

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>34-02207</u>
	)	(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:

Granite Trust Organization
P.O. Box 66
Moore, Idaho 83255

Required statement:

As recommended in the director's report.

2. The source of water is:

Beck Canyon tributary to Sinks
Unnamed Stream tributary to Beck Canyon

Right include accomplished change in source pursuant to Idaho Code 42-1416A.

Required statement:

As recommended in the director's report.

3. The quantity of water used is:

Irrigation

0.50 c.f.s. 87.5 AFY

Stockwater

0.07 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.

Total Quantity:

0.57 c.f.s. 87.5 AFY

The amount of water diverted from Beck Canyon shall be reduced where necessary to prevent injury to appropriations of water downstream from the point of rediversion.

Required statement:

Quantities in c.f.s. and AFY are as recommended in the director's report.

The additional statements for stockwater are added pursuant to the decision in basin-wide issue #12 and as proposed in the United States' motion for reconsideration.

The reference to total quantity is necessary because the stockwater and irrigation uses are not additive in nature.

The reduction statement is necessary because it is a condition upon the right due to the accomplished change in point of diversion pursuant to 42-1416A.

4. The priority date is:

March 10, 1915

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 S20 NENESE
T04N R25E S28 NENENW
T04N R25E S21 SWNESW (Point of Injection)
T04N R25E S21 SWNWSE (Point of Rediversion)

Right includes accomplished change in point of diversion pursuant to Idaho Code 42-1416A.

Point of injection and point of rediversion from Beck Canyon.

Required statement:

As recommended in the director's report.

6. The purpose of use is:

Irrigation, and
Stockwater

Right includes accomplished change in purpose of use pursuant to Idaho code 42-1416A.

Required statement:

As recommended in the director's report. Pursuant to the decision in basin-wide issue no. 12, stock numbers are not described as a purpose of use.

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

Irrigation
04-15 to 10-15

Stockwater

04-15 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:

Irrigation

T04N R25E S21 NWSE, 15.0 Acres

T04N R25E S21 SWSE, 10.0 Acres

25.0 Acres

Stockwater

T04N R25E S21 NWSE

T04N R25E S21 SWSE

Right includes accomplished change in place of use pursuant to Idaho code 42-1416A.

Required statement:

As recommended in the director's report.

9. The annual volume of consumptive use is:

62.5 AFY

Required statement:

As recommended in the director's report.

10. Other necessary matters:

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.

Name: United States of America, acting through the
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
William M. Ferry 1/31/96

Attorney's Signature Date

Name: Granite Trust Organization
Address: RR 1, Box 66
City/State/Zip: Moore, Idaho 83255
Attorney of Record: Peter Ampe
Phone: 208-527-3335

Granite Trust, Org. 9/3/96

Party's Signature Date
Lawrence Babcock, trustee

Attorney's Signature Date
P. Ampe 9/4/96

IDWR Concurrence: _____
Signature Date

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BECK CANYON						
TRIBUTARY: SINKS						

34-02207 GRANITE TRUST ORGANIZATION
PO BOX 66
MOORE ID 83255

03/10/1915	IRRIGATION	04-15	10-15	.5	CFS	LICENSE
	STOCKWATER	04-15	10-15	87.5	AFY	
				.07	CFS	

NON-IRRIGATION-USES:
STOCKWATER FOR 300 HEAD OF RANGE CATTLE

POINT OF DIVERSION:
TO4N R25E S20 NENESE
S28 NENENW
S21 SUNESW (1)
SUNWSE (R)

PLACE OF USE: IRRIGATION

TO4N R25E S21 NWSE 15.0 SWSE 10.0

25.0 ACRES TOTAL

PLACE OF USE: STOCKWATER

SAME AS OTHER USE

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO IDAHO

CODE 42-1416A.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT

TO IDAHO CODE 42-1416A.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO

IDAHO CODE 42-1416A.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

IDAHO CODE 42-1416A.

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM BECK

CANYON.

THE AMOUNT OF WATER DIVERTED FROM BECK CANYON SHALL BE REDUCED

WHERE NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER DOWN-

STREAM FROM THE POINT OF REDIVERSION.

SOURCES FOR THIS RIGHT ARE BECK CANYON TRIBUTARY TO SINKS AND

UNNAMED STREAM TRIBUTARY TO BECK CANYON.

TOTAL QUANTITY: .5 CFS
CONSUMPTIVE USE: 87.5 AFY
62.5 AFY

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 September 4, 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

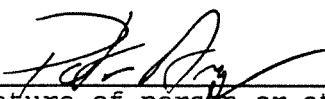
2. Copy to:

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

Granite Trust Organization
Lawrence Babcock
RR 1, Box 66
Moore, Idaho 83255



Signature of person or attorney mailing the form