

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69639

This is to certify that: PAULA J WHITTAKER Or
JAMES WHITTAKER
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>
74-96	AJC/Decreed	06/01/1902	0.16 cfs	N/A		18.0	TEXAS CREEK
74-106	AJC/Decreed	06/01/1909	0.28 cfs	N/A		14.0	PURCELL CREEK

Purpose of Transfer (Changes Proposed)

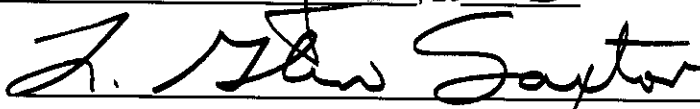
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-96	NO	YES	YES	YES	NO	NO
74-106	NO	YES	YES	YES	NO	NO

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>
74-96	74-96	0.16 cfs	61.6 af	17.6	31.7		N/A	N/A	N/A	N/A
74-106	74-106	0.28 cfs	49.4 af	14.1	31.7		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.44 cfs	111.0 af	N/A	31.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of February, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 74-96
As Modified by Transfer No. 69639

In accordance with the approval of Transfer No. 69639, Water Right No. 74-96 is now described as follows.

Right Holder: JAMES WHITTAKER And
 PAULA J WHITTAKER
 PO BOX 240
 LEADORE ID 83464

Priority Date: June 01, 1902

Source: PURCELL CREEK

Tributary: TEXAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	0.16 CFS	61.6 AF
			0.16 CFS	61.6 AF

LOCATION OF POINT(S) OF DIVERSION:

PURCELL CREEK NENE Sec. 10 Twp 14N Rge 26E LEMHI County

PURCELL CREEK SWNE Sec. 10 Twp 14N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N	26E	11								31.7									31.7

Total Acres: 31.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 17.6 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 74-96 and 74-106 shall not exceed 0.44 cfs, nor total combined annual volume of 111 af.
3. 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. 74W.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

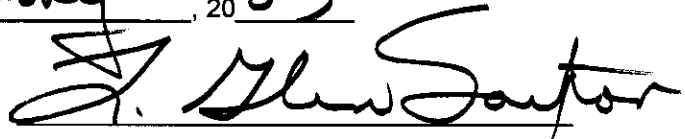
WATER RIGHT NO. 74-96
As Modified by Transfer No. 69639

CONDITIONS OF APPROVAL

5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of February, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 74-106
As Modified by Transfer No. 69639

In accordance with the approval of Transfer No. 69639, Water Right No. 74-106 is now described as follows.

Right Holder: JAMES WHITTAKER And
PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464

Priority Date: June 01, 1909

Source: PURCELL CREEK

Tributary: TEXAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	0.28 CFS	49.4 AF
			0.28 CFS	49.4 AF

LOCATION OF POINT(S) OF DIVERSION:

PURCELL CREEK NENE Sec. 10 Twp 14N Rge 26E LEMHI County

PURCELL CREEK SWNE Sec. 10 Twp 14N Rge 26E 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	
14N	26E	11																	31.7

Total Acres: 31.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.1 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 74-96 and 74-106 shall not exceed 0.44 cfs, nor total combined annual volume of 111 af.
3. 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. 74W.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

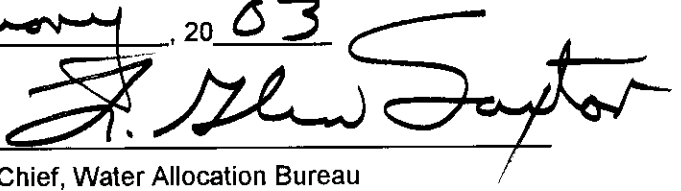
WATER RIGHT NO. 74-106
As Modified by Transfer No. 69639

CONDITIONS OF APPROVAL

5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of February, 2003


Chief, Water Allocation Bureau