

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 255.

This is to certify that Irene G. Yearian, of Leadore, County of Lemhi, State of Idaho, has a right to the use of the waters of Timber Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of Edwin M. Yearian, et al, plaintiffs, vs. Robert T. Stewart, et al, defendants, wherein 5.8 sec. ft. of the waters of Timber Creek, in Water District No. 79-G, was dedicated to the $W\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 30; W $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ Sec. 20; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 29, all in Township 16 North, Range 26 East, Boise Meridian, bearing dates of priority as follows; 5.0 sec. ft. dated June 10, 1901; 0.8 sec. ft. dated July 8, 1911; said decree being entered at Boise, Idaho, in the records of the Department of Reclamation in Volume 3 of Decrees, at page 414; that upon the application of Irene G. Yearian for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 5.8 second feet of the waters of Timber Creek upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this instrument become appurtenant for irrigation and domestic purposes is shown in the following table, limited at any given time to an amount actually needed and beneficially used for said purposes, and shall not exceed the following amount:

5.0 sec. ft. dating from June 10, 1901.
0.8 " " " " July 8, 1911.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
16 N.	25 E.	25		40		40 40 40 40	200
16 N.	26 E.	30		40 40	40		120
Total number of acres							320

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place herein described, as provided by the laws of the State of Idaho.

No right to the use of waters on the lands herein named exists at the date of this instrument except as herein stated.

WITNESS the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 8th day of January, 1920.

W. G. Swendsen
Commissioner of Reclamation

(SEAL)

Recorded in Water District No. 79-G. 1-9-20. M.L.B.
Platted on Map-Water Dist. No. 79-G. 1-9-20. S.T.B.
Point of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, 15 N., 26 E.

STATE OF IDAHO)
County of Ada (ss

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, do hereby certify that the above and foregoing is a full, true, and correct copy of Certificate of Transferred Water Right No. 255, in the name of Irene G. Yearian, as same appears of record in the State Department of Reclamation, at Boise, Idaho, in Volume 1 of Transfers, at page 255.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 9th day of August, 1950.

MARK R. KULP
State Reclamation Engineer

RECORDED

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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
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)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-39B	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

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-39B	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

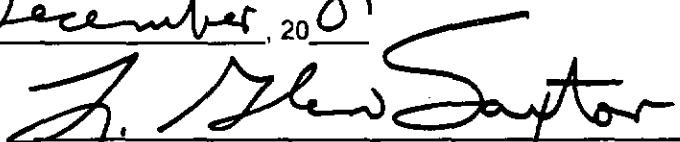
Detailed Water Right Description(s) attached

Dated this

13th

day of

December, 2001


 Chief, Water Allocation Bureau

MICROFILMED
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	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.

MICROFILMED

JAN 24 2002

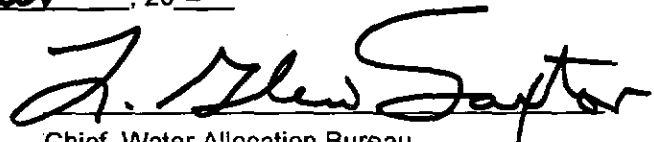
WATER RIGHT NO. 74-39B
As Modified by Transfer No. 69170

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.

MICROFILMED

JAN 24 2002

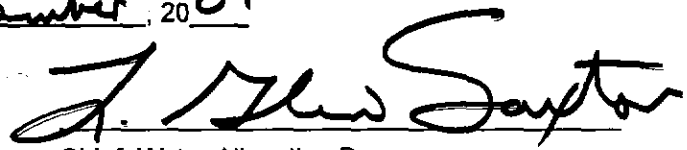
WATER RIGHT NO. 74-63
As Modified by Transfer No. 69170

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

MICROFILMED

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	to 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.

