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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	)	AMENDED STANDARD FORM 5
	)	
Case No. 39576	)	SUBCASE NO: 34-00472
	)	
	)	
	)	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:

RONOLD VON HAGEN
PO BOX 1907
SUN VALLEY ID 83353

Required Statement: As recommended in the director's report.

2. The source of water is:

Source: LEHMAN CREEK

Tributary: SINKS

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:

IRRIGATION 2.64 CFS
TOTAL QUANTITY: 2.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.64 CFS.

Required Statement: As recommended in the director's report.

4. The priority date is: 06/01/1880

Required Statement: As recommended in the director's report.

5. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T07N R22E S10 NESENW

RIGHT NO. 34-04068 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Required Statement: As recommended in the director's report. The claim is not for an instream flow. In addition, the recommendation of this element in the director's report was based on the accomplished transfer statute, Idaho Code §42-1416A. The claimant subsequently

applied for and received approval of the change in point of diversion, as set forth in the order of the director of IDWR approving application for transfer no. 4334, dated September 6, 1994, issued pursuant to Idaho Code § 42-222. The description of this element of the water right is therefore no longer based on the accomplished transfer statute, Idaho Code §42-1416A, or its successor Idaho Code §42-1425.

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:

IRRIGATION 05-01 to 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:

PLACE OF USE: IRRIGATION

T07N R22E S02 NESW 30.0 acres, SWSW 34.0 acres, SESW 40.0 acres

T07N R22E S03 SESE 28.0 acres

132.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON.

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use, as set forth in the order of the director of IDWR approving application for transfer no. 4334, dated September 6, 1994, issued pursuant to Idaho Code §42-222. The the description of this element of the water right is therefore no longer based upon the accomplished transfer statute, Idaho Code §42-1416A or its successor §42-1425. The place of use is located in Custer County, Idaho.

9. The annual volume of consumptive use is:

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF.

Required Statement: As recommended in the director's report.

10. Other matters necessary to define this water right: Not applicable.

These matters are necessary because: Not applicable

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

Signature and Address of Parties and their Attorney of Record

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

Name: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: Susan E. Hamlin
A. Lynne Krogh

A. Lynne Krogh 2/21/95
Attorney's Signature Date

^{RvH}
Name: Ronald Von Hagen
Address: P.O. Box 1907
City/State/Zip: Sun Valley, ID 83353
Attorney of Record: James P. Speck

Ronald Von Hagen 2/17/95
Party's Signature Date

J. P. Speck 2/15/95
Attorney's Signature Date

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

R. Lee Leininger 2/6/95
Attorney's Signature Date

Court Representative (if necessary)

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 2/21, 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:

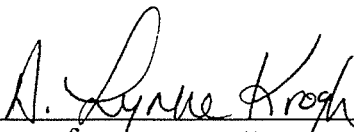
1. Original to:

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:

US Dept. of Justice
Env't. & Nat. Resources Div.
550 W. Fort St. Box 33
Boise, ID 83724

James P. Speck
P.O. Box 987
Ketchum, ID 83340



Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JAN-25-1995
PAGE: A-2

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

34-00472	RONOLD VON HAGEN PO BOX 1907 SUN VALLEY ID 83353	06/01/1880	IRRIGATION	05-01 10-15	2.64 CFS	DECREED	

SOURCE: LEHMAN CREEK		TRIBUTARY: SINKS					

POINT OF DIVERSION: TOTN R22E S10 PLACE OF USE: IRRIGATION		NESENW		TOTAL QUANTITY: 2.64 CFS			
TOTN R22E S02		NESW	13.0	SWSW	34.0	SESW	40.0
S03		NESE	4.0	SESE	28.0		
S11		NENW	5.0	NWNW	8.0		
132.0 ACRES TOTAL							
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION							
PURSUANT TO IDAHO CODE 42-1416A.							
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO							
IDAHO CODE 42-1416A.							
USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO A							
TOTAL COMBINED DIVERSION RATE OF 2.64 CFS, A TOTAL COMBINED							
ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF, AND TO THE IRRIGATION							
OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON.							
RIGHT NO. 34-04068 IS ALSO DIVERTED THROUGH POINT OF							
DIVERSION DESCRIBED ABOVE.							