

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. 78-12114

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 whether 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 per the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Shingle Creek LLC

Willis D. DeVeney 9/7/07  
Willis D. DeVeney, Manager Date

OBJECTOR:

USDA Forest Service

David L. Negri 9/12/07  
David L. Negri Date  
Attorney for the United States

IDWR Concurrence:

Kenneth Knoblock 9/5/07  
Kenneth Knoblock Date

Garrick L. Baxter 9/10/07  
Garrick L. Baxter Date  
Deputy Attorney General

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

Right Number: 78-12114

Name and Address: SHINGLE CREEK LLC  
PO BOX 1160  
RIGGINS, ID 83549

Source: UNNAMED STREAM Tributary: SINKS

Quantity: .02 CFS

This right shall be used in conjunction with right no. 78-12008  
and is limited to a total combined diversion rate of .02 cfs and  
a total quantity of 13,000 gallons per day.

Priority Date: 05-09-1906

Diversion Point: T23N R01W S05 ~~SWSW~~ Within Idaho County  
SWNW *Kac* *AB*

Purpose and

| Period of Use: | Purpose of Use | Period of Use  | Quantity |
|----------------|----------------|----------------|----------|
|                | Stockwater     | 06-01 TO 10-31 | .02 CFS  |

Place of Use: Stockwater Within Idaho County  
T23N R01W S05 ~~SWSW~~  
SWNW *Kac* *AB* *AN*

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 DeVeney, Betty DeVeney and Shingle Creek LLC, filed in the office of the Idaho County Recorder and recorded on October 31, 2002 as Instrument No. 425169; the conditions 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

## CERTIFICATE OF MAILING

I certify that on September 12, 2007, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

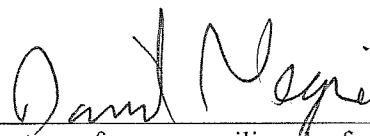
Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

Shingle Creek LLC  
P.O. Box 1160  
Riggins, ID 83549

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

US Department of Justice  
Environment and Natural Resources Section  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
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Signature of person mailing the form