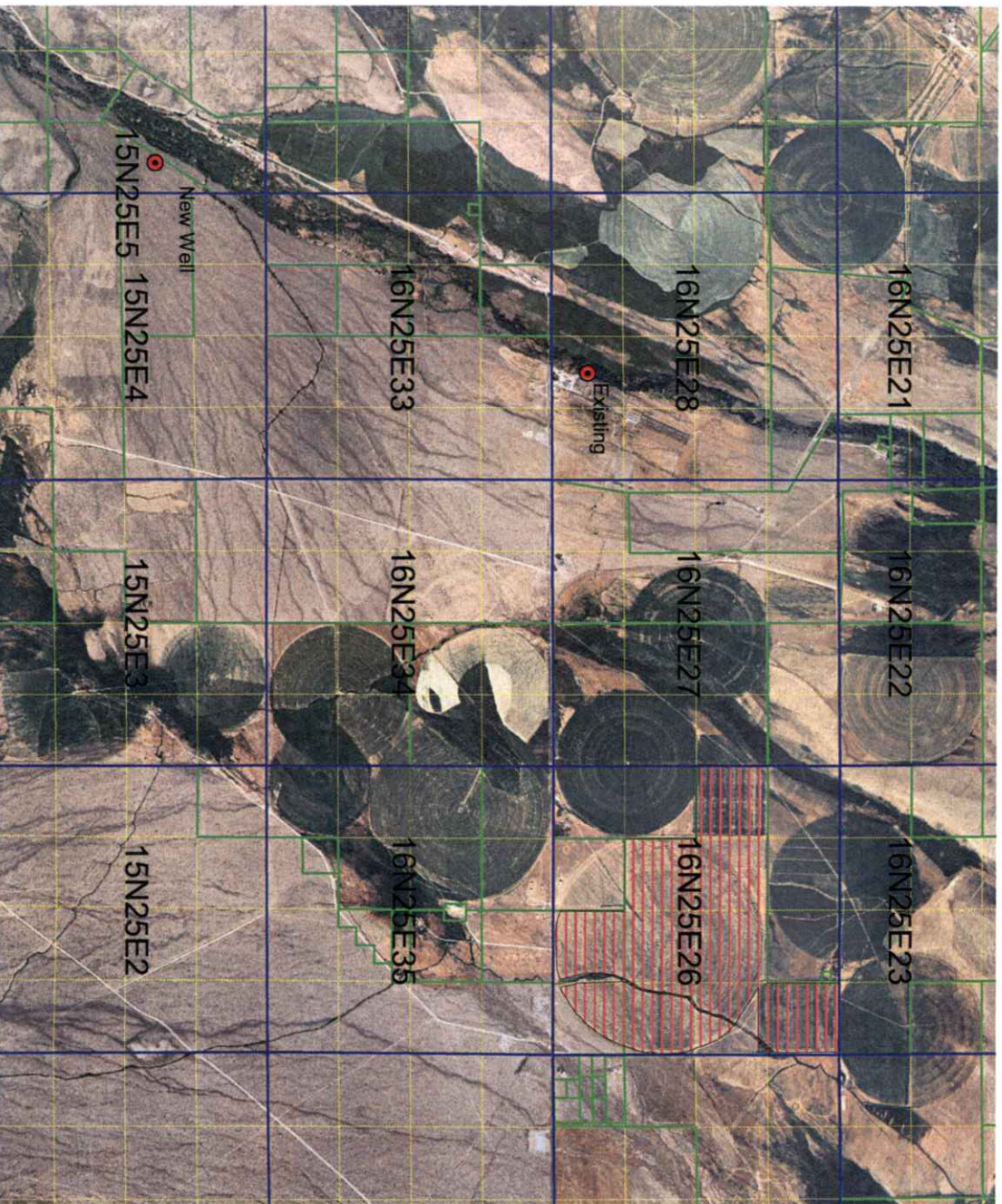
PLACE OF USE: IRRIGATION

Tw	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

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Transfer Map



- Points of Diversion
- ▬ Sections
- ▬ Permissible Place of Use
- ▬ Lemhi taxlots
- ▬ QQ



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