



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
August 29, 2008

Charles L. Honsinger
RINGERT CLARK
P.O. Box 2773
Boise, Idaho 83701-2773

Re: Subcase Nos. 63-17695, 63-17696 and 63-17697

Dear Mr. Honsinger:

Enclosed please find the original documents entitled "Standard Form 5 – Stipulated Elements of a Water Right" (commonly referred to as SF 5) for the above referenced subcase nos. for Basin 63.

Please review the new recommendations which are attached to the original SF 5 documents. If all the information is correct, please sign and date the first page of the original and initial the page entitled "Recommendation of Water Rights Acquired Under State Law." After you have signed and initialed the original, **please return the documents to our office.** Our office will gather the remaining signatures and make sure the documents are subsequently filed with the Court.

If you have any questions regarding this process or the enclosed documents please do not hesitate to call me at 287-4814.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Renea Ridgeway".

Renea Ridgeway
Paralegal, IDWR

Enclosures

**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. 63-17695
	)	
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.

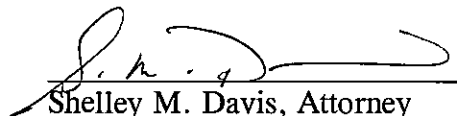
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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
Hill Way, Inc. Idaho Corp.

OBJECTOR
Boise Kuna Irrigation District

Charles Honsinger, Attorney Date

 Aug. 18, 28

Shelley M. Davis, Attorney Date

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Nicholas Spencer
Deputy Attorney General

Date

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
PO BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

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

HILL WAY INC IDAHO CORP

PO BOX 1979
SAN MATEO, CA 94401
Phone: 650-696-8375

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

08/12/2008

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

RIGHT NUMBER: 63-17695

NAME AND ADDRESS: HILL WAY INC IDAHO CORP
PO BOX 1979
SAN MATEO CA 94401

SOURCE: WASTE WATER

TRIBUTARY: JENSEN LAKE

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

QUANTITY: 0.400 CFS

PRIORITY DATE: 04/15/1920

POINT OF
DIVERSION:

T01S R01W S6 NENWSW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

0.400 CFS

PLACE OF USE: IRRIGATION in ADA County

T01S R01W S06 Lot 6 NWSW 10.00 T01S R01W S06 Lot 7 SWSW 10.00

20 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.

~~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.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

**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. 63-17697
	)	
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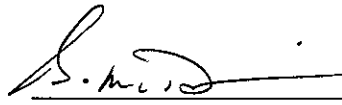
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Hill Way, Inc. Idaho Corp.

OBJECTOR
Boise Kuna Irrigation District

Charles Honsinger, Attorney Date

 Aug. 18, 08
Shelley M. Davis, Attorney Date

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Nicholas Spencer
Deputy Attorney General

Date

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PO BOX 1979
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Phone: 650-696-8375

DIRECTOR OF IDWR

PO BOX 83720
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Signature of person or attorney mailing the form

08/12/2008

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

RIGHT NUMBER: 63-17697

NAME AND ADDRESS: HILL WAY INC IDAHO CORP
PO BOX 1979
SAN MATEO CA 94401

SOURCE: WASTE WATER

TRIBUTARY: JENSEN LAKE

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

QUANTITY: 0.110 CFS

PRIORITY DATE: 04/15/1920

POINT OF
DIVERSION:

T01S R01W S6 SENWSE Within ADA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

0.110 CFS

PLACE OF USE: IRRIGATION in ADA County

T01S R01W S06 SWSE 5.60

5.6 ACRES TOTAL

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

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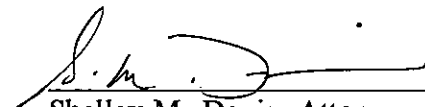
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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-17696

NAME AND ADDRESS: HILL WAY INC IDAHO CORP
PO BOX 1979
SAN MATEO CA 94401

SOURCE: WASTE WATER

TRIBUTARY: JENSEN LAKE

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

Handwritten signature/initials

QUANTITY: 0.300 CFS

PRIORITY DATE: 04/15/1920

POINT OF
DIVERSION:

T01S R01W S6 NWNWSE Within ADA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

0.300 CFS

PLACE OF USE: IRRIGATION in ADA County

T01S R01W S06

SESW

7.60

T01S R01W S06

SWSE

7.60

15.2 ACRES TOTAL

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