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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 711080

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant James or Paula Whittaker Phone (208) 768-2491

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

RECEIVED

PURPOSE OF TRANSFER

FEB 09 2004

☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of useDepartment of Water Resources
Eastern Region☐ Change nature of use ☐ Change period of use ☐ Other

Describe the reason for the proposed changes Put the water on more productive ground.

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
74-1103	11/19/1922	48 cfs	Irrigation	3/15 to 11/15
74-0056	5/1/1910	2.0 cfs	Irrigation	3/15 to 11/15

2. Total amount of water being transferred 2.48 cubic feet per second and/or acre-feet per annum.

3. Source of water Big Timber Creek tributary to Lemhi River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	SE	8	15N	26E	Lemhi	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	25	1/4		1/4														
16N	25E	25									24.2								24.2
16N	25E	25											24			25	25		75

Total Acres 98.2

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PART 1

6. General Information:

a. Description of diversion system Open ditch with 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?
~~Yes~~ 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:
It would dry up.

d. Remarks:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-56 V1

WATER RIGHT NUMBER: 74-56 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TWO DOT RANCH C/O F JAMES WHITTAKER OR PAULA J WHITTAKER PO BOX 240 LEADORE, ID 83464 (208)768-2491
Original Owner	TWO DOT RANCH C/O F JAMES WHITTAKER OR PAULA J WHITTAKER PO BOX 240 LEADORE, ID 83464 (208)768-2491

Priority Date: 05/01/1910

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG TIMBER CREEK	LEMHI RIVER
UNNAMED STREAM	BIG TIMBER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4SE1/4	Sec. 6, Twp 14N, Rge 26E, B.M.
LEMHI County		
BIG TIMBER CREEK	NE1/4SW1/4	Sec. 7, Twp 14N, Rge 26E, B.M.
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	5											5.0						5.0
14N	26E	6			1.0										34.0	9.0	7.0	18.0	69.0

Total Acres: 74

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 74-56 V1

Remarks:

1. Place of Use PROPERTY IS ALSO KNOWN HES 236.
- Irrigation

Comments:

1. rbrown 10/27/2003 Recommendation
Comment: based on Lemhi decree
2. rbrown 10/27/2003 POD
Comment: corrected using BLM/IDWR GPS data.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

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02/09/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-1103 V1

WATER RIGHT NUMBER: 74-1103 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TWO DOT RANCH C/O F JAMES WHITTAKER OR PAULA J WHITTAKER PO BOX 240 LEADORE, ID 83464 (208)768-2491
Original Owner	FLOYD J WHITTAKER PO BOX 177 LEADORE, ID 83464

Priority Date: 11/19/1922

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG TIMBER CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.480 CFS	
	<u>Total Diversion:</u>	0.480 CFS	

Location of Point(s) of Diversion

BIG TIMBER CREEK	SW1/4NW1/4	Sec. 5, Twp 14N, Rge 26E, B.M.
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	5						10.0	8.0										18.0
								L 4											
15N	26E	32											6.0						6.0

Total Acres: 24

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Place of Use A PORTION OF THIS PROPERTY IS ALSO KNOWN AS HES 657.
- Irrigation

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02/09/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 74-1103 V1

Comments:

1. rbrown 10/27/2003 Recommendation

Comment: based on Lemhi decree

2. rbrown 10/28/2003 POU

Comment: A portion of this irrigation right may be on USFS land.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

