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Department of Water Resources

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

OCT - 7 2002

By _____
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.: 43-12978
(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 9/25/02
Date
Attorney for Denton & Clela Whitaker

IDWR CONCURRENCE:

Sr. Water Resource Agent 9/27/02
Date

Conduet M. L. L. Jr. 10/13/02
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: 43-12978
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: 0.35 CFS
PRIORITY DATE: 04/01/1871
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:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/30 07/01		0.348 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 ~~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.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 120 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
43-12976, 43-12978, 43-12979, & 43-12980.

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.
43-00164A, & 43-00165A.

Water Right 43-12978

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

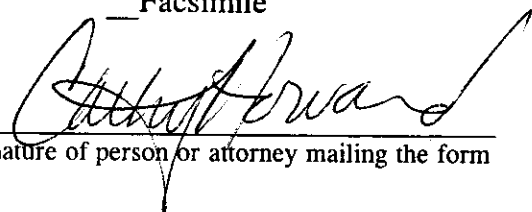
2. Copies to:

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