

**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>34-04154</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.

-
2. The source of water is: Brier Canyon Creek
Tributary: Sinks

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:

.05 CFS, not to exceed 13,000 gallons per day.

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

-
4. The priority date is:

06/28/1934

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. S26 NENW (B)

T.05N. R.27E. S34 NWSW (E)

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. S26 NENW, NWNW

S27 NENE, NWNE, SWNE, NESW

SESW, NWSE

S34 NENW, SENW, NWSW

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

William M. Ferry 8/12/96
Attorney's Signature Date

Party's Signature Date

Objector:

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

Attorney of Record: *Pro se*

Young H. Walker Aug '16 -96
Party's Signature Date

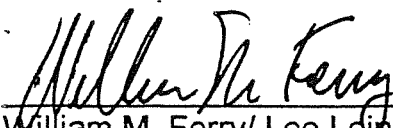
IDWR Concurrence: _____
Signature Date

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-04154	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	06/28/1934	STOCKWATER	01-01 12-31	.05	CFS
	SOURCE: BRIER CANYON CREEK					
	TRIBUTARY: SINKS					
	TOTAL QUANTITY: .05 CFS					
	NON-IRRIGATION-USES: STOCKWATER, 115 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT					
	POINT OF DIVERSION: T05N R27E S26 (B) S34 (E) NWSW					
	PLACE OF USE: STOCKWATER					
	T05N R27E S26 S27	NENW NENE SESW	NWNW NUNE NWSE	SWNE NWSW	NESW	
	S34	NENW	SENW			
	REMARKS: 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 = 3403488119					

CERTIFICATE OF REVIEW BY IDWR

I certify that the Standard Form Five for this subcase (No. 34-04154) 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

RECEIVED
AUG 26 1996
Department of Water Resources
Adjudication Bureau

RECEIVED
AUG 19 1996
DOJ/BOISE

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	)	Subcase No. 34-04154
	)	
Case No. 39576	)	
	)	STIPULATION
	)	
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to the above-captioned water right.

STIPULATION

To resolve the dispute over the above-captioned water right, the parties stipulate and agree that:

1. The Standard Form 5 for the water right attached hereto and incorporated by reference herein, sets forth the description of the water right as agreed by the parties. All decrees, whether partial or final, should describe the water right as shown in the Standard Form 5.
2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

4. The Standard Form 5 and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

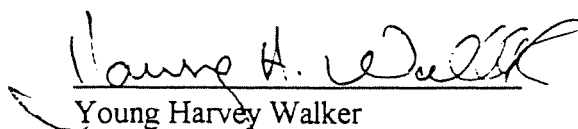
Dated this 22nd day of August, 1996



Daria J. Zane,
R. Lee Leininger,
P. Fritz Holleman,
William M. Ferry,
Attorneys

U.S. Department of Justice
Environment and Natural Resources
Division, General Litigation Section

Dated this 16 day of August, 1996



Young Harvey Walker