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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. 63-2360
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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

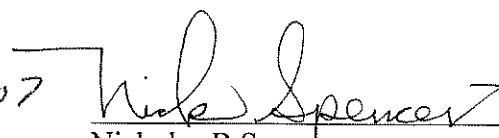


Bryce Farris Date
Charles L. Hovington



Larry Brown Date
Attorney for the US Dept of Justice

IDWR Concurrence:

 _____ Ian Shurte Adjudication Supervisor	<u>10-12-07</u> Date	 _____ Nicholas B Spender Deputy Attorney General Attorney for IDWR	<u>10-17-07</u> Date
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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2360
NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714
SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 1.200 CFS
PRIORITY DATE: 07/19/1921
POINT OF DIVERSION:

T03N R02E S5 NESENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.200 CFS

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.

PLACE OF USE:

2808.43 ACRES TOTAL

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

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.

J
NBS
C-2 X
PN

SF5 Right No. 63-2360

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

WATER IS DELIVERED THROUGH THE FARMERS UNION AND BOISE
VALLEY CANALS.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-120G, 63-123C, 63-123D, 63-123E,
63-123F, 63-123G, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG,
63-248, 63-297, 63-31832, 63-21729, 63-18700, 63-31937.

FWP CJK J
NBS
ON



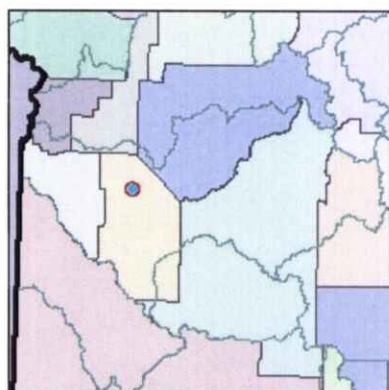
Boise Valley Irrigation Ditch Co

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

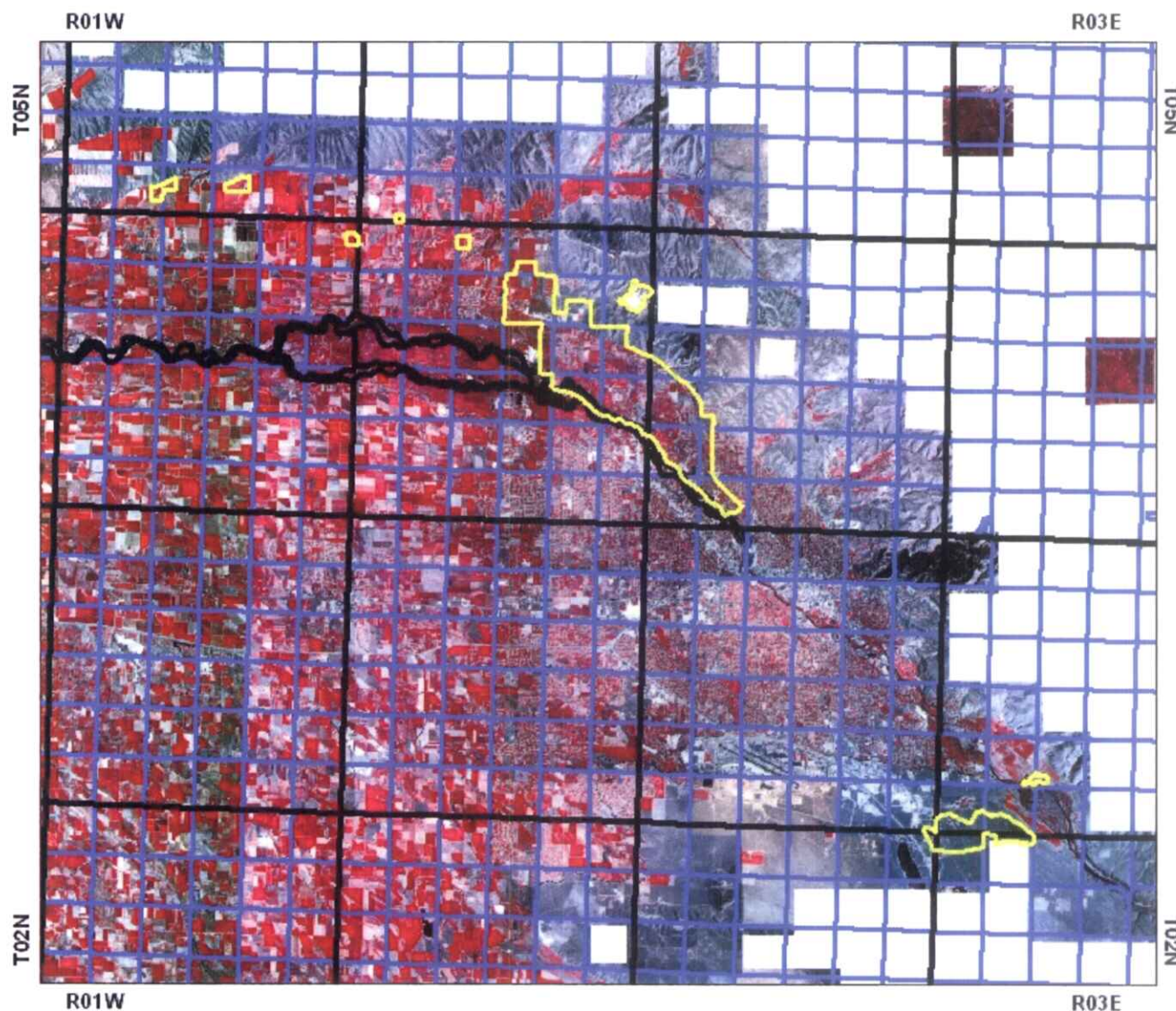
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections



Ada County
IDWR Basin 63



0 7 14 Miles

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

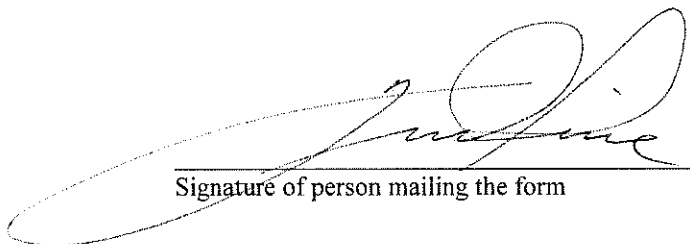
2. Copies to:

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. Hensinger*
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