

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

DEC 09 2009

DEPARTMENT OF
WATER RESOURCES

In Re SRBA

Subcase No. 73-00143

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.

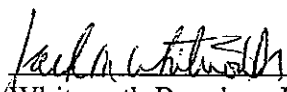
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

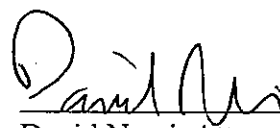
CLAIMANT:

Whitworth Ranches, Inc.

OBJECTOR:

United States of America


Whitworth Ranches, Inc. 11/30/09
Pro Se Date


David Negri, Attorney 12/7/09
Bureau of Land Management Date

IDWR Concurrence:


Donald V. Shaff 10-26-09
Adjudication Bureau Chief Date


Chris Bromley 10/26/09
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 73-143

NAME AND ADDRESS: WHITWORTH RANCHES INC
PO BOX 167
MAY ID 83253

SOURCE: TATER CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/01/1897

POINT OF
DIVERSION:

T15N R22E S18 NESW Within LEMHI County
T15N R22E S18 NESE Within LEMHI County
T15N R22E S18 NWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	2.000 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T15N R21E S13 SWNE 31.00	T15N R21E S13 SENE 36.00	
	T15N R21E S13 NESE ~~37.00~~ 40.00	T15N R21E S13 NWSE ~~37.00~~ 40.00	
	T15N R21E S24 SESE 21.00	T15N R21E S25 NENE 26.00	
	T15N R22E S18 Lot 2 SWNW 39.00	T15N R22E S18 SENW ~~27.00~~ 25.00	
	~~T15N R22E S18 NESW 4.40~~	T15N R22E S18 Lot 3 NWSW ~~30.00~~ 40.00	
	T15N R22E S19 Lot 1 NWNW 39.00	T15N R22E S19 Lot 2 SWNW 40.00	
	T15N R22E S19 Lot 3 NWSW 37.00		

~~412.4~~ 414.0 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~412.4~~ 414.0 acres in a single irrigation season. Combined Right Nos.: 73-142, 73-143, 73-12079.

This right is limited to the irrigation of 100 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

Source is also known as Potato Creek or Spud Creek.

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

CERTIFICATE OF MAILING

I certify that on Dec. 8th, 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:

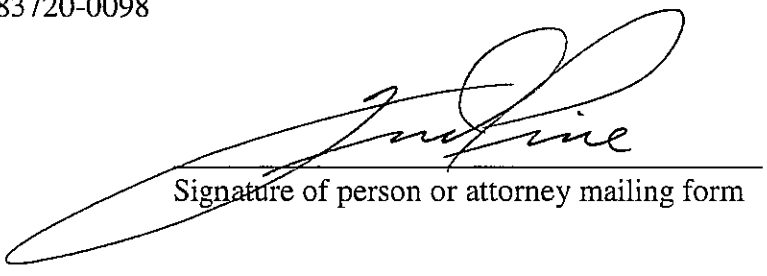
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

WHITWORTH RANCHES INC
PO BOX 167
MAY, ID 83253

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



Signature of person or attorney mailing form