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**RECEIVED**  
**FEB 27 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     | ) | <b>STANDARD FORM 5</b>        |
|                | ) |                               |
| Case No. 39576 | ) | <b>SUBCASE NO: 34-10400</b>   |
|                | ) |                               |
|                | ) |                               |
|                | ) | <b>PROPOSED ELEMENTS OF A</b> |
|                | ) | <b>WATER RIGHT</b>            |

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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:

SHANE D. ROSENKRANCE  
MIMI L.G. ROSENKRANCE  
RT 1 BOX 25A  
MACKAY ID 83251

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

2. The source of water is:

Source: ALDER CREEK

Tributary: BIG LOST RIVER

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            5.00 CFS  
TOTAL QUANTITY:    5.00 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.90 CFS. COMBINED RIGHT NOS.: 34-00119E, 34-00317C, 34-00381C, 34-00680A, 34-00682B, 34-07090A, 34-10392 AND 34-10396.

0.24 CFS OF RIGHT NO. 34-10396 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NOS. 34-07090A AND 34-10396.

Required Statement: Diversion rate for this right is as recommended in the director's report. Total combined diversion rate for this right and other listed rights is reduced consistent with the stipulated place of use.

4. The priority date is: 05/01/1928

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

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use. Where all or part of the place of use is identified by government lot no., the legal description is the government lot; quarter-quarter descriptions are also provided in parentheses for the convenience of those who do not have ready access to U.S. government plat maps. The place of use is located in Custer County, Idaho.

9. The annual volume of consumptive use is:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 670 AF. COMBINED RIGHT NOS.: 34-00119E, 34-00317C, 34-00381C, 34-00680A, 34-00682B, 34-07090A, 34-10392 AND 34-10396.

Required Statement: Annual volume of consumptive use is reduced consistent with the stipulated place of use.

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.

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:

T06N R25E S07 LOT 3 (NWNWSW)

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00333, 34-00682A AND 34-00682B

Required Statement: As recommended in the director's report. Where a point of diversion is identified by government lot no., the legal description is the government lot; quarter-quarter-quarter descriptions are also provided in parentheses for the convenience of those who do not have ready access to U.S. government plat maps. The claim is not for an instream flow.

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:

T06N R25E S09 SWSW 18.0 acres, SESW 15.0 acres, SWSE 0.3 acres  
T06N R25E S16 NWNE 3.7 acres, NENW 35.0 acres, NWNW 29.0 acres,  
SWNW 31.0 acres, NWSW 19.0 acres, SWSW 37.0 acres  
T06N R25E S17 SENE 8.5 acres, NESE 8.5 acres, SESE 6.0 acres  
T06N R25E S20 Lot 1 (NENE) 4.0 acres  
T06N R25E S21 Lot 3 (NENW) 28.0 acres, Lot 4 (NWNW) 25.0 acres  
268.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 268 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00119E, 34-00317C, 34-00381C, 34-00680A, 34-00682B, 34-07090A, 34-10392 AND 34-10396.

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

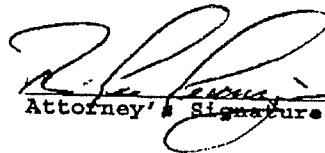
I have read this form and know its contents and that the  
statements are true to the best of my knowledge and belief.

Name: Shane D. & Mimi L.G. Rosenkrance  
Address: Rt. 1 Box 25A  
City/State: Mackay, ID  
Zip: 83251  
Attorney of Record:

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

Party's Signature Date

Attorney's Signature Date

 2-27-95  
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

Attorney's Signature

**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: Mimi and Shane Rosenkrance  
Address: Rt. 1 Box 25A  
City/State/Zip: Mackay, ID 83251  
Attorney of Record:

Shane Rosenkrance      2-21-95  
Party'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

\_\_\_\_\_  
Attorney's Signature      Date

\_\_\_\_\_  
Court Representative (if necessary)

\_\_\_\_\_  
Party's Signature      Date

\_\_\_\_\_  
Attorney's Signature      Date

\_\_\_\_\_  
Date

AJ5856NP

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

DATE: JAN-17-1995  
PAGE: A-1

| RIGHT<br>NUMBER | NAME & ADDRESS | PRIORITY |                | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY | BASIS OF CLAIM |
|-----------------|----------------|----------|----------------|--------------------------|---------------------|----------------|
|                 |                | DATE     | PURPOSE OF USE |                          |                     |                |

SOURCE: ALDER CREEK

TRIBUTARY: BIG LOST RIVER

|          |                                                                                |            |            |             |      |     |                |
|----------|--------------------------------------------------------------------------------|------------|------------|-------------|------|-----|----------------|
| 34-10400 | SHANE D ROSENKRANCE<br>MIMI L G ROSENKRANCE<br>RT 1 BOX 25A<br>MACKAY ID 83251 | 05/01/1928 | IRRIGATION | 05-01 10-15 | 5.00 | CFS | BENEFICIAL USE |
|----------|--------------------------------------------------------------------------------|------------|------------|-------------|------|-----|----------------|

POINT OF DIVERSION:  
T06N R25E S07 LOT 3 (NNNWSW)  
PLACE OF USE: IRRIGATION

TOTAL QUANTITY: 5.00 CFS

|                   |              |      |              |      |      |      |           |
|-------------------|--------------|------|--------------|------|------|------|-----------|
| T06N R25E S09     | SWSW         | 18.0 | SESW         | 15.0 | SWSE | 0.3  |           |
| S16               | NNNE         | 3.7  | NNNW         | 35.0 | NNNW | 29.0 | SWNW 31.0 |
|                   | NWSW         | 19.0 | SWSW         | 37.0 | SESW | 4.0  |           |
| S17               | SENE         | 8.5  | NESE         | 8.5  | SESE | 6.0  |           |
| S20               | Lot 1 (NENE) | 4.0  |              |      |      |      |           |
| S21               | Lot 3 (NENW) | 28.0 | Lot 4 (NNNW) | 25.0 |      |      |           |
| 272.0 ACRES TOTAL |              |      |              |      |      |      |           |

REMARKS: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 8.01 CFS, A TOTAL COMBINED  
ANNUAL CONSUMPTIVE USE VOLUME OF 680 AF, AND TO THE IRRIGATION OF  
A COMBINED TOTAL OF 272 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00119E, 34-00317C, 34-00381C, 34-00680A,  
34-00682B, 34-07090A, 34-10392 AND 34-10396.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 34-00333, 34-00682A AND 34-00682B  
0.24 CFS OF RIGHT NO. 34-10396 IS LIMITED TO USE FOR  
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NOS.  
34-07090A AND 34-10396.