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Department of Water Resources

**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**

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STANDARD FORM 5

SUBCASE NO: 34-00586

**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:

David & Linda Horre
P.O. Box 7
Mackay, Idaho 83251

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Lower Cedar Creek

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is: 1.6 cfs

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: June 7, 1906

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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 R24E Sec. 2 SWNWSW

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Irrigation

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

7. The period of year when the water is to be used is:
5/1 - 10/15

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

8. The legal description of the place of use or of the reservation is: T7N R24E Sec. 26 NESW 40.0 NWSW 40.0 SWSW 22.0 SESW 23.0 NESE 40.0 NWSE 40.0

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

9. The annual volume of consumptive use is: 512.5 af

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

10. Other matters necessary to define this water right

Water is delivered through Lower Cedar Creek. Use of this right with rights listed below is limited to a total combined diversion rate of 7.30 cfs, a total combined annual consumptive use volume of 512.5 af, and to the irrigation of a combined total of 205 acres in a single irrigation season. Combined Right Nos. 34-00585, 34-10434. 1.44 cfs of Right No. 34-10434 is limited to use for conveyance losses in delivery of this right and the rights listed 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: David & Linda Horre
Address: P.O. Box 7
City/State: Mackay, Idaho
Zip: 83251

Attorney of Record:

David a Horre 1-3-95

Linda Horre 1-3-95
Party's Signature Date

Craig Ables 1-10-95
Attorney's Signature Date

Name: United States through
Dept. of Justice for BLM
Address: 601 Pennsylvania Ave., NW
City/State: Wash., DC 20004

Attorney of Record: R. Lee Leininger/Daria
Zane

R. Lee Leininger 12/21/54
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 13, 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:

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

Craig D. Hobdey, Esq.
125 - 5th Avenue West
Gooding, Idaho 83330

A. Lyane Krogg
Idaho Dept. of Water Resource