

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 23 2012

By _____
Clerk
Deputy Clerk

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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. 63-29710
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

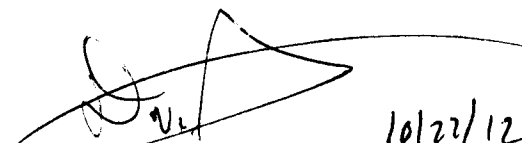
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Veteran's Administration Medical Center

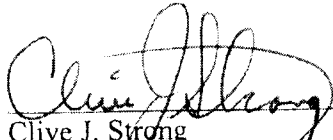


David W. Gehlert 10/22/12
Attorney for Claimant Date

OBJECTORS:

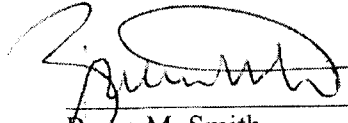
State of Idaho

Boise Warm Springs Water District


Clive J. Strong
Deputy Attorney General
Attorney for Objector

Date

7/25/12


Bruce M. Smith
Attorney for Objector

Date

10/15/12

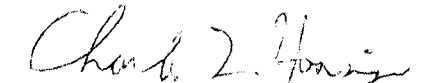
RESPONDENTS:

Edwards Family, LLC

The Terteling Company, Inc.

Dana L. Hofstetter
Attorney for Respondent

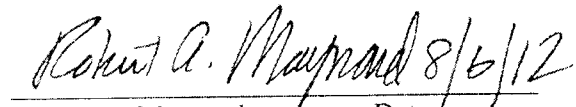
Date


Charles L. Honsinger
Attorney for Respondent

Date

8/31/12

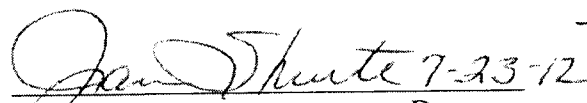
City of Boise


Robert A. Maynard
Attorney for Respondent

Date

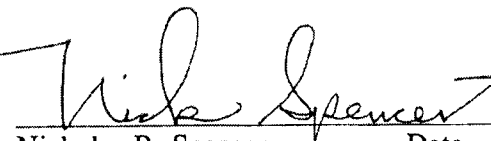
8/6/12

IDWR Concurrence:


Jan Shurte
Adjudication Technical Analyst

Date

7-23-12


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

7-23-12

CERTIFICATE OF MAILING

I certify that on 067-22, 2012, 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:

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

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

THE TERTELING CO., INC.
Represented by:
CHARLES L. HONSINGER
HONSINGER LAW PLLC
P.O. BOX 517
BOISE, ID 83701-0517

EDWARDS FAMILY, LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

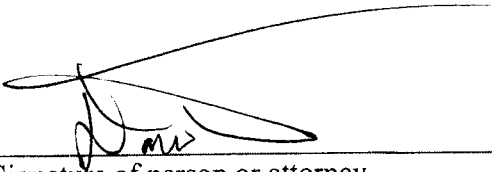
UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CITY OF BOISE

Represented by:
ROBERT A. MAYNARD
111 W. JEFFERSTON ST., STE. 500
P.O. BOX 737
BOISE, ID 83701-0737

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



Signature of person or attorney

SF5 Right No. 63-29710

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ~~RESERVED UNDER FEDERAL LAW ACQUIRED UNDER STATE LAW~~

RIGHT NUMBER: 63-29710

NAME AND ADDRESS: ~~UNITED STATES OF AMERICA ACTING THROUGH~~
~~US AIR FORCE~~
~~C/O COMMANDER US ARMY CORPS OF ENGINEERS~~
~~ATTN: CENPS-RE PO BOX 3755~~
~~SEATTLE WA 98124-2255~~

VETERANS ADMINISTRATION MEDICAL CENTER
500 W FORT ST
BOISE ID 83702-4598

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.920~~ 0.13 CFS
67.00 AFY

Domestic and stockwater uses are limited to a total combined diversion rate
of 0.13 cfs and a total combined diversion volume of 67.00 af.

PRIORITY DATE: ~~04/09/1973~~ 11/26/1910

~~Future use, no existing diversion facilities. Diversions will~~
~~be made on Fort Boise site.~~

POINT OF
DIVERSION:

T03N R02E S1 SWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
HEATING	01/01 12/31	0.920 CFS
DOMESTIC	01/01 12/31	0.130 CFS 67.00 AFY
STOCKWATER	01/01 12/31	0.090 CFS 4.40 AFY

Domestic use is in a hospital.

PLACE OF USE: DOMESTIC in ADA County

T03N R02E S02	NWSW	T03N R02E S02	SWSW
T03N R02E S02	SESW	T03N R02E S03	SESE
T03N R02E S11	NENW	T03N R02E S11	NWNW

STOCKWATER same as DOMESTIC

~~No existing place of use. Future place of use will be on property~~
~~administered by the US Army Reserve on Fort Boise site.~~

SF5 Right No. 63-29710

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

1. Upon specific notification by the Department, the right holder shall (a) install and maintain acceptable measuring device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rata share of costs for periodic updating of the Idaho Water Resources Research Institute, University of Idaho, Boise Front Low Temperature Geothermal Resource Management Area aquifer computer model or its successor. This condition will not be construed to obligate the expenditure of funds by any public agency beyond the amounts available to the agency for such purposes through lawful authorization and appropriation.

2. This water is for use only on the rectangular parcel known as the Fort Boise Reservation and will not be transferred for use therefrom: "Beginning at a point 2145 feet, N. 68° 34' W. from the flagstaff, at fir post 8 feet high and 1 foot in diameter, squared at top of each face marked 'U.S.'; thence running S. 20° E. 54.32 chains, to post 1.21 chains from N.E. corner of small log building bearing S. 35° E.; thence running N. 70° E. 117.50 chains to stake 4 inches square, 2½ feet high; thence running N. 20° W. 54.32 chains to pile of stones; thence running S. 70° W. 117.75 chains to the point of beginning and containing 638 acres, more or less."

3. This water is from a low temperature geothermal resource.

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 - Reserved Beneficial Use

Stockwater 324 head mixed stock

NBS
J
CDS
RAM
C.H.
Pmy
DL