

**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: 29-4271

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:

Delene C. Covert
Delene C. Covert Date

OBJECTOR:

Randall C. Budge 6/7/04
Randall C. Budge Date
Attorney for Dorothy Curtis Trust

IDWR CONCURRENCE:

Ernie Carlson 6/3/04
Ernie Carlson Date
Adjudication Supervisor, IDWR

Candice M. McHugh 6/2/04
Candice M. McHugh Date
Attorney for IDWR

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

RIGHT NUMBER: 29-4271

NAME AND ADDRESS:

DOROTHY CURTIS TRUST
769 FAIRWAY DR
POCATELLO ID 83201

DELENE C GOVERT

SOURCE: Source:
SPRING

Tributary:
SINKS

QUANTITY: 0.350 CFS 0.000 CFS

0.000 APY

PRIORITY DATE: 04/01/1940

04/01/1955

POINT OF DIVERSION:

T11S R37E S2 MNW

Within BANNOCK County

T11S R37E S2 SEWNW Lot 4

Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.350 CFS

0.000 CFS

PLACE OF USE:

IRRIGATION

within BANNOCK County

T11S R37E S02 NEWN 0.0

T11S R37E S02 NEWN Lot 3 4.7

T11S R37E S02 MNW 0.0

T11S R37E S02 MNW Lot 4 34.0

T11S R37E S02 SWNW 0.0

T11S R37E S02 SWNW 0.4

39.1 ACRES TOTAL

0 ACRES TOTAL

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.

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~~NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~
~~NO BENEFICIAL USE FOUND.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RUB
8m²
EAC
JCC

CERTIFICATE OF MAILING

I certify that on June 17, 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

~~Doreen Curtis
P.O. Box 9
Island Park, ID 83429~~

Randall C. Budge
Attorney for Delbert E. Christensen, Trustee
Delene C. Covert, Trustee
Dorothy Curtis Trust
P.O. Box 1391
Pocatello, ID 84204-1391

Randall C. Budge
Signature of person or attorney mailing the form