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Department of Water Resources

Department of Water Resources 8:26

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

SUBCASE NO: 57-11574

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. 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; and 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:

CLAIMANT/ OBJECTOR:

Thomas E. Benson 7-17-02
Thomas E. Benson Date

Jacqueline L. Benson 7-17-02
Jacqueline L. Benson Date

IDWR CONCURRENCE:

Roxanne Brown 7/23/2002
Roxanne Brown Date
Senior Water Rights Agent, IDWR

Candice M. McHugh 7/23/02
Candice M. McHugh (As to Form) Date
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on July 23, 2002, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, 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:

Chief, Natural Resources Division
Office of the Attorney General
Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Thomas E. Benson
Jacqueline L. Benson
HC 88 Box 1050
Murphy, ID 83650

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person delivering form

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 57-11574
NAME AND ADDRESS: THOMAS E BENSON
JACQUELINE L BENSON
HC 88 BOX 1050
MURPHY ID 83650-9601

SOURCE: COTTEL CREEK

TRIBUTARY: MACK'S CREEK

QUANTITY: 4.92 CFS

PRIORITY DATE: 09/01/1948

POINT OF DIVERSION:

T02S R04W S14 SENWSW Within OWYHEE County

T02S R04W S15 NESWSE Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
02/15 07/15

QUANTITY
4.920 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T02S R04W S14	NESW	12.0	T02S R04W S14	NWSW	3.0
T02S R04W S14	SWSW	34.0	T02S R04W S14	SESW	29.0
T02S R04W S14	SWSE	4.0			

82 ACRES TOTAL

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

THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS
SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.

THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER BASIN
TOLLGATE WEIR (T03S, R04W, S24, SESW) IS AT OR LESS THAN 37 CFS,
OR THE FLOW AT THE OUTLET WEIR (T02S, R04W, S12, NESE) IS AT OR
LESS THAN 57 CFS.

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