

DISTRICT COURT
Fifth Judicial District
County of Twin Falls, State of Idaho

AUG 28 2003

By _____ Clerk

Deputy Clerk

**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. 63-4629A

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(S)/RESPONDENT:

Wilderness Ranch Owners Assn Inc.

Michael C. Creamer 8/19/03
Michael C. Creamer Date
Attorney for claimant/respondent

STANDARD FORM 5 - 63-4629A

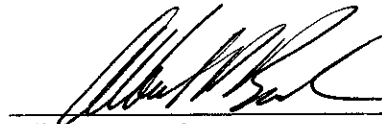
OBJECTOR(s):

USDI/Bureau of Reclamation

 8/25/03
David Gehlert Date
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

OBJECTOR(s):

Boise Project Board of Control


Albert P. Barker
Attorney for Objector(s)

8/20/03
Date

IDWR Concurrence:

 8-26-03
Jan Shurte
Adjudication Supervisor

Date

 8/26/03
Susan Hamlin Nygard
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on August 26, 2003, 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:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Michael C. Creamer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701-2720

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

08/11/2003

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

RIGHT NUMBER: 63-4629A

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716

AUG 28 2003

SOURCE: GROUND WATER
MORES CREEK

TRIBUTARY:
TRIBUTARY: BOISE RIVER

By _____ Clerk
Deputy Clerk

QUANTITY: 0.450 CFS
112.400 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-4629A shall not exceed 0.45 cfs, nor total combined annual volume of 112.4 af.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the land.

PRIORITY DATE: 09/06/1899

POINT OF DIVERSION:

T04N R04E S28 SESW Within BOISE County
T04N R04E S28 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.450 CFS 112.40 AFY

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Watermaster and only when water is being released by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir or Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S16

SESW

T04N R04E S16

NWSE

shu
MCC
AMS
DA
[Signature]

SF5 Water Right No. 63-4629A

T04N R04E S16	SWSE	T04N R04E S17	SWNE
T04N R04E S17	SENE	T04N R04E S17	NESW
T04N R04E S17	NWSW	T04N R04E S17	SWSW
T04N R04E S17	SESW	T04N R04E S17	NESE
T04N R04E S17	NWSE	T04N R04E S17	SWSE
T04N R04E S17	SESE	T04N R04E S20	NENE
T04N R04E S20	NWNE	T04N R04E S20	SWNE
T04N R04E S20	SENE	T04N R04E S20	NENW
T04N R04E S20	NWNW	T04N R04E S20	SENW
T04N R04E S20	SESW	T04N R04E S20	NESE
T04N R04E S20	NWSE	T04N R04E S20	SWSE
T04N R04E S20	SESE	T04N R04E S21	NWNE
T04N R04E S21	SWNE	T04N R04E S21	NENW
T04N R04E S21	NWNW	T04N R04E S21	SWNW
T04N R04E S21	SENW	T04N R04E S21	NESW
T04N R04E S21	NWSW	T04N R04E S21	SWSW
T04N R04E S21	SESW	T04N R04E S21	NWSE
T04N R04E S21	SWSE	T04N R04E S28	NWNE
T04N R04E S28	SWNE	T04N R04E S28	NENW
T04N R04E S28	NWNW	T04N R04E S28	SWNW
T04N R04E S28	SENW	T04N R04E S28	NESW
T04N R04E S28	NWSW	T04N R04E S28	SWSW
T04N R04E S28	SESW	T04N R04E S29	NENE
T04N R04E S29	SENE	T04N R04E S29	NESE

This right is limited to the irrigation of 32.1 acres within the place of use described above.

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

Surface water diverted from Mores Creek will be treated to drinking water standards and placed in the single community pipeline network supplying the Wilderness Ranch Subdivision. During periods when the flow of water treated exceeds flow demand for the community, treated water will be injected into the infiltration galleries.

Treated surface water injected to ground water through the infiltration galleries is considered to be totally used by the water right holder. The volume of water injected to the infiltration galleries is a portion of and is counted against the 112.4 acre-feet that is authorized for annual diversion by this water right.

Diversion of groundwater and surface water from Mores Creek is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.

*Deht
MCC
DGS
DG*

SF5 Water Right No. 63-4629A

Prior to diversion of water under Transfer No. 69320, the water right holder shall provide a location and means of measurement acceptable to the Department for measuring the flow in Daggett Creek to confirm compliance with the above condition.

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: Beneficial Use

Right holder shall comply with any applicable injection or shallow injection well permit requirements of Sections 42-3903 and 42-3903A, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.

Failure of the right holder to comply with the conditions of Transfer No. 69320 is cause for the Director to rescind approval of the transfer.

Property is also known as Wilderness Ranch Subdivision.

Sehr
MCC
APB
DA
