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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69167

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>
74-378B	AJC/Decreed	06/01/1884	1.27 cfs		98.0	98.0	WARM SPRING CREEK
74-1774	AJC/Decreed	05/14/1920	6.24 cfs		216.0	216.0	NEZ PERCE CREEK
74-1102	AJC/Decreed	04/01/1947	6.40 cfs		234.0	234.0	BIG TIMBER CREEK

Purpose of Transfer (Changes Proposed)

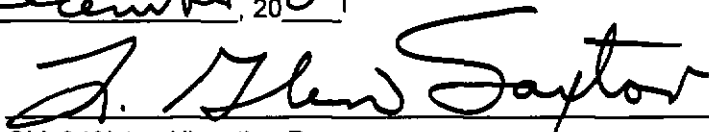
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-378B	NO	YES	YES	NO	NO	NO
74-1774	YES	YES	YES	NO	NO	NO
74-1102	NO	YES	YES	NO	NO	NO

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>
74-378B	74-378B	1.27 cfs	344.4 af	98.4	137.5		N/A	N/A	N/A	N/A
74-1774	74-15006	1.68 cfs	203.0 af	58.0	137.5	74-15005	4.56 cfs	N/A	157.7	158.0
74-1102	74-15004	2.68 cfs	344.4 af	98.4	137.5	74-15003	3.72 cfs	N/A	136.2	136.0
TOTALS		5.63 cfs	481.3 af	N/A	137.5		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. 74-378B
As Modified by Transfer No. 69167

In accordance with the approval of Transfer No. 69167, Water Right No. 74-378B is now described as follows.

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

Priority Date: 06/01/1884

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	1.27 CFS	344.4 AF
			1.27 CFS	344.4 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SESE 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																13.0	13.0
15N 26E 22									.9	7.0	40.0	22.6					70.5
15N 26E 27					14.0	33.0											47.0
15N 26E 28	7.0																7.0

Total Acres: 137.5

CONDITIONS OF APPROVAL

1. Rights 74-378B and 74-15004 when combined shall not exceed a total annual maximum diversion volume of 344.4 af at the field headgate and the irrigation of 98.4 acres within the place of use described above in a single irrigation season.
2. Rights 74-378B, 74-15004 and 74-15006 when combined shall not exceed a total annual maximum diversion volume of 481.3 af at the field headgate and the irrigation of 137.5 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. 74-378B
As Modified by Transfer No. 69167

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.
9. Source is 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. 74-15003
As Modified by Transfer No. 69167

In accordance with the approval of Transfer No. 69167, Water Right No. 74-15003 is now described as follows.

Right Holder: TWO DOT : RANCH
 C/O PAULA J WHITTAKER
 C/O F JAMES WHITTAKER
 PO BOX 240
 LEADORE ID 83464

Priority Date: 04/01/1947

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	3.72 CFS	
			3.72 CFS	

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 27			40.0		15.0		36.0	8.0						37.0			136.0

Total Acres: 136

CONDITIONS OF APPROVAL

1. Irrigation of 136.2 acres are authorized under Right 74-15003.
2. 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. 74-15004
As Modified by Transfer No. 69167

In accordance with the approval of Transfer No. 69167, Water Right No. 74-15004 is now described as follows.

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

Priority Date: 04/01/1947

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	2.68 CFS	344.4 AF
			2.68 CFS	344.4 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SESE 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																13.0	13.0
15N 26E 22									.9	7.0	40.0	22.6					70.5
15N 26E 27					14.0	33.0											47.0
15N 26E 28	7.0																7.0

Total Acres: 137.5

CONDITIONS OF APPROVAL

1. Rights 74-378B and 74-15004 when combined shall not exceed a total annual maximum diversion volume of 344.4 af at the field headgate and the irrigation of 98.4 acres within the place of use described above in a single irrigation season.
2. Rights 74-378B, 74-15004 and 74-15006 when combined shall not exceed a total annual maximum diversion volume of 481.3 af at the field headgate and the irrigation of 137.5 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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JAN 24 2002

WATER RIGHT NO. 74-15004
As Modified by Transfer No. 69167

CONDITIONS OF APPROVAL

5. Prior to diversion of water under Right 74-15004, the right holder shall provide and maintain a means of measurement acceptable to the watermaster for measuring the flow in Big Timber Creek at the original point of diversion in SWNW, S20, T15N, R26E.
6. Diversion of water under Right 74-15004 from the Unnamed Stream, also known as Warm Spring Creek, is limited to those times water is available for diversion under this right and priority from Big Timber 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 is 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. 69167

In accordance with the approval of Transfer No. 69167, Water Right No. 74-15005 is now described as follows.

Right Holder: TWO DOT : RANCH
 C/O F JAMES WHITTAKER
 C/O PAULA J WHITTAKER
 PO BOX 240
 LEADORE ID 83464

Priority Date: 05/14/1920

Source: NEZ PERCE CREEK

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	
			4.56 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NEZ PERCE CREEK NESW Sec. 15 Twp 14N Rge 26E LEMHI County

NEZ PERCE CREEK NESW Sec. 22 Twp 14N 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	
14N 26E 10									40.0	13.0			38.0	28.0			119.0
14N 26E 11											39.0						39.0

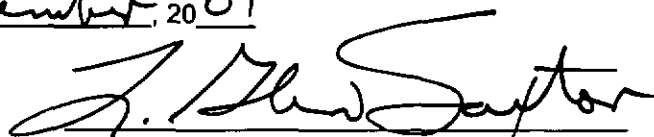
Total Acres: 158

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. 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. 74-15006
As Modified by Transfer No. 69167

In accordance with the approval of Transfer No. 69167, Water Right No. 74-15006 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	11/15	1.68 CFS	203.0 AF
			1.68 CFS	203.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SESE 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																13.0	13.0
15N 26E 22									.9	7.0	40.0	22.6					70.5
15N 26E 27					14.0	33.0											47.0
15N 26E 28	7.0																7.0

Total Acres: 137.5

CONDITIONS OF APPROVAL

1. Right 74-15006 is limited to the irrigation of 58.0 acres within the place of use described above in a single irrigation season.
2. Rights 74-378B, 74-15004 and 74-15006 when combined shall not exceed a total annual maximum diversion volume of 481.3 af at the field headgate, and the irrigation of 137.5 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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JAN 24 2002

WATER RIGHT NO. 74-15006
As Modified by Transfer No. 69167

CONDITIONS OF APPROVAL

5. Prior to diversion of water under Right 74-15006, 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 Right 74-15006 from the Unnamed Stream, also known as Warm Spring Creek, is limited to those times water is available for diversion under this right and priority 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

MEMORANDUM

TO: FILE 74-15006
FROM: VAULT
RE: TRANSFER # 69167
DATE: 12.14.01

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

FILE # 74-00898

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JAN 24 2002