

1.2

Department of Water Resources
Adjudication Bureau

IN Re SRBA
Case No. 39576

SUBCASE NO: 57-11489

PROPOSED ELEMENTS OF A 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.

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.

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: Shoofly 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 an instream flow. The beginning and ending points are as follows:

T08S R02E S03	Lot 1	(NENE)	(B)
	Lot 1	(NENE)	(E)

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Stockwater, Wildlife

Required Statement: The provisions "4964 Range 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
T08S R02E S03 Lot 1 (NENE)

All POU's are located in Owyhee County.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

Required Statement: This accurately describes this element of the water right.

10. Other matters necessary to define this water right:

These matters are necessary because:

The remark as originally recommended in the Director's Report is not necessary for the right.

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

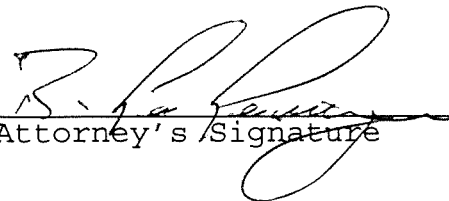
Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

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

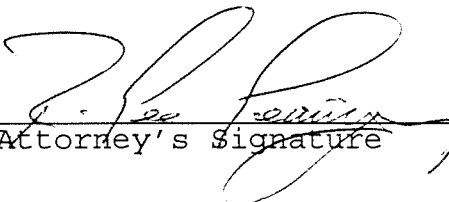
Signature Date



Attorney's Signature Date 1/13/96

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 1/13/96

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: SHOOFLY CREEK TRIBUTARY: SNAKE RIVER

57-11488	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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NON-IRRIGATION-USES:

STOCKWATER, 4964 RANGE CATTLE

POINT OF DIVERSION:

TOBS ROZE S03

NWSM (B)
SWE (E)

PLACE OF USE: STOCKWATER

TOTAL QUANTITY:

1.1 CFS

REMARKS: TOBS ROZE S03 SAME NWSM NWSM
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 = 5701680951

57-11489	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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NON-IRRIGATION-USES:

STOCKWATER, 4964 RANGE CATTLE

POINT OF DIVERSION:

TOBS ROZE S03

LOT 1 (NENE) (B)
LOT 1 (NENE) (E)

PLACE OF USE: STOCKWATER

TOTAL QUANTITY:

1.1 CFS

REMARKS: TOBS ROZE S03 Lot 1 (NENE)
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 = 5701680952

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