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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**

Clerk

Deputy 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.: 74-2088**

**(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

Paula J. Whittaker

F. James Whittaker

3/13/09  
Date

Paula J. Whittaker

3-13-09  
Date

**IDWR CONCURRENCE:**

Nathaniel Arave

January 26, 2009  
Date

Water Resource Agent

**IDWR CONCURRENCE:**

Christopher M. Bromley  
Deputy Attorney General  
Attorney for IDWR

3/10/09  
Date

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

RIGHT NUMBER: 74-2088

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

*pgw*  
*F/W*  
*NLA*  
*CB*

SOURCE: BASIN CREEK

TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 2.000 CFS

Right Nos. 74-2088, 74-15662, and 74-15663 are limited to a total combined diversion rate of 2.00 cfs.

The rights listed below are limited to a total combined diversion rate of 5.1 cfs.

Combined Right Nos.: 74-2088, 74-2095, 74-2148, 74-15332, and 74-15663

PRIORITY DATE: 04/25/1910

POINT OF  
DIVERSION:

T14N R25E S2 NENW Within LEMHI County  
T15N R25E S36 NWSW Within LEMHI County  
T15N R25E S36 SWSW Within LEMHI County  
T15N R25E S36 NESE Within LEMHI County  
T15N R25E S36 SESE Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
3/15 11/15

QUANTITY  
2.000 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

|                      |             |              |                      |             |              |
|----------------------|-------------|--------------|----------------------|-------------|--------------|
| <u>T14N R25E S02</u> | <u>NWNE</u> | <u>32.00</u> | <u>T15N R25E S25</u> | <u>SWSE</u> | <u>25.00</u> |
| <u>T15N R25E S25</u> | <u>SESE</u> | <u>30.00</u> | <u>T15N R25E S35</u> | <u>SESW</u> | <u>14.00</u> |
| <u>T15N R25E S35</u> | <u>SWSE</u> | <u>30.00</u> | <u>T15N R25E S36</u> | <u>NENE</u> | <u>2.00</u>  |
| <u>T15N R25E S36</u> | <u>NWNE</u> | <u>5.00</u>  | <u>T15N R25E S36</u> | <u>NESW</u> | <u>2.00</u>  |
| <u>T15N R25E S36</u> | <u>NWSW</u> | <u>35.00</u> | <u>T15N R25E S36</u> | <u>SWSW</u> | <u>35.00</u> |
| <u>T15N R25E S36</u> | <u>SESW</u> | <u>6.00</u>  |                      |             |              |

76 216 ACRES TOTAL

Place of Use does not include Federal Public Lands

This right is limited to the irrigation of 76.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 340 acres in a single irrigation season. Combined Right Nos.: 74-2088, 74-2095, 74-2148, 74-15662, and 74-15663.

Right Nos. 74-2088, 74-15662 and 74-15663 are limited to the irrigation of a combined total of 216 acres in a single irrigation season.

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

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

Right Nos. 74-15662 and 74-15663 are an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

pg  
F/W  
NLK  
CB

## 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

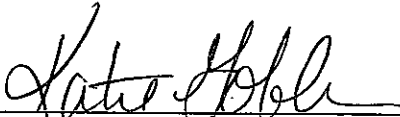
2. Copies to:

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