



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

March 3, 2008

Jerry Frederick
8968 S. Blackcoat Road
Nampa, ID 83687

RE: SRBA Subcase No. 63-2757 (Frederick)

Dear Mr. Frederick:

I am enclosing a Standard Form 5 ("SF5") for the above-referenced subcase. Please review the document, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and forward the original document to David Gehlert with the Bureau of Reclamation. If the SF5 is acceptable to Mr. Gehlert; he can file the original with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

cc: David Gehlert, BOR

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. 63-2757
	)	
	)	
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. 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.

**SIGN
HERE**

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; and 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 this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by their signatures below and by initialing the attached pages.

CLAIMANT:

Jerry Frederick Date

OBJECTOR:
Boise-Kuna Irrigation District

Shelley M. Davis, Attorney 2/28/08
Date

RESPONDENT:
USDI-BOR

David Gehlert Date

IDWR CONCURRENCE:

Sandy Egbert 2-4-08
Sandy Egbert Date
GIS Specialist, IDWR

IDWR CONCURRENCE:

Nicholas B. Spencer 2-12-08
Nicholas B. Spencer Date
Deputy Attorney General, IDWR

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

RIGHT NUMBER: 63-2757

NAME AND ADDRESS: JERRY FREDERICK
8968 S BLACKCAT RD
NAMPA ID 83687

SOURCE: UNNAMED DRAIN

TRIBUTARY: INDIAN CREEK

QUANTITY: 0.800 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 01/24/1949

POINT OF DIVERSION:

T02N R01W S10 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	3/15 11/15	0.020 CFS
IRRIGATION	3/15 11/15	0.800 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE
NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.INITIAL
HEREPLACE OF USE: IRRIGATION in ADA County

T02N R01W S10 SWNW 30.00 T02N R01W S10 SENW 10.00

STOCKWATER same as IRRIGATION

40 ACRES TOTAL

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

The source of this water right is waste water. The wasting of water
may be discontinued at any time.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

SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN

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:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

United States Dept. of Justice
Environment & Natural Resource Div
550 W Fort St. MSC 033
Boise, ID 83724

Jerry Frederick
8968 S. Blackcat Rd.
Nampa ID 83687

Boise Kuna Irrigation Dist
Shelley M. Davis
Barker Rosholt & Simpson
1010 W. Jefferson Ste. 102
PO Box 2139
Boise ID 83701-2139

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

Signature of person or attorney mailing the form