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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.: 43-2294D

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  
William A. Parsons Date  
Attorney for Denton & Cleta Whitaker

IDWR CONCURRENCE:

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

Candace McHugh 9/3/02  
Approved as to form Date  
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER

DISTRICT 9  
Fifth Judicial District  
County of Twin Falls - State of Idaho

OCT - 7 2002

By \_\_\_\_\_  
Clerk  
County Clerk

RIGHT NUMBER: 43-2294D  
NAME AND ADDRESS: DENTON WHITAKER  
2145 S 2350 E  
MALTA ID 83342  
  
CLETA WHITAKER  
2145 S 2350 E  
MALTA ID 83342

SOURCE: GROUND WATER TRIBUTARY:  
QUANTITY: 0.51 CFS  
240.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION  
RATE OF 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: 03/05/1945

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:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                |
|----------------|---------------|-------------------------|
| IRRIGATION     | 03/15 11/15   | 0.514 CFS<br>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.:  
43-02294D, 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.

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: License

~~RIGHT NO. 43-10289 IS AN EXPANSION OF RIGHT NOS. 43-2294D, 43-2294G, &  
42-10425 PURSUANT TO SECTION 42-1416B, IDAHO CODE.~~

Water Right 43-2294D

## 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

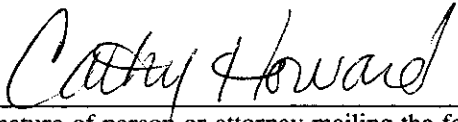
2. Copies to:

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