

214

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	)	AMENDED STANDARD FORM 5
	)	
Case No. 39576	)	SUBCASE NO: 34-07088
	)	
	)	
	)	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).

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 (NENWNE)

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

6. The purpose of use is: IRRIGATION

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

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

IRRIGATION 05-01 to 10-15

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: IRRIGATION

T07N R24E S29 SESE 5.0 acres

T07N R24E S32 Lot 1 (NENE) 2.5 acres, Lot 2 (NWNE) 2.0 acres

9.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00959 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 9.5 ACRES IN A SINGLE IRRIGATION SEASON.

Required Statement: As recommended in the director's report. Where all or part of the place of use is identified by government lot no., the legal description is the government lot; quarter-quarter section descriptions are also provided in parentheses for the convenience of those who do not have ready access to U.S. Government plat maps. The place of use is located in Custer County, Idaho.

claimant stipulate that IDWR will file such an appropriate motion with the court at a later date if necessary to revise the description of water right 34-00959.

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: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: Susan E. Hamlin
A. Lynne Krogh

A. Lynne Krogh 2/13/95
Attorney's Signature Date

Court Representative (if necessary)

Name: John L. Powers
Address: P.O. Box 493
City/State/Zip: Mackay, ID 83251
Attorney of Record:

John L. Powers 2-7-95
Party's Signature Date

Attorney's Signature Date

Date

AJ5856NP

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

DATE: JAN-17-1995
PAGE: A-42

RIGHT NUMBER	NAME & ADDRESS	PRIORITY	PERIOD OF USE		MAXIMUM QUANTITY	BASIS OF CLAIM
		DATE	PURPOSE OF USE	FROM TO		

SOURCE: SPRING

TRIBUTARY: BIG LOST RIVER

34-07088	JOHN L POWERS PO BOX 493 MACKAY ID 83251	12/22/1974	IRRIGATION	05-01 10-15	0.2 33.0	CFS AFY	LICENSE
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POINT OF DIVERSION:	LOT	2(NENWNE)	TOTAL QUANTITY:	0.2	CFS
TO7N R24E S32					
PLACE OF USE: IRRIGATION					

TO7N R24E S29	SESE	5.0			
S32	Lot 1 (NENE)	2.5	Lot 2 (WNE)	2.0	
9.5 ACRES TOTAL					

REMARKS: A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE
ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED
AS A PART OF THE DIVERTING WORKS.
USE OF THIS RIGHT WITH RIGHT NO. 34-00959 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.20 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 23.7 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 9.5 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE

PERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: CITY SPRING

TRIBUTARY: BIG LOST RIVER

34-00959

JOHN L. POWERS
PO BOX 493
MACKAY ID 8325112/31/1901 IRRIGATION
04/04/1912 RECREATION STORAGE05-01 10-15
01-01 12-31
11/010.1 CFS DECREED
30.0 AFY

DIVERSION TO STORAGE

10-16 04-30

TOTAL QUANTITY:

0.1 CFS
0.1 CFS

NON-IRRIGATION USES:

RECREATION POND - PRIVATE USE

POINT OF DIVERSION:

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

PLACE OF USE: IRRIGATION

107N R24E S29 SESE 5.0

S32 Lot 1 (NENE) 2.5 Lot 2 (N/4NE) 2.0

9.5 ACRES TOTAL

PLACE OF USE: RECREATION STORAGE

107N R24E S28 S/4SW

PLACE OF USE: DIVERSION TO STORAGE

SAME AS OTHER USE

REMARKS:

THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
TO IDAHO CODE 42-1416(1).

USE OF THE IRRIGATION PORTION OF THIS RIGHT WITH RIGHT NO.

34-07088 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 23.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF

9.5 ACRES IN A SINGLE IRRIGATION SEASON.

34-07088 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.20

CFS/ A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 23.8 AF/

AND TO THE IRRIGATION OF A COMBINED TOTAL OF 9.5 ACRES IN A

SINGLE IRRIGATION SEASON/

USE OF THE RECREATIONAL STORAGE PORTION OF THIS RIGHT WITH RIGHT

NO. 34-00961 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION

VOLUME OF 30 AF.

RIGHT NO. 34-00960 IS ALSO DIVERTED THROUGH THE POINT OF

DIVERSION DESCRIBED ABOVE.

STORAGE CAPACITY OF THE POND IS 25 AF.

0.1 CFS OF RIGHT NO. 34-07088 IS LIMITED TO USE FOR

CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO.

34-07088.

Basis of Claim

TRIBUTARY: BIG LOST RIVER

DIVERSION TO STOPPAGE

0.1	CFS
0.1	CFS

RECREATION POND - PRIVATE USE

T07N R24E S32 LOT 2(NW1/4NE)

T07N R24E S29	SESE	5.0
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Lot 1 (NENE) 2.5

FACE OF USE: RECREATION STORAGE

1SMS

PLACE OF USE: DIVERSION TO STORAGE

REMARKS. THIS SAME AS OTHER USE

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT

TO IDAHO CODE 42-1416(1).

USE OF THE IRRIGATION PORTION OF THIS RIGHT WITH RIGHT NO.

34-07088 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 23.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF

9.5 ACRES IN A SINGLE IRRIGATION SEASON

34707088 IS LIMITED TO A TOTAL COMBINED PAYER/RECEIVER OF \$2000

AND TO THE AGRICULTION OF A COMBINED TOTAL OF 9.73 ACRES IN A 1984 A TOTAL COMBINED ANNUAL COMBINATION OF 9.73 ACRES IN A

SIMPLE IRRIGATION SCHEDULING

USE OF THE RECREATIONAL STORAGE PORTION OF THIS RIGHT WITH RIGHT NO. 34-00961 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION

VOLUME OF 30 AF.

RIGHT NO. 34-00960 IS ALSO DIVERIED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE

STORAGE CAPACITY OF THE POND IS 25 AF.

0.11 CFS OF RIGHT NO. 34-07088 IS LIMITED TO USE FOR

CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO.

34-07088.