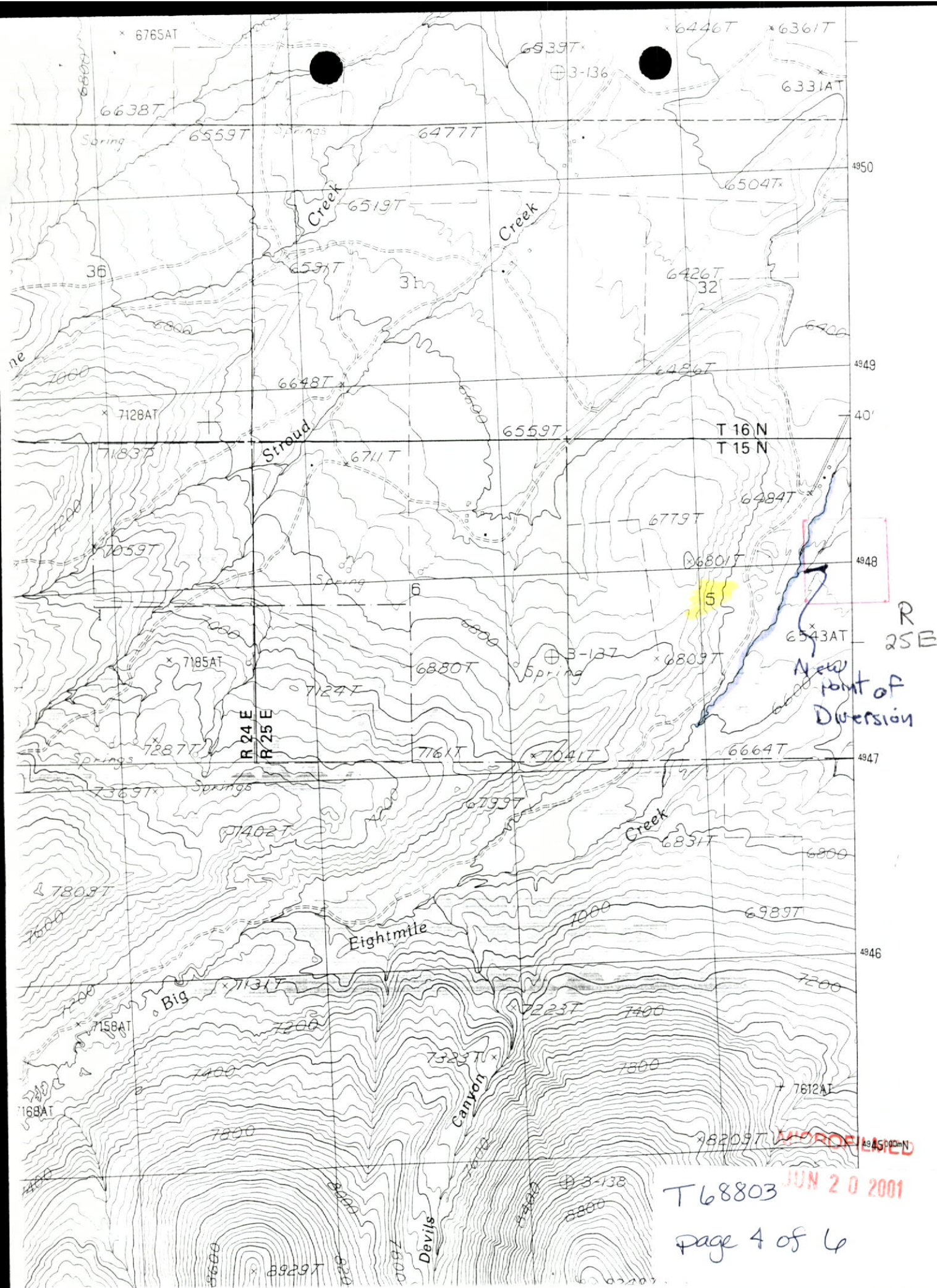
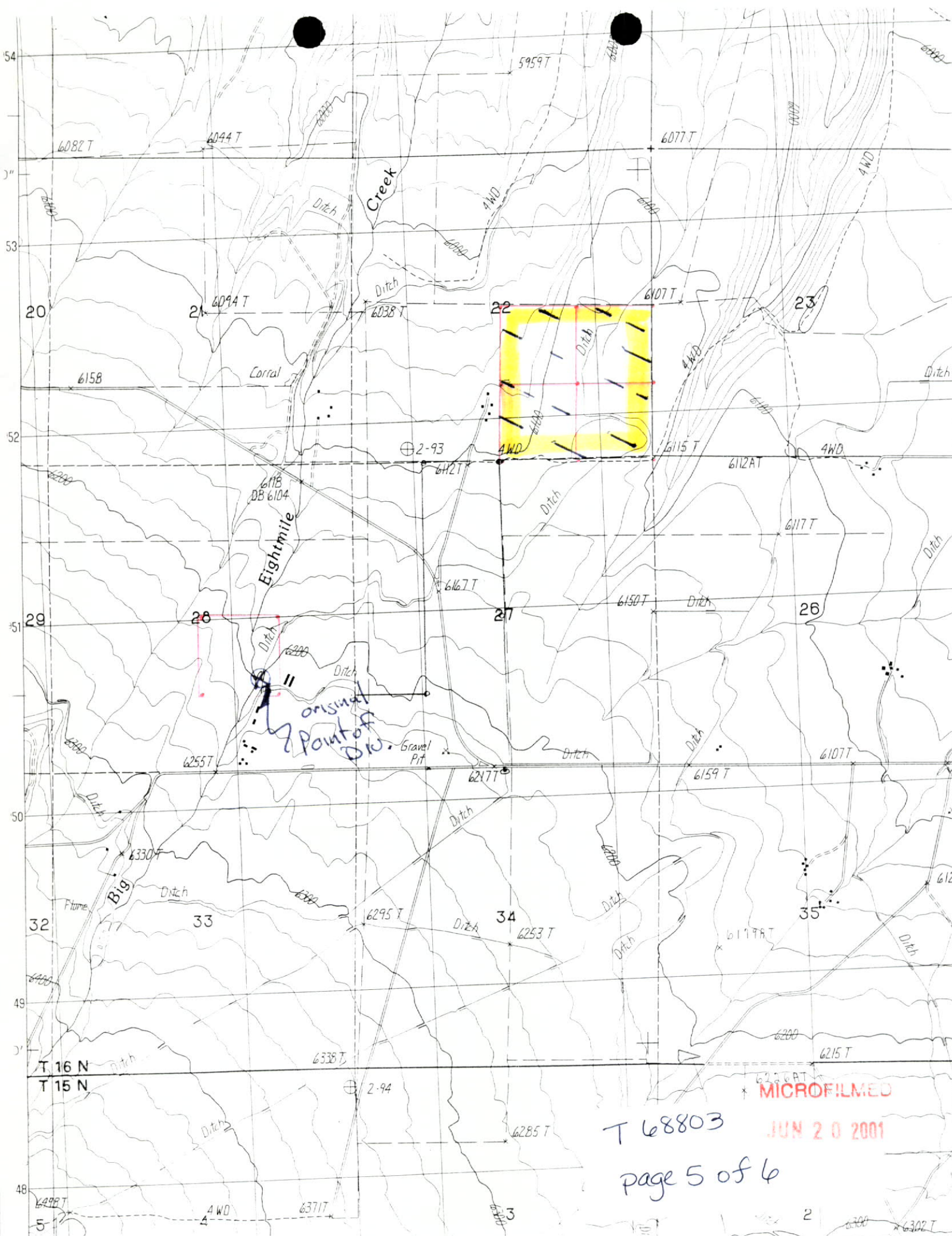




