

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. 45-14430

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

RECEIVED
MAY 19 2014
DEPARTMENT OF
WATER RESOURCES

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.

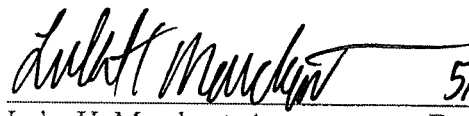
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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/OBJECTORS:

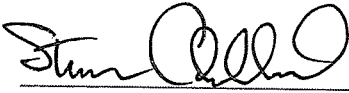
Gerald L. Marchant

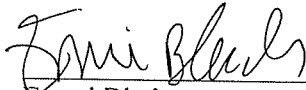
Celia S. Marchant

 5/16/2014

Luke H. Marchant, Attorney Date

IDWR Concurrence:

 5/19/14
Steve Clelland Date
Senior Water Resource Agent

 5/19/14
Emmi Blades Date
Deputy Attorney General
Attorney for IDWR

05/15/2014

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

RIGHT NUMBER: 45-14430

NAME AND ADDRESS: GERALD L MARCHANT
24 E BASIN RD
OAKLEY ID 83346

CELIA S MARCHANT
24 E BASIN RD
OAKLEY ID 83346

LHM EUB
SCC

SOURCE: MILL CREEK

TRIBUTARY: SINKS

QUANTITY: 0.740 CFS

The rights listed below are limited to a total combined diversion rate of 1.6 cfs.
Combined Right Nos.: 45-545, 45-546, 45-547, 45-628 & 45-14430.

PRIORITY DATE: 03/15/1977

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T13S R23E S32 SESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.740 CFS

PLACE OF
USE:

IRRIGATION in CASSIA County

T13S R23E S32	NENE	31.50	T13S R23E S32	NWNE	34.00
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65.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 141.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-545, 45-546, 45-547, 45-628, 45-2497, 45-14430 & 45-14431.

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

This right is based upon an enlargement of Right Nos. 45-545, 45-546, 45-547 & 45-628 pursuant to Section 42-1426, Idaho Code.

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 - Beneficial Use

This right is for an enlargement of 65.5 acres within the place of use described for this right.

CERTIFICATE OF MAILING

I certify that on May 17th, 2014, 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:

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

GERALD L & CELIA S MARCHANT
Represented by:
LUKE H MARCHANT
HOLDEN KIDWELL HAHN & CRAPO
1000 RIVERWALK DR STE 200
PO BOX 50130
IDAHO FALLS, ID 83405



Signature of person or attorney mailing form