

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant JAMES or PAULA WHITTAKER Phone (208) 768-2491
Post Office address P.O. Box 240 Leadore, ID 83464

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change Source
- Describe the reason for the proposed changes I need to fill in and enlarge an area under a pivot with an 1850' radius.

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>74-00063</u>	<u>7-18-1911</u>	<u>0.96 cfs</u>	<u>Irrigation</u>	<u>3-15 to 11-15</u>
<u>74-000398</u>	<u>6-10-1901</u>	<u>6.00 cfs</u>	<u>Irrigation</u>	<u>3-15 to 11-15</u>
<u>74-00097B</u>	<u>6-01-1904</u>	<u>0.75 cfs</u>	<u>" "</u>	<u>3-15 to 11-15</u>
<u>74-00139B</u>	<u>5-14-1920</u>	<u>0.98 cfs</u>	<u>" "</u>	<u>" to "</u>

- Total amount of water being transferred 8.69 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Big Timber Creek tributary to Lemhi River
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	20	15N	26E	Lemhi	
								RECEIVED
								SEP 01 1999
								Department of Water Resources Eastern Region

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15N	26E																		
		21	15			26								6				4.7	
		22			2		35	37	40	40	18	28						202	

Total acres 249

PART 1

6. General Information:

a. Description of diversion system open ditch with lockable headgate
& weir to a pipeline

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ✓ 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 those portions of land
from which it is transferred

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

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-00097

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	0.96 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
TEXAS CREEK	LEMHI RIVER

Priority: 06/01/1904

LOCATION OF POINT(S) OF DIVERSION:SESE , Sec. 11, 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	11	NENE 34	SENE 20	NESE 12	67
		12	SESE 1			2
			SWNW 2			69

Total number of acres irrigated: 69

CONDITIONS/REMARKS:

1. AC. IRR.=69.2.

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 0.75 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) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	11	14N	26E	Lemhi	

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	
14N	26E	11	34			20													54

Total acres 54

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

1. amount 0.21 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) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SB	11	14N	26E	Lemhi	

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	
14N	26E	11													12			1	13
		12						2											2

Total acres 15

PART 2

TRANS NO. 5559

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-00139

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	1.25 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
TEXAS CREEK	LEMHI RIVER

Priority: 05/14/1920

LOCATION OF POINT(S) OF DIVERSION:SESE , Sec. 11, Township 14N, Range 26E
LEMHI CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14N 26E 11	NENE 34	SENE 20	NESE 12	67
	SESE 1			2
12	SWNW 2			

Total number of acres irrigated: 69

CONDITIONS/REMARKS:

1. AC. IRR.=69.2.

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 0.98 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) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	11	14N	26E	Lemhi	

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	
14N	26E	11	34			20													54

Total acres 54

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

1. amount 0.27 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) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	11	14N	26E	Lemhi	

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	
14N	26E	11													12			1	13
		12						2											2

Total acres 15

PART 2

TRANS NO. 5559

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-00039B

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	6.00 CFS

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

Priority: 06/10/1901

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 20, Township 15N, 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>
15N 26E 22	NENW 40	NWNW 40	SWNW 40	
	SENW 40	NWSW 35		195
		Total number of acres irrigated:		195

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74W.
2. 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.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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.
6. The total combined rate of diversion under Right Nos. 74-00039B and 74-00063 shall not exceed 6.96 cfs.
7. The total combined rate of diversion at the field headgate under Right Nos. 74-00039B and 74-00063 shall not exceed 0.02 cfs per irrigated acre.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-00063

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	0.96 CFS

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

Priority: 07/18/1911

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 20, Township 15N, Range 26E
LEMHI County

