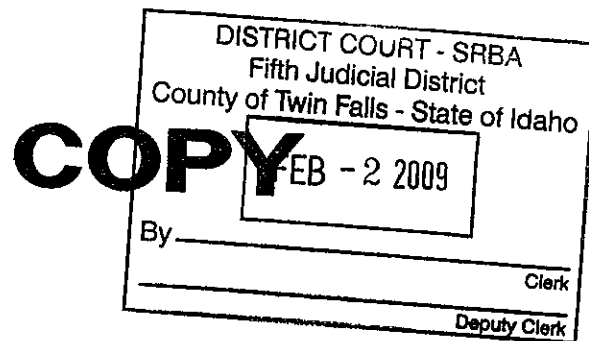




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

In Re SRBA

Subcase No. 63-5073

FEB 03 2009

Case No. 39576

DEPARTMENT OF
WATER RESOURCES

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

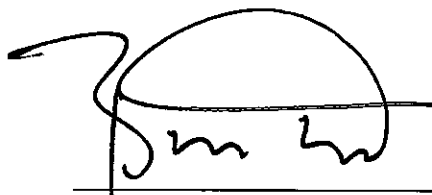
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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/OBJECTOR:

Boise Warm Springs Water District

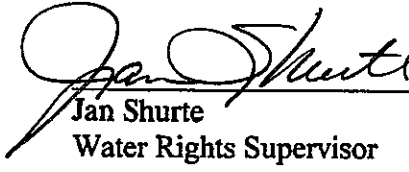


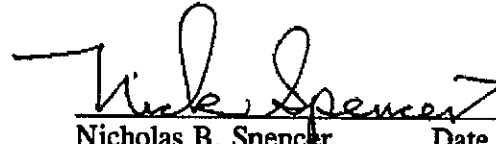
Bruce M. Smith
Attorney for Claimant/Objector

1/25/09

Date

DWR Concurrence:

 12-15-08
Jan Shurte Date
Water Rights Supervisor

 11-25-08
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-5073

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

RIGHT NUMBER: 63-5073

NAME AND ADDRESS:

BOISE WARM SPRINGS WATER DIST
2440 OLD PENITENTIARY RD
BOISE ID 83712

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

5.100 CFS

~~3.750 CFS~~

1,039.000 AFY

~~950.000 AFY~~

NBS

[Handwritten signature]

PRIORITY DATE:

11/05/1894

Rms
1/25/09

POINT OF DIVERSION:

T03N R02E S12 SESESW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

HEATING

01/01 12/31

5.100 CFS

~~3.750 CFS~~

DOMESTIC

01/01 12/31

5.100 CFS

~~3.750 CFS~~

PLACE OF USE:

HEATING

within ADA County

T03N R02E S10 NENE

T03N R02E S10 Lot 3 SWNE

T03N R02E S10 Lot 1 SENE

T03N R02E S10 Lot 2 NESE

T03N R02E S11 Lot 4 SWNW

T03N R02E S11 NESW

T03N R02E S11 NWSW

T03N R02E S11 Lot 6 SESEW

T03N R02E S11 NESE

T03N R02E S11 NWSE

T03N R02E S11 SWSE

T03N R02E S11 SESE

T03N R02E S12 SESEW

T03N R02E S13 NENW

T03N R02E S13 NWNW

T03N R02E S14 NENE

DOMESTIC within ADA County

T03N R02E S10 NENE
T03N R02E S10 Lot 3 SWNE
T03N R02E S10 Lot 1 SENE
T03N R02E S10 Lot 2 NESE
T03N R02E S11 Lot 4 SWNW
T03N R02E S11 NESW
T03N R02E S11 NWSW
T03N R02E S11 Lot 6 SESW
T03N R02E S11 NESE
T03N R02E S11 NWSE
T03N R02E S11 SWSE
T03N R02E S11 SESE
T03N R02E S12 SESW
T03N R02E S13 NENW
T03N R02E S13 NWNW
T03N R02E S14 NENE

NBS  Bms
1/25/09

PLACE OF USE IS WITHIN THE SERVICE AREA OF THE BOISE WARM SPRINGS
WATER DISTRICT

~~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(3)(b). 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 SRA 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 - Beneficial Use

WATER TEMPERATURE MEASURED AT 172 DEGREES F.

WATER IS LOW TEMPERATURE GEOTHERMAL WATER.

~~THE USE IS LIMITED TO 265 RESIDENTIAL AND COMMERCIAL SERVICES WITHIN THE BOUNDARY OF THE BOISE WARM SPRINGS WATER DISTRICT.~~

CERTIFICATE OF MAILING

I certify that on Jan 30, 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:

BOISE WARM SPRINGS WATER DIST
Represented by:
BRUCE M. SMITH
950 W. BANNOCK STE. 520
BOISE, ID 83702

CITY OF BOISE
Represented by:
ROBERT A. MAYNARD
PERKINS COIE LLP
251 E. FRONT ST., STE. 400

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Doreen D. Kraver
Signature of person or attorney mailing the form