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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. 51-12374

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, 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 10/17/03
Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

OBJECTOR:

State of Idaho

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

IDWR CONCURRENCE:

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

IDWR CONCURRENCE:

Date

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

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: POISON CREEK

RIGHT NUMBER: 51-12374

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: POISON CREEK TRIBUTARY: JARBIDGE RIVER
UNNAMED STREAM POISON CREEK

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

JS MB RB D/B

POINT OF					Within OWYHEE County
DIVERSION:	T16S	R10E	S32	LOT 1 (SWNE)	(INSTREAM BEGINNING POINT)
			S33	LOT 4 (SWNWNW)	(INSTREAM BEGINNING POINT)
			~~S08~~	~~SWSWNW~~	~~(INSTREAM ENDING POINT)~~
			~~S28~~	~~NESWSW~~	~~(INSTREAM ENDING POINT)~~
		<u>R09E</u>	<u>S01</u>	<u>NENWNE</u>	<u>(INSTREAM BEGINNING POINT)</u>
				<u>NWNENE</u>	<u>(INSTREAM ENDING POINT)</u>
				<u>NENENW</u>	<u>(INSTREAM ENDING POINT)</u>

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
	T16S	R10E	<u>S06</u>
			<u>Lot 2 (NWNW)</u>
			<u>Lot 5 (SWNW)</u>
			<u>Lot 7 (NESW)</u>
			<u>SWSE</u>
		<u>S07</u>	<u>NENE</u>
			<u>SENE</u>
		S08	SWNW
			NESW
			SESW
		S17	SWNE
			NENW
			SESW
			SESE
		S20	NENE
			SENE
			SESE
		S28	NWNW
			SWNW
			SWSW
		S29	NENE
			SESE
		S32	Lot 1 (NENE)
		S33	Lot 4 (NWNW)

R09E S01

NENE
NENW

NWNE

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
BLM RECORD ID = 5101780477

RB *VB* *2/B*
JO'S

CERTIFICATE OF MAILING

I certify that on 10/10, 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:

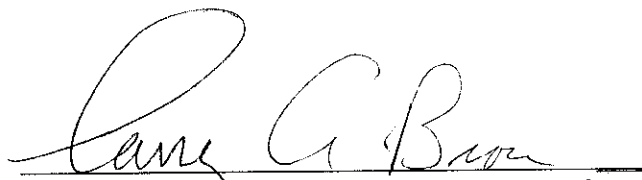
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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