T68803 JUN 20 2001
page 4 of 4



MICROFILMED

JUN 20 2001

T 68803

page 5 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68803

This is to certify that: F JAMES WHITTAKER
Or
PAULA J 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. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

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>
74-354	AJC/Decreed	08/28/1918	2.40 cfs		154.0	154.0	BIG EIGHTMILE CREEK

Purpose of Transfer (Changes Proposed)

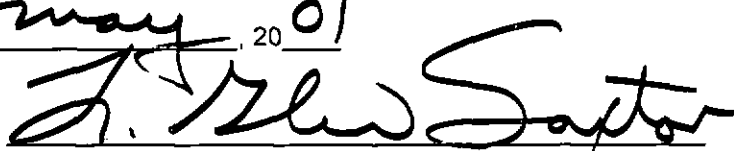
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-354	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-354	74-354	2.40 cfs	536.2 af	153.2	154.0		N/A	N/A	N/A	N/A
TOTALS		2.40 cfs	536.2 af	153.2	154.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 22nd day of May, 2001


Chief, Water Allocation Bureau

MICROFILMED

JUN 20 2001

WATER RIGHT NO. 74-354
As Modified by Transfer No. 68803

In accordance with the approval of Transfer No. 68803, Water Right No. 74-354 is now described as follows.

