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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69170

This is to certify that: PAULA J WHITTAKER Or
F JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464
(208)768-2491

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
74-39B	AJC/Decreed	06/10/1901	6.00 cfs			195.0	195.0 BIG TIMBER CREEK
74-63	AJC/Decreed	07/18/1911	0.96 cfs			195.0	195.0 BIG TIMBER CREEK
74-72	AJC/Decreed	06/01/1883	0.84 cfs			158.0	158.0 NEZ PERCE CREEK
74-15005	AJC/Decreed	05/14/1920	4.56 cfs			157.7	158.0 NEZ PERCE CREEK

Purpose of Transfer (Changes Proposed)

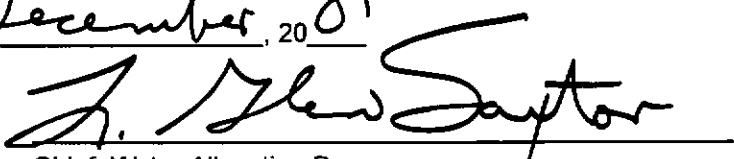
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
74-39B	NO	NO	YES	NO	NO	NO
74-63	NO	NO	YES	NO	NO	NO
74-72	NO	YES	YES	NO	NO	NO
74-15005	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
74-39B	74-39B	6.00 cfs	682.5 af	195.0	353.0		N/A	N/A	N/A	N/A
74-63	74-63	0.96 cfs	468.4 af	195.0	353.0		N/A	N/A	N/A	N/A
74-72	74-72	0.84 cfs	409.9 af	158.0	353.0		N/A	N/A	N/A	N/A
74-15005	74-15005	4.56 cfs	552.0 af	157.7	353.0		N/A	N/A	N/A	N/A
TOTALS		12.36 cfs	1235.5 af	N/A	353.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of December, 2001


Chief, Water Allocation Bureau

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JAN 24 2002

WATER RIGHT NO. 74-39B
As Modified by Transfer No. 69170

In accordance with the approval of Transfer No. 69170, Water Right No. 74-39B is now described as follows.

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

Priority Date: 06/10/1901

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	6.00 CFS	682.5 AF
			6.00 CFS	682.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK SWNW Sec. 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	21	38.0	35.0	35.0	40.0									6.0				154.0
15N	26E	22		.4	3.0		33.0	40.0	40.0	40.0	16.6	26.0							199.0

Total Acres: 353

CONDITIONS OF APPROVAL

1. Rights 74-39B and 74-63 when combined shall not exceed a total diversion rate of 6.96 cfs, a total annual maximum diversion volume of 682.5 af at the field headgate, and the irrigation of 195 acres in the place of use described above in a single irrigation season.
2. Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 12.36 cfs, a total annual maximum diversion volume of 1235.5 af at the field headgate, and the irrigation of 353.0 acres.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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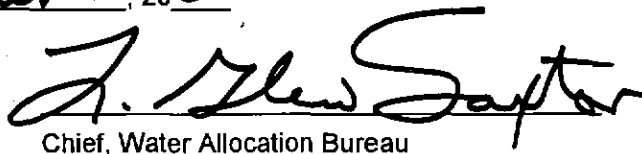
WATER RIGHT NO. 74-39B
As Modified by Transfer No. 69170

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of December, 2001


Chief, Water Allocation Bureau

MICROFILMED
JAN 24 2002

WATER RIGHT NO. 74-63
As Modified by Transfer No. 69170

In accordance with the approval of Transfer No. 69170, Water Right No. 74-63 is now described as follows.

