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MAR 05 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR - 4 2009
By _____ Clerk
Deputy Clerk

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. 75-00119
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

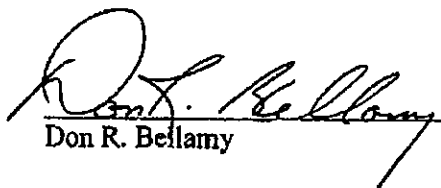
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

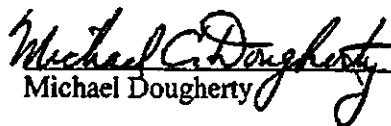
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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:
Don R. Bellamy

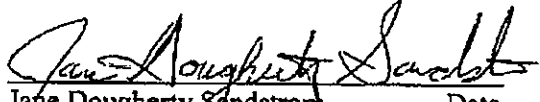
OBJECTOR:
Michael Dougherty


Don R. Bellamy 1/30/09
Date

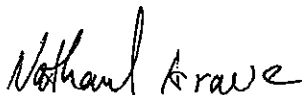

Michael Dougherty 1/21/2009
Date

OBJECTOR:

Jane Dougherty Sandstrom

 2/21/09
Jane Dougherty Sandstrom Date

IDWR Concurrence:

 2/17/09
Nathaniel Arave Date
Senior Water Resource Agent

 2/25/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on 3/3, 2009, 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

DON R BELLAMY
PO BOX 1031
SALMON, ID 83467

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

MICHAEL C DOUGHTERY
JANE DOUGHERTY SANDSTROM
502 FOURTH OF JULY CREEK RD
NORTH FORK, ID 83466



Signature of person or attorney mailing form

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

MOD 1/21/2009
70A 1/21/09
AB 1/30/09

RIGHT NUMBER: 75-119

NAME AND ADDRESS: DON R BELLAMY
PO BOX 1031
SALMON ID 83467

NLA 2/17/09

SOURCE: FOURTH OF JULY CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 4.080 CFS

PRIORITY DATE: 06/12/1906

POINT OF
DIVERSION:

T24N R22E S16 NESWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 08/01	4.080 CFS
	08/02 10/31	3.060 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T24N R22E S20	NENE	5.00	T24N R22E S20	SWNE	11.00 6.9
T24N R22E S20	SENE	2.50 11	T24N R22E S20	SENW	4.50 4.6
T24N R22E S20	NESW	20.00 21	T24N R22E S20	SWSW	1.00
T24N R22E S20	SESW	32.00 14	T24N R22E S20	NWSE	27.00
T24N R22E S20	SWSE	4.50 6	T24N R22E S21	NWNW	14.00 13
T24N R22E S29	NENW	6.00 5.7	T24N R22E S29	NWNW	0.50

128 137.1 ACRES TOTAL

This right authorizes the irrigation of 102 total acres.

Right Nos. 75-119 and 75-120 are limited to the irrigation of a combined total of 137.1 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 128 acres in a single irrigation season. Combined Right Nos.: 75-119, 75-120, 75-13963

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.