

4-10

**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	)	STANDARD FORM 5
	)	
Case No. 39576	)	SUBCASE NO: 34-00436
	)	
	)	
	)	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).

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:

T05N R26E S33 SENW 37.0 acres
37.0 ACRES TOTAL

THIS RIGHT IS USED IN COMBINATION WITH RIGHT NO. 34-02426A, AND USE OF THE TWO RIGHTS IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A SINGLE IRRIGATION SEASON.

Required Statement: As recommended in the director's report. The place of use is located in Butte County, Idaho.

9. The annual volume of consumptive use is:

THIS RIGHT IS USED IN COMBINATION WITH RIGHT NO. 34-02426A, AND USE OF THE TWO RIGHTS IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 92.5 ACRE FEET.

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

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.

Name: Lloyd A. Bingham
Address: P.O. Box 21
City/State/Zip: Moore, ID 83255
Attorney of Record:

United States of America
Name: USDA Forest Service
Address: 324 25th Street
City/State/Zip: Odgen, UT 84401-2394
Attorney of Record: Randall J. Bramer

Lloyd A. Bingham March 15, 1995
Party's Signature Date

Attorney's Signature Date

Idaho Department of Water Resources

Court Representative (if necessary)

Robert W. Hammer 3/20/95
Party's Signature Date

David N. Bosworth, Regional Forester
Randall W. 3/28/95
Attorney's Signature Date

Date

Date

LOST RIVER RANGER DISTRICT
MACKAY, IDAHO
RECEIVED

MAR 2 1995

CR
SSS
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RES CLK
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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 April 6, 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:

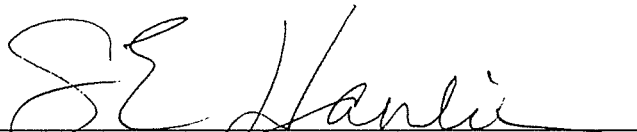
1. Original to:

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:

US Dept. of Justice
Env't. & Nat. Resources Div.
550 W. Fort St. Box 33
Boise, ID 83724

Lloyd A. Bingham
P.O. Box 21
Moore, ID 83255



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: JAN-17-1995
PAGE: A-5

RIGHT NUMBER	NAME & ADDRESS	PRIORITY	PERIOD OF USE		MAXIMUM QUANTITY	BASIS OF CLAIM
		DATE	PURPOSE OF USE	FROM TO		

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-00436 LLOYD A. BINGHAM 05/21/1894 IRRIGATION 05-01 10-15 0.8 CFS DECREED
P.O. BOX 21
MOORE ID 83225

POINT OF DIVERSION:
T05N R24E S04 NUSESE
PLACE OF USE: IRRIGATION
TOTAL QUANTITY: 0.8 CFS

T05N R26E S33 SENW 37.0
37.0 ACRES TOTAL
REMARKS: WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.
THIS RIGHT IS USED IN COMBINATION WITH RIGHT NO. 34-02426A, AND
USE OF THE TWO RIGHTS IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 1.06 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
VOLUME OF 92.5 ACRE FEET AND TO THE IRRIGATION OF A COMBINED
TOTAL OF 37 ACRES IN A SINGLE IRRIGATION SEASON.
0.093 CFS OF RIGHT NO. 34-02426A IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO.
34-02426A.

34-003128 ESTATE OF CHESTER E. HARPER 05/31/1894 IRRIGATION 05-01 10-15 0.06 CFS DECREED
C/O SHERLENE TRAUGHER
RT. 1 BOX 413
ARCO ID 83213

POINT OF DIVERSION:
T05N R26E S04 NUSESE
PLACE OF USE: IRRIGATION
TOTAL QUANTITY: 0.06 CFS
CONSUMPTIVE USE: 3.7 AFY

T05N R26E S33 NESW 1.5
1.5 ACRES TOTAL
REMARKS: WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.