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

Priority Date: 08/28/1918

Source: BIG EIGHTMILE 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	2.40 CFS	536.2 AF
			2.40 CFS	536.2 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG EIGHTMILE CREEK NWSE Sec. 28 Twp 16N Rge 25E LEMHI County

BIG EIGHTMILE CREEK SENE Sec. 5 Twp 15N Rge 25E 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	
16N 25E 22													36.0	38.0	40.0	40.0	154.0

Total Acres: 154

CONDITIONS OF APPROVAL

1. Right 74-354 is limited to the irrigation of 153.2 acres within the place of use described above in a single irrigation season.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 74-Z, Big Eightmile and Lee Creeks.
3. Prior to diversion of water under this approval, the right holder shall install measuring devices and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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JUN 20 2001

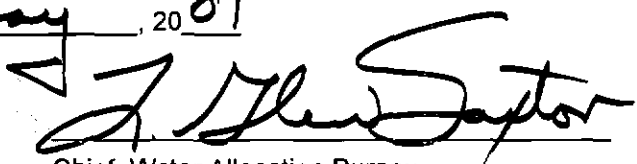
WATER RIGHT NO. 74-354
As Modified by Transfer No. 68803

CONDITIONS OF APPROVAL

5. Approval of Transfer 68803 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
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 the water right(s) 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 22nd day of May, 2001


Chief, Water Allocation Bureau

MICROFILMED

JUN 20 2001

\$330 fee

Transfer No. 68803
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT MAR 01 2001
PART 1

Name of Applicant JAMES or PAULA WHITTAKER Phone 208-768-2441 Department of Water Resources

Post Office address P.O. Box 240 Leadore, ID 83464

1. Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes To gain enough drop to
MAKE A gravity sprinkler system work

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | <u>Right Number</u> | <u>Priority</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|---------------------|-----------------|---------------------------|----------------------|----------------------|
| 74-00354 | 8-28-1918 | 2.40 cfs | Irrig. | 3-15 to 11-15 |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 2.40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Eightmile Creek tributary to Lemhi River
4. Point(s) of Diversion: _____

[illegible][illegible]

~~MICROFILMED~~

JUN 20 2001

*Acres Irrig - 153.2

* Total Acres 154

T 68803

PART 1

6. General Information:

a. Description of diversion system Open ditch with metal headgate and weir

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
N.A. Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N.A.

d. Remarks:

Adj. claim has been filed.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

For the Director

MICROFILMED

JUN 20 2001

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-00354

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	2.40 CFS

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

Priority: 08/28/1918

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 28, Township 16N, Range 25E
LEMHI County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE							
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
16N	25E	22	:																			:	154.0
																			TOTAL ACRES		154.0		

CONDITIONS/REMARKS:

1. AC. IRR.=153.2.

Describe any other water rights used for the same purpose as described above:

