



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

August 28, 2008

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

RE: SRBA Subcase No. 63-7179 (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 black ink, appearing to read "Ray Williams", is written over a horizontal line.

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. 63-7179
	)	
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. 63-7179

Jan Shurte Date
Water Rights Supervisor

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

RIGHT NUMBER: 63-7179

NAME AND ADDRESS:

CITY OF BOISE
PARKS & RECREATION DEPT
1104 ROYAL BLVD
BOISE ID 83706-2898

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.910 CFS

PRIORITY DATE:

12/19/1968

POINT OF DIVERSION:

T03N R02E S18 SWNE
Within ADA County

~~T03N R02E S18 NWSE~~
~~Within ADA County~~

AK

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

MUNICIPAL

01/01 12/31

0.910 CFS

PLACE OF USE:

Place of use is within the service area of the City of Boise municipal water supply system as provided for under Idaho Law.

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.

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