

2004 SEP 27 AM 11 24

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: 29-13397
	)	
	)	
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.

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:

Michael C. Hall
Michael C. Hall

9/27/04
Date

IDWR CONCURRENCE:

Ernie Carlsen
Ernie Carlsen

Adjudication Supervisor, IDWR

9/27/04
Date

Candice M. McHugh
Candice M. McHugh
Attorney for IDWR

9-27-04
Date

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

RIGHT NUMBER: 29-13397

NAME AND ADDRESS:

MICHAEL C HALL
4494 S MARSH CREEK RD
MC CANNON ID 83250

SUSAN L HALL
4494 S MARSH CREEK RD
MC CANNON ID 83250

SOURCE: Source:
MARSH CREEK

Tributary:
PORTNEUF RIVER

QUANTITY: 0.140 CFS

PRIORITY DATE: 03/29/1926

POINT OF DIVERSION:

~~T088 R36E S27 SWNW~~

~~Within BANNOCK County~~

T088 R36E S27 SESEWN

Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use
IRRIGATION

Period of use:
05/01 10/31

Quantity:
0.140 CFS

PLACE OF USE:

IRRIGATION
T088 R36E S27 SWNW 5.6

within BANNOCK County

~~T088 R36E S27 SWNW 7.0~~

5.6 ACRES TOTAL

2-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 42-1612(6), Idaho Code.

~~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 Idaho field examination or by other evidence submitted by the claimant.~~
NO BENEFICIAL USE FOUND.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on Sept 21, 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

Michael and Susan Hall
4494 S. Marsh Creek Rd.
McCammon, ID 83250

Patsy M. Gault
Signature of person or attorney mailing the form