

2-23

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FEB 23 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: 34-12415
	)	
	)	
	)	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:

STOCKWATER

NON-IRRIGATION USES: STOCKWATER/ 300 CATTLE

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

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

STOCKWATER 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:

T08N R22E S26 NWSW, SWSW

T08N R22E S27 NESE, NWSE

Required Statement: As recommended in the director's report. The place of use is located in Custer County, Idaho.

9. The annual volume of consumptive use is: DE MINIMUS.

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.

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 2/22, 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:

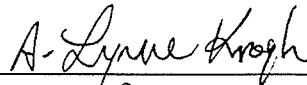
1. Original to:

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

Melvin R. Freeman
230 Wilson St.
Midvale, UT 84047



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-57

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

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG LOST RIVER

34-00471 ASLETT RANCHES 07/12/1907 IRRIGATION 05-01 10-15 0.8 CFS DECREED
P.O. BOX B
TWIN FALLS ID 83303

POINT OF DIVERSION:
T08N R22E S34
PLACE OF USE: IRRIGATION SWNESE
TOTAL QUANTITY: 0.8 CFS

T07N R23E S06 Lot 3 (NENW) 42.0 Lot 4 (NNNW) 41.0 Lot 5 (SNNW) 5.0
T08N R23E S31 NESW 40.0 Lot 4 (SWSW) 40.0 SESW 40.0
213.0 ACRES TOTAL
REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 34-00469 IS LIMITED TO A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 532.5 AF, AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE
IRRIGATION SEASON.
WATER IS DELIVERED THROUGH UPPER FISH HATCHERY CANAL.

34-12415 MELVIN R. FREEMAN 03/16/1923 STOCKWATER 01-01 12-31 0.02 CFS BENEFICIAL USE
230 WILSON ST.
MIDVALE UT 84047

TOTAL QUANTITY: 0.02 CFS

NON-IRRIGATION-USES:
STOCKWATER/ 300 CATTLE
POINT OF DIVERSION:
T08N R27E S27 NWSE (B)
S26 SWSW (E)
PLACE OF USE: STOCKWATER

T08N R22E S26 NWSW SWSW
S27 NESE NWSE