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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69639

This is to certify that: PAULA J WHITTAKER Or
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. A summary of the changes is also listed below. 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>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-96	AJC/Decreed	06/01/1902	0.16 cfs	N/A		18.0	TEXAS CREEK
74-106	AJC/Decreed	06/01/1909	0.28 cfs	N/A		14.0	PURCELL 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>
74-96	NO	YES	YES	YES	NO	NO
74-106	NO	YES	YES	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>
74-96	74-96	0.16 cfs	61.6 af	17.6	31.7		N/A	N/A	N/A	N/A
74-106	74-106	0.28 cfs	49.4 af	14.1	31.7		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.44 cfs	111.0 af	N/A	31.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of February, 2003


Chief, Water Allocation Bureau

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MAR 20 2003

WATER RIGHT NO. 74-96
As Modified by Transfer No. 69639

In accordance with the approval of Transfer No. 69639, Water Right No. 74-96 is now described as follows.

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

Priority Date: June 01, 1902

Source: PURCELL 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	0.16 CFS	61.6 AF
			0.16 CFS	61.6 AF

LOCATION OF POINT(S) OF DIVERSION:

PURCELL CREEK NENE Sec. 10 Twp 14N Rge 26E LEMHI County

PURCELL CREEK SWNE Sec. 10 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 11							31.7										31.7

Total Acres: 31.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 17.6 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 74-96 and 74-106 shall not exceed 0.44 cfs, nor total combined annual volume of 111 af.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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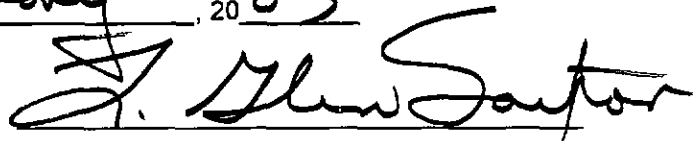
WATER RIGHT NO. 74-96
As Modified by Transfer No. 69639

CONDITIONS OF APPROVAL

5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 6th day of February, 2003



Chief, Water Allocation Bureau

MICROFILMED

MAR 20 2003

WATER RIGHT NO. 74-106
As Modified by Transfer No. 69639

In accordance with the approval of Transfer No. 69639, Water Right No. 74-106 is now described as follows.

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

Priority Date: June 01, 1909

Source: PURCELL 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	0.28 CFS	49.4 AF
			0.28 CFS	49.4 AF

LOCATION OF POINT(S) OF DIVERSION:

PURCELL CREEK NENE Sec. 10 Twp 14N Rge 26E LEMHI County

PURCELL CREEK SWNE Sec. 10 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	11							31.7										31.7

Total Acres: 31.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.1 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 74-96 and 74-106 shall not exceed 0.44 cfs, nor total combined annual volume of 111 af.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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MAR 20 2003

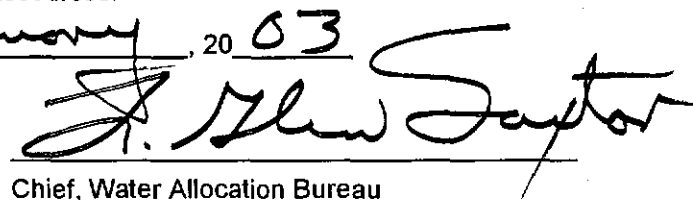
WATER RIGHT NO. 74-106
As Modified by Transfer No. 69639

CONDITIONS OF APPROVAL

5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 6th day of February, 2003


Chief, Water Allocation Bureau

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MAR 20 2003

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. 4928
PROPOSED FINDING OF
WATER RIGHTS
FILED
20 2003

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. The proposed finding were resolved either by stipulation or hearing before the Court. The

NRD.16
05/14/83

STATE OF TEXAS
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

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INDICATES TOTAL

SOURCE: PURCELL CREEK

TRIBUTARY TO TEXAS CREEK

RIUNE
NUMBER

NAME AND
ADDRESS

PRIORITY
DATE

USE PERIOD
FROM TO

MAX AMOUNT
MAX RATE

DIVERSION
POINT

PLACE OF USE
AND ACREAGE

BASIS FOR
RIGHT

74-0071

MAHAFFEY LIVESTOCK INC.
C/O STEPHEN MAHAFFEY
P.O. BOX 4
TENDON

06-01-1979 IRRIGATION 03-15 11-15

.50 CFS NENE S10 S4SE(40) SESE(30) DECREE
114N R26E S03 T14N R26E

REMARKS: 2 P/D IN NENE, S10, T14N, R26E.
ID B346H

74-0073A

MAHAFFEY LIVESTOCK INC.
C/O STEPHEN MAHAFFEY
P.O. BOX 4
TENDON

03-24-1983 IRRIGATION 03-15 11-15

2.36 CFS NENE S10
114N R26E SWE S10
T14N R26E

REMARKS: AC. IRR.= 222.6.
ID B346H

THIS LAND IS ALSO IRRIGATED WITH RT. 74-0117A.
P/O: T14N R26E S11 NENE(27)
S10 NENE(40)
S03 SESE(28)
S02 SWSW(10)
SWSW(01)
SESE(23)
SESE(09)
NWSW(14)
NWSW(40)

REMARKS: AC. IRR.= 14.1.
ID B346H

74-0106

MAHAFFEY LIVESTOCK INC.
C/O STEPHEN MAHAFFEY
TENDON

06-01-1909 IRRIGATION 03-15 11-15

.28 CFS SENE S10 NAVE(14)
114N R26E S10 T14N R26E

REMARKS: AC. IRR.= 14.1.
ID B346H

74-0098

BROWN, IRA D.
BROWN, BENITA A.
P.O. BOX 17
LENNI

08-09-1909 IRRIGATION 03-15 11-15

1.40 CFS SWSW S35 NAVE(01) SWSW(13) DECREE
T15N R26E NWSW(10)
S35 T15N R26E

74-0100

BROWN, IRA D.
BROWN, BENITA A.
P.O. BOX 17
LENNI

06-01-1912 IRRIGATION 03-15 11-15

.08 CFS SWSW S35 SWSW(13) DECREE
T15N R26E S35 T15N R26E

74-0076

MAHAFFEY LIVESTOCK INC.
C/O STEPHEN MAHAFFEY
P.O. BOX 4
TENDON

04-01-1915 IRRIGATION 03-15 11-15

.08 CFS SWSW S35 SWSW(13) DECREE
T15N R26E S35 T15N R26E

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MAR 20 2003

MEMORANDUM

TO: **FILE** 74-00106

FROM: **VAULT**

RE: **TRANSFER #** 96939

DATE: 6-4-2002

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

FILE # 74-00096

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