

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. 45-02789

)
)
) Case No. 39576

STANDARD FORM 5

AMENDED CLAIM

)
)
) FOR DOMESTIC & STOCKWATER RIGHTS

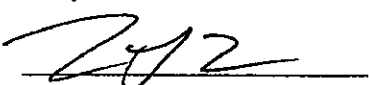
This form is used to report the stipulated elements of one domestic and/or stockwater right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law 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.

Pursuant 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 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.

OBJECTORS:

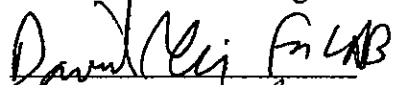
Michael A. Poulton
Gary Russell Poulton


Travis A. Thompson
Of Attorney for Objectors

3/19/09
Date

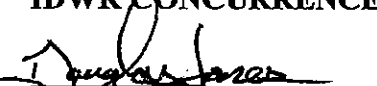
CLAIMANT:

United States on behalf of the
Bureau of Land Management


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

3/19/09
Date

IDWR CONCURRENCE:


Doug Jones
Technical Engineer 1

3/19/09
Date

IDWR CONCURRENCE:


Nicholas B. Spencer
Deputy Attorney General, Attorney for IDWR

3-19-09
Date

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

RIGHTS FROM: SOURCE: OWENS CORRAL CREEK TRIBUTARY: SINKS

RIGHT NUMBER: 45-02789

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: OWENS CORRAL CREEK TRIBUTARY: SINKS

QUANTITY: 1.0 AFY

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

PRIORITY DATE: 07/24/1957

POINT OF DIVERSION: T15S R21E S15 SWNE SW Within CASSIA County
NWSW SW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER STORAGE	01-01 12-31	1.0 AFY
	STOCKWATER FROM STORAGE	01-01 12-31	1.0 AFY

PLACE OF USE: STOCKWATER STORAGE Within CASSIA County
T15S R21E S15 NESW

STOCKWATER FROM STORAGE Within CASSIA County
T15S R21E S15 NESW
SWSW

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).

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 WESTERN STOCKGROWERS ASSOCIATION ET AL., FILED IN
THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE
6, 2003 AS INSTRUMENT NO. 289179; THE PROVISIONS OF SUCH
STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
BLM RECORD ID = 4502488025
PERMIT 1074
400/CATTLE

CERTIFICATE OF MAILING

I certify that on 3/19, ²⁰⁰⁹~~2008~~, 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

Travis L. Thompson
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Twin Falls, Idaho 83303



Signature of person or attorney mailing the form

45-2789

P. O.

Cave Gulch Reservoir
45-2784

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
FOR FARMSTEAD, DOMESTIC, OR STOCK WATERING PURPOSESApplication No. D. 1074Permit No. D. 1074

District No. _____

1. Name of Applicant U. S. Department of the Interior, Bureau of Land Management
2. Post Office Address Box 460, Burley, Idaho
3. Quantity of water claimed one acre foot
(Not to exceed 0.1 second foot or 15 acre feet)
4. Source of water supply General run-off (Cave Gulch Reservoir)
(Spring, well, unnamed stream, small lake, snow, or runoff)
5. Location of point of diversion N. 32° E. 1028 feet distant from the SW corner of Section 15,
Twp. 15 S, Rge. 21 E, B.M., and is in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, Twp. 15 S, Rge. 21 E, B.M.
in the County of Cassia
6. Location of point of use N. 32° E. 1028 feet distant from the SW corner of Section 15,
Twp. 15 S, Rge. 21 E, B.M., and in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 15, Twp. 15 S, Rge. 21 E
7. Water to be used for Stock watering
8. Estimated cost of works \$154.66
9. Kind of works Small earthen reservoir
(Reservoir, dam, ditch, flume, pipe, etc.)
10. Size Approximately 300 ft. in diameter
(Headgate, ditch, flume, pipe, etc.)
11. Time required to apply water to proposed use Completed
12. If reservoir is used, fill in the following in addition to the above questions:
 - (a) Height of dam 6 feet: Length at top 90 feet.
 - (b) Material from which dam is constructed earth
(earth, concrete, timber, rock)
 - (c) The outlet of the proposed reservoir is located N 32° E 1028 feet from the SW corner of
Section 15, Twp. 15 S, Rge. 21 E, B.M.