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Whittaker

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Send To Printer

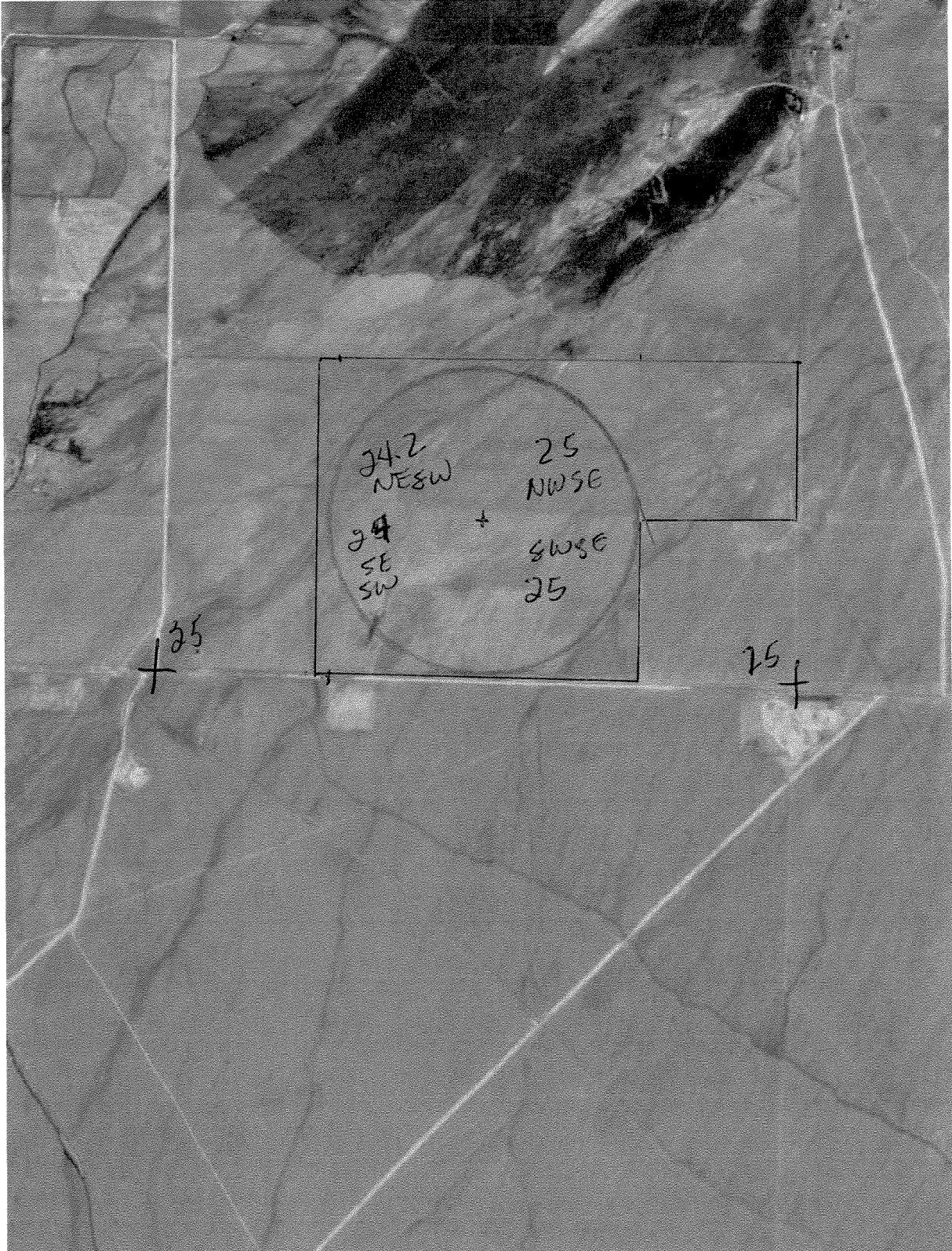
Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS 5 km W of Leadore, Idaho, United States 27 Aug 1992



0 1.5Km

0 0.25Mi

Image courtesy of the U.S. Geological Survey
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PART 3

CHANGES IN NATURE OF USE

New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

Quantity and quality of return flows and location of discharge:

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.

(Signature of Applicant)

Subscribed and sworn to before me this

5th

day of

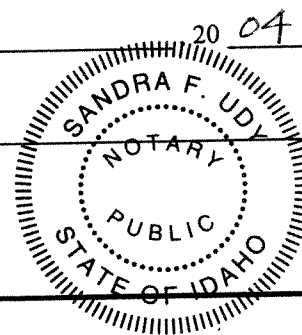
February

20 04

(Notary Public)

My commission expires

09/18/2008



FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by DC Fee 330 E029521

Received by _____ Date _____

Published in Recorder Herald Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on 2/26/04 Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

