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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

Case No. 39576

) Subcase No. 63-147B
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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.

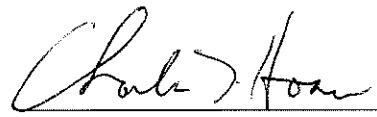
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for the Boise Valley Irrigation Ditch Co produced by IDWR.

CLAIMANT(s):

Boise Valley Irrigation Ditch Co

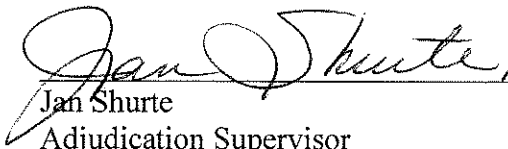
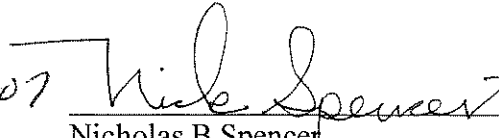
OBJECTOR(s):

USDI-BLM


~~C Bryce Farris~~ 11/05/07 Date
Charles L. Hunsinger


Larry Brown 11/8/07 Date
Attorney for the US Dept of Justice

IDWR Concurrence:

	
Jan Shurte	Nicholas B Spencer
Adjudication Supervisor	Deputy Attorney General
	Attorney for IDWR
10-12-07	10-17-07
Date	Date

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

RIGHT NUMBER: 63-147B

NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.970 CFS
892.800 AFY

FWP C2K DN LB

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T02N R03E S4 NWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.970 CFS 892.80 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 Water Master 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, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

DURING THE PERIOD BEGINNING OCTOBER 16 AND ENDING NOVEMBER 15 IN ANY IRRIGATION SEASON, THERE WILL BE NO DIVERSION OF WATER FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 240.0 CUBIC FEET PER SECOND.

DURING THE PERIOD BEGINNING MARCH 16 AND ENDING APRIL 15 OF ANY IRRIGATION SEASON, THERE WILL BE NO WATER DIVERTED FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 1,100 CUBIC FEET PER SECOND.

PLACE OF USE:

2808.43 ACRES TOTAL

THE PLACE OF USE FOR THIS RIGHT IS 198.4 ACRES DESCRIBED IN
TRANSFER 5119 AT THE SIMPLOT SPORTS COMPLEX LOCATED IN T02N,
R02E, S1; T02N, R03E, S5, S6; T03N, R02E, S36; T03N, R03E, S31, S32.

J
NBS

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 IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE
BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY

FUP C-27 AN LF

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

THIS RIGHT IS DESIGNATED AS NO 15 IN THE STEWART DECREE AND THE
BOISE RIVER WATER MASTERS RECORDS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-161BN, 63-198AJ, 63-199B, 63-200B,
63-30181.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-147.



