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Department of Water Resources

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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

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In Re SRBA

)

Subcase No. 25-13956

OCT 31 2005

)

STANDARD FORM 5

Department of Water Resources
Eastern Region

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, data, expert opinions and law support 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:

Karla W. Burtenshaw

Karla W. Burtenshaw
Karla W. Burtenshaw
Date

9/27/05

Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

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

11/17/2005

Date

IDWR CONCURRENCE:

Ernest Carlson
Ernest Carlson
Water Right Supervisor
Date

10-31-05

Date

IDWR CONCURRENCE:

Chris M. Bromley
Chris M. Bromley
Deputy Attorney General
Idaho Dept. of Water Resources
Date

10/24/05

Date

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

RIGHT NUMBER: 25-13956

NAME AND ADDRESS: HENRY CREEK RANCH
C/O KARLA W BURTENSHAW
1235 N 55 E
IDAHO FALLS ID 83401

SOURCE: HENRY CREEK

TRIBUTARY: SAND CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed
13,000 gallons per day.

PRIORITY DATE: 02/25/1922

POINT OF
DIVERSION:

T01N	R39E	S30	<u>Lot 4 (NWSWSW)</u>
<u>T01N</u>	<u>R39E</u>	<u>S30</u>	<u>NWSESW</u>
~~T01S~~	~~R39E~~	~~S9~~	~~SWSESE~~
<u>T01S</u>	<u>R39E</u>	<u>S09</u>	<u>SENESE</u>
<u>T01S</u>	<u>R39E</u>	<u>S04</u>	<u>NWSESW</u>
<u>T01S</u>	<u>R39E</u>	<u>S04</u>	<u>SENWSW</u>
<u>T01S</u>	<u>R39E</u>	<u>S04</u>	<u>NWNWSW</u>
<u>T01N</u>	<u>R39E</u>	<u>S32</u>	<u>SWSWSW</u>
<u>T01N</u>	<u>R39E</u>	<u>S31</u>	<u>NESENE</u>

Within BONNEVILLE County

End of Stream Flow
<u>Begin of Stream Flow</u>
~~Begin of Stream Flow~~
<u>Begin of Stream Flow</u>
<u>End of Stream Flow</u>
<u>Begin of Stream Flow</u>
<u>End of Stream Flow</u>
<u>Begin of Stream Flow</u>
<u>End of Stream Flow</u>

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1/01 12/31	0.020 CFS
Stockwater use is for 200 range cattle.		

PLACE OF USE:

STOCKWATER

T01N	R39E	S30	<u>Lot 4 (SWSW)</u>
T01N	R39E	S30	SESW
<u>T01N</u>	<u>R39E</u>	<u>S31</u>	<u>SENE</u>
T01N	R39E	S32	SWNW
T01N	R39E	S32	NWSW
T01N	R39E	S32	SWSW
~~T01S~~	~~R39E~~	~~S04~~	~~Lot 4 SWNW~~
~~T01S~~	~~R39E~~	~~S04~~	~~NESW~~
T01S	R39E	S04	NWSW
T01S	R39E	S04	SESW
T01S	R39E	S04	SWSE
T01S	R39E	S04	SESE
~~T01S~~	~~R39E~~	~~S05~~	~~Lot 1 SENE~~
T01S	R39E	S09	NENE
T01S	R39E	S09	SENE
T01S	R39E	S09	NESE
~~T01S~~	~~R39E~~	~~S09~~	~~SESE~~

Within BINGHAM County

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

KWB 9/27/05

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

Sub
MB
EMC
KuB
9/27/05

CERTIFICATE OF MAILING

I certify that on Nov. 7, 2005, 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

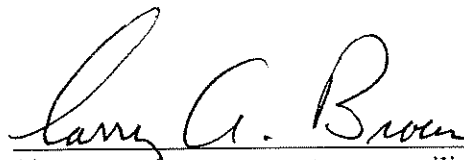
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

Henry Creek Ranch
C/O Karla W. Burtenshaw
1235 N. 55 E.
Idaho Falls, ID 83401

Ray Wendell Rigby
P.O. Box 250
Rexburg, ID 83440


Signature of person or attorney mailing the form