

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

*These acres covered by other filings for live water*

| TWP  | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 15S. | 28E   | 5    |     |     |     |     |     |     |     |     | 25  | 40  | 40  | 27  |     |     |     |     | 132    |
| "    | "     | 6    |     |     |     |     |     |     |     |     | 40  |     |     | 40  | 40  | 40  | 40  | 40  | 240    |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

*Live water to be used here on these acres to be developed*

Total number of acres to be irrigated 372

10. Describe any other water rights used for the same purposes as described above. Claim 43-4118 on  
Applic. filed 6/28/85 to cover 135 acres.  
157 acres irrigated in 1983

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: This filing is intended to develop 80 acres under the creek  
and provide supplemental storage water for the 292 acres already  
being covered and also the 80 acres to be developed.

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JUL 06 1987

T.14S. R.28E., B.M.

6850  
2250  
4600

New acres to be added

JUL 06 1987

MICROFILMED

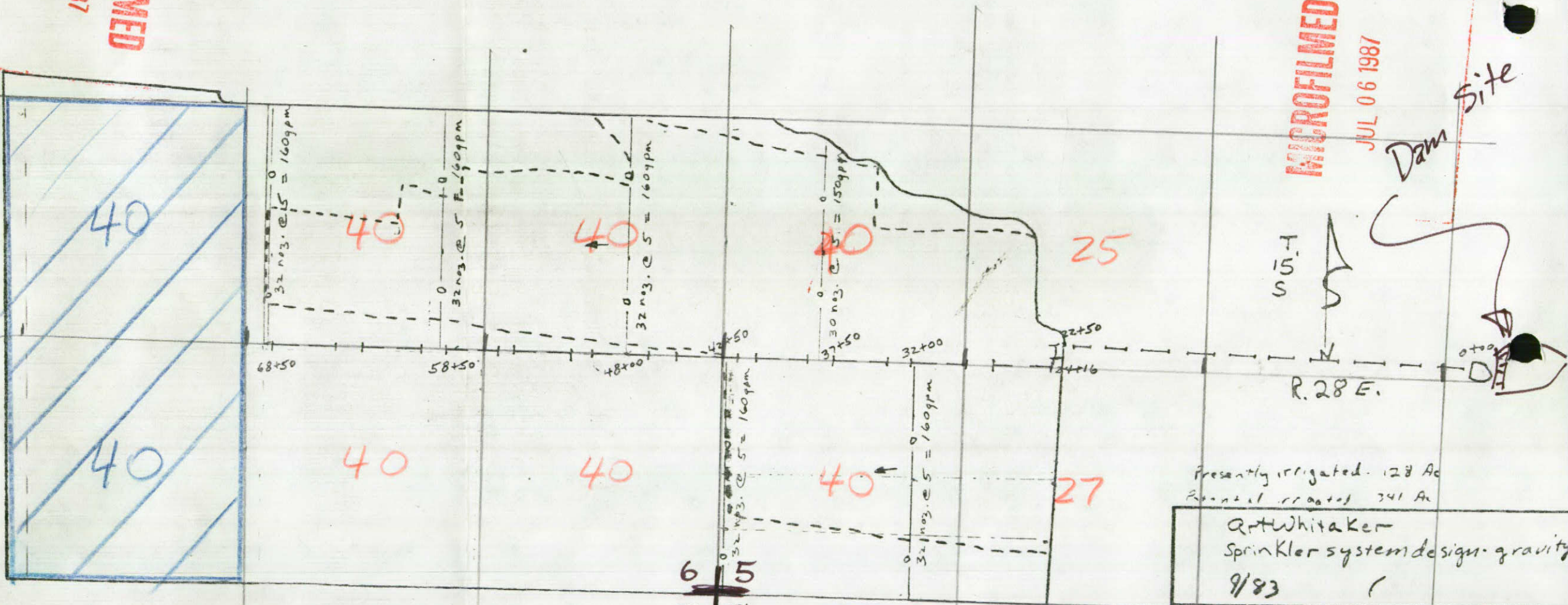
Land already covered



MICROFILMED

JUL 06 1987

Dam Site



6 5  
7 8

scale: 1" = 660' or 8" = 1 mile

Presently irrigated - 128 Ac  
Potential irrigated 341 Ac

Art Whitaker  
Sprinkler system design - gravity  
9/83

U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

Designed: \_\_\_\_\_ Date: \_\_\_\_\_  
Approved by: \_\_\_\_\_  
Title: \_\_\_\_\_



**TRIBUNE PUBLISHING COMPANY, INC.**

The Lewiston Morning Tribune  
505 C St., P.O. Box 957  
Lewiston, Idaho 83501  
(208) 743-9411

Date 022687

INVOICE No. L00098668

Account No. 44662
A. DUNN

Description 98668NOTIC

Times 002

Lines 32

Tab Lines \_\_\_\_\_

**LEGAL ADVERTISING  
INVOICE**

SOLD TO:

STATE OF IDAHO  
DEPT. OF WATER RESOURCES  
1041 BLUE LAKES BLVD. N.  
TWIN FALLS,  
ID 83301

\$ 28.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.  
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

**RECEIVED**

MAR 9 1987

Department of Water Resources  
Southern Region Office

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

The following application(s) have  
been filed to appropriate the public  
waters of the State of Idaho:

43-7213

WHITAKER, ART &/OR LA RENE  
P.O. Box 64, Malta, ID 83342  
SOURCE: Eight Mile Creek trib. to  
Sinks

Diversion Pt: SWNESE, Sec. 5,  
T15S, R28E., B.M., Cassia County; 11  
miles South & 8 miles East of Malta.

Use: STORAGE FOR IRRIGATION  
(40.0 AF) from 01/01 to 12/31  
IRRIGATION FROM STORAGE

(40.0 AF) from 04/01 to 11/01  
IRRIGATION (1.0 CFS) from 04/01  
to 11/01

Date Filed: 6/28/85

In: NESW, NWSW, SWSW, SESW,  
Sec. 5; NESW, SESW, NESE,  
NWSE, SWSE, SESE, Sec. 6, T15S,  
R28E.

The permit (s) will be subject to  
all prior water rights. Protests must  
be filed with the Director, Dept. of  
Water Resources, Southern Region,  
2148 Fourth Avenue East., Twin  
Falls, Idaho 83301 on or before  
March 9, 1987.

KEN DUNN, Dir.

OK  
MB  
3/11/87

**MICROFILMED**

JUL 06 1987

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO, ss.  
County of Nez Perce

J. L. Blackwell

, being duly sworn,

deposes and says, I am the Legal Clerk

of the Tribune Publishing Company, a corporation organized and existing  
under and by virtue of the laws of the State of Idaho, publishers of the  
**LEWISTON MORNING TRIBUNE**, a newspaper of general circulation  
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston  
Morning Tribune is an established paper and has been published regular-  
ly and issued regularly at least once a day for more than 21 consecutive  
years next immediately preceding the first publication of this notice, and  
has been so published uninterrupted for said period; that the

NOTICE OF APPLIC./43-7213

attached hereto and which is made a part of this affidavit was published in  
the said Lewiston Morning Tribune, 002 time(s). Publication be-  
ing on 021987

WEEK for 002 consecutive WEEKS, or once a  
publication thereof being on the 021987, and the last pub-  
lication thereof being on the 022687, and said

NOTICE OF APPLIC./43-7213

was so published in the regular and entire issue of said newspaper and  
not in a supplement thereof and was so published in every issue and  
number of the said paper, during the period and times of publication as  
set forth above.

J. L. Blackwell

SUBSCRIBED AND SWORN BEFORE ME THIS THE 2

day of March 1987

Sheral M. Lantz

Notary Public in and for the State of Idaho,  
residing at Lewiston, therein.

SOUTH IDAHO PRESS  
BURLEY, IDAHO  
AFFIDAVIT OF PUBLICATION

County of Cassia, )  
 ) ss.  
STATE OF IDAHO )

MARGE BARENDREGT being first

duly sworn, deposes and says that he is the

Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two (2) consecutive weeks, commencing with the issue

dated Feb 26 1987, and ending

with the issue dated March 5 1987

Marge Barendregt

Subscribed and sworn to before me

this 6th day of March

1987

Kathy Staker Notary Public

Cost of Publication 27.50

Notary Fee 50

Total Cost 26.00

RECEIVED

MAR 9 1987

Department of Water Resources  
Southern Region Office

87-64

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-7213

WHITAKER, ART &/OR LA RENE, P.O. Box 64, Malta, ID 83342

SOURCE: Eight Mile Creek trib. to Sinks  
Diversion Pt: SWNESE, Sec. 5, T15S, R28E., B.M., Cassia County; 11. miles South & 8 miles East of Malta.

Use: STORAGE FOR IRRIGATION (40.0 AF) from 01/01 to 12/31; IRRIGATION FROM STORAGE (40.0 AF) from 04/01 to 11/01; IRRIGATION (1.0 CFS) from 04/01 to 11/01

Date Filed: 6/28/85

In: NESW, NWSW, SWSW, SESW, Sec. 5; NESW, SESW, NESE, NWSE, SWSE, SESE, Sec. 6, T15S, R28E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before March 16, 1987.

KEN DUNN, Dir.

Published in the South Idaho Press February 19 and 26, 1987.

Published  
2/26/87  
3/5/87

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MAR 9 1987

Department of Water Resources  
Southern Region Office

# The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

## LEGAL ADVERTISING INVOICE

Amount Due

39.58

|                                                                                                                     |             |                              |                                  |
|---------------------------------------------------------------------------------------------------------------------|-------------|------------------------------|----------------------------------|
| Account Name<br>ID Water Resources, Southern Region                                                                 |             | Account Number<br>#100632    |                                  |
| Address<br>2148 Fourth Avenue East                                                                                  |             | City/State<br>Twin Falls, ID | Zip<br>83301                     |
| Ordered By                                                                                                          | P.O. Number | Rate<br>nt                   | Run Dates<br>1987<br>Feb. 19, 26 |
| Identification<br>Application No. 43-7213                                                                           |             | Estimated Inches             | Real Inches                      |
| <div style="border: 1px solid black; padding: 5px; display: inline-block;"> 1 </div> Number of Affidavits Requested |             |                              | Legal Number<br>#4475            |

*Correction called 3/3/87  
Re-publish 3/5 & 3/12  
New Prot. date 3/23/87*

STATE OF IDAHO )  
 ) ss.  
COUNTY OF ADA )

RECEIVED  
FEB 27 1987  
Department of Water Resources  
Southern Region Office

**NOTICE OF APPLICATION FOR WATER RIGHT**  
The following application(s) have been filed to appropriate the public waters of the State of Idaho:  
43-7213  
Whittaker, Art &/or LaRene  
P.O. Box 64  
Malta, Idaho 83342  
Source: Eight Mile Creek trib. to Sinks  
Diversion Pt: SWNESE  
Sec. 5, T15S, R28E, B.M., Cassia County; 11 miles South & 8 miles East of Malta.  
Use: Storage for Irrigation, (40.0 AF) from 01/01 to 12/31  
Use: Irrigation from Storage, (40.0 AF) from 04/01 to 11/01  
Use: Irrigation, (1.0 CFS) from 04/01 to 11/01  
Date Filed: 06/28/1985  
In: NESW, NWSW, SWSW, SESW, NENW, NWNW, SWNW, SENW  
Sec. 5  
NESW, SESW, NESE, NWSE, NWSE, SESE  
Sec. 6, T15S, R28E.  
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before March 9, 1987.  
KEN DUNN 23  
Director  
Pub. Feb. 19, 26, 1987 4475

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip insertion(s) beginning with the issue of February 19, 19 87 and ending with the issue of February 26, 19 87

Deborah Gregory

Subscribed and sworn to before me this 26th day of February, 19 87

MICROFILMED  
JUL 06 1981

Connie Blackburn 8/92  
Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF

APPLICATION FOR  
WATER RIGHT

The following applica-  
tion(s) have been filed to  
appropriate the public  
waters of the State of  
Idaho:

43-7213

WHITAKER, ART &/OR  
LA RENE

P.O. Box 64,  
Malta, ID 83342

SOURCE: Eight Mile  
Creek trib. to SINKS

Diversion Pt: SWNESE

Sec 5, T 15S, R 28E  
B.M., Cassia County; 11  
miles South & 8 miles  
East of Malta.

Use: STORAGE FOR  
IRRIGATION (40.0 AF)

from 01/01 to 12/31

IRRIGATION FROM

STORAGE (40.0 AF)

from 04/01 to 11/01

IRRIGATION ( 1.0 CFS)

from 04/01 to 11/01

Date Filed: 6/28/85

In: NESW, NWSW,

SWSW, SESW, Sec. 5;

NESW, SESW, NESE,

NWSE, SWSE, SESE,

Sec. 6, T 15S, R 28E.

The permit(s) will be  
subject to all prior water  
rights. Protests must be  
filed with the Director

Dept. of Water

Resources, Southern

Region, 2148 Fourth  
Avenue East, Twin Falls,

Idaho 83301 on or before

March 9, 1987.

KEN DUNN, Dir.

PUBLISH: Thursday,

February 19 and 26, 1987.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

RECEIVED

No 17166

MAR 2 1987

I, Olinda J. Capps

being first duly sworn upon

oath, depose and say that I am Editor of the Times-News,  
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of  
the notice of advertisement, as per clipping attached, was published in the regular and  
entire issue of said newspaper, and not in any supplement thereof, for two

consecutive weeks, commencing with the issue dated  
February 19, 1987, and ending with the issue dated  
February 26, 1987.

And I do further certify that said newspaper is a consolidation, effective February 16,  
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin  
Falls News, published theretofore daily except Monday, both of which newspapers prior to  
consolidation had been published under said names in said city and county continuously and  
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-  
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,  
until July 31, 1978, at which time said newspaper began daily publication under said name  
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week  
has been designated as the day on which legal notice by law or by order of any court of com-  
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and  
that at the head of the editorial column of said combined newspapers, and in each issue there-  
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this

February

1987

day of

Notary Public in and for the County of Twin Falls,  
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

JUL 06 1987

OK  
mb  
3/3/87

# Proof of Publication

RECEIVED

## The Post-Register

MAR 9 1987

Department of Water Resources  
Southern Region Office

State of Idaho, }  
County of Bonneville } ss

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 19th day of February, 1987, last publication having been made on the 26th day of February, 1987, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 4th day of March, 1987.

