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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

AUG 30 1995

IN Re SRBA
Case No. 39576

STANDARD FORM 5

Department of Water Resources
Adjudication Bureau

SUBCASE NO: 34-04182

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: Unnamed Stream
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:

0.02 cfs

Required Statement: The quantity of water used has been changed to reflect the amount of water beneficially used by the stock and wildlife in the allotment.

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. 22 NENW (b)
T07N R25E Sec. 22 NWSW (e)

Required Statement: This is an instream use claim to water with a beginning point (b) as recommended in the Director's Report. The ending point (e) has been changed to accurately reflect the end of the stream segment.

6. The purpose of use is: Stockwater, 48 range cattle; wildlife, variable amount.

Required Statement: The number of cattle has been reduced to 48 from the 668 cattle recommended in the director's report to reflect the actual number of stock within the allotment.

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. 22 NENW
T07N R25E Sec. 22 SENW
T07N R25E Sec. 22 NESW
T07N R25E Sec. 22 NWSW

Required Statement: The places of use described above are as recommended in the director's report. Two places of use recommended in the director's report have been deleted, and are as follows: T07N R25E Sec. 22 Lot 4 (SWSW), and T07N R25E Sec. 22 Lot 3 (SESW).

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.

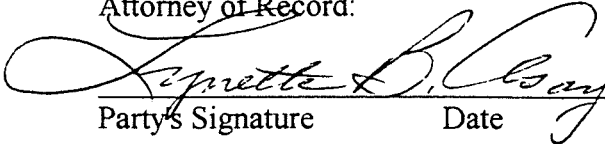
10. Other matters necessary to define this water right:

BLM Record ID =3403488147.

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.

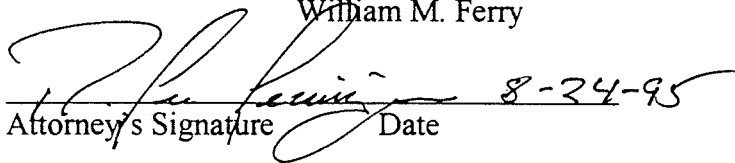
Name: Lynette B. Asay
Address: Rt. 1, Box 30E
City/State/Zip: Mackay, Idaho 83251
Attorney of Record:

 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

 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: UNNAMED STREAM						
TRIBUTARY: SINKS						

34-04182 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: TOTAL QUANTITY: .16 CFS

STOCKWATER, 668 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T07N R25E S22
NENW (B)
SWSW (E)

PLACE OF USE: STOCKWATER

T07N R25E S22 NENW SENW MESW NUSW

REMARKS: Lot 4 (SWSW) Lot 3 (SESW)
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 = 3403488147

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. 34-04182
	)	
Case No. 39576	)	STIPULATION
	)	
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 34-04182.

STIPULATION

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

1. Exhibit 1 to the Standard Form 5 for water right no. 34-04182, 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.

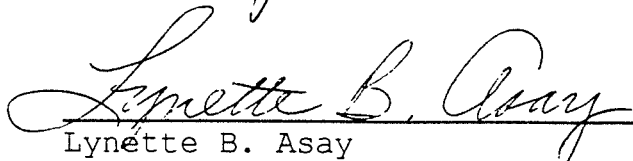
2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest

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.

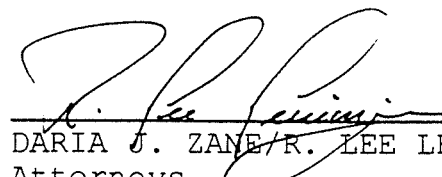
3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

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.


Lynette B. 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:

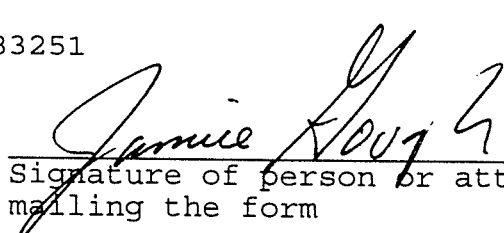
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Lynette B. Asay
Rt. 1, Box 30E
Mackay, Idaho 83251



Signature of person or attorney
mailing the form