

**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	)	SUBCASE NO: 29-13423
	)	
	)	
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:

Cheryl Hatley 1-15-04
Cheryl Hatley Date

CLAIMANT:

Jack Hatley 1-15-04
Jack Hatley Date

CLAIMANT:

Sheldon Hatley 1-15-04
Sheldon Hatley Date

OBJECTOR:

Larry C. Brown 1/30/04
Larry Brown, USDOJ FWP Date
Attorney for BLM

IDWR CONCURRENCE:

Ernest Carlson 11/23/03
~~At Ruben~~ Ernest Carlson Date
Senior Water Resource Agent
Water Rights Supervisor

Susan Hamlin Nygard 12/2/03
Susan Hamlin Nygard (As to Form) Date
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on 1/30/04, ~~2003~~²⁰⁰⁴ 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:

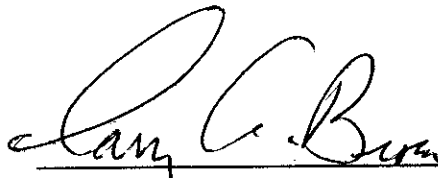
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

Sheldon and Cheryl Hatley
13589 S Thacker
Arimo, Id 83214

Jack Hatley
3417 W Arimo Rd
Arimo, Id 83214

Larry Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 29-13423

NAME AND ADDRESS:

CHERYL HATLEY
13589 S THACKER
ARIMO ID 83214

JACK HATLEY
3417 W ARIMO RD
ARIMO ID 83214

SHELDON HATLEY
13589 S THACKER
ARIMO ID 83214

SOURCE:

Source:
GARDEN CREEK

Tributary:

MARSH CREEK

QUANTITY:

0.020 CFS

0.000 AFY *FWP*

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE:

04/01/1877

POINT OF DIVERSION:

T10S R35E S12 SENWNE End of Stream Flow
Within BANNOCK County

T10S R35E S12 SENENW Begin of Stream Flow
Within BANNOCK County

T10S R36E S7 SWNENW End of Stream Flow
Within BANNOCK County

T10S R36E S7 SWNWNW Begin of Stream Flow
Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

04/01 10/31

0.020 CFS

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

PLACE OF USE:

STOCKWATER

within BANNOCK County

~~T10S R35E S12 NENE~~

T10S R35E S12 NWNE

T10S R35E S12 NENW

T10S R36E S07 NENW

~~T10S R36E S07 NWNW~~

T10S R36E S07 NWNW Lot 1

0 ACRES TOTAL *FWP*

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Enc

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 100 CATTLE

John
J. H. CH
JAK