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Department of Water Resources

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT - 7 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

By _____ Clerk
Deputy Clerk

In Re SRBA

Subcase No.: 43-10289

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

William A. Parsons 9/25/02
Date
Attorney for Denton & Clela Whitaker

IDWR CONCURRENCE:

James Robertson 9/27/02
Date
Sr. Water Resource Agent

Candice McHugh 10/3/02
Date
Approved as to form
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

09/05/2002

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

RIGHT NUMBER: 43-10289
NAME AND ADDRESS: DENTON WHITAKER
2145 S 2350 E
MALTA ID 83342

CLETA WHITAKER
2145 S 2350 E
MALTA ID 83342

OCT - 7 2002

By _____ Clerk

Deputy Clerk

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.266~~ 0.56 CFS
240.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF ~~3~~ 6 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF
1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, & 43-10425.

PRIORITY DATE: ~~06/30/1985~~ 04/01/1959

POINT OF DIVERSION:

T14S R27E S8 NWNWSW Within CASSIA County
T14S R27E S8 SWSWSW Within CASSIA County
T14S R27E S8 SWNWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	~~0.266~~ 0.560 CFS 240.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R27E S08	SWNW	6.5	T14S R27E S08	SENW	8.8
T14S R27E S08	NESW	40.0	T14S R27E S08	NWSW	38.0
T14S R27E S08	SWSW	39.0	T14S R27E S08	SESW	38.0
T14S R27E S08	NESE	39.0	T14S R27E S08	NWSE	40.0
T14S R27E S08	SWSE	40.0	T14S R27E S08	SESE	40.0

329.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
43-2294D, 43-10289, 43-10627, 43-12981, 43-12982, 43-12983, 43-12984, &
43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF ~~329.3~~ 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434, 43-10627, 43-12958,
43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980, 43-12981,
43-12982, 43-12983, 43-12984, & 43-12985.

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 29.3 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

~~THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-02294D, 43-02294G, &
43-10425 PURSUANT TO SECTION 42-1416B, IDAHO CODE.~~

EXPLANATORY MATERIAL: Beneficial Use

A handwritten signature, possibly "J. Smith", with the initials "SM" written below it.

CERTIFICATE OF SERVICE

I certify that on October 3, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

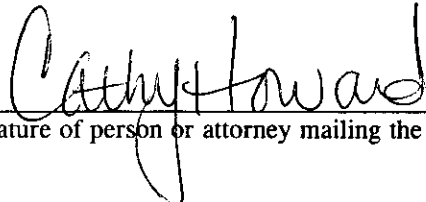
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

William A. Parsons
Parsons, Smith & Stone
Box 910
Burley, ID 83318

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form