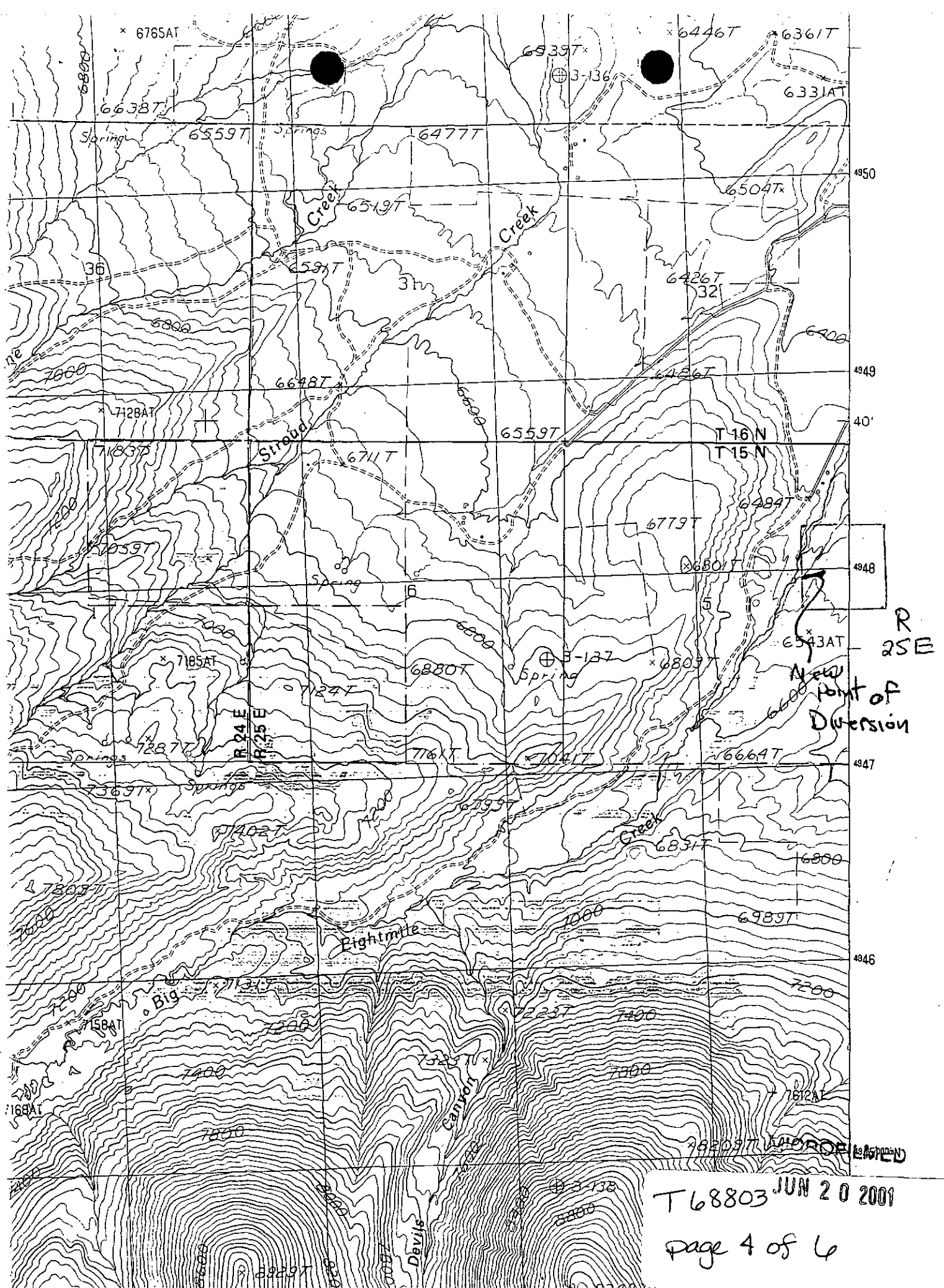
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

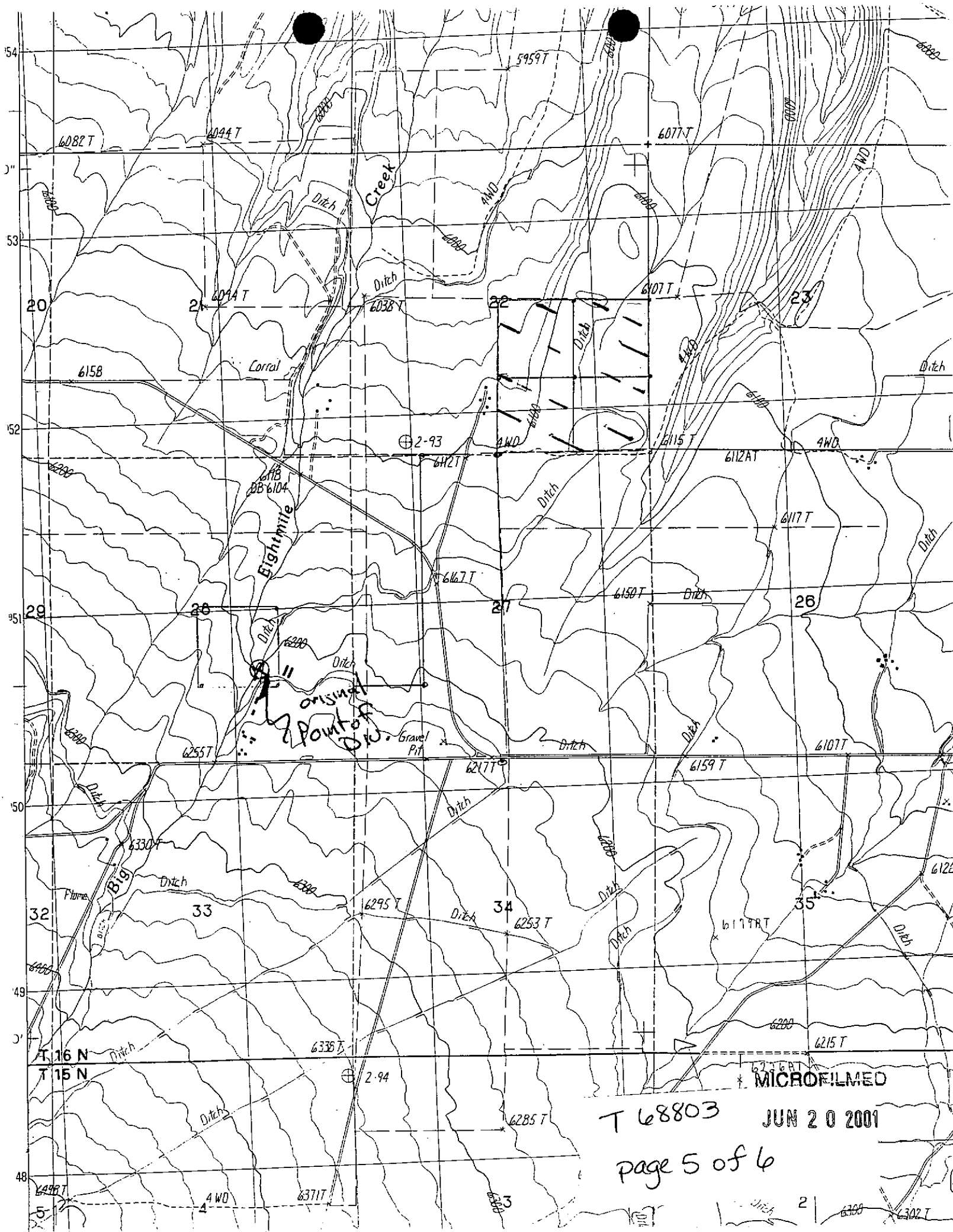
Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

