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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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DEPARTMENT OF
WATER RESOURCES

**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

Case No. 39576

) Subcase No. 63-17697
)
)
)
)
)
)
)

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.

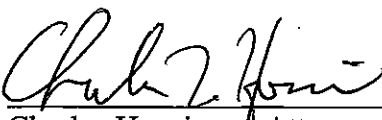
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

Hill Way, Inc. Idaho Corp.

OBJECTOR

Boise Kuna Irrigation District


Charles Honsinger, Attorney

Date

9/5/08



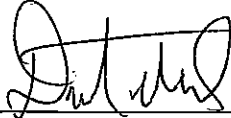
Shelley M. Davis, Attorney

Date

Aug. 18, 08

RESPONDENT

United States on behalf of
Bureau of Reclamation



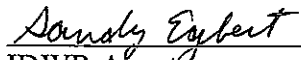
9/15/08

David Gehlert

Date

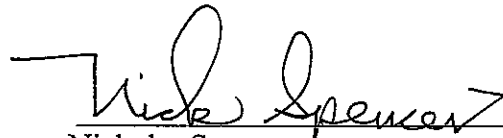
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR Concurrence:


IDWR Agent

8-20-08

Date



9-23-08

Date

Nicholas Spencer
Deputy Attorney General

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:

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.

CERTIFICATE OF MAILING

I certify that on 9/24, 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

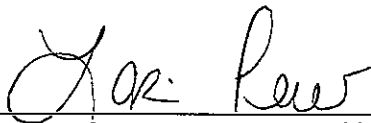
Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

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