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NOV 12 2004
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. 23-00113A
	)	
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 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.

CLAIMANT/OBJECTOR:

C. Garth Fullmer

 11-9-04
C. Garth Fullmer Date

STANDARD FORM 5 -23-00113A

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

RIGHT NUMBER: 23-113A

NAME AND ADDRESS:

COLLINS GARTH FULLMER
1855 CARMEL DR
IDAHO FALLS ID 83402

SOURCE:

Source:

Tributary:

BURNS CREEK

SOUTH FORK SNAKE RIVER

QUANTITY:

1.000 CFS

~~0.550 CFS~~

PRIORITY DATE:

07/01/1982

POINT OF DIVERSION:

T03N R42E S11 SESENE
Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

1.000 CFS

~~0.550 CFS~~

PLACE OF USE:

IRRIGATION

within BONNEVILLE County

T03N R42E S11 SESE 7.5

~~T03N R42E S11 SESE 7.6~~

T03N R42E S11 NWSE 5.8

~~T03N R42E S11 NWSE 4.9~~

T03N R42E S11 SWSE 14.8

~~T03N R42E S11 SWSE 13.8~~

28.1 ACRES TOTAL

~~26.3 ACRES TOTAL~~

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. HES #557
TRACT-B.

None the place of use in this water right includes federal public land.

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.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. HES #557
TRACT A.

~~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.~~

~~THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR
NON-USE FROM 1980 TO 1982.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

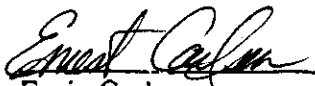
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

~~None of the place of use in this water right includes federal public land.~~

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

~~None of the place of use in this water right includes federal public land.~~

IDWR Concurrence:

 11/9/04
Ernie Carlson Date
IDWR Adjudication Supervisor

 11/8/04
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on NOVEMBER 9, 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:

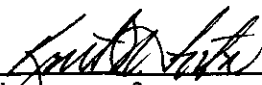
1. Original to:

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:

C. Garth Fullmer
1855 Carmel Dr.
Idaho Falls, ID 83402

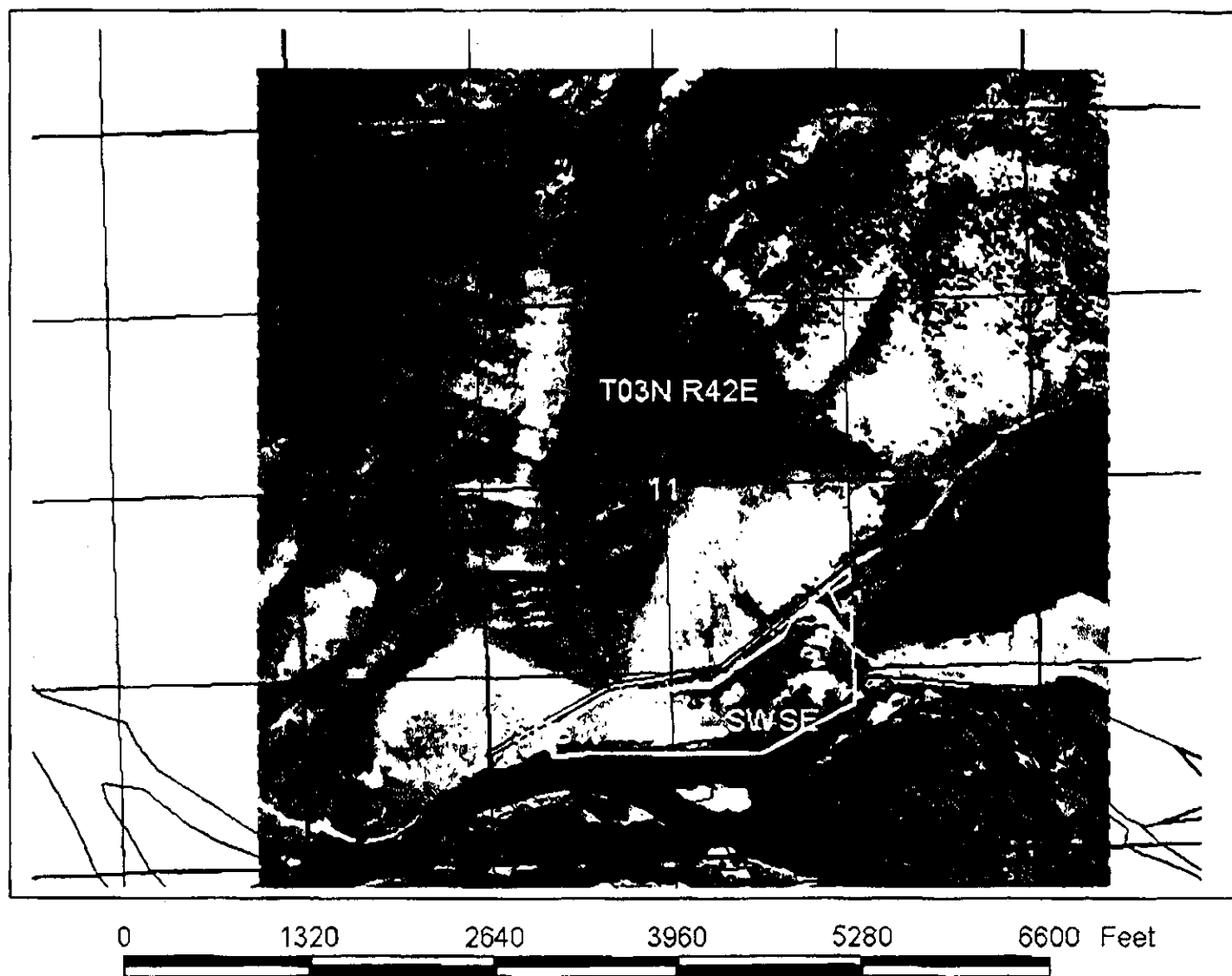
Director of IDWR
PO Box 83720
Boise, ID 83720-0098



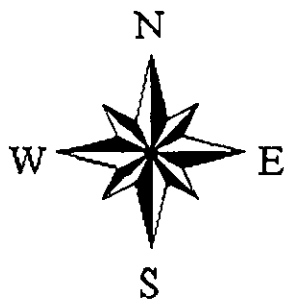
Signature of person or attorney mailing the form

Department of Water Resources

Claim No.: 23-113A



- Place of use.shp
- Point of diversion.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: November 2004