

AUG 13 2004

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

Subcase No. 63-148B

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.

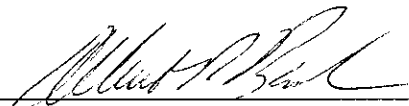
OBJECTOR(s):

USDI/Bureau of Reclamation

 7/13/04
David Gehlert Date
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

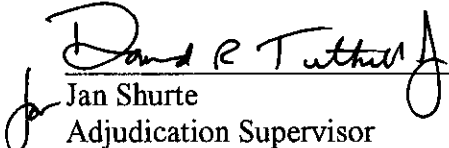
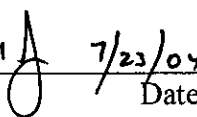
OBJECTOR(s):

Boise Project Board of Control

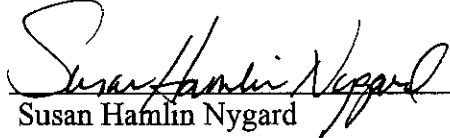


Albert P. Barker Date
Attorney for Objector(s)

IDWR Concurrence:

  7/23/04

Jan Shurte Date
Adjudication Supervisor

 7/22/04

Susan Hamlin Nygard Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on August 11, 200⁴, 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

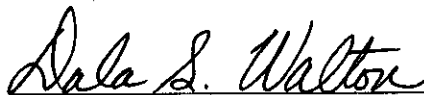
2. Copies to:

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

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

South Boise Water Co
P.O. Box 6005
Boise, ID 83707

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



Signature of person or attorney mailing the form

08/12/2003

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

RIGHT NUMBER: 63-148B

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

SOURCE: UNNAMED STREAM

TRIBUTARY: CLEAR CREEK

QUANTITY: 0.020 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-10528 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .04 CFS.

PRIORITY DATE: 08/14/1987

POINT OF
DIVERSION: T05N R04E S20 SWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	0.020 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER
15, 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.

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 for flood control 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 and/or Lake Lowell as
decreed in SRBA Case No. 39576.

PLACE OF USE:

0.2 ACRES TOTAL

Place of use is within the area served by South Boise Water Co.

OK
Sub
APB Dm
BE

08/12/2003

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SOURCE IS ALSO KNOWN AS JOHNSON CREEK.

PROPERTY IS ALSO KNOWN AS LOT 168, CLEAR CREEK
ESTATES #7

Dg
Sub
APPB
Dm
BC