

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. 78-12116
	)	
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: 78-12116

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

Source:	DUTCH OVEN CREEK	Tributary: RAPID RIVER
	RAPID RIVER	Tributary: LITTLE SALMON RIVER
	WEST FORK RAPID RIVER	Tributary: RAPID RIVER
	SHINGLE CREEK	Tributary: RAPID RIVER
	WYANT CREEK	Tributary: RAPID RIVER

Quantity: .02 CFS

This right shall be used in conjunction with right no. 78-10627, 78-10628, 78-10636, 78-10637, 78-10638 and 78-10648 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: T22N R01W S02 SWSE End of Stream Flow Within IDAHO County
S04 SESE Begin of Stream Flow Within IDAHO County
S15 NENE Begin of Stream Flow Within ADAMS County
R02W S02 SESE Begin of Stream Flow Within IDAHO County
T23N R01W S01 ~~SWNE~~ End of Stream Flow Within IDAHO County
SENW *AS DW*
S12 SWNE End of Stream Flow Within IDAHO County
S26 SWNE End of Stream Flow Within IDAHO County
S33 SESE Begin of Stream Flow Within IDAHO County
S35 NWSE End of Stream Flow Within IDAHO County
T24N R01W S32 SWSE Begin of Stream Flow Within IDAHO County

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
	T22N R01W S02
	NWNE
	NESW
	SESW
	SWSE
	S03
	NESW
	SESW
	NESE
	SWSE
	S04
	SESE
	S06
	NWNW
	S10
	SESE

S11	NENW	SWNW
	SENW	NWSW
	SWSW	
S15	NENE	
R02W S01	NENE	NWNE
	NENW	SWNW
	SENW	NESW
	NWSW	SWSW
S02	SESW	SESE
T23N R01W S01	SWNE	NENW
	NWNW	SENW
S12	SWNE	NESW
	SESW	
S13	NENW	SENW
	NESW	SWSW
	SESW	
S22	SESW	SWSE
	SESE	
S23	NENE	SENE
	NESE	NWSE
	SWSE	
S24	NWNW	
S26	NWNE	SWNE
	NWNW	SWNW
	SENW	NESW
	SESW	NWSE
	SWSE	
S27	NENE	NENW
	NWNW	
S28	NENE	NWNE
	SWNE	SWNW
	SENW	NWSW
S29	SESW	NESE
	NWSE	SWSE
S31	SENE	NESW
LOT 1	(SWSW)	SESW
	NESE	NWSE
S32	NENW	NWNW
	SWNW	
S33	SESE	
S34	SWSW	SESW
	SWSE	SESE
S35	NWNE	SWNE
	SENW	NESW
	NWSW	SWSW
	SESW	NWSE
	SWSE	
T24N R01W S32	SWSE	SESE
S33	NESW	NWSW
	SWSW	NESE
	NWSE	
S34	SWNE	SENE
	SENW	NESW
	NWSW	NESE
S35	NWSW	SWSW
	SESW	SWSE
	SESE	

Handwritten:
K
AB
NW

JS
BW

S36

SWSW

Other Provisions Necessary for Definition / 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.

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 conditions of such stipulation to apply fully to this water right.

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:

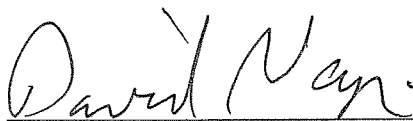
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

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



Signature of person mailing the form