

FEB 21 2013

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	)	Subcase No. 63-29716
	)	
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.

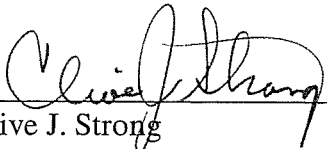
CLAIMANT:

United States Geological Survey

David L. Negri 2/19/13
 David L. Negri Date
 Attorney for Claimant

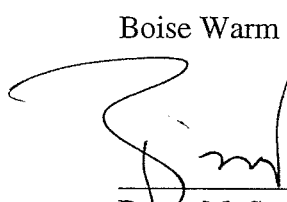
OBJECTORS:

State of Idaho


Clive J. Strong
Deputy Attorney General
Attorney for Objector

2/6/13
Date

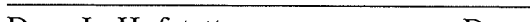
Boise Warm Springs Water District


Bruce M. Smith
Attorney for Objector

2/7/13
Date

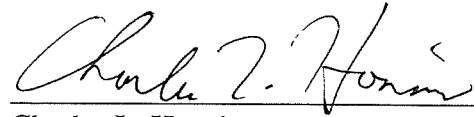
RESPONDENTS:

Edwards Family, LLC


Dana L. Hofstetter
Attorney for Respondent

Date

The Terteling Company, Inc.


Charles L. Honsinger
Attorney for Respondent

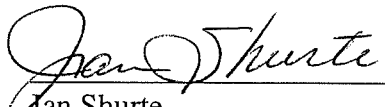
2/8/13
Date

City of Boise

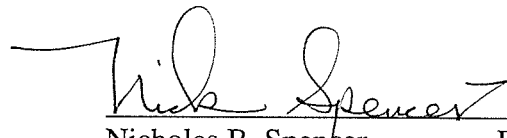

Robert A. Maynard
Attorney for Respondent

2-8-13
Date

IDWR Concurrence:


Jan Shurte
Adjudication Technical Analyst

2-1-13
Date


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

2-1-13
Date

11/27/2012

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS RESERVED UNDER FEDERAL LAW

RIGHT NUMBER: 63-29716

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI US GEOLOGICAL SURVEY
230 COLLINS RD
BOISE ID 83702-5420

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0-24 0.12 CFS
1.50 AFY

PRIORITY DATE: 04/09/1873 10/21/1980

POINT OF
DIVERSION:

T03N R02E S11 NENW Within ADA County

POINT OF DIVERSION: FUTURE USE, NO EXISTING DIVERSION FACILITIES.
DIVERSIONS WILL BE MADE ON FORT BOISE SITE. THE POINT OF
DIVERSION SHOWN ABOVE IS BY IDWR FOR DATA CONVENIENCE AND IN
NO WAY LIMITS OR DEFINES THE WATER RIGHT CLAIMED. ONLY WITHIN
THAT PORTION OF THE FORT BOISE RESERVATION SET FORTH IN THE ACT
OF OCTOBER 21, 1980, PUB L. 96-479, § 8, 94 STAT. 2305, 2310.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

HEATING

01/01 12/31

0-24 0.12 CFS
1.50 AFY

PLACE OF USE:

HEATING in ADA County

T03N R02E S11

NENW

T03N R02E S11

NWNW

NO EXISTING PLACES OF USE. FUTURE PLACE OF USE WILL BE ON USGS
ADMINISTERED PROPERTY ON FORT BOISE SITE. PLACE OF USE SHOWN
ABOVE IS BY IDWR FOR DATA CONVENIENCE AND IN NO WAY LIMITS OR
DEFINES THE WATER RIGHT CLAIMED. ONLY WITHIN THAT PORTION OF
THE FORT BOISE RESERVATION SET FORTH IN THE ACT OF OCTOBER 21,
1980, PUB L. NO. 96-479, § 8, 94 STAT. 2305, 2310.

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

LEGAL DESCRIPTION OF RESERVATION: THE ORIGINAL RESERVATION OF
APRIL 9, 1873, WAS DESCRIBED AS FOLLOWS: "BEGINNING AT A POINT
2145 FEET, N. 68 DEG., 34 MIN. W FROM THE FLAGSTAFF, AT FIR POST 8
FEET HIGH AND 1 FOOT IN DIAMETER, SQUARED AT TOP AND EACH FACE
MARKED "U.S.", THENCE RUNNING S. 20 DEG. E. 54.32 CHAINS, TO POST
1.21 CHAINS FROM N.E. CORNER OF SMALL LOG BUILDING BEARING S. 35
DEG. E.; THENCE RUNNING N. 70 DEG. E. 117.50 CHAINS TO STAKE 4
INCHES SQUARE, 2 1/2 FEET HIGH; THENCE RUNNING N. 20 DEG. W. 54.32
TO PILE OF STONES, THENCE RUNNING S. 70 DEG. W. 117.75 CHAINS TO
THE POINT OF BEGINNING AND CONTAINING 638 ACRES, MORE OR LESS.
ALL THE BEARINGS ARE TRUE MERIDIAN."

