

12-29

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:

(ONE NUMBER ONLY)

34-10893

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).

1. The name and address of the claimant is:

Russell C. Bous
2845 Wood Canyon Soda Springs 83276

Required Statement:

This is the address of the
only party interested in this case.

2. The source of water is:

Ground water - a well

Required Statement:

a private well for house
hold use.

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

.04 cfs

Required Statement:

Apex need for domestic use

4. The priority date is:

Aug 31, 1984

Required Statement:

The date the well was
drilled and put to use

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:

T. 8 N., R. 20 E., sec 25 NWSWSE

Required Statement:

Legal location on Lot 1

6. The purpose of use is:

Domestic

Required Statement:

Used for summer home

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

1-1 ~ 12-31

Required Statement:

Water is used in our recreation home. We use our home only time of the year but not on a continuous basis every day all year long.

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

T3N., R20E, sec 25 SWSE

Required Statement:

Lot 1 our recreation home.

9. The annual volume of consumptive use is:

De minimis

Required Statement:

used on a part time basis for a single family dwelling.

10. Other matters necessary to define this water right

See - included map
and papers

These matters are necessary because:

They will establish that a land
sale from the B.C.M. to Duval C Baus
will solve all issues.

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

This issue can be solved
easy and is now in the process
of being solved.

Signature and Address 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: Duval C. Baus
Address: 2845 Wood Canyon
City/State/Zip: Soda Springs, Id 83276
Attorney of Record:

Duval C Baus 12-27-94
Party's Signature Date

Attorney's Signature Date

Court Representative (if necessary)

Name: _____
Address: _____
City/State/Zip: _____
Attorney of Record:

Party's Signature Date

Attorney's Signature Date

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 12-27, 1994, 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 (insert names and addresses):

Dept. of Justice
Bore Adjudication Team
380 Park Center Blvd Suite 330
Boise, Idaho 83706.

3. Gloria Romero
B.L.M.
Salmon Dist. office
Box 430
Salmon, Idaho
83467

Dwight C. Bens
Signature of person or attorney mailing the form