

RECEIVED
BLM ISO ME

JUN 1

9:00 A.M.

BLM ISO ME

JUN 16 2008

9:00 A.M.

RECEIVED

JUN 24 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.: 74-354

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

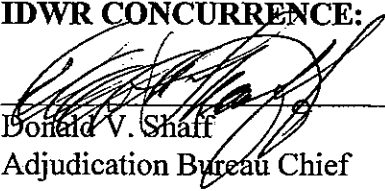
Date

RESPONDENT:

United States on behalf of the
Bureau of Land Management

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

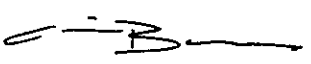
IDWR CONCURRENCE:


Donald V. Shaff

Adjudication Bureau Chief

2/08/08
Date

IDWR CONCURRENCE:


Christopher M. Bromley

Deputy Attorney General
Attorney for IDWR

2/7/08
Date

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

RIGHT NUMBER: 74-354

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

SOURCE: BIG EIGHTMILE CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 2.400 CFS

536-200 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Prior to diversion of water under the approval of transfer 68803 the right holder shall install measuring devices and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.

PRIORITY DATE: 08/28/1918

POINT OF
DIVERSION:

T15N R25E S5 SENE Within LEMHI County

T16N R25E S28 NWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.400 CFS

536.2 AFY

PLACE OF USE:

IRRIGATION in LEMHI County

T16N R25E S22	NESE	35.6 36	T16N R25E S22	NWSE	37.6 38
T16N R25E S22	SWSE	40.00	T16N R25E S22	SESE	40.00

153.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 153.2 acres in a single irrigation season. Combined Right Nos.: 74-354 and 74-15197.

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 74-2, Big Eightmile and Lee Creeks.

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.

~~Right 74-354 is limited to the irrigation of 153.2 acres within the place of use described above in a single irrigation season.~~

~~The right holder shall install and maintain measuring devices and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Standard Form 5

Subcase No. 74-354

CERTIFICATE OF SERVICE

I certify that on JUNE 17th, 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

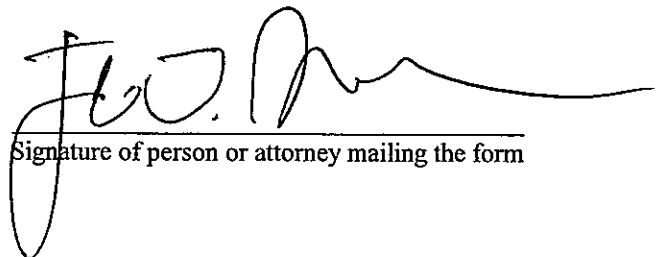
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

LEMMING COUNTY 059

LEMMING COUNTY 059

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

CURRENT TO	CURRENT TO
MAY 10 2004	

FOR ORDERS EFFECTING DISPOSAL ON USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

