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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. 78-10629
	)	
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 .02 cfs and a total quantity of 13,000 gallons per day. The additional claim number shall be 78-12182. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

United States on behalf of the
USDA Forest Service

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

OBJECTORS:

Willis De Veny
Betty De Veny

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

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

OBJECTORS:

Karl U. Bedke
Scott Bedke
Pickett Ranch & Sheep Co.
Gary Poulton
Michael Poulton
Joe Tugaw
Western Stockgrowers Association et al.

J. J. J. 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:

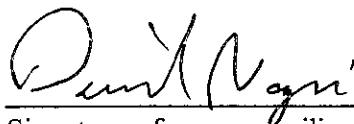
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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: 78-10629

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

Source: SMOKEY SPRING Tributary: RAPID RIVER

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. 78-12182 AND
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL
QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: ~~05-01-1895~~ 05-10-1906

Diversion Point: T22N R01W S10 NWSE Within ~~Idaho~~ Adams County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	~~06-01 TO 10-31~~ <u>05-15 TO 11-15</u>	.02 CFS

Place of Use: Stockwater Within ~~Idaho~~ Adams County
T22N R01W S10 NWSE

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 ADAMS
COUNTY RECORDER AND RECORDED ON NOVEMBER 12, 2002 AS
INSTRUMENT NO: 102657; 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

FOREST SERVICE RECORD ID = 0117 17060210 01 0311
STOCKWATER, 270 RANGE CATTLE

Right Number: 78-12182

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

RB 727
AV
JH
22

Source: SMOKEY SPRING Tributary: RAPID RIVER

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. 78-10629 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: 05-09-1906

Diversion Point: T22N R01W S10 NWSE Within ~~Idaho~~ Adams 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~~ Adams County
T22N R01W S10 NWSE

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 ADAMS COUNTY RECORDER AND RECORDED ON NOVEMBER 12, 2002 AS INSTRUMENT NO: 102657; 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