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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	)	Subcase No.: 74-15663
	)	(Formerly Disallowed)
Case No. 39576	)	
	)	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

Date

Paula J. Whittaker

Date

IDWR CONCURRENCE:

Nathaniel Arave

Water Resource Agent

Date

IDWR CONCURRENCE:

Christopher M. Bromley

Deputy Attorney General
Attorney for IDWR

Date

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

RIGHT NUMBER: 74-15663

NAME AND ADDRESS: F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

SOURCE: BASIN CREEK

TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 0.93 CFS

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

Right Nos. 74-2095, 74-15662, and 74-15663 are limited to a total combined diversion rate of 2.50 cfs.

Right Nos. 74-2148, 74-15662, and 74-15663 are limited to a total combined diversion rate of 0.60 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, 74-15662, and 74-15663

PRIORITY DATE: 3/15/1982

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	5.100 CFS

PLACE OF USE:

IRRIGATION in LEMHI County		
T14N R25E S01	NWNW	27.00
T14N R25E S02	NENE	32.00
T14N R25E S02	SWNE	12.00
T14N R25E S02	NENW	7.00
T15N R25E S25	SESE	30.00
T15N R25E S35	SWSE	30.00
T15N R25E S36	NWNE	5.00
T15N R25E S36	NWSW	35.00
T15N R25E S36	SESW	6.00

340 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, 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.

Right Nos. 74-2095, 74-15662, and 74-15663 are limited to the irrigation of a combined total of 243 acres in a single irrigation season.

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

FVW
4/11/12

Right Nos. 74-2148, 74-15662, and 74-15663 are limited to the irrigation of a combined total of 159 acres in a single irrigation season.

NLA

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

CB

This right is based upon an enlargement of Right Nos. 74-2088, 74-2095, and 74-2148 pursuant to Section 42-1426, Idaho Code.

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 - Beneficial Use

This right is for an enlargement of 62 acres within the place of use described for this right.

CERTIFICATE OF SERVICE

I certify that on March 17th, ²⁰⁰⁹~~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



Signature of person or attorney mailing the form