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Department of Water Resources

Department of Water Resources

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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: 29-10843

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:

Shirley Holmes 4/20/04
Shirley Holmes Date

CLAIMANT/OBJECTOR:

Acel Lamar Holmes 4/21/04
Acel Lamar Holmes Date

IDWR CONCURRENCE:

Ernie Carlsen 4/20/04
Ernie Carlsen Date
Adjudication Supervisor Eastern Region

Candice M. McHugh 4/20/04
Candice M. McHugh Date
Attorney for IDWR

07/10/2003

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

RIGHT NUMBER: 29-10843
NAME AND ADDRESS: SHIRLEY J HOLMES
178 N MINK CREEK RD
POCATELLO ID 83204

ACEL LAMAR HOLMES
178 N MINK CREEK RD
POCATELLO ID 83204

SOURCE: MINK CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.040 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/15/1960

POINT OF
DIVERSION: T07S R35E S32 NWSWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	~~0.020~~ CFS 0.03
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S32 SWSW ~~0.7~~ 0.9
STOCKWATER same as IRRIGATION
0.7 ACRES TOTAL 0.9

sm^e eng
SH AH

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 FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

GF5- 29-10843

CERTIFICATE OF MAILING

I certify that on April 27, 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:

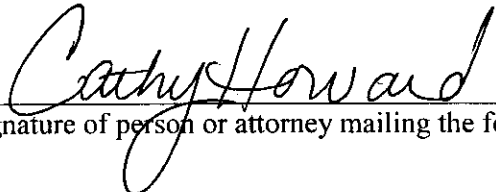
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

Shirley and Acel Holmes
178 N. Mink Creek Rd.
Pocatello, ID 83204



Signature of person or attorney mailing the form