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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     | ) | <b>STANDARD FORM 5</b>        |
|                | ) |                               |
| Case No. 39576 | ) | <b>SUBCASE NO:</b> 34-12415   |
|                | ) | (ONE NUMBER ONLY)             |
|                | ) |                               |
|                | ) | <b>PROPOSED ELEMENTS OF A</b> |
|                | ) | <b>WATER RIGHT</b>            |

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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:  
Melvin R. Freeman  
230 Wilson Street  
Midvale, Utah 84047

Required Statement: As recommended in the Director's Report.

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2. The source of water is: Warm Springs Creek

Required Statement: As recommended in the Director's Report.

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3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is: .02 cfs

Required Statement: As recommended in the Director's Report.

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4. The priority date is: March 16, 1923

Required Statement: As recommended in the Director's Report.

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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:

T8N R22E Sec. 27 NWSE  
Sec. 26 SWSW

Required Statement:

The following POD's recommended in the Director's Report, T8N R27E Sec.27 NWSE; T8N R27E Sec.26 SWSW, should be changed as indicated above.

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6. The purpose of use is: Stockwater

Required Statement: As recommended in the Director's Report.

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7. The period of year when the water is to be used is:  
1/1 - 12/31

Required Statement: As recommended in the Director's Report.

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8. The legal description of the place of use or of the reservation is: T8N R22E Sec.26 NWSW SWSW  
Sec.27 NESE NWSE

Required Statement: As recommended in the Director's Report.

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

Required Statement: As recommended in the Director's Report.

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10. Other matters necessary to define this water 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: Melvin R. Freeman

Name: United States through

Address: 230 Wilson Street

Address: Dept. of Justice for BLM

City/State: Midvale, UT

601 Pennsylvania Ave. NW

Zip: 84047

City/State: Washington, DC 20004

Attorney of Record:

Attorney of Record: R. Lee Leininger

Melvin R. Freeman - 12/24/94  
Party's Signature Date

\_\_\_\_\_  
Attorney's Signature Date

[Signature] 12/20/94  
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

[Signature] A. Lynne Krogh 1/3/95  
Attorney's Signature Date

CERTIFICATE OF SERVICE

I hereby certify that on the following date I served true and correct copies of the following document(s) on the person(s) listed below, by mailing in the U.S. Mail, first class, with the correct postage affixed thereto.

Mail Date: 01/04/1995

Water Right Number: 34-12415

Document(s) Served: ☐ INITIAL DISCLOSURE  
☐ SETTLEMENT STATEMENT  
☒ STANDARD FORM 5

Person(s) Served:

MELVIN R FREEMAN  
230 WILSON ST  
MIDVALE UT 84047

US DEPT OF JUSTICE  
ENVT & NAT RESOURCES DIV  
550 W FORT ST BOX 33  
BOISE ID 83724

CLERK OF THE COURT  
STATE OF IDAHO  
DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
TWIN FALLS, ID 83303

  
\_\_\_\_\_  
SUSAN E. HAMLIN  
DEPUTY ATTORNEY GENERAL  
Idaho Department of Water Resources