

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
Case No. 39576

STANDARD FORM 5

SUBCASE NO: 57-11484

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:

T06S R01E S33 SESE (B)
T06S R01E S15 SWSW (E)

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Stockwater, Wildlife

Required Statement: The provisions "4964 cattle" and "variable amount" are 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
T06S R01E S15 SWSW
T06S R01E S21 NENE SENE NESE SWSE SESE
T06S R01E S22 NWNW
T06S R01E S28 NWNE SWNE NESW SESW NWSE
T06S R01E S33 NENW SENW NESW NWSE SWSE
SESE

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:

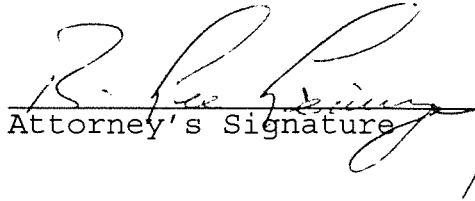
Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

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

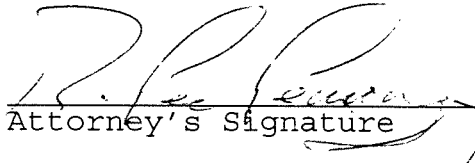
Signature Date



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

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: BIRCH CREEK		TRIBUTARY: SNAKE RIVER				
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57-11484	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
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TOTAL QUANTITY:	1.1	CFS
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NON-IRRIGATION-USES:
STOCKWATER, 4964 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSION:
T06S R01E S33 SESE (B)
S15 SWSW (E)
PLACE OF USE: STOCKWATER

T06S R01E S15	SWSW	SENE	NESE	SUSE
S21	SESE	SESE		
S28	NWNE	SNWE	NESW	SESW
S33	NWSE	SENW	NESW	NWSE
	SESE	SESE		

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIAALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID = 5701680947
USE OF THIS RIGHT WITH RIGHT NO'S, 57-11417, 57-11449, 57-11452,
57-11461, 57-11482, 57-11483, 57-11403 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