



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

April 2, 2008

David W. Gehlert
Natural Resources Section
Environment & Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

RE: SRBA Subcase No. 63-4176 (AV-CB LLC)

Dear David:

I am enclosing the original Standard Form 5 ("SF5") for the above-referenced water right. If the SF5 is acceptable, please sign on the indicated signature line, initial the revised recommendation and file the document with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at (208) 287-4815.

Sincerely,

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

Ray Williams
Paralegal

Enclosure

RECEIVED

FEB 04 2008

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: 63-4176

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

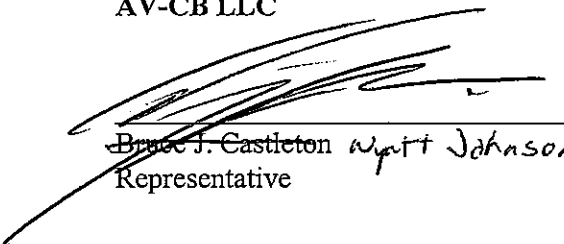
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert 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.

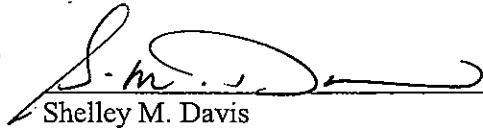
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR indicate their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT(s):
AV-CB LLC

OBJECTOR(s):
Boise-Kuna Irrigation District


Bruce J. Castleton
Representative

3/28/08
Date


Shelley M. Davis

2/15/08
Date

RESPONDENT(s):
USDI-BOR

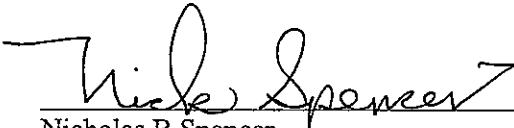
David Gehlert

Date

SF5 Right No. 63-4176

IDWR CONCURRENCE:

 1-31-08
Jan Shurte Date
Adjudication Supervisor, IDWR

 2-5-08
Nicholas B Spencer Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-4176

NAME AND ADDRESS: AV-CB LLC
9647 W PEBBLE BROOK LN
BOISE ID 83714

SOURCE: WASTE WATER

TRIBUTARY: TENMILE CREEK

QUANTITY: 0.270 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.32 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 61.2 AF. COMBINED RIGHT NOS.:
63-04175 & 63-04176.

PRIORITY DATE: 03/01/1959

POINT OF DIVERSION:

T02N R01E S4 NWSE 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	0.270 CFS

PLACE OF USE: IRRIGATION in ADA County

T02N R01E S04 NWSE 23.00

23 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-04175 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 13.6 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The right holder shall accomplish the change authorized by Transfer 71048
by 4/26/2009.

After specific notification by the Department, the right holder shall install
a suitable measuring device or shall enter into an agreement with the
Department to determine the amount of water diverted from power records
and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of transfer # 71048
is cause for the Director to rescind approval of the transfer.

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

AV-CB LLC
c/o Bruce J. Castleton
950 W. Bannock, Ste. 610
Boise ID 83702

Shelley M. Davis
Barker, Rosholt & Simpson LLP
PO Box 2139
Boise ID 83701-2139

Boise-Kuna Irrigation Dist.
129 N. School Ave.
Kuna ID 83634

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

Signature of person or attorney mailing the form