REMARKS: This is a small earth and rock reservoir located on Federal land and will be used to impound flood water during heavy run-off and used by livestock licensed under the Taylor Grazing Act.

U. S. Department of the Interior
Applicant Bureau of Land Management

Agent

Rayce B. Coffey
Acting District Range Manager

Twp. 15 S.
Rg. 21 E

★ Reservoir

Approval of State Reclamation Engineer

The number of this permit is D. 1074

Recorded in Book 3 Page D. 1074 Approved August 1, 1957

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

Completion of Works and Beneficial Use of Water appropriated in accordance herewith, to be made on or before Completed

Witness my hand this 1st day of August, 19 57

Mark R. Kulp
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE Governor of the State of Idaho, and JAB. H. YOUNG Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 1st day of August, 19 57

Countersigned:

By

Jab. H. Young
Secretary of State.

By

Mark R. Kulp
Governor.

No. D. <u>1074</u>	PERMIT
Date of first receipt at office of State Reclamation Engineer	<u>9:00 A. M. July 24, 1957</u>
Returned to applicant for correction	
Corrected application received	
Fees \$ <u>1.00</u>	
STATE OF IDAHO LICENSE AND CERTIFICATE OF WATER RIGHT	
Water License No. D. <u>1074</u>	
U. S. Department of Interior Bureau of Land Management	
Source of Supply <u>General runoff- (Cave Gulch Resv.)</u>	
Amount <u>One acre foot</u>	
Place of Use <u>SW 1/4 of Sec. 15, Twp. 15 S., Rge. 21 East.</u>	
Purpose <u>Stock Watering</u>	
Date of Priority <u>July 24, 1957</u>	
Recorded <u>August 12, 1957</u>	
In Book <u>D-3</u> of Licenses, Page <u>1074</u>	

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D. 1074 Priority July 24, 1957 Amount One Acre Foot
U. S. Department of Interior Bureau of Land Management
This is to certify that Bureau of Land Management made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of General runoff- (Cave Gulch Resv.) under Use Permit No. D. 1074 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume D. 3 of Licenses, at page D. 1074, on the 12th day of August, 19 57

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS THE SEAL and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 12th day of August, 19 57

Mark R. Kulp
State Reclamation Engineer.

