



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

July 8, 2009

T. J. Budge
201 E. Center Street
P.O. Box 1391
Pocatello, ID 83204-1391

RE: SRBA Subcase No. 29-13678 (City of Lava Hot Springs)

Dear T.J.:

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 signatures from IDWR 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 cursive script that reads "Ray Williams".

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. 29-13678
	)	<i>Previously Disallowed</i>
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 Lava Hot Springs

_____ Thomas J. Budge Attorney for Claimant/Objector	_____ Date
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DWR Concurrence:

Ernest Carlsen Date
Water Resource Program Manager

Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 29-13678

NAME AND ADDRESS:

CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS ID 83246

SOURCE: Source:
SPRINGS

Tributary:
FISH CREEK

QUANTITY: 0.500 CFS

Right Nos. 29-4230 and 29-13678 are limited to a total combined diversion rate of 0.62 cfs.

PRIORITY DATE: 03/01/1889

POINT OF DIVERSION:

T09S R38E S24 SESWSW
Within BANNOCK County

T09S R38E S24 SESWSW
Within BANNOCK County

T09S R38E S25 NWNENE
Within BANNOCK County

T09S R38E S25 NWNENW
Within BANNOCK County

T09S R38E S25 NWNENW
Within BANNOCK County

T09S R38E S25 NENWNW
Within BANNOCK County

T09S R38E S25 NENWNW
Within BANNOCK County

T09S R38E S25 NENWNW
Within BANNOCK County

T09S R38E S25 NENWNW
Within BANNOCK County

T09S R38E S25 NENWNW
Within BANNOCK County

T09S R38E S25 NENWNW
Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

MUNICIPAL

04/15 09/15

0.500 CFS

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

PLACE OF USE:

Place of use is within the service area of the City of Lava Hot Springs 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 - Decreed

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
This right is a split from former right 29-152.

CERTIFICATE OF MAILING

I certify that on _____, 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 LAVA HOT SPRINGS
Represented by:
THOMAS J. BUDGE