

ALAN G. LANCE
Attorney General
State of Idaho

CLIVE J. STRONG
Chief, Natural Resources Division

MATT J. HOWARD
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7900
FAX: (208) 327-7866

Attorney for IDWR

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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 No. 34-00962
	)	
	)	JOINT REPORT RE: STANDARD
Case No. 39576	)	FORM 5
	)	

DESCRIPTIVE SUMMARY

On November 9, 1995, a Standard Form 5 (SF5) hearing was held in the above-referenced subcase. At the hearing, the Special Master requested the party and IDWR submit a joint report regarding the applicability of a remark under element 3--the quantity element--of the SF5.

DISCUSSION

Element 3 of the SF5 allows for a total of 2.75 cubic feet per second (cfs) for mining purposes. However, the remark below this element states that "UP TO .75 CFS MAY BE TAKEN THROUGH WATER SYSTEM; REMAINDER OF WATER DIVERTED TO BE RELEASED INTO

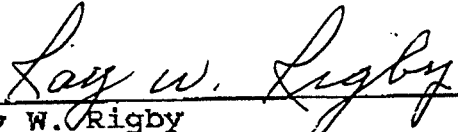
CLIFF CRREEK DRAINAGE WITHIN 50 FEET OF THE CREEK."

This remark is necessary to reflect the actual beneficial use of the water. In this case, there are two beneficial uses of the water: (1) 2.75 cfs of water is beneficially used to operate a gravel trap, and (2) .75 cfs of water is beneficially used for milling purposes. Both these beneficial uses, however, fall under the general heading of "mining."

The first beneficial use requires a quantity of 2.75 cfs in order to effectively operate a gravel trap. This amount of water is diverted from Cliff Creek into a gravel trap. The trap forces sediment to the bottom and allows .75 cfs of sediment-free water to rise and feed into a small pipe. The .75 cfs of water is subsequently used for milling purposes. The remaining 2 cfs of water in the gravel trap is diverted and released back into Cliff Creek. Thus, while only .75 cfs of water is actually used for milling, the entire 2.75 cfs of water is needed in order to operate the gravel trap effectively. The second beneficial use of water, of course, is the .75 cfs of water that is actually used in the milling process.

CONCLUSION

Based on the foregoing, IDWR and the party agree that element 3 and its accompanying remark accurately define the quantity of water beneficially used for this water right.



Ray W. Rigby
Attorney for Honolulu Copper Corp.

12-20-95
Date



Matt J. Howard
Deputy Attorney General

12-22-95
Date

CERTIFICATE OF MAILING

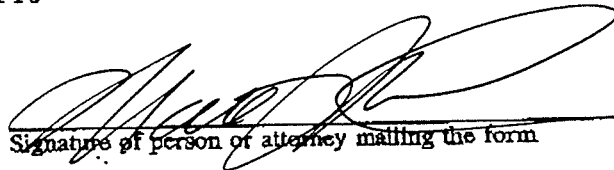
I certify that on December 22, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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:

Ray W. Rigby
Attorney at Law
P.O. Box 250
Rexburg, ID 83440


Signature of person or attorney mailing the form