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Department of Water Resources
Adjudication Bureau

IN Re SRBA
Case No. 39576

SUBCASE NO: 34-12383

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.

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:
United States of America
c/o National Park Service
Pacific Northwest Region
909 First Avenue
Seattle, WA 98104-1060

Required Statement: The address has recently been changed. Above is the claimant's correct address.

2. The source of water is: Groundwater; Surface Water (all).

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT ON PAGES A-7 AND A-470.

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is: 54.5 afy.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: 05/02/1924.

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:
See Remarks.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Domestic, Irrigation, Commercial.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

7. The period of year when the water is to be used is:
01-01 to 12-31

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

8. The legal description of the place of use or of the reservation is: Within the Craters of the Moon National Monument.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

9. The annual volume of consumptive use is: 19.9 AFY.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

10. Other matters necessary to define this water right:

See remarks set forth on the revised pages A-7 and A-470 which are attached to the Director's Response to this objection.

These matters are necessary because: The parties agree that such revised remarks are appropriate and should be included in the decree in order to more accurately define the water right as it is defined in the negotiated agreement for the Craters of the Moon National Monument.

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

The remarks make reference to provisions in the agreement which further define the water right, which references are needed to comply with the understanding of the parties and fully define this federal reserved water right.

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: Mitchell D. Sorensen
Address: Route 1, Box 63C-1
City/State: Moore, ID
Zip: 83255
Attorney of Record:

Name: United States through
Address: Dept. of Justice for NPS
550 West Fort Street, Box 33
City/State: Boise, Idaho
Zip: 83734
Attorney of Record: Peter C. Monson

Mitchell D. Sorensen 1-17-95
Party's Signature Date

Attorney's Signature Date

Court Representative Date
(if necessary)

Name: State of Idaho, IDWR
Address: P.O. Box 44449
City: Boise
State/Zip: Idaho 83711-4449
Attorney of Record: David J. Barber

David J. Barber 1/17/1995
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 17, 1999⁹⁵, 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

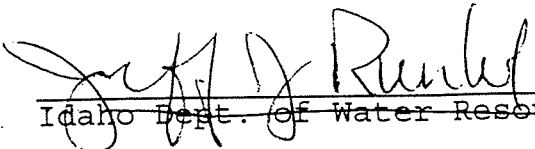
2. Copies to:

Mitchell D. Sorensen
Route 1, Box 63C-1
Moore, Idaho 83255

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

U.S. National Park Service
Pacific Northwest Region
909 First Avenue
Seattle, WA 98104-1060

Clive Strong/David Barber
Deputy Attorneys General
P.O. Box 44449
Boise, ID 83711-4449


Idaho Dept. of Water Resource

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: GROUNDWATER

34-12383	UNITED STATES AMERICA, ACTING THROUGH NATIONAL PARK SERVICE PACIFIC NORTHWEST REG. OFFICE 83 S KING ST STE 212 SEATTLE WA 98121	05/02/1924	DOMESTIC IRRIGATION COMMERCIAL	01-01 12-31 01-01 12-31 01-01 12-31	54.5 54.5 54.5	RESERVED AFY AFY AFY
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TOTAL QUANTITY:	54.5	AFY
CONSUMPTIVE USE:	19.9	AFY

NON-IRRIGATION USES:

MONUMENT COMMERCIAL USE, MONUMENT DOMESTIC USE

POINT OF DIVERSION: SEE REMARKS

PLACE OF USE: DOMESTIC

PLACE OF USE: IRRIGATION

PLACE OF USE: COMMERCIAL

PLACE OF USE: OTHER USE

PLACE OF USE: OTHER USE

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RIGHT
NUMBER

NAME & ADDRESS

SOURCE: SURFACE WATER, ALL

TRIBUTARY: SINKS

PRIORITY
DATEPURPOSE OF USE
PERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

RIGHT NUMBER	NAME & ADDRESS	SOURCE: SURFACE WATER, ALL	TRIBUTARY: SINKS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-12383	UNITED STATES AMERICA, ACTING THROUGH NATIONAL PARK SERVICE PACIFIC NORTHWEST REG. OFFICE 83 S KING ST STE 212 SEATTLE WA 98121				05/02/1924 DOMESTIC	01-01 12-31	54.5 AFY	RESERVED
					IRRIGATION	01-01 12-31	54.5 AFY	
					COMMERCIAL	01-01 12-31	54.5 AFY	
					TOTAL QUANTITY:		54.5 AFY	
					CONSUMPTIVE USE:		19.9 AFY	

NON-IRRIGATION-USES:

MONUMENT COMMERCIAL USE, MONUMENT DOMESTIC USE

POINT OF DIVERSION: SEE REMARKS

PLACE OF USE: DOMESTIC

WITHIN CRATERS OF THE MOON NATIONAL MONUMENT

PLACE OF USE: IRRIGATION

SAME AS OTHER USE

PLACE OF USE: COMMERCIAL

SAME AS OTHER USE

REMARKS:

SEE WATER RIGHTS AGREEMENT BETWEEN THE STATE OF IDAHO AND THE UNITED STATES FOR THE CRATERS OF THE MOON NATIONAL MONUMENT SIGNED MAY 14, 1992 (AGREEMENT).

SOURCES FOR THIS RIGHT ARE ALL SURFACE WATER AND GROUNDWATER SOURCES ARISING ON, OCCURRING ON, OR UNDER AREA A AS SHOWN ON ATTACHMENT 1 OF THE AGREEMENT.

POINTS OF DIVERSION MAY BE ANY POINT WITHIN AREA A AS SHOWN ON ATTACHMENT 1 OF THE AGREEMENT.

PLACE OF USE MAY BE ANY PLACE WITHIN THE BOUNDARIES OF THE MONUMENT.

THE QUANTITY CONSUMED FOR FIRE SUPPRESSION IS NOT LIMITED BY THIS RIGHT OR THE AGREEMENT.

USE OF THIS RIGHT AND RIGHT NOS. 34-12385, 34-12388 AND 36-15345 IS FOR A TOTAL COMBINED DIVERSION VOLUME OF 54.5 AFY AND A TOTAL COMBINED CONSUMPTIVE USE VOLUME OF 19.9 AFY.

THIS RIGHT APPEARS AS RIGHT NO. 36-15342 IN BASIN 36 REPORT. BASIS OF RIGHT IS THE RESERVATION MADE UNDER PROCLAMATION NO. 1694.

THE SURFACE WATER WITHIN THE BOUNDARIES OF THE MONUMENT AND PERCHED GROUND WATER UNDERLYING THE MONUMENT SHALL BE TREATED AS A SELF-CONTAINED WATER SYSTEM. FIRE SUPPRESSION MAY BE TAKEN THE USE OF WATER FOR FIRE SUPPRESSION BENEFITS THE PUBLIC WATER DIVERTED FOR FIRE SUPPRESSION, WITHOUT A DEFINITION OF THE SPECIFIC ELEMENTS OF A REDDUCIBLE WATER RIGHT, AND IF SO DIVERTED FOR FIRE SUPPRESSION, EXISTING WATER RIGHTS WILL NOT BE DIMINISHED.

