

2-23

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FEB 21 1995

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: 34-04068
	)	
	)	
	)	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).

6. The purpose of use is:

IRRIGATION STORAGE
IRRIGATION FROM STORAGE

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

7. The period of year when the water is to be used is:

IRRIGATION STORAGE	01-01 to 12-31
IRRIGATION FROM STORAGE	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 STORAGE
SAME AS OTHER USE

PLACE OF USE: IRRIGATION FROM STORAGE
T07N R22E S02 NESW 30 acres, SWSW 34 acres, SESW 40 acres
T07N R22E S03 SESE 28 acres
132 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00472 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 place of use is located in Custer County, Idaho.

9. The annual volume of consumptive use is:

USE OF THIS RIGHT WITH RIGHT NO. 34-00472 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.

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

A. Lynne Krogh
Signature of person or attorney mailing the form

AJ5856NP

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

DATE: JAN-17-1995
PAGE: A-31

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

SOURCE: LEHMAN CREEK

TRIBUTARY: SINKS

34-04068	RONOLD VON HAGEN PO BOX 1907 SUN VALLEY ID 83353	03/16/1923	IRRIGATION	01-01	12-31	100.0	AFY	BENEFICIAL USE	
			STORAGE						
			IRRIGATION	FROM	05-01				10-15
			STORAGE						
			TOTAL QUANTITY:						100.0

POINT OF DIVERSION:

TOZN R22E S10

NESENM

PLACE OF USE: IRRIGATION STORAGE

SAME AS OTHER USE

PLACE OF USE: IRRIGATION FROM STORAGE

SAME AS OTHER USE

REMARKS: STORAGE CAPACITY 54 AF.

USE OF THIS RIGHT WITH RIGHT NO. 34-00472 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. 34-00472 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.