



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

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RECEIVED

MAR 17 2008

DEPARTMENT OF  
WATER RESOURCES

March 13, 2008

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk  
Snake River Basin Adjudication  
DISTRICT COURT  
253 Third Ave., North  
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576  
Subcase No. 63-25750

Dear Ms. Delaney:

Enclosed for filing in the above listed subcase is the following document:

1. **STANDARD FORM 5 - STIPULATED ELEMENTS OF A WATER RIGHT**

Sincerely,

David A. Jarvis  
Paralegal

Enclosure

**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  
)  
)

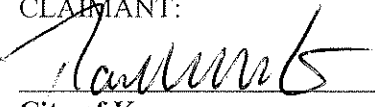
) STIPULATED ELEMENTS OF A  
) WATER RIGHT  
)

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.

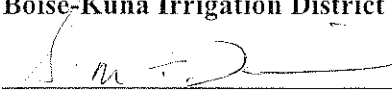
CLAIMANT:

  
City of Kuna

3/5/08  
Date

OBJECTOR:

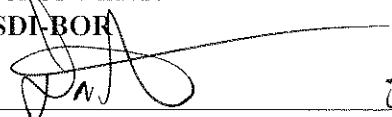
Boise-Kuna Irrigation District

  
Shelley M. Davis, Attorney

Date

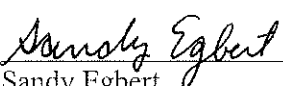
RESPONDENT:

USDI-BOR

  
David Gehlert

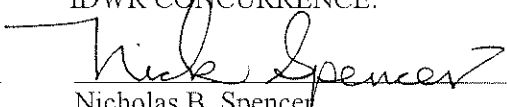
3/13/08  
Date

IDWR CONCURRENCE:

  
Sandy Egbert  
GIS Specialist, IDWR

2-4-08  
Date

IDWR CONCURRENCE:

  
Nicholas B. Spencer  
Deputy Attorney General, IDWR

2-12-08  
Date

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:PURPOSE OF USEPERIOD OF USEQUANTITY

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

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

AK  
NBS  
DC 186

## CERTIFICATE OF MAILING

I certify that on MAY 13, 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

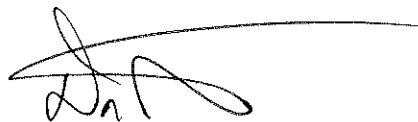
United States Dept. of Justice  
Environment & Natural Resource Div  
550 W Fort St. MSC 033  
Boise, ID 83724

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