

**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	)	STANDARD FORM 5
	)	AMENDED MAY 14, 1996
	)	
Case No. 39576	)	SUBCASE NO: <u>34-02593</u>
	)	
	)	
	)	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 stipulated elements of one water right acquired under state law and/or one 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; that 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

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 these uncontested elements 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 each element of the water right (attach additional pages if necessary).

ELEMENTS

1. The name and address of the claimant is:

United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2500

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

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2. The source of water is: Serviceberry Spring
Tributary: Sinks

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

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

.05 CFS

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

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4. The priority date is:

03/26/1964

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:

T.05N. R.27E. S35 NENENW

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

6. The purpose of use is:

STOCKWATER

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

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

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:

T.05N. R.27E. S35 NENW

Required Statement: AS RECOMMENDED IN DIRECTOR'S REPORT.

9. The annual volume of consumptive use is:

Required Statement: AS RECOMMENDED IN 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:

Review By IDWR

To speed up the entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources about their proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

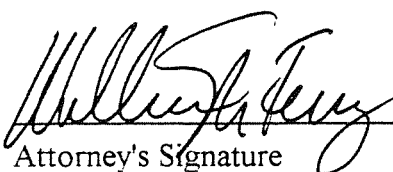
Signatures and Addresses of Parties and their Attorney of Record (attach additional page if necessary):

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

Claimant:

United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2500

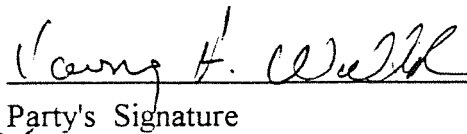
Attorney of Record:	R. Lee Leininger,	(202) 305-0242
	P. Fritz Holleman, and	(202) 305-0494
	William M. Ferry	(208) 334-1911

	8/22/96		
Attorney's Signature	Date	Party's Signature	Date

Objector:

Young Harvey Walker
Rt. 1 Box 200
Arco, Idaho 83213

Attorney of Record: *Pro se*

	Aug 16 - 96
Party's Signature	Date

IDWR Concurrence: _____
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: SERVICEBERRY SPRING

TRIBUTARY: SINKS

34-02593
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

03/26/1964 STOCKWATER 01-01 12-31 .05 CFS LICENSE

TOTAL QUANTITY: .05 CFS

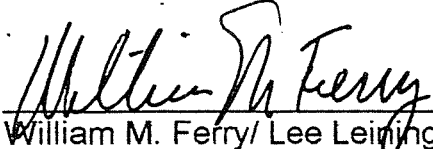
NON-IRRIGATION-USES:
STOCKWATER, 115 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT
POINT OF DIVERSTON:
T05N R27E S35
PLACE OF USE: STOCKWATER

REMARKS: T05N R27E S35
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 = 3403488079

CERTIFICATE OF REVIEW BY IDWR

I certify that the Standard Form Five for this subcase (No. 34-02593) has been signed by the parties and copies have been sent to the Idaho Department of Water Resources. In addition, the parties have made a good faith attempt to resolve the matter with IDWR.

Dated this 22nd day of August, 1996.



William M. Ferry/ Lee Leininger
Attorneys, U.S. Department of Justice
Environment and Natural Resources Div.

INSTRUCTIONS FOR MAILING

You must mail this 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 8/22, 1996, I mailed the original and copies of this form, including all attachments, 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. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Young Harvey Walker
Rt. 1, Box 200
Arco, Idaho 83213


Signature of person or attorney mailing the form