*J. Robb Brady*  
*Notary Public*

My commission expires September 30, 1988.

B10

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-7213  
WHITAKER, ART &/OR LA RENE  
P.O. Box 64, Malta, ID 83342  
SOURCE: Eight Mile Creek trib. to Sinks  
Diversion Pt. SWNESE, Sec. 5, T15S, R28E.,  
B.M., Cassia County; 11 miles South & 8 miles  
East of Malta.  
Use: STORAGE FOR IRRIGATION (40.0 AF)  
from 01/01 to 12/31; IRRIGATION FROM  
STORAGE (40.0 AF) from 04/01 to 11/01;  
IRRIGATION (1.0 CFS) from 04/01 to 11/01  
Date Filed: 6/28/85  
In: NESW, NWSW, SWSW, SESW, Sec. 5;  
NESW, SESW, NESE, NWSE, SWSE, SESE,  
Sec. 6, T15S, R28E.  
The permit (s) will be subject to all prior  
water rights. Protests must be filed with the  
Director, Dept. of Water Resources, Southern  
Region, 2148 Fourth Avenue East., Twin Falls,  
Idaho 83301 on or before March 9, 1987.  
KEN DUNN, Dir.  
Published: February 19, 26, 1987

OK  
mb  
3/9/87

MICROFILMED

JUL 06 1987

July-Aug  
1998

|      |      |      |      |      |    |
|------|------|------|------|------|----|
| NWNW | NENW | NWNE | NENE | NWNW | NE |
| SWNW | SEnw | SWNE | SENE | SWNW | SE |
| NWSW | NESW | NWSE | NESE | NWSW | NE |
| SWSW | SESW | SWSE | SESE | SWSW | SE |
| NWNW | NENW | NWNE | NENE | NWNW | NE |
| SWNW | SEnw | SWNE | SENE | SWNW | SE |

MICROFILMED  
FEB 17 2000

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '\*' ARE ADJUDICATION CLAIMS)  
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

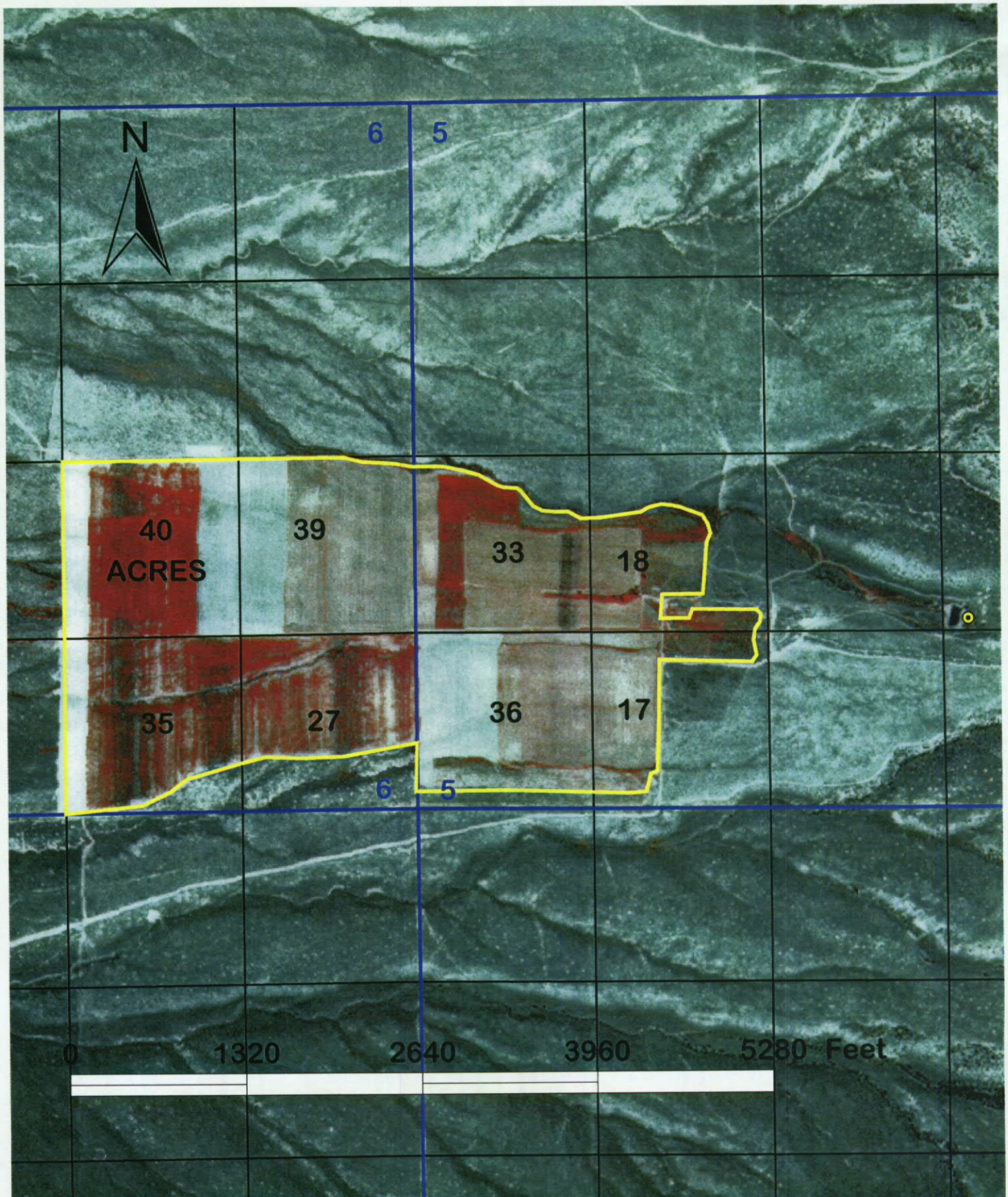
| WR-NUMBER | SOURCE                        | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | SUM |
|-----------|-------------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
|           |                               | NE |    | NW |    | SW |    | SE |    | NE |    | NW |    | SW |    | SE |    |     |
|           |                               | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |     |
| L4307213  | T15S R28E S 5 EIGHTMILE CREEK |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
|           | :                             |    |    |    |    |    |    |    |    |    |    | 25 | 40 | 40 | 27 |    |    | 132 |
| 4304118   | EIGHT MILE :                  |    |    |    |    |    |    |    |    |    |    | 20 | 20 | 25 | 10 |    |    | 75  |
| A4304118  | EIGHTMILE :                   |    |    |    |    |    |    |    |    |    |    | 09 | 31 | 25 | 10 |    |    | 75  |
| R4304118  | EIGHTMILE :                   |    |    |    |    |    |    |    |    |    |    | 18 | 33 | 36 | 17 |    |    | 104 |
| 4307213   | EIGHTMILE :                   |    |    |    |    |    |    |    |    |    |    | 25 | 40 | 40 | 27 |    |    | 132 |
| A4310235  | EIGHTMILE :                   |    |    |    |    |    |    |    |    |    |    |    | 01 | 15 | 05 |    |    | 21  |
| R4310235  | EIGHTMILE :                   |    |    |    |    |    |    |    |    |    |    | 18 | 33 | 36 | 17 |    |    | 86  |
| L4307213  | T15S R28E S 6 EIGHTMILE CREEK |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
|           | :                             |    |    |    |    |    |    |    |    |    |    | 40 |    |    | 40 | 40 | 40 | 240 |
| 4304118   | EIGHT MILE :                  |    |    |    |    |    |    |    |    |    |    |    |    |    | 35 | 25 |    | 60  |
| A4304118  | EIGHTMILE :                   |    |    |    |    |    |    |    |    |    |    |    |    |    | 35 | 25 |    | 60  |
| R4304118  | EIGHTMILE :                   |    |    |    |    |    |    |    |    |    |    |    |    |    | 39 | 40 | 35 | 141 |
| 4307213   | EIGHTMILE :                   |    |    |    |    |    |    |    |    |    |    | 40 |    | 40 | 40 | 40 | 40 | 240 |
| A4310235  | EIGHTMILE :                   |    |    |    |    |    |    |    |    |    |    |    |    |    | 05 | 15 | 40 | 93  |
| R4310235  | EIGHTMILE :                   |    |    |    |    |    |    |    |    |    |    |    |    |    | 39 | 40 | 35 | 159 |

use acres recommended  
in SRBA - SRBA determined  
using GIS shape

FILE NOTES

CLAIM NO(S): 43-004118, 43-10235

T 15S, R 28E SEC 5, 6



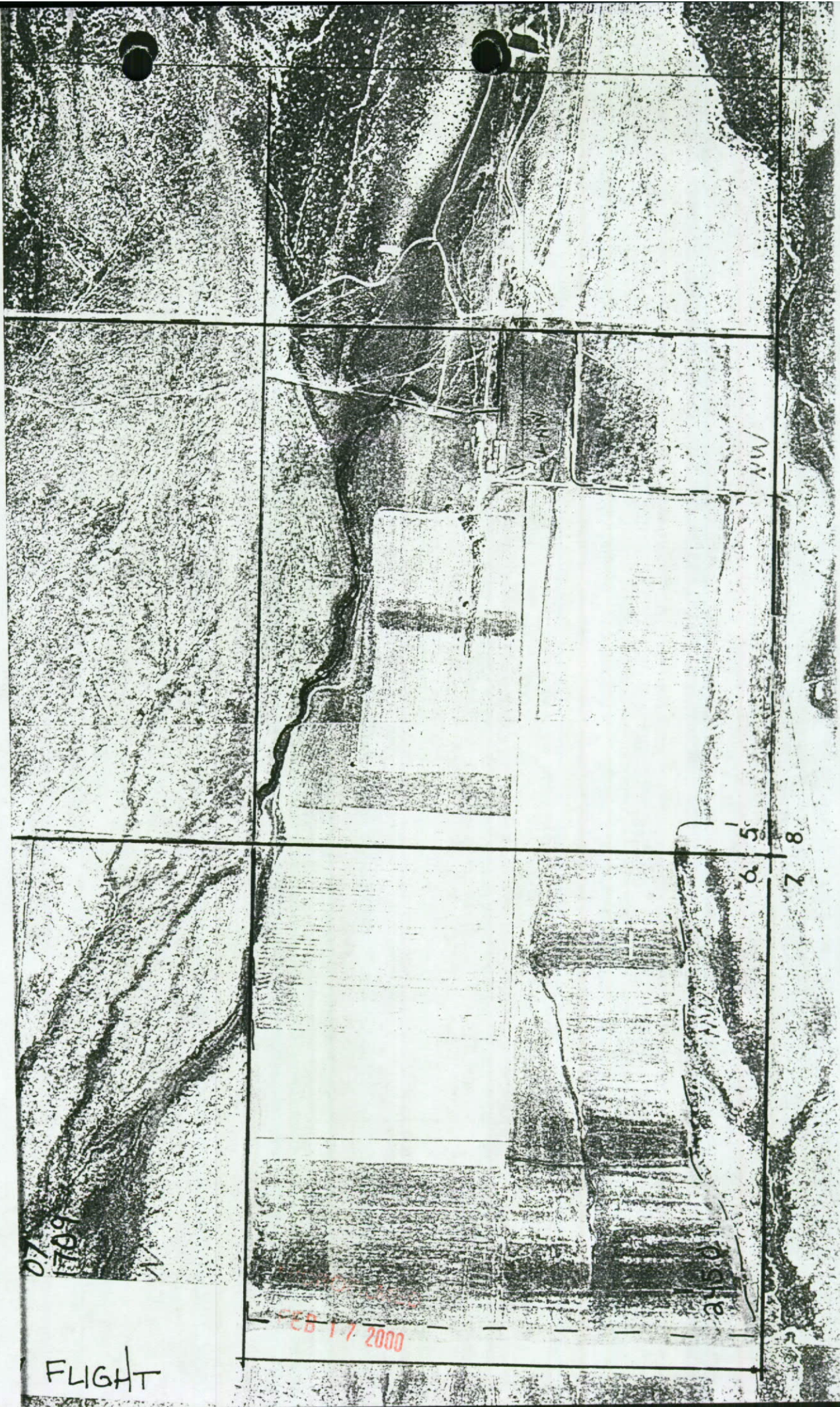
V. HANCOCK

DATE: 1-13-2000

FEB 17 2000 1987/88 NAPP PHOTOGRAPHY

155

Whitaker, Art & LaRene



07 1709

FLIGHT

FEB 17 2000

5 8  
6 7

1709

R28E

James E. Lee

RECEIVED

Page 2



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

December 29, 1986

Art Whitaker  
P.O. Box 64  
Malta, ID 83342

RE: Whitaker Dam

D43-7213

Dear Mr. Whitaker:

Your proposed dam located on Eight Mile Creek is hereby approved for construction.

This approval for construction does not ensure the future approval of any water rights necessary to utilize the dam. Currently your application for a water right for this project is in the Swan Falls hold file and will remain there until the agreement reached between the Department and The Idaho Power Company is approved by the Federal Energy Regulatory Commission.

If you choose to construct this dam at this time you are hereby notified that you are doing so at your own risk without any certainty that a water right will ever be available to store water behind the dam. The Department will not consider any costs incurred in constructing this dam when considering action on any water right associated with this dam.

The specifications shall provide that the plans and specifications may not be materially changed without the prior written approval of the Director.

It appears from the application submitted, that the spillway is too small to pass the design flood of 120 cfs with adequate freeboard. The spillway shall either be deepened so that the bottom is five (5) feet below the crest of the dam or the bottom width of the spillway channel needs to be increased to twenty (20) feet to allow for passage of the 100 year flood.

