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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO

COPY

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
	)	
Case No. 39576	)	SUBCASE NO: 34-00960
	)	
	)	
	)	PROPOSED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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; and they have been served with sufficient process, according to the law, and 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 an uncontested element 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 the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

CITY OF MACKAY
PO BOX 509
MACKAY ID 83251

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

2. The source of water is: Source: CITY SPRING Tributary: BIG LOST RIVER

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:

MUNICIPAL	1.2	CFS
TOTAL QUANTITY:	1.2	CFS

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

4. The priority date is: 01/01/1902

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:

T07N R24E S32 LOT 2 (NWNWNE)

Required Statement: As recommended in the director's report. Where a point of diversion is identified by government lot no., the legal description is the government lot; quarter-quarter-quarter descriptions are also provided in parentheses for the convenience of those who do not have ready access to U.S. government plat maps. The claim is not for an instream flow.

6. The purpose of use is: MUNICIPAL

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

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

MUNICIPAL 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:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF MACKAY

Required Statement: As recommended in the director's report. The place of use is located in Custer County, Idaho.

9. The annual volume of consumptive use is:

USE OF THIS RIGHT WITH RIGHT NOS. 34-00780C AND 34-07073 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 162.5 AF.

Required Statement: IDWR and the parties stipulate that this is the correct annual volume of consumptive use.

10. Other matters necessary to define this water right: Not applicable.

These matters are necessary because: Not applicable.

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

Signature and Address of Parties and their Attorney of Record

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: City of Mackay

Address: P.O. Box 66

City/State/Zip: Twin Falls, ID 83303

Attorney of Record: William Hollifield

William Hollifield 3/20/95
Attorney's Signature Date

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: Susan E. Hamlin

Susan E. Hamlin 3-21-95
Attorney's Signature Date

Name: City of Pocatello

Address: P.O. Box 829

City/State/Zip: Boise, ID 83701

Attorney of Record: Josephine P. Beeman

Josephine P. Beeman 3-2-95
Attorney's Signature Date

Name: United States through

Address: Department of Justice of BLM

601 Pennsylvania Ave. NW

City/State: Washington, DC 20004

Attorney of Record: R. Lee Leininger

R. Lee Leininger 3-1-95
Attorney's Signature Date

Court Representative (if necessary)

Date

INSTRUCTIONS FOR MAILING

You must mail the 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 March 21, 1995, 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

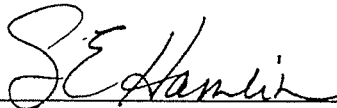
2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Department of Justice
550 West Fort Street, Box 33
Boise, ID 83724-0663

City of Mackay
P.O. Box 66
Twin Falls, ID 83303

City of Pocatello
P.O. Box 829
Boise, ID 83701



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: FEB-17-1995
PAGE: A-2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: CITY SPRING						
34-00960	CITY OF MACKAY PO BOX 509 MACKAY ID 83251	01/01/1902	MUNICIPAL	01-01 12-31	1.2 CFS	DECREED

NON-IRRIGATION-USES:

MUNICIPAL CITY OF MACKAY
POINT OF DIVERSION:

107N R24E S32 LOT 2 (NWN/4NE)

PLACE OF USE: SEE REMARKS

REMARKS: PLACE OF USE IS LANDS WITHIN CITY LIMITS OF MACKAY.

RIGHT NO. 34-00959 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00780C AND 34-07073 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 190 AF.

TOTAL QUANTITY:

1.2 CFS

TRIBUTARY: BIG LOST RIVER