

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: 34-07124

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:

Ben Howard

~~P.O. Box 628~~ P.O. Box 502
~~Bruneau, Id 83604~~ Challis, Id. 83226

Required Statement: AS RECOMMENDED

2. The source of water is: Spring

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: .12 cfs

Required Statement: AS RECOMMENDED

4. The priority date is: February 9, 1976

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: T10N R22E Sec. 17 NENWNW SENWNW NESWNW

Required Statement: AS RECOMMENDED

6. The purpose of use is: Irrigation/Stockwater

Required Statement: AS RECOMMENDED

7. The period of year when the water is to be used is: Irr 5/1 - 10/15 Stockwater 5/1 - 12/31

Required Statement: AS RECOMMENDED

8. The legal description of the place of use or of the reservation is: T10N R21E Sec. 11 SWNW 14.0 SENW 3.0 NESW 12.0 NWSW 29.0; T10N R21E Sec. 10 NWNE

Required Statement:

9. The annual volume of consumptive use is: 30.0 afy

Required Statement: AS RECOMMENDED

10. Other matters necessary to define this water right:

This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season. Sources for this right are Poison Spring tributary to sinks, spring tributary to sinks.

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: Ben Howard
Address: ~~P. O. Box 628~~ ^{P.O. Box 502}
City/State: ~~Bruneau, ID Challis, ID~~
Zip: ~~83604~~ ⁸³²²⁶
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

Ben Howard Jan 24, 95
Party's Signature Date

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

A. Lynne Krogh 1/31/95
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 Feb 1, 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:

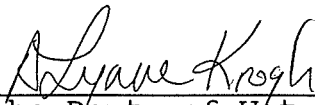
1. Original to:

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:

Ben Howard
P.O. Box 502
Challis, Idaho 83226

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



Idaho Dept. of Water Resource