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Department of Water Resources

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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. 63-00148D

Case No. 39576

) Standard Form 5

) STIPULATED ELEMENTS
) OF A WATER RIGHT

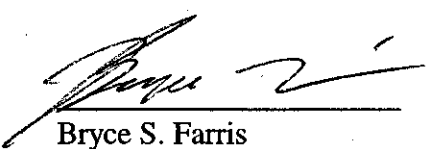
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting 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.

CLAIMANT:

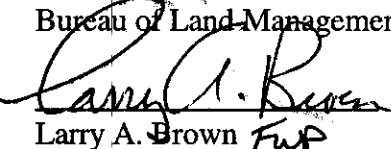
South Boise Water Co.


Bryce S. Farris
Of Attorneys for Claimant

6/4/03
Date

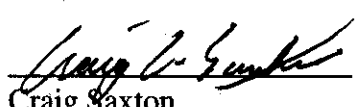
OBJECTOR:

United States on behalf of the
Bureau of Land Management


Larry A. Brown *Fwp*
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

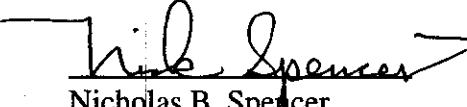
6/16/03
Date

IDWR CONCURRENCE:


Craig Saxton
Senior Water Resource Agent

6/10/03
Date

IDWR CONCURRENCE:


Nicholas B. Spencer
Deputy Attorney General

6-10-03
Date

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

RIGHT NUMBER: 63-148D

NAME AND ADDRESS: SOUTH BOISE WATER CO
PO BOX 6005
BOISE ID 83707

SOURCE: ELK CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 0.050 CFS
9.50 AFY

PRIORITY DATE: 06/01/1865

PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT IS
JUNIOR TO ALL OTHER RIGHTS DIVERTED FROM ELK CREEK WITH A
PRIORITY DATE BEFORE 05-06-1997.

POINT OF
DIVERSION:

T06N R05E S23

SWSE

Within ADA County

THE POINT OF DIVERSION RESIDES WITHIN TRACT A (SWSE),
SEC.23, T06N, R05E.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/15

QUANTITY
0.050 CFS
9.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY
BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS
OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND 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

T06N R05E S23

SWSE 2.7

Within BOISE County

THE USE OF WATER UNDER THIS RIGHT IS LIMITED TO WITHIN
TRACT A (SWSE), SEC.23, T06N, R05E.

2.7 ACRES TOTAL

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

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE
TIMES WHEN WATER IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY
DATE OF THIS RIGHT AT THE ORIGINAL POINT OF DIVERSION FOR THE
SOUTH BOISE WATER COMPANY ON LOGGERS CREEK.

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 - Decreed
PLACE OF USE ALSO KNOWN LOCALLY AS IDAHO CITY HIGH SCHOOL
FOOTBALL FIELD.

FWP SBF NBS
CLS

JCS

CERTIFICATE OF MAILING

I certify that on June 16, 2003 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:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

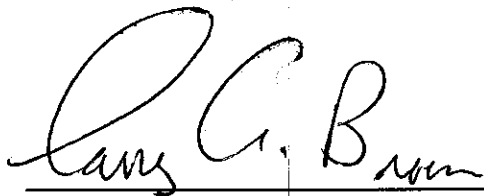
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

Bryce S. Farris
Ringert Clark Chartered
P.O. Box 2773
Boise Id, 83701



Signature of person or attorney mailing the form