

9:00 A.M.

MAY 19 2008

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.: 74-340B

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

Paula J. Whittaker

Date _____

Date _____

RESPONDENT:

United States on behalf of the
Bureau of Land Management

Larry A. Brown *FWP* Date _____
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Nathaniel Arave 5/1/08
Nathaniel Arave Date
Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley 5/1/08
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 74-340B

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

NLA
CB
FJW
PGW
J

SOURCE: BIG EIGHTMILE CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 2.500 CFS

The rights listed below are limited to a total combined diversion rate of 10.22 cfs.
Combined Right Nos.: 74-337, 74-340A, 74-340B, 74-1829, 74-2308, 74-15655, and 74-15656

PRIORITY DATE: 10/03/1887

POINT OF
DIVERSION: T15N R25E S5 SENE Within LEMHI County
T15N R25E S8 SENE Within LEMHI County
T16N R25E S2B SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	2.500 CFS

Water may not be diverted from the point of diversion in the SWSE, S2B, T16N, R25E after May 15 of each year.

PLACE OF USE: IRRIGATION in LEMHI County

T16N R25E S26	SESW	40.00	T16N R25E S34	NENE	40.00
T16N R25E S34	NWNE	40.00	T16N R25E S34	SWNE	31.00
T16N R25E S34	SENE	40.00	T16N R25E S34	NESE	40.00
T16N R25E S34	NWSE	40.00	T16N R25E S34	SWSE	35.00
T16N R25E S34	SESE	37.00	T16N R25E S35	NWNE	38.00
T16N R25E S35	SWNE	38.00	T16N R25E S35	NENW	40.00
T16N R25E S35	NWNW	38.00	T16N R25E S35	SWNW	40.00
T16N R25E S35	SENW	36.00	T16N R25E S35	NESW	40.00
T16N R25E S35	NWSW	40.00	T16N R25E S35	SWSW	37.00
T16N R25E S35	SESW	5.30	T16N R25E S35	NWSE	21.00

716.3 118 ACRES TOTAL

Place of use does not include federal public lands

FWP

This right is limited to the irrigation of 117.6 acres within the place of use described above in a single irrigation season.

This right authorizes the irrigation of 117.6 acres

The rights listed below are limited to the irrigation of a combined total of 716.3 acres in a single irrigation season. Combined Right Nos.: 74-337, 74-340A, 74-340B, 74-1829, 74-2308, 74-15655, and 74-15656

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

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right No. 74-15656 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

NLA
CB
FJW
PGW
FWP
JAK

CERTIFICATE OF SERVICE

I certify that on May 14, 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