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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	)	Subcase No. 78-10338
	)	
Case No. 39576	)	Standard Form 5
	)	
	)	AMENDED CLAIM
	)	FOR DOMESTIC & 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 the facts, data, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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.

Pursuant to the terms of the *Stipulation and Joint Motion for Order Approving Stipulation* filed on August 29, 2002, such stipulation being incorporated into this *Standard Form 5*, the parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached. The parties and IDWR agree and stipulate that the original claim shall be "split" retaining the original claim and adding one new claim that limits the use of both claims to a total combined diversion rate of .03 cfs and a total quantity of 13,000 gallons per day. The additional claim number shall be 78-12178. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 11/12/02
David L. Negri Date

CLAIMANTS:

Shingle Creek LLC

Willis D. Veny 11/4/02
Willis De Veny Date

Betty D. Veny 11/4/02
Betty De Veny Date

RESPONDENTS:

A.L. Cattle Inc.
Bruce Bedke
Jared Bedke
Karl U. Bedke
Scott Bedke
Willis & Betty De Veny
Flying Triangle Inc.
Luther Gardner
Jerry Hoagland
Joyce Livestock
Eugene Mathews
Pickett Ranch & Sheep Co.
Gary Poulton
Michael Poulton
Shoulder 3 Ranches Inc.
Joe Tugaw
Western Stockgrowers Association et al.

Travis L. Thompson 11/1/02
Norman M. Semanko Date
Travis L. Thompson

IDWR CONCURRENCE:

Roxanne Brown 11/1/02
Roxanne Brown Date

ATTORNEY FOR IDWR:

Date

CERTIFICATE OF MAILING

I certify that on Nov 12, 2002, I mailed the original and copies of this form, 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, ID 83303-2707

Copy to:

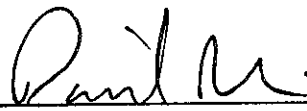
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

Copies to all parties to the subcase (insert names and addresses here):

Willis De Veny
Betty De Veny
P.O. Box 1160
Riggins, ID 83549

Norman M. Semanko
Travis L. Thompson
Barker, Rosholt, & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139
Counsel for the Federal Stockwater Group



Signature of person mailing documents

Right Number: 78-10338

Name and Address: SHINGLE CREEK LLC
P O BOX 1160
RIGGINS, ID 83549

Source:

CHAIN SPRING
HOWARD SPRING
CANNON BALL SPRING
COTTONWOOD SPRING
LOG THROUGH SPRING
AITKEN SPRING
BLUE GULCH SPRING
ALDER SPRING
SPRINGS
CLYDE SPRING
MORRISON RIDGE SPRING
~~POND~~

Tributary:
SINKS
SINKS
SINKS
COTTONWOOD CREEK
COCONUT GROVE CREEK
SINKS
BLUE GULCH
SINKS
SINKS
SINKS
SINKS
SINKS

RB
727
H
JF
DN

Quantity: .03 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NOS. 78-04197, 78-04203, 78-04205, 78-04206, 78-04208, 78-04209, 78-04210, 78-04211, 78-04212, 78-04214, 78-04218, 78-04219, 78-04225, 78-04234, 78-04238, 78-04247, 78-10631, 78-10632, 78-12009, 78-12178 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .03 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: ~~05-01-1887~~ 05-09-1906

Diversion Point: T22N R01W S03 SWNWSW Within Idaho County
T23N R01W S01 ~~SENESW~~ SESW
S02 NESWNW
~~S03~~ ~~SWNWSW~~
S04 ~~SENENE~~ NWSE
~~NESWNE~~ NESW
S05 NWSWNE
S07 SWNESE
S11 SWNESW
SENWSW
NENESE
SENWSE
S12 SENWSW
S14 NESESW
S15 SENENW
S16 ~~NE~~ SESESW
S17 SWSENE
S21 NESENE
NESWSW
S22 ~~NENWSW~~ SENW
S29 NWNWNE

Purpose and			
Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	05-15 TO 11-15	.03 CFS

Place of Use:	Stockwater	Within Idaho County	
	T22N R01W S03	<u>SWSW</u>	<u>NWSW</u>
	T23N R01W S01	<u>NESW</u>	<u>SESW</u>
	S02	SWNW	
	S04	NENE	SWNE
	S05	SWNE	
	S07	NESE	
	S11	NESW	NWSW
		NESE	NWSE
	S12	NWSW	
	S14	<u>NESW</u>	<u>SESW</u>
	S15	NENW	
	S16	SESW	
	S17	SENE	
	S21	SENE	SWSW
	S22	<u>NWSW</u>	<u>SENW</u>
	S29	NWNE	

RB
27
M
DN

Other Provisions Necessary for Definition / Administration of this Water Right:

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND WILLIS DEVENY, BETTY DEVENY AND SHINGLE CREEK LLC, FILED IN THE OFFICE OF THE IDAHO COUNTY RECORDER AND RECORDED ON OCTOBER 31, 2002 AS INSTRUMENT NO: 425169; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO 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, 50 RANGE CATTLE AND 5 HORSES OR MULES
SOURCE IS ALSO KNOWN AS PIKES CABIN SPRING, JORGY SPRING,
PLANK TROUGH SPRING, PETE WILSON SPRING, ~~CHAIN SPRING~~, LAMONT
SPRING, LOWER THORN BASIN SPRING A, THORN BASIN SPRING B, THORN
BASIN SPRING C, THORN BASIN SPRING D, UPPER THORN BASIN SPRING E,
AND EAGLES NEST SPRING.

Right Number: 78-12178

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: SPRING Tributary: SINKS

Quantity: .02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. 78-10338 AND
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL
QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: 05-10-1906

Diversion Point: T23N R01W S07 SWNESE Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	05-15 TO 11-15	.02 CFS

Place of Use: Stockwater Within Idaho County
T23N R01W S07 NESE

Other Provisions Necessary for Definition / Administration of this Water Right:

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO
SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT
MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29,
2002 BETWEEN THE UNITED STATES OF AMERICA AND WILLIS DEVENY, BETTY
DEVENY AND SHINGLE CREEK LLC, FILED IN THE OFFICE OF THE IDAHO
COUNTY RECORDER AND RECORDED ON OCTOBER 31, 2002 AS INSTRUMENT NO:
425169; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO THIS
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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.
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Explanatory Material: Basis of Claim - Beneficial Use

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