

2-2-80

**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: 34-10435
	)	
	)	
	)	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).

IDWR and the parties stipulate that water right no. 34-10435 is correctly described in the director's report.

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 2/24/95
Attorney's Signature Date

Name: David & Linda Horre
Address: General Delivery
City/State/Zip: Mackay, ID 83251
Attorney of Record: Craig D. Hobdey

David a Horre 2-20-95
Linda G. Horre 2-20-95
Party's Signature Date

Craig D. Hobdey 2-23-95
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 2/24, 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:

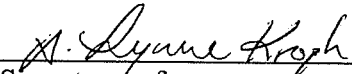
1. Original to:

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

Craig D. Hobdey
P.O. Box 176
Gooding, ID 83330-0176



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-35

RIGHT NUMBER	NAME & ADDRESS	PRIORITY		PERIOD OF USE		MAXIMUM QUANTITY	BASIS OF CLAIM
		DATE	PURPOSE OF USE	FROM	TO		
SOURCE: LOWER CEDAR CREEK		TRIBUTARY: SINKS					

34-10435	DAVID A HORRE LINDA HORRE GENERAL DELIVERY MACKAY ID 83251	06/15/1955	IRRIGATION	05-01	10-15	11.04	CFS	BENEFICIAL USE
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POINT OF DIVERSION:	TOTAL QUANTITY:
107N R24E S02	11.04 CFS
PLACE OF USE: IRRIGATION	

107N R24E S07	MENE 16.0	MUNE 22.0	SMNE 18.0	SENE 35.0
	NESE 36.0	NMSE 31.0	SMSE 35.0	SESE 20.0
213.0 ACRES TOTAL				

REMARKS: WATER IS DELIVERED THROUGH LOWER CEDAR CREEK.
USE OF THIS RIGHT WITH RIGHT NO. 34-00146 AND 34-00153 IS LIMITED
TO A TOTAL COMBINED DIVERSION RATE OF 17.04 CFS, 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.
10.95 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS LISTED ABOVE.