

5-15

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: 36-15396
	)	
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right under state law or one water right acquired under federal reserved water right. Submission of this form will not automatically result in the 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 that they 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:

US DEPT 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: BUNTING RESERVOIR Tributary: SINKS

Required Statement: IDWR and the claimant stipulate that this is the correct source of water.

3. The quantity of water used in cubic feet per second (CFS) or the quantity of water stored in acre-feet per year (AFY) is:

STOCKWATER STORAGE	0.7 AFY
STOCKWATER FROM STORAGE	0.7 AFY
WILDLIFE STORAGE	0.1 AFY
WILDLIFE FROM STORAGE	0.1 AFY
TOTAL VOLUME	0.8 AFY

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.

Required Statement: IDWR and the claimant stipulate that this is the correct description of the quantities of water.

4. The priority date is: 02/19/1971

~~Required Statement: IDWR and the claimant stipulate that this is the correct priority date.~~

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:

T05S R24E S27 SESWSW

Required Statement: IDWR and the claimant stipulate that this is the correct description of the point of diversion. The claim is not for an instream flow.

6. The purpose of use is: STOCKWATER STORAGE
STOCKWATER FROM STORAGE
WILDLIFE STORAGE
WILDLIFE FROM STORAGE

NON-IRRIGATION USES: STOCKWATER - 15000 SHEEP
WILDLIFE - VARIABLE AMOUNT

Required Statement: IDWR and the claimant stipulate that this is the correct description of the purposes of use.

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

STOCKWATER STORAGE	01-01 to 12-31
STOCKWATER FROM STORAGE	01-01 to 12-31
WILDLIFE STORAGE	01-01 to 12-31
WILDLIFE FROM STORAGE	01-01 to 12-31

Required Statement: IDWR and the claimant stipulate that this is the correct description of the periods of year.

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

STOCKWATER STORAGE	STOCKWATER FROM STORAGE
T05S R24E S27 SWSW	T05S R24E S27 SWSW
WILDLIFE STORAGE	WILDLIFE FROM STORAGE
T05S R24E S27 SWSW	T05S R24E S27 SWSW

BLM RECORD ID = 3602480014

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 Minidoka County, Idaho.

9. The annual volume of consumptive use is: De Minimis.

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.

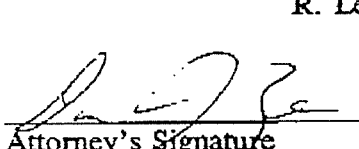
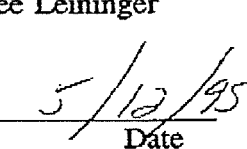
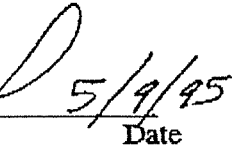
The stipulation of the parties is attached hereto and incorporated herein by reference.

Signatures and Addresses 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.

Name: United States through
Department of Justice
Address: 601 Pennsylvania Ave. NW
City/State: Washington, DC 20004
Attorney of Record: Daria J. Zane/
R. Lee Leininger

Name: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: Daniel L. Steckel/
Nicholas B. Spencer

			
Attorney's Signature	Date	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 May 12th, 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 83720
Boise, ID 83720-0098

U.S. Department of Justice
Environment and Natural
Resources Division
550 West Fort Street, Box 33
Boise, ID 83724-0663

Paula Clinedinst

Signature of person or attorney mailing the form

ARMED AND DANGEROUS. IN 1967, AN
"HONORABLE" - IT SHOULD BE
"LAWYER" AND "BROTHER" - WAS
ATTACHED TO A GROUP OF MEN IN
SINCE THEY WERE OF NEGRO RACE
AND WERE OF THEIR OWN
RACE
END
C-100-1000