

3-14

**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: 36-15465
	)	
	)	
	)	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:

NADA FAY JOHNS
JAMES ROBERT JOHNS
47 E FRONTAGE RD S
JEROME ID 83338

Required Statement: IDWR and the parties stipulate that this is the correct name and address of the claimant.

2. The source of water is: GROUNDWATER

Required Statement: IDWR and the parties stipulate that this is the correct source of water.

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

DOMESTIC	.04	CFS
STOCKWATER	.02	CFS
TOTAL QUANTITY	.04	CFS

Required Statement: IDWR and the parties stipulate that this is the correct quantity of water used in cubic feet per second. IDWR and the parties agree and recognize that the total quantity is not equal to the sum of the quantities for each purpose of use.

4. The priority date is: 07/03/1963

Required Statement: IDWR and the parties stipulate that this is the correct priority date.

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:

T09S R17E S06 LOT 2 (NWNE)

Required Statement: IDWR and the parties stipulate that this is the correct description of the point of diversion. The claim is not for an instream flow. Where a point of diversion 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.

6. The purpose of use is: DOMESTIC
STOCKWATER

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: Nada Fay & James Robert Johns

Address: 47 E Frontage Rd S

City/State/Zip: Jerome, ID 83338

Attorney of Record:

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

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

Attorney of Record: Daniel L. Steckel

Attorney of Record: Nicholas B. Spencer

James Robert Johns 3-11-95
Party's Signature Date

Nick Spencer 3-13-95
Attorney's Signature Date

Nada Johns 3-11-95
Party's Signature Date

Attorney's Signature Date

Court Representative (if necessary)

Date

NON-IRRIGATION USES: DOMESTIC, 1 HOUSE
STOCKWATER, 30 RANGE CATTLE

Required Statement: IDWR and the parties stipulate that this is the correct purpose of use.

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

DOMESTIC	01-01 to 12-31
STOCKWATER	01-01 to 12-31

Required Statement: IDWR and the parties stipulate that this is the correct period of year when the water is to be used.

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

DOMESTIC T09S R17E S06 LOT 2 (NWNE)
STOCKWATER T09S R17E S06 LOT 2 (NWNE)

PARCEL NO. RP09S17E060625A

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 Jerome County, Idaho.

9. The annual volume of consumptive use is: De Minimis.

Required Statement: IDWR and the parties stipulate that this is the correct annual volume of consumptive 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.

11. Further information:

A copy of the right as recommended in the director's report is not attached because this right was inadvertently omitted from the director's report (see IDWR's Response, Sub-case no. 36-15465).

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 13, 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

Nada Fay Johns
James Robert Johns
47 E Frontage Rd S
Jerome, ID 83338



Signature of person or attorney mailing the form

DATE: MAR-13-1995
PAGE: A-1

Basis of Claim

BENEFICIAL USE

T09S R17E S06 Lot 2

TOTAL QUANTITY: