



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

September 15, 2008

Bruce M. Smith
950 W. Bannock, Suite 520
Boise, ID 83702

RE: SRBA Subcase Nos. 22-122 & 22-566A (City of Victor)

Dear Bruce:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the original SF5s to me. I will file the original documents with the SRBA Court and provide copies to the service list.

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 that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

In Re SRBA	)	Subcase No. 22-122
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

I

DWR Concurrence:

Ernest Carlsen 9-22-08
Ernest Carlsen Date
Water Resource Program Manager

Andrea L. Courtney 9/10/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-122

NAME AND ADDRESS: CITY OF VICTOR
PO BOX 122
VICTOR ID 83455-0122

SOURCE: SPRINGS

TRIBUTARY: GAME CREEK

QUANTITY: 0.460 3.2 CFS

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION:

T03N R46E S17 SWSWSW Within TETON County
T03N R46E S17 NWSESW Within TETON County
T03N R46E S17 NWSESW Within TETON County
T03N R46E S19 NENENE Within TETON County
T03N R46E S19 NWNENE Within TETON County
T03N R46E S19 NWNENE Within TETON County

*OK
EMC*

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31
4/15 10/31

0.460 CFS
3.2 CFS

PLACE OF USE:

Place of use is within the service area of the City of Victor municipal surface 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 - Decreed

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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 VICTOR
Represented by:
BRUCE M. SMITH
950 W. BANNOCK, STE. 520
BOISE, ID 83702

CITY OF VICTOR
Represented by:
CARL J. WITHROE
950 W. BANNOCK ST., STE. 520
BOISE, ID 83702

CITY OF VICTOR
P.O. BOX 122
VICTOR, ID 83455-0122

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

Signature of person or attorney

**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. 22-566A
	)	
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 reflecting no changes to the original recommendations. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

City of Victor

Bruce Smith	Date
Attorney for Claimant/Objector	

DWR Concurrence:

Ernest Carlsen 9-22-08
Ernest Carlsen Date
Water Resource Program Manager

Andrea L. Courtney 9/10/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

12/20/2006

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

RIGHT NUMBER: 22-566A

NAME AND ADDRESS: CITY OF VICTOR
PO BOX 122
VICTOR ID 83455-0122

SOURCE: SPRINGS

TRIBUTARY: GAME CREEK

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/01/1896

POINT OF

DIVERSION: T03N R46E S17 SWSWSW Within TETON County
T03N R46E S17 NWSESW Within TETON County
T03N R46E S17 NWSESW Within TETON County
T03N R46E S19 NENENE Within TETON County
T03N R46E S19 NWNENE Within TETON County
T03N R46E S19 NWNENE Within TETON County

AKC
EMC

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
1.600 CFS

PLACE OF USE:

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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2. Copies to:

CITY OF VICTOR
Represented by:
BRUCE M. SMITH
950 W. BANNOCK, STE. 520
BOISE, ID 83702

CITY OF VICTOR
Represented by:
CARL J. WITHROE
950 W. BANNOCK ST., STE. 520
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CITY OF VICTOR
P.O. BOX 122
VICTOR, ID 83455-0122

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

Signature of person or attorney