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Department of Water Resources
Adjudication Bureau

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

Case No. 39576

Subcase No. 63-32166

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 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; 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

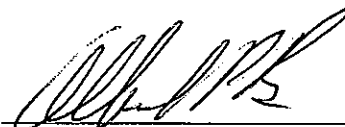
Doug & Lori Ann Merges

OBJECTOR

Riverside Irrigation District



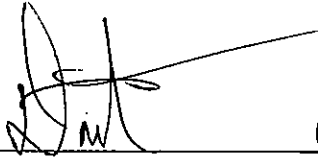
Date 9-29-08


Albert P. Barker, Attorney
Date 10-16-08

STANDARD FORM 5 - 63-32166

RESPONDENT

United States on behalf of
Bureau of Reclamation



11/5/08

David Gehlert

Date

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

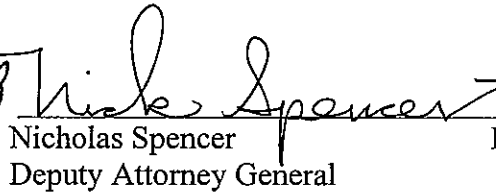
IDWR Concurrence:



IDWR Agent

10/23/08

Date



Nicholas Spencer
Deputy Attorney General

10-21-08
Date

09/16/2008

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

RIGHT NUMBER: 63-32166

NAME AND ADDRESS: LORI ANN MERGES
27205 WING SETTER LN
PARMA ID 83660

DOUG MERGES
27205 WING SETTER LN
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: ROSS EAST END DRAIN

The source of this water right includes wastewater. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 0.270 CFS

Right Nos. 63-32165 and 63-32166 are limited to a total combined diversion rate of 1.4 cfs.

PRIORITY DATE: 08/04/1954

POINT OF
DIVERSION:

T05N R05W S17 SESW Lot 7 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.270 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S17 Lot 6 NESW 11.40 T05N R05W S17 Lot 7 SESW 2.00

13.4 ACRES TOTAL

Right Nos. 63-32165 and 63-32166 are limited to the irrigation of a combined total of 78 acres in a single irrigation season.

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

SF5 - Water Right No. 63-32166

1

09/16/2008

DL
RLM
NBS
Dmm
RLM
APB

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

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

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 No. 63-32165 is also diverted through point of diversion described above.

This right is a split from former right 63-3001B.

DL
VUM
NBS
OKS
DMM
LMM

CERTIFICATE OF MAILING

I certify that on NOV, 5, 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:

RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

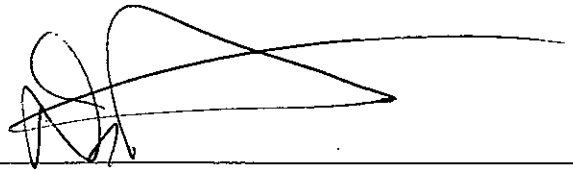
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

DOUG MERGES
LORI ANN MERGES
27205 WING SETTER LN
PARMA, ID 83660



Signature of person or attorney mailing the form