

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. 33-10476
)
)
)

Case No. 39576

STANDARD FORM 5

AMENDED CLAIM

) FOR DOMESTIC & STOCKWATER RIGHTS
)
)
)

This form is used to report the stipulated elements of one Adomestic 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 6/9/04
Date
Larry A. Brown, MB
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

RESPONDENT:

State of Idaho

David J. Barber 6/8/2004
Date
David J. Barber
Deputy Attorney General
Office of the Attorney General

IDWR CONCURRENCE:

Roxanne Brown 6/2/04
Date
Roxanne Brown
Senior Water Resource Agent

IDWR CONCURRENCE:

SE Hanlin 6/2/04
Date
Deputy Attorney General
Idaho Dept. of Water Resources

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

RIGHT NUMBER: 33-10476

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: SQUAW CREEK TRIBUTARY: WET CREEK
UNNAMED STREAMS SQUAW CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF Within CUSTER and BUTTE County
DIVERSION:

T09N	R25E	S07	SWNWSE	(INSTREAM BEGINNING POINT)
			NESENE	(INSTREAM ENDING POINT)
		S08	NENESW	(INSTREAM BEGINNING POINT)
			SWNWSE	(INSTREAM ENDING POINT)
		S15	SESWSE	(INSTREAM ENDING POINT)
		S17	SWNENW	(INSTREAM BEGINNING POINT)
			NWNWNW	(INSTREAM BEGINNING POINT)
		S24	NWNWNW	(INSTREAM BEGINNING POINT)
	R26E	S08	LOT 2 (NWNWNE)	(INSTREAM ENDING POINT)

THERE ARE TWO ENDING POINTS OF DIVERSION WITHIN THE
SWNWSE, S08, T09N, R25E.

<u>PURPOSE AND</u>	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>PERIOD OF USE:</u>	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER Within CUSTER and BUTTE County

T09N	R25E	S07	SWNE
			SENE
			NWSE
		S08	NESW
			SWSW
			SESW
			NWSE
			SWSE
			SESE
		S09	SWSW
			SESW
		S13	SESE
		S15	NESW

		<u>NWSW</u>
		<u>SESW</u>
		<u>SWSE</u>
<u>S16</u>		<u>NENE</u>
		<u>NWNE</u>
		<u>SENE</u>
		<u>NENW</u>
		<u>NESE</u>
<u>S17</u>		<u>NENW</u>
		<u>NWNW</u>
<u>S24</u>		<u>NENE</u>
		<u>NWNE</u>
		<u>NENW</u>
		<u>NWNW</u>
<u>R26E</u>	<u>S07</u>	<u>NESE</u>
		<u>SWSE</u>
		<u>SESE</u>
	<u>S08</u>	<u>LOT 2 (NWNE)</u>
		<u>NENW</u>
		<u>SWNW</u>
		<u>SENW</u>
		<u>NWSW</u>
<u>S18</u>		<u>NWNE</u>
		<u>SWNE</u>
		<u>SENW</u>
		<u>NESW</u>
		<u>LOT 3 (NWSW)</u>
		<u>LOT 4 (SWSW)</u>

AB *SCC*
sel
JAS

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 = 3303480114

CERTIFICATE OF MAILING

I certify that on June 7, 2004, 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


Signature of person or attorney mailing the form