

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 73146APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant F. Jones and or Paula J. Whittaker Phone (208) 768-2491Post Office address PO Box 240 Leadore, ID 83464

A. PURPOSE OF TRANSFER

- 1.
- ☐
- Change point of diversion
- ☐
- Add diversion point(s)
- ☒
- Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes
- To change the place of use of part of the right from federal land to land owned by the Whittakers.

change 2 acres

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
<u>74-00097</u>	<u>6/1/1904</u>	<u>0.960 cfs</u>	<u>Irrigation</u>	<u>3/15</u>	to <u>11/15</u>
<u>74-00139</u>	<u>5/14/1920</u>	<u>1.250 cfs</u>	<u>Irrigation</u>	<u>3/15</u>	to <u>11/15</u>
_____	_____	_____	_____	_____	to _____
_____	_____	_____	_____	_____	to _____

2. Total amount of water being transferred
- 2.210
- cubic feet per second and/or
- NA
- acre-feet per annum.

3. Source of water
- Texas Creek
- tributary to
- Lemhi River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	11	14N	26E	Lemhi	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>14N</u>	<u>26E</u>	<u>11</u>	<u>34.0</u>			<u>22.0</u>									<u>12.0</u>			<u>1.0</u>	<u>69.0</u>

RECEIVED

SEP 19 2006

Department of Water Resources
Eastern RegionTotal Acres 69.0

73146

PART 1

6. General Information:

- a. Description of diversion system Small diversion into open canal
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land that right is transferred from will not be irrigated.
- d. Remarks:
We are just fixing the place of use so that it contains only privately owned land.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

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09/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-97 V1

WATER RIGHT NUMBER: 74-97 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MAHAFFEY LIVESTOCK INC C/O STEPHEN MAHAFFEY PO BOX 4 TENDON, ID 83468
Current Owner	F JAMES WHITTAKER 83 BIG EIGHT MILE RD PO BOX 240 LEADORE, ID 83464 (208)768-2491
Current Owner	PAULA J WHITTAKER 83 BIG EIGHT MILE RD PO BOX 240 LEADORE, ID 83464 (208)768-2491

Priority Date: 06/01/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TEXAS CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.960 CFS	
	<u>Total Diversion:</u>	0.960 CFS	

Location of Point(s) of Diversion

TEXAS CREEK	SE1/4SE1/4	Sec. 11, Twp 14N, Rge 26E, B.M.
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	34.0			20.0								12.0			1.0	67.0	
14N	26E	12					2.0											2.0	

Total Acres: 69

Conditions of Approval:

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-97 V1

1. C18 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. E64 This right authorizes the irrigation of 69.2 total acres.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-139 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 69.2 ACRES IN A SINGLE IRRIGATION SEASON.

Remarks:

Comments:

1. rbrown 10/21/2003 Recommendation
Comment: based on Lemhi decree

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	69.2	
Combined Water Rights: 74-97 , 74-139		

SubCase:

SubCase Number: 74-97
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: rbrown
Basis of Claim: Decreed

Water Supply Bank:

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09/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 74-139 V1

WATER RIGHT NUMBER: 74-139 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	F JAMES WHITTAKER 83 BIG EIGHT MILE RD PO BOX 240 LEADORE, ID 83464 (208)768-2491
Original Owner	MAHAFFEY LIVESTOCK INC C/O STEPHEN MAHAFFEY PO BOX 4 TENDON, ID 83468
Current Owner	PAULA J WHITTAKER 83 BIG EIGHT MILE RD PO BOX 240 LEADORE, ID 83464 (208)768-2491

Priority Date: 05/14/1920

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TEXAS CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.250 CFS	
	<u>Total Diversion:</u>	1.250 CFS	

Location of Point(s) of Diversion

TEXAS CREEK	SE1/4SE1/4	Sec. 11, Twp 14N, Rge 26E, B.M.
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	34.0			20.0									12.0			1.0	67.0
14N	26E	12						2.0											2.0

Total Acres: 69

Conditions of Approval:

1. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-97 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 69.2 ACRES IN A SINGLE IRRIGATION SEASON.

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09/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-139 V1

2. E64 This right authorizes the irrigation of 69.2 total acres.
3. C18 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.

Remarks:

Comments:

1. rbrown 10/21/2003 Recommendation
Comment: based on Lemhi decree

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND/OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		69.2

Combined Water Rights: 74-97 , 74-139

SubCase:

SubCase Number: 74-139
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: rbrown
Basis of Claim: Decreed