PLACE OF USE: IRRIGATION

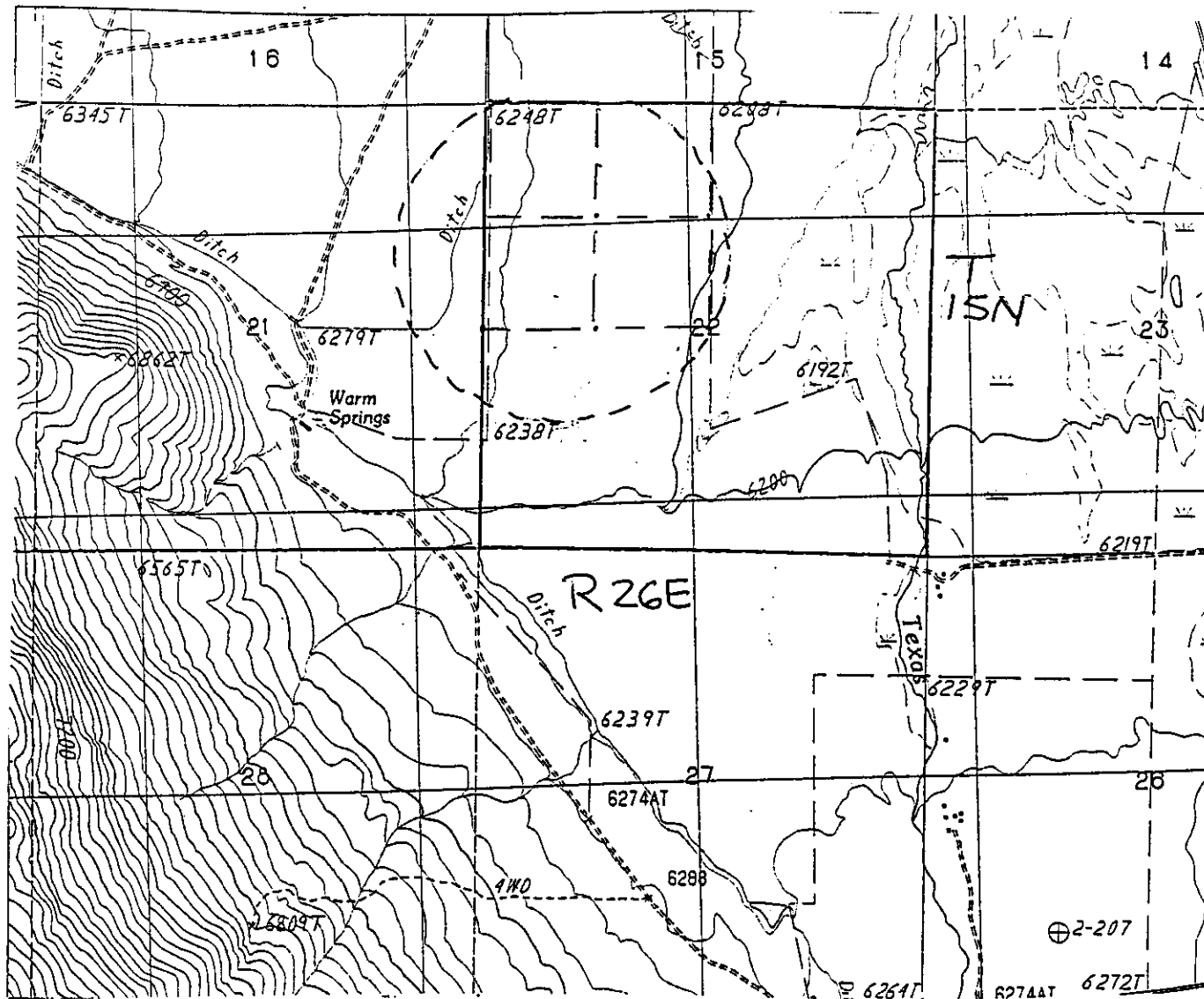
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15N 26E 22	NENW 40	NWNW 40	SWNW 40	
	SEnw 40	NWSW 35		195
		Total number of acres irrigated:		195

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74W.
2. 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.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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.
6. The total combined rate of diversion under Right Nos. 74-00039B and 74-00063 shall not exceed 6.96 cfs.
7. The total combined rate of diversion at the field headgate under Right Nos. 74-00039B and 74-00063 shall not exceed 0.02 cfs per irrigated acre.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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 31 day of August, 19 99.

James Whitaker
(Signature of Applicant)

Lallinna Stroud
(Notary Public)

My commission expires October 26, 1999

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWT Date 9-6-1999 Protest filed by _____Prelim. check by _____ Fee \$100.00 _____Receipted by HWT *E025X5 Date 9-1-1999 _____Published in Recorder Herald _____ Copies of protest forwarded by _____Pub. dates 9-23 & 9-30-99 _____ Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____