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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)
) SUBCASE NO.: 43-266
)
Case No. 39576)
) STANDARD FORM 5
)
)
)
)

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.

OBJECTOR:

Larry A. Brown 7/30/02
Larry A. Brown *LB* date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:

Roxanne Brown 7/26/02
Roxanne Brown date
Sr. Water Resource Agent

CLAIMANT:

Alvin Carpenter 7/17/02
Alvin Carpenter date
Mary J. Carpenter 7-19-02
Mary J. Carpenter date

As to form:

GARRICK BAXTER
MB 7/26/02
~~Candice M. McHugh~~ date
Deputy Attorney General
State of Idaho

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-266

NAME AND ADDRESS: ALVIN CARPENTER
MARY J CARPENTER
2079 E 1700 S
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 04/30/1887

POINT OF DIVERSION:

T14S R24E S2 NENESE Within CASSIA County

T14S R24E S2 SWNWSE Within CASSIA County

BOTH POINTS OF DIVERSION LIE WITHIN HOMESTEAD ENTRY SURVEY 206.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.40 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T14S R24E S01 Lot 8	5.0	T14S R24E S01	NESW	3.0
T14S R24E S01	NWSW ~~14.0~~ 9.0	T14S R24E S02	NESE	19.0
T14S R24E S02	NWSE 9.0			

45 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 45 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-263 AND 43-266

THE USE OF WATER UNDER THIS RIGHT WITHIN 14S, 24E, S02, AND WITHIN 14S, 24E, S01, NWSW (9.0 ACRES) IS LIMITED TO HOMESTEAD ENTRY SURVEY NO. 203.

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 - Decreed

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

CERTIFICATE OF MAILING

I certify that on July 30, 2002, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
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

U.S. Dept. of Justice
Environment & Natural Resource Div.
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Alvin Carpenter
Mary J. Carpenter
2079 E 1700 S
Malta, ID 83342

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Signature of person mailing this document