MICROFILMED

JAN 24 2002

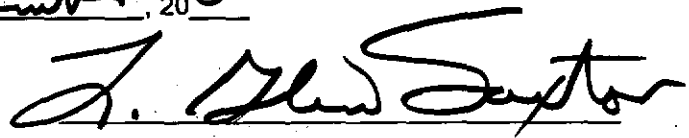
WATER RIGHT NO. 74-72
As Modified by Transfer No. 69170

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

MICROFILMED

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

1. Right 74-15005 is limited to the irrigation of 157.7 acres within the place of use described above in a single irrigation season.
2. 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.
3. 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.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 74-W.

MICROFILMED

JAN 24 2002

WATER RIGHT NO. 74-15005

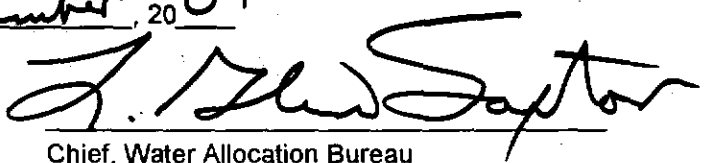
As Modified by Transfer No. 69170

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

MICROFILMED

JAN 24 2002

TRAN 4071

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4071
WATER RIGHT NO(S). 74-00039B/74-00063

This is to certify that: **F JAMES WHITTAKER**
PAULA WHITTAKER
PO BOX 240
LEADORE ID 83464

has requested a change to the above captioned water rights. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 74-00039B :		
IRRIGATION	03/15 to 11/15	6.00 CFS
Priority: 06/10/1901		
Right No. 74-00063 :		
IRRIGATION	03/15 to 11/15	0.96 CFS
Priority: 07/18/1911		

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG TIMBER CREEK	LEMHI RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 20, Township 15N, Range 26E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15N 26E 22	NENW 40	NWNW 40	SWNW 40	
	SEnw 40	NWSW 35		195

Total number of acres irrigated: 195

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74W.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED

MAY 21 1993

TRANSFER NO. 4071
WATER RIGHT NO(S). 74-00039B/74-00063

CONDITIONS/REMARKS:

3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The total combined rate of diversion under Right Nos. 74-00039B and 74-00063 shall not exceed 6.96 cfs.
7. The total combined rate of diversion at the field headgate under Right Nos. 74-00039B and 74-00063 shall not exceed 0.02 cfs per irrigated acre.

Dated this 26th day of April, 1993.

J. ShwSactor
Chief, Water Alloc. Bureau

MICROFILMED

MAY 21 1993

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

INDICATES TOTAL SOURCE: BIG TIMBER CREEK TRIBUTARY TO: LEMHI RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0059A	PURCELL, BETTY M. P.O. BOX 15 LEADORE			2.00 CFS	T15N R26E	N4SW(21) S33 T16N R26E	
		10 83464				* 69 ACRES*	
74-0059B	SMITH, LINNIS P.O. BOX 594 SALMON	07-08-1911	IRRIGATION 03-15 11-15	.28 CFS	SENE S05 T15N R26E	S4SW(07) S33 T16N R26E	DEGREE
		10 83467				* 7 ACRES*	
74-0063	SHINER, WILFORD SHINER, CHARLES LEADORE	07-18-1911	IRRIGATION 03-15 11-15	.96 CFS	NWSE S08 T15N R26E	NESW(35) SESW(40) NESE(40) NWSE(40) S4SE(40) S25 T16N R25E * 195 ACRES*	DEGREE
		10 83464					
74-0061	ADAMS, ROBERT H. ADAMS, OPAL C. P.O. BOX 54 LEADORE	04-01-1920	IRRIGATION 03-15 11-15	.16 CFS	NWSE S08 T15N R26E	NWSE(08) S08 T15N R26E	DEGREE
		10 83464				* 8 ACRES*	
74-1019	COLEMAN, HARRY L. COLEMAN, SHIRLEY R. P.O. BOX 43 LEADORE	04-01-1922	IRRIGATION 03-15 11-15	.50 CFS	SWNW S20 T15N R26E	N4SW(12) SWSW(13) S17 T15N R26E	DEGREE
		10 83464				* 25 ACRES*	
74-1103	WHITTAKER, FLOYD J. P.O. BOX 177 LEADORE	11-19-1922	IRRIGATION 03-15 11-15	.48 CFS	SWNW S05 T14N R26E		DEGREE
	REMARKS: AC. IRR.=24.2. P/U H.E.S. 657. P/U: T15N R26E S32 SWSW(06) P/U: T14N R26E S05 SWSW(08)					* 24 ACRES*	
			LT04 (NWNW)(10)				
74-0398	PURCELL, ALLAN F. PURCELL, BETTY M. P.O. BOX 15 LEADORE	09-12-1933	IRRIGATION 03-15 11-15	5.76 CFS	NWSE S08 T15N R26E	NENE(26) NWNW(40) S4NE(20) NENW(40) N4NW(33) SWSW(40) SENW(40) S25 T16N R25E * 239 ACRES*	DEGREE
		10 83464					
74-0992	STOUT, HARRY	05-15-1940	IRRIGATION 03-15 11-15		NWNW S33	N4NW(01)	DEGREE

