

COPY

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 22 2008
By _____ Clerk
Deputy Clerk

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

In Re SRBA

Case No. 39576

Subcase No.: 74-74

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

JUL 23 2008
DEPARTMENT OF
WATER RESOURCES

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 6/23/08
F. James Whittaker Date
Paula J. Whittaker 6-23-08
Paula J. Whittaker Date

IDWR CONCURRENCE:

Nathaniel Arave 7/7/08
Nathaniel Arave Date
Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley 5/8/08
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 74-74

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

NW
CB
FJW
pg

SOURCE: COLD SPRING CREEK

TRIBUTARY: TEXAS CREEK

QUANTITY: 1.600 CFS

PRIORITY DATE: 04/07/1899

POINT OF
DIVERSION: T14N R26E S3 NESW Within LEMHI County
T14N R26E S3 SESEW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	1.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R26E S03	SWNE	40.00	T14N R26E S03	SENE	32.00
T14N R26E S03	NESW	20.00			

92 ACRES TOTAL

This right authorizes the irrigation of 91.5 total acres.

USE OF THIS RIGHT WITH RIGHT NO. 74-118 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 91.5 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 July 21st, 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

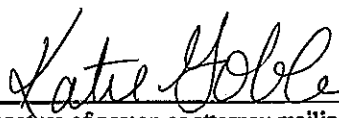
2. Copies to:

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



Signature of person or attorney mailing the form