

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.: 36-7373

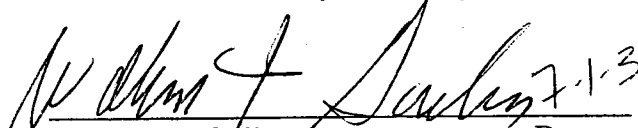
STANDARD FORM 5

STIPULATED ELEMENTS OF A  
WATER RIGHT

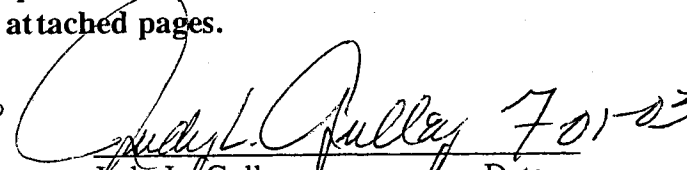
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

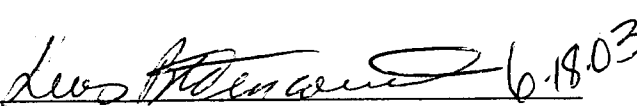
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

  
William F. Gulley  
Objector

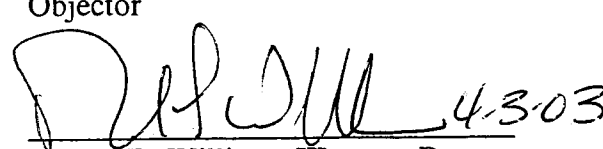
Date

  
Judy L. Gulley  
Objector

Date

  
Luis M. Bettencourt  
Claimant

Date

  
Robert E. Williams III  
Attorney

Date

Roxanne Brown 3/24/03  
IDWR Concurrence Date

Nick 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: 36-7373

NAME AND ADDRESS:

LUIS M BETTENCOURT  
PO BOX 587  
JEROME ID 83338

SOURCE: GROUND WATER

Tributary:

QUANTITY: 4.46 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-15161 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 4.46 CFS, AND A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 1068 AF.

PRIORITY DATE: 08/31/1973

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

4.46 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. 36-15161 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 250 ACRES WITHIN THE PLACE  
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

~~USE OF THIS RIGHT WITH RIGHT NO. 36-15161 IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 267 ACRES IN A SINGLE IRRIGATION SEASON.~~

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 227 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 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.

RB nes  
NB  
11/19

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 36-15161 IS ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE.

RIGHT NO. 36-15161 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO  
CODE 42-1416(2).

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.

RB ALG.  
NBS new  
NBS

## 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

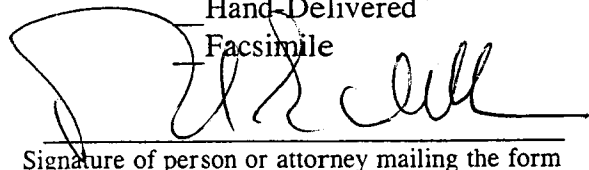
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

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