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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. 63-31832
)
)
)
)
)
)

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.

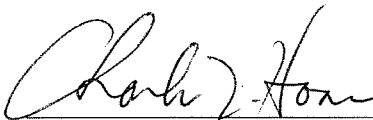
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for the Boise Valley Irrigation Ditch Co produced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

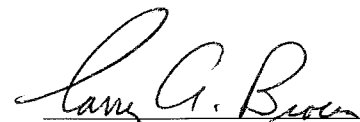
CLAIMANT(s):

Boise Valley Irrigation Ditch Co

OBJECTOR(s):

USDI-BLM


C Bryce Farris
Charles L. Honsinger
11/05/07
Date


Larry Brown FWP
Attorney for the US Dept of Justice
11/28/2007
Date

OBJECTOR(s):
USDI-BOR

OBJECTOR(s):
Boise Project Board of Control

For *David W. Gehlert* *11/28/2007*
David W Gehlert Date
Attorney

Albert P. Barker *11-7-07*
Albert P Barker Date
Attorney

Respondent(s):
State of Idaho

David J. Barber *11/15/2007*
David J. Barber Date
Deputy Attorney General

IDWR Concurrence:

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

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

RIGHT NUMBER: 63-31832

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 49.510 CFS
10,266.000 AFY

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:

T03N R02E S5 NESENE Within ADA County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	03/01 11/15	0.170 CFS
AESTHETIC STORAGE	01/01 12/31	14.50 AFY
IRRIGATION STORAGE	01/01 12/31	14.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	14.50 AFY
IRRIGATION	03/01 11/15	49.340 CFS 10,251.50 AFY

Diversion for irrigation and aesthetic 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 Reservoirs 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. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.

APB
NBS
C2.7X

The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION STORAGE in ADA County

FWP
NS

T04N R01E S14 NENW

AESTHETIC in ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE in ADA County

APB

T04N R01E S14 NENW

IRRIGATION FROM STORAGE same as IRRIGATION STORAGE

2808.43 ACRES TOTAL

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

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.

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 BOISE RIVER WATER
MASTER RECORDS AND THE STEWART DECREE.

Use of water under this right will be regulated by a watermaster with
responsibility for the distribution of water among appropriators within a
water district. At the time of this approval, this water right is within State
Water District No. 63.

Water is delivered through the Farmers Union and Boise Valley canals.

This right is a split from former right 63-147.

FWP

The right holder shall maintain a measuring device and lockable controlling
works of a type approved by the Department in a manner that will provide
the watermaster suitable control of the diversion.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

