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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. 72-15944

Case No. 39576

) **STANDARD FORM 5**

) **AMENDED CLAIM**

) **FOR DOMESTIC & STOCKWATER RIGHTS**

This form is used to report the stipulated elements of one water 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 per the attached. 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 6/12/02
Larry A. Brown *ck* Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

OBJECTOR:

State of Idaho

David J. Barber 6/14/02
David J. Barber Date
Deputy Attorney General
Office of the Attorney General

IDWR CONCURRENCE:

Roxanne Brown 6/15/02
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: MOSQUITO CREEK TRIBUTARY: ROAD CREEK

RIGHT NUMBER: 72-15944

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: MOSQUITO CREEK TRIBUTARY: ROAD 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 06/28/1934

MS RA CK 2/B

POINT OF					Within CUSTER County
DIVERSION:	T09N R20E S19	NWSWNE		~~(INSTREAM BEGINNING POINT)~~	
		<u>SESENE</u>		<u>(INSTREAM BEGINNING POINT)</u>	
	T10N R19E S35	SWNENE		(INSTREAM ENDING POINT)	

PURPOSE AND				
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY	
	~~STOCKWATER STOCKWATER, 1810 RANGE 01-01-12-31~~	~~01-01-12-31~~	~~0.02 CFS~~	
	<u>STOCKWATER</u>	<u>01-01 12-31</u>	<u>0.02CFS</u>	

PLACE OF USE:	STOCKWATER			Within CUSTER County
	T09N R19E S02	Lot 1 (NENE)		SWNE
		SENE		NWSE
		SWSE		
		S11	NWNE	SWNE
			SENE	NESE
			SESE	
		S12	SWSW	
		S13	NWNW	SWNW
			NESW	NWSW
			SESW	SWSE
			SESE	
		S24	NENE	
	R20E S19	NWNE		SWNE
		<u>SENE</u>		NENW
		Lot 1 (NWNW)		
		Lot 2 (SWNW)		SENW
	T10N R19E S35	NENE		SENE
		NESE		SESE

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM IDENTIFICATION NO: 7204582268

RB CK

1/2 D/B

CERTIFICATE OF MAILING

I certify that on June 12, 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, Idaho 83303-2707

2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

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

David J. Barber
Deputy Attorney General
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449



Signature of person or attorney mailing the form