45-02789

10

11

09

AQUEDUCT

T 15 SR 21 E

15

Spring

Cut

Gulch

21

23

22

23

TOWNSHIP 15 SOUTH RANGE 21 EAST OF THE BOISE MERIDIAN, IDAHO

CASSIA COUNTY ID

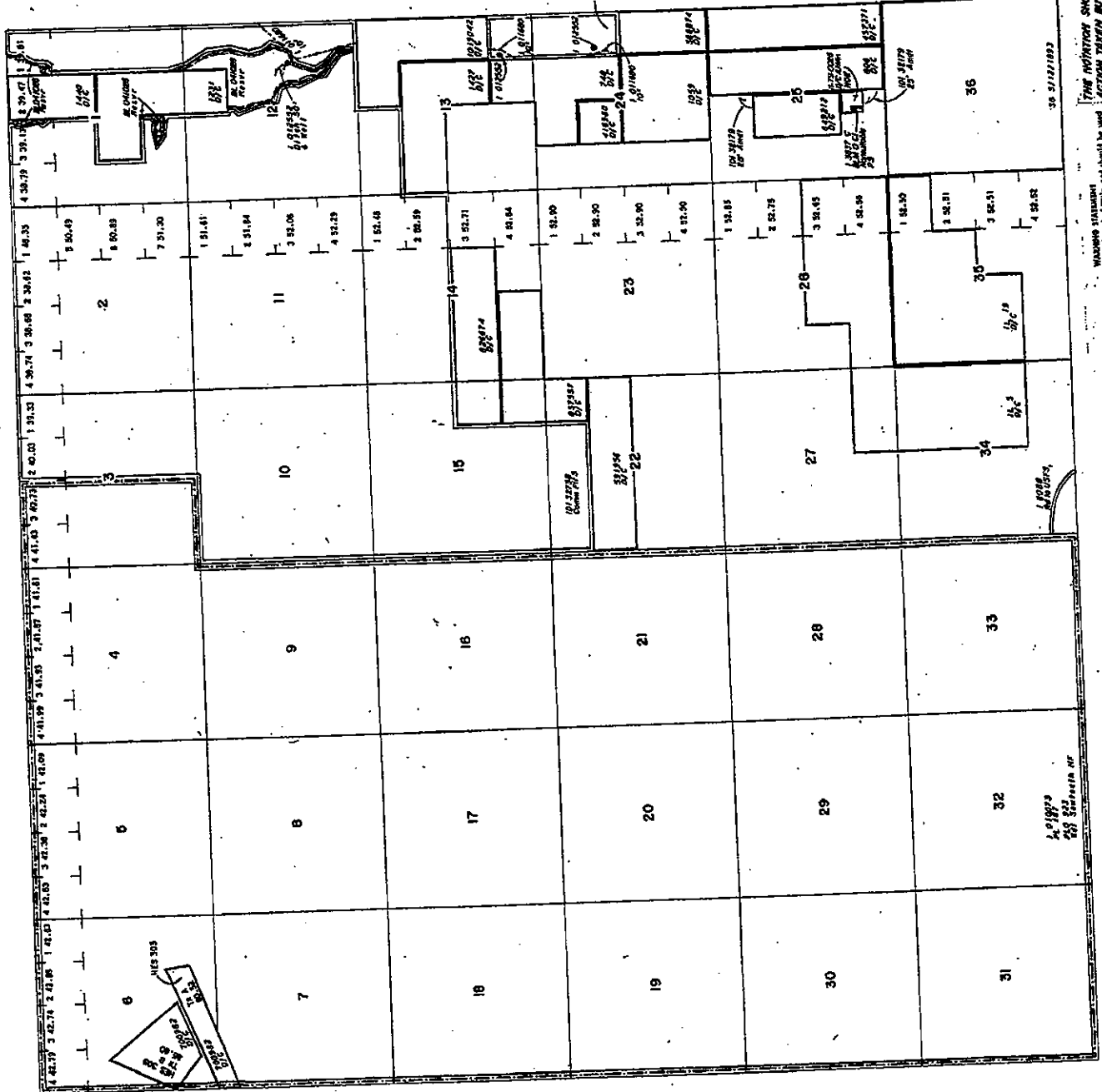
BUNKER DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	E
1	15	21	E
2	15	21	E
3	15	21	E
4	15	21	E
5	15	21	E
6	15	21	E
7	15	21	E
8	15	21	E
9	15	21	E
10	15	21	E
11	15	21	E
12	15	21	E
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29	15	21	E
30	15	21	E
31	15	21	E
32	15	21	E
33	15	21	E
34	15	21	E
35	15	21	E
36	15	21	E

1. 9/10/1913 D.M. PL. 151 (Act of Cong. 7/13/1913)
Completed 7/13/1913. ALL MT. PLATS 151-152 BY U.S.



FOR ORDERS REGARDING DISPOSAL OR USE OF
PUBLIC LANDS REFER TO INDEX OF
RELEVANT DOCUMENTS.

CURRENT TO	CURRENT TO
JUN 1 2000	JUN 1 2000
151-152-153	151-152-153

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER.

WARNING STATEMENT
This plat is the Bureau's Record of Title, and should be used
only as a guide. It does not constitute a warranty of title, and
does not constitute a guarantee of title. It is subject to
change without notice.

SCALE 1:62,500