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DEPARTMENT OF  
WATER RESOURCES

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FEB 06 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

Case No. 39576

Subcase No. 63-029043A MPL  
DL

STANDARD FORM 5

STIPULATED ELEMENTS OF A  
WATER RIGHT

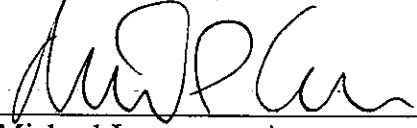
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

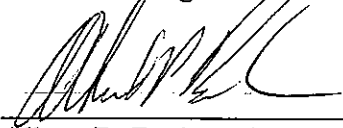
CLAIMANTS

Willa G. Withington

 1/6/09  
Michael Lawrence, Attorney Date

OBJECTOR

Riverside Irrigation District

 1-12-09  
Albert P. Barker, Attorney Date

STANDARD FORM 5 - 63-029043A MPL DL

United States on behalf of  
Bureau of Reclamation

### **IDWR Concurrency:**




IDWR Agent                      Date                      Nicholas Spencer                      Date

1-22-09                      1-27-09

Deputy Attorney General

12/05/2008

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

RIGHT NUMBER: 63-2904A

NAME AND ADDRESS: WILLA G WITHINGTON  
11925 DARLENE LN  
MOORPARK CA 93201-1022

LOWELL WITHINGTON  
11925 DARLENE LN  
MOORPARK CA 93201-1022

SOURCE: SCOTT DRAIN

TRIBUTARY: SNAKE RIVER

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 0.700 CFS

PRIORITY DATE: 07/14/1952

POINT OF  
DIVERSION:

T05N R06W S14 NWSE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                          | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| IRRIGATION                                                                                                                                                                                                                                                                                                                                                     | 03/15 11/15          | 0.700 CFS       |
| The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right. |                      |                 |

PLACE OF USE: IRRIGATION in CANYON County

|                |      |       |               |      |      |
|----------------|------|-------|---------------|------|------|
| T05N R06W S14  | NESE | 34.00 | T05N R06W S14 | NWSE | 1.00 |
| 35 ACRES TOTAL |      |       |               |      |      |

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 remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by transfer 3829 within one year of the date of this approval.

Failure of the right holder to comply with the conditions of transfer 3829 is cause for the Director to rescind approval of the transfer.

## CERTIFICATE OF MAILING

I certify that on FEB 3, 2009, 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  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

RIVERSIDE IRRIGATION DISTRICT  
Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139

ESTATE OF LOWELL WITHINGTON  
WILLA G WITHINGTON  
Represented by:  
MICHAEL P LAWRENCE  
PO BOX 2720  
BOISE, ID 83701

USDI BUREAU OF RECLAMATION  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

JAMES HITCH  
2030 BRUMBACH RD  
ADRIAN, OR 97901



Signature of person or attorney mailing the form

STANDARD FORM 5 - 63-02904

BA MPL AB  
Or