

Can you Smith

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS RECEIVED
AUG 22 1995

Department of Water Resources
Adjudication Bureau

In Re SRBA

) STANDARD FORM 5

)

Case No. 39576

) SUBCASE NO: 34-12513

)

)

) PROPOSED ELEMENTS OF A

) WATER RIGHT

828

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.

Instructions 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 DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706-2500

Required Statement: As recommended in the director's report.

2. The source of the water is:

Source: Spring Tributary: Arentson Gulch Creek

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:

.01 CFS

Required Statement: As recommended in the director's report.

4. The priority date is: 06/01/1952

Required statement: As recommended in the director's report.

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

POINT OF DIVERSION: T11N R21E S35 SENENE

Required Statement: The parties stipulate that this is the correct description for the point of diversion. The claim is not for an instream flow.

6. The purpose of use is:

Stockwater

Required statement: As recommended in the director's report.

7. The period of the 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:

T11N R21E S35 NENE

Required Statement: As recommended in director's report.

9. The annual volume of consumptive use is: De minimus

Required Statement: As recommended in the director's report, except the term "de minimus" has been added to more accurately describe the consumptive use.

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:

BLM Record ID = 3404582909

Signatures and Address of Parties and their Attorney of Record

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

Name: Carolyn Smith
Address: Star Route
City/State/Zip: Mackay, ID 83251
Attorney of Record:

Carolyn Smith, August 22, 1995
Party's Signature Date

Attorney's Signature Date

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

William M. Ferry 8/22/95
Attorney's Signature Date

Court Representative (if necessary)

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 22, 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 SRBA Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to (insert names and addresses):

Carolyn Smith
Star Route
Mackay, ID 83251

Hand Delivered

*USDOJ.
350 W. FORT ST., BOX 33
BOISE, ID. 83703*

Hand delivered


Signature of person mailing the form

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

AJ5856NP

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING		TRIBUTARY: ARENTSON GULCH CREEK				
34-11578	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 324 25TH STREET OGDEN UT 84401-2394	05/01/1876	STOCKWATER	05-01 10-31	.02	CFS BENEFICIAL USE
	NON-IRRIGATION-USES: STOCKWATER, 182 CATTLE					
	POINT OF DIVERSION: T11N R21E S26 SESE					
	PLACE OF USE: STOCKWATER				.02	CFS
	T11N R21E S35 SENW					
	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. FOREST SERVICE RECORD ID = 0406170402181500017 0					
34-12513	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/01/1884	STOCKWATER	01-01 12-31	.01	CFS BENEFICIAL USE
	NON-IRRIGATION-USES: STOCKWATER, 240 RANGE CATTLE					
	POINT OF DIVERSION: T11N R21E S35 SENENE					
	PLACE OF USE: STOCKWATER				.01	CFS
	T11N R21E S35 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 = 3404582909					