TRAN 255

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 255.

This is to certify that Irene G. Yearien, of Leadore, County of Lemhi, State of Idaho, has a right to the use of the waters of Timber Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of Edwin M. Yearien, et al, Plaintiffs, vs. Robert T. Stewart, et al, defendants, wherein 5.8 sec. ft. of the waters of Timber Creek, in Water District No. 79-G, was dedicated to the $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ S $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 30; W $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ Sec. 20; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 29, all in Township 16 North, Range 26 East, Boise Meridian, bearing dates of priority as follows; 5.0 sec. ft. dated June 10, 1901; 0.8 sec. ft. dated July 8, 1911; said decree being entered at Boise, Idaho, in the records of the Department of Reclamation in Volume 3 of Decrees, at page 414; that upon the application of Irene G. Yearien for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 5.8 second feet of the waters of Timber Creek upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this instrument become appurtenant for irrigation and domestic purposes is shown in the following table, limited at any given time to an amount actually needed and beneficially used for said purposes, and shall not exceed the following amount:

5.0 sec. ft. dating from June 10, 1901.
0.8 " " " " July 8, 1911.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
16 N.	25 E.	25	40		40	40	200
16 N.	26 E.	30		40	40		120
Total number of acres							320

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place herein described, as provided by the laws of the State of Idaho.

No right to the use of waters on the lands herein named exists at the date of this instrument except as herein stated.

WITNESS the seal and signature of the Commissioner of Reclamation of the State of Idaho, officed at Boise, Idaho, this 8th day of January, 1920.

(SEAL) W. G. Swendsen
Commissioner of Reclamation

Recorded in Water District No. 79-G. 1-9-20. M.L.B.
Platted on Map-Water Dist. No. 79-G. 1-9-20. S.T.B.
Point of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, 15 N., 26 E.

STATE OF IDAHO)
County of Ada (SS

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, do hereby certify that the above and foregoing is a full, true, and correct copy of Certificate of Transferred Water Right No. 255, in the name of Irene G. Yearien, as same appears of record in the State Department of Reclamation, at Boise, Idaho, in Volume 1 of Transfers, at page 255.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 9th day of August, 1950.

MARK R. KULP
State Reclamation Engineer

MICROFILMED

74-A-2-1

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

VIVIAN M. CLINGER and ZELLA
M. CLINGER, his wife,

Plaintiffs,

-vs-

DANIEL CLARK, a single man,

Defendant.

J U D G M E N T

DANIEL CLARK, ELSON CLARK AND
HARRIET CLARK,

Cross-Plaintiffs,

-vs-

ZELLA M. CLINGER, Executrix of the
Estate of VIVIAN M. CLINGER,
DECEASED,

Cross-Defendant.

The above entitled cause came on regularly for trial on the 12th day of December, 1951, before the undersigned Judge of said Court, sitting without a jury, the Plaintiffs and Cross-Defendant appearing by their Attorneys, A. A. Merrill and T. W. Smith, and the Defendant and Cross-Plaintiffs appearing by their Attorney, Charles Herndon, and a written stipulation of the facts having been signed by all parties and filed in this Court, and evidence both oral and documentary having been introduced on behalf of the respective parties, and the cause having been submitted to the Court, and the Court having been fully advised in the premises and the court having made and filed Findings of Fact and Conclusions of Law.

