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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 55-04124
(Insert Water Right Number)

Case 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

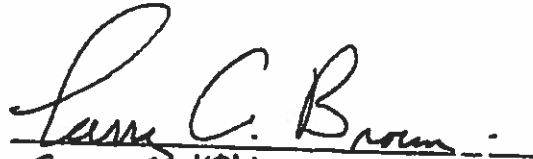
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 USDI-BLM


IDWR Concurrence


Attorney for IDWR

AJ5856NP

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

DATE: SEP-21-1998
PAGE: A-71

RIGHT NUMBER:

55-04124

NAME & ADDRESS:

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

SOURCE:

UNNAMED STREAM

TRIBUTARY: HURRY BACK CREEK

QUANTITY:

18.3 AFY

STORAGE CAPACITY 25 AF.

PRIORITY DATE:

01/01/1933

POINT OF DIVERSION:

T09S R02W S31

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION STORAGE
IRRIGATION FROM STORAGE

PERIOD OF USE
01-01 12-31
04-01 10-31

QUANTITY
18.3 AFY
18.3 AFY

PLACE OF USE:

IRRIGATION STORAGE
T09S R02W S31

Within Owyhee County
SNW

SENW

IRRIGATION FROM STORAGE
T09S R02W S31
27 ACRES TOTAL

Within Owyhee County
SNW 7

~~SENW 3~~

NESW

NESW 16 19

NWSW

NWSW 1

USE OF THIS RIGHT WITH RIGHT NO. 55-02116 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 27 ACRES IN A SINGLE
IRRIGATION SEASON.

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

IN THE NEAR FUTURE IDWR 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
TO SUCH GENERAL PROVISIONS. THE DISTRICT COURT DETERMINES
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF WATER RIGHTS.

EXPLANATORY MATERIAL:

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

Handwritten initials and marks:
Top right: *SK*
Middle right: *JS*
Below middle right: *RB*
Bottom right: *RB*

AJ5856NP

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

RIGHT NUMBER:

55-04124 (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT NO. 55-02116 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

DATE: SEP-21-1998
PAGE: A-72



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