**MICROFILMED**

JUL 06 1987

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO.      43-07213

Priority: June 28, 1985

Maximum Diversion Rate:                      1.00 CFS  
Maximum Diversion Volume:                      433.0 AF

This is to certify, that LA RENE WHITAKER  
ART WHITAKER

PO BOX 64

MALTA ID 83342

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 28, 1985; and has submitted Proof of Beneficial Use on April 27, 1992. An examination indicates that the works have a diversion capacity of 2.700 cfs of water from:

EIGHTMILE CREEK

tributary to SINKS

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u>   | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-------------------------|----------------------|--------------------------|----------------------|
| IRRIGATION              | 04/01 to 10/31       | 1.00 CFS                 | 425.0 AF             |
| IRRIGATION STORAGE      | 01/01 to 12/31       |                          | 8.0 AF               |
| IRRIGATION FROM STORAGE | 04/01 to 10/31       |                          | 8.0 AF               |
|                         | Totals               | 1.00 CFS                 | 433.0 AF             |

LOCATION OF POINT(S) OF DIVERSION:

SWNESE , Sec. 5, Township 15S, Range 28E  
CASSIA County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 15S        | 28E        | 5          | NESW 18      | NWSW 33      | SWSW 36      |              |
|            |            |            | SESW 17      |              |              | 104          |
|            |            | 6          | NESE 39      | NWSE 40      | SWSE 35      |              |
|            |            |            | SESE 27      |              |              | 141          |

Total number of acres irrigated: 245

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 43B.

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FEB 17 200

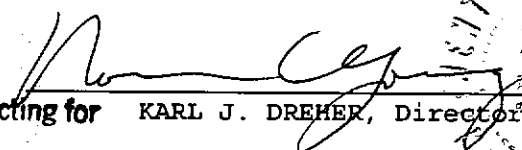
State of Idaho  
Department of Water Resources**Water Right License**

WATER RIGHT NO. 43-07213

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Some or all of the water use authorized by this right is claimed with an earlier priority date on Snake River Basin Adjudication Claim Nos. A43-04118 & A43-10235. In the event that these claims are decreed as claimed, the Director may amend or revoke this right to eliminate any redundancy of water rights.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license 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. Signed and sealed this 28<sup>th</sup> day of JANUARY, 2000.

  
Acting for KARL J. DREHER, Director

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FEB 17 2000

RECEIVED  
APR 27 1992

OFFICE USE ONLY  
Amt. of Fee \$ 150.00  
Date 4-27-92  
Receipt No. C023913  
Receipt by [Signature]

STATE OF IDAHO  
Department of Water Resources DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 43-07213 Telephone No. 645-2292  
2. Name(s) of Permit Holder(s): ART D WHITAKER + L.A. RENE WHITAKER  
3. Mailing Address: Box 64 MALTA, IDA. 83342  
4. Source of Water: 8 mi Creek

If GROUNDWATER, Well Driller's Name: \_\_\_\_\_ Date Drilled: \_\_\_\_\_

OPTIONAL:

Pump horsepower: \_\_\_\_\_ Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft.): \_\_\_\_\_

5. Extent of Use (as authorized by the permit):

Domestic \_\_\_\_\_ (No. of households) Stockwater \_\_\_\_\_ (No. and type of stock)

Irrigation 114 (No. of acres) Other \_\_\_\_\_

6. Total rate and/or volume for which proof is submitted 2.280 cfs OR 1.00 acre/feet 4/27/92 KEG

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes \_\_\_\_\_ No \_\_\_\_\_ Installed? ☒ Yes \_\_\_\_\_ No \_\_\_\_\_

OR  
Flow Measurement Port: Required? \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Installed? \_\_\_\_\_ Yes ☒ No \_\_\_\_\_

8. Fee Enclosed: \$ 150.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

ART D WHITAKER 645-2292  
Name Telephone No.  
Box 64 Malta, Ida.  
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

4/25/92 Art D. Whitaker  
Date Signature (and title, if on behalf of a company or organization)

RECORDED  
MAY 18 1992

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Art & LaRene Whitaker Phone 645-2292

Post office address P.O. Box 64, Maltz, Idaho 83342

2. Source of water supply Eightmile Creek which is a tributary of Sinks

3. Location of point of diversion is SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_

Sec. 5 Township 15S. Range 28E. B.M. Cassia County; additional

points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 40 for Storage for Irrig. purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 40 for Irrig. from Storage purposes from Apr. 1 to Nov. 1 (both dates inclusive)  
(cfs or acre-feet per annum)

ADK 7/1/85 Amount 0.80 for Irrigation purposes from Apr. 1 to Nov. 1 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.80 and/or (b) 40  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Proposed earthen dam to provide storage water to supplement existing use of creek water on 292 acres presently irrigated and an additional 80 acres to be developed.

b. Height of storage dam 19.9 feet; active reservoir capacity 40 est. acre-feet; total reservoir capacity 40 est. acre-feet; period of year when water will be diverted to storage: Jan. 1 to Dec. 31 inclusive.

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year).

RECORDED

JUL 06 1987

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

*These acres covered by other filings for live water*

| TWP  | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 15S. | 28E   | 5    |     |     |     |     |     |     |     |     | 25  | 40  | 40  | 27  |     |     |     |     | 132    |
| "    | "     | 6    |     |     |     |     |     |     |     |     | 40  |     |     | 40  | 40  | 40  | 40  | 40  | 240    |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

*Live water to be used here on these acres to be developed*

Total number of acres to be irrigated 372

10. Describe any other water rights used for the same purposes as described above. Claim 43-4118 on  
Applic. filed 6/28/85 to cover 135 acres.

11. a. Who owns the property at the point of diversion? Applicant  
 b. Who owns the land to be irrigated or place of use? Applicant  
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: This filing is intended to develop 80 acres under the creek  
and provide supplemental storage water for the 292 acres already  
being covered and also the 80 acres to be developed.

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JUL 06 1987

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

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Scale: 2 inches equal 1 mile.

JUL 06 1987

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*Art D. W. Hatcher*  
(Applicant)

Proposed Priority 6/28/85

Received by ADM Date 6/28/85 Time 3:30 pm. Preliminary check by [initials]

Fee \$ 45.00 Received by 36685 # macys Date 6/28/85

Publication prepared by M. Baldwin Date 2/5/87 Published in Salt Lake Tribune  
Utah State News  
Idaho Statesman  
Leavenworth A.M. Tribune  
Post Register

Publication approved M. Baldwin Date 3/16/87

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 43-7213, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 92.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Use of water under this permit is subject to control by the watermaster of State Water District No. 43B, Upper Raft River.

Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

This permit is subject to review under the provisions of Section 42-203D, Idaho Code, as determined necessary by the Director in compliance with pertinent adopted rules, regulations and statutes.

Witness my hand this 26<sup>th</sup> day of May, 1987.

J. M. Saylor  
Chief, Operations Bureau

MICROFILMED

JUL 06 1987



person  
Lp 10-11  
p487

**MICROFILMED**  
JUL 06 1987

$$\begin{array}{r} 6850 \\ 2250 \\ \hline 4600 \end{array}$$

NOT RECORDED

7861 90 707

215

Val

155

789

presently irrigated. 128 Ac  
341 Ac

341 A

Orthodox

Sprinkler system design - gravity

9/83

# UNIVERSITY OF AGRICULTURE

U.S. DEPARTMENT OF AGRICULTURE  
FOREST CONSERVATION SERVICE

scale: 1" = 660' or 8" = 1 mile

RECEIVED

MAR 13 1987

Department of Water Resources  
Southern Region Office

# The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

## LEGAL ADVERTISING INVOICE

Amount Due

38.72

|                                                                                                                   |             |                              |                                |                      |
|-------------------------------------------------------------------------------------------------------------------|-------------|------------------------------|--------------------------------|----------------------|
| Account Name<br>ID Water Resources, Southern Region                                                               |             |                              | Account Number<br>100632       |                      |
| Address<br>2148 Fourth Avenue East                                                                                |             | City/State<br>Twin Falls, ID |                                | Zip<br>83301         |
| Ordered By<br>Mary                                                                                                | P.O. Number | Rate<br>NT                   | Run Dates<br>March 5, 12, 1987 |                      |
| Identification<br>Application No. 43-7213                                                                         |             |                              | Estimated Inches               | Real Inches          |
| <div style="border: 1px solid black; padding: 2px; display: inline-block;">1</div> Number of Affidavits Requested |             |                              |                                | Legal Number<br>4653 |

*Legal OK MB 3/16/87*

### NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-7213

Whittaker, Art &/or LaRene  
P.O. Box 64  
Malta, Idaho 83342

Source: Eight Mile Creek trib. to Sinks

Diversion Pt: SWNESE

Sec. 5, T15S, R28E, B.M., Cassia County; 11 miles South & 8 miles East of Malta.

Use: Storage for Irrigation, (40.0 AF) from 01/01 to 12/31

Use: Irrigation from Storage, (40.0 AF) from 04/01 to 11/01

Use: Irrigation, (1.0 CFS) from 04/01 to 11/01

Date Filed: 06/28/1985

In: NESW, NWSW, SWSW, SESW

Sec. 5

NESW, SESW, NESE, NWSE,

SWSE, SESE

Sec. 6, T15S, R28E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301, on or before March 23, 1987.

KEN DUNN  
Director

Pub. Mar. 5, 12, 1987

4653

STATE OF IDAHO )  
 ) ss.  
COUNTY OF ADA )

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman; a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for ~~Two~~ (2) ☐ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of March 5, 19 87

and ending with the issue of March 12, 19 87

*Deborah Gregory*

MICROFILMED

Subscribed and sworn to before me this 12th

JUL 06 1987

day of March, 1987

*Connie Blackburn 8/92*

Notary Public for Idaho, Residing at Boise, Idaho

**TRIBUNE PUBLISHING COMPANY, INC.**

The Lewiston Morning Tribune  
505 C St., P.O. Box 957  
Lewiston, Idaho 83501  
(208) 743-9411

Date 022687 INVOICE No. L00098668

Account No. 44662 A. DUNN

Description 98668NOTIC

Times 002 Lines 32

Tab Lines           

**LEGAL ADVERTISING  
INVOICE**

SOLD TO:

STATE OF IDAHO  
DEPT. OF WATER RESOURCES  
1041 BLUE LAKES BLVD. N.  
TWIN FALLS,  
ID 83301

\$ 28.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.  
*Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.*

RECEIVED

MAR 9 1987

Department of Water Resources  
Southern Region Office

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-7213  
WHITAKER, ART &/OR LA RENE  
P.O. Box 64, Malta, ID 83342  
SOURCE: Eight Mile Creek trib. to Sinks  
Diversion Pt: SWNESE, Sec. 5, T15S, R28E., B.M., Cassia County; 11 miles South & 8 miles East of Malta.  
Use: STORAGE FOR IRRIGATION (40.0 AF) from 01/01 to 12/31  
~~IRRIGATION FROM STORAGE~~  
(40.0 AF) from 04/01 to 11/01  
IRRIGATION (1.0 CFS) from 04/01 to 11/01  
Date Filed: 6/28/85  
In: NESW, NWSW, SWSW, SESW, Sec. 5; NESW, SESW, NESE, NWSE, SWSE, SESE, Sec. 6, T15S, R28E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before March 9, 1987.

KEN DUNN, Dir.

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO, ss.  
County of Nez Perce

J. L. Blackwell, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLIC./43-7213

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 002 time(s). Publication being on 021987

WEEK for 002 consecutive WEEKS, or once a publication thereof being on the 021987, and the last publication thereof being on the 022687, and said

NOTICE OF APPLIC./43-7213

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

J. L. Blackwell

SUBSCRIBED AND SWORN BEFORE ME THIS THE 2

day of March 1987

Sheryl M. Lentz

Notary Public in and for the State of Idaho,  
residing at Lewiston, therein.

OK MB  
3/11/87  
MICROFILMED

JUL 06 1987

# SOUTH IDAHO PRESS

BURLEY, IDAHO

## AFFIDAVIT OF PUBLICATION

County of Cassia, )  
 ) ss.  
STATE OF IDAHO )

MARGE BARENDREGT being first

duly sworn, deposes and says that she is the

Owner of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two (2)

consecutive weeks, commencing with the issue

dated Feb 26 1987, and ending

with the issue dated March 5, 1987

Marge Barendregt

Subscribed and sworn to before me

this 6th day of March

Kathy Staker Notary Public

Cost of Publication 25.00

Notary Fee 50

Total Cost 26.00

RECEIVED

MAR 9 1987

Department of Water Resources  
Southern Region Office

87-64

### NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-7213

WHITAKER, ART &/OR LA RENE, P.O. Box 64, Malta, ID 83342

SOURCE: Eight Mile Creek trib. to Sinks Diversion Pt: SWNESE, Sec. 5, T15S, R28E., 8.M., Cassia County; 11 miles South & 8 miles East of Malta.

Use: STORAGE FOR IRRIGATION (40.0 AF) from 01/01 to 12/31; IRRIGATION FROM STORAGE (40.0 AF) from 04/01 to 11/01; IRRIGATION (1.0 CFS) from 04/01 to 11/01

Date Filed: 6/28/85

In: NESW, NWSW, SWSW, SESW, Sec. 5; NESW, SESW, NESE, NWSE, SWSE, SESE, Sec. 6, T15S, R28E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before March 16, 1987.

KEN DUNN, Dir.