DEANNE GRAY
LEMHI COUNTY ASSESSOR
206 COURTHOUSE DR
SALMON ID 83467

ASSESSMENT NOTICE

2000

ADDRESS SERVICE REQUESTED

CATEGORY DESCRIPTION
2 IRRGTD PASTUR
5 DRY GRAZING

Tax Code	LOTS/ACRES	MARKET VALUE
3 00	16.042 AC	3,545
	139.238 AC	5,013

Taxes are based on the
valuation listed on this statement

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

JUNE 22, 2000

TOTAL:

155.280

8,558

PARCEL #
RP 14N26E061201 A

PAULA J 25%

HES 236
14 26
JAMES 75%
PROPERTY ADDRESS

PRIOR YEAR

VALUE: 8,745
PRIOR YEAR
TAX: 53.90

CURRENT YEAR

8,558
ESTIMATED
52.72

Mail To:

WHITTAKER F JAMES
G WHITTAKER PAULA J
P O BOX 240
LEADORE ID 83464

See back for details.

DO NOT PAY ESTIMATE

DEANNE GRAY
LEMHI COUNTY ASSESSOR
206 COURTHOUSE DR
SALMON ID 83467

ASSESSMENT NOTICE

2000

ADDRESS SERVICE REQUESTED

CATEGORY DESCRIPTION
5 DRY GRAZING

Tax Code	LOTS/ACRES	MARKET VALUE
3 00	91.200 AC	3,283

Taxes are based on the
valuation listed on this statement

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

JUNE 22, 2000

TOTAL:

91.200

3,283

PARCEL #
RP 14N26E053001 A

PAULA J 25%

HES 657
14 26
F JAMES 75%
PROPERTY ADDRESS

PRIOR YEAR

VALUE: 3,374
PRIOR YEAR
TAX: 20.78

CURRENT YEAR

3,283
ESTIMATED
20.20

Mail To:

WHITTAKER F JAMES
G WHITTAKER PAULA J
P O BOX 240
LEADORE ID 83464

See back for details.

DO NOT PAY ESTIMATE

DEANNE GRAY
LEMHI COUNTY ASSESSOR
206 COURTHOUSE DR
SALMON ID 83467

ASSESSMENT NOTICE

2000

Clark Place

ADDRESS SERVICE REQUESTED

CATEGORY DESCRIPTION
5 DRY GRAZING
19 WASTE
32 RURAL IMP ON

Tax Code 3 00
LOTS/ACRES
198.485 AC
1.515 AC

MARKET VALUE
28,780
958

Taxes are based on the
valuation listed on this statement

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

JUNE 22, 2000

TOTAL:

200.000

29,638

PARCEL #
RP 16N25E254800 A

N2SE4 SW4SE4 SE4SW4 ✓
NE4SW4 ✓
25 16 25

FLOYD JAMES 50%
PAULA J 50%

PROPERTY ADDRESS

VALUE:
PRIOR YEAR 30,035
TAX: PRIOR YEAR 185.06

CURRENT YEAR
29,638
ESTIMATED
182.62

Mail To:

WHITTAKER FLOYD JAMES
& WHITTAKER PAULA J
P O BOX 240
LEADORE ID 83464

See back for details.

DO NOT PAY ESTIMATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. 74-0056 Decreed to JAMES or Paula W.H. HAKER
Floyd J. Whitt
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach 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 _____

3. Source of water Big Timber Creek tributary to Heimhi River

4. Date or priority 5-1-1910

5. Water is used for the following purposes: Irrigation
amount 2' cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>7</u>	<u>14</u>	<u>26</u>	<u>Heimhi</u>	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>14</u>	<u>26</u>	<u>5</u>										<u>5.3</u>							<u>5.3</u>
		<u>6</u>			<u>.8</u>										<u>33.8</u>	<u>9</u>	<u>6.7</u>	<u>18.4</u>	<u>68.7</u>
		<u>7</u>	<u>1</u>																<u>1</u>

Total Acres 7.5

9. Describe any other water rights used for the same purpose as described above _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-1103 Decreed to JAMES or Paula Whittaker
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ Issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. 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 _____

3. Source of water Big Timber Creek tributary to Lemhi River
4. Date or priority 11/19/1923

5. Water is used for the following purpose:

amount 48 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	5	14	26		

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	26	5							8.1										18.2
		32											6						6

Total acres 24.2

9. Describe any other water rights used for the same purpose as described above _____