

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: 34-02591
) (ONE NUMBER ONLY)
)
) 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:

U.S. Department of Interior,
Bureau of Land Management,
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2500

Required statement:

As recommended in the director's report.

2. The source of water is:

Spring tributary to Sinks

Required statement:

The parties and IDWR stipulate that this is the correct description of this element. The source is locally known as Mudhole Spring.

3. The quantity of water used is:

0.03 c.f.s. not to exceed 13,000 gallons per day. 13,000 gallons per day is not a determination of actual historical beneficial use.

Required statement:

Quantity in c.f.s. is as recommended in the director's report. The additional statements are added pursuant to the decision in basin-wide issue #12 and as proposed in the United States' motion for reconsideration.

4. The priority date is:

March 26, 1964

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:

T04N R25E S33 SWNESW

Required statement:

The parties and IDWR stipulate that this is the correct description of this element.

6. The purpose of use is:

Stockwater

Required statement:

As recommended in the director's report. Pursuant to the decision in basin-wide issue no. 12, stock numbers and wildlife are not described as a purpose of use. The United States reserves the right to challenge the Special Master's decision.

ms If the United States exercises a challenge of the Special Master's decision, Mitchell Sorenson reserves the right to object to the challenge, as well as the Element No. 1 of this Subcase.

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

01-01 through 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:

T04N R25E S33 NESW

Required statement:

The parties and IDWR stipulate that this is the correct description of this element.

9. The annual volume of consumptive use is:

Required statement:

This element was not reported by IDWR in the director's report. Pursuant to Idaho Code 42-1401A(2) 1996, this water right need not contain a determination of the annual volume of consumptive use.

10. Other necessary matters:

These matters are necessary because:

Pursuant to decision in basin-wide issue #12, the combined-use remark is not necessary to define this right. The statement concerning another right being diverted from this source is incorrect and is therefore not necessary to define this right. 34-02550 is diverted from a distinctly different source known as Drought Relief Spring.

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.

Name: United States of America, acting through
Department of Interior, Bureau of Land Management,
Idaho State Office
Address: 3380 Americana Terrace
City/State/Zip: Boise, Idaho 83706-2500
Attorney of Record: Daria J. Zane, (202) 305-0471
R. Lee Leininger, (202) 305-0242
P. Fritz Holleman, and (202) 305-0494
William M. Ferry (208) 334-1911
Phone: As Above.

Party's Signature	Date
	8-26-96
Attorney's Signature	Date

Name: Mitchell D. Sorenson
Address: Rt. 1, Box 63C-1
City/State/Zip: Moore, Idaho 83255
Attorney of Record: Pro Se
Phone: (208) 527-3271

	July 30, 1996
Party's Signature	Date

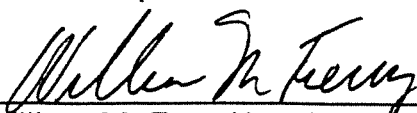
Attorney's Signature	Date
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IDWR Concurrence: _____
Signature Date

CERTIFICATE OF REVIEW BY IDWR

I certify that the Standard Form Five for this subcase (No. 34-02591) 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 26th day of August, 1996.



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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-17-1992
PAGE: A-90

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE FROM TO	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: DROUGHT RELIEF SPRING						
TRIBUTARY: SINKS						
34-02550	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/08/1946	STOCKWATER	01-01 12-31	.01	CFS LICENSE
NON-IRRIGATION-USES: STOCKWATER, 61 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION: T04N R25E S33 NENWSH						
PLACE OF USE: STOCKWATER						
TOTAL QUANTITY: .01 CFS						
REMARKS: T04N R25E S33 NWSW 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 = 3403488036 RIGHT NO. 34-02591 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.						
34-02591	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	.03	CFS LICENSE
NON-IRRIGATION-USES: STOCKWATER, 61 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION: T04N R25E S33 NENWSH						
PLACE OF USE: STOCKWATER						
TOTAL QUANTITY: .03 CFS						
REMARKS: T04N R25E S34 SNWSW 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 = 3403488077 RIGHT NO. 34-02550 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.						

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 Aug 27, 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

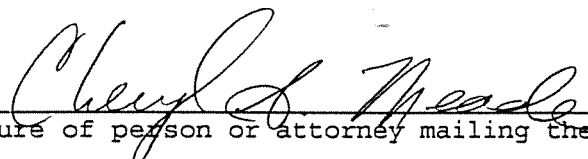
2. Copy to:

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

Mitchell D. Sorenson
Rt. 1, Box 63C-1
Moore, Idaho 83255



Signature of person or attorney mailing the form