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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.: 37-2158

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.

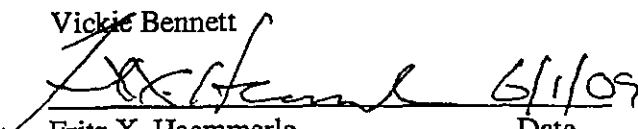
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

Pat Bennett

Vickie Bennett


Fritz X. Haemmerle

6/1/09
Date

Attorney for Pat and Vickie Bennett

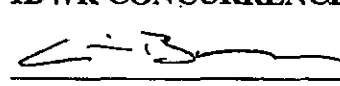
IDWR CONCURRENCE:


Steve Clelland

Sr. Water Resource Agent

4/27/09
Date

IDWR CONCURRENCE:


Christopher M. Bromley

Deputy Attorney General
Attorney for IDWR

4/29/09
Date

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

RIGHT NUMBER: 37-2158

NAME AND ADDRESS: PAT BENNETT
BOX 113
HILL CITY ID 83337
VICKIE BENNETT
BOX 113
HILL CITY ID 83337

SOURCE: UNNAMED STREAM

Tributary: MALAD RIVER

QUANTITY: 1.000 CFS ~~0.350 CFS~~

The quantity of water under this right for stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/05/1909

POINT OF DIVERSION: T01S R11E S33 NWSW Within ELMORE County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/15 10/31	<u>1.000 CFS</u> ~~0.260 CFS~~

STOCKWATER	01/01 12/31	0.090 CFS
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PLACE OF USE: IRRIGATION within ELMORE County

<u>T01S R11E S33 NESW 35.0</u>	~~T01S R11E S33 SWSW 5.0~~
<u>T01S R11E S33 SESW 34.0</u>	~~T01S R11E S33 SESE 18.0~~

STOCKWATER within ELMORE County

T01S R11E S33 SWSW T01S R11E S33 SESW

69 ACRES TOTAL ~~23 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 - License

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

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

CERTIFICATE OF SERVICE

I certify that on June 1, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

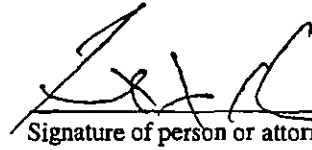
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Fritz X. Haemmerle
Haemmerle & Haemmerle
P.O. Box 1800
Hailey, ID 83333

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form