IT IS ORDERED, ADJUDGED AND DECREED, That the Cross-Plaintiffs, Daniel Clark and Eldon Clark are the owners in fee simple, in possession, and entitled to the possession of 5.0 cubic feet per second of time, or 250 miners inches of waters of Timber Creek in Lemhi County, Idaho, with priority June 10, 1901, and 0.8 cubic feet per second of time of the waters of Timber Creek in Lemhi County, Idaho, with priority July 18, 1911, all as originally decreed to E. M. Yearian by Decree of this Court dated November 10, 1913, and recorded January 2, 1914, in Book B of Judgments, pages 124-127, inclusive, records of Lemhi County, Idaho, for the irrigation of the following described lands situated in Lemhi County, State of Idaho, to-wit:

Lots 1 and 2 ($W\frac{1}{2}$ NW $\frac{1}{4}$), Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30 Township 16 North Range 26 E.B.M. SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 25; NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24; All in Township 16, North, Range 25 E.B.M.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the title of the Defendant and Cross-Plaintiffs, Daniel Clark and Eldon Clark, in and to said 5.8 cubic feet per second of time, or 290 miners inches of waters of Timber Creek, in Lemhi County, State of Idaho, is hereby quieted and the Plaintiffs and Cross-Defendant and Zella M. Clinger, in her own right, are hereby forever barred from any and all claim of right, title or interest to said waters, or any part thereof.

Done this 27 day of March, 1952.

L. E. GLENNON
District Judge

Filed April 9th, 1952 at 10 minutes past 9 o'clock A.M. Book E. of Judgments
page 281.

W. W. Simmonds
Clerk

RECORDED

MEMORANDUM

TO: FILE 74-00063

FROM: VAULT

RE: TRANSFER # 69170

DATE: 6-4-01

=====

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

FILE # 74-00039B

MICROFILMED
JUN 20 2001

MEMORANDUM

TO: FILE 74-00063

FROM: PAM SKAGGS

RE: TRANSFER # 5559/66979

DATE: 10-22-99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 74-00039.

WITHDRAWN

5-7-01

MICROFILMED

JUN 20 2001

TRAN 4071

MEMORANDUM

TO: FILE 74-00063

FROM: PAM SKAGGS

RE: TRANSFER # 4071

DATE: 4-22-93

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 74-000393.

RECEIVED

MAY 21 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	F JAMES WHITTAKER	07/18/1911	IRRIGATION	03-15 11-15	0.96 CFS	
C	PAULA WHITTAKER PO BOX 240 LEADORE ID 83464 (208) 768-2491					
TOTAL DIVERSION:					0.96 CFS	

Water Source: BIG TIMBER CREEK

Tributary to: LEMHI RIVER

Stage: DECREED

Point(s) of Diversion: T15N R26E S20 SW NW

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM				
15N	26E	22	:																	:	195.0				
										40	40	40	40					35					:	195.0	
																				TOTAL ACRES				:	195.0

Pou County: LEMHI

Other Water Rights with Same Point(s) of Diversion and Source:
74-00148 74-01092 74-01102 74-01619 174-00039B

Other Water Rights Listing Overlapping Place(s) of use:
174-00039B

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 74W.
- R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: The total combined rate of diversion under Right Nos. 74-00039B and 74-00063 shall not exceed 6.96 cfs.
The total combined rate of diversion at the field headgate under Right Nos. 74-00039B and 74-00063 shall not exceed 0.02 cfs per irrigated acre.

WR0749NP
No. T74-00063

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 04/23/93
PAGE: 2

Dates:	App. Received:	Priority Date:	07/18/1911
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		
Misc:	Water District Number: 74W	Field Exam Fee:	
Audit:	04/23/93 SKAGGS		