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JUN 20 2001





PART 3

B. CHANGES IN NATURE OF USE

1.

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

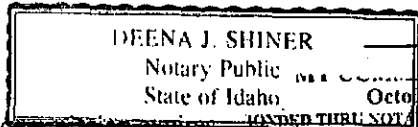
3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

James Whitaker
(Signature of Applicant)

Subscribed and sworn to before me this 6th day of December, 20 00



Deena J. Shiner
(Notary Public)

My commission expires October 1, 2005

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by HWT Date 12-7-00 Protest filed by _____

Prelim. Check by Kaw Fee \$330.00

Received by HWT #B026369 Date 12-7-00

Published in Recorder Herald Copies of protest forwarded by _____

Pub. Dates Jan 18 & 25 2001 Hearing held by _____ Date _____

Watermaster recommendations requested on 1/9/01 Recommended for ☒ approval ☐ denial

_____ received 1/19/01 by RDC

Copy of transfer sent to lien holder _____

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JUN 20 2001

DEANNE GRAY
LEMHI COUNTY ASSESSOR
206 COURTHOUSE DR
SALMON ID 83467

ASSESSMENT NOTICE

2000

ADDRESS SERVICE REQUESTED

CATEGORY DESCRIPTION

1 IRRGTD AG
2 IRRGTD PASTUR
5 DRY GRAZING

Tax Code

3 00

LOTS/ACRES

109.565 AC
41.297 AC
9.165 AC

MARKET VALUE

49,966
9,127
330

Taxes are based on the
valuation listed on this statement

**FOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFORE**

JUNE 22, 2000

TOTAL:

160.027

59,423

PARCEL #

RP 16N25E227200 A

SEE 4
22 16 25
T JAMES AND PAULA J 50%

F JAMES 25%
PATRICIA 25%

PROPERTY ADDRESS

PRIOR YEAR

CURRENT YEAR

Mail To:

VALUE:

60,338

59,423

WHITTAKER F JAMES
& WHITTAKER PAULA J ETAL
BOX 240
LEADORE ID 83464

PRIOR YEAR

ESTIMATED

TAX:

371.80

366.16

See back for details.

