

3-1

**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: 34-10219
	)	
	)	
	)	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).

Idaho Department of Water Resources and the claimant(s) stipulate that water right number 34-10219 is correctly described in the director's report.

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 3/6/95
Attorney's Signature Date

Name: Jack L. & Jean H. McAfee
Address: P.O. Box 618
City/State/Zip: Moore, ID 83255
Attorney of Record:

Jean H. McAfee 3/6/95
Party's Signature Date

Party's Signature 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

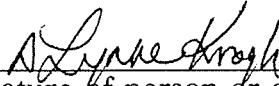
I certify that on 3/6, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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:

Jack L. & Jean H. McAfee
P.O. Box 618
Moore, ID 83255



Signature of person or attorney
mailing the form

AJ5856NP

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

DATE: MAR-6-1995
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BIG LOST RIVER						
TRIBUTARY: SINKS						
34-10219	JEAN H. MC AFEE	05/31/1884	IRRIGATION	05-01 10-15	1.00 CFS	DECREED

POINT OF DIVERSION:
T06N R25E S14
PLACE OF USE: IRRIGATION

SENWSE

TOTAL QUANTITY: 1.00 CFS

T06N R26E S31 89.0 ACRES TOTAL
SENW 39.0 NENW 10.0 NWNW 10.0 SENW 31.0 NESW 9.0

REMARKS: THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00829D AND 34-00827D.

WATER DELIVERED THROUGH THE 3 IN 1 DITCH.
USE OF THIS RIGHT WITH RIGHT NO. 34-00163 AND 34-02379A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.90 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 222.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 89 ACRES IN A SINGLE IRRIGATION SEASON.

0.36 CFS OF RIGHT NO. 34-00163 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.