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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 26 2008

By

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

Clerk

Deputy Clerk

In Re SRBA

Subcase No.: 74-369

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 6/23/08
F. James Whittaker Date

Paula J. Whittaker 6-23-08
Paula J. Whittaker Date

IDWR CONCURRENCE:

Nathaniel Arave 5/7/08
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: 74-369
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

SOURCE: LEFT FORK LEE CREEK TRIBUTARY: LEE CREEK
QUANTITY: 2.400 CFS

When the flow of water in Lee Creek is insufficient to supply all rights under the 5-12-1883 date of priority, right 74-369 and right 74-370 shall not be pro-rated with any rights on Lee Creek with that priority date.

When the flow in the Left Fork of Lee Creek falls below amounts decreed in rights 74-369 and 74-370, the two rights shall be pro-rated according to the respective amounts of water decreed.

PRIORITY DATE: 05/12/1883
POINT OF DIVERSION: T16N R25E S31 SENE Within LEMHI County
PURPOSE AND PERIOD OF USE:

IRRI GATION 3/15 11/15 2.400 CFS

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRI GATION	3/15 11/15	2.400 CFS
PLACE OF USE: IRRI GATION in LEMHI County		
T16N R25E S28 SWNW 40.00	T16N R25E S28 SENW 35.00	
T16N R25E S28 NESW 32.00	T16N R25E S28 NWSW 40.00	
T16N R25E S28 SWSW 36.00	T16N R25E S28 SESW 14.00	
T16N R25E S29 SWNE 40.00	T16N R25E S29 SENE 40.00	
T16N R25E S29 SWNW 34.00 33	T16N R25E S29 SENW 40.00 39	
T16N R25E S29 NESW 40.00	T16N R25E S29 NWSW 18.00 33	
T16N R25E S29 SWSW 15.00	T16N R25E S29 SESW 40.00	
T16N R25E S29 NESE 40.00	T16N R25E S29 NWSE 40.00	
T16N R25E S29 SWSE 39.00	T16N R25E S29 SESE 17.00	
T16N R25E S32 NENW 38.00 37	T16N R25E S32 NWNW 36.00 33	
T16N R25E S33 NWNW 12.00		

586 275 ACRES TOTAL

This right is limited to the irrigation of 275.4 acres within the place of use described above in a single irrigation season.

This right authorizes the irrigation of 275.4 total acres.

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 No. 74-15788 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right No. 74-369, 74-1136, and 74-15788 is also diverted through point of diversion described above.

CERTIFICATE OF SERVICE

I certify that on Nov. 25, 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

Deserae Kram
Signature of person or attorney mailing the form