THE RESERVATION OF FEBRUARY 13, 1911, WAS DESCRIBED AS
FOLLOWS: "IN T. 3N, R. 3E, B.M., LOT 4 AND THE SE 1/4 OF THE NE 1/4
SEC. 5 AND LOTS 1 AND 2, SEC. 6. IN T. 4N, R. 3E, B.M., THE SE 1/4 SEC. 8;
THE S. 1/2 SEC. 9; ALL OF SEC. 17, THE NW 1/4, THE E 1/2 AND THE SW 1/4
SEC. 20, ALL OF SEC. 21; THE W 1/2 SEC. 22, THE W 1/2 SEC. 27; ALL OF
SECS. 28, 29, AND 30; ALL OF SEC. 31, EXCEPT 20.596 ACRES EMBRACED
IN "SUNNYSIDE LODGE" PATENTED TO W.P. RICHARDS AND DAVID
GEKELER, AND ALL OF SEC. 32; THE N. 1/2 OF THE NW 1/3 AND THE SW
1/4 OF THE NW 1/4 SEC. 33." LIST OF DOCUMENTS CREATING THE
FEDERAL RESERVATION: EXECUTIVE ORDER OF APRIL 9, 1873 EXECUTIVE
ORDER OF FEBRUARY 13, 1911 THE PRESENT FEDERALLY OWNED
PROPERTY ADMINISTERED BY THE GENERAL SERVICES ADMINISTRATION
IS SHOWN ON MAP ATTACHED TO CLAIM.

1. ACT OF OCTOBER 21, 1980, PUB L. NO. 96-479, S 8, 94 STAT. 2305, 2310 SETS FORTH THE FOLLOWING: "THE SECRETARY OF THE INTERIOR, THROUGH THE BUREAU OF LAND MANAGEMENT, IS AUTHORIZED TO UTILIZE GEOTHERMAL RESOURCES FOUND UNDER THE PARCEL KNOWN AS THE BOISE DISTRICT OFFICE SITE, DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF THE OLD FORT BOISE MILITARY RESERVATION, THENCE NORTH 70 DEGREES 0 MINUTES EAST, 1,448.2 FEET; THENCE NORTH 4 DEGREES 32 MINUTES EAST, 627 FEET TO THE TRUE POINT OF BEGINNING; THENCE THE FOLLOWING COURSES AND DISTANCES: SOUTH 87 DEGREES 8 MINUTES WEST, 696.5 FEET; THENCE NORTH 21 DEGREES 2 MINUTES WEST, 532 FEET; THENCE SOUTH 69 DEGREES 4 MINUTES WEST, 21.9 FEET; THENCE NORTH 22 DEGREES 40 MINUTES WEST, 86.3 FEET; THENCE NORTH 84 DEGREES 50 MINUTES EAST, 993.6 FEET; THENCE SOUTH 4 DEGREES 32 MINUTES WEST, 624.95 FEET TO THE POINT OF BEGINNING; CONSISTING OF 11.53 ACRES, MORE OR LESS, CONTAINED IN SECTION 11, TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN, IDAHO.

2. THIS WATER IS FOR USE WITHIN THAT PORTION OF THE FORT BOISE RESERVATION SET FORTH IN ACT OF OCTOBER 21, 1980, PUB L. NO. 96-479, S 8 STAT. 2305, 2310.

3. ALL WATER DIVERTED PURSUANT TO THIS WATER RIGHT IS TO BE REINJECTED INTO THE GEOTHERMAL AQUIFER FROM WHICH IT IS DIVERTED.

4. 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Reserved

[Handwritten signature]
NBS
C95
Jm
RAM
DN

CERTIFICATE OF MAILING

I certify that on Feb. 20, 201~~7~~³, 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 ST STE 520
BOISE, ID 83702-6118

THE TERTELING CO INC

Represented by:
CHARLES L HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE, ID 83701-0517

STATE OF IDAHO

Represented by:
CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-0449

EDWARDS FAMILY LLC

Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509

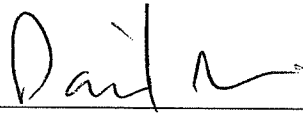
CITY OF BOISE

Represented by:
ROBERT A. MAYNARD
PERKINS COIE LLP
1111 W JEFFERSON ST STE 500
BOISE, ID 83702-5391

UNITED STATES OF AMERICA

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

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in black ink, appearing to read "Dail", is written over a horizontal line.

Signature of person or attorney mailing form