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MAY 05 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 MAY 4 PM 1 07

**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. 63-5254

) 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:

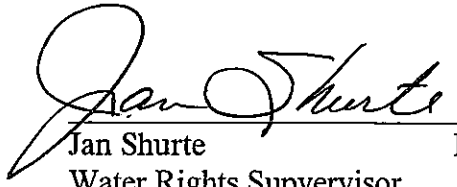
City of Boise

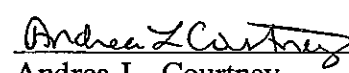
Department of Aviation & Public Transportation

Erika E. Malmen 4/23/09
Erika E. Malmen Date
Attorney for Claimant/Objector

STANDARD FORM 5 – Water Right No. 63-5254

IDWR Concurrence:

 4-27-09
Jan Shurte Date
Water Rights Supervisor

 4/15/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-5254

NAME AND ADDRESS: CITY OF BOISE
DEPT OF AVIATION & PUBLIC TRANSPORTATION
PO BOX 500
BOISE ID 83701

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.320 CFS
29.700 AFY ~~10.50 AFY~~~~The quantity of water under this right shall not exceed 13,000 gallons per day.~~

PRIORITY DATE: 07/01/1960

POINT OF DIVERSION:

T03N R02E S19 SWSWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>IRRIGATION</u>	<u>03/01 11/15</u>	<u>0.090 CFS</u> <u>13.50 AFY</u>
<u>DOMESTIC</u>	<u>01/01 12/31</u>	<u>0.230 CFS</u> <u>16.20 AFY</u>
<u>Domestic use is for 27 mobile homes.</u>		

PLACE OF USE: IRRIGATION in ADA CountyT03N R02E S19 SWSE 3.00DOMESTIC in ADA CountyT03N R02E S19 SWSE

3 ACRES TOTAL

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

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

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 - Beneficial Use

CERTIFICATE OF MAILING

I certify that on May 1, 2009, 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
DEPT. OF AVIATION & PUBLIC TRANSPORTATION
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

Deserae D. Kramer
Signature of person or attorney mailing the form