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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. 02-02392

Case No. 39576

Standard Form 5

STIPULATED ELEMENTS
OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine 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 Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

James P. Mertz
Richard A. Symms

James P. Mertz

Date

Richard A. Symms

Date

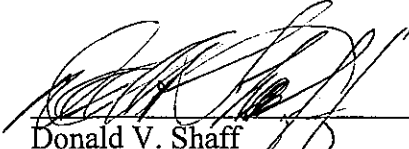
OBJECTOR:

United States on behalf of the
Bureau of Land Management

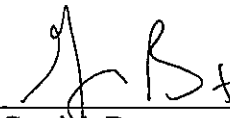
Jacob T. Haseman *Fwp* Date

Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

7-25-08
Date


Garrick Baxter
Deputy Attorney General

7-10-08
Date

STANDARD FORM 5

01/04/2008

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

RIGHT NUMBER: 2-2392

NAME AND ADDRESS: JAMES P MERTZ
14068 SUNNY SLOPE RD
CALDWELL ID 83605

RICHARD A SYMMS
14068 SUNNY SLOPE RD
CALDWELL ID 83607

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 7.700 CFS

Right Nos. 2-2392 and 2-7077 are limited to a total combined diversion rate of 7.7 cfs.

PRIORITY DATE: 05/16/1966

POINT OF
DIVERSION:

T02N R04W S23 NENWNW Lot 1 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.040 CFS
IRRIGATION	3/15 11/15	7.700 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than

the

date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in OWYHEE County

T02N R04W S15	NWNE	36.00	T02N R04W S15	SWNE	39.00
T02N R04W S15	SENE	11.00	T02N R04W S15	NENW	39.00
T02N R04W S15	SWNW	39.00	T02N R04W S15	SENW	23.00
T02N R04W S15	NESW	33.00	T02N R04W S15	NWSW	38.00
T02N R04W S15	SWSW	~~19.00~~ 20.00	T02N R04W S15	SESW	~~21.00~~ 20.00
T02N R04W S15	NESE	27.00	T02N R04W S15	NWSE	39.00
T02N R04W S15	SWSE	28.00	T02N R04W S15	SESE	7.00
T02N R04W S16	SESE	16.00			

STOCKWATER same as IRRIGATION

415 ACRES TOTAL

Place of use does not include federal public lands.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no

later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The following rights are also diverted through point of diversion described above: 2-2392 and 2-7077.

FWP

AB

PN

CERTIFICATE OF MAILING

I certify that on July 30, 2008, 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:

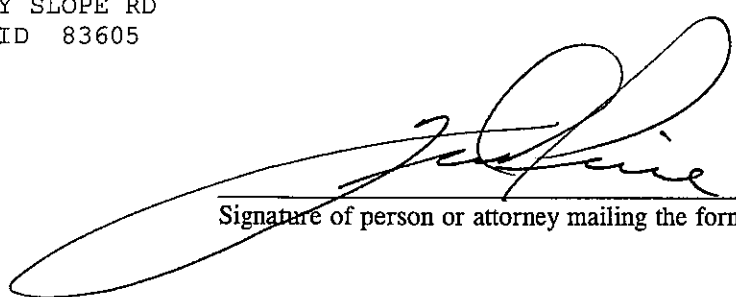
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JAMES P MERTZ
RICHARD A SYMMS
14068 SUNNY SLOPE RD
CALDWELL, ID 83605



Signature of person or attorney mailing the form