

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

JAN 15 2009

By _____ Clerk
Deputy Clerk

COPY

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

RECEIVED
JAN 21 2009
DEPARTMENT OF
WATER RESOURCES

In Re SRBA	)	Subcase No.: 74-56
	)	(Uncontested Overlap)
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:

F. James Whittaker

F. James Whittaker

Date

CLAIMANT:

Paula J. Whittaker

Paula J. Whittaker

Date

IDWR CONCURRENCE:

Nathaniel Arave

Water Resource Agent

Date

IDWR CONCURRENCE:

John W. Homan

Deputy Attorney General

Attorney for IDWR

Date

11/25/2008

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

RIGHT NUMBER: 74-56

NAME AND ADDRESS: PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

P JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

PJW
NLA
FJW

SOURCE: BIG TIMBER CREEK
UNNAMED STREAM

TRIBUTARY: LEMHI RIVER
TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 2.000 CFS

Right Nos. 74-56 and 74-15658 are limited to a total combined diversion rate of 2.00 cfs.

PRIORITY DATE: 05/01/1910

POINT OF
DIVERSION:

T14N R26E S6 SWNE Within LEMHI County
T14N R26E S6 NESW Within LEMHI County
T14N R26E S7 NESW Within LEMHI County
T14N R26E S7 NWSE Within LEMHI County

AK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R26E S05	SNNW	2.00	T14N R26E S05	NWSW	5.00
T14N R26E S05	SWSW	1.40	T14N R26E S06	SWNE	1.00
T14N R26E S06	SENE	3.10	T14N R26E S06	NWSW	3.10
T14N R26E S06	NESE	34.0 40.00	T14N R26E S06	NWSE	9.00
T14N R26E S06	SWSE	7.00	T14N R26E S06	SESE	18.00

74-0 89.6 ACRES TOTAL

Place of use does not include federal public lands

Right Nos. 74-56 and 74-15658 are limited to the irrigation of a combined total of 89.6 in a single irrigation season.

This right is limited to the irrigation of 74 acres within the place of use described above 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.

11/25/2008

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Place of use is also known as HES 236.

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

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

Right No. 74-15658 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

FJW
NLA
ATC

CERTIFICATE OF SERVICE

I certify that on Jan 14, 2009, 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 D. Kramer
Signature of person or attorney mailing the form