

Dep

**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. 29-4272
	)	(SPLIT INTO WATER RIGHT NOS.
	)	29-13694 AND 29-13695)
	)	
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.

As a result of settlement, water right no. 29-4272 has been split into water right nos. 29-13694 and 29-13695. Therefore, the claimant and IDWR agree and stipulate that this water right should be disallowed per the attached and recommended as water right nos. 29-13694 and 29-12695. The claimant and IDWR have further indicated their concurrence by their signatures below and by initialing the attached page.

CLAIMANT/ OBJECTOR:

Ray D. Benham 10 Oct 04
Ray D. Benham Date

CLAIMANT/ OBJECTOR:

See change in ownership form
Evelyn J. Benham Date

IDWR CONCURRENCE:

Ernie Carlsen 9-30-04
Ernie Carlsen Date
Adjudication Supervisor, IDWR

Candice M. McHugh 9-30-04
Candice M. McHugh Date
Attorney for IDWR

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

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
29-4272	EVELYN J BENHAM 5312 W TUCANNON KENNEWICK WA 99336	Disallowed	Recommended as right nos. 29-13694 and 29-13695.
	RAY D BENHAM 5312 W TUCANNON KENNEWICK WA 99336		

EMC

*SM =
PSB*

CERTIFICATE OF MAILING

I certify that on 11 Oct, 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

Ray and Evelyn Benham
5312 W. Tucannon Ave.
Kennewick, WA 99336

Ray D Benham
Signature of person or attorney mailing the form