

RECEIVED  
BLM ISO MR  
DEC 22 2003  
9:00 A.M.

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. 37-18897  
)  
) **AMENDED**  
) **Standard Form 5**  
Case No. 39576 )  
) **STIPULATED ELEMENTS**  
) **OF A WATER RIGHT**

-----  
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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.

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 have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT:**

United States on behalf of the  
Bureau of Land Management

Larry A. Brown 2/6/04  
Larry A. Brown *LB* Date  
Attorney, U.S. Department of Justice

AMENDED  
Standard Form 5

Subcase No. 37-18897

Page 1

**OBJECTORS:**

Karl U. (Bud) Bedke  
Scott Bedke  
Gary Poulton  
Michael Poulton  
Joe Tugaw  
Pickett Ranch and Sheep Co.  
Western Stockgrowers Assn.

**IDWR CONCURENCE:**

Roxanne Brown 2/5/04  
Roxanne Brown Date  
Senior Water Resource Agent

**RESPONDENT:**

Flying Triangle, Inc.

T.L.T. 12/19/03  
Travis L. Thompson Date  
of Attorneys for Objectors and Respondent

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

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: LAVA CREEK

RIGHT NUMBER: 37-18897

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: SPRING TRIBUTARY: LAVA CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1879 03/20/1917

\*\*\*\*\*  
\* ~~4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.~~ \*  
\*  
\* ~~THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW~~ \*  
\* ~~WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN~~ \*  
\* ~~EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC~~ \*  
\* ~~WATER RESERVE 107.~~ \*  
\*\*\*\*\*

POINT OF  
DIVERSION: T01S R17E S29 SWSSEW Within CAMAS County

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 CAMAS County  
T01S R17E S29 SESW

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).

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 WESTERN STOCKGROWERS ASSOCIATION ET AL., FILED IN  
THE OFFICE OF THE CAMAS COUNTY RECORDER AND RECORDED ON  
NOVEMBER 19, 2002 AS INSTRUMENT NO: 075707; THE PROVISIONS OF  
SUCH STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
AMENDED  
Standard Form 5

Subcase No. 37-18897

Page 3

BLM RECORD ID = 3705681587

~~STOCKWATER, 4225 RANGE CATTLE, 9000 RANGE SHEEP. WLDLF~~  
~~VRNG AMT~~

RB

MB

700

JL

## CERTIFICATE OF MAILING

I certify that on 2/6/04, ~~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:

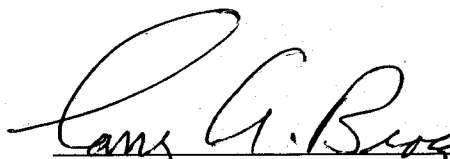
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

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 Div.  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Norman M. Semanko  
Barker, Rosholt & Simpson, LLP  
P.O. Box 2139  
Boise, Idaho 83701-2139



Signature of person or attorney mailing the form