Published in the South Idaho Press on March 9 and 26, 1987

Published  
2/26/87  
3/5/87

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MAR 9 1987

Department of Water Resources  
Southern Region Office

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JUL 06 1987

OK  
MB  
3/11/87

STATEMENT

MEMBER OF ASSOCIATED PRESS

PHONE 678-2201

**South Idaho Press**ESTABLISHED 1904  
230 EAST MAIN BOX 190  
BURLEY, IDAHO 83318PUBLISHED  
DAILY  
MONDAY  
THRU  
FRIDAY  
AND SUNDAY  
MORNINGSTERMS:  
ALL ACCOUNTS  
DUE AND  
PAYABLE ON  
20TH OF MONTH  
FOLLOWING CHARGE*Dept of Water Resources  
2148 4th Ave. E.  
Lewin Falls, Idaho 83301**87-64  
SIP*

Please detach this stub and mail with your remittance. Your cancelled check serves as your receipt.

| DATE                                                | DESCRIPTION:                                            | LINES OR<br>INCHES | CODE | CHARGES | CREDITS | BALANCE                                                                        |
|-----------------------------------------------------|---------------------------------------------------------|--------------------|------|---------|---------|--------------------------------------------------------------------------------|
| BALANCE FORWARD <input checked="" type="checkbox"/> |                                                         |                    |      |         |         |                                                                                |
| 3-6-87                                              | Legal<br>87-64                                          | 21x20              | .88  | 25.52   |         | 26.02                                                                          |
|                                                     |                                                         |                    |      | .50     |         |                                                                                |
|                                                     | Notary<br>WR# 43-7213                                   |                    |      |         |         |                                                                                |
|                                                     | <b>RECEIVED</b>                                         |                    |      |         |         |                                                                                |
|                                                     | MAR 9 1987                                              |                    |      |         |         |                                                                                |
|                                                     | Department of Water Resources<br>Southern Region Office |                    |      |         |         |                                                                                |
|                                                     | OK<br>MB<br>3/11/87                                     |                    |      |         |         |                                                                                |
|                                                     |                                                         |                    |      |         |         | PAY LAST<br>AMOUNT IN<br>THIS COLUMN<br><br>SOUTH IDAHO PRESS<br>BURLEY, IDAHO |

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JUL 06 1987

# The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

## LEGAL ADVERTISING INVOICE

Amount Due  
**39.58**

|                                                                                                                                    |             |            |                                  |  |                       |
|------------------------------------------------------------------------------------------------------------------------------------|-------------|------------|----------------------------------|--|-----------------------|
| Account Name<br>ID Water Resources, Southern Region                                                                                |             |            | Account Number<br>#100632        |  |                       |
| Address<br>2148 Fourth Avenue East                                                                                                 |             |            | City/State<br>Twin Falls, ID     |  | Zip<br>83301          |
| Ordered By                                                                                                                         | P.O. Number | Rate<br>nt | Run Dates<br>1987<br>Feb. 19, 26 |  |                       |
| Identification<br>Application No. 43-7213                                                                                          |             |            | Estimated Inches                 |  | Real Inches           |
| <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>1</b> Number of Affidavits Requested         </div> |             |            |                                  |  | Legal Number<br>#4475 |

*Correction called 3/3/87  
Re-published 3/5 & 3/12  
New Prot. date 3/23/87*

**RECEIVED**

FEB 27 1987

Department of Water Resources  
Southern Region Office

STATE OF IDAHO )  
 ) SS.  
COUNTY OF ADA )

### NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-7213

Whittaker, Art &/or LaRene  
P.O. Box 64  
Malta, Idaho 83342

Source: Eight Mile Creek trib. to Sinks  
Diversion Pt: SWNESE  
Sec. 5, T15S, R28E, B.M., Cassia County; 11 miles South & 8 miles East of Malta.

Use: Storage for Irrigation, (40.0 AF) from 01/01 to 12/31

Use: Irrigation from Storage, (40.0 AF) from 04/01 to 11/01

Use: Irrigation, (1.0 CFS) from 04/01 to 11/01

Date Filed: 06/28/1985

In: NESW, NWSW, SWSW, SESW, NENW, NWNW, SWNW, SENW

Sec. 5, NESW, SESW, NESE, NWSE, SWSE, SESE

Sec. 6, T15S, R28E.  
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before March 9, 1987.

KEN DUNN  
Director

Pub. Feb. 19, 26, 1987

4475

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of February 19, 19 87

and ending with the issue of February 26, 19 87

*Deborah Gregory*

Subscribed and sworn to before me this 26th

day of February, 19 87

**RECORDED**

JUL 06 1987

*Connie Blackburn - 8/92*  
Notary Public for Idaho, Residing at Boise, Idaho

NOTICE  
APPLICATION FOR  
WATER RIGHT

The following applica-  
tion(s) have been filed to  
appropriate the public  
waters of the State of  
Idaho:

43-7213

WHITAKER, ART &/OR

LA RENE

P.O. Box 64,

Malta, ID 83342

SOURCE: Eight Mile

Creek trib. to SINKS

Diversion Pt: SWNESE

Sec 5, T 15S, R 28E

B.M., Cassia County; 11

miles South & 8 miles

East of Malta.

Use: STORAGE FOR

IRRIGATION (40.0 AF)

from 01/01 to 12/31

IRRIGATION FROM

STORAGE (40.0 AF)

from 04/01 to 11/01

IRRIGATION ( 1.0 CFS)

from 04/01 to 11/01

Date Filed: 6/28/85

In: NESW, NWSW,

SWSW, SESW, Sec. 5;

NESW, SESW, NESE,

NWSE, SWSE, SESE,

Sec. 6, T 15S, R 28E.

The permit(s) will be

subject to all prior water

rights. Protests must be

filed with the Director

Dept. of Water

Resources, Southern

Region, 2148 Fourth

Avenue East, Twin Falls;

Idaho 83301 on or before

March 9, 1987.

KEN DUNN, Dir.

PUBLISH: Thursday,

February 19 and 26, 1987.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

RECEIVED

No. 17166

MAR 2 1987

*Blinda J. Capps*

being first duly sworn upon  
oath, depose and say that I am *Blinda J. Capps*  
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of  
the notice of advertisement, as per clipping attached, was published in the regular and  
entire issue of said newspaper, and not in any supplement thereof, for *Two*

consecutive *Weeks*, commencing with the issue dated  
*February 19*, 1987, and ending with the issue dated  
*February 26*, 1987.

And I do further certify that said newspaper is a consolidation, effective February 16,  
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin  
Falls News, published theretofore daily except Monday, both of which newspapers prior to  
consolidation had been published under said names in said city and county continuously and  
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-  
NEWS since such consolidation, has been published as a daily newspaper except Saturday,  
until July 31, 1978, at which time said newspaper began daily publication under said name  
in said city and county continuously and uninterruptedly.

I do further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week  
has been designated as the day on which legal notice by law or by order of any court of com-  
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and  
that at the head of the editorial column of said combined newspapers, and in each issue there-  
of, Thursday is announced as the day on which said legal notices will be published.

JUL 16 1987

Subscribed and sworn to before me on this

*February*

1987

day of

Notary Public in and for the County of Twin Falls,  
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

OK  
mb  
3/31

CLASSIFIED ADVERTISING INVOICE  
TWIN FALLS TIMES NEWS  
132 3RD ST  
P. O. BOX 548  
TWIN FALLS ID 83303

RETURN POSTAGE GUARANTEED

|                 |       |               |              |              |
|-----------------|-------|---------------|--------------|--------------|
| INVOICE NO.     |       | CLASS         | BILLING DATE |              |
| 17166           |       | 343           | 02/27/87     |              |
| INDEXING TERM   |       |               |              |              |
| A43-7213        |       |               |              |              |
| START DATE      |       | TELEPHONE NO. | ORDER NO.    |              |
| 2/19/87         |       | 734-3573      |              |              |
| LINES/WORDS     | TIMES | RATE          | NET AMOUNT   | GROSS AMOUNT |
| 47              | 2     |               | 26.32        | 26.32        |
| OK MB 3/3/87    |       |               |              |              |
|                 |       |               |              |              |
| PAY THIS AMOUNT |       |               | 26.32        | 26.32        |

GROSS AMT DUE AFTER C3714

RECEIVED  
9. 1987

RETURN THIS PORTION WITH YOUR REMITTANCE

17166 2632

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES

214E 4TH AVE EAST

TWIN FALLS

ID

83301



**The Times-News**

P.O. Box 548 • Twin Falls, Id. 83303-0548

February 27, 1987

Idaho Water Resources

2148 4th Ave East

Twin Falls

ID

83301

RECEIVED

MAR 2 1987

Department of Water Resources  
Regional Office

RIGHTS #43-7213

Two Times

February 19, 1987, 47 lines @ .32- - \$15.04

February 26, 1987, 47 lines @ .24- - \$11.28

"I hereby certify that the above account is correct and that the supplies were actually furnished and that the charges were actually rendered as charged, and that I have received payment therefor."

WITNESSED: The Times-News - Magic Valley Newspapers, Inc.

BY:

INVOICE

17166

AGE PTO.

TOTAL DUE \$26.32

OK MB 3/3/87

MICROFILMED

JUL 10 1987

Proof of Publication  
**The Post-Register**

RECEIVED

MAR 9 1987

Department of Water Resources  
Southern Region Office

State of Idaho, }  
County of Bonneville } ss

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 19th day of February, 1987, last publication having been made on the 26th day of February, 1987, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 4th day of March, 1987.  
Notary Public

My commission expires September 30, 1988.

B10

NOTICE OF APPLICATION  
FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-7213  
WHITAKER, ART &/OR LA RENE  
P.O. Box 64, Malta, ID 83342  
SOURCE: Eight Mile Creek trib. to Sinks  
Diversion Pt: SWNESE, Sec. 5, T15S, R28E,  
B.M., Cassia County; 11 miles South & 8 miles  
East of Malta.  
Use: STORAGE FOR IRRIGATION (40.0 AF)  
from 01/01 to 12/31; IRRIGATION FROM  
STORAGE (40.0 AF) from 04/01 to 11/01;  
IRRIGATION (1.0 CFS) from 04/01 to 11/01  
Date Filed: 6/28/85  
In: NESW, NWSW, SWSW, SESW, Sec. 5;  
NESW, SESW, NESE, NWSE, SWSE, SESE,  
Sec. 6, T15S, R28E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before March 9, 1987.

KEN DUNN, Dir.

Published: February 19, 26, 1987

OK  
MB  
3/9/87

MICROFILMED

JUL 06 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 31, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

LA RENE WHITAKER  
ART WHITAKER  
PO BOX 64  
MALTA ID 83342

RE: WATER RIGHT NO. 43-07213

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

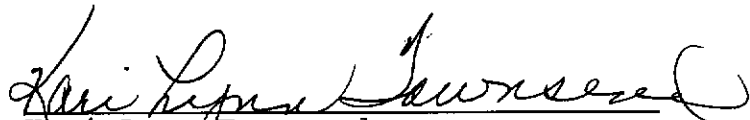
MICROFILMED  
FEB 17 2000

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of January, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 43-07213

LA RENE WHITAKER  
ART WHITAKER  
PO BOX 64  
MALTA ID 83342

  
Kari Lynn Townsend  
Secretary

MICROFILMED

FEB 17 2000

## Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

### EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

FEB 17 2000

### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

2000/01/01  
10:00 AM  
10:00 AM

NW

NE

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SW

SE

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N

SW

SE

SW

NW

NE

NW

NE

SW

SE

SE

SE

# Memorandum

**To:** File 43-07213

**From:** Kay Walker *KW*

**Date:** 1/21/2000

**Re:** License Recommendations  
.....

The acres on the field exam do not match the GIS'd acres in the AJ recommendations and in a phone conversation with Vikie at Southern, we decided to use the GIS'd acres. A copy of the shape file is included in this file.

MICROFILMED

FEB 17 2000

# LICENSE REVIEW CHECKLIST

Permit No. 43-07213

Date: 1/21/2000 Reviewer: Kay Walker

*Season of use  
4/1 to 10/31  
per new  
standards*

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P43)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

A43-04118 & A43-10235

*↑ not rec.  
yet -  
do not  
include*

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): A43-04118 & A43-10235

File reviewed Profile reports printed ✓

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 1.0 cfs

Fee Limit 1.0 cfs

Measured 2.7 cfs

Theoretical        cfs

Recommended Total Diversion Rate 1.0

Water Uses OK

Change (P46)

Irrigation 1.0 cfs        af

Stockwater        cfs        af

Domestic        cfs        af

IFS        cfs 8.0 af

IS        cfs 8.0 af

Total 1.0 cfs        af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/079)

overlap spec combined rts (W35)

>1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Volume Determination

1.0 cfs x 1.9835 x 214 days = 424.5 af (vs) 245 acres x 4.0 (FHR) = 980.0 af

*↑  
≈ 425.00 (3 sig. figures)*

Remarks:       

Additional Conditions YES

Watermaster Control

18A GW Measurement/Measuring Device

Other

Trust (052/R55 - remove 051)

Non-trust (048/049)