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

Priority Date: 07/18/1911

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.96 CFS	468.4 AF
			0.96 CFS	468.4 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK SWNW Sec. 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	21	38.0	35.0	35.0	40.0									6.0				154.0
15N	26E	22		.4	3.0		33.0	40.0	40.0	40.0	16.6	26.0							199.0

Total Acres: 353

CONDITIONS OF APPROVAL

1. Rights 74-39B and 74-63 when combined shall not exceed a total diversion rate of 6.96 cfs, a total annual maximum diversion volume of 682.5 af at the field headgate, and the irrigation of 195 acres in the place of use described above in a single irrigation season.
2. Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 12.36 cfs, a total annual maximum diversion volume of 1235.5 af at the field headgate, and the irrigation of 353.0 acres.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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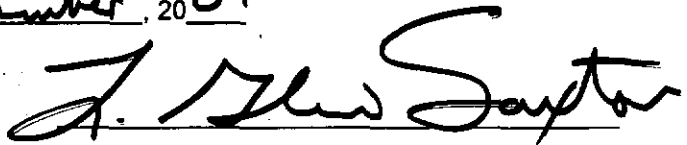
WATER RIGHT NO. 74-63
As Modified by Transfer No. 69170

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of December, 2001



Chief, Water Allocation Bureau

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JAN 24 2002

WATER RIGHT NO. 74-72
As Modified by Transfer No. 69170

In accordance with the approval of Transfer No. 69170, Water Right No. 74-72 is now described as follows.

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

Priority Date: 06/01/1883

Source: UNNAMED STREAM

Tributary: TEXAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.84 CFS	409.9 AF
			0.84 CFS	409.9 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NWSE Sec. 21 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 26E 21	38.0	35.0	35.0	40.0									6.0				154.0
15N 26E 22		.4	3.0		33.0	40.0	40.0	40.0	16.6	26.0							199.0

Total Acres: 353

CONDITIONS OF APPROVAL

1. Rights 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 5.40 cfs, a total annual maximum diversion volume of 553.0 af at the field headgate, and the irrigation of 158.0 acres in the place of use described above in a single irrigation season.
2. Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 12.36 cfs, a total annual maximum diversion volume of 1235.5 af at the field headgate, and the irrigation of 353.0 acres.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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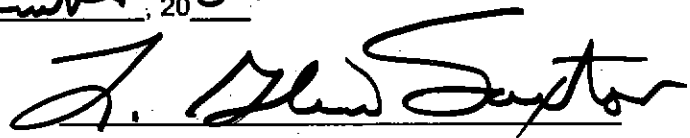
WATER RIGHT NO. 74-72
As Modified by Transfer No. 69170

CONDITIONS OF APPROVAL

5. Prior to diversion of water under Rights 74-72 and 74-15005, the right holder shall provide and maintain a means of measurement acceptable to the watermaster for measuring the flow in Nez Perce Creek at the original points of diversion in NESW, S15 and S22, T14N, R26E.
6. Diversion of water under Rights 74-72 and 74-15005 is limited to those times water is available for diversion under these rights and priorities from Nez Perce Creek, and shall not exceed the amount that remains undiverted in Nez Perce Creek that is ultimately allowed to reach Texas Creek.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. Source known locally as Warm Spring Creek.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of December, 2001


Chief, Water Allocation Bureau

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JAN 24 2002

WATER RIGHT NO. 74-15005
As Modified by Transfer No. 69170

In accordance with the approval of Transfer No. 69170, Water Right No. 74-15005 is now described as follows.

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

Priority Date: 05/14/1920

Source: UNNAMED STREAM

Tributary: TEXAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	4.56 CFS	552.0 AF
			4.56 CFS	552.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NWSE Sec. 21 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 26E 21	38.0	35.0	35.0	40.0									6.0				154.0
15N 26E 22		.4	3.0		33.0	40.0	40.0	40.0	16.6	26.0							199.0

Total Acres: 353

CONDITIONS OF APPROVAL

- Right 74-15005 is limited to the irrigation of 157.7 acres within the place of use described above in a single irrigation season.
- Rights 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 5.40 cfs, a total annual maximum diversion volume of 553.0 af at the field headgate, and the irrigation of 158.0 acres in the place of use described above in a single irrigation season.
- Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 12.36 cfs, a total annual maximum diversion volume of 1235.5 af at the field headgate, and the irrigation of 353.0 acres.
- Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.

