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Department of Water Resources

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>34-07232</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, 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:

Spring tributary to Howell Canyon Creek.

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:

0.05 cfs
0.5 afy

Stockwater: 0.03 cfs
0.5 afy
Wildlife: 0.02 cfs
0.5 afy

The quantity of water shall not exceed 13,000 gallons per day.

Required Statement: Quantity in c.f.s. and afy is as recommended in the director's report. The additional statement is added pursuant to the special master's decision in basin-wide issue no. 12.

4. The priority date is:

July 30, 1979

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:

TO8N R20E Sec. 01 NESWNE

Required Statement: As recommended in the director's report.

6. The purpose of use is:

Stockwater, Wildlife

Required Statement: As recommended in the director's report.

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

Stockwater: 04-15 to 10-15

Wildlife: 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:

TO8N R21E Sec. 06 Lot 3 (NENW)

Required Statement: As recommended in the director's report.

9. The annual volume of consumptive use is:

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

10. Other necessary matters:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

These matters are necessary because:

This remark is necessary for purposes of definition or administration of this water right. This remark is added pursuant to the special master's decision in basin-wide issue no. 12.

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
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,
P. Fritz Holleman, and
William M. Ferry
Phone: (202) 305-0242, 0494, (208) 334-1911

Party's Signature

Date

Attorney's Signature

Date

Name: Mrs. Lola Coates
Address: Box 146
City/State/Zip: Mackay, ID 83251
Attorney of Record: Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst, Chartered
Phone: (208) 734-7510

Party's Signature

Date

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 Sept. 20, 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

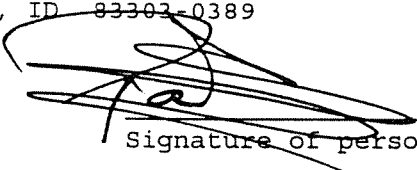
2. Copy to:

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

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst, Chartered
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389



Signature of person or attorney mailing the