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Department of Water Resources
Adjudication BureauIN 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: 34-04171

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

2. The source of water is: Hammond Spring Creek
Tributary: Sinks

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

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

.05 cfs

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: June 28, 1934

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:

T03N R24E Sec. 01 SESW (B)
T03N R24E Sec. 13 NESW (E)

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.
These two locations identify the beginning (B) and ending (E) points of the stream segment claimed in this water right.

6. The purpose of use is: Stockwater, 185 range cattle; wildlife, variable amount.

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:

T03N R24E Sec. 01	SWSW	SESW		
T03N R24E Sec. 11	NENE	SENE		
T03N R24E Sec. 12	NWNW	SWNW	NWSW	SWSW
T03N R24E Sec. 13	NENW	NWNW	SENW	NESW

Required Statement: 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:

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 = 3403488136.

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.

Billy L. Haralson
RT. 1 Box 450
Arco, ID 83213

United States through the
Dept. of Justice for the United
States Bureau of Land Management
601 Pennsylvania Ave. NW
City/State: Washington, DC 20004

Attorney of Record: R. Lee
Leininger/Daria Zane

Billy L. Haralson
Party's Signature Date

William H. Fung 8-11-95
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 _____, 199____, 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

Hand Delivered

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

Hand Delivered

Billy L. Haralson
RT. 1 Box 450
Arco, ID 83213

Hand Delivered

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

DATE: NOV-17-1992
PAGE: A-121

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: HAMMOND SPRING CREEK TRIBUTARY: SINKS						

34-04171
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

06/28/1934 STOCKWATER 01-01 12-31 .05 CFS BENEFICIAL USE

TOTAL QUANTITY: .05 CFS

NON-IRRIGATION-USES:
STOCKWATER, 185 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION:

103N R24E S01 SESW (B)
S13 NESW (E)

PLACE OF USE: STOCKWATER

103N R24E S01 SESW
S11 NENE
S12 NUNW
S13 NENW

NWSW
SENW
SWSW
NESW

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIAALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID = 3403488136

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
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Environment and Natural Resources Division
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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. 34-04171
	)	
Case No. 39576	)	
	)	STIPULATION
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 34-04171.

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. 34-04171, attached hereto and incorporated by reference herein, sets forth

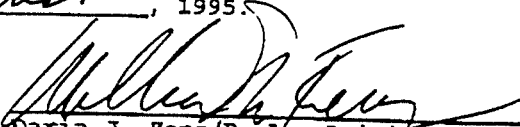
the description of the water right as agreed by the parties. All decrees, whether partial or final, should describe the water right as shown in the Standard Form 5.

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.

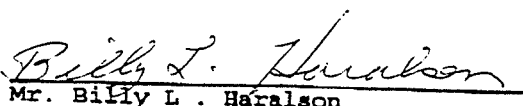
3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

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 11 day of August, 1995.


Daria J. Zane/R. Lee Leininger/
William M. Perry Attorneys
Environment and Natural Res. Div.
U.S. Department of Justice

Dated this 9 day of 11, 1995.


Mr. Billy L. Haralson
Route 1 Box 450
Arco ID 83213

CERTIFICATE OF SERVICE

I certify that on the ____ day of August, 1995, I served a true and correct copy of the Stipulation for subcase 34-04171 upon the following individuals:

Susan E. Hamlin/ A. Lynne Krogh
Deputy Attorneys General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

Hand delivered

Mr. Billy L . Haralson
Route 1 Box 450
Arco ID 83213