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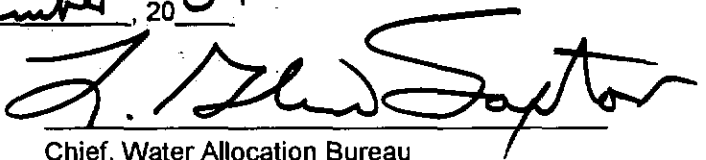
WATER RIGHT NO. 74-15005
As Modified by Transfer No. 69170

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to diversion of water under Rights 74-72 and 74-15005, the right holder shall provide and maintain a means of measurement acceptable to the watermaster for measuring the flow in Nez Perce Creek at the original points of diversion in NESW, S15 and S22, T14N, R26E.
7. Diversion of water under Rights 74-72 and 74-15005 is limited to those times water is available for diversion under these rights and priorities from Nez Perce Creek, and shall not exceed the amount that remains undiverted in Nez Perce Creek that is ultimately allowed to reach Texas Creek.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
12. Source known locally as Warm Spring Creek.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of December, 2001



Chief, Water Allocation Bureau

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JAN 24 2002

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHTS)
TO THE USE OF THE SURFACE WATERS)
AND TRIBUTARIES FROM WHATEVER)
SOURCE OF THE LEMHI RIVER)
DRAINAGE BASIN.)

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

The above-entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by the submission of a petition from eight (8) water users in the Lemhi River Basin, requesting that the Department of Water Administration (changed to Department of Water Resources in 1974) obtain authority from the Court to prepare a proposed finding of water rights in the Lemhi River Basin. The petitioners specifically requested that the study reflect the present practice and use of water within the Lemhi River Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Higginson, Director of the Department of Water Resources petitioned the Court on April 30, 1970, for an order of authorization for the commencement of an adjudication of water rights in the Lemhi River Drainage.

An order was signed on August 13, 1970, by District Judge Arnold T. Beebe, authorizing the Department to commence an investigation and determination of the various rights to the use of the water of the Lemhi River and its surface tributaries including ground water which may be either tributary to the Lemhi River or its surface tributaries within the Lemhi River Drainage Basin, such waters lying or being used within Lemhi County.

An order of joinder signed on June 17, 1971, made approximately 457 land owners and possible water users parties to the adjudication. An additional 351 water users were joined by an order signed November 1, 1971. Approximately 1,900 claims of water rights were submitted to the Department.

Based upon all existing court decrees adjudicating water rights within the Lemhi River Drainage Basin, the claims submitted, the files and records of the Department and the Court, the examination and studies of the Lemhi River Drainage Basin and the various ditches and other diversions of water therein and the lands irrigated or other uses of water, the Department of Water Resources, in July 1974, filed a proposed finding of water rights with the Court. Objections to the proposed finding were resolved either by stipulation or hearing before the Court. The Court then adopted the following findings of fact, conclusions of law and decree of water rights, in which the