Government Lots? NO

*R64  
R04  
18A*

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? YES

Adjust memo yes

*- used Adj. GIS'd acres*

Amend Letters       

P87, S06

Second Amendment Notice       

S06

March 4, 1999

| DAM NAME             |              |      | DAM NUMBER |               | NAME OF OWNER                  |                   | COUNTY | STREAM   |            | IDF   | LOCATION<br>SEC - TWSHP - RNG |                            |       |        |         |
|----------------------|--------------|------|------------|---------------|--------------------------------|-------------------|--------|----------|------------|-------|-------------------------------|----------------------------|-------|--------|---------|
| INSP                 | DATE PURPOSE | RISK | DAM SIZE   | DAM TYPE      | FED ID No.                     | STORAGE           | HEIGHT | DRAINAGE | RES-AREA   | YEAR  | CREST                         | ***** SPILLWAY *****       | IDF   | COND   | CEI     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | TYPE DEPTH-FT DISC-CFS CFS |       |        | EXI     |
| HAYES LOWER          | 11/4/98 I    | 3    | 3          | 41 2027 EARTH | DAN WILLIAMSON                 | 19                | 17.00  | 0.40     | POWER      | 2     | HESS SPRING CREEK             | Q50                        | 22    | 11S    | 31E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | ERCHAN 2                   | 8     | 25     | FR 1103 |
| SUBLETT              | 7/23/97 I    | 2    | 1          | 43 2584 EARTH | SUBLETT IRRIGATION CO          | ID00031 2,400     | 43.00  | 46.00    | CASSIA     | 98    | SUBLETT CREEK                 | 0.5 PMF                    | 03    | 13S    | 29E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | ERCHAN 5                   | 385   | 13,500 | GD 1199 |
| GUNNELL              | 7/23/97 I    | 3    | 2          | 43 2585 EARTH | LELAND P GUNNELL               | ID00475 15        | 25.00  | 3.20     | CASSIA     | 2     | SIX MILE CREEK                | Q100                       | 15    | 15S    | 29E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | RPCHAN 2                   | 1     | 48     | GD 1199 |
| WHITAKER             | 7/1/97 S     | 3    | 3          | 43 7213 EARTH | ART WHITAKER                   | 8                 | 11.30  | 3.40     | CASSIA     | 2     | EIGHTMILE CREEK               | Q50                        | 05    | 15S    | 28E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | RPCHAN 3                   | 25    | 60     | FR 0000 |
| ROUND MOUNTAIN RANCH | 12/1/97 I    | 3    | 3          | 43 7321 EARTH | ROUND MOUNTAIN RANCH           | 26                | 13.00  | 28.00    | CASSIA     | 8     | ROUND MOUNTAIN CREEK          | Q50                        | 13    | 16S    | 27E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | ERCHAN 2                   | 14    | 24     | GD 1199 |
| LAKE CLEVELAND       | 9/30/97 IR   | 3    | 3          | 45 0294 EARTH | DENAUGHEL, MONTGOMERY, ANDERSO | CASSIA ID00032 99 | 6.00   | 0.60     | 24         | 1914  | 134                           | Q50                        | 03    | 13S    | 24E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | RPCHAN 1                   | 0     | 15     | GD 1199 |
| DEWEY                | 10/21/97 I   | 2    | 2          | 45 2046 EARTH | SKAGGS 6S RANCH                | ID00033 478       | 22.50  | 99.00    | CASSIA     | 78    | MARSH CREEK                   | Q500                       | 03    | 11S    | 25E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | CNOVFL 7                   | 687   | 2,550  | GD 1199 |
| OAKLEY               | 11/18/98 I   | 1    | 1          | 45 2059 EARTH | OAKLEY CANAL CO                | ID00233 76,000    | 139.00 | 729.00   | CASSIA     | 1,350 | GOOSE CREEK                   | PMF                        | 19    | 14S    | 22E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | SCHAN 5                    | 1,240 | 38,000 | NA 0000 |
| SMYER EAST           | J            | 3    | 3          | 45 7605 EARTH | BENNIE SMYER                   | 40                | 19.70  | 7.10     | CASSIA     | 5     | SUMMIT CREEK                  | Q50                        | 15    | 12S    | 25E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | ERCHAN 1                   | 0     | 235    | UF 0000 |
| SMYER WEST           | J            | 3    | 3          | 45 7608 EARTH | BENNIE SMYER                   | 9                 | 12.00  | 1.30     | CASSIA     | 2     | PINE-ANTON CREEKS             | Q50                        | 15    | 12S    | 29E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | ERCHAN 2                   | 0     | 55     | FR 0000 |
| DRY CREEK            | 1/1/94 E     | 3    | 3          | 45 XX02 EARTH | DRY CREEK STRONG DITCH INC     | 5                 | 13.00  | 0.10     | CASSIA     | 1     | DRY CREEK (OS)                | Q50                        | 02    | 12S    | 19E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | ERCHAN 2                   | 0     | 0      | GD 0000 |
| J-CANAL REREGULATING | 10/10/21 0   | 2    | 3          | 45 XX03 EARTH | CRAIG LARSON                   | 25                | 14.50  | 1.20     | CASSIA     | 5     | TR-SNAKE RIVER                | Q100                       | 33    | 10S    | 22E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | SCHAN 4                    | 150   | 128    | GD 1199 |
| DEEP CREEK NO 2      | 11/12/97 J   | 2    | 2          | 47 2007 EARTH | TIM CHADWICK                   | ID00234 1,500     | 39.00  | 80.00    | TWIN FALLS | 90    | DEEP CREEK                    | Q500                       | 19    | 13S    | 16E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | RKCHAN 2                   | 12    | 433    | FR 1199 |
| DEEP CREEK NO 1      | 11/12/97 J   | 3    | 2          | 47 2010 EARTH | TIM CHADWICK                   | ID00043 135       | 13.00  | 81.00    | TWIN FALLS | 23    | DEEP CREEK                    | Q100                       | 18    | 13S    | 16E     |
|                      |              |      |            |               |                                |                   |        |          |            |       |                               | RKCHAN 4                   | 165   | 300    | FR 1199 |

FEB 17 2000

MICROFILMED

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '\*' ARE ADJUDICATION CLAIMS)  
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

|           |                                   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |       |
|-----------|-----------------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|
|           |                                   | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |
| WR-NUMBER | SOURCE                            | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | SUM   |
| L4307213  | MISSOURI R28E S 5 EIGHTMILE CREEK |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
|           | :                                 |    |    |    |    |    |    |    |    | :  | 25 | 40 | 40 | 27 |    |    |    | : 132 |
| 4304118   | EIGHT MILE :                      |    |    |    |    |    |    |    |    | :  | 20 | 20 | 25 | 10 |    |    |    | : 75  |
| A4304118  | EIGHTMILE :                       |    |    |    |    |    |    |    |    | :  | 09 | 31 | 25 | 10 |    |    |    | : 75  |
| R4304118  | EIGHTMILE :                       |    |    |    |    |    |    |    |    | :  | 18 | 33 | 36 | 17 |    |    |    | : 104 |
| 4307213   | EIGHTMILE :                       |    |    |    |    |    |    |    |    | :  | 25 | 40 | 40 | 27 |    |    |    | : 132 |
| A4310235  | EIGHTMILE :                       |    |    |    |    |    |    |    |    | :  |    | 01 | 15 | 05 |    |    |    | : 21  |
| R4310235  | EIGHTMILE :                       |    |    |    |    |    |    |    |    | :  | 18 | 33 | 36 | 17 |    |    |    | : 86  |

| L4307213 T15S R28E S. 6 EIGHTMILE CREEK |              | : | : | : | 40'           | 40' | 40' | 40' | 40' | 40' | 240 |
|-----------------------------------------|--------------|---|---|---|---------------|-----|-----|-----|-----|-----|-----|
| 4304118                                 | EIGHT MILE : | : | : | : |               | 35  | 25  |     | :   | 60  |     |
| A4304118                                | EIGHTMILE :  | : | : | : |               | 35  | 25  |     | :   | 60  |     |
| R4304118                                | EIGHTMILE :  | : | : | : |               | 39  | 40  | 35  | 27  | :   | 141 |
| 4307213                                 | EIGHTMILE :  | : | : | : | 40            | 40  | 40  | 40  | 40  | :   | 240 |
| A4310235                                | EIGHTMILE :  | : | : | : | <del>40</del> | 05  | 15  | 40  | 33  | :   | 93  |
| R4310235                                | EIGHTMILE :  | : | : | : | <del>40</del> | 39  | 40  | 35  | 27  | :   | 159 |

use acres recommended  
in SRBA - SRBA determined  
using C/S shape

CLAIM NUMBER A43-04118  
A43-10235

DATE 1-10-2000  
AGENT DA

RECEIVED

JAN 14 2000

TRANSFER NUMBER \_\_\_\_\_  
CLAIMED ACRE TOTAL 249  
GIS ACRE TOTAL 245

Department of Water Resources

|       | TWP | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |     |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
|       |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |     |
| CLAIM | 15S | 28E | 5   |    |    |    |    |    |    |    |    | 9  | 32 | 40 | 15 |    |    |    |    | 96  |
| GIS   |     |     |     |    |    |    |    |    |    |    |    | 18 | 33 | 36 | 17 |    |    |    |    | 104 |
| RECOM |     |     |     |    |    |    |    |    |    |    |    | 18 | 33 | 36 | 17 |    |    |    |    | 104 |
| CLAIM | 15S | 28E | 6   |    |    |    |    |    |    |    |    |    |    |    |    | 40 | 40 | 40 | 33 | 153 |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    | 39 | 40 | 35 | 27 | 141 |
| RECOM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    | 39 | 40 | 35 | 27 | 141 |
| CLAIM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| RECOM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |

B43-POU.SHP

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

MICROFILMED

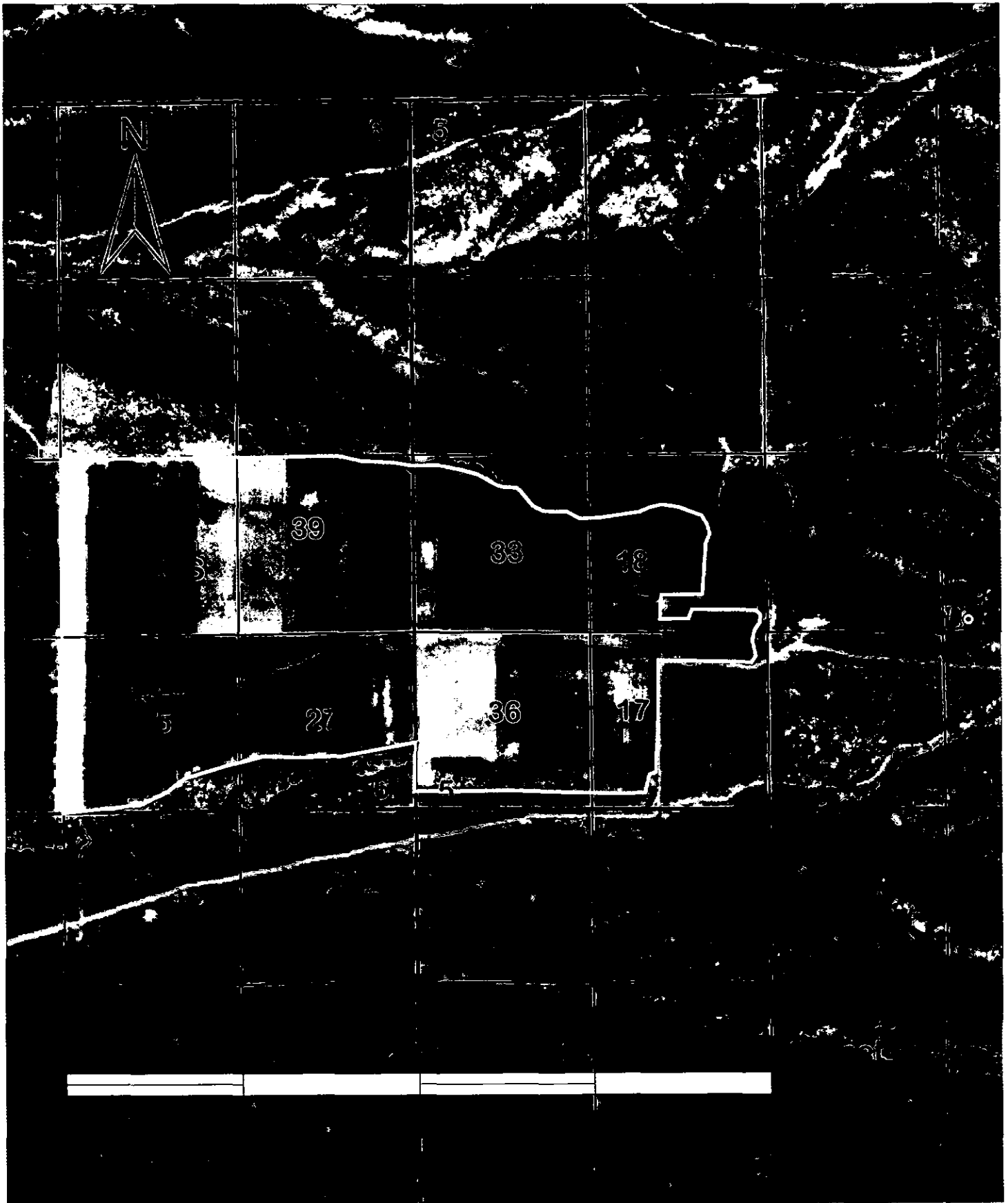
FEB 17 2000

✓ 43-04118

# FILE NOTES

CLAIM NO(S): 43-004118, 43-10235

T 15S, R 28E SEC 5, 6



V. HANCOCK

DATE: 1-13-2000

FEB 17 2000 1987/88 NAPP PHOTOGRAPHY



AJ5809NP  
No. R43-04118

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/13/00  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS  | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | ART WHITAKER    | 01/01/1917       | IRRIGATION | 04-01 10-31           | 2.700 CFS         |                     |
| C             | LARENE WHITAKER |                  | STOCKWATER | 01-01 12-31           | 0.070 CFS         |                     |
|               | PO BOX 64       |                  |            |                       |                   |                     |
|               | MALTA ID 83342  |                  |            |                       |                   |                     |
|               | (208) 645-2292  |                  |            | TOTAL DIVERSION:      | 2.700 CFS         |                     |

Water Source: EIGHTMILE CREEK

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T15S R28E S05 SWNESE

CASSIA County

Place of use Legal Description for: IRRIGATION

|     |     |   |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |             |       |       |
|-----|-----|---|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|-------------|-------|-------|
| T   | R   | S | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | :           | SUM   |       |
|     |     |   |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |             |       |       |
| 15S | 28E | 5 | : |      |      |      |      | :  |      |      |      |      | : | 18   | 33   | 36   | 17   | : |      |      |      |      | :           | 104.0 |       |
| 15S | 28E | 6 | : |      |      |      |      | :  |      |      |      |      | : |      |      |      |      | : | 39   | 40   | 35   | 27   | :           | 141.0 |       |
|     |     |   |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      | TOTAL ACRES |       | 245.0 |

Place of use Legal Description for: STOCKWATER

|     |     |   |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |   |  |
|-----|-----|---|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|--|
| T   | R   | S | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |  |
|     |     |   |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   |  |
| 15S | 28E | 5 | : |      |      |      |      | :  |      |      |      |      | : | S    | S    | S    | S    | : | S    | S    |      |      | : |  |
| 15S | 28E | 6 | : |      |      |      |      | :  |      |      |      |      | : |      |      |      |      | : | S    | S    | S    | S    | : |  |

POU County: CASSIA

Other Rights: PERMIT 43-7213

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A43-04118 A43-10235 R43-10235

Other Water Rights Listing Overlapping Place(s) of Use:  
A43-04118 A43-10235 R43-10235

Conditions of Approval:

- 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: QNT USE OF THIS RIGHT WITH RIGHT NO. 43-10235 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 2.7 CFS.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 43-10235 IS LIMITED TO THE