DO NOT PAY ESTIMATE

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JUN 20 2001

ATTACHMENT 1 OF 1

T 68803

05/04/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

INDICATES TOTAL

SOURCE: BIG EIGHTMILE CREEK

TRIBUTARY TO: LEWIS 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
74-0349	LEADORE ID 83464 REMARKS: AC. IRR.=72.7.					S4SE(37) SESE(18) S29 T16N R25E * 72 ACRES*	
74-1105	WHITTAKER, FLOYD J. P.O. BOX 177 LEADORE ID 83464	03-25-1918	IRRIGATION 03-15 11-15	4.00 CFS	NWSE S05 T15N R25E	SEVE(40) NESE(40) DECREE N4SE(40) S29 T16N R25E S4NW(40) SENW(37) S28 T16N R25E * 197 ACRES*	
74-0354	WHITTAKER, FLOYD J. P.O. BOX 177 LEADORE ID 83464 REMARKS: AC. IRR.=153.2.	08-28-1918	IRRIGATION 03-15 11-15	2.40 CFS	NWSE S28 T16N R25E	NESE(36) NWSE(38) DECREE S4SE(40) SESE(40) S22 T16N R25E	
74-0353	NILSSON, FLOYD A. NILSSON, DEXTER J. P.O. BOX 75 LEADORE ID 83464 REMARKS: AC. IRR.=218.7.	09-15-1918	IRRIGATION 03-15 11-15	4.00 CFS	SWNW S33 T16N R25E	N4NE(38) NENW(40) DECREE N4NW(38) S26 T16N R25E SENW(02) NESW(11) S4SW(08) SESE(36) S4SE(39) NWSE(07) S23 T16N R25E	
74-1106	WHITTAKER, FLOYD J. P.O. BOX 177 LEADORE ID 83464 REMARKS: AC. IRR.=53.7.	04-01-1925	IRRIGATION 03-15 11-15	1.07 CFS	SENW S33 T16N R25E	SWNE(04) NESW(04) DECREE SESW(23) NWSE(15) S4SE(08) S28 T16N R25E	
74-2341	ANDERSON, DARE R. ANDERSON, JOYCE P.O. BOX 95 LEADORE ID 83464 REMARKS: AC. IRR.=117.6. RESERVOIR IS KNOWN AS DAIRY LAKE.	09-27-1927	IRRIGATION 01-01 12-31 STORAGE	38.00 AFA	NENW S22 T15N R24E	S4SW(32) SESE(22) DECREE N4SE(40) SWSE(24) S04 T15N R25E	
			IRRIGATION 03-15 11-15	38.00 AFA		* 118 ACRES*	SAME AS OTHER USE

RECEIVED
JUN 20 2001

APR 7 1985

Department of Water Resources
Western Regional Office

Idaho, Jan 7 1983
at 10 minutes past 5 o'clock P.M.
By *[Signature]* Clerk
By *[Signature]* Deputy
[Signature] File of Judgments

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 RIGHT TO	)	CIVIL NO. 4948
THE USE OF SURFACE WATERS AND	)	
TRIBUTARIES FROM WHATEVER	)	
SOURCE OF THE LEMHI RIVER	)	PARTIAL DECREE PURSUANT
DRAINAGE BASIN.	)	TO RULE 54(b), I.R.C.P.

The report of the Idaho Department of Water Resources ("Water Resources" herein) entitled PROPOSED FINDING OF WATER RIGHTS IN THE LEMHI RIVER BASIN was filed with this court on July 9, 1974. The report contains FINDINGS OF FACT, CONCLUSIONS OF LAW, and a LISTING OF WATER RIGHTS.

As a result of objections filed to the PROPOSED FINDINGS, changes were made to the Findings of Fact, Conclusions of Law, and the Listing of Water Rights. These amendments, additions, and deletions to the PROPOSED FINDINGS are set forth in two documents already on file with the court: (1) the "Special Master's Report on Specific Objections," filed April 7, 1982 and adopted by order on September 16, 1982; and (2) the "Stipulation Resolving General Objections" filed February 12, 1982. A third document, "Order Correcting Clerical Oversights in Proposed Finding of Water Rights," filed November 16, 1982, corrects typographical errors in the PROPOSED FINDINGS. Finally, permits listed in the PROPOSED FINDINGS which have become licensed on or before the date of this partial decree will be decreed in their licensed form.

JUN 20 2001

This partial decree does not include any of the rights on Geertson Creek and its tributaries because they were already the subject of a partial decree which is on appeal to the 7th

have yet to be resubmitted following the decision of U.S. v. New Mexico.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the water rights of the Lemhi River Basin with the exceptions noted above are as described in the PROPOSED FINDING OF WATER RIGHTS IN THE LEMHI RIVER BASIN, as amended by:

1. Special Master's Report on Specific Objections;
2. Stipulation Resolving General Objections;
3. Order Correcting Clerical Oversights in Proposed Finding of Water Rights; and
4. Licenses issued on or before the date of this partial decree for permits listed in the PROPOSED FINDINGS;

all of which are incorporated herein by reference.

