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Department of Water Resources
Adjudication Bureau

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>57-07341</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:

United States by and through the
U.S. 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:

Source: Unnamed Stream
Tributary: Jump Creek

Source is locally known as Big Pass Reservoir.

Required statement:

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

3. The quantity of water used is:

Wildlife Storage:
0.40 Acre-Feet per Year (AFY)

Wildlife From Storage:
0.40 AFY

Total Quantity:
0.40 AFY

Required statement:

The United States and IDWR stipulate that this is the correct description of this element. The license has been changed to eliminate the stockwater purposes, as they have been claimed under 57-02368. The quantity described under this right is in addition to the quantity claimed under 57-02368.

4. The priority date is:

02/25/1983

Required statement:

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

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:

T01N R05W S12 NWSE

Required statement:

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

6. The purpose of use is:

Wildlife Storage,
Wildlife From Storage

Required statement:

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

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

Wildlife Storage:
01-01 through 12-31

Wildlife from Storage:
01-01 through 12-31

Required statement:

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

8. The legal description of the place of use or of the reservation is:

Wildlife Storage:
T01N R05W S12 NWSE

Wildlife from Storage:
T01N R05W S12 NWSE

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:

Pursuant to Idaho Code 42-1401A(2) 1996, this water right need not contain a determination of the annual volume of consumptive use for non-irrigation uses.

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.

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

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.

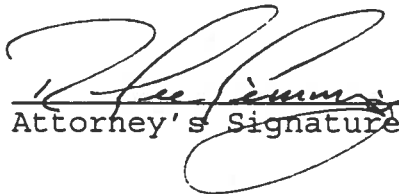
Signatures and Addresses of Parties and their Attorney of Record
(attach additional page if necessary):

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: R. Lee Leininger
Phone: (202) 305-0242

Party's Signature

Date

 9-13-96

Attorney's Signature Date

IDWR Concurrence:

Signature

Date

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 9/16, 1996, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

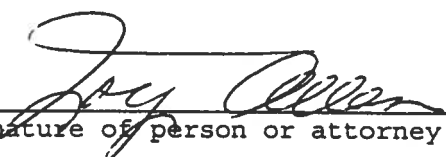
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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



Signature of person or attorney mailing the form