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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

In Re SRBA

Case No. 39576

Subcase No.: 74-1772

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:

F. James Whittaker  
Paula J. Whittaker

F. James Whittaker

Date

Paula J. Whittaker

Date

OBJECTOR:

United States on behalf of the  
Bureau of Land Management

Larry A. Brown

Date

Attorney, U.S. Department of Justice  
Environment and Natural Resources

**IDWR CONCURRENCE:**

Nathaniel Arave 4-7-08

Nathaniel Arave

Date

Water Resource Agent

**IDWR CONCURRENCE:**

C. M. Bromley 4/7/08

Christopher M. Bromley

Date

Deputy Attorney General

Attorney for IDWR

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

RIGHT NUMBER: 74-1772

NAME AND ADDRESS: F JAMES WHITTAKER  
83 BIG EIGHT MILE RD  
PO BOX 240  
LEADORE ID 83464

PAULA J WHITTAKER  
83 BIG EIGHT MILE RD  
PO BOX 240  
LEADORE ID 83464

SOURCE: EIGHTEENMILE CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 1.610 CFS

PRIORITY DATE: 04/01/1918

POINT OF  
DIVERSION: T14N R27E S27 SESE Within LEMHI County  
T14N R27E S35 NENE Within LEMHI County  
T14N R27E S27 NWSE Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 1.610 CFS       |

PLACE OF USE: IRRIGATION in LEMHI County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T14N R27E S21 | NENE | 20.00 | T14N R27E S21 | NWNE | 7.00  |
| T14N R27E S21 | SENE | 18.00 | T14N R27E S21 | NESW | 21.00 |
| T14N R27E S21 | SESE | 16.00 | T14N R27E S22 | SWNW | 12.00 |
| T14N R27E S22 | SENW | 3.00  | T14N R27E S22 | NESW | 12.00 |
| T14N R27E S22 | NWSW | 33.00 | T14N R27E S22 | SWSW | 22.00 |
| T14N R27E S22 | SESW | 14.00 | T14N R27E S27 | SWNE | 11.90 |
| T14N R27E S27 | NENW | 11.00 | T14N R27E S27 | NWNW | 22.00 |
| T14N R27E S27 | SWNW | 22.00 | T14N R27E S27 | SENW | 36.10 |
| T14N R27E S27 | NESE | 8.20  | T14N R27E S27 | NWSE | 7.80  |
| T14N R27E S27 | SWSE | 11.00 | T14N R27E S28 | NENE | 4.00  |
| T14N R27E S34 | NENE | 20.00 | T14N R27E S34 | NWNE | 14.00 |
| T14N R27E S35 | NWNE | 31.00 | T14N R27E S35 | NENW | 15.00 |
| T14N R27E S35 | NWNW | 1.00  |               |      |       |

378 470 ACRES TOTAL

This right authorizes the irrigation of 168.5 total acres.

This right is limited to the irrigation of 168.5 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

## CERTIFICATE OF SERVICE

I certify that on Apr. 18, 2008, 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

F. James Whittaker  
Paula J. Whittaker  
83 Big Eight Mile Rd.  
P.O. Box 240  
Leadore, ID 83464

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

U.S. Department of Justice  
Environment & Nat'l Resources Div.  
550 W. Fort St., MSC 033  
Boise, ID 83724

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

  
Signature of person or attorney mailing the form