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JAN 21 2009

DEPARTMENT OF
WATER RESOURCES

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

JAN 15 2009

By _____

Clerk

Duty Clerk

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

Case No. 39576

) Subcase No.: 74-15658

) (Formerly Disallowed)

) 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

RESPONDENT:

United States on behalf of the

USDA Forest Service

David L. Negri 5/30/08
David L. Negri

Date

Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Nathaniel Arave 5/18/08
Nathaniel Arave Date
Water Resource Agent

IDWR CONCURRENCE:

C. M. Bromley 5/20/08
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 74-15658

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

PNW
FLW
NLA
CB
DN

SOURCE: BIG TIMBER CREEK
UNNAMED STREAM

TRIBUTARY: LEMHI RIVER
TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 0.450 CFS

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

PRIORITY DATE: 12/31/1982

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.450 CFS

PLACE OF USE:

IRRIGATION in LEMHI County					
T14N R26E S05	SWNW	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	40.00	T14N R26E S06	NWSE	9.00
T14N R26E S06	SWSE	7.00	T14N R26E S06	SESE	18.00

89.6 ACRES TOTAL

Place of use does not include federal public lands, and is contained within HES 236.

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

This right is based upon an enlargement of Right No. 74-56 pursuant to Section 42-1426, Idaho Code.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 15.6 acres within the place of use described for this right.

NZA
CB
ON
FW
pgs

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

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Deserae Kramer

Signature of person or attorney mailing the form