

8/29

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	RECEIVED JUL 18 1996 Department of Water Resources
	)		
	)		
Case No. 39576	)	SUBCASE NO: 34 - 13355	
	)		
	)	PROPOSED ELEMENTS OF A	
_____	)	WATER RIGHT	

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 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 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).

7. The period of the 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:

T09N R22E S26 SENE SWSW SESW NESE
SWSE SESE
S35 NWNW SWNW

Required Statement: As recommended in director's report.

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

Required Statement: This amount accurately reflects the annual volume of water consumed. The following remark is not necessary to this right: "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."

10. Other matters necessary to define this water right. Not applicable.

These matters are necessary because: Not applicable.

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

Required Statement: The following remark is not necessary to this right: "BLM Record ID = 3404583753."

Signatures and Address 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.

Names and Addresses of Objectors:

Name: Herb Whitworth
Address: Star Route
City/State/Zip: Mackay ID 83251
Attorney of Record:

Herb Whitworth 7/2/96
Party's Signature Date

Names and Addresses of Claimant:

Name: United States through
Address: Dept. of Justice for BLM
601 Pennsylvania Ave NW
City/State: Washington, D.C. 20004
Attorney of Record: R. Lee Leininger/
Daria Zane
William M. Ferry

William M. Ferry 12-12-95
Attorney's Signature Date

AJ5856MP

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

DATE: NOV-17-1992
PAGE: A-99

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: ELKHORN CREEK						
TRIBUTARY: THOUSAND SPRINGS CREEK						

34-13355 US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

01/01/1884 STOCKWATER 01-01 12-31 .01 CFS BENEFICIAL USE

NON-IRRIGATION-USES:
STOCKWATER, 140 RANGE CATTLE

POINT OF DIVERSION:
109W R22E S26 SESENE (B)
S35 NUSUNW (E)

PLACE OF USE: STOCKWATER

TOTAL QUANTITY: .01 CFS

109W R22E S26	SENE	SWSW	SESW	NESE
	SUSE	SESE		
	NUNW	SNW		

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 = 3404583753