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OCT 20 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. 51-12079  
)  
)  
)

**STANDARD FORM 5**

Case No. 39576

**AMENDED CLAIM**

) **FOR DOMESTIC & STOCKWATER RIGHTS**  
)  
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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, date, 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.

**The parties and IDWR agree and stipulate that the elements of this water right should be described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT /OBJECTOR:**

United States on behalf of the  
Bureau of Land Management

Larry A. Brown 10/12/03  
Date  
Larry A. Brown  
Attorney, U.S. Department of Justice  
Environment and Natural Resources Div.

**OBJECTOR:**

State of Idaho

David J. Barber 10/9/2003  
Date  
David J. Barber  
Deputy Attorney General  
Office of the Attorney General

**IDWR CONCURRENCE:**

Roxanne Brown 9/26/03  
Date  
Roxanne Brown  
Senior Water Resource Agent

**IDWR CONCURRENCE:**

\_\_\_\_\_  
Date

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

-----  
RIGHTS FROM:           SOURCE: CLOVER CREEK                     TRIBUTARY: BRUNEAU RIVER  
-----

RIGHT NUMBER:       51-12079

NAME & ADDRESS:     UNITED STATES OF AMERICA ACTING THROUGH  
                          USDI BUREAU OF LAND MANAGEMENT  
                          IDAHO STATE OFFICE  
                          1387 S VINNELL WAY  
                          BOISE ID 83709-1657

SOURCE:               CLOVER CREEK                                     TRIBUTARY: BRUNEAU RIVER

QUANTITY:            0.02 CFS

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

PRIORITY DATE:       01/01/1874 06/28/1934

*FAB MS RS D/B*

|            |      |      |     |                   |                                       |
|------------|------|------|-----|-------------------|---------------------------------------|
| POINT OF   |      |      |     |                   | Within OWYHEE County                  |
| DIVERSION: | T13S | R10E | S26 | NENESE            | (INSTREAM BEGINNING POINT)            |
|            |      |      |     | <del>SENESE</del> | <del>(INSTREAM BEGINNING POINT)</del> |
|            |      |      |     | NENESE            | (INSTREAM ENDING POINT)               |
|            | T12S | R10E | S19 | <del>SWSENE</del> | <del>(INSTREAM ENDING POINT)</del>    |
|            |      |      |     | NWSENE            | (INSTREAM ENDING POINT)               |

|                |                |               |          |
|----------------|----------------|---------------|----------|
| PURPOSE AND    |                |               |          |
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|                | STOCKWATER     | 01-01 12-31   | 0.02 CFS |

|               |                     |                 |                      |
|---------------|---------------------|-----------------|----------------------|
| PLACE OF USE: | STOCKWATER          |                 | Within OWYHEE County |
|               | T12S R10E S19       | SENE            | NESE                 |
|               |                     | <del>SESE</del> |                      |
|               |                     | NWSW            | SWSW                 |
|               |                     | SESW            |                      |
|               |                     | NWSW            | SWSW                 |
|               |                     | SESW            |                      |
|               |                     | NWNE            | SWNE                 |
|               |                     | NENW            | NESE                 |
|               |                     | NWSE            |                      |
|               |                     | NENW            | SENW                 |
|               |                     | NESW            | SESW                 |
|               |                     | SWSE            |                      |
|               | T13S R10E S03 Lot 4 | (NWNW)          | SWNW                 |
|               |                     | NWSW            | SWSW                 |
|               |                     | SESW            |                      |
|               | S04 Lot 1           | (NENE)          |                      |
|               | S10                 | SWNE            | NENW                 |
|               |                     | SESW            | NWSE                 |
|               |                     | SWSE            | SESE                 |
|               | S14                 | NWSW            | SWSW                 |
|               | S15                 | NENE            | SENE                 |

|     |      |             |
|-----|------|-------------|
|     | NESE | <u>SESE</u> |
| S23 | SWNE | NENW        |
|     | NWNW | SENW        |
|     | NESW | SESW        |
|     | NWSE |             |
| S26 | NENE | NWNE        |
|     | SENE | NENW        |
|     | NESE |             |

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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. I.C. SECTION 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
~~STOCKWATER, 500 RANGE CATTLE~~  
 BLM RECORD ID = 5101780211

*MB RB 2/B*  
*2/15*

## CERTIFICATE OF MAILING

I certify that on 10/17/03, 2003, 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, Idaho 83303-2707

2. Copy to:

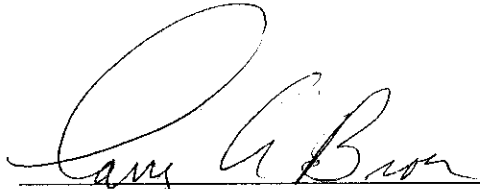
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

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

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

U.S., Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Craig A. Pridgen  
Attorney at Law  
P.O. Box 5815  
Tahoe City, CA 96145

  
\_\_\_\_\_  
Signature of person or attorney mailing the form