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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

By _____

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.: 74-2095

(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: 74-2095

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

*File
NWA
CB*

SOURCE: BASIN CREEK

TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 2.500 CFS

Right Nos. 74-2095, 74-15662, and 74-15663 are limited to a total combined diversion rate of 2.5 cfs.

The rights listed below are limited to a total combined diversion rate of 5.10 cfs.

Combined Right Nos.: 74-2095, 74-2088, 74-2148, 74-15662, and 74-15663

PRIORITY DATE: 07/22/1910

POINT OF
DIVERSION:

T14N R25E S1 NWSW Within LEMHI County
T14N R25E S2 SENE Within LEMHI County
T15N R25E S35 SESE Within LEMHI County
T15N R25E S36 SENE Within LEMHI County
T15N R25E S36 NWSW Within LEMHI County
T15N R25E S36 SWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
2.500 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T14N R25E S01	NWNE	27.00	T14N R25E S01	SWNE	20.00
T14N R25E S02	NENE	32.00	T14N R25E S02	SENE	24.00
T15N R25E S25	NENE	2.00	T15N R25E S25	NWNE	5.00
T15N R25E S25	NWSW	2.00	T15N R25E S25	NWSW	35.00
T15N R25E S25	SWSW	35.00	T15N R25E S25	SESW	6.00
T15N R25E S25	SWSE	25.00	T15N R25E S25	SESE	30.00

103 243 ACRES TOTAL

Place of use does not include federal public lands

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, 74-15663.

Right Nos. 74-2095, 74-15662, and 74-15663 are limited to the irrigation of a combined total of 250 acres in a single irrigation season.

This right is limited to the irrigation of 103 acres within the place of use described above in a single irrigation season.

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

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.

Agw
F/W
P/L
CB

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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.

CERTIFICATE OF SERVICE

I certify that on 1 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