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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

Case No. 39576

) Subcase No. 29-02177
)
)
)
)
)
)

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(s):

Geraldine B. McNee

OBJECTOR(s):

Reed & Doris Hartvigsen Family Trust
Richard N. Hartvigsen

Geraldine B. McNee 3-15-05
Geraldine B. McNee Date

[Signature] 4/25/05
D. Scott Crook Date
Attorney for Objectors

IDWR Concurrence:

Ernest Carlsen Feb 3, 2005
Ernest Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 4/28/05
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

02/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2177

NAME AND ADDRESS: GERALDINE B MC NEE
3214 E WOODLAND RD
DOWNEY ID 83234

SOURCE: ASPEN CREEK

IRIBUIARY: MARSH CREEK

QUANTITY: 0.500 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.60 CFS. COMBINED RIGHT NOS.:
29-02325A, 29-02177

PRIORITY DATE: 04/13/1914

POINT OF DIVERSION:

T12S R37E S8 SESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.500 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R37E S05	NESW	22.0	T12S R37E S05	SESW	8.0
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30 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 30 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-02325A, 29-02177

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO
SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING
CONTRACTUAL AGREEMENT: WATER RIGHTS SETTLEMENT AGREEMENT
ENTERED INTO ON JANUARY 26, 2005, BETWEEN KENT JENSEN,
ATTORNEY-IN-FACT, ON BEHALF OF IVA LOU JENSEN, LAUNA MAYNARD
(A.K.A. LONNA MAYNARD), ATTORNEY-IN-FACT ON BEHALF OF HELEN
JENSEN, GERALDINE B. MCNEE, DONNA RAE VAUGHAN, DAVID B.
HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF THE REED & DORIS
HARTVIGSEN FAMILY TRUST, AND DAVID B. HARTVIGSEN, ATTORNEY-
IN-FACT ON BEHALF OF RICHARD N. HARTVIGSEN FILED OF RECORD
IN THE OFFICE OF THE BANNOCK COUNTY RECORDER ON JANUARY 31,
2005, AS INSTRUMENT NO. 861; THE PROVISION OF SUCH AGREEMENT
TO APPLY FULLY TO THIS WATER RIGHT NOTWITHSTANDING THE FACT
THAT THE WATER RIGHT ELEMENTS IN THE AGREEMENT MAY DIFFER
FROM THOSE SPECIFIED HEREIN.

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: License

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

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

DM
ENC
DM
SMF

CERTIFICATE OF MAILING

I certify that on APRIL 27, 2005, 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:

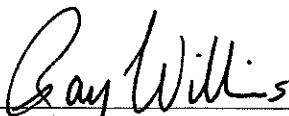
REED & DORIS HARTVIGSEN
RICHARD N HARTVIGSEN

Represented by:

D. SCOTT CROOK
SMITH HARTVIGSEN PLLC
215 S STATE STREET, STE 650
SALT LAKE CITY, UT 84111

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GERALDINE B MC NEE
3214 E WOODLAND RD
DOWNEY, ID 83234



Signature of person or attorney mailing the form