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Department of Water Resources

|                                                                                         |                    |
|-----------------------------------------------------------------------------------------|--------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                    |
| OCT - 7 2002                                                                            |                    |
| By _____                                                                                | Clerk _____        |
|                                                                                         | Deputy Clerk _____ |

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

In Re SRBA

Case No. 39576

) Subcase No.: 43-12977  
) (Uncontested Overlap)

) 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:

William A. Parsons 9/28/02  
William A. Parsons Date  
Attorney for Denton & Cleta Whitaker

IDWR CONCURRENCE:

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

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

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

09/06/2002

OCT - 7 2002

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

RIGHT NUMBER: 43-12977  
NAME AND ADDRESS: DENTON WHITAKER  
2145 S 2350 E  
MALTA ID 83342  
  
CLETA WHITAKER  
2145 S 2350 E  
MALTA ID 83342

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

SOURCE: RAFT RIVER  
QUANTITY: 1.78 CFS  
PRIORITY DATE: 06/01/1879  
POINT OF DIVERSION:

TRIBUTARY: SNAKE RIVER

T14S R27E S17 SESWSW Within CASSIA County

THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS RIGHT MAY BE DIVERTED THE WATER USER MUST FILE A TRANSFER TO ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASEMENT AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE EXISTS.

PURPOSE AND  
PERIOD OF USE:

|               | PURPOSE OF USE          | PERIOD OF USE           | QUANTITY  |
|---------------|-------------------------|-------------------------|-----------|
|               | IRRIGATION              | 04/01 10/01             | 1.780 CFS |
| PLACE OF USE: | 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 200 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-12977, & 43-10434.

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.

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.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A COMBINATION OF PORTIONS OF OLD RIGHT NOS. 43-00169B, 43-00169C, & 43-00172A.

Water Right 43-12977

## 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