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**MAR 19 2009**

DEPARTMENT OF  
WATER RESOURCES

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

**MAR 17 2009**

**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**

**Case No. 39576**

**Subcase No.: 74-1103**

**(Uncontested Overlap)**

**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

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

RIGHT NUMBER: 74-1103

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: BIG TIMBER CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 0.480 CFS

Right Nos. 74-1103 and 74-15660 are limited to a total combined diversion rate of 0.48 cfs.

PRIORITY DATE: 11/19/1922

POINT OF  
DIVERSION: T14N R26E S5 SWNW Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| IRRIGATION     | 03/15 11/15   | 0.480 CFS |

PLACE OF USE: IRRIGATION in LEMHI County

|                                |      |                        |               |      |                       |
|--------------------------------|------|------------------------|---------------|------|-----------------------|
| T14N R26E S05 <del>Lot 4</del> | NWNW | 19.00 <del>19.00</del> | T14N R26E S05 | SWNW | 15.40 <del>8.00</del> |
| T14N R26E S06                  | NENE | 8.70                   | T14N R26E S06 | SENE | 0.80                  |
| T15N R26E S31                  | SESE | 7.60                   | T15N R26E S32 | SWSW | 2.60 <del>6.00</del>  |

54.1 ACRES TOTAL 24 acres Total

Place of use does not include federal public lands

A PORTION OF THIS PROPERTY IS ALSO KNOWN AS HES 657.

This right is limited to the irrigation of 24 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 No. 74-15660 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

## CERTIFICATE OF SERVICE

I certify that on March 17th, 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

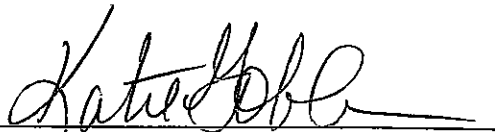
2. Copies to:

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



Signature of person or attorney mailing the form