

9-29

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: 34-00469   |
|                | ) |                        |
|                | ) |                        |
|                | ) | PROPOSED ELEMENTS OF A |
|                | ) | WATER RIGHT            |

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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."

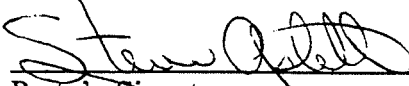
Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

The parties stipulate that the United States will withdraw thier objection with prejudice to claim no. 34-00471.

**Signatures and Address of the 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: Aslett Ranches c/o Steve Aslett  
Address: P.O. Box B  
City/State/Zip: Twin Falls, ID. 83303

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

Name: United States through  
Address: Dept. of Justice for BLM  
601 Pennsylvania Ave NW  
City/State: Washington, D.C. 20004  
Attorney of Record: R. Lee Leininger/  
Daria Zane  
William M. Ferry

 9-26-95  
\_\_\_\_\_  
Attorney's Signature Date

DATE: MAY-27-1992  
PAGE: A-1735

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

RIGHT NUMBER

NAME & ADDRESS

PRIORITY DATE

PURPOSE OF USE

PERIOD OF USE FROM TO

MAXIMUM QUANTITY

TRIBUTARY: BIG LOST RIVER

WARM SPRINGS CREEK

ASLETT RANCHES

PO BOX 8

TUJIN FALLS ID 83303

11/01/1892 IRRIGATION

05-01 10-15

3.2 CFS

DECREED

10-16 04-30

.02 CFS

3.2 CFS

SEMI 5.0

SEMI 40.8

TOTAL QUANTITY:

3.2 CFS

SEMI 5.0

SEMI 40.8

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NON-IRRIGATION USES:

STOCKWATER 350 RANGE CATTLE

POINT OF DIVERSION:

SWHESE

PLACE OF USE: IRRIGATION

TOTN R23E S06 Lot 3 (NEW) 42.0 Lot 4 (NEW) 41.0 Lot 5 (NEW) 5.0

TOTN R23E S31 MESM 40.0 Lot 4 (NEW) 40.8

213.0 ACRES TOTAL

PLACE OF USE: STOCKWATER

SAME AS OTHER USE

REMARKS: THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED

ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE

DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED ABOVE.

THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE DIVERTED

SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF DIVERSION

FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE UNREASONABLE WASTE

AND DOES NOT CONFLICT WITH THE PUBLIC INTEREST, AS DETERMINED BY

THE DIRECTOR.

USE OF THIS RIGHT WITH RIGHT NO. 34-00471 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.

## 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 Sep 28, 19995, 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:

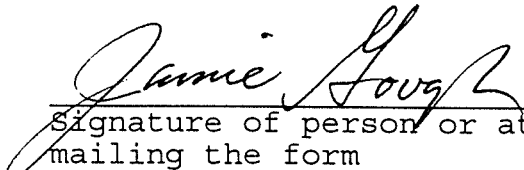
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

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

U.S. Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Steve Aslett  
Aslett Ranches  
P.O. Box B  
Twin Falls, ID 83303

  
\_\_\_\_\_  
Signature of person or attorney  
mailing the form