

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5244

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant JAMES AND/OR PAULA WHITAKER Phone (208) 768-2491
Post Office address PO Box 240 LEADORE ID 83464

A. PURPOSE OF TRANSFER

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 transfer WATER TO MORE PRODUCTIVE
ground

B. 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
<u>74-00056</u>	<u>5-1-1910</u>	<u>2.0 cfs</u>	<u>irrigation</u>	<u>3-15</u> to <u>11-15</u> <u>24-01</u> to <u>11-01</u>
<u>74-01103</u>	<u>11-19-1922</u>	<u>0.48</u>	<u>" "</u>	<u>"</u> to <u>"</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.48 cfs 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~~	
		~~SW~~	~~NW~~	~~20~~	~~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 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	
~~16N~~	~~25E~~	~~25~~													~~25~~	~~25~~	~~25~~		~~75.0~~
<u>15N</u>	<u>26E</u>	<u>21</u>	<u>25</u>	<u>25</u>	<u>24.2</u>	<u>25</u>													<u>99.2</u>

Total acres 75.0
00.0

PART 1

6. General Information:

a. Description of diversion system Pump + pivot Ditch from B.T. Timmer Creek

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? dk Yes x 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:

existing place of use will be taken out of production

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

Witness my hand this _____ day of _____, 19____.

PART 2

TRANS NO.

5244

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-01103

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	0.48 CFS

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

Priority: 11/19/1922

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 5, Township 14N, Range 26E
LEMHI CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14N	26E	5	Lot 4 (NWNW) 10	SWNW 8		18
15N	26E	32	SWSW 6			6
Total number of acres irrigated:						24

CONDITIONS/REMARKS:

1. AC. IRR.=24.2.
2. P/U H.E.S. 657.

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. 74-0008 Decreed to FLOYD J. WHITAKER
 in case of STATE OF IDAHO vs. FLOYD J. WHITAKER
 dated 06-17-1971 in IDAHO county of Lemhi
- 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 5-1-1910

5. Water is used for the following purpose:

amount 2.0 cfs for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft) 04-01 to 11-01
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right 2.0 cfs 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
		NW	SE	7	14N	26E	Lemhi	

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	
14N	26E	5									5.3								5.3
		6			1.8									38.8	9	6.7	18.4		68.7
		7	1.0																1.0

Total acres 75.0

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-00056

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	2.00 CFS

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

Priority: 05/01/1910

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 6, Township 14N, Range 26E
 NWSE , Sec. 7, Township 14N, Range 26E
 LEMHI County

