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FEB 26 2003

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 )

SUBCASE NO.: 65-18248

Case No. 39576 )

STANDARD FORM 5  
AMENDED CLAIM

For Domestic and Stockwater Rights

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. 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 decreed as described per the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**RESPONDENT:**

United States on behalf of the  
USDA Forest Service

David L. Negri

date

**IDWR CONCURRENCE:**

*Roxanne Brown* 1/24/03  
Roxanne Brown date  
Sr. Water Resource Agent

**OBJECTOR:**

Idaho State Dept. of Lands

David Barber 1/30/2003  
David J. Barber date  
Deputy Attorney General

**CLAIMANT:**

Black Canyon Grazing Association

Alvin Moses 2-5-03  
Alvin Moses date

**CURRENT OWNERS:**

Myra T. Church 2/13/03  
~~Sharon Church~~ date  
Myra T. Church  
Harvey Church 2-13-03  
Harvey Church date

01/16/2003

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

RIGHT NUMBER: 65-18248

NAME AND ADDRESS: SHARON CHURCH  
HARVEY CHURCH  
9700 LIBERTY RD.  
SWEET ID 83670

*ma.*

*7/01*

*RB*

SOURCE: DRY BUCK CREEK

TRIBUTARY: PAYETTE RIVER

*A.M.*

QUANTITY: ~~0.20~~ 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

*DJB*

PRIORITY DATE: 01/01/1860

POINT OF DIVERSION:

T09N R02E S24 NWNENW Begin of Stream Flow Within BOISE County  
T09N R02E S24 SESWSW End of Stream Flow Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 09/15 11/15          | 0.02 CFS        |

PLACE OF USE: STOCKWATER Within BOISE County

|               |      |               |      |
|---------------|------|---------------|------|
| T09N R02E S24 | NENW | T09N R02E S24 | SENW |
| T09N R02E S24 | NESW | T09N R02E S24 | NWSW |
| T09N R02E S24 | SWSW |               |      |

PLACE OF USE IN THE NWSW AND SWSW, T09N, R02E, S24 DOES NOT INCLUDE STATE PUBLIC SCHOOL ENDOWMENT LAND.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 600 RANGE CATTLE

THE USE OF WATER WITHIN THE W1/2 OF THE W1/2 OF THE NENW AND THE W1/2 OF THE W1/2 OF THE SENW, S24, T09N, R02E IS ON STATE PUBLIC SCHOOL ENDOWMENT LAND PURSUANT TO STATE LAND LEASE, LEASE NO. G-6179 (GRAZING/LEASE).

# CERTIFICATE OF MAILING

I certify that on February 26, 2003, I delivered the original and copies of this form to the following persons, postage prepaid if required and addressed as follows:

## 1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
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

U.S. Dept. of Justice  
Environment & Natural Resource Div.  
General Litigation Section  
550 W. Fort St., MSC 033  
Boise, ID 83724

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

Idaho Dept. of Lands  
P.O. Box 83720  
Boise, ID 83720-0050

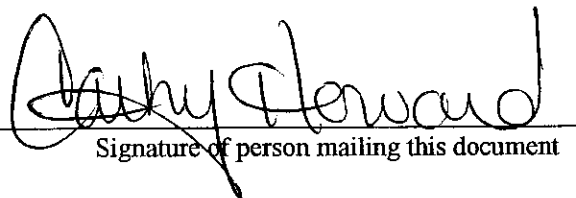
☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

*myRA*  
~~Sharon~~ and Harvey Church  
9700 Liberty Rd.  
Sweet, ID 83670

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

Black Canyon Grazing Association  
C/o Alvin Moses  
8975 Sweet Ola Highway  
Sweet, ID 83670

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

  
Signature of person mailing this document