

**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

Case No. 39576

SUBCASE NO: 35-13209

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 claimants and 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:

V. Blaine Benson 10-30-02
V. Blaine Benson Date

David Barber 11/06/2002
David Barber, Deputy Attorney General Date
Attorney for IDOL

IDWR CONCURRENCE:

Carter Fritschle 10-21-02
Carter Fritschle Date
Water Rights Supervisor, IDWR

Candice McHugh 10/20/02
Candice M. McHugh (As to Form) Date
Attorney for IDWR

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

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-7277
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THE USE OF WATER IN T01N, R32E, S34, SESE IS ON STATE PUBLIC SCHOOL ENDOWMENT LAND PURSUANT TO STATE LAND LEASE, LEASE NO. C-8369 (CROPLAND LEASE).
THIS RIGHT IS FOR AN ENLARGEMENT OF 30.8 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Sm = *CF*

2/13

V.B.B

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

RIGHT NUMBER: 35-13209

NAME AND ADDRESS:

V BLAINE BENSON
2079 W 1200 N
BLACKFOOT ID 83221

SOURCE: GROUND WATER Tributary:

QUANTITY: 0.320 CFS

123.200 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-7277 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.45 CFS.

PRIORITY DATE: 07/25/1978

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:

T01N R32E S34 NWSWSE Within BINGHAM County

**PURPOSE AND
PERIOD OF USE:**

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	0.320 CFS 123.20 AFY

PLACE OF USE:

IRRIGATION within BINGHAM County

T01N R32E S33 NESE 39.0
T01N R32E S33 NWSE 40.0
T01N R32E S33 SWSE 40.0
T01N R32E S33 SESE 39.0
T01N R32E S34 NESW 40.0
T01N R32E S34 NWSW 39.0
T01N R32E S34 SWSW 39.0
T01N R32E S34 SESW 39.0
T01N R32E S34 NESE 40.0
T01N R32E S34 NWSE 40.0
T01N R32E S34 SWSE 39.0
T01N R32E S34 SESE 30.8

464.8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 35-7277 IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 464.8 ACRES IN A SINGLE IRRIGATION SEASON.

V.B.B. 2/13
SME
Pd

CERTIFICATE OF MAILING

I certify that on 10-30-02, 2002, 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:

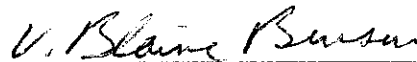
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

V. Blaine Benson
2079 W 1200 N
Blackfoot, ID 83221

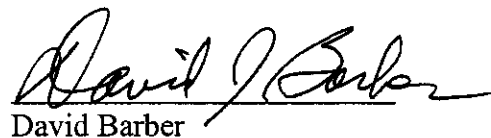


Signature of person or attorney mailing the form

CERTIFICATE OF MAILING

I certify that on November 6, 2002 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, ID 83303-2707
2. Copies to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
3. V. Blaine Benson
2079 W. 1200 N.
Blackfoot, ID 83221


David Barber