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AUG 30 1995

Department of Water Resources
Adjudication Bureau

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

SUBCASE NO: 34-04141

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.

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:

United States
Department of the Interior
Bureau of Land Management
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Waddoups Canyon Creek, Lt. Fk.
Tributary: Waddoups Canyon 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: .2 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, then a legal description of the beginning and ending points of the claimed instream flow:

This is a claim for an instream flow. The beginning and ending points are as follows:

Beginning Point--T.5N, R.24E, Section 15, NWNENW, Butte County
Ending Point--T.5N, R24E, Section 23, NENWSE, Butte County

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Stockwater

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

7. The period of year when the water is to be used is:
January 1 through December 31

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

T.5N, R.24E, Section 15, NENW, Butte County.
T.5N, R.24E, Section 15, SENW, Butte County.
T.5N, R.24E, Section 15, NESW, Butte County.
T.5N, R.24E, Section 15, NWSE, Butte County.
T.5N, R.24E, Section 15, SWSE, Butte County.
T.5N, R.24E, Section 15, SESE, Butte County.
T.5N, R.24E, Section 22, NENE, Butte County
T.5N, R.24E, Section 23, SWNE, Butte County.
T.5N, R.24E, Section 23, NENW, Butte County.
T.5N, R.24E, Section 23, NWNW, Butte County.
T.5N, R.24E, Section 23, SWNW, Butte County.
T.5N, R.24E, Section 23, SENW, Butte County.
T.5N, R.24E, Section 23, NWSE, Butte County.

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 = 3403488106

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

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

Names & Addresses of Objector:

Names: Jimmie K. Waddoups
Elsie L. Waddoups

Address: HC 60, Box 230
Moore, ID 83255

Jim Waddoups 8/22/95
Elsie Waddoups Date

Elsie L. Waddoups 8/22/95
Elsie Waddoups Date

Names & Addresses of Claimant

Name: United States through
Department of Justice

Address: 601 Pennsylvania Ave., NW
City/State/Zip: Washington, D.C. 20004
Attorneys of Record: Daria J. Zane

R. Lee Leininger
William Ferry

[Signature] 7/16/95
Attorney's Signature Date

AJ5856NP

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

DATE: NOV-17-1992
PAGE: A-1306

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: WADDOWS CANYON CREEK, LT. FK. TRIBUTARY: WADDOWS CANYON CREEK

34-04141	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	.2	CFS
						BENEFICIAL USE

TOTAL QUANTITY: .2 CFS

NON-IRRIGATION-USES:
STOCKWATER, 900 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT.

POINT OF DIVERSION:

T05N R24E S15
S23
N1/2NW (B)
N1/2SE (E)

PLACE OF USE: STOCKWATER

T05N R24E S15	N1/2NW	SENW	NESW	NWSE
	S23	SESE		
	S23	N1/2NW	N1/2NW	S1/2NW
		N1/2SE		

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 = 3403488106

Exhibit 1

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	)	Subcase No. 34-04141
	)	
Case No. 39576	)	STIPULATION
	)	
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 34-04141.

STIPULATION

To resolve the dispute over the above-captioned water right, the United States of America (the claimant), and Jimmie and Elsie Waddoups (the objectors), stipulate and agree that:

1. Exhibit 1 to the Standard Form 5 for water right no. 34-04141, 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 on Exhibit 1 to 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 _____ day of _____, 1995.

Tommy Waddoups
for Jimmie Waddoups
Jimmie Waddoups
Objector

Elsie Waddoups
Elsie Waddoups
Objector

Dated this 16th day of August, 1995.

DARIA J. ZANE / R. LEE LEININGER
Attorneys
General Litigation Section
Env. & Natural Resources Div.
U.S. Department of Justice

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 Aug 30, 1999⁵ 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:

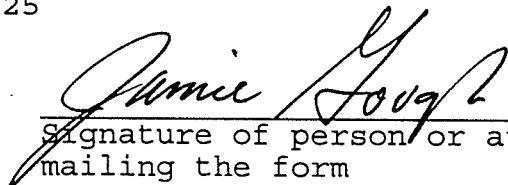
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Jimmie & Elsie Waddoups
HC 60, Box 230
Moore, ID 83225



signature of person or attorney
mailing the form