

16

PROPOSED ELEMENTS OF A
WATER RIGHT

1. The name and address of the claimant is:

Wayne G. Schwartz
Betty L. Schwartz
P.O. Box 903
Moore, Idaho 83255

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

2. The source of water is: Antelope Creek, South Fork
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:

11.20 cubic feet per second (cfs)

Required Statement: Use of this right with rights 34-10615 and 34-10617 is limited to a total combined diversion rate of 11.20 cfs and a total combined annual diversion volume of 1960.0 Acre Feet per year. The rate and volume has been reduced from what was recommended in the Director's Report to reflect the agreed to 20.0 acre reduction in total acres irrigated.

4. The priority date is: 04/04/1966

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

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:

T.05N., R.25E., Section 01, SWSESW, Butte County

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

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:
May 1 through January 15

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

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

T.05N., R.25E., Section 01, NESE,	39.0 acres
T.05N., R.25E., Section 01, NWSE,	37.0 acres
T.05N., R.25E., Section 01, SWSE,	40.0 acres
T.05N., R.25E., Section 01, SESE,	39.0 acres
T.05N., R.26E., Section 06, NESW,	40.0 acres
T.05N., R.26E., Section 06, Lot 6 (NWSW),	34.0 acres
T.05N., R.26E., Section 06, Lot 7 (SWSW),	34.0 acres
T.05N., R.26E., Section 06, SESW,	40.0 acres
T.05N., R.26E., Section 06, SWSE,	40.0 acres
T.05N., R.26E., Section 06, SESW,	20.0 acres
T.05N., R.26E., Section 07, Lot 1 (NENE),	18.0 acres
T.05N., R.26E., Section 07, Lot 2 (NWNE),	43.0 acres
T.05N., R.26E., Section 07, Lot 3 (NENW),	41.0 acres
T.05N., R.26E., Section 07, Lot 4 (NWNW),	39.0 acres

TOTAL:	504.0 acres

This is not an instream flow. All places of use described above reside within Butte County, Idaho.

Required Statement: Use of this right with rights 34-10615 and 34-10617 is limited to the irrigation of a combined total of 504.0 acres in a single irrigation season. The United States and the claimant stipulate that this is the correct description of the places of use. The parties agree to the deletion of the following place of use which was recommended in the Director's Report:

T.05N., R.26E., Section 06, NWSE, 20.0 acres, Butte County.

9. The annual volume of consumptive use is:

Total combined annual consumptive use volume of 1260.0 Acre-Feet (AF) per year.

Required Statement: This amount has been reduced from 1310.0 AF as recommended in the Director's Report to reflect the agreed to 20.0 acre reduction in total acres irrigated. The use of the term "combined" is necessary because this right derives its quantity of water in combination with two other water rights: 34-10615 and 34-10617.

10. Other matters necessary to define this water right:

These matters are necessary because:

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 & Address of Claimant:

Names: Wayne G. Schwartz
Betty L. Schwartz
Address: P.O. Box 903
Moore, ID 83255

Wayne G. Schwartz
Wayne G. Schwartz Date

Betty L. Schwartz 10-10-95
Betty L. Schwartz Date

Name & Address of Objector

Name: United States through
Department of Justice
Address: 601 Pennsylvania Ave., NW
City/State/Zip: Washington, D.C. 20004
Attorneys of Record: Daria J. Zane
R. Lee Leininger
William M. Ferry

William M. Ferry 9-27-95
Attorney's Signature Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-87RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATEPURPOSE OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: ANTELOPE CREEK, SOUTH FORK TRIBUTARY: BIG LOST RIVER

34-024748

WAYNE G. SCHWARTZ
BETTY L. SCHWARTZ
P.O. BOX 903
MOORE ID 83255

04/04/1966 IRRIGATION

05-01 01-15

11.42

CFS

LICENSE

POINT OF DIVERSION:

T05N R25E S01

SUSSEW

TOTAL QUANTITY:

11.42

CFS

PLACE OF USE: IRRIGATION

T05N R25E S01
R26E S06NESE 39.0
NESW 40.0
NWSE 20.0Lot 6 (NWSE)34.0
Lot 7 (SUSW)34.0
Lot 8 (SESE)20.0Lot 9 (SUSW)34.0
Lot 10 (SESE)20.0
Lot 11 (NWSE)39.0SESE 39.0
SESW 40.0
SESE 20.0

524.0 ACRES TOTAL

REMARKS: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 11.64 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 2037 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 1310 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 524 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS: 34-10615 AND 34-10617.

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 Nov 3, 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:

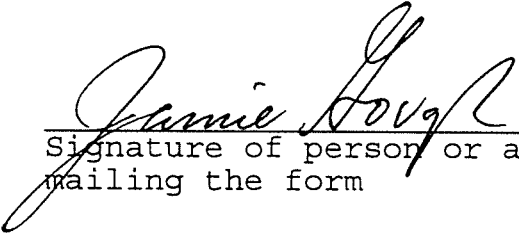
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Wayne & Betty Schwartz
P.O. Box 903
Moore, ID 83255



Signature of person or attorney
mailing the form