

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

RECEIVED

In Re SRBA

Subcase No. 73-12105

DEC 09 2009

Case No. 39576

DEPARTMENT OF
WATER RESOURCES

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.

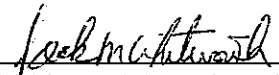
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

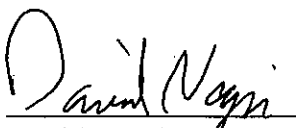
CLAIMANT:

Whitworth Ranches, Inc.

OBJECTOR:

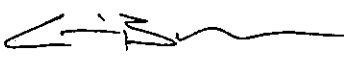
United States of America


Whitworth Ranches, Inc. 11/10/09
Pro Se Date


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

IDWR Concurrence:


Donald V. Shaff 11-04-09
Adjudication Bureau Chief Date


Chris Bromley 11/4/09
Deputy Attorney General Date
Attorney for IDWR

10/22/2009

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

RIGHT NUMBER: 73-12105

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

SOURCE: MORGAN CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.200 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1883

POINT OF
DIVERSION:

T15N R21E S11 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

11/01 03/31

0.200 CFS

PLACE OF USE: STOCKWATER in LEMHI County

T15N R21E S12 SWSE

T15N R21E S12 SESE

T15N R21E S13 NENE

T15N R21E S13 NWNE

T15N R21E S13 SWNE

T15N R21E S13 SENE

T15N R21E S13 NESE

T15N R21E S13 NWSE

T15N R21E S13 SWSE

T15N R22E S07 Lot 4 SWSW

T15N R22E S18 NENW

T15N R22E S18 Lot 1 NWNW

T15N R22E S18 Lot 2 SWNW

T15N R22E S18 SENW

~~T15N R22E S18~~ NESW

T15N R22E S18 Lot 3 NWSW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

CERTIFICATE OF MAILING

I certify that on ^{fwp} ~~DEC 8~~ DEC 8, 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:

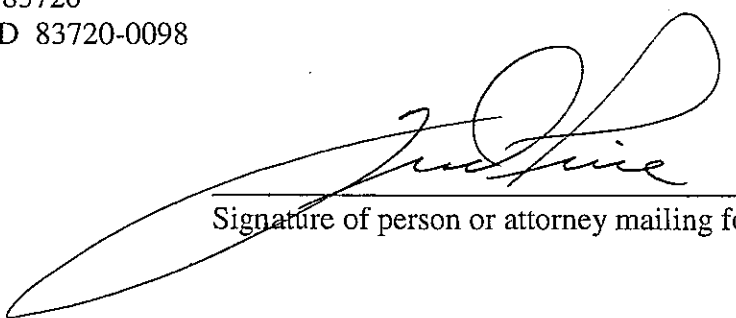
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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