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AUG 14 1995

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 FALLSIN Re SRBA  
Case No. 39576

STANDARD FORM 5

SUBCASE NO: 34-02543

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:

US Department of Interior  
Bureau of Land Management  
Idaho State Office  
3380 Americana Terrace  
Boise, ID 83706

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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2. The source of water is: Hammond Canyon Springs  
Tributary: Hammond Canyon Creek

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

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

.01 cfs

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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4. The priority date is: January 24, 1942

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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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. 17 SWSE

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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6. The purpose of use is: Stockwater for 4 horses, 100 range cattle, and wildlife in variable amounts

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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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

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

T04N R25E Sec. 17 SWSE

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

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

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

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10. Other matters necessary to define this water right:

This right and other rights common to the same grazing allotment shall be limited to the quantity of water beneficially used by the number of stock within the allotment. BLM Record ID = 3403488029

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.

Name: Jay F. and Susan Pearson  
Address: Rt. 1, Box 47  
City/State: Moore, ID  
Zip: 83255  
Attorney of Record:

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

Jay F. Pearson 8-8-95  
Party's Signature Date

R. Lee Leininger 8/8/95  
Attorney's Signature Date

\_\_\_\_\_  
Party's Signature Date

\_\_\_\_\_  
Attorney's Signature Date

## 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 August 8, 19945, 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

Jay F. and Susan Pearson  
Route 1, Box 47  
Moore, ID 83255

Deena Lee

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

LOIS J. SCHIFFER  
 Assistant Attorney General  
 Environment and Natural Resources Division

PETER C. MONSON  
 Attorney, Department of Justice  
 Indian Resources Section  
 Environment and Natural Resources Division

DARIA J. ZANE  
 R. LEE LEININGER  
 Attorneys, Department of Justice  
 General Litigation Section  
 Environment and Natural Resources Division  
 P.O. Box 663  
 Washington, D.C. 20044-0663  
 (202) 272-8351, (202) 272-4692

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     | ) | Sub-case No. 34-02543 |
|                | ) |                       |
| Case No. 39576 | ) |                       |
|                | ) | STIPULATION           |
| _____          | ) |                       |

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 34-02543.

STIPULATION

To resolve the dispute over the above-captioned water right, the parties stipulate and agree that:

1. The Standard Form 5 for the water right no. 34-02543, attached hereto and incorporated by reference herein, sets forth
- STIPULATION - Page 1

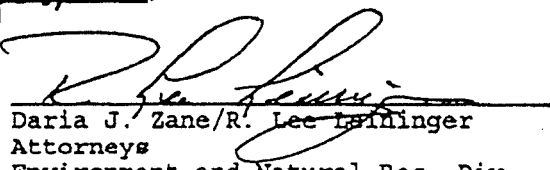
the description of the water right as agreed by the parties. All decrees, whether partial or final, should describe the water right as shown in the Standard Form 5.

2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

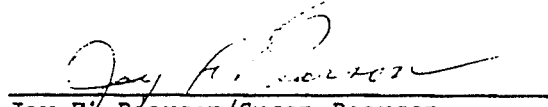
3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

4. The Standard Form 5 and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

Dated this 8<sup>th</sup> day of August, 1995.

  
Daria J. Zane/R. Lee Lindinger  
Attorneys  
Environment and Natural Res. Div.  
U.S. Department of Justice

Dated this 8 day of August, 1995.

  
Jay F. Pearson/Susan Pearson  
Route 1 Box 47  
Moore ID 83255

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