



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

October 30, 2008

Dana Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702

Re: Subcase Nos. 63-7674A

Dear Ms. Hofstetter:

Enclosed please find the original document 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 recommendation which is attached to the original SF 5 document. 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 in the self addressed stamped envelope** provided for your convenience. 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 contact Nick Spencer at 287-4813 or Ray Williams at 287-4815.

Thank you for your cooperation in this matter.

Sincerely,


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. 63-7674A
	)	
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
Hometown West Meadows

Dana Hofstetter	Date
Attorney on behalf of Hometown West Meadows	

STANDARD FORM 5 – 63-7674A

IDWR Concurrence:

IDWR Agent

Date

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:

HOMETOWN WEST MEADOWS LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-7674A

NAME AND ADDRESS:

HOMETOWN WEST MEADOWS, LLC
150 N WACKER DRIVE, SUITE 2800
CHICAGO IL 60606

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

1.230 CFS
229.500 AFY

The annual volume for irrigation and commercial uses under this right is limited to 229.50 AFY and does not include an annual volume for fire protection.

PRIORITY DATE: 10/04/1972

POINT OF DIVERSION:

T03N R01E S10 SESENE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	05/15 11/15	0.060 CFS 13.50 AFY
COMMERCIAL	01/01 12/31	1.230 CFS 216.00 AFY
FIRE PROTECTION	01/01 12/31	1.070 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 ~~AND MAY GO TO AS LATE AS NOVEMBER 15,~~ PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PAR DECREE IS ENTERED FOR THIS RIGHT.

Commercial use is for internal domestic use and up to one-half acre of irrigation for each of 180 mobile home units.

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

PLACE OF USE: IRRIGATION within ADA County
 T03N R01E S10 SENE 3.0

 COMMERCIAL within ADA County
 T03N R01E S10 SENE

 FIRE PROTECTION within ADA County
 T03N R01E S10 SENE

3 ACRES TOTAL

The total acres described in the place of use are for irrigation is for 3 acres of common area within the mobile home park and does not include the irrigation for each of the homes included under the commercial use. Water for fire protection can be used anywhere in the Hometown West Meadows mobile home park to fight or repel an existing fire or for maintenance of the fire protection system.

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