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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. 78-10653             |
|                | ) |                                  |
| 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 this water right should be described per the attached Amended Claim. 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 De Veny 11/9/02  
Willis De Veny Date

Betty De Veny 11/14/02  
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.

*T. J. Z* *11/1/02*  
Norman M. Semanko Date

Travis L. Thompson

**IDWR CONCURRENCE:**

**ATTORNEY FOR IDWR:**

*Roxanne Brown* *11/1/02*  
Roxanne Brown Date

\_\_\_\_\_  
Date

## CERTIFICATE OF MAILING

I certify that on 11/12, 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:

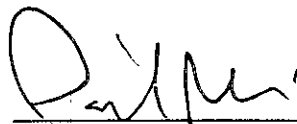
IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

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: 78-10653

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

QW  
RB  
727  
HA  
SP

Source: MC CREA CREEK Tributary: RAPID RIVER, WEST FORK

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. 78-12115 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: T23N R01W S19 SESE (Instream Beginning) Idaho  
S29 SENE (Instream Ending) Idaho

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

| Place of Use: | Stockwater    | Within Idaho County |
|---------------|---------------|---------------------|
|               | T23N R01W S19 | SESE                |
|               | S29           | NWNE SWNE           |
|               |               | SENE NENW           |
|               |               | NWNW                |

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

FOREST SERVICE RECORD ID = 0117 17060210 01 0556  
STOCKWATER, 270 RANGE CATTLE

DN  
RB  
727  
LA  
SD