



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

July 15, 2008

Shelley M. Davis
Barker, Roshalt & Simpson
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139

RE: SRBA Subcase No. 63-32510 (Smith)

Dear Shelley:

I am enclosing an SF5 for the above-referenced subcase. Please review the document, and if it meets your approval, please sign on the indicated signature line, initial the revised recommendation and return the original document to me. I will obtain the remaining signatures and file the SF5 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 black ink, appearing to read "Ray Williams".

Ray Williams
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. 63-32510
	)	
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(s):

Rocky Leroy Smith Date

Laurie Smith Date

OBJECTOR:

Boise-Kuna Irrigation District

RESPONDENT:

Bureau of Reclamation

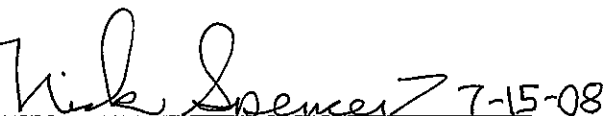
Shelley M. Davis Date
Attorney for Objector

David W. Gehlert, USDOJ Date
Attorney for BOR

IDWR Concurrence:

 7-15-08

Michael H. Ciscell Date
Senior GIS Analyst

 7-15-08

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

06/07/2008

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

RIGHT NUMBER: 63-32510

NAME AND ADDRESS: ROCKY LEROY SMITH
8734 BIGFOOT RD
MELBA ID 83641

LAURIE SMITH
8734 BIGFOOT RD
MELBA ID 83641

SOURCE: SLEEPY HOLLOW DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 09/29/1959

POINT OF
DIVERSION:

T01N R02W S10 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.120 CFS

PLACE OF USE: IRRIGATION in CANYON County

T01N R02W S10 SESW 6.00

6 ACRES TOTAL

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

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

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

NBS
KHC

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

Use of this right is combined with water from Boise-Kuna Irrigation District.

This right is a split from former right 63-3171.

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:

BOISE KUNA IRRIGATION DIST
Represented by:
SHELLEY M. DAVIS
1010 W. JEFFERSON, STE. 102
P.O. BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATLURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

LAURIE SMITH
ROCKY LEROY SMITH
8734 BIGFOOT RD.
MELBA, ID 83641

Signature of person or attorney mailing form