

COPY

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

RECEIVED

SEP 30 2008

DEPARTMENT OF
WATER RESOURCES

In Re SRBA

Case No. 39576

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP 25 2008
By _____ Clerk _____ Deputy Clerk

Subcase No. 37-12560

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:

Whiting Family Living Trust

Jerry Whiting Trustee 9/14/08
Date

Nancy Whiting Trustee 9/15/08
Date

OBJECTOR:

United States of America

David L. Negri 9/18/08
Date
David L. Negri
Attorney for the United States

IDWR Concurrence:

Douglas Jones 9/18/08
Date
Douglas Jones
Technical Engineer I

Nicholas B Spencer 9-18-08
Date
Nicholas B Spencer
Deputy Attorney General
Attorney for IDWR

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

Right Number: 37-12560

Name and Address: ~~WHITING FAMILY LIVING TRUST~~
~~JERRY AND NANCY WHITING TRUSTEES~~
~~340 PURISSIMA ST~~
~~HALE MOON BAY, CA 94019~~

UNITED STATES OF AMERICA
ACTING THROUGH THE
USDA FOREST SERVICE
500 W FORT STREET MSC 033
BOISE, ID 83724

Source: GROUND WATER

Quantity: .04 CFS

The quantity of water under this right shall not exceed
13,000 gallons per day.

Priority Date: 06-16-1983

Diversion Point: T04N R16E S26 SWSEW Within Blaine County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic	06-16 TO 10-14	.04 CFS

Place of Use: Domestic Within Blaine County
T04N R16E S26 SENW

This water right is on National Forest System land, Warm
Springs Summer Home Lot 2.

df
DN
NBS

Other Provisions Necessary for Definition / Administration of this Water Right:

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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.

This water right is only for use at Warm Springs Summer Home
Lot 2.

Explanatory Material: Basis of Claim - Beneficial Use

CERTIFICATE OF MAILING

I certify that on September 24, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

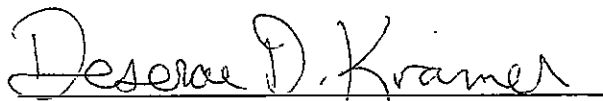
2. Copies to:

Whiting Family Living Trust
Jerry and Nancy Whiting, Trustees
340 Purissima St
Half Moon Bay, CA 94019

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P O Box 44449
Boise, ID 83711-4449

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of person or attorney mailing form