

3/8

**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	)	STANDARD FORM 5
	)	
Case No. 39576	)	SUBCASE NO: 34-04042
	)	
	)	
	)	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:

MERLE M KING
JOHN D KING
HC 60 BOX 280
DARLINGTON ID 83231

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

2. The source of water is: Source: UNNAMED STREAM
Tributary: ANTELOPE CREEK

SOURCE IS ALSO KNOWN AS TRAIL CREEK.

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	0.31	CFS
STOCKWATER	0.04	CFS
TOTAL QUANTITY:	0.35	CFS

0.11 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

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

4. The priority date is: 05/01/1947

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:

T04N R24E S11 NESWSE

Required Statement: As recommended in the director's report. The claim is not for an instream flow.

6. The purpose of use is: IRRIGATION
STOCKWATER
Non-irrigation uses: STOCKWATER, 100 CATTLE AND HORSES

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
STOCKWATER 03-01 to 12-01

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

8. The legal description of the place of use or of the reservation is:

IRRIGATION:
T04N R24E S02 NWSE 2.0 acres, SWSE 1.0 acre
T04N R24E S11 SWNE 4.0 acres
7.0 ACRES TOTAL

STOCKWATER:
T04N R24E S02 NWSE, SWSE
T04N R24E S11 SWNE

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use. The place of use is located in Butte County, Idaho.

9. The annual volume of consumptive use is: 17.5 AFY

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: Merle M. & John D. King

Address: HC 60 Box 280

City/State/Zip: Darlington, ID 83231

Attorney of Record:

John D. King 3/3/95
Party's Signature Date

Merle M. King Mar. 3, 1995
Party's Signature Date

Attorney's Signature Date

Court Representative (if necessary)

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: Susan E. Hamlin

Susan E. Hamlin 3-7-95
Attorney's Signature Date

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

R. Lee Leininger 2-28-95
Attorney's Signature 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 March 7th, 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:

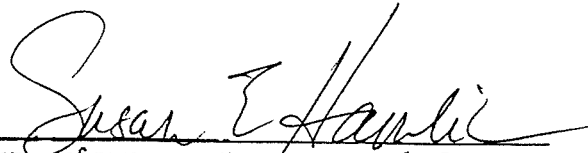
1. Original to:

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:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Merle M King
John D King
HC 60 Box 280
~~Darlington, ID 83231~~
MOORE, IDAHO 83255



Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-23-1995
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-04042	MERLE M KING JOHN D KING HC 60 BOX 280 DARLINGTON ID 83231	05/01/1947	IRRIGATION	05-01 10-15	0.31	CFS BENEFICIAL USE
SOURCE: UNNAMED STREAM						
TRIBUTARY: ANTELOPE CREEK						

NON-IRRIGATION-USES:
STOCKWATER, 100 CATTLE AND HORSES

POINT OF DIVERSION:

TO4N R24E S11

PLACE OF USE: IRRIGATION

TO4N R24E S02
S117.0 ACRES TOTAL
PLACE OF USE: STOCKWATERNWSE 2.0
SWNE 4.0

SWSE 1.0

TO4N R24E S02
S11REMARKS: 0.11 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES
IN DELIVERY OF THIS RIGHT.

SOURCE IS ALSO KNOWN AS TRAIL CREEK.

TOTAL QUANTITY:
CONSUMPTIVE USE:
0.35 CFS
17.5 AFY