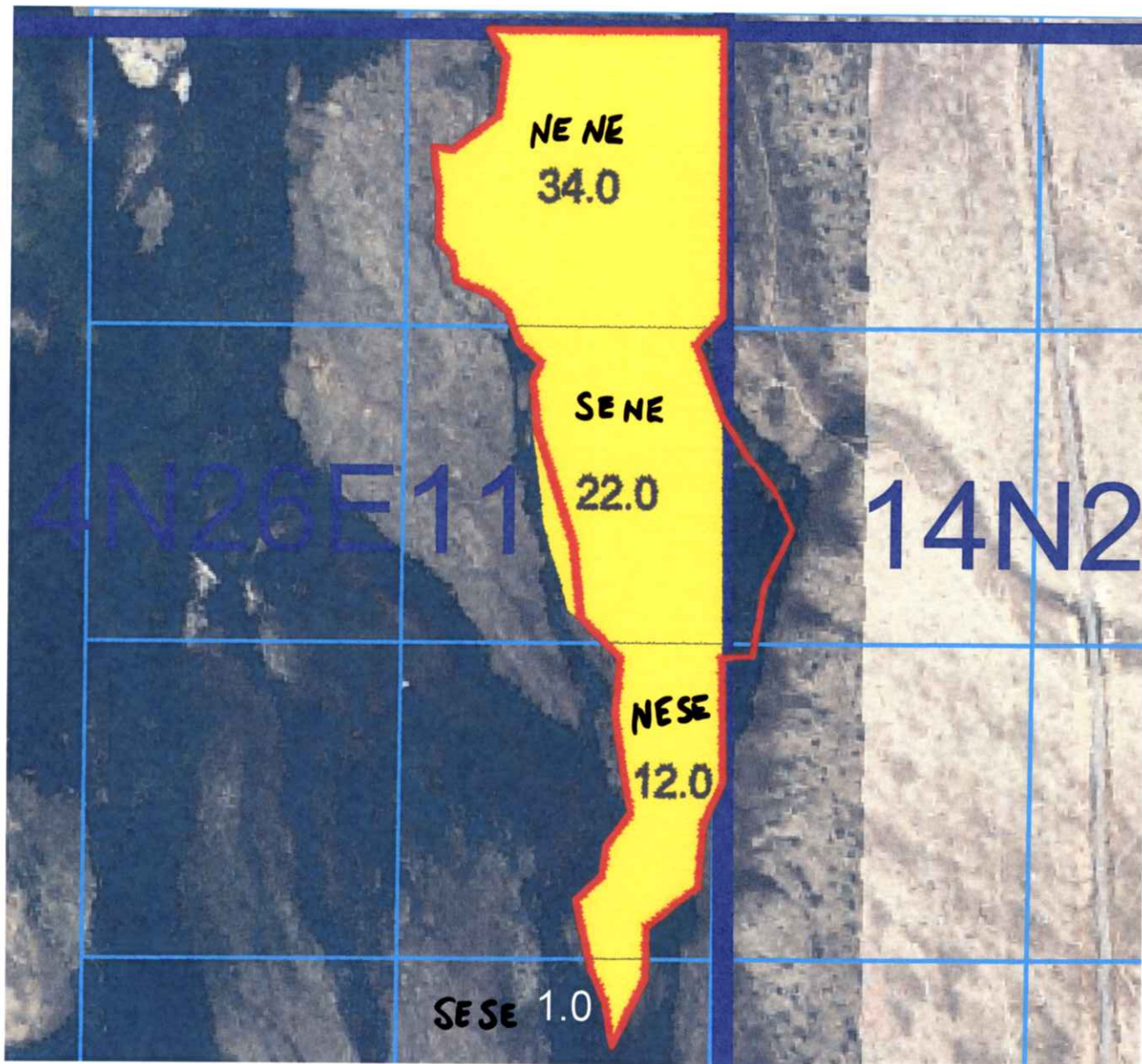
Water Supply Bank:

73146

Map of Proposed Transfer 74-97 & 74-139

Transfer No. _____

James Whittaker



- R74-97_r74-139_unmodified.shp
- After_transfer74-97_74_139.shp
- PLSS Section LinesSection
- QQ

Map prepared by Water Resources Field Services LLC 208 681 9100

PART 3

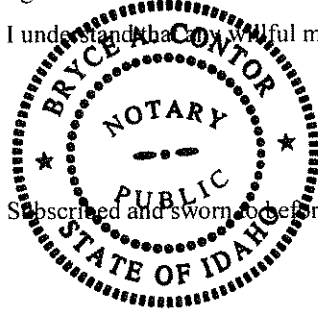
B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
_____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change: _____

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]
(Signature of Applicant)

Subscribed and sworn to before me this 19 day of Sept, 20 06.

[Signature]
(Notary Public)

My commission expires 14 Oct 2011

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 0 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee \$100.00

Received by SC Date 9-19-06 EO 32244

Published in Recorder Herald Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

73146

APR-12-2007 12:12

206 COURTHOUSE DRIVE
SALMON, IDAHO 83467
208-756-3116

P.04

THIS IS NOT A BILL.
DO NOT PAY.

ASSESSMENT NOTICE

PARCEL DESCRIPTION:

ALL
11 14 26
JAMES 50%
PAULA 50%

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 756-3116

PARCEL ADDRESS:

WHITTAKER JAMES
& WHITTAKER PAULA
BOX 240
LEADORE ID 83464

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 26, 2006

Tax Code Area: 3-0000

Parcel Number: RP 14N26E110000 A

LEMHI COUNTY ASSESSOR
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467
208-756-3116

2006

ASSESSMENT NOTICE

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

NE4NW4 NW4NE4 E2NE4
34 14 27
JAMES 50%
PAULA 50%

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 756-3116

PARCEL ADDRESS:

WHITTAKER JAMES
& WHITTAKER PAULA
BOX 240
LEADORE ID 83464

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 26, 2006

Tax Code Area: 3-0000

Parcel Number: RP 14N27E340000 A