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JAN 24 2002

DEPARTMENT OF WATER RESOURCES
WATER RIGHT NUMBER INDEX

05/05/83

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NUMBER	NAME	STAGE/ STATUS	PRIORITY DATE	SOURCE OF WATER	TRIBUTARY TO
74-0045	KEATING, TOM	/I	DISALLOWED		
74-0046	WHITTAKER, GEORGE H.	/I	DISALLOWED		
74-0047	COLEMAN, HARRY L.	0/	09-27-1909	LITTLE TIMBER CREEK	HIG TIMBER CREEK
	COLEMAN, SHIRLEY R.				
74-0048	COLEMAN, HARRY L.	0/	10-09-1909	LITTLE TIMBER CREEK	HIG TIMBER CREEK
74-0049	COLEMAN, SHIRLEY R.	0/	08-21-1909	LITTLE TIMBER CREEK	HIG TIMBER CREEK
74-0050	WHITTAKER, CALVIN J.	/			
74-0051	WHITTAKER, CAROL G.	0/	11-06-1906	LITTLE TIMBER CREEK	HIG TIMBER CREEK
74-0052	SPLIT INTO 74-0050A & 74-0050B.				
74-0053	COLEMAN, HARRY L.	0/	11-06-1906	LITTLE TIMBER CREEK	HIG TIMBER CREEK
74-0054	COLEMAN, SHIRLEY R.	0/	11-06-1906	LITTLE TIMBER CREEK	HIG TIMBER CREEK
74-0055	KELLY, KENNETH R.	0/	06-07-1909	HIG TIMBER CREEK	LEWYI RIVER
74-0056	KELLY, BETTY C.				
74-0057	PETERSON, DONALD O.				
74-0058	PETERSON, BILLIE				
74-0059	PERRY, SOLOMON T.	/I	DISALLOWED		
74-0060	SMITH, E. G.	/I	DISALLOWED		
74-0061	PURCELL, KERRIT	0/	11-12-1909	HIG TIMBER CREEK	LEWYI RIVER
74-0062	WHITTAKER, FLOYD J.	0/	08-19-1910	LITTLE TIMBER CREEK	HIG TIMBER CREEK
74-0063	WHITTAKER, FLOYD J.	0/	05-01-1910	HIG TIMBER CREEK	LEWYI RIVER
74-0064	JACKS, WILLIAM B.	/I	DISALLOWED		
74-0065	*C CURT, ARTHUR	/I	DISALLOWED		
74-0066	SPLIT INTO 74-0059A & 74-0059B.				
74-0067	PURCELL, ALLAN F.	0/	07-08-1911	HIG TIMBER CREEK	LEWYI RIVER
74-0068	PURCELL, BETTY M.	0/	07-08-1911	HIG TIMBER CREEK	LEWYI RIVER
74-0069	SMITH, LINNIS	/I	DISALLOWED		
74-0070	AMUNSON, USCAR	0/	02-06-1952	HIG TIMBER CREEK	LEWYI RIVER
74-0071	PURCELL, KERRIT	/			
74-0072	NUMBER NOT USED. DO NOT ISSUE.	0/	07-18-1911	HIG TIMBER CREEK	LEWYI RIVER
74-0073	SHINER, WILFORD				
74-0074	SHINER, CHARLES				
74-0075	NUMBER NOT USED. DO NOT ISSUE.				
74-0076	SIMS, RALPH	0/	06-10-1894	TEXAS CREEK	LEWYI RIVER
74-0077	SIMS, RUTH	0/	06-01-1890	TEXAS CREEK	LEWYI RIVER
74-0078	ELLSWORTH, JAMES	0/	06-01-1881	TEXAS CREEK	LEWYI RIVER
74-0079	ELLSWORTH, MAYBELLE	/			
74-0080	ELLSWORTH, JAMES	0/	06-01-1895	TEXAS CREEK	LEWYI RIVER
74-0081	ELLSWORTH, MAYBELLE	0/	04-01-1887	TEXAS CREEK	LEWYI RIVER
74-0082	SLAVIN, WILTON E.	0/	06-01-1879	PURCELL CREEK	TEXAS CREEK
74-0083	SLAVIN, HELEN G.	0/	06-01-1883	NEZ PERCE CREEK	TEXAS CREEK
74-0084	WHITTAKER, FLOYD J.				
74-0085	MAHAFFEY LIVESTOCK INC.				
74-0086	MAHAFFEY LIVESTOCK INC.				
74-0087	SPLIT INTO 74-0073A & 74-0073B.				
74-0088	MAHAFFEY LIVESTOCK INC.	0/	03-24-1883	PURCELL CREEK	TEXAS CREEK

NOTE: ASTERISK (*) IN NAME FIELD DESIGNATES ORIGINAL OWNER.

MEMORANDUM

TO: FILE 74-00072
FROM: VAULT
RE: TRANSFER # 69170
DATE: 12.14.01

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 74-00039 B

MICROFILMED

JAN 2 1962