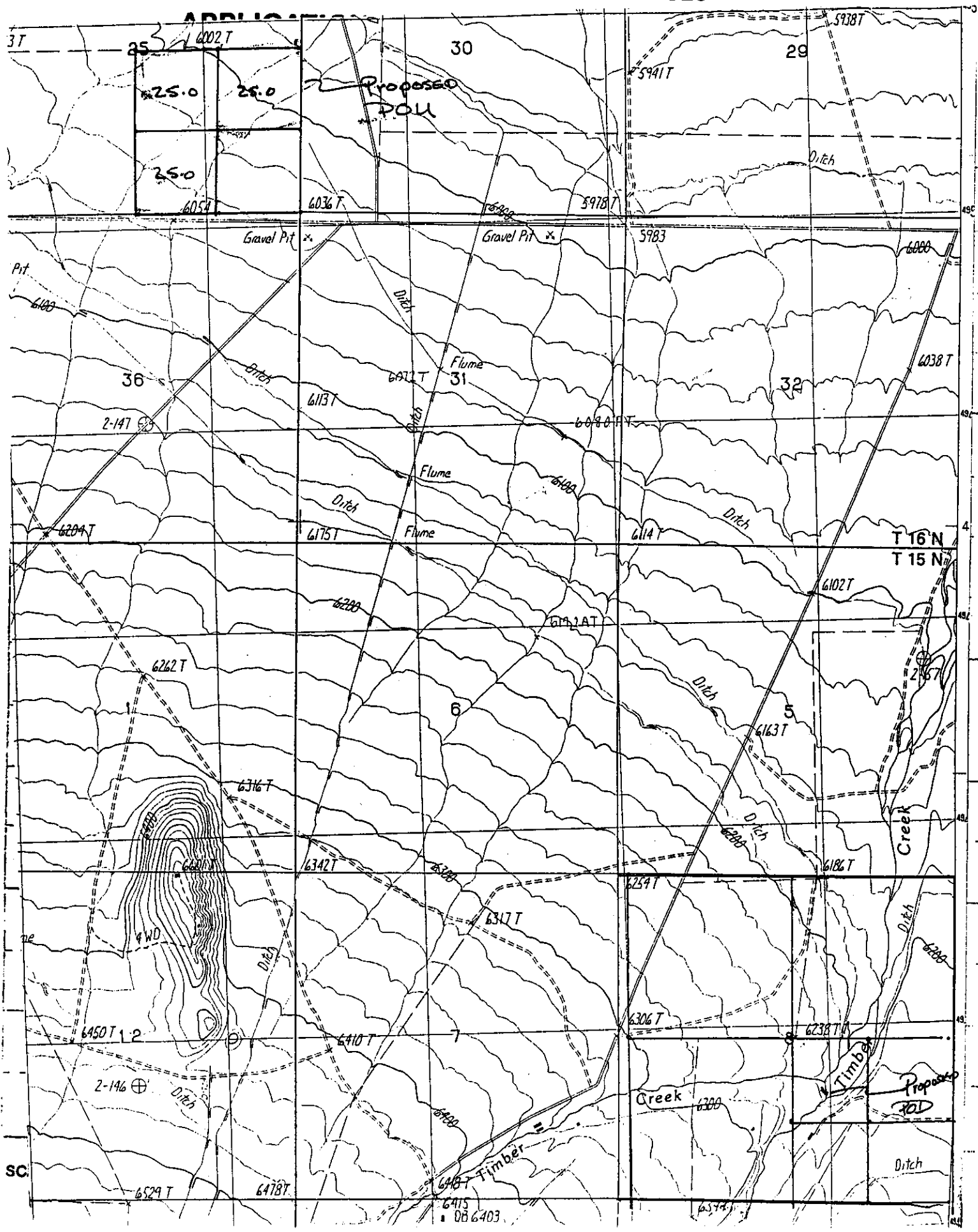
PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14N 26E 5	NWSW 5			5
6	SWNE 1	NESE 34	NWSE 9	
	SWSE 7	SESE 18		69
		Total number of acres irrigated:		74

CONDITIONS/REMARKS:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. .
3. TRANS. 3056. THE COMBINED RATE OF DIV. FROM THE 2 SOURCES
4. IDENTIFIED UNDER THIS TRANS. SHALL NOT EXCEED 2.0 CFS.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ to _____
				_____ to _____

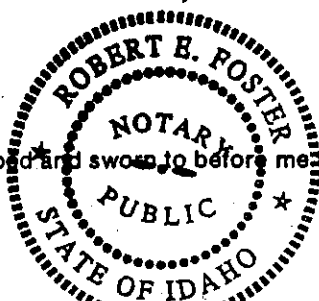
2. Quantity and quality of return flows and location of discharge:

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.

Subscribed and sworn to before me this _____



James Whitaker
(Signature of Applicant)

27th day of March, 19 98.

Robert E. Foster
(Notary Public)

My commission expires _____

02-16-2001**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by HC Date 3-30-98

Protest filed by _____

Prelim. check by _____ Fee #100.00Receipted by HWS #E024006 Date 3-30-98Published in Bozeman Herald

Copies of protest forwarded by _____

Pub. dates April 16 & 23, 98

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____