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JUN 17 2004  
Department of Water Resources

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.: 29-4111

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.

CLAIMANT:

John William Hart 6-15-04  
John William Hart Date

CLAIMANT:

Marilyn Mikkelsen 6-15-04  
Marilyn Mikkelsen Date

IDWR CONCURRENCE:

Ernest Carlsen 6/9/04  
Ernest Carlsen Date  
Water Right Supervisor

Candice Meyer 6-9-04  
Approved as to form Date  
Attorney for IDWR

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

RIGHT NUMBER: 29-4111

NAME AND ADDRESS:

JOHN WILLIAM HART  
2435 E HAWKINS  
DOWNEY ID 83234

MARILYN MIKKELSON  
2433 E HAWKINS  
DOWNEY ID 83234

SOURCE:

Source:  
SPRING

Tributary:

PECK CREEK

QUANTITY:

1.200 CFS 0.000 APY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 1.42 CFS. COMBINED RIGHT NOS.: 29-04109, 29-04111  
~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 1.2 CFS. COMBINED RIGHT NOS.: 29-04109,  
29-04111~~

PRIORITY DATE: 06/01/1930

POINT OF DIVERSION:

T11S R37E S6 NWSE Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31 1.200 CFS

PLACE OF USE:

IRRIGATION within BANNOCK County

T10S R37E S31 SWSW Lot 7 6.9

T10S R37E S31 SWSW Lot 8 21.0

~~T10S R37E S31 SWSW Lot 8 17.0~~

T11S R37E S06 NENW Lot 3 18.0

45.9 ACRES TOTAL

~~35 ACRES TOTAL~~

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 33.2 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 45.9 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS.: 29-04109, 29-04111

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 35 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS.: 29-04109, 29-04111~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

### CERTIFICATE OF SERVICE

I certify that on June 15, 2004, 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:

John W. Hart  
2435 E. Hawkins  
Downey, ID 83234

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

Marilyn Mikkelson  
2433 E. Hawkins  
Downey, ID 83234

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

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

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

John W. Hart  
Signature of person or attorney mailing the form