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RECEIVED

JUL - 3 2003



~~Department of Water Resources~~

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July 2, 2003

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

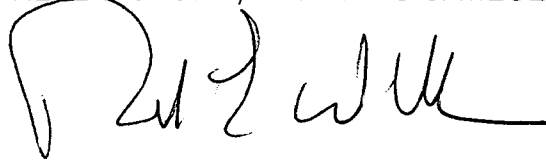
Re: *IDWR Subcases 36-7373 and 36-15161*

Dear Ms. Kelly:

Enclosed you will find fully executed Standard Form 5s (SF5s) for the above entitled water rights. Please call me if you have any questions or if the documents are not sufficient to eliminate the need for the status conference currently set before Special Master Dolan on July 9, 2003 and to allow these water rights to proceed to licensing.

Very truly yours,

FREDERICKSEN, WILLIAMS & MESERVY, LLP



ROBERT E. WILLIAMS

REW/bsb

Encl.

cc: Client

E:\bsbDocs\Data\Bettencourt\SRBA Clerk - Gulley - 07-02-03.wpd

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.: 36-15161

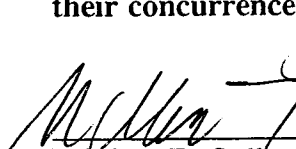
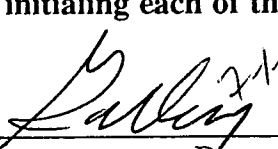
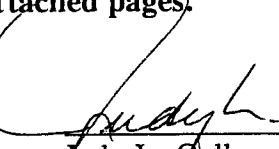
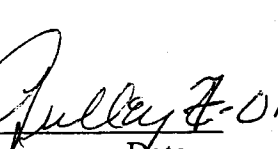
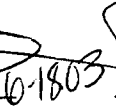
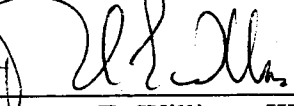
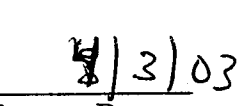
STANDARD FORM 5

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.

 William F. Gulley Objector	 Date 2/13	 Judy L. Gulley Objector	 Date 7-01-03
 Luis M. Bettencourt Claimant	 Date 6-18-03	 Robert E. Williams III Attorney	 Date 8/3/03

Roxanne Brown
IDWR Concurrence

3/24/03
Date

Wick Spencer 3-26-03
Approved as to form Date
Attorney for IDWR

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

RIGHT NUMBER: 36-15161

NAME AND ADDRESS:

LUIS M BETTENCOURT
PO BOX 587
JEROME ID 83338

SOURCE:

GROUND WATER

Tributary:

QUANTITY:

0.14 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-07373 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.46 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1068 AF.

PRIORITY DATE:

03/15/1977

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:

T07S R16E S28 SWNWSW Within JEROME County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

3/15 11/15

0.14 CFS

PLACE OF USE:

IRRIGATION

within JEROME County

T07S R16E S28 SWNW 6.0

T07S R16E S28 NESW 40.0

T07S R16E S28 NWSW 40.0

T07S R16E S28 SWSW 40.0

T07S R16E S28 SESW 31.0

~~T07S R16E S28 SESW 40.0~~

T07S R16E S29 SENE 35.0

T07S R16E S29 NESE 33.0

T07S R16E S29 SESE 33.0

258 ACRES TOTAL

~~267 ACRES TOTAL~~

USE OF THIS RIGHT WITH RIGHT NO. 36-07373 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 258 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8 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 RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-07373
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

RIGHT NO. 36-07373 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

RB new
NBS JCF
LA
MT

CERTIFICATE OF SERVICE

I certify that on July 2, 2003, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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

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

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

Luis Bettencourt
P.O. Box 587
Jerome, ID 83338

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

Robert E. Williams
P.O. Box 168
Jerome, ID 83338

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

William & Judy Gulley
450 N. 242 W.
Jerome, ID 83338

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



Signature of person or attorney mailing the form