AJ5809NP  
No. R43-04118

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/13/00  
PAGE: 2

Remarks: IRRIGATION OF A COMBINED TOTAL OF 245 ACRES IN A SINGLE  
IRRIGATION SEASON.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 135 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP STOCK - 300 RANGE  
RIGHT NO. 43-10235 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO  
SECTION 42-1426, IDAHO CODE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag: C

DATE: 01/13/00  
PAGE: 1

Field Inspection Flag:  
Presumption Flag:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

SEP 29 1998

Department of Water Resources

**A. GENERAL INFORMATION**Permit No. 43-072J31. Owner: ART & LA RENE WHITAKER Phone No. (208) 645-2292Current Address: PO BOX 64, MALTA, ID. 833422. Accompanied by: PHONE CONVERSATION W EXAM DATE: 21 Sept 98Address: ART WHITAKER Phone No. \_\_\_\_\_

Relationship to Permit Holder: \_\_\_\_\_

3. Source: EIGHTMILE CREEK tributary to \_\_\_\_\_**B. OVERLAP REVIEW**1. Other water rights with the same place of use: A43-04118, -102352. Other water rights with the same point of diversion: " " " "**C. DIVERSION AND DELIVERY SYSTEM**

## 1. Point(s) of Diversion:

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|           |           | SW  | NE  | SE  | 05   | 15S  | 28E  | CASSIA | DAM INSPECTION 1997 JULY        |
|           |           |     |     |     |      |      |      |        | ASCS FLIGHT 1992                |
|           |           |     |     |     |      |      |      |        | " " " 1987                      |
|           |           |     |     |     |      |      |      |        | " ———→ SLIDES 1996-1997         |

## 2. Place(s) of Use:

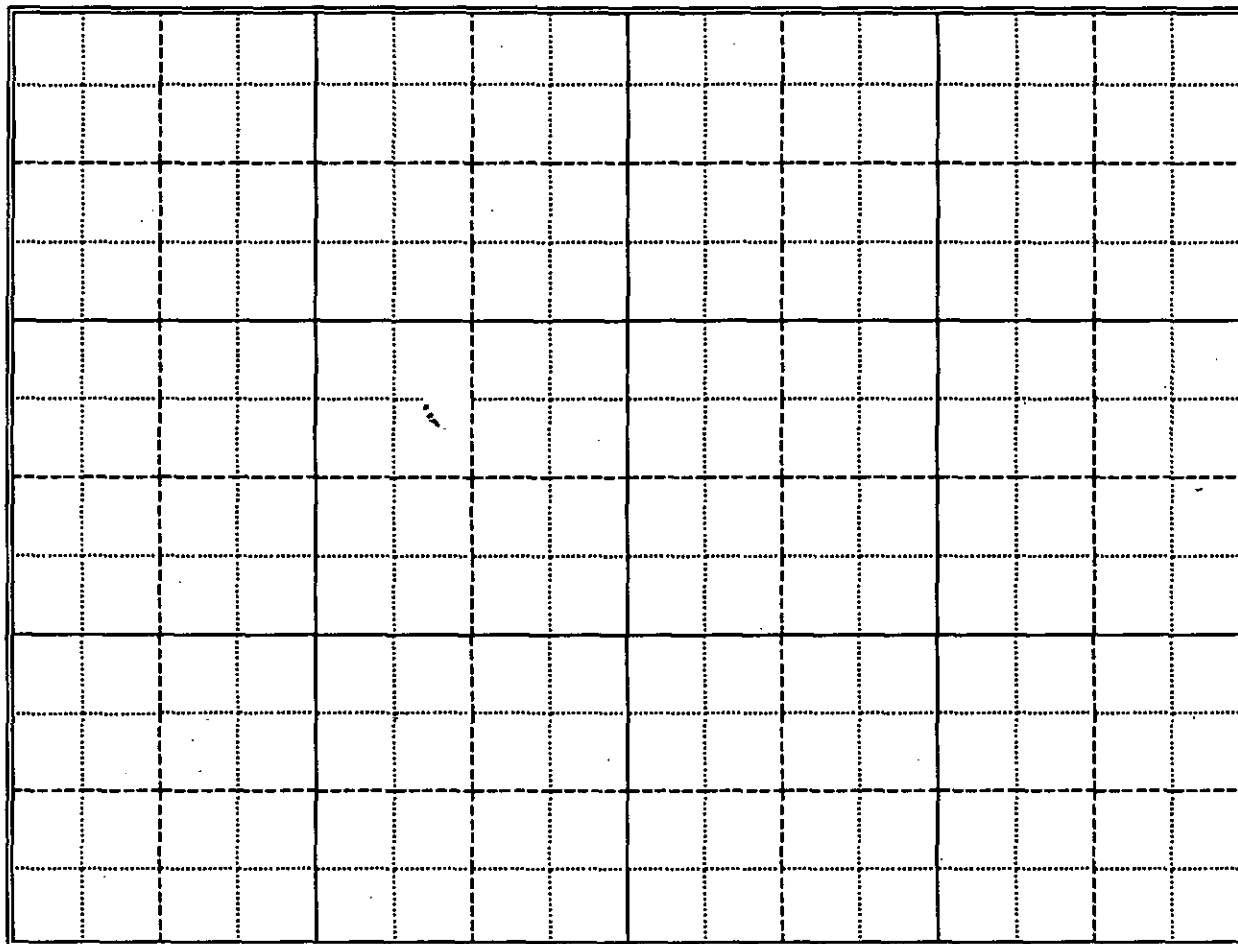
Indicate Method of Determination

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 15S | 28E | 05  |    |    |    |    |    |    |    |    | 17 | 31 | 40 | 15 |    |    |    |    | 103    |
| "   | "   | 06  |    |    |    |    |    |    |    |    |    |    |    |    | 40 | 40 | 35 | 27 | 142    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 245    |

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FEB 17 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = \_\_\_\_\_

☐ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

1997 DAM SAFETY PHOTOS

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: None taken, compiled previous inspection records

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FEB 17 2000

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS 3

FROM: Georgia Satterlee  
DATE: 22 September 1998  
RE: 43-07213

The examination is to verify the irrigated acres for the permit, 43-07213 with a priority date of 06/28/1985. Proof of Beneficial Use was filed 04/25/1992. I utilized previous dam safety inspections (1991 and 1997) and viewed ASCS flights, hard copies (1987 and 1992) and slides (1996, 1997). Although I did not visit the site, I feel IDWR Dam Safety Personnel appropriately verified the storage facility and point of diversion. Also, I am confident the compilation of the ASCS flight data will verify the place of use element.

Art and LaRene Whitaker also have a Statutory Claim, (A)43-04118 with a priority date of 01/01/1917, and an expansion claim, A43-10235 with a priority date of 05/01/1983. All three rights call to acres in portions of both Sections 5 and 6, T12S, R28E.

The water for irrigation is from a storage facility, located in the SE $\frac{1}{4}$  of Section 5, on-stream of the Eightmile Creek.

The Whitakers had another permit, 43-07214, with the same priority date as 43-07213. This application for permit was to build up the existing diversion dam to enable the diversion of another 1.0 cubic feet per second (additional to the existing diversion rate). The construction was not completed and the permit lapsed in 05/16/1990.

It appears some of the acres have been irrigated prior to the Proof of Beneficial Use was filed for 43-07213. Because the additional claims are subject to the SRBA Basin 43 Review, the recommendation for this permit will be for 245 acres, with the permitted rate, and the measured storage capacity volume.

All information to files: A43-04118 and A43-10235

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED  
FEB 17 2000

\$50 to much??

## F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

1.50 cfs \$150.00

PAID Permit Rate 1.00

Exam Fee Limit \$100 = 1.00 cfs

(ACCS Flight/Dam Inspections) Measured Rate (Volume/Surface)  
Recom end Rate 1.00

## G. VOLUME CALCULATIONS

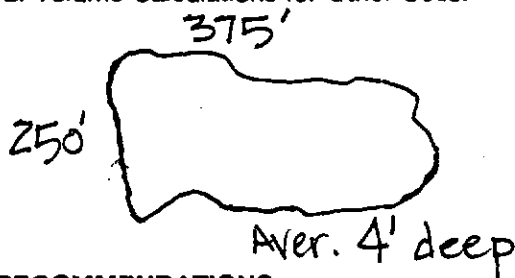
### 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 245(4) = 980$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 4.9(215)1.9835 = 2089$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 980 \quad 0.02 \text{ cfs/acre}$$

### 2. Volume Calculations for Other Uses:



Surface = 2 ac.

Storage Capacity = 8 ac

From Inspections  
1991, 1997

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use          | Period of Use |          | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------------|---------------|----------|------------------------------|--------------------------|
| IRRIGATION FROM STORAGE | From 04/01    | To 11/01 |                              | 8 af                     |
| IRRIGATION              | "             | "        | 1.0                          |                          |
| IRRIGATION STORAGE      | 01/01         | 12/31    |                              | 8 af                     |
|                         |               |          |                              |                          |
|                         |               |          |                              |                          |
| Totals:                 |               |          | 1.0                          | 8 af                     |

