

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

JAN 15 2009

By _____

Clerk

COPY
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JAN 21 2009

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

Subcase No.: 74-338B

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

Date

Paula J. Whittaker

Date

IDWR CONCURRENCE:

Nathaniel Arave

Water Resource Agent

IDWR CONCURRENCE:

John W. Homan

Deputy Attorney General

Attorney for IDWR

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

RIGHT NUMBER: 74-338B

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: 3.200 CFS

PRIORITY DATE: 11/01/1887

POINT OF
DIVERSION: T15N R25E S5 NWSE Lot 10 Within LEMHI County
T16N R25E S33 NWSW 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	3.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T16N R25E S28	SWNW	40.00	T16N R25E S28	SESW	35.00
T16N R25E S28	NESW	32.00	T16N R25E S28	NWSW	40.00
T16N R25E S28	SWSW	38.00	T16N R25E S28	SESW	14.00
T16N R25E S29	SWNE	40.00	T16N R25E S29	SENE	40.00
T16N R25E S29	SWNW	34.00	T16N R25E S29	SESW	40.00
T16N R25E S29	NESW	40.00	T16N R25E S29	NWSW	18.00
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	18.00
T16N R25E S32	NENE	16.00	T16N R25E S32	NENW	38.00
T16N R25E S32	NWNW	36.00	T16N R25E S33	NWNW	31.00

724.998 ACRES TOTAL

This right is limited to the irrigation of 128.9 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right Nos. 74-349, 74-1105, and 74-15787 are also diverted through points of diversion described above.

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

Right No. 74-15787 is an enlargement of this right pursuant to Section 42-1425, Idaho Code.

UWA
Quills
F/W
f/w

CERTIFICATE OF SERVICE

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