

COPY

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

IN Re SRBA
Case No. 39576

STANDARD FORM 5

JUL 13 1995

SUBCASE NO: 34-04016

Department of Water Resources
Adjudication Bureau

PROPOSED ELEMENTS OF A
WATER RIGHT

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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 Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

INSTRUCTION FOR USE

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:
Jay F. Pearson
Susan Pearson
Rt. 1, Box 47
Moore, ID 83255

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Newman Spring and other springs
tributary to sinks. Tributary: Sinks

Required Statement: The source description has been changed to
include other sources as shown in the remarks section of the
Director's recommendation.

3. The quantity of water used in cubic feet per second or the
quantity of water stored in acre-feet per year is:

.1 cfs

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: June 1, 1916

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

5. The legal description of point(s) of diversion is; if the
claim is for an instream flow, than a legal description of the
beginning and ending points of the claimed instream flow:

T04N R25E Sec. 16 NWNENE
T04N R25E Sec. 16 NENWNE
T04N R25E Sec. 16 NWNWSE
T04N R25E Sec. 16 SWSWSE

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Stockwater, 400 range cattle.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

7. The period of year when the water is to be used is:
01-01 to 12-31

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

8. The legal description of the place of use or of the reservation is:

T04N R25E Sec. 15 SWSW	T04N R25E Sec. 23 SWNW
T04N R25E Sec. 16 SERNE	T04N R25E Sec. 23 SWSE
T04N R25E Sec. 16 NWSE	T04N R25E Sec. 26 NWNE
T04N R25E Sec. 22 NENE	
T04N R25E Sec. 22 NWNE	
T04N R25E Sec. 22 SENW	
T04N R25E Sec. 22 NESE	
T04N R25E Sec. 22 SESE	

Required Statement: This location is changed to reflect a deletion to a place of use recommended in the Director's Report as T04N R25E Sec. 16 SWSE. The remaining places of use are AS RECOMMENDED IN THE DIRECTOR'S REPORT.

9. The annual volume of consumptive use is: de minimis

Required Statement: This amount accurately reflects the annual volume of water consumed.

10. Other matters necessary to define this water right:

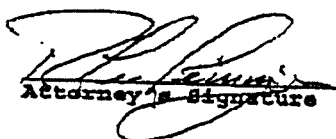
Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

I have read this from and know its contents and that the
statements are true to the best of my knowledge and belief.

Jay F. Pearson
Susan Pearson
RT. 1 BOX 47
Moore, ID 83255
Attorney of Record:
William R. Hollifield

Name: United States through
Address: Dept. of Justice for BLM
601 Pennsylvania Ave. NW
City/State: Washington, DC 20004
Attorney of Record: R. Lee Leininger/
Daria Zane

 7/11/95
Attorney's Signature Date

 7/5/95
Attorney's Signature Date

Court Representative Date
(if necessary)

Name: IDWR
Address: 1301 N. Orchard St.
City: Boise
State/Zip: Idaho 83706
Attorney of Record: A. Lynne Krogh
Susan E. Hamlin

Attorney's Signature

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on July 11, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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. Copies to:

A. Lynne Krogh/ Susan E. Hamlin
IDWR
P.O. Box 83720
Boise, ID 83720-0098

Department of Justice
C/O Boise Adjudication Team
550 W. Fort St.
Box 033
Boise, Idaho 83724

