



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

February 29, 2008

Randall S. Grove
1038 S. River Stone Drive
Nampa, ID 83686

RE: SRBA Subcase No. 63-25740 (City of Kuna)

Dear Mr. Grove:

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. 63-25750
	)	
	)	
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.

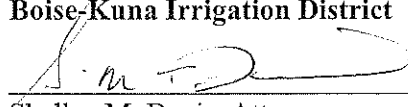
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions 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:

City of Kuna Date

OBJECTOR:
~~Boise-Kuna Irrigation District~~

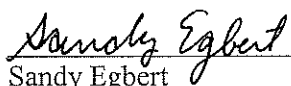


Shelley M. Davis, Attorney Date

RESPONDENT:
USDI-BOR

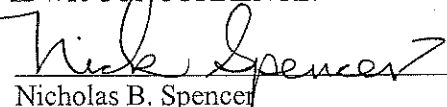
David Gehlert Date

IDWR CONCURRENCE:

 2-4-08

Sandy Egbert Date
GIS Specialist, IDWR

IDWR CONCURRENCE:

 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: 63-25750

NAME AND ADDRESS: CITY OF KUNA
PO BOX 13
KUNA ID 83634-0013

SOURCE: WASTE WATER

TRIBUTARY: INDIAN CREEK

QUANTITY: 0.200 CFS

PRIORITY DATE: 04/01/1930

POINT OF DIVERSION:

T02N R01W S15 NWSWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.200 CFS

PLACE OF USE: IRRIGATION in ADA County

T02N R01W S15	NWSW	4.00	T02N R01W S15	SWSW	6.00
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10 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 - Beneficial Use

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

City of Kuna
PO Box 13
Kuna ID 83634-0013

Randall S. Grove, Attorney
1038 S. River Stone Dr.
Nampa ID 83686

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