

SCANNED

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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: 34-12406

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  
Billy Haralson  
Rt. 1, Box 450  
Arco, Idaho 83213

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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2. The source of water is: Hammond Spring Creek  
Tributary: Timbered Dome 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: .07 cfs

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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4. The priority date is: May 1, 1906

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:

T3N R24E Sec. 13 NWNWSE (B)

T3N R24E Sec. 13 NENESE (E)

Required Statement: The following POD should be deleted:

T3N R24E Sec. 11 NENENE (B)

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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:  
01-01 - 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:

T3N R24E Sec. 13 NESE and NWSE

Required Statement: The following POUs should be deleted:

T3N R24E Sec. 11 (NENE) (SENE);

T3N R24E Sec 12 (SWNW) (NWSW) (SWSW);

T3N R24E Sec. 13 (NWNW) (SENW) (NESW)

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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:

Non-irrigation uses: Stockwater for 300 head of range cattle.

These matters are necessary because:

They are recommended in the Director's Report and 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 from and know its contents and that the  
statements are true to the best of my knowledge and belief.

Name: Billy Haralson  
Address: Rt. 1, Box 450  
City/State: Arco, ID  
Zip: 83213  
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

Billy Haralson 1-5-95  
Party's Signature Date

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Attorney's Signature Date

R. Lee Leininger 1/4/95  
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

A. Lynne Krogh  
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 January 6, 19985, 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:

Billy Haralson  
Rt. 1, Box 450  
Arco, ID 83213

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

A. Lynne Krogh  
Idaho Dept. of Water Resource