

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 11 2010

**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 No. 77-14302
(split from 77-2088)

Case No. 39576

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

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.

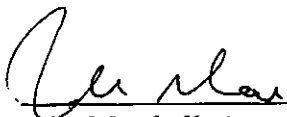
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

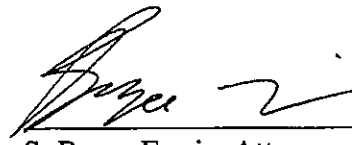
MacKay Bar Corp.

OBJECTOR

S. Bryce Farris
on behalf of Objectors


John Marshall, Attorney

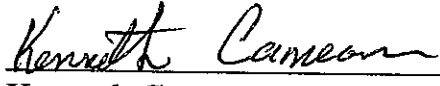
2/2/2010
Date


S. Bryce Farris, Attorney

2/5/10
Date

OBJECTOR

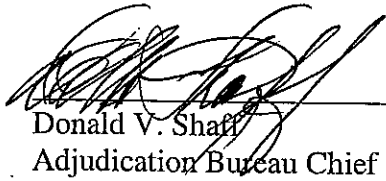
MacKay Bar Ranch, LLC



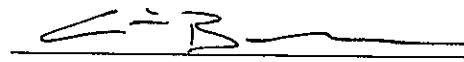
Kenneth Cameron

1/20/2010

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

2-09-10
Date


Chris M. Bromley
Deputy Attorney General
Attorney for IDWR

2/9/10
Date

CERTIFICATE OF MAILING

I certify that on February 10, 200¹⁰~~9~~ I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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. Copies to:

MACKAY BAR CORP
Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MACKAY BAR RANCH, LLC
KENNETH CAMERON
HC 83 BOX 8010
CASCADE, ID 83611

ARTHUR C & MARGARET JONES III
BRIAN & SANDRA ANDERSON
CHARLES D & BARBARA K JONES
CLYDE GERHARD
DENNIS & KIM GEIS
ELDON & CHEREESE HOWARD
FARRIS SCOTT & VICTORIA LIND
FRANK FRITZIE
GARY & KATHY MC LEAN
GREGORY OBENDORF
HARVEY GEIS
JAMES & CARRIE CHEATHAM
JON VANDERHOEF
MARVIN THOMAS
MICHAEL D & SALLY GERHARD
RICHARD M PHILLIPS
ROD & CHRIS HIGGINS
ROGER ANDERSON
STEVE & SHELLY RAMBO
WENDEL & JAN HOLTON

Represented by:
S. BRYCE FARRIS
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773



Signature of person mailing the form

12/14/2009

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

RIGHT NUMBER: 77-14302

NAME AND ADDRESS: MACKAY BAR CORP
PO BOX 7968
BOISE ID 83707

SOURCE: MACKAY CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.230 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/03/1943

POINT OF
DIVERSION:

T24N R08E S32 NWNE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.230 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in IDAHO County

T24N R08E S32	NENW	9.50	T24N R08E S32	SENW	2.00
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DOMESTIC same as IRRIGATION

11.5 ACRES TOTAL

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

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

Property is within Homestead Entry Survey No. 537.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 77-2088.

CB

KC - MACKAY BAR RANCH LLC
jmm SBF

