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OCT 20 2008

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. 63-00164A
)
)
)
)
)
)
)

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

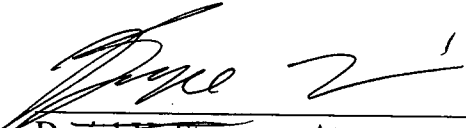
City of Boise

 9/9/08

Erika Malmen, Attorney Date
On behalf of the Claimant

OBJECTOR

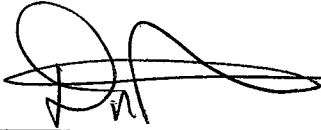
Nampa & Meridian Irrigation District

 9/16/08

Daniel V. Steenson, Attorney Date
Objector S. Bryce Ferri's

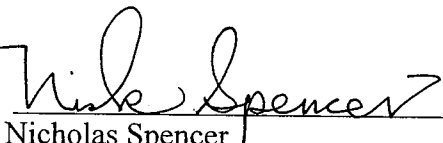
RESPONDENT

United States on behalf of
Bureau of Reclamation

 10/15/08

David Gehlert Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR Concurrence:

 10/1/08  10-8-08
IDWR Agent Date Nicholas Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Oct. 15, 2008, 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:

NAMPA & MERIDIAN IRR DIST
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

CITY OF BOISE

PARKS & RECREATION DEPT

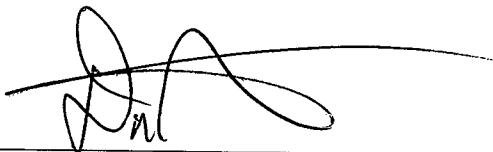
1104 ROYAL BLVD

BOISE, ID 83706-2898

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Signature of person or attorney mailing the form

SF5 Right No. 63-164A

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

RIGHT NUMBER: 63-164A

NAME AND ADDRESS: CITY OF BOISE
PARKS & RECREATION DEPT
1104 ROYAL BLVD
BOISE ID 83706-2898

SOURCE: BOISE RIVER
RIDENBAUGH DRAIN

TRIBUTARY: SNAKE RIVER
TRIBUTARY: BOISE RIVER

The source of this right from the Ridenbaugh Drain is waste water. The
wasting of water may be discontinued at any time.

QUANTITY: 0.800 CFS
189.000 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: 06/01/1866

POINT OF DIVERSION:

T03N R02E S9 NENW Within ADA County

T03N R02E S9 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15.	0.600 CFS 135.00 AFY
AESTHETIC	03/01 11/15	0.800 CFS 189.00 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.

SF5 Right No. 63-164A

PLACE OF USE: IRRIGATION in ADA County

T03N R02E S09	NENW	13.00	T03N R02E S09	NWNW	2.00
T03N R02E S09	SWNW	2.00	T03N R02E S09	SENW	13.00

AESTHETIC name as IRRIGATION

30 ACRES TOTAL

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 also designated as Right No. 32 in the Boise River Stewart Decree and Boise River Water Distribution Report.