

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: 35-7743

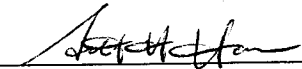
STANDARD FORM 5/
WITHDRAWAL OF OBJECTION

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 as originally recommended by IDWR. Further, the claimants agree that execution of this document constitutes a withdrawal of their objection and that Water Right No. 35-7743 will be partially decreed as originally recommended. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:



Scott Hansen
Attorney for Barrie and Inda Bennett

5-23-02

Date

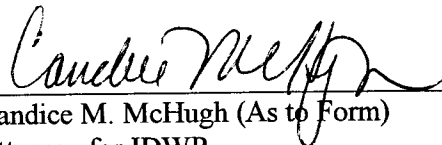
IDWR CONCURRENCE:



Carter Fritschle
Adjudication Supervisor, IDWR

5-28-02

Date



Candice M. McHugh (As to Form)
Attorney for IDWR

5/28/02

Date

05/14/2002

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

RIGHT NUMBER: 35-7743
NAME AND ADDRESS: INDA BENNETT
38 S 900 W
BLACKFOOT ID 83221
BARRIE V BENNETT
38 S 900 W
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.320 CFS
72.00 AFY

PRIORITY DATE: 08/19/1977

POINT OF
DIVERSION: T03S R34E S4 SESENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 11/01

QUANTITY
0.320 CFS
72.00 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County
T03S R34E S04 SENE 18.0

18 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CERTIFICATE OF MAILING

I certify that on May 28, 2002 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

Scott Hansen
Attorney for Barrie and Inda Bennett
P.O. Box 1047
Blackfoot, ID 83221

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



Signature of person or attorney mailing the form