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**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, Amended
	)	
	)	
Case No. 39576	)	SUBCASE NO: 34-00175
	)	
	)	
	)	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:

Scott McAfee
Gail McAfee
P.O. Box 282
Mackay ID 83251

Required statement: As recommended in the director's report. For this entire agreement, "director's report" refers to the revised director's report page dated December 15, 1995.

2. The source of the water is:

Source: Lower Cedar Creek Tributary: Sinks

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:

0.5 CFS IRRIGATION

0.02 CFS STOCKWATER, 1000 Range Cattle

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

The appropriator is entitled to the amount of water described above for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described above. The portion of this right for stockwater purposes may be diverted so long as the amount of water diverted at the point of diversion for stockwater purposes does not constitute unreasonable waste and does not conflict with the public interest, as determined by the Director.

4. The priority date is: 05/27/1909

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

5. The legal description of the point(s) of diversion is; if claim is for instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

POINT OF DIVERSION: T07N R24E S02 SWNWSW

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

6. The purpose of use is:

Irrigation

Stockwater

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

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

Irrigation 05-01 to 10-15

Stockwater 10-16 to 04-30

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

8. The legal description of the place of use or of the reservation is:

IRRIGATION:

T07N R24E S7 SESW 13.0, SWSE 4.0

17.0 ACRES TOTAL

STOCKWATER:

T07N R24E S07 SESW, SWSE

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: 429.5 AFY

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

Use of this right with Right Nos. 34-00684B , 34-00685B and 34-00878A is limited to a total combined annual consumptive use volume of 429.5 AFY and to the irrigation of a combined total of 171.8 acres in a single irrigation season. 0.01 CFS of this right is limited to use for conveyance losses in delivery of this right.

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.

Signatures 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: Scott and Gail McAfee
Address: P.O. Box 282
City/State/Zip: Mackay, ID 83251
Attorney of Record:

x Scott McAfee 1-13-96
Party's Signature Date

Attorney's Signature Date

Name: United States through
Address: Dept. of Justice for BLM
601 Pennsylvania Ave NW
City/State: Washington, D.C. 20004
Attorney of Record: R. Lee Leininger/
Daria Zane
William M. Ferry

William M. Ferry January 5, 1996
Attorney's Signature Date

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

AJ5856NP

RIGHT NUMBER 34-00175

NAME & ADDRESS

SCOTT MC AFFEE
GAIL MC AFFEE
PO BOX 282
MACKAY ID 83251

PRIORITY DATE

05/27/1909 IRRIGATION
STOCKWATER

PURPOSE OF USE

TRIBUTARY: SINKS

PERIOD OF USE FROM TO

05-01 10-15
10-16 04-30

MAXIMUM QUANTITY

0.5 CFS
0.02 CFS

BASIS OF CLAIM

SOURCE: LOWER CEDAR CREEK

NON-IRRIGATION USES:

STOCKWATER, 1000 RANGE CATTLE

POINT OF DIVERSION:

T07N R24E S02

PLACE OF USE: IRRIGATION

T07N R24E S07

SURF

SESV 13.0
SESV 12.0

SUSE 4.0
SUSE 7.0

WESH 12.0

17.0 ACRES TOTAL

PLACE OF USE: STOCKWATER

T07N R24E S07

SESV

SUSE

WESH

REMARKS: THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED ABOVE.

THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE DIVERTED SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF DIVERSION FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE PUBLIC INTEREST, AS DETERMINED BY THE DIRECTOR.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00684B, 34-00685B AND

USE BY THIS RIGHT WITH RIGHT NOS. 34-00684B, 34-00685B AND

34-00878A IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE

VOLUME OF 429.5 AND TO THE IRRIGATION OF A COMBINED TOTAL OF

171.8 ACRES IN A SINGLE IRRIGATION SEASON.

0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE

LOSSES IN DELIVERY OF THIS RIGHT.

VOLUME OF 171.8 AND TO THE IRRIGATION OF A COMBINED TOTAL OF

171.8 ACRES IN A SINGLE IRRIGATION SEASON.

TOTAL QUANTITY: 0.5 CFS

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 Jan 19, 1996, 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:

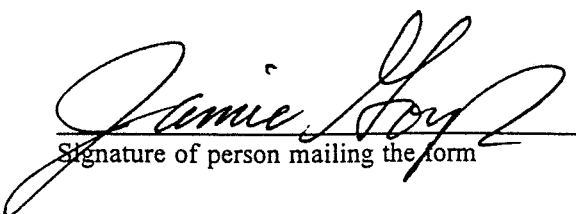
Clerk of the SRBA Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to (insert names and addresses):

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, Idaho 83720-0098

U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Scott and Gail McAfee
P.O. Box 282
Mackay, ID 83251


Signature of person mailing the form