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JAN 23 1996

Department of Water Resources
Adjudication Bureau

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: 57-11452
	)	
	)	
	)	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:

U. S. Department of Interior
Bureau of Land Management
Idaho State Office
3380 Americana Terrace
Boise, ID 83706

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Birch Creek

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:

0.24 CFS

Required Statement: The element as recommended originally was incorrect. The change reflects an accurate description of the element.

4. The priority date is: 01/01/1875

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:

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

T08S R01W S02	SESWSE (B)
T08S R01W S01 Lot 2	(NWNE) (E)

Required Statement: The element as recommended originally was incorrect. The change reflects an accurate description of the element. IDWR had previously reviewed this change and recommended it.

6. The purpose of use is: Stockwater, Wildlife

Required Statement: The provision "4694 range cattle" is not necessary to define the right.

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

01/01 - 12/31

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

Stockwater
T08S R01W S01 Lot 2 (NWNE) Lot 3 (NENW) Lot 4 (NWNW) SWNW
T08S R01W S02 SENE NESE NWSE SWSE

All POU's are located in Owyhee County

Required Statement: The element as recommended originally was incorrect. The change reflects an accurate description of the element. IDWR had previously reviewed this change and recommended it.

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

Required Statement: This accurately describes this element.

10. Other matters necessary to define this water right:

The remark originally included in the Director's Report is not needed to define the 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)

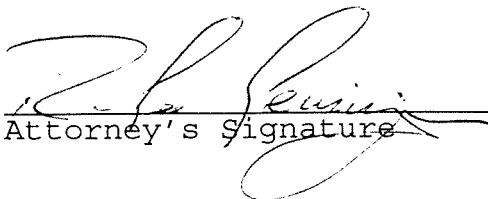
I have read this form and know its contents and that the
statements are true to the best of my knowledge and belief.

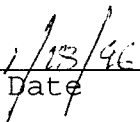
Name of Objector:

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\Paul F.
Holleman\William Ferry

Signature

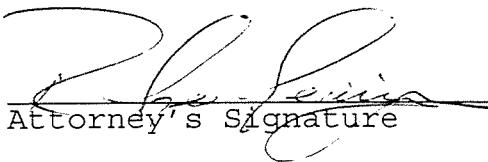
Date

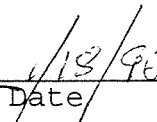

Attorney's Signature


Date

Name 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\Paul F.
Holleman\William Ferry


Attorney's Signature


Date

AJ5856NP

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

DATE: OCT-13-1992
PAGE: A-41

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIRCH CREEK

TRIBUTARY: SNAKE RIVER

57-11452

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

01/01/1875 STOCKWATER

01-01 12-31

1.1

CFS

BENEFICIAL USE

NON-IRRIGATION-USES:

STOCKWATER, 4964 RANGE CATTLE

TOTAL QUANTITY:

1.1

CFS

POINT OF DIVERSION:

T08S R01W S02

SESWSE (B)

PLACE OF USE: STOCKWATER

S01

LOT 4 (NENNNW) (E)

T08S R01W S01

Lot 4 (NNNNW)

S02

SENE

SWNW
NESE

NWSE

SWSE

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 = 5701680894

USE OF THIS RIGHT WITH RIGHT NO'S. 57-11417, 57-11449, 57-11403,
57-11461, 57-11482, 57-11483, 57-11484 AND 57-07056 IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF 1.1 CFS AND TO THE WATERING OF
A TOTAL OF 4,964 HEAD OF STOCK.

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 January 18, 1996, 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:

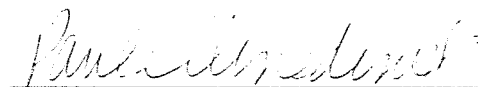
1. Original to:

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



Signature of person or attorney
mailing the form