J
NBS
C-2, X
GRB

N³ 2 1/2 B



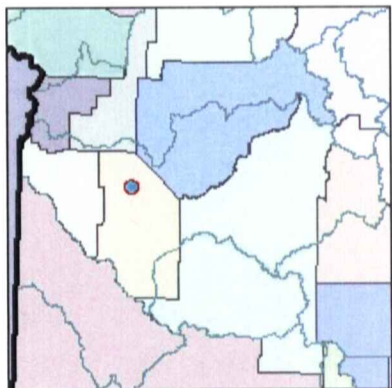
Boise Valley Irrigation Ditch Co

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

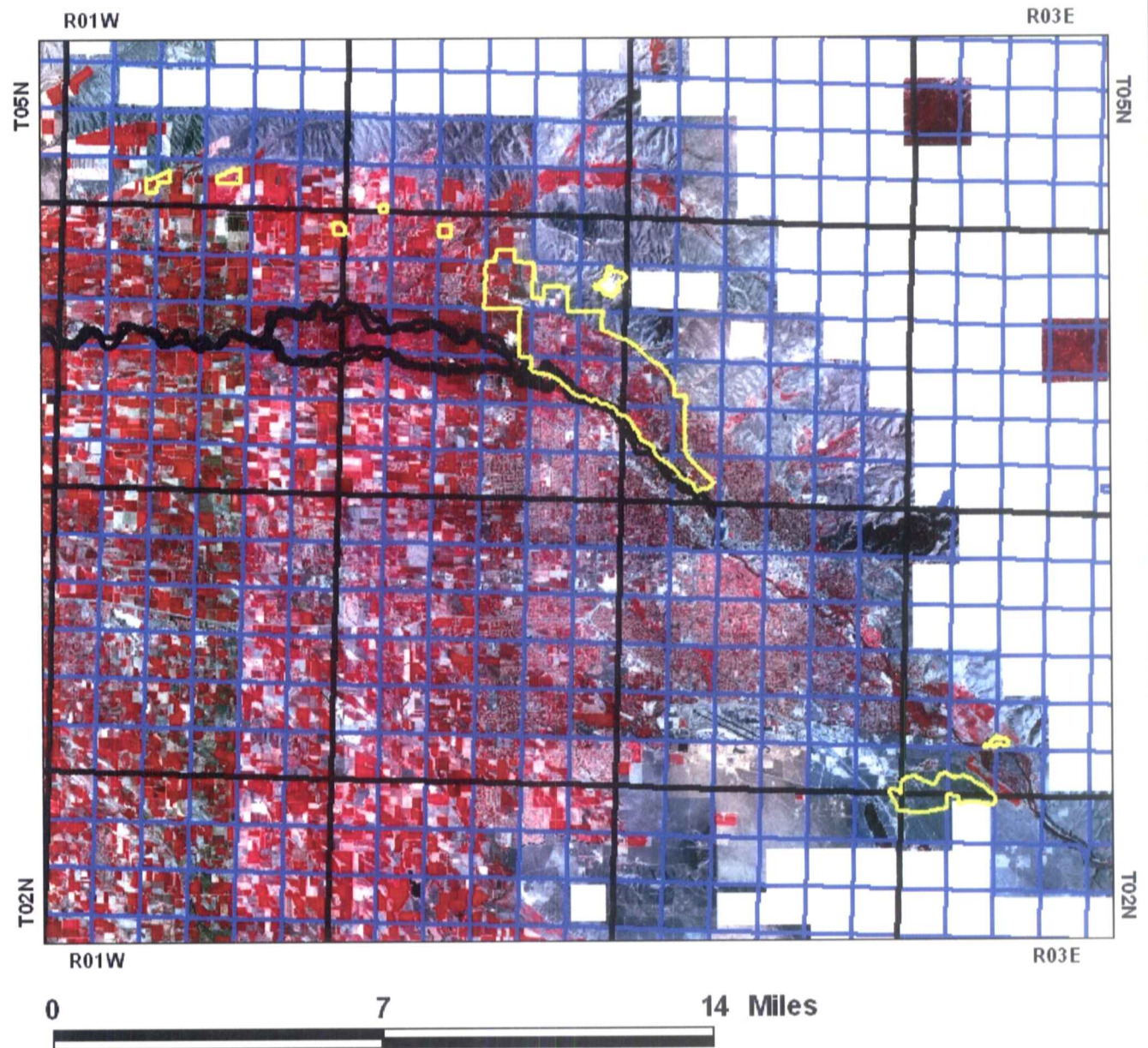
Service Area Boundary
GIS Place of Use Illustration

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. 28, 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

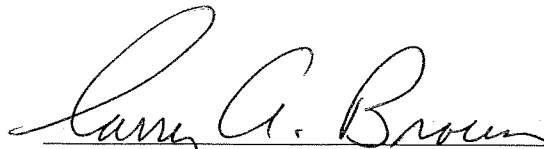
C Bryce Farris
455 S Third St
PO Box 2773
Boise, ID 83701-2773

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

Albert P Barker
1010 W Jefferson, Ste 102
PO Box 2139
Boise, ID 83701-2139

State of Idaho
Natural Resources Div
Attorney General's Office
PO Box 44449
Boise, ID 83711-4449

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



Signature of person mailing the form