

RECEIVED

JAN 10 1996

Department of Water Resources

RECEIVED

NOV 29 1995

Department of Water Resources

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:

34-02426A

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:

Lloyd A. Bingham
P.O. Box 21
Moore, ID 83255

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

2. The source of water is:

Source: GROUNDWATER

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:

	IRRIGATION	.833 CFS	Initials <i>JB</i>
~~IRRIGATION:~~	~~.833 CFS~~	~~129.5 AFY~~	<i>MAH</i>
~~TOTAL QUANTITY:~~	~~129.5 AFY~~	Total Quantity .833 CFS	
		129.5 AFY	

THIS RIGHT IS USED IN COMBINATION WITH RIGHT NO. 34-00436. USE OF THE TWO RIGHTS IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.06 CFS. 0.093 OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-00436.

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

4. The priority date is: 12/07/1961.

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

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:

T05N, R26E, S28 NESWSW

~~WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.~~

Initials *JB*
MAH

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:

IRRIGATION 04-15 to 10-15

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

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

T05N, R26E, S33, SENW 37.0 acres
37.0 ACRES TOTAL

THIS RIGHT IS USED IN COMBINATION WITH RIGHT NO. 34-00436. USE OF THE TWO RIGHTS IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A SINGLE IRRIGATION SEASON.

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

9. The annual volume of consumptive use is:

THIS RIGHT IS USED IN COMBINATION WITH RIGHT NO. 34-00436. USE OF THE TWO RIGHTS IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 92.5 ACRE FEET.

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

10. Other matters necessary to define this water right: Not applicable.

These matters are necessary because: Not applicable.

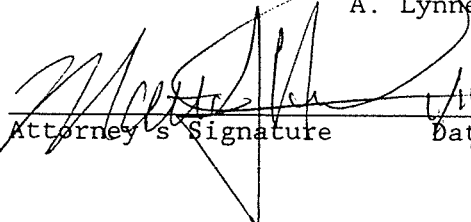
These matters do not fall within the 9 elements listed above because: Not applicable.

Signature and Address of Parties and their Attorney of Record (attach additional page if necessary)

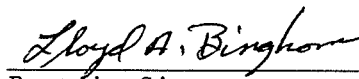
I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: Susan E. Hamlin
A. Lynne Krogh

Name: Lloyd A. Bingham
Address: P.O. Box 21
City/State/Zip: Moore, ID 83255



Attorney's Signature Date 11/96



Party's Signature Date NOV. 27, 1995

Attorney's Signature Date

Court Representative (if necessary) Date