DATED this 30th day of December, 1982.


ARNOLD T. BEEBE
District Judge

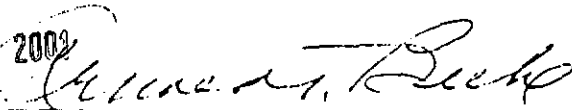
Rule 54(b) Certificate

With respect to the issues determined by the above judgment it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final decree and that the court has and does hereby direct that the above partial decree shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED this 30th day of December, 1982.

MICROFILMED

JUN 20 2002


ARNOLD T. BEEBE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PAULA J WHITTAKER
F JAMES WHITTAKER
PATRICIA WHITTAKER
PO BOX 240
LEADORE ID 83464

RE: Transfer No.:68803 - Water Right 74-354 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or 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 forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section
JP:klt
Enclosure(s)

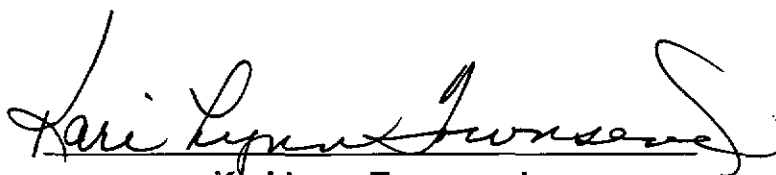
MICROFILMED
JUN 20 2001

CERTIFICATE OF MAILING

I hereby certify that on May 22, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68803 - WATER RIGHT 74-354

**PAULA J WHITTAKER
F JAMES WHITTAKER
PATRICIA WHITTAKER
PO BOX 240
LEADORE ID 83464**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUN 20 2001**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RICHARD MOLL
WATERMASTER
PO BOX 153
LEADORE ID 83464-0153

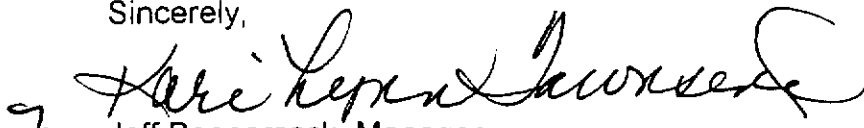
RE: Transfer No. 68803 for Water Right 74-354

Dear Richard:

Enclosed is a copy of the recently issued Transfer for the above referenced water right in the names of F. James Whittaker, Paula Whittaker and Patricia Whittaker.

If you have any questions, please call me at 208-327-7940.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JUN 20 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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JUN 20 2001

FINAL ORDER

The Director 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 Director 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.

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JUN 20 2001

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 68803

DATE REVIEWED 5-21-01 28

SPLIT POD ADD POD ☒ POU PERIOD or NATURE of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>C/74-354</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season 3-15 to 11-15

Standard Volume 3.5/2.5

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) Volume

(6) ☒ Source (7) P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 74-2 Water District (12) NO Pertinent Conditions (13) NO Expansion
WM Comment Rev'd 1-19-01

(5) Standard Vol = $153.2 \times 3.5 = 536.2 \text{ acft}$

(7) Add P/D

(9) Tax Notice identifies E. James + Paula J 50% Ownership
F. James 25%
Patricia 25%

Conditions/Remarks R04, R43, R63, W27, W57, T07, T08, T09
Modified - Multiple P/Ds

WRs for Update Comments 74-354 ☒

Database Updated to Reflect Final Action 5-22-01 28

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

RECEIVED

MAR 01 2001

Department of Water Resources

INITIAL REVIEW BY: REW

12-7-00
68803

1. Right number 74-00354 Applicant Whittaker

2. Type of right: ☒ Decree ☐ License ☐ Claim ☐ SRBA Recommendation

3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s)
☐ Change place of use ☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☒ Yes ☐ No

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☐ Check proof of ownership of right &/or land from which water is transferred.

i. ☒ Check for expansion in use of right. Comments NONE

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

k. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 74-2 (24) Richard Moll

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By ROC Date 2/20/01

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 68803**

James Whittaker OR Paula Whittaker, PO Box 240, Leadore ID 83464, has filed Application No. 68803 to add a point of diversion to the following water right within LEMHI County:

Decree: 74-00354; Source: Big Eightmile Creek/Lemhi River; Amount: 2.40 cfs; Priority Date: 08/28/1918; Point of Diversion: NWSE SEC 28 T16N R25E; The water is used for irrigation of 154 acres within SEC 22 T16N R25E.

