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	STANDARD FORM 5
Case No. 39576	SUBCASE NO: 34-00764
	PROPOSED ELEMENTS OF A WATER RIGHT

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany **each** element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

HERB WHITWORTH
STAR ROUTE
MACKAY ID 83251

Required Statement: As recommended in the director's report.

2. The source of water is:

Source: BIG LOST RIVER Tributary: SINKS

Required Statement: As recommended in the director's report.

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

IRRIGATION 1.3 CFS
TOTAL QUANTITY: 1.3 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 31.44 CFS. COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-10165.

0.90 CFS OF 34-00363, 1.6 CFS OF 34-00760, 1.3 CFS OF 34-00764, 2.1 CFS OF 34-00364, 3.14 CFS OF 34-10166 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THOSE LISTED ABOVE.

Required Statement: Diversion rate for this right is as recommended in the director's report. Total combined diversion rate for this right and the other listed rights is reduced consistent with the stipulated place of use. In addition, the amount of right no. 34-10166 that is limited to use for conveyance losses is reduced consisted with the reduction in the total combined diversion rate.

4. The priority date is: 05/08/1907

Required Statement: As recommended in the director's report.

5. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T09N R22E S32 SESWSE

WATER IS DELIVERED THROUGH LONGHURST DITCH.

Required Statement: As recommended in the director's report. The claim is not for an instream flow.

6. The purpose of use is: IRRIGATION

Required Statement: As recommended in the director's report.

7. The period of year when the water is to be used is:

IRRIGATION 05-01 to 10-15

Required Statement: As recommended in the director's report.

8. The legal description of the place of use or of the reservation is:

T08N R22E S02 Lot 4 (NWNW) 31.0 acres, SWNW 40.0 acres, NESW 20.0 acres, NWSW 37.0 acres, SWSW 35.0 acres, SESW 3.0 acres
T08N R22E S03 Lot 1 (NENE) 39.0 acres, Lot 2 (NWNE) 40.0 acres, SWNE 30.0 acres, SENE 29.0 acres, Lot 3 (NENW) 24.0 acres, Lot 4 (NWNW) 37.0 acres, SENW 30.0 acres, NESE 32.0 acres, NWSE 35.0 acres, SESE 35.0 acres
T08N R22E S11 NWNW 38.0 acres
T09N R22E S33 NESE 24.0 acres, NWSE 2.0 acres, SWSE 3.0 acres, SESE 8.0 acres
T09N R22E S34 SWNW 23.0 acres, SENW 13.0 acres, NESW 32.0 acres, NWSW 40.0 acres, SWSW 19.0 acres, SESW 37.0 acres, SWSE 32.0 acres, SESE 18.0 acres
786.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 786 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-10165

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use. Where all or part of the place of use is identified by government lot no., the legal description is the government lot; quarter-quarter descriptions are also provided in

parentheses for the convenience of those who do not have ready access to U.S. government plat maps. The place of use is located in Custer County, Idaho.

9. The annual volume of consumptive use is:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1965 AF. COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-10165.

Required Statement: Annual volume of consumptive use is reduced consistent with the stipulated place of use.

10. Other matters necessary to define this water right: Not applicable.

These matters are necessary because: Not applicable.

These matters do not fall within the 9 elements listed above because: Not applicable.

Signature and Address of Parties and their Attorney of Record
I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: Susan E. Hamlin
A. Lynne Krogh

Susan E. Hamlin 3-2-95
Attorney's Signature Date

Name: Herb Whitworth
Address: Star Route
City/State/Zip: Mackay, ID 83251
Attorney of Record:

Herb Whitworth 2/28/95
Party's Signature Date

Attorney's Signature Date

Name: United States through
Address: Dept. of Justice for BLM
601 Pennsylvania Ave NW
City/State: Washington, DC 20004
Attorney of Record: R. Lee Leininger/
Daria Zane

R. Lee Leininger 3/22/95
Attorney's Signature /Date

Court Representative (if necessary)

Date

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on March 2nd, 1995, 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

2. Copies to:

   US Dept. of Justice
   Envt. & Nat. Resources Div.
   550 W. Fort St. Box 33
   Boise, ID 83724

   Herb Whitworth
   Star Route
   Mackay, ID 83251

SE Hardie
Signature of person or attorney mailing the form

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	PERIOD OF USE TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: BIG LOST RIVER		TRIBUTARY: SINKS					
34-00764	HERB WHITWORTH STAR ROUTE MACKAY ID 83251	05/08/1907	IRRIGATION	05-01	10-15	1.3	CFS	DECREED
					TOTAL QUANTITY:	1.3	CFS	

POINT OF DIVERSION:
T09N R22E S32 SESWSE

PLACE OF USE: IRRIGATION

T08N R22E S02	Lot 3 (NENW) 1.0	Lot 4 (NWNW)31.0	SWNW 40.0	SENW 10.0
	NESW 20.0	NWSW 37.0	SWSW 35.0	SESW 3.0
S03	Lot 1 (NENE)39.0	Lot 2 (NWNE)40.0	SWNE 30.0	SENE 29.0
	Lot 3 (NENW)24.0	Lot 4 (NWNW)37.0	SENW 30.0	NESE 32.0
	NWSE 35.0	SESE 35.0		
S11	NWNW 38.0			
T09N R22E S33	NESE 24.0	NWSE 2.0	SWSE 3.0	SESE 8.0
S34	SWNW 23.0	SENW 13.0	NESW 32.0	NWSW 40.0
	SWSW 19.0	SESW 37.0	Lot 8 (NWSE) 4.0	SWSE 32.0
	SESE 18.0			

801.0 ACRES TOTAL

REMARKS: WATER IS DELIVERED THROUGH LONGHURST DITCH.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 32.04 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2002.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 801 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00755, 34-00757, 34-00758, 34-00766, 34-10164, 34-10167, 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-10165
0.90 CFS OF 34-00363, 1.6 CFS OF 34-00760, 1.3 CFS OF 34-00764, 2.1 CFS OF 34-00364, 3.2 CFS OF 34-10166 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THOSE LISTED ABOVE.