



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 19, 2009

Albert P. Barker
Barker, Roshalt & Simpson
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139

RE: SRBA Subcase Nos. 63-4007 & 63-4010 (Riverside Irrigation Dist.)

Dear Mr. Barker:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and they meet your approval, please sign on the indicated signature lines and initial the revised recommendations. After signature, please file the SF5s with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 63-4007
	)	
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 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.

CLAIMANT/OBJECTOR:
Riverside Irrigation District, LTD

Albert P. Barker Date
Attorney for Claimant/Objector

STANDARD FORM 5 – 63-4007

IDWR Concurrence:

Jan Shurte
Water Rights Supervisor

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-4007

NAME AND ADDRESS: THE RIVERSIDE IRRIGATION DIST LTD
PO BOX 1080
PARMA ID 83660

SOURCE: MEADOWS GULCH DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 8.600 CFS

PRIORITY DATE: 04/15/1916

POINT OF DIVERSION:

T05N R05W S34 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

8.600 CFS 5.0 CFS

NBS
J

PLACE OF USE:

10158 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right when combined with Right Nos. 63-226, 63-277, 63-228, 63-229, 63-299, 63-300, 63-2279, 63-2374, 63-2389, 63-4008, 63-4009 and 63-4010 can be used to irrigate up to 10158 acres within the boundary of the Riverside Irrigation District.

Place of use includes the irrigation of 4252 acres within the State of Oregon.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on _____, 2009, 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 DIST., LTD
Represented by:
ALBERT P BARKER
1010 W. JEFFERSON, STE. 102
P.O. BOX 2139
BOISE, ID 83701-2139

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

**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. 63-4010
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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CLAIMANT/OBJECTOR:

Riverside Irrigation District, LTD

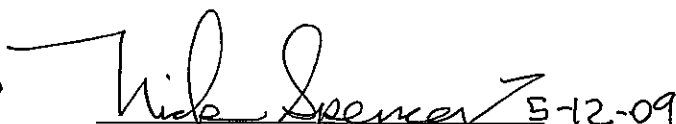
Albert P. Barker Date
Attorney for Claimant/Objector

STANDARD FORM 5 – 63-4010

IDWR Concurrence:


Jan Shurte
Water Rights Supervisor

Date


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

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

RIGHT NUMBER: 63-4010

NAME AND ADDRESS: THE RIVERSIDE IRRIGATION DIST LTD
PO BOX 1080
PARMA ID 83660

SOURCE: WEST END DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 70.000 CFS

PRIORITY DATE: 04/15/1916

POINT OF DIVERSION:

T04N R04W S16 SENE Within CANYON County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

70.000 CFS ~~30.0 CFS~~

PLACE OF USE:

10158 ACRES TOTAL

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Place of use includes the irrigation of 4252 acres within the State of Oregon.

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

This right when combined with Right Nos. 63-226, 63-277, 63-228, 63-229, 63-299, 63-300, 63-2279, 63-2374, 63-2389, 63-4007, 63-4008, and 63-4009 can be used to irrigate up to 10158 acres within the boundary of the Riverside Irrigation District.

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.

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1010 W. JEFFERSON, STE. 102
P.O. BOX 2139
BOISE, ID 83701-2139

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Signature of person or attorney mailing the form