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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

Subcase No.: 74-89

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/OBJECTOR:

F. James Whittaker
Paula J. Whittaker

F. James Whittaker

Date

Paula J. Whittaker

Date

RESPONDENT:

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 4/8/08

Nathaniel Arave

Date

Water Resource Agent

IDWR CONCURRENCE:

C. M. Bromley 4/8/08

Christopher M. Bromley

Date

Deputy Attorney General

Attorney for IDWR

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

RIGHT NUMBER: 74-89

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

F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

NLA

FJW
APW
CFO

SOURCE: SPRINGS TRIBUTARY: TEXAS CREEK
TEXAS CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.600 CFS

PRIORITY DATE: 04/09/1909

POINT OF
DIVERSION: T15N R26E S35 NWNW Within LEMHI County
T15N R26E S35 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T15N R26E S27	SWNE	40.00	T15N R26E S27	SENE	35.98
T15N R26E S27	SENE	36.00	T15N R26E S27	NESW	8.00
T15N R26E S27	NESE	39.00	T15N R26E S27	NWSE	37.00
T15N R26E S27	SWSE	9.00	T15N R26E S27	SESE	39.60
T15N R26E S34	NENE	6.00			

250.5 121.2 ACRES TOTAL

Place of use does not include Federal Public Lands.

This right authorizes the irrigation of 121.2 total acres.

This right is limited to the irrigation of 121.2 acres within the place of use described above in a single irrigation season.

USE OF THIS RIGHT WITH RIGHT NO. 74-133 AND 74-15003 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 136.2 ACRES 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. 22, 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