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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

Department of Water Resources
Adjudication Bureau

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 55-07116

(Insert Water Right Number)

Case 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.

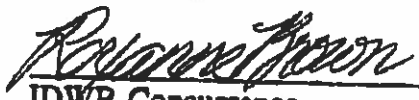
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

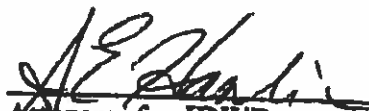
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 11-18-98


(Claimant)


Special Adjudicator (USDO)
FOR USDO-343


IDWR Concurrence


Attorney for IDWR

AJ5856NP

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

DATE: SEP-21-1998
PAGE: A-30

RIGHT NUMBER: 55-02116

NAME & ADDRESS:

GEORGE L BENNETT
DONNA M BENNETT
HC 85 BOX 271
GRAND VIEW ID 83624

SOURCE:

UNNAMED STREAM

QUANTITY:

D.5 CFS

TRIBUTARY: OUYHEE RIVER

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
STORAGE CAPACITY 25 AF.

PRIORITY DATE:

08/22/1921

POINT OF DIVERSION:

T09S R02W S31

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION
IRRIGATION STORAGE
IRRIGATION FROM STORAGE
STOCKWATER
STOCKWATER STORAGE
STOCKWATER FROM STORAGE

Within OUYHEE County

SESE
SESESE (REDIVERSION)

QUANTITY
0.5 CFS
6.7 AFY
6.7 AFY
0.12 CFS
6.7 AFY
6.7 AFY

PLACE OF USE:

IRRIGATION
T09S R02W S31
27 ACRES TOTAL

Within OUYHEE County
SENU 7

NESW 46-19
NUSW 1

USE OF THIS RIGHT WITH RIGHT NO. 55-04124 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 27 ACRES IN A SINGLE
IRRIGATION SEASON.

IRRIGATION STORAGE
T09S R02W S31

Within OUYHEE County
SENU

IRRIGATION FROM STORAGE
T09S R02W S31

Within OUYHEE County
SENU

STOCKWATER
T09S R02W S31

Within OUYHEE County
SENU

STOCKWATER STORAGE
T09S R02W S31

Within OUYHEE County
SENU
SESE

NESW

NESW

NESW

NESW

del

del

AJ5856NP

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

DATE: SEP-21-1998
PAGE: A-31

RIGHT NUMBER: 55-02116 (CONT)

PLACE OF USE: (CONT)

STOCKWATER FROM STORAGE Within Owyhee County
TOPS ROZU S31

SESW
SESE

NESW

NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

IN THE NEAR FUTURE IDAR WILL RECOMMEND A GENERAL PROVISION FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF WATER RIGHTS.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - LICENSE

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

RIGHT NO. 55-04124 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

STOCKWATER, 400 RANGE CATTLE; 10 HORSES

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on Nov. 18 1998, I mailed the original and copies of this Standard Form 5, including all attachments, postage prepaid and addressed as follows:

Original To:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Hand

Copy To:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720

Hand

Copies To All Parties To The Subcase:

U.S. Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

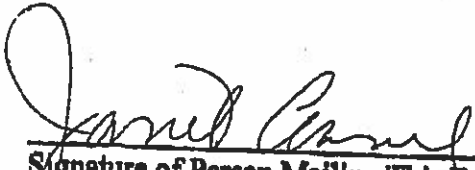
Hand

George L. Bennett
Donna M. Bennett
HC 85 Box 271
Grand View, Idaho 83624
208-834-2398

Hand

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
Post Office Box 44449
Boise, Idaho 83711-4449

Hand


Signature of Person Mailing This Form