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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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: 34-00287

) 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

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:

ROBERT D. WADDOUPS
RT. 1 BOX 41
MOORE ID 83255

Required Statement: Robert D. Waddoups is the current owner of the water right, as shown by the standard form 3 that the claimant, Mr. Waddoups, will file with the court.

2. The source of water is:

Source: BEAR CREEK

Tributary: ANTELOPE 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:

IRRIGATION 2.5 CFS
TOTAL QUANTITY: 2.5 CFS

Required Statement: IDWR and the claimant stipulate that this is the correct quantity of water used in cubic feet per second.

4. The priority date is: 06/12/1914

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

5. The legal description of the 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:

T04N R23E S14 SESW

Required Statement: As recommended in the director's report. This claim is not for an instream flow.

6. The purpose of use is: IRRIGATION

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

7. The period of year when the water is to be used is:

IRRIGATION

05-01 to 10-15

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

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

T04N R23E S14 SESW (25.0 acres), SWSE (3.0 acres), NESW (4.0 acres), NWSW
(1.0 acre)

T04N R23E S23 NWNH (30.0 acres), SWNE (4.0 acres), NENW (16.0 acres),
SENW (7.0 acres)
92.0 ACRES TOTAL

Required Statement: IDWR and the claimant stipulate that this is the correct description of the place of use. The place of use is located in Custer County, Idaho.

9. The annual volume of consumptive use is: 230.0 AFY

Required Statement: IDWR and the claimant stipulate that this is the correct annual volume of consumptive use.

10. Other matters necessary to define this water right: Not applicable.

These matters are necessary because: Not applicable.

These matters do not fall within the 9 elements listed above because: Not applicable.

Signature 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: Robert D. Waddoups

Address: Rt. 1 Box 41

City/State/Zip: Moore, ID 83255

Attorney of Record:

Robert D. Waddoups 3/24/95
Party's Signature Date

Attorney's Signature Date

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: Susan E. Hamlin

Susan E. Hamlin 3-24-95
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 March 24, 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:

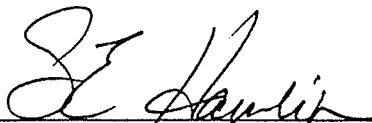
1. Original to:

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

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Robert D. Waddoups
Rt. 1 Box 41
Moore ID 83255



Signature of person or attorney mailing the form