



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

October 28, 2008

Mr. S. Bryce Farris
Ringert Clark
P.O. Box 2773
Boise, ID 83701-2773

Re: Subcase No. 63-02052A

Dear Mr. Farris:

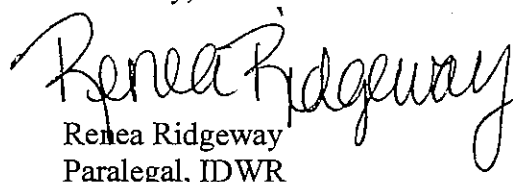
Enclosed please find the original document entitled "Standard Form 5 – Stipulated Elements of a Water Right" (commonly referred to as SF 5) for the above referenced subcase nos. for Basin 63.

Please review the new recommendation which is attached to the original SF 5 document. If all the information is correct, please sign and date the first page of the original and initial the page entitled "Recommendation of Water Rights Acquired Under State Law." After you have signed and initialed the original, **please return the documents to our office in the self addressed stamped envelope** provided for your convenience. Our office will gather the remaining signatures and make sure the documents are subsequently filed with the Court.

If you have any questions regarding this process or the enclosed documents please do not hesitate to call me at 287-4814.

Thank you for your cooperation in this matter.

Sincerely,


Renea Ridgeway
Paralegal, IDWR

Enclosures

**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	)	Subcase No. 63-02052A
	)	
Case No. 39576	)	
	)	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
Frasier Family Trust

OBJECTOR
Nampa & Meridian Irrigation District

Date

S. Bryce Farris, Attorney Date

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

STANDARD FORM 5 - 63-02052A

CERTIFICATE OF MAILING

I certify that on _____, 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:
S. BRYCE FARRIS
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

FRASIER FAMILY TRUST

4188 CHERRY LN
NAMPA, ID 83687

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

10/21/2008

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

RIGHT NUMBER: 63-2052A

NAME AND ADDRESS: FRASIER FAMILY TRUST
4188 CHERRY LN
NAMPA ID 83687

SOURCE: TENMILE CREEK

TRIBUTARY: BOISE RIVER

To the extent that all or a portion of the source of this water right may consist of waste water, Frasier Family Trust, Nampa & Meridian Irrigation District and/or United States Bureau of Reclamation, together with their respective assigns and heirs, agree that Nampa & Meridian Irrigation District and/or United States Bureau of Reclamation waive no right to assert in the future that the source of all or part of this water right is the waste water of Nampa & Meridian Irrigation District and/or United States Bureau of Reclamation and thereby is subject to the right of Nampa & Meridian Irrigation District and/or United States Bureau of Reclamation to cease wasting it or recapture it.

QUANTITY: 2.400 CFS

PRIORITY DATE: 04/29/1907

POINT OF
DIVERSION:

T03N R01W S5 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.400 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R01W S05	NESW	40.00	T03N R01W S05	NESE	40.00
T03N R01W S05	NWSE	40.00			

120 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 - License
Parcel No. R3035700000.