### 2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

## I. AUTHENTICATION

Field Examiner's Name

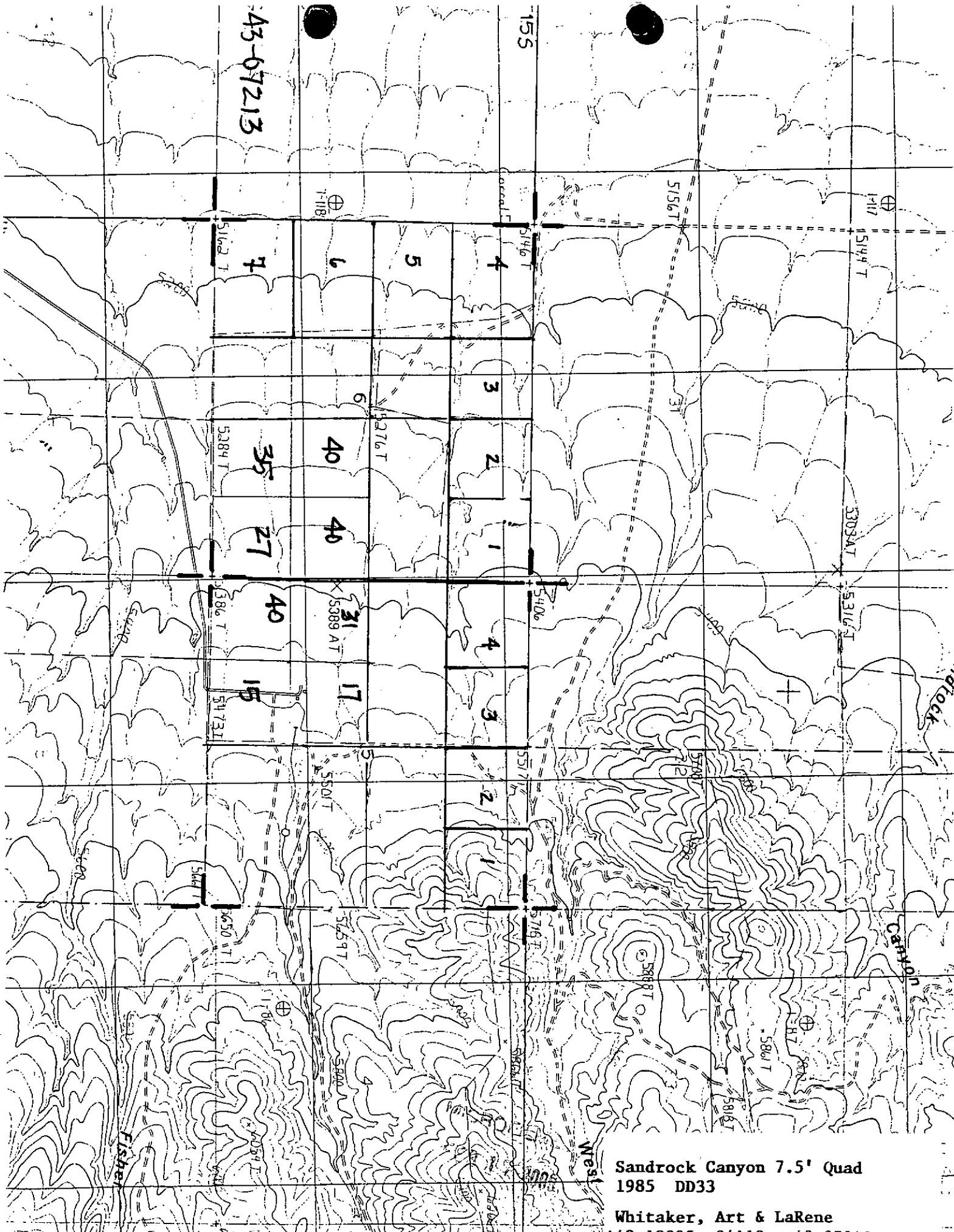
Henry Satterlee Date 22 September 1998

Reviewer

Date

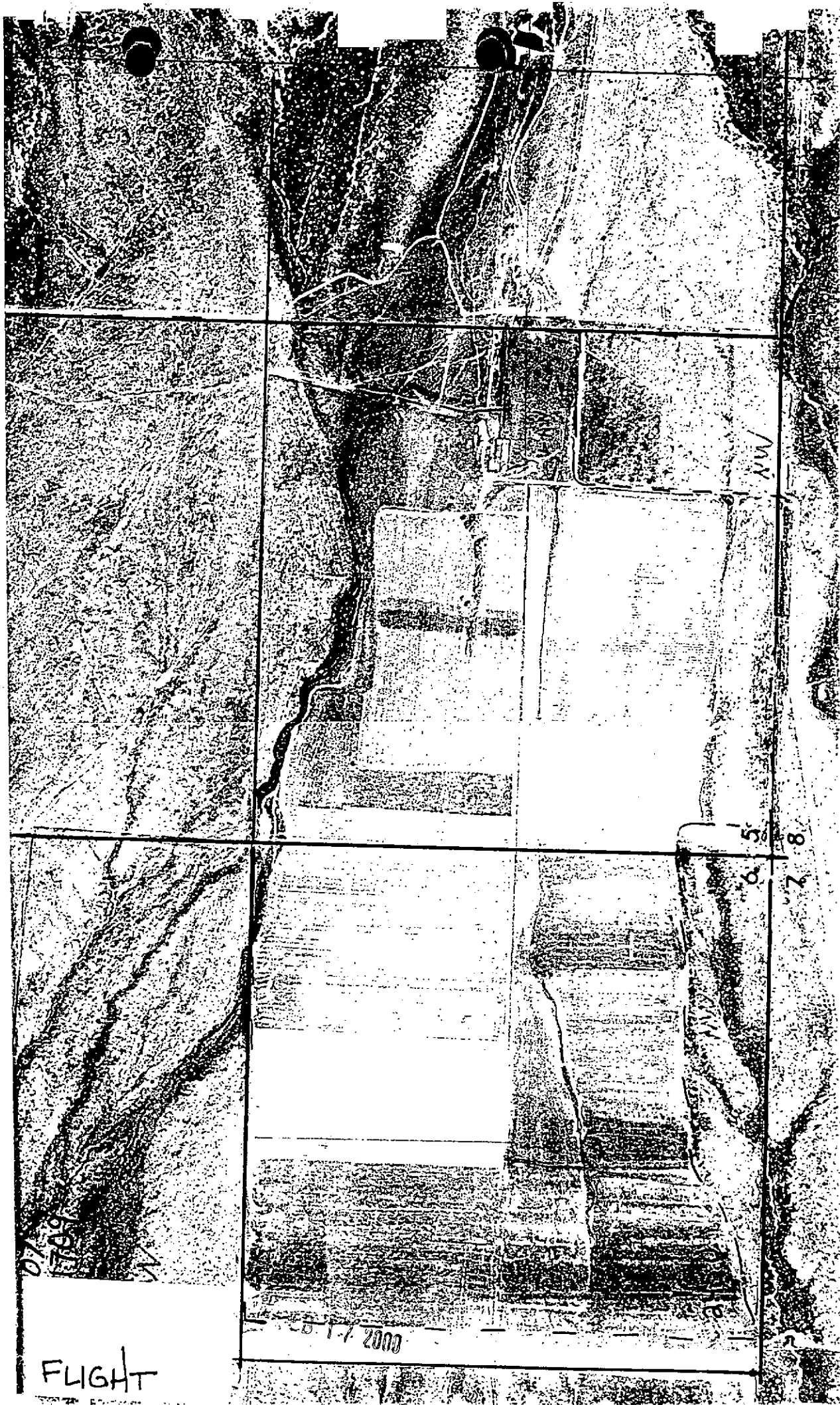
SEAL

MICROFILMED  
FEB 17 2000



43-07213

Sandrock Canyon 7.5' Quad  
1985 DD33  
Whitaker, Art & LaRene



MY

5

6

7

8

9

10

11

12

13

14

15

16

17

18

07  
1709  
1500

FLIGHT

2000

1170

40

31

15

5 2049

7 8

P28E

Section 5, T14N, R28E

REPAIR

8



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

April 27, 1992

Art D. and LaRene Whitaker  
Box 64  
Malta, ID 83342

Re: Permit No. 43-07213

PROOF ACKNOWLEDGEMENT

Dear Permit Holder:

Enclosed is a copy of the proof of beneficial use you submitted to this office. Also enclosed is a copy of your permit to appropriate water which indicates a rate of diversion of 1.0 cfs for irrigation purposes. A license cannot be issued for a rate greater than the maximum rate you applied for on the permit.

The total volume for which proof is submitted has been amended to show 1.0 cfs. For water diverted at a rate of 1.0 cfs the license exam fee is \$100. Since you submitted \$150, a refund of \$50 is due. I have begun the process to refund the overpayment. The process takes between two and four weeks and will arrive under separate cover.

For the additional cfs of water you have indicated on your proof of beneficial use form, you need to apply for another permit. For assistance in completing an application for permit, please contact our Regional Office.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

*Karen L. Gustafson*  
Karen L. Gustafson  
Secretary/Records Manager

C: IDWR - Regional Office

Enclosure

MICROFILMED  
MAY 18 1992

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 43-07213

Reviewed by Klg Date 4/27/92

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?  
Yes Address same as permit?  
Yes Proof timely received?  
If not, complete calculation below.

irrigate - 114  
Correct Uses? Yes

SOURCE OF WATER

✓ Surface water source  
Ground water source

NA Drilling permit required?  
Copy in the file? Drilling Permit No. \_\_\_\_\_  
Amount paid for permit \_\_\_\_\_ Correct?  
Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?  
150.00 Amount Submitted  
NO Correct?

MEASURING DEVICE

Yes Required?  
Yes Installed?  
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA  
Date proof due -  
No. of days late =  
Priority Date +  
New Priority Date ✓

DEFICIENCIES OR ACTION ITEMS

have applied for too much water -  
Reduce proof & refund \$50

proof acceptable

DATA ENTRY

New Address \_\_\_\_\_

Proof Made 4/27/92  
4/27/92 Klg

February 28, 1992

ART WHITAKER  
LA RENE WHITAKER  
P.O. BOX 64  
MALTA ID 83342

PROOF DUE NOTICE

RE: PERMIT NO. 43-07213

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

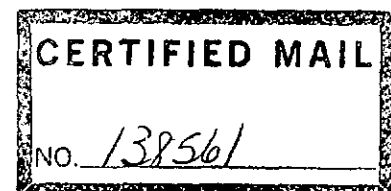
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures

RECEIVED  
MAY 18 1992



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
MAY 28, 1987

WHITAKER, ART & LA RENE  
P.O. BOX 64  
MALTA, ID 83342

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 43-7213

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

IF THE DIVERSION DAM IS 10 FEET OR MORE IN HEIGHT, OR HAS AN IMPOUNDING CAPACITY OF 50 ACRE-FEET OR MORE, CERTAIN DAM SAFETY REQUIREMENTS MUST BE MET. PLEASE CONTACT THE REGIONAL OFFICE NEAREST YOU FOR ADDITIONAL INFORMATION.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN  
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC  
ENCLOSURES

**MICROFILMED**

JUL 06 1987

MEMORANDUM

Date: May 26, 1987  
To: Files 43-7213, 43-7215 and 43-7216  
From: L. Glen Saxton *LS*  
RE: ANALYSIS OF APPLICATIONS

The above referenced applications propose to appropriate and store surface water for irrigation purposes within the boundaries of the Raft River critical groundwater area. The applications are also located within the trust water boundaries of the Swan Falls controversy.

Idaho Power Company has released its protest against the applications with respect to the Swan Falls matter. The appropriation is for surface water rather than groundwater which eliminates most of the concerns with respect to the critical groundwater area. The matter of recharge to the groundwater system by the surface water, however, needs to be considered particularly with respect to prior groundwater rights.

Surface water availability for filling the referenced applications will generally occur during the spring run-off and would be considered "high-water". During those times when the surface flow is available to fill the storage rights, the surface water flow many times flows on the surface out of the critical area and likely would not provide any more groundwater recharge than from being impounded in storage reservoirs and applied to the land over a longer period of time.

Based on this logic, I recommend the applications be approved.

MICROFILMED  
JUL 06 1987

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: J. E. Stanton

WHITAKER, Art &/or LaRene  
APPLICATION NUMBER: 43-7213

CHECK:

- ☐ Source.  
☐ Point of diversion.  
☐ County.  
☐ Quantity of water and period of use.  
☐ Description of diverting works.  
☐ Time required for beneficial use of water.  
☐ Place of use or acres irrigated.  
☐ Map.  
☐ Signature.  
☐ Fee.

Field check by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

- N/A ☐ Yes ☐ No Field check required.  
☐ Yes ☐ No Critical groundwater area.  
☐ Yes ☐ No Request dam safety information. Sent by: ADM Date: \_\_\_\_\_  
☐ Yes ☐ No\* In form to receipt.

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: \_\_\_\_\_

SEND COPIES TO:

- ☐ Idaho State Health Department.  
☐ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☐ Other \_\_\_\_\_

Copies sent by: \_\_\_\_\_

Date: \_\_\_\_\_

PROCESSING:

- ☐ Yes ☒ No  
☒ Yes ☐ No

Platted by: \_\_\_\_\_

Map No. DD-33

Other rights on same place of use. Claim 43-4118

- ☐ Yes ☐ No\*

In form for advertising.

Final date for protests: \_\_\_\_\_

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

**statewide**

- ☒ Affidavit of publication received. Date: 3/2/87 3/9/87  
☒ Application published correctly. If not, record action taken: \_\_\_\_\_  
☒ Fee amount, receipt date & number, recorded on application.  
☒ Publication dates and paper, recorded on application.  
☒ Protests, dates, withdrawal, etc., recorded on application.  
☒ Recommendation & initial, recorded on application.

**NONE**

**18A**

- ☒ Yes ☐ No  
☐ Yes ☒ No  
☒ Yes ☒ No

Measuring device required.

Access port required.

Will water be delivered by watermaster? If yes, what distribution? 43B

6/28/85 Date of priority recommended.

Special conditions of approval or cover letter.

18, 18B (Memo 4/10/87)  
ok to allow 5 yrs. for B/U development  
This permit is subject to review under the  
provisions of Section 42-203D, Idaho Code,  
as determined necessary by the Director  
in for compliance with Section 42-203D, Idaho  
Code, pertinent adopted rules & regulations and  
statutes.  
By: ADM Date: 4/10/87

STATE OFFICE REVIEW:

109, 617

1 (above) 26 05 (43B, Upper Snake River)  
18A 18B

- ☐ See attached sheet for more information.

By: KW

Date: 4/15/87

Department of Water Resources

**RECEIVED**

**APR 14 1987**

**RECEIVED**

**APR 14 1987**

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

## INTER-DEPARTMENT MEMO — 1

FROM Dave LePard

DATE 4/15/87

TO Kay

SUBJECT App. 43-7213

We (Dan Saffers) have approved construction of the dam so that Mr. Whitaker could get his funding for construction, but we warned him that the water right might not be approved. A copy of our last letter is attached. We should not require any further conditions on the water right.



SIGNATURE



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

December 29, 1986

Art Whitaker  
P.O. Box 64  
Malta, ID 83342

RE: Whitaker Dam

D43-7213

Dear Mr. Whitaker:

Your proposed dam located on Eight Mile Creek is hereby approved for construction.

This approval for construction does not ensure the future approval of any water rights necessary to utilize the dam. Currently your application for a water right for this project is in the Swan Falls hold file and will remain there until the agreement reached between the Department and The Idaho Power Company is approved by the Federal Energy Regulatory Commission.

If you choose to construct this dam at this time you are hereby notified that you are doing so at your own risk without any certainty that a water right will ever be available to store water behind the dam. The Department will not consider any costs incurred in constructing this dam when considering action on any water right associated with this dam.

The specifications shall provide that the plans and specifications may not be materially changed without the prior written approval of the Director.

It appears from the application submitted, that the spillway is too small to pass the design flood of 120 cfs with adequate freeboard. The spillway shall either be deepened so that the bottom is five (5) feet below the crest of the dam or the bottom width of the spillway channel needs to be increased to twenty (20) feet to allow for passage of the 100 year flood.

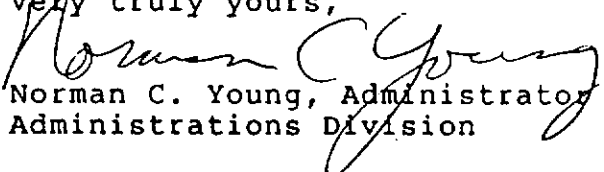
JUL 06 1987

The dam must be inspected by the Department before work can continue beyond the following stages of construction:

- After clearing and excavation of the foundation and prior to placing any fill material;
- After installation of the outlet conduit and collars and prior to placing any backfill material around the conduit;
- After construction is completed and before any water is stored in the reservoir.

If you have any questions or to schedule an inspection please contact either Allen Merritt (phone 734-3578) in our Southern Regional office or David LePard (phone 334-4490) in the Dam Safety Section.

Very truly yours,

  
Norman C. Young, Administrator  
Administrations Division

CC: IDWR Southern Region

MICROFILMED

JUL 06 1987

MEMORANDUM

Date: 4/10/1987

To File: 43-7213  
From: Allen Merritt

Subject: Review of water use development and processing of applications.

The development of the Whitaker's Eightmile Creek Ranch's water use is essentially described in following three water filings:

Claim 43-4118 This filing covers the early development of Eightmile Creek using direct flow from the stream to irrigate approx. 135 acres with a priority of 1917.

Applic. 43-7214 This filing covers the later expansion of use from Eightmile Creek using direct flow which added 157 acres. This expansion occurred in 1983 and was recorded June 28, 1985 to gain the benefits of subordination per the Swan Falls Agreement. This application is presently being held until the rules and regulations are ratified by FERC.

Applic. 43-7213 This filings covers the future development of a storage facility on Eightmile Creek to facilitate and supplement the irrigation of the lands developed under the above described filings and to add 80 additional acres to the system and provide direct flow rights to the these acres as well as supplemental storage. This application has been advertised and processed under the policy that storage rights upstream from Swan Falls meet the public interest criteria. At this time it is uncertain how to handle the direct flow portion of this application but in light of the January 7, 1987 letter from Tom Nelson representing Idaho Power I recommend that the application be approved with a condition that the direct flow portion of the application is subject to review by the Director after the Rules and Regulations are finalized.

REPROFILMED

JUL 10 1987

PRE-PERMIT EXAM

Applic. No: 43-7213 & 43-7214

Date: 4/1/87

Source: Eightmile Creek

Trib. to: Sinks

Stream flow data: Est. 100 - 120 inches of water flowing in stream at dam site,

Other uses in general area: Stockwater on range above, water appears not to leave applicant's land below. Old railroad grade below applicant's property intercepts drainage and my inspection found no evidence of much water getting past this grade.

Special considerations: Applicant indicated that entire stream flow is moved around applicant's ranch and is entirely consumed on applicant's property. Only in extreme flood events does water leave applicant's property.

Water District or Canal Company which may have jurisdiction: None

Explain: \_\_\_\_\_

Do all items on application appear to be correct? Yes ☒ No \_\_\_\_\_

Explain: \_\_\_\_\_

Recommendation and other comments: Approve subject to  
Suez Falls Issues.

