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DEPARTMENT OF
WATER RESOURCES

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

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SEP 14 2007

DEPARTMENT OF
WATER RESOURCES

In Re SRBA)

Subcase No. 78-4002B)

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(s):
J. W. Whitman, Inc.

OBJECTOR(s):
USDI-BLM

J. W. Whitman

Authorized Signature

9/6/07

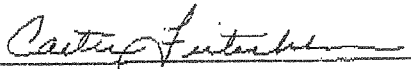
Date

Larry A. Brown *9/10/2007*

Larry Brown *LAW* Date
Attorney for the US Dept of Justice

STANDARD FORM 5 - 78-4002B

IDWR Concurrence:


Carter Fritschle
Section Manager, Adjudication Bureau

8-17-07
Date


Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

8/17/07
Date

08/17/2007

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

RIGHT NUMBER: 78-4002B

NAME AND ADDRESS: J W WHITMAN INC
2157 MT COVE RD
BOISE ID 83702

SOURCE: ELK CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 2.830 CFS

The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 12/19/1907

POINT OF DIVERSION:

T22N R01E S23 SENESW Within IDAHO County

T22N R01E S26 NENWNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

2.800 CFS

STOCKWATER

01/01 12/31

0.030 CFS

PLACE OF USE:

IRRIGATION in IDAHO County

T22N R01E S22	NESE	26.00	T22N R01E S22	SWSE	3.00
T22N R01E S22	SESE	40.00	T22N R01E S23	NWSW	22.00
T22N R01E S23	SWSW	22.00	T22N R01E S26	NWNW	2.00
T22N R01E S27	NENE	21.00	~~T22N R01E S27~~	~~NENE~~	~~4.00~~

STOCKWATER in IDAHO County

T22N R01E S22	NESE	T22N R01E S22	SESE
T22N R01E S23	NWSW	T22N R01E S23	SWSW
T22N R01E S26	NWNW	T22N R01E S27	NENE
T22N R01E S27	SENE		

440 136 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is
not a determination of historical beneficial use.

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: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on Sept. 10, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

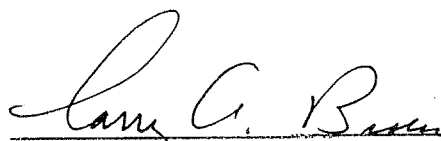
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

J. W. Whitman Inc.
2157 Mt Cove Rd
Boise ID 83702

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form