



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

August 27, 2008

Erika E. Malmen
Perkins Cole
251 East Front Street, Suite 400
P.O. Box 737
Boise, ID 83702-0737

RE: SRBA Subcase No. 63-12312 (City of Boise)

Dear Erika:

I am enclosing an 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 return the original SF5 to me. I will obtain the remaining signature and file the SF5 with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script, 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. 63-12312
	)	
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/OBJECTOR:

City of Boise

Erika E. Malmen Date
Attorney for Claimant/Objector

STANDARD FORM 5 – Water Right No. 63-12312

IDWR Concurrence:

Jan Shurte Date
Water Rights Supervisor

Andrea L. Courtney 8/26/08
 Andrea L. Courtney Date
 Deputy Attorney General
 Attorney for IDWR

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

RIGHT NUMBER: 63-12312

NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

SOURCE: GROUND WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 0.870 CFS ~~2.7 CFS~~
628.700 AFY

PRIORITY DATE: 02/15/1996

POINT OF DIVERSION:

T04N R01E S22 NWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.870 CFS 628.70 AFY

PLACE OF USE: INDUSTRIAL in ADA County

T04N R01E S22 NWSW

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

Should the use of the water on this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this 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.

After specific notification by the department, the right holder shall enter into an agreement to annually report to the department the amount water diverted under this right.

Use of water under this right shall be non-consumptive.

Industrial use is ~~is~~ for a biosolids dewatering facility.

Use of water under this right ~~approval~~ shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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:

CITY OF BOISE
Represented by:
ERIKA E. MALMEN
251 EAST FRONT ST., STE. 400
BOISE, ID 83702-7310

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

Signature of person or attorney mailing the form