

**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. 45-12679

) (Split: **45-13879, 45-13880**)

) **STANDARD FORM 5**

Case No. 39576

) **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 original claim shall be "split" into two new claims, and the original claim shall be dismissed with prejudice. The water right shall be split into two new numbers 45-13879 and 45-13880. 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 /OBJECTOR:

United States on behalf of the
Bureau of Land Management

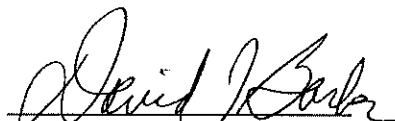


Larry A. Brown *FWP*
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

1/12/2005
Date

OBJECTOR:

State of Idaho



David J. Barber
Deputy Attorney General
Office of the Attorney General

12/14/04
Date

CLAIMANT (PARTIAL SUCCESSOR):

Oakley Valley Stone, Inc.

James C Burch 12/8/04
James C. Burch, President Date

IDWR CONCURRENCE:

for [Signature] 12-22-04
Roxanne Brown Date
Senior Water Resource Agent

IDWR CONCURRENCE:

Date

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

RIGHT NUMBER: ~~45-12679~~ 45-13879

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: UNNAMED STREAM (S)

TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT 45-13880 SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: ~~01/01/1873~~ 06/28/1934

POINT OF DIVERSION: T15S R22E S11 NESENW Within CASSIA County
(INSTREAM BEGINNING POINT)

<u>S10</u>	<u>SENWNE</u>	<u>(INSTREAM ENDING POINT)</u>
	<u>SENESE</u>	<u>(INSTREAM BEGINNING POINT)</u>
	<u>SWSWNE</u>	<u>(INSTREAM ENDING POINT)</u>
	<u>NWSWNW</u>	<u>(INSTREAM BEGINNING POINT)</u>

S09 NWNENE (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER T15S R22E S09 NENE Within CASSIA County

S10 NENE
NENE
NWNE
SWNE
SENE
NENW
NWNW
SWNW
SENW
NESE
NWSE

S11 NWNW
SWNW
SENW

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 = 4502480051
CATTLE/300

JLB *Fwp* *James C Bush*
JLB

12/23/2004

IDAHO DEPARTMENT OF WATER RESOURCES
SF5 DRAFT RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-13880

NAME AND ADDRESS: OAKLEY VALLEY STONE INC
PO BOX 28
225 W MAIN
OAKLEY ID 83346

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

Use of this right with Right No. 45-13879 is limited to a total combined diversion rate of .02 cfs and 13,000 gallons per day.

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION:

T15S R22E S10 SWNWNE Begin of Stream Flow Within CASSIA County
T15S R22E S10 NESWNW End of Stream Flow Within CASSIA County
T15S R22E S10 NESENW Begin of Stream Flow Within CASSIA County
T15S R22E S10 NWSENW End of Stream Flow Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T15S R22E S10	NWNE	T15S R22E S10	NENW
T15S R22E S10	SWNW	T15S R22E S10	SENW

Use of this right does not include federal public land.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF 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: Beneficial Use

CERTIFICATE OF MAILING

I certify that on Jan. 12, ²⁰⁰⁵~~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:

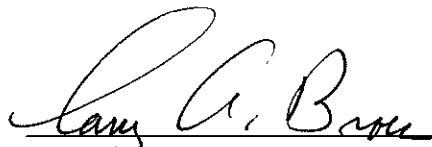
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

Oakley Valley Stone, Inc.
C/O James C. Burch
P.O. Box 284
Oakley, ID 83346



Signature of person or attorney mailing the form

~~45-12679 PVT Portion~~

45-13880

