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NOV 14 2002

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. 78-10637
	)	
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, data, 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 this water right should be described per the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

United States on behalf of the
USDA Forest Service

David L. Negri 11/12/02
David L. Negri Date

OBJECTORS:

Willis De Veny
Betty De Veny

Willis De Veny 11/4/02
Willis De Veny Date

Betty De Veny 11/4/02
Betty De Veny Date

OBJECTORS:

Karl U. Bedke
Scott Bedke
Pickett Ranch & Sheep Co.
Gary Poulton
Michael Poulton
Joe Tugaw
Western Stockgrowers Association et al.



Norman M. Semanko
Travis L. Thompson

11/1/02

Date

IDWR CONCURRENCE:

ATTORNEY FOR IDWR:



Roxanne Brown

Date

Date

CERTIFICATE OF MAILING

I certify that on Nov. 12, 2002, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copy to:

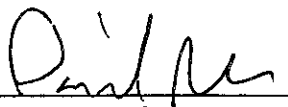
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

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

Willis De Veny
Betty De Veny
P.O. Box 1160
Riggins, ID 83549

Norman M. Semanko
Travis L. Thompson
Barker, Rosholt, & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139
Counsel for the Federal Stockwater Group



Signature of person mailing documents

Right Number: 78-10637

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

DN
RB
727
Q1
SP

Source: DUTCH OVEN CREEK Tributary: RAPID RIVER

Quantity: .02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. 78-12116 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: ~~05-01-1895~~ 05-10-1906

Diversion Point: T23N R01W S33 SESE (Instream Beginning) Idaho
S35 NWSE (Instream Ending) Idaho

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	~~06-01 TO 10-31~~ <u>05-15 TO 11-15</u>	.02 CFS

Place of Use:	Stockwater	Within Idaho County
	T23N R01W S33	SESE
	S34	SWSW
		SWSE
	S35	NESW
		SWSW
		NWSE
		SESW
		SWSE

Other Provisions Necessary for Definition / Administration of this Water Right:
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 WILLIS DEVENY, BETTY DEVENY AND SHINGLE CREEK LLC, FILED IN THE OFFICE OF THE IDAHO COUNTY RECORDER AND RECORDED ON OCTOBER 31, 2002 AS INSTRUMENT NO: 425169; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

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.

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

Explanatory Material: Basis of Claim - Beneficial Use

FOREST SERVICE RECORD ID = 0117 17060210 01 0352
STOCKWATER, 270 RANGE CATTLE

On
RB
727
H
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