

26

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: 34-00439A
)
) 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:

Smith Ranches, Inc.
c/o Harold Smith
Box 106
Darlington, Idaho 83231

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Antelope 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: 7.15 cfs

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: August 3, 1885

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

5. The legal description of point(s) of diversion is:

T4N R24E Sec. 10 SWNW

T4N R24E Sec. 10 NWSW

T4N R24E Sec. 15 NENW

T4N R24E Sec. 16 NESE

T4N R24E Sec. 17 NENW

(Since this is an irrigation claim, this is not an instream flow)

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:

T4N R24E Sec. 9 SESE 40.0 acres

T4N R24E Sec. 10 SWNE 10.0 acres

T4N R24E Sec. 10 SWNW 25.0 acres
T4N R24E Sec. 10 SENW 40.0 acres
T4N R24E Sec. 10 NESW 20.0 acres
T4N R24E Sec. 10 NWSW 24.0 acres
T4N R24E Sec. 10 SWSW 40.0 acres
T4N R24E Sec. 10 SESW 39.0 acres
T4N R24E Sec. 10 SWSE 15.0 acres
T4N R24E Sec. 15 NENW 15.0 acres
T4N R24E Sec. 15 NWNW 40.0 acres
T4N R24E Sec. 15 SWNW 24.0 acres
(all located in Butte Co.)

Required Statement: The parties have stipulated that the following POU should be deleted: T4N R24E Sec. 15 NWSW 1.0 acre.

9. The annual volume of consumptive use is: 830 afy

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

10. Other matters necessary to define this water right: None

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:

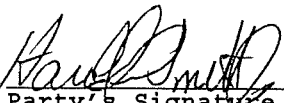
Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

I have read this form and know its contents and that the
statements are true to the best of my knowledge and belief.

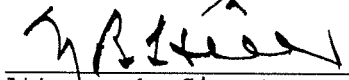
Name: Smith Ranches, Inc.
Address: P.O. Box 106
City/State: Darlington, ID
Zip: 83231
Attorney of Record: M.B. Hiller

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

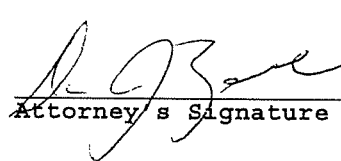
Attorney of Record: R. Lee Leininger/Daria Zane

 1/25/95

Party's Signature Date

 1/30/95

Attorney's Signature Date

 1/20/95

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: Susan Hamlin

 2/2/95

Attorney's Signature Date

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 26, 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:

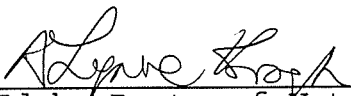
1. Original to:

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

M.B. "Buck" Hiller
Hiller, Benjamin & Associates
Suite 2A, 525 Park Ave.
P.O. Box 52020
Idaho Falls, Idaho 83405-2020


Idaho Dept. of Water Resource