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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	)	AMENDED STANDARD FORM 5
	)	
Case No. 39576	)	SUBCASE NO: 34-02493
	)	
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

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 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 is:

UNITED STATES OF AMERICA, ACTING THROUGH
FARM SERVICES AGENCY
3232 ELDER ST.
BOISE ID 83705

Required Statement: As recommended in the director's report.

2. The source of water is:

Source: UNNAMED DRAIN

Tributary: BIG LOST RIVER

Required Statement: IDWR and the parties stipulate that this is the correct description of the source and tributary.

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

IRRIGATION	1.25	CFS
	264.0	AFY
TOTAL QUANTITY:	1.25	CFS
	264.0	AFY

USE OF THIS RIGHT WITH RIGHT NO. 34-00430 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.76 CFS. USE OF THIS RIGHT IS SUBJECT TO ALL PRIOR RIGHTS ON THE BIG LOST RIVER AND TRIBUTARIES EXCEPT THAT AN ANNUAL VOLUME OF 27.6 ACRE FEET CAN BE DIVERTED UNDER THIS RIGHT WITHOUT REGARD TO OTHER RIGHTS AS LONG AS THE DRAINAGE DITCH IN THE SE1/4 SE1/4 SECTION 32, SW 1/4 SW1/4 SECTION 33, TOWNSHIP 6 NORTH, RANGE 25 EAST IS MAINTAINED TO EFFECTIVELY DRAIN 8 ACRES AS DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES.

Required Statement: As recommended in the director's report. The second sentence under the quantity element is a condition on the exercise of this water right that was included in a prior license. I.C. 42-1411(2)(k).

4. The priority date is: 10/13/1966

Required Statement: As recommended in the director's report.

5. The legal description of the 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:

T06N R26E S33 SWSW. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS

Required Statement: As recommended in the director's report. This is not an instream flow claim. The language as to a measuring device is a condition on the exercise of this water right that was included in a prior license. I.C. 42-1411(2)(k).

6. The purpose of use is: IRRIGATION

Required Statement: As recommended in the director's report.

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

IRRIGATION 05-01 TO 10-15

Required Statement: As recommended in the director's report.

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

T05N R26E S04 NENW (1.5 acres), NWNW (1.5 acres)
T06N R26E S32 SESE (40.0 acres)
T06N R26E S33 SWSW (35.0 acres), SESW (10.0 acres)

88.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00430 IS LIMITED TO A COMBINED TOTAL OF 88 ACRES IN A SINGLE IRRIGATION SEASON.

Required Statement: As recommended in the director's report. The place of use is located in Butte County, Idaho.

9. The annual volume of consumptive use is:

USE OF THIS RIGHT WITH RIGHT NO. 34-00430 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 220 AF.

Required Statement: As recommended in the director's report.

10. Other matters necessary to define this water right.

These matters are necessary because:

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

The stipulation of the parties is attached hereto and incorporated herein by reference.

Signatures and Addresses of Parties and their Attorney of Record

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

Name: PU Ranch

Address: 4500 Imperial Avenue

City/State/Zip: San Diego, CA 92113

Attorney of Record: Kent W. Foster

Richard A. Juthill 6-3-96
Party's Signature Date

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

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

Attorney of Record: Charles L. Honsinger
A. Lynne Krogh

Charles L. Honsinger 6-3-96
Attorney's Signature Date

Party's Signature Date

Name: United States through

Address: Department of Justice

601 Pennsylvania Ave. NW

City/State: Washington, DC 20004

Attorney of Record: Randall J. Bramer

Randall J. Bramer 5/22/96
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 _____, 199 ____, 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 44449
Boise, ID 83720-4449

U.S. Department of Justice
Environment and Natural
Resources Division
550 West Fort Street, Box 33
Boise, ID 83724

Kent W. Foster
P.O. Box 50130
Idaho Falls, ID 83405

Signature of person or attorney mailing the form