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DEPARTMENT OF
WATER RESOURCES

DEC - 8 AM 10: 46

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TWIN FALLS CO., IDAHO

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DEC - 1 2004

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

Subcase 63-18069

Case No. 39576

STANDARD FORM 5

AMENDED CLAIM

For Domestic & Stockwater Rights

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. 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.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS/OBJECTORS:

Michael Austin

Michael Austin 11-29-04
Signature Date

Linda Austin

Linda Austin 11-29-04
Signature Date

IDWR CONCURRENCE:

Ryanne Brown 12/3/04
Sr. Water Resource Agent Date
Idaho Dept. of Water Resources

Nicholas B. Spencer 12-1-04
Nicholas B. Spencer Date
Attorney for IDWR

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

2004 DEC 8 AM 10:46

RIGHT NUMBER: 63-18069

NAME AND ADDRESS:

CARL YUNGBERG
JOYCE YUNGBERG
3425 BEVERLY
BOISE ID 83709

MICHAEL AUSTIN
LINDA AUSTIN
3425 S BEVERLY ST
BOISE ID 83709

FILED
TWIN FALLS CO., IDAHO
SRBA

SOURCE: GROUND WATER Tributary:

NBS

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/01/1978

POINT OF DIVERSION:

~~T03N-02E-30-NWNW~~
~~Within ADA County~~

T03N R02E S30 SWNW
Within ADA County

T03N R02E S30 SENW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
DOMESTIC	01/01 12/31	0.04 CFS

PLACE OF USE:

DOMESTIC within ADA County
~~T03N-R02E-S30-NWNW~~
T03N R02E S30 SWNW
T03N R02E S30 SENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR
THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER
RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on December 6, 2004, I caused to be served true and correct copies of this Standard Form 5 / Amended Claim, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

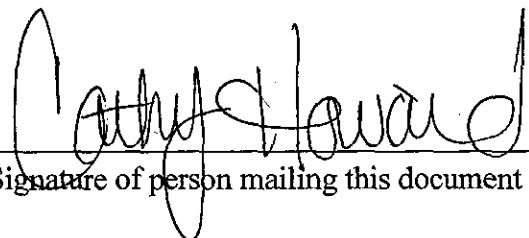
☐ Overnight Mail
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United States Department of Justice
Adjudication Team
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile

Michael & Linda Austin
3425 S Beverly Street
Boise, ID 83709

☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile



Signature of person mailing this document