



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

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RECEIVED

JUN 09 2008

DEPARTMENT OF
WATER RESOURCES

June 3, 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

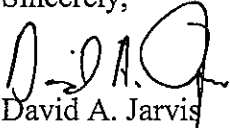
Re: SRBA Case No. 39576
Subcase No. 63-04607B

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. 63-4607B
	)	
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:

Wilson Properties, LP

OBJECTOR:

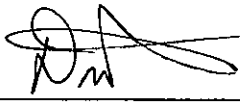
Boise-Kuna Irrigation District


Michael C. Creamer Date 5/22/08
Attorney for Claimant


Shelley M. Davis Date 5/14/08
Attorney for Objector

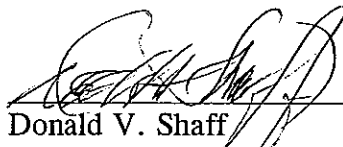
RESPONDENT:

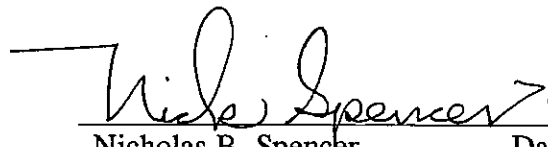
Bureau of Reclamation

 6/3/08

David W. Gehlert, USDOJ Date
Attorney for BOR

IDWR Concurrence:

 5-13-08
Donald V. Shaff Date
Adjudication Bureau Chief

 5-13-08
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: 63-4607B

NAME AND ADDRESS: WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

SOURCE: TENMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 1.300 CFS
292.500 AFY

PRIORITY DATE: 03/29/1947

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	1.300 CFS 292.50 AFY

PLACE OF USE: IRRIGATION in ADA County

T02N R01E S04 Lot 2 NWNE 40.00 T02N R01E S04 SWNE 25.00

65 ACRES TOTAL

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 irrigation district has no duty to deliver water to the water right holder to fulfill this water right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from New York Irrigation District.

CERTIFICATE OF MAILING

I certify that on June 3, 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:

BOISE KUNA IRRIGATION DIST.

Represented by:
CHARLES F. MC DEVITT
420 W BANNOCK ST.
P.O. BOX 2564
BOISE, ID 83701

WILSON PROPERTIES LP

Represented by:
MICHAEL C. CREAMER
601 W .BANNOCK ST.
P.O. BOX 2720
BOISE, ID 83701-2720

WILSON PROPERTIES LP

Represented by:
MICHAEL P. LAWRENCE
PO BOX 2720
BOISE, ID 83701

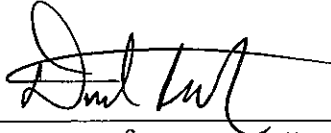
BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M. DAVIS
1010 W. JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

A handwritten signature in black ink, appearing to be "D. L. L.", written over a horizontal line.

Signature of person or attorney mailing form