

WATER RIGHT NO. 74-72
As Modified by Transfer No. 69170

In accordance with the approval of Transfer No. 69170, Water Right No. 74-72 is now described as follows.

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

Priority Date: 06/01/1883

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	0.84 CFS	409.9 AF
			0.84 CFS	409.9 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NWSE 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	38.0	35.0	35.0	40.0									6.0				154.0
15N	26E	22		.4	3.0		33.0	40.0	40.0	40.0	16.6	26.0							199.0

Total Acres: 353

CONDITIONS OF APPROVAL

1. Rights 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 5.40 cfs, a total annual maximum diversion volume of 553.0 af at the field headgate, and the irrigation of 158.0 acres in the place of use described above in a single irrigation season.
2. Rights 74-39B, 74-63, 74-72 and 74-15005 when combined shall not exceed a total diversion rate of 12.36 cfs, a total annual maximum diversion volume of 1235.5 af at the field headgate, and the irrigation of 353.0 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.

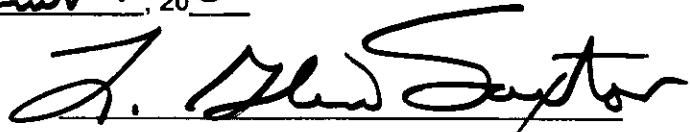
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5. Prior to diversion of water under Rights 74-72 and 74-15005, the right holder shall provide and maintain a means of measurement acceptable to the watermaster for measuring the flow in Nez Perce Creek at the original points of diversion in NESW, S15 and S22, T14N, R26E.
6. Diversion of water under Rights 74-72 and 74-15005 is limited to those times water is available for diversion under these rights and priorities 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