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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

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 **Case No. 39576**	**STANDARD FORM 5** **SUBCASE NO: 34-04142** **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:

US Dept. of Interior
Bureau of Land Management
Idaho State Office
3380 Americana Terrace
Boise, ID 83706

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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2. The source of water is: Waddoups Canyon Creek, RT. FK

Other sources are listed below: WADDOUPS CANYON CREEK TRIB. To ANTELOPE CREEK, UNNAMED STREAMS TRIB. To WADDOUPS CANYON CREEK, UNNAMED STREAMS TRIB. To WADDOUPS CANYON CREEK, RIGHT FORK AND WADDOUPS CANYON CREEK, RIGHT FORK TRIB. To WADDOUPS CANYON CREEK.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

0.2 CFS

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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4. The priority date is: 6/28/34

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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5. The legal description of 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:

This claim is for an instream flow. The beginning and ending points are as follows:

T05N R24E S15	NENENE	(B)
R25E S31	SENWNW	(E)

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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6. The purpose of use is: Stockwater; Wildlife

Required Statement: The provisions "900 range cattle" and "variable amounts" are not necessary to define the right.

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

01-01 to 12-31

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

Stockwater						
T05N R24E	S14	SWNE	SENE	NENW	NWNW	SWNW
		NESW	NWSW	SESW	NESE	NWSE
		SWSE	SESE			
	S15	NENE				
	S23	NENE	NWNE	SWNE	SENE NESE	
		NWSE	SWSE	SESE		
	S24	SWNE	NENW	SWNW	SENW	NESW
		NWSW	SWSW	SESW	NWSE	SWSE
	S25	NWNE	SWNE	NENW	NESE	NWSE
		SESE				
R25E	S30	SWSW				
	S31	NWNW				

All POU's are located in Custer County.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

Required Statement: This accurately describes this element of the water right.

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10. Other matters necessary to define this water right

These matters are necessary because: The remark originally recommended is not necessary to define the right.

These matters do not fall within the 9 elements listed above because:

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 and Address of Objector:

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

Signature Date

Attorney's Signature Date 10/10/95

Name and Address of Claimant:

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

Attorney's Signature Date 10/10/95

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: WADDOUPS CANYON CREEK, RT. FK. TRIBUTARY: WADDOUPS CANYON CREEK							
34-04142	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	06/28/1934	STOCKWATER	01-01	12-31	.2	CFS	BENEFICIAL USE
			TOTAL QUANTITY:			.2	CFS	

NON-IRRIGATION-USES:
STOCKWATER 900 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT.

POINT OF DIVERSION:
T05N R24E S15 NENENE (B)
R25E S31 SENWNW (E)

PLACE OF USE: STOCKWATER

T05N R24E S14	SWNE	SENE	NENW	NWNW
	SWNW	NESW	NWSW	SESW
	NESE	NWSE	SWSE	SESE
S15	NENE			
S23	NENE	NWNE	SWNE	SENE
	NESE	NWSE	SWSE	SESE
S24	SWNE	NENW	SWNW	SENW
	NESW	NWSW	SWSW	SESW
	NWSE	SWSE		
S25	NWNE	SWNE	NENW	NESE
	NWSE	SESE		
R25E S30	SWSW			
S31	NWNW			

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID = 3403488107
SOURCES FOR THIS RIGHT ARE WADDOUPS CANYON CREEK TRIB. TO ANTELOPE CREEK, UNNAMED STREAMS TRIB. TO WADDOUPS CANYON CREEK, UNNAMED STREAMS TRIB. TO WADDOUPS CANYON CREEK, RIGHT FORK AND WADDOUPS CANYON CREEK, RIGHT FORK TRIB. TO WADDOUPS CANYON CREEK.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: WADDOUPS CANYON CREEK		TRIBUTARY: ANTELOPE CREEK					
34-04142	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	06/28/1934	STOCKWATER	01-01	12-31	.2	CFS	BENEFICIAL USE
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T05N R24E S15 NENENE (B)
R25E S31 SENWNW (E)

PLACE OF USE: STOCKWATER

T05N R24E S14	SWNE	SENE	NENW	NWNW
	SWNW	NESW	NWSW	SESW
	NESE	NWSE	SWSE	SESE
S15	NENE	NWNE	SWNE	SENE
S23	NENE	NWSE	SWSE	SESE
	NESE	NENW	SWNW	SENW
S24	SWNE	NWSW	SWSW	SESW
	NESW	SWSE	NENW	NESE
	NWSE	SWNE		
S25	NWNE	SESE		
	NWSE			
R25E S30	SWSW			
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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	PERIOD OF USE TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: UNNAMED STREAMS		TRIBUTARY: WADDOUPS CANYON CREEK, RT. FK.					
34-04142	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	06/28/1934	STOCKWATER	01-01	12-31	.2	CFS	BENEFICIAL USE
			TOTAL QUANTITY:			.2	CFS	

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R25E S31 SENWNW (E)

PLACE OF USE: STOCKWATER

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	SWNW	NESW	NWSW	SESW
	NESE	NWSE	SWSE	SESE
S15	NENE			
S23	NENE	NWNE	SWNE	SENE
	NESE	NWSE	SWSE	SESE
S24	SWNE	NENW	SWNW	SENW
	NESW	NWSW	SWSW	SESW
	NWSE	SWSE		
S25	NWNE	SWNE	NENW	NESE
	NWSE	SESE		
R25E S30	SWSW			
S31	NWNW			

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	PERIOD OF USE TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: UNNAMED STREAMS		TRIBUTARY: WADDOUPS CANYON CREEK					
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PLACE OF USE: STOCKWATER

T05N R24E S14	SWNE	SENE	NENW	NWNW
	SWNW	NESW	NWSW	SESW
	NESE	NWSE	SWSE	SESE
S15	NENE	NWNE	SWNE	SENE
S23	NENE	NWSE	SWSE	SESE
	NESE	NENW	SWNW	SENW
S24	SWNE	NWSW	SWSW	SESW
	NESW	SWSE	NENW	NESE
	NWSE	SWNE		
S25	NWNE	SESE		
	NWSE			
R25E S30	SWSW			
S31	NWNW			

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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 Oct 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, 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

Leah Melendy
Signature of person or attorney mailing the form