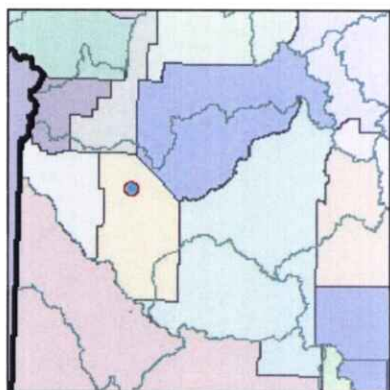
Boise Valley Irrigation Ditch Co

SRBA Recommendations: 63-147B, 63-2360, 63-31198, 63-31832, 63-31833

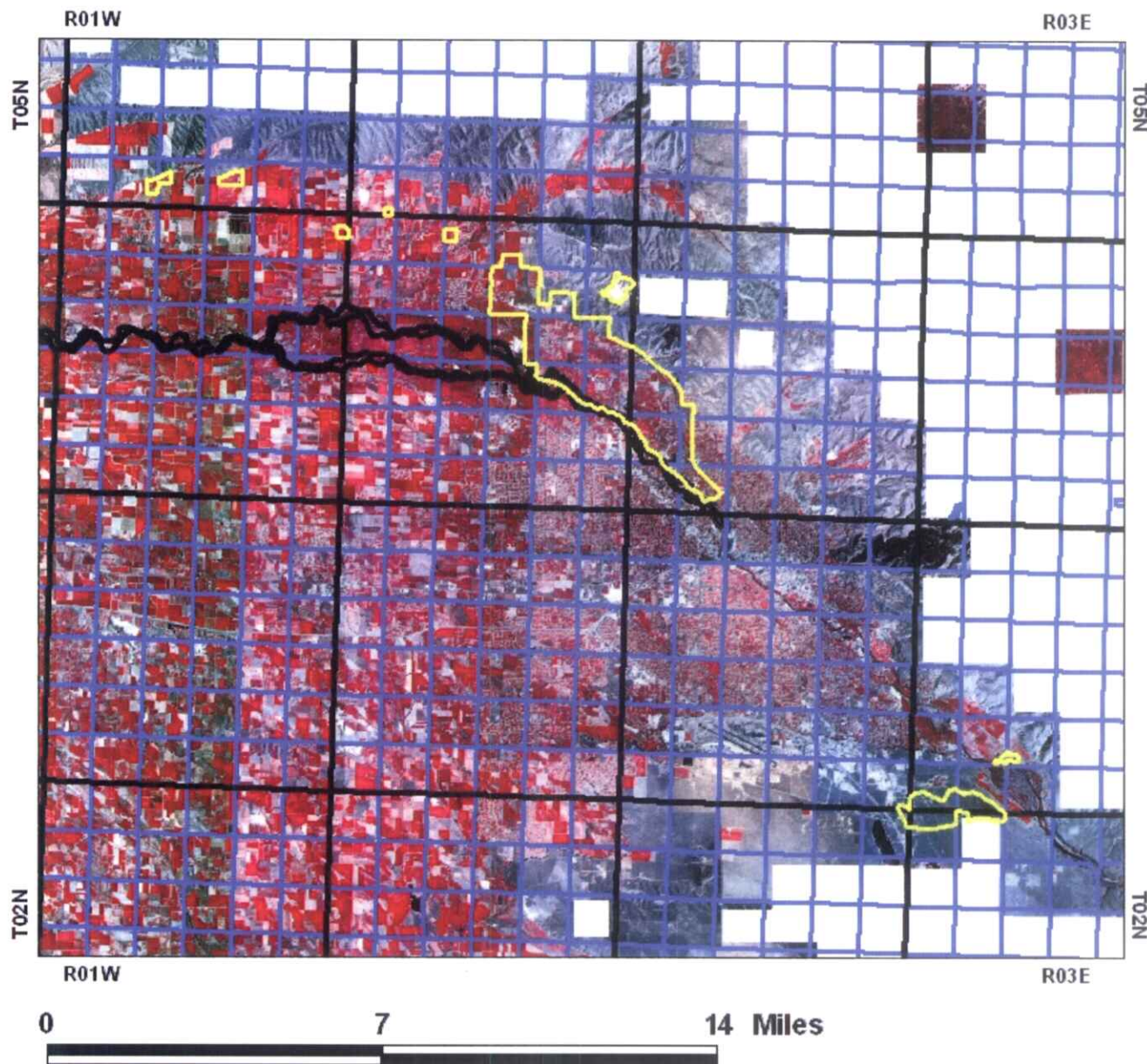
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections



Ada County
IDWR Basin 63



Prepared by S. Egbert
On Friday, October 12, 2007
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that on Nov. 9, 2007, 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

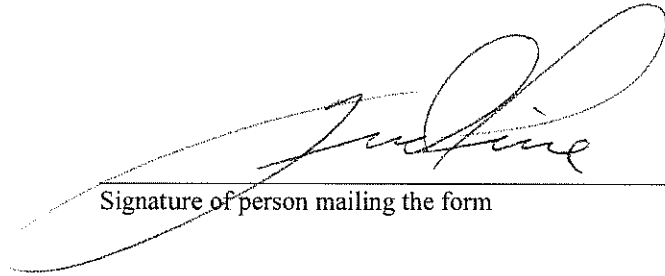
2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

~~C. Bryce Farris~~ Charles L. Honsinger
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Boise Valley Irrigation Ditch Co
8750 N Bogart Lane
Boise, ID 83714

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



Signature of person mailing the form