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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. 37-07562
)
)
) Standard Form 5
)
)
) STIPULATED ELEMENTS
Case No. 39576)
)
_____) 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:

W. Cloyd Mecham
Milo W. Mecham
Richard A. Mecham

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Kenneth C. Mecham P.R. 3/29/08
W. Cloyd Mecham Date
Milo W. Mecham 3/29/08
Milo W. Mecham Date
Richard A. Mecham 3-29-08
Richard A. Mecham Date

David Mey 4/28/09
Jacob T. Haseman Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

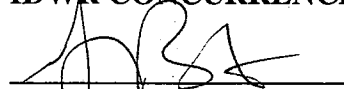


Michael Ciscell
GIS Analyst Sr.

3/9/09

Date

IDWR CONCURRENCE:



Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

3/9/09

Date

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

RIGHT NUMBER: 37-7562

NAME AND ADDRESS: W CLOYD MECHAM
RT 1 BOX 400
CAREY ID 83320

MILO W MECHAM
P.O. BOX 201
CAREY ID 83320

RICHARD A MECHAM
~~RT 1 BOX 400~~ 20458 N. MAIN ST
CAREY ID 83320

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: ~~3.070~~ 3.042 CFS
~~537.90~~ 532.35 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual diversion volume of ~~537.9~~ 532.35 af.

PRIORITY DATE: 01/07/1978

POINT OF
DIVERSION: T01S R21E S8 NENESW Within BLAINE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04/15 10/15	~~3.070~~ <u>3.042</u> CFS
			~~537.90~~ <u>532.35</u> AFY

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 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 BLAINE County
	~~T01S~~ ~~R21E~~ ~~S07~~	~~NENE~~ ~~-1.00~~
	T01S R21E S07	NWNE 3.80
	T01S R21E S07	SWNE 24.20
	T01S R21E S07	SENE 34.40
	~~T01S~~ ~~R21E~~ ~~S07~~	~~NENW~~ ~~-0.60~~
	T01S R21E S08	SWNW 23.90
	T01S R21E S08	SENE 20.20
	T01S R21E S08	NESW 33.00
	T01S R21E S08	NWSW 3.30
	T01S R21E S08	SWSW 1.20
	T01S R21E S08	SESW 8.10
	~~153.7~~ <u>152.1</u> ACRES TOTAL	

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

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this 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.

A portion of the water diverted under this right is exchanged by injecting groundwater into the West Canal and diverting an equal amount from the West Canal.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Modifications to or variance from the issued license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37N.

KEM
MHC
RAB
AM
JB
DN

CERTIFICATE OF MAILING

I certify that on 4/29/09, 2008 mailed the original and copies of this form, including all attachments, 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. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

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

W. Cloyd Mecham
Rt. 1 Box 400
Carey, Idaho 83320

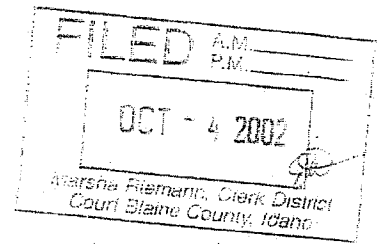
Richard A. Mecham
20458 N. Main St.
Carey, Idaho 83320

Milo W. Mecham
P.O. Box 201
Carey, Idaho 83320

David A. Coleman
Coleman, Ritchie & Robertson
P.O. Box 525
Twin Falls, Idaho 83303-0525



Signature of person or attorney mailing the form



DAVID A. COLEMAN
Coleman, Ritchie & Robertson
Attorneys at Law
156 2nd Avenue West
P. O. Box 525
Twin Falls, ID 83303-0525
Fax No: (208) 734-3983
Telephone: (208) 734-1224
Idaho State Bar No: 850

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE
MAGISTRATE DIVISION

In the Matter of the Estate of,

WALLACE CLOYD MECHAM

Deceased.

Case No. SP-02-2928

LETTERS TESTAMENTARY

The Will of WALLACE CLOYD MECHAM, having been admitted to informal probate, KENNETH C. MECHAM, is hereby appointed Personal Representative of the estate.

WITNESS: Robert Elger, Magistrate of the District Court, County of Twin Falls, State of Idaho, with the seal of the Court affixed the 4 day of October, 2002.

Robert Elger
MAGISTRATE JUDGE

LETTERS TESTAMENTARY - 1

STATE OF IDAHO

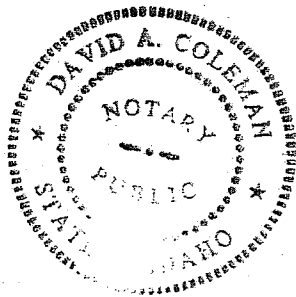
) ss.

County of Twin Falls

I, Kenneth C. Mecham, hereby accept the duties of Personal Representative of the Estate of WALLACE CLOYD MECHAM, deceased, and do solemnly swear that I will perform, according to law, the duties of Personal Representative of the Estate of WALLACE CLOYD MECHAM, deceased.

Kenneth C. Mecham
KENNETH C. MECHAM

SUBSCRIBED and SWORN to before me this 30th day of September, 2002.



David A. Coleman
NOTARY PUBLIC
Residing at Twin Falls, Idaho
My Commission Expires 4-12-2004

STATE OF IDAHO } ss.
County of Blaine

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof on file in my office.

IN WITNESS THEREOF, I have hereunto set my hand and affixed by official seal.

this 8th day of October, 2002
JERRA RICHMAN
Clerk District Court

Deputy