

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. 63-29766
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

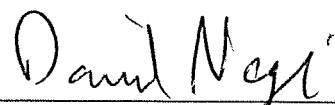
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

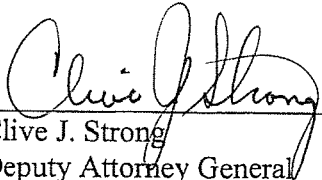
CLAIMANT:

United States Geological Survey

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

OBJECTORS:

State of Idaho

 2/6/13
Clive J. Strong Date
Deputy Attorney General
Attorney for Objector

Boise Warm Springs Water District

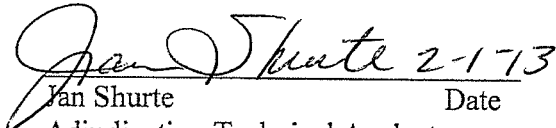
 2/7/13
Bruce M. Smith Date
Attorney for Objector

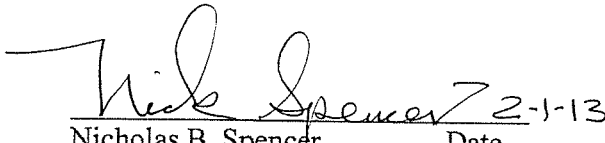
RESPONDENTS:

Edwards Family, LLC

Dana L. Hofstetter Date
Attorney for Respondent

IDWR Concurrence:

 2-1-13
Jan Shurte Date
Adjudication Technical Analyst

 2-1-13
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

11/27/2012

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS RESERVED UNDER FEDERAL LAW

RIGHT NUMBER: 63-29766

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: 1.200 CFS

Annual diversion volume under this right is limited to 16.5 afa.

PRIORITY DATE: ~~04/09/1973~~ 08/03/1950

POINT OF
DIVERSION:

T03N R02E S11 NENW Within ADA County

~~FUTURE USE, NO EXISTING DIVERSION FACILITIES, DIVERSIONS WILL BE
MADE OF 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.~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.100 CFS
INDUSTRIAL	~~01/01 12/31~~	~~1.100 CFS~~
COMMERCIAL	~~01/01 12/31~~	~~1.100 CFS~~
DOMESTIC	~~01/01 12/31~~	~~1.100 CFS~~
ADMINISTRATIVE	<u>01/01 12/31</u>	<u>1.200 CFS</u>

PLACE OF USE: IRRIGATION in ADA County

T03N R02E S11 NENW T03N R02E S11 NWNW

5 ACRES TOTAL

~~NO EXISTING PLACES OF USE. FUTURE PLACE OF USE WILL BE ON USGS
ADMINISTERED PROPERTY ON FORT BOISE SITE. THE PLACE OF USE
SHOWN ABOVE IS BY IDWR FOR DATA CONVENIENCE AND IN NO WAY
LIMITS OR DEFINES THE WATER RIGHT CLAIMED.~~

J NBS
CJS
RW
DN

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

This water right does not authorize the diversion of a low temperature geothermal resource or other geothermal resource.

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 FIRE 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 LODE" 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 FUTURE USE. THE PRESENT FEDERALLY OWNED PROPERTY ADMINISTERED BY THE U.S. GEOLOGICAL SURVEY IS SHOWN ON MAP ATTACHED TO CLAIM.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Reserved

JP
NBS
C/S
Am
DU

CERTIFICATE OF MAILING

I certify that on Feb 20, 2012, 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:

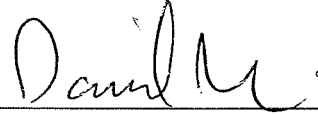
BOISE WARM SPRINGS WATER DIST
Represented by:
BRUCE M. SMITH
950 W BANNOCK ST STE 520
BOISE, ID 83702-6118

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

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 "David M.", is written above a horizontal line.

Signature of person or attorney mailing form