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Department of Water Resources  
Adjudication Bureau

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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: 36-04142

) STIPULATED ELEMENTS OF A  
) WATER RIGHT

This form is used to report the stipulated elements of one water right under state law or one water right acquired under federal reserved water right. Submission of this form will not automatically result in the 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 that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

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 are:

CLEAVE LLOYD  
Rt 1 Box 14  
Hagerman, ID 83332

Required Statement: As recommended in the Director's Report.

2. The **source** of water is:

Tucker Springs, Upper  
Tucker Springs, Lower

Water is delivered through Big Bend Ditch.

Required Statement: As recommended in the Director's Report.  
The addition of Upper Tucker Creek more accurately describes the source of water for this right.

3. The **quantity** of water used in cubic feet per second (CFS) or the quantity of water stored in acre-feet per year (AFY) is:

8.23 CFS

Required Statement: Additional investigation by the Idaho Department of Water Resources and discussions between IDWR and the Claimant demonstrated that the original recommendation for 5.0 CFS was erroneous and that the correct quantity beneficially used is 8.23 CFS.

4. The **priority date** is:

04/01/1960

Required Statement: As recommended in the Director's Report.

5. The legal description of the **point(s) of diversion**; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T07S R13E S36 SENWSE  
NWSESE

Required Statement: As recommended in the Director's Report.

6. The **purpose of use** is:

Power generation.

Required Statement: As recommended in the Director's Report.

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

01-01 to 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:

T07S R13E S22 NENE

Required Statement: As recommended in the Director's Report.

9. The **annual volume of consumptive use** is:

Non-consumptive

Required Statement: As recommended in the Director's Report.

10. **Other matters** necessary to define this water right:

None

These matters are necessary because:

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

**Signatures and Addresses 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: CLEAVE LLOYD

Address: Rt. 1 Box 114

City/State/Zip: Hagerman, ID 83332

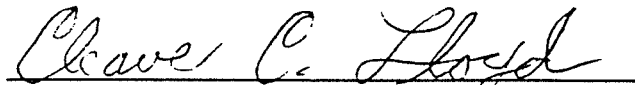
Attorney of Record: None

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: Richard B. Burleigh

  
\_\_\_\_\_  
Party's Signature Date

 2-29-96  
\_\_\_\_\_  
Attorney's Signature Date

## 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

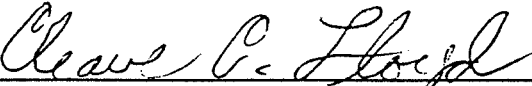
I certify that on March 5, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 83720  
Boise, ID 83720-0098

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

AJ5856NP

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

DATE: FEB-29-1996  
PAGE: A-2

| RIGHT<br>NUMBER | NAME & ADDRESS                                   | PRIORITY<br>DATE | PURPOSE OF USE | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY | BASIS OF CLAIM |
|-----------------|--------------------------------------------------|------------------|----------------|--------------------------|---------------------|----------------|
| 36-04142        | CLEAVE LLOYD<br>RT 1 BOX 14<br>HAGERMAN ID 83332 | 04/01/1960       | POWER          | 01-01 12-31              | 5.00 CFS            | BENEFICIAL USE |

SOURCE: TUCKER SPRINGS, LOWER TRIBUTARY: RILEY CREEK

TOTAL QUANTITY: 5.00 CFS

NON-IRRIGATION-USES:

POWER/8 KW GENERATOR, POWER FOR ONE HOUSEHOLD

POINT OF DIVERSION:

T07S R13E S36

SENWSE

NWSESE

PLACE OF USE: POWER

T07S R13E S22

NENE

REMARKS: WATER DELIVERED THROUGH BIG BEND DITCH.

PORTIONS OF RIGHT NOS. 36-00133 & 36-00192 ARE LIMITED TO USE

FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

SOURCES FOR THIS RIGHT ARE UPPER TUCKER SPRINGS AND LOWER

TUCKER SPRINGS, BOTH TRIBUTARY TO RILEY CREEK.