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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

IN Re SRBA
Case No. 39576

STANDARD FORM 5

SUBCASE NO: 34-04068

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:
Ronald Von Hagen
P.O. Box 1907
Sun Valley, ID 83353

Required Statement: AS RECOMMENDED

2. The source of water is: Lehman Creek

Required Statement: AS RECOMMENDED

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is: 100.0 afy

Required Statement: AS RECOMMENDED

4. The priority date is: March 16, 1923

Required Statement: AS RECOMMENDED

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: T7N R22E Sec. 10 NESENW

Required Statement: AS RECOMMENDED

6. The purpose of use is: Irrigation/storage

Required Statement: AS RECOMMENDED

7. The period of year when the water is to be used is:
irrigation storage 01-01 - 12-31 irrigation from storage 05-01 - 10-15

Required Statement: AS RECOMMENDED

8. The legal description of the place of use or of the reservation is: T7N R22E Sec. 2 NESW (30.0) SWSW (34.0) SESW (40.0); Sec. 3 SESE (28.0)

Required Statement: The following POU's should be deleted: T7N R22E, Sec. 3 NESE (4.0); Sec. 11 NENW (5.0) NWNW (8.0). The acreage of these POU's has been transferred to T7N R22E Sec. 2 NESW increasing the total acres there from 13.0 to 30.0 per the administrative transfer approved by IDWR.

9. The annual volume of consumptive use is: 330 AFY

Required Statement: AS SHOWN IN REMARKS

10. Other matters necessary to define this water right:

Storage capacity 54 AF. Use of this right with right no. 34-00472 is limited to a total combined diversion rate of 2.64 CFS, a total combined annual consumptive use volume of 330 AF, and to the irrigation of a combined total of 132 acres in a single irrigation season. Right no. 34-00472 is also diverted through point of diversion described above.

These matters are necessary because:

They are recommended in the Director's Report and they help define the right.

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

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: Ronald Von Hagen
Address: P.O. Box 1907
City/State: Sun Valley, ID
Zip: 83353
Attorney of Record:

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

Ronald Von Hagen 1/3/95
Party's Signature Date

J. P. Spool 12/28/94
Attorney's Signature Date

R. Lee Leininger 12/21/94
Attorney's Signature Date

Court Representative Date
(if necessary)

Name: IDWR
Address: 1301 N. Orchard St.
City: Boise
State/Zip: Idaho 83706
Attorney of Record: A. Lynne Krogh

Susan Hamlin for A. Lynne Krogh 1/4/95
Attorney's Signature

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 1-4, 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:

James Speck, Esq.
Hogue, Speck & AAnestad
120 East Avenue
PO Box 987
Ketchum, ID 83340

Department of Justice
C/O Boise Adjudication Team
380 Park Center Blvd. - Suite 330
Boise, Idaho 83706



Idaho Dept. of Water Resource