TO BE CHANGED AS FOLLOWS:

The applicant intends to add a second point of diversion on Big Eightmile Creek in the SENE SEC 5 T15N R25E. No additional water or ground is involved. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before February 5, 2001 to be considered by the Department in its decision to grant or deny any part of the application. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

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

75-7676

MICHAEL C DOUGHERTY
JANE E DOUGHERTY
SANDSTROM

25297 Davenport St NE

Isanti MN 55040

Diversion Point: SWSSESW Sec 16 T24N R22E and NWNENW Sec 21 T24N R22E in LEMHI County

Source: SPRINGS

Use: DOMESTIC (1/01 To 12/31 0.04 CFS)

Use: STOCKWATER (1/01 To 12/31 0.02 CFS)

Total Diversion: (0.06 CFS)

Date Filed: 09/28/2000

PLACE OF USE: STOCKWATER

T24NR22E Sec 16 SESW

T24N R22E Sec 21 NENW

Document will be subject to all prior

Affidavit of Publication

RECEIVED
JAN 30 2001
Department of Water Resources
Eastern Region

STATE OF IDAHO } ss.
County of Lemhi

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the NOTICE OF PROPOSED - WATER RIGHT TRANSFER NO. 68803, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for TWO(2) consecutive issue(s), commencing with the issue dated 1-18-2001 and ending with the issue dated 1-25-2001.

STATE OF IDAHO } ss.
County of Lemhi

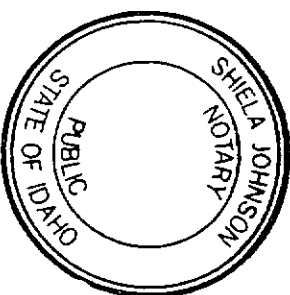
On this 26th day of January in this year of 2001 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Residing At Salmon, Idaho

Notary Public for Idaho

My Commission expires: 01-02-2007

Publication Fee \$103.68



MICROFILMED
JUN 20 2001

RECEIVED

JAN 19 2001

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF
WATER RIGHT NO.

74-00354

WATER DISTRICT: 742

WATERMASTER: RICHARD A. MOLL

DATE: 17 JANUARY 2001

HAS THIS WATER RIGHT (S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

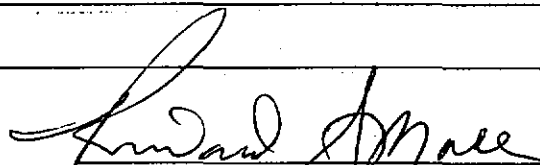
YES ☒ NO ☐

COMMENTS:

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:


Watermaster

MICROFILMED

JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

January 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Watermaster 74-Z
Richard Moll
PO Box 153
Leadore ID 83464

RE: Application for Transfer 68803
Water Right Number(s) 74-00354

Dear Richard:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by February 5, 2001.

Please contact this office if you have any questions regarding the application.

Sincerely,


Harold W Jones
Water Right Supervisor

Enclosure

HWJ:sc

MICROFILMED

JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

January 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

James or Paula Whittaker
PO Box 240
Leadore ID 83464

RE: Applications for Transfer #68803

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on January 18 and 25, 2001. The advertisement will be published once a week for two consecutive weeks, and 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.

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

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".
Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

JUN 20 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 9, 2001

RECORDER-HERALD

PO BOX 310

SALMON ID 83467

RE: Advertising of Legal Ad

Dear Legal Notice Department:

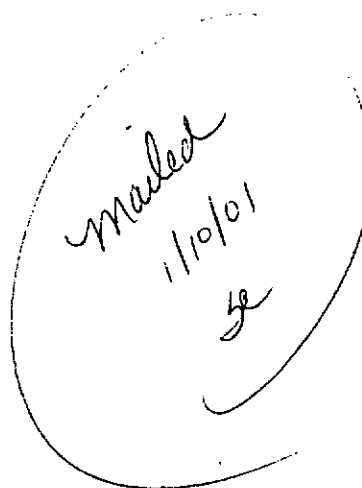
Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 5, 2001. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

MICROFILMED
JUN 20 2001



NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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KARL J DREHER,
Director

Published in the Recorder Herald on January 18 and 25, 2001.

MICROFILMED

JUN 20 2001