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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. 43-04236

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 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 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 Amended Claim. The parties and IDWR have further indicated their concurrence by initializing each of the attached pages.

CLAIMANT And OBJECTOR:

C Bar Cattle Company

Roger D. Ling Date

OBJECTOR:

United States of America

David L. Negri 8/6/02 Date

IDWR CONCURRENCE:

Roxanne Brown 8/6/02 Date

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

Right Number: 43-04236

Name and Address: C BAR CATTLE COMPANY

PO BOX 2256

MALTA, ID 83342

Source: MORTENSON SPRING

Tributary: MEADOW CREEK

Quantity: ~~.16 CFS~~

.04 CFS

Priority Date: 07-15-1967

Point of Diversion: T14S R28E S24 SESWNW

Purpose and Period of Use:

Purpose of Use

Period of Use

Quantity

Stockwater

01/01 12/31

~~0.16 CFS~~

0.04 CFS

Place of Use:

Stockwater

Within Cassia County

T14S R29E S17

SENE

T14S R29E S18

NWNE

T14S R29E S18

SENE

T14S R29E S20

SWNW

T14S R29E S20

SESE

T14S R29E S08

NENW

T14S R29E S08

NESW

T14S R29E S08

SESW

Other Provisions Necessary for Definition / 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.

This is the same source as 43-07276. During times of insufficient water to satisfy both claims, each is entitled to one-half (1/2) the flow of the spring.

Explanatory Material: Basis of Claim – Beneficial Use

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on August 6, 2002, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

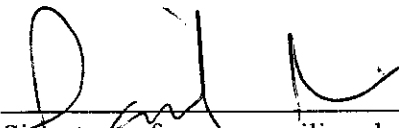
2. Copy to:

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

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

C Bar Cattle Company
C/O Roger Ling
Ling & Robinson
615 "H" Street
P.O. Box 396
Rupert, ID 83350



Signature of person mailing documents