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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

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

Case No. 39576

) STANDARD FORM 5
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SUBCASE NO: 34-04179
(ONE NUMBER ONLY)

STIPULATED ELEMENTS
OF A WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

This form is used to report the stipulated elements of one water right acquired under state law or one water right acquired under federal reserved water right. 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 Basin 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.

Instructions For Use

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to these uncontested elements 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 each element of the water right (attach additional pages if necessary).

1. The name and address of the claimant are:

P.U. RANCH 4500 Imperial AVE SAN Diego, Calif 92113

Required statement:

2. The source of water is:

TIMBERED Dome Creek (sinks)

Required statement:

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

.12 CFS

Required statement:

4.

The priority date is:

July - 15 To Sept 15

Required statement:

5.

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

To 3N R24E S02 Lot 01 SWNE

Lot 01 NEENE

Required statement:

To 4N R25E S06 Lot 01 SESENE
R25E S31 SWNWNW

6.

The purpose of use is:

Stock water

Required statement:

7. The period of year when the water is to be used is:

4-20 To 10-1

Required statement:

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

To 3N R 24E S02 Lot 01 NENE

Required statement:

To 4N R 25E S31

R 25E S06

NWNE

SWNE

SENE

NWNE

NENW

SWNE

NWNW

SEW

NWSE

NENE

NESW

SWSE

9. The annual volume of consumptive use is:

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

Required statement:

BLM Record ID 3403488144

INITIAL DISCLOSURE

Name: Richard A. TUTTILL Subcase No. 34-04179
Address: 4500 Imperial Ave
City/State/Zip: SAN Diego CALIF 92113
Phone #: 619-262-0861
Attorney of Record: NONE

Note: Your attorney must file a written notice of appearance with the SRBA court in the subcase, if one has not already been filed.

THIS FORM SHALL NOT BE SENT TO THE SETTLEMENT MODERATOR. You must send a copy of this form to all parties to the subcase. You must bring the documents you identified in #3 and #4 to the Settlement Conference.

1. Identify the full name, title, work or home address and telephone number of each person with relevant information about this subcase.

NONE

2. For each person identified in #1 above, describe or summarize their expected testimony if this subcase goes to trial.

NONE

3. List the documents that support your position in this case. You must bring the originals (if available) of these documents to the Settlement Conference. List the title, date and description of the contents of each document. You do not have to send copies of these documents with the initial disclosure.

Settlement with The United States Department of
Justice Environment Natural Resources Division
(A Full Agreement was Reached)

4. Identify any exhibit or other evidence that supports your position and identify those which you expect to offer at trial.

NONE

5. Give the full name, title and work or home address and telephone number of each person you expect to call as an expert witness at trial.

6. For each person identified in #5, summarize the facts and opinions you expect the expert to give.

I certify that I have read *Amended SRBA Administrative Order 9* and that I have fully complied with its requirements.

Dated: _____

(Signature)

You must mail copies of this document to the following:

One Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

One Copy to:

All Other Parties to the Subcase

10. Other matters necessary to define this water right:

These matters are necessary because:

These matters do not fall within the 9 elements listed above because:

Signatures and Addresses of Parties and their Attorney of Record (attach additional page if necessary):

I have read this form and know its contents and the statements are true to the best of our knowledge and belief.

Name:

Address:

City/State/Zip:

Attorney of Record:

Phone:

Name:

Address:

City/State/Zip:

Attorney of Record:

Phone:

Party's Signature

Date

Party's Signature

Date

Attorney's Signature

Date

Attorney's Signature

Date

Right Number: 34-04179

Name and Address: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

Source of Water: UNNAMED STREAM
Triburary: TIMBERED DOME CREEK

Source of Water: TIMBERED DOME CREEK
Triburary: SINKS

Priority Date: 06-28-1934

Purpose of Use: Stockwater

Period of Use
01-01 TO 12-31

Quantity
.12 CFS

Total Quantity: .12 CFS

Basis of Claim: Beneficial Use

Non-Irrig. Uses: STOCKWATER, 419 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

Diversion Point: T03N R24E S02 LOT 01 (SWNENE) (Instream Beginning Point)
LOT 01 (NENENE) (Instream Ending Point)
R25E S06 SESENE (Instream Ending Point)
T04N R25E S31 LOT 01 (SWNWNW) (Instream Beginning Point)

Place of Use: Stockwater

T03N R24E S02 LOT 01 (NENE)
R25E S06 NWNE SWNE
SENE
T04N R25E S31 NWNE SWNE
NENW LOT 01 (NWNW)
SENW NESW
NWSE SWSE
NENE

Remarks: 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 = 3403488144

INSTRUCTIONS FOR MAILING

You must mail this 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 1-25, 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

Send copy

2. Copies to (insert names and addresses):



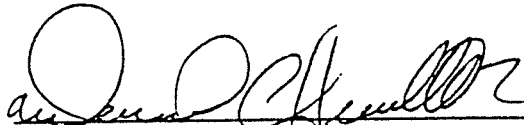
Signature of person or attorney mailing the form

k. Continuances - The parties may request the settlement conference date be changed by filing a *Motion Reset the Settlement Conference* at least 20 days before the date set and must follow these procedures:

1. Contact the clerk of the SRBA Court and obtain alternative dates and times available for rescheduling the settlement conference (208-736-3011).
2. Contact each party to the subcase(s) or their attorney, if any, and reach an agreement on one of the alternative date and time provided by the clerk.
3. Prepare and file a *Motion Reset the Settlement Conference* which specifies the date and time agreed to. The party moving to reset the settlement conference must certify compliance with the requirements of this section. The court will send an *Order Resetting Settlement Conference*, if the motion is granted.

IT IS SO ORDERED.

DATED March 21, 1995.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **AMENDED SRBA ADMINISTRATIVE ORDER 9** was mailed on March 22, 1995, with sufficient first-class postage to the following:

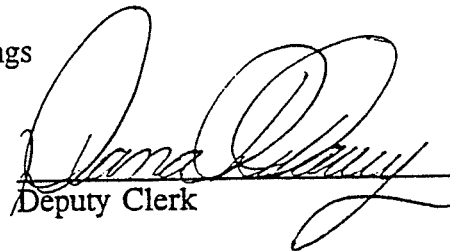
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

SEND COPY

The United States Department of Justice
Environment and Natural Resources
Division
550 West Fort Street, Box 33
Boise, ID 83724

SEND COPY

Court Certificate of Mailing for Expedited Hearings


Deputy Clerk