

1-22

PROPOSED ELEMENTS OF A WATER RIGHT

S. F. 5
12/13/94

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:

T07S R01E S09 SESW (B)
T07S R01E S09 SWNE (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 "4964 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
T07S R01E S09 SWNE NESW SESW NWSE

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:

Except for remark in element 3, other remarks originally included in the Director's Report are not necessary to define this 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)

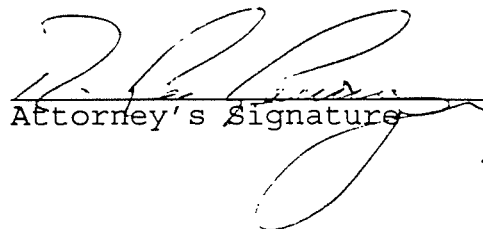
I have read this form and know its contents and that the
statements are true to the best of my knowledge and belief.

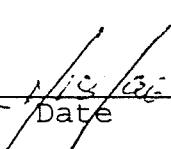
Name of Objector:

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\William
Ferry\Paul F. Holleman

Signature

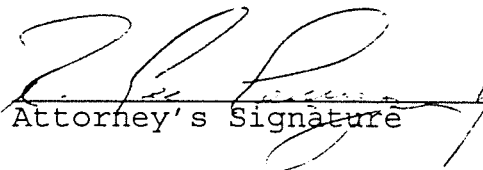
Date

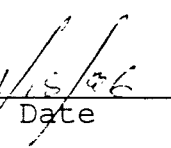

Attorney's Signature


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\William
Ferry\Paul F. Holleman


Attorney's Signature


Date

AJ5856NP

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

DATE: OCT-13-1992
PAGE: A-44

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: BIRCH CREEK

TRIBUTARY: SNAKE RIVER

57-11483

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

TOTAL QUANTITY:

1.1 CFS

NON-IRRIGATION-USES:

STOCKWATER, 4964 RANGE CATTLE

POINT OF DIVERSION:

T07S R01E S09

SESW (B)
SNWE (E)

PLACE OF USE: STOCKWATER

T07S R01E S09

SNWE
NUSE

SENE

NESW

SESW

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 = 5701680946

USE OF THIS RIGHT WITH RIGHT NO'S. 57-11417, 57-11449, 57-11452,
57-11461, 57-11482, 57-11403, 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 11/11/96, 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