

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: 29-4161B

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/ OBJECTOR:

Randall C. Budge 10/12/04
Randall C. Budge Date
Attorney for Debra and Donald Hall

OBJECTOR:

Jeanette Wolfley 10/21/04
Jeanette Wolfley Date
Attorney for the Shoshone-Bannock Tribes

IDWR CONCURRENCE:

Ernie Carlsen 10/28/04
Ernie Carlsen Date
Adjudication Supervisor, IDWR

Candice M. McHugh 10/28/04
Candice M. McHugh Date
Attorney for IDWR

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

RIGHT NUMBER: 29-4161B

NAME AND ADDRESS:

DEBRA HALL
4234 S MARSH CREEK RD
MC CAMMON ID 83250

DONALD K HALL
4234 S MARSH CREEK RD
MC CAMMON ID 83250

SOURCE: Source:
MARSH CREEK

Tributary:
PORTNEUF RIVER

QUANTITY: 0.570 CFS

~~0.350 CFS~~

PRIORITY DATE: 05/24/1888

06/14/1867

POINT OF DIVERSION:

T08S R36E S27 SWNEW Within BANNOCK County
T08S R36E S27 NENWN Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use
IRRIGATION

Period of use:
04/01 10/31

Quantity:
0.570 CFS
~~0.350 CFS~~

PLACE OF USE:

IRRIGATION within BANNOCK County
T08S R36E S27 NENW 9.9
T08S R36E S27 NWNW 18.0
T08S R36E S27 SENW 0.6

~~T08S R36E S27 NENW 7.8~~
~~T08S R36E S27 NWNW 9.5~~

28.5 ACRES TOTAL

~~17.3 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 - Beneficial Use

CERTIFICATE OF MAILING

I certify that on Oct 28, 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

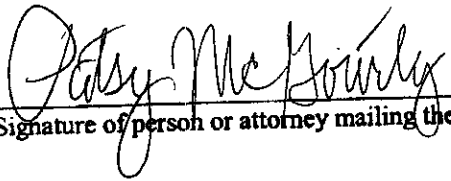
2. Copies to:

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

Randall C. Budge
Attorney for Debra and Donald Hall
P.O. Box 1391
Pocatello, ID 84204-1391

Jeanette Wolfley
Attorney for the Shoshone-Bannock Tribes
202 N. Arthur
Pocatello, ID 83204



Signature of person or attorney mailing the form