

11-7

**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, Amended
	)	
	)	
Case No. 39576	)	SUBCASE NO: 34 - 04179
	)	
	)	
	)	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, IDAHO 83706

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

2. The source of the water is:

Source: Unnamed Stream

Tributary: Timbered Dome Creek

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

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

STOCKWATER: 0.12 CFS
TOTAL QUANTITY 0.12 CFS

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

4. The priority date is: 6/28/1934

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

5. The legal description of the point(s) of diversion is; if claim is for instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

POINTS OF DIVERSION:
T03N R24E S02 Lot 1 (SWNE) (B)
T04N R25E S31 Lot 1 (SWNWNW) (B)
T03N R24E S02 Lot 1 (NENE) (E)
T03N R25E S06 SESENE (E)

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

6. The purpose of use is:

NON-IRRIGATION USES: STOCKWATER, WILDLIFE

Required statement: The provisions, "419 Range Cattle" and "Variable Amounts", are not necessary to this water right.

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

STOCKWATER 01-01 to 12-31

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

T03N R24E S02 Lot 1 (NENE)
T03N R25E S06 NWNE, SWNE, SENE
T04N R25E S31 NENE, NWNE, SWNE, NENW
T04N R25E S31 Lot 1 (NWNW), SENW, NESW, NWSE, SWSE

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

Required Statement: The term "De minimis" is added to accurately describe consumptive use. The following remark is not necessary to this water right: "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."

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.

Required Statement: The following remark is not necessary to the water right: "BLM Record ID = 3403488144."

Signatures 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.

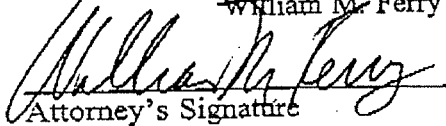
Name: Unites States through

Department of Justice
Address: Dept. of Justice
601 Pennsylvania Ave NW
City/State: Washington, D.C. 20004
Attorney of Record:

Daria J. Zane

R. Lee Leininger

~~William M. Ferry~~

 Nov. 3, 1995
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 Nov. 6, 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:

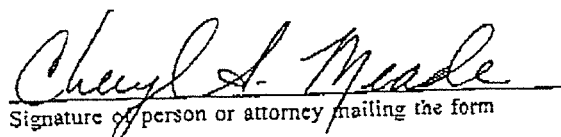
1. Original to:

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 (insert name and address):

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

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


Signature of person or attorney mailing the form

DATE: NOV-17-1992
PAGE: A-1298IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

AJSB52MP

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE FROM 10	PERIOD OF USE FROM 10	MAXIMUM QUANTITY	BASIS OF CLAIM
34-04179	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICAN HERRAGE BOISE ID 83706	06/28/1934	STOCKWATER	01-01 12-31	.12	DEFS BENEFICIAL USE

SOURCE: UNNAMED STREAM

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICAN HERRAGE
BOISE ID 83706

TOTAL QUANTITY: .12 DEFS

NON-IRRIGATION-USES:
STOCKWATER, 419 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

103N R24E S02 LOT 1 (SUMNER) (R)
104N R25E S31 LOT 1 (SUMNER) (R)
103N R24E S02 LOT 1 (MENE) (E)
R25E S06 SESENE (E)

PLACE OF USE: STOCKWATER

103N R24E S02 LOT 1 (MENE)
R25E S06 NAME
104N R25E S31 NAME
Lot 1 (MENE)
NAME
NAME
NAME

NAME
NAME
NAME
NAME
NAME
NAME

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME CRAWLING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID # 3403468144

BY FAX

TO: MATT HOWARD, ATTORNEY, IDWR
FROM: BILL FERRY, ATTORNEY, DEPT OF INTERIOR & USDOJ

RE: 34-04179

I HAVE MAILED THIS AMENDED FORM FIVE TO THE COURT TODAY. IT IS
ALSO BEING MAILED TO THE AG'S OFFICE. THIS IS AN "FYI" COPY. PLEASE
NOTICE THE FOLLOWING CHANGES FROM THE ORIGINAL FORM FIVE
FILED ON AUGUST 8, 1995:

THE PRIORITY DATE IS NOW AS RECOMMENDED BY THE DIRECTOR.
THE REMARKS HAVE BEEN DELETED AND ALSO THE NUMBER OF "RANGE
CATTLE" AND THE PHRASE "VARIABLE AMOUNTS" AFTER "WILDLIFE".

WE WILL INITIATE THE CALL FOR THIS HEARING ON NOV. 8.