

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: Pass Creek
Tributary: Big Lost River

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:

0.16 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:

T07N R25E Sec. 23 NWSE (b)
T07N R25E Sec. 34 SESE (e)

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:

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:

T07N R25E Sec. 23 NWSE
T07N R25E Sec. 23 SWSE
T07N R25E Sec. 26 NWNE
T07N R25E Sec. 26 SWNE
T07N R25E Sec. 26 SENW
T07N R25E Sec. 26 NESW
T07N R25E Sec. 26 SWSW
T07N R25E Sec. 26 SESW
T07N R25E Sec. 34 SESE
T07N R25E Sec. 35 NWNW
T07N R25E Sec. 35 SWNW
T07N R25E Sec. 35 NWSW
T07N R25E Sec. 35 SWSW

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.

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.

10. Other matters necessary to define this water right:

BLM Record ID =3403488129.

Signatures and Address of the 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: Reed Z. Asay
Address: Rt. 1, Box 30E
City/State/Zip: Mackay, Idaho 83251
Attorney of Record:

Reed Z. Asay 8/24/95
Party's Signature Date

Attorney's Signature Date

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

R. Lee Leininger 8/24/95
Attorney's Signature Date

Court Representative (if necessary)

Date

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PASS CREEK						
TRIBUTARY: BIG LOST RIVER						

34-04164 US DEPT OF INTERIOR 06/28/1934 STOCKWATER 01-01 12-31 .16 CFS BENEFICIAL USE

BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

NON-IRRIGATION-USES:

STOCKWATER, 668 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T07N R25E S23 NWSE (B)
S34 SESE (E)

PLACE OF USE: STOCKWATER

TOTAL QUANTITY: .16 CFS

T07N R25E S23	NWSE	SWSE	
S26	NWNE	SWNE	NESW
	SUSW	SESW	
S34	SESE		
S35	NWNW	SWNW	SUSW
			MUSW

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 = 3403488129

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. 34-04164
	)	
Case No. 39576	)	STIPULATION
	)	
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 34-04164.

STIPULATION

To resolve the dispute over the above-captioned water right, the United States of America (the claimant), and Reed Z. Asay (the objector), stipulate and agree that:

1. Exhibit 1 to the Standard Form 5 for water right no. 34-04164, 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.

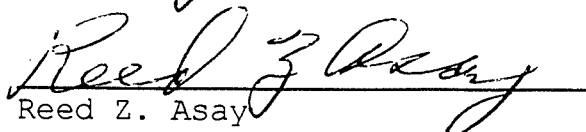
2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest

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.

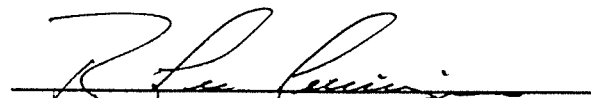
3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

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 24 day of Aug, 1995.


Reed Z. Asay
Objector

Dated this 24th 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:

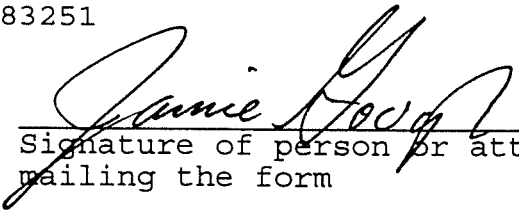
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Reed Z. Asay
Rt. 1, Box 30E
Mackay, Idaho 83251



Signature of person or attorney
mailing the form