Signed: [Signature]

Persons present during review of site:

Art Whitaker.

RECEIVED  
JUL 06 1987

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER  
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

THOMAS G. NELSON  
JOHN A. ROSHOLT  
J. EVAN ROBERTSON  
STEVEN K. TOLMAN  
JAMES C. TUCKER

TERRY T. UHLING  
F. BRUCE COVINGTON  
LAIRD B. STONE  
JERRY JENSEN  
GARY D. SLETTE  
CAROLYN M. MINDER  
RUTH D. SIMPSON

Boise Office  
1020 MAIN ST., SUITE 390  
P.O. BOX 2139  
BOISE, IDAHO 83702-2139  
TELEPHONE (208) 336-0700

March 4, 1987

RECEIVED

MAR 9 1987

Idaho Department of Water Resources  
2148 Fourth Avenue East  
Twin Falls ID 83301

Department of Water Resources  
Southern Region Office

ATTENTION: Lorin Holmes

RE: Application No. 43-7213  
Art and/or LaRene Whitaker

Dear Mr. Holmes:

This firm represents the Twin Falls Canal Company which holds a 3,000 cfs right in the Snake River and its tributaries with a priority date of October 11, 1900.

We have received notice of the filing of the above-referenced Application and wish that this letter be placed in the file for such Application.

We do not intend this letter as an official protest. We have not made a study of the Raft River Basin rights. However, if the surface water to be diverted in Eight Mile Creek is tributary to surface or subsurface flows of the Raft River Basin (and consequently tributary to Snake River above Milner Dam), the flow rights requested in this Application cannot be filled unless water is spilling over Milner Dam. If the surface flows are tributary to groundwater which is not tributary above Milner Dam, obviously we have no concern.

It seems to us as the Swan Falls Moratorium comes off, and until the adjudication decree is in place which would facilitate basin wide water distribution and management, that we must voice our concern about proposed diversions which could impact preexisting rights. We cannot afford to waive any rights against those who would divert waters otherwise tributary and available for senior right holders from the Snake River.

MICROFILMED

JUL 06 1987

Respectfully submitted,

*John A. Rosholt*  
JOHN A. ROSHOLT

JAR:dcb  
33711

cc: Jack Eakin, Manager  
Twin Falls Canal Company



State of Idaho

## DEPARTMENT OF WATER RESOURCES

### SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

2148 4th Ave. E.  
Twin Falls, Idaho 83301  
(208) 734-3578

February 5, 1987

Art & LaRene Whitaker  
P.O. Box 64  
Malta, ID 83342

Re: Application for Permit No. 43-7213

Dear Mr. & Mrs. Whitaker:

The Department of Water Resources is currently processing your water right application No. 43-7213.

The advertising will appear in the South Idaho Press, The Statesman, The Lewiston Morning Tribune, Times News and Post Register on 2/19 & 2/26/87. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

*Loren O. Holmes*  
Loren O. Holmes, P. E.  
Southern Region Supervisor

LOH:mb

**MICROFILMED**

**JUL 06 1987**



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

2148 4th Ave. E.  
Twin Falls, Idaho 83301  
(208) 734-3578

February 5, 1987

Times News  
P. O. Box 548  
Twin Falls, Idaho 83301

Re: Application for Permit 43-7213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

*Mary A. Baldwin*  
Mary A. Baldwin  
Sec/Office Coord.

Encl:

**MICROFILMED**

JUL 06 1987

*aff Rec. 3/2/87*



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

2148 4th Ave. E.  
Twin Falls, Idaho 83301  
(208) 734-3578

February 5, 1987

Lewiston Morning Tribune  
505 C Street  
Lewiston, ID 83501

Re: Application for Permit 43-7213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

*Mary Baldwin*  
Mary A. Baldwin  
Sec/Office Coord.

Encl:

**MICROFILMED**

JUL 06 1987

*off Rec. 3/9/87*



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

2148 4th Ave. E.  
Twin Falls, Idaho 83301  
(208) 734-3578

February 5, 1987

South Idaho Press  
Box 190  
Burley, Idaho 83318

Re: Application for Permit 43-7213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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Very truly yours,

*Mary Baldwin*

Mary A. Baldwin  
Sec/Office Coord.

Encl:

**MICROFILMED**

JUL 06 1987

*off Rec. 3/9/87*



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

2148 4th Ave. E.  
Twin Falls, Idaho 83301  
(208) 734-3578

February 5, 1987

Post Register  
P.O. Box 1800  
Idaho Falls, ID 83402

Re: Application for Permit 43-7213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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Very truly yours,

*Mary Baldwin*

Mary A. Baldwin  
Sec/Office Coord.

Encl:

**MICROFILMED**

**JUL 06 1987**

off. Rec. 3/9/87



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

2148 4th Ave. E.  
Twin Falls, Idaho 83301  
(208) 734-3578

February 5, 1987

Idaho Statesman  
Box 40  
Boise, ID 83707

Re: Application for Permit 43-7213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

*Mary A. Baldwin*  
Mary A. Baldwin  
Sec/Office Coord.

Encl:

MICROFILMED  
JUL 06 1987

off. Rec. 3/13/87

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-7213

WHITAKER, ART &/OR LA RENE

P.O. Box 64, Malta, ID 83342

SOURCE: Eight Mile Creek trib. to Sinks

Diversion Pt: SWNESE, Sec. 5, T15S, R28E., B.M., Cassia County; 11 miles South & 8 miles East of Malta.

|                             |                                |
|-----------------------------|--------------------------------|
| Use: STORAGE FOR IRRIGATION | (40.0 AF) from 01/01 to 12/31  |
| IRRIGATION FROM STORAGE     | (40.0 AF) from 04/01 to 11/01  |
| IRRIGATION                  | ( 1.0 CFS) from 04/01 to 11/01 |

Date Filed: 6/28/85

In: NESW, NWSW, SWSW, SESW, Sec. 5; NESW, SESW, NESE, NWSE, SWSE, SESE, Sec. 6, T15S, R28E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before March 9, 1987.

KEN DUNN, Dir.

RECORDED

Published 2/19 & 2/26/87

JUL 06 1987

**NOTICE OF  
APPLICATION  
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-7213

WHITAKER, ART &/OR LA RENE  
P.O. Box 64, Malta, ID 83342  
SOURCE: Eight Mile Creek trib. to Sinks  
Diversion Pt: SWNESE, Sec. 5, T15S, R28E., B.M., Cassia County; 11 miles South & 8 miles East of Malta.  
Use: STORAGE FOR IRRIGATION (40.0 AF) from 01/01 to 12/31  
IRRIGATION FROM STORAGE (40.0 AF) from 04/01 to 11/01  
IRRIGATION (1.0 CFS) from 04/01 to 11/01  
Date Filed: 6/28/85  
In: NESW, NWSW, SWSW, SESW, Sec. 5; NESW, SESW, NESE, NWSE, SWSE, SESE, Sec. 6, T15S, R28E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before March 9, 1987.

KEN DUNN, Dir.

OK  
MB  
2/17/87

Lewiston a.m.  
Tribune

87-64

**NOTICE OF APPLICATION FOR WATER  
RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

45-7213

WHITAKER, ART &/OR LA RENE, P.O. Box 64, Malta, ID 83342  
SOURCE: Eight Mile Creek trib. to Sinks  
Diversion Pt: SWNESE, Sec. 5, T15S, R28E., B.M., Cassia County; 11 miles South & 8 miles East of Malta.  
Use: STORAGE FOR IRRIGATION (40.0 AF) from 01/01 to 12/31; IRRIGATION FROM STORAGE (40.0 AF) from 04/01 to 11/01; IRRIGATION (1.0 CFS) from 04/01 to 11/01  
Date Filed: 6/28/85  
In: NESW, NWSW, SWSW, SESW, Sec. 5; NESW, SESW, NESE, NWSE, SWSE, SESE, Sec. 6, T15S, R28E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before March 9, 1987.

KEN DUNN, Dir.

Published in the South Idaho Press February 19 and 26, 1987.

Corrections  
Called 2/23/87  
Re-publish  
2/26 & 3/5/87  
New protest date  
3/16/87

**NOTICE OF  
APPLICATION FOR  
WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-7213

WHITAKER, ART &/OR  
LA RENE  
P.O. Box 64,  
Malta, ID 83342  
SOURCE: Eight Mile  
Creek trib. to SINKS  
Diversion Pt: SWNESE  
Sec 5, T 15S, R 28E  
B.M., Cassia County; 11  
miles South & 8 miles  
East of Malta.  
Use: STORAGE FOR  
IRRIGATION (40.0 AF)  
from 01/01 to 12/31  
IRRIGATION FROM  
STORAGE (40.0 AF)  
from 04/01 to 11/01  
IRRIGATION ( 1.0 CFS)  
from 04/01 to 11/01  
Date Filed: 6/28/85  
In: NESW, NWSW,  
SWSW, SESW, Sec. 5;  
NESW, SESW, NESE,  
NWSE, SWSE, SESE,  
Sec. 6, T 15S, R 28E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before March 9, 1987.

KEN DUNN, Dir.  
PUBLISH: Thursday,  
February 19 and 26, 1987.

RECEIVED

FEB 17 1987

Department of Water Resources  
Southern Region Office

Correction  
called 2/18/87

Times News

RECEIVED

FEB 23 1987

Department of Water Resources  
Southern Region Office  
South ID Press

MICROFILMED

JUL 06 1987

INTER-DEPARTMENT MEMO — 1

FROM Loten Holmes

DATE 1/27/87

TO File 43-7213 - Whitaker

SUBJECT

**MICROFILMED**

JUL 06 1987

Tom Nelson's 1/7/87 letter waiving protest referred to Application 43-7214 which is another application on the same farm but for direct flow, not storage. I discussed the number error with him & he confirmed he intended to refer to 43-7213.

We will process this application under rule 5, 3, 7 of the Rules & Regs. It should be noted that the application includes lots of direct flow which may have to be excluded from the Permit.

SIGNATURE

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

THOMAS G. NELSON  
JOHN A. ROSHOLT  
J. EVAN ROBERTSON  
STEVEN K. TOLMAN  
JAMES C. TUCKER

TERRY T. UHLING  
F. BRUCE COVINGTON  
LAIRD B. STONE  
JERRY JENSEN  
GARY D. SLETTE  
CAROLYN M. MINDER  
RUTH D. SIMPSON

Boise Office  
1020 MAIN ST., SUITE 390  
P.O. BOX 2139  
BOISE, IDAHO 83702-2139  
TELEPHONE (208) 336-0700

RECEIVED  
JAN 09 1987

Department of Water Resources

January 7, 1987

RECEIVED

JAN 14 1987

Idaho Department of Water Resources  
Statehouse  
Boise ID 83720

Department of Water Resources  
Southern Region Office

43-7214 Per telephone Conf w/  
Tom Nelson

RE: Application for Permit No. ~~43-7214~~ filed  
by Art and LaRene Whitaker

1/14/87 JH.

Gentlemen:

Mr. and Mrs. Whitaker have consulted with me concerning the above-referenced Application. They apparently are proposing to construct a small storage reservoir on Eight Mile Creek near Malta. Mr. and Mrs. Whitaker have applied for ASCS money to assist with the project, and the money has been approved, but funding of the grant has been withheld pending receipt of a permit from IDWR. Mr. Whitaker's authorization for ASCS assistant money expires May 1, 1987, so he finds some need for expedited handling.

The purpose of Mr. Whitaker's consultation with me was to find out if Idaho Power Company would withdraw its objection and protest to the processing of his Application for Permit.

Based on the information furnished by Mr. Whitaker, it appears that the impact of his proposed small reservoir will be negligible, if there is any impact at all. Therefore, Idaho Power Company has no objection to the granting of his Application for Permit, so long as the water is applied to the 157 acres described in Application for Permit No. 43-7214. Therefore, Idaho Power Company withdraws its protest to the

MICROFILMED

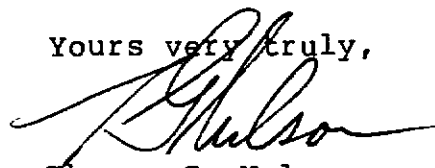
JUL 06 1987

43-7214

Idaho Department of Water Resources  
January 7, 1987  
Page - 2

Application, and has no objection to the further processing of the filing.

Yours very truly,



Thomas G. Nelson

TGN:dcb  
25501

cc: Mr. and Mrs. Art Whitaker  
Idaho Department of Water  
Resources, Twin Falls Office

MICROFILMED

JUL 06 1987

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER  
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH  
P.O. BOX 1906  
TWIN FALLS, IDAHO 83303-1906  
TELEPHONE (208) 734-0700

THOMAS G. NELSON  
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Boise Office  
1020 MAIN ST., SUITE 390  
P.O. BOX 2139  
BOISE, IDAHO 83702-2139  
TELEPHONE (208) 336-0700

RECEIVED

JAN 9 1987

Department of Water Resources  
Southern Region Office

January 7, 1987

Idaho Department of Water Resources  
Statehouse  
Boise ID 83720

RE: Application for Permit No. 43-7214 filed  
by Art and LaRene Whitaker

43-7213 Per Conv w/Tom  
Nelson  
1/14/87  
LAH.

Gentlemen:

Mr. and Mrs. Whitaker have consulted with me concerning the above-referenced Application. They apparently are proposing to construct a small storage reservoir on Eight Mile Creek near Malta. Mr. and Mrs. Whitaker have applied for ASCS money to assist with the project, and the money has been approved, but funding of the grant has been withheld pending receipt of a permit from IDWR. Mr. Whitaker's authorization for ASCS assistant money expires May 1, 1987, so he finds some need for expedited handling.

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MICROFILMED

JUL 06 1987

Idaho Department of Water Resources  
January 7, 1987  
Page - 2

Application, and has no objection to the further processing of the filing.

Yours very truly,



Thomas G. Nelson

TGN:dcb  
25501

cc: ~~Mr.~~ and Mrs. Art Whitaker  
Idaho Department of Water  
Resources, Twin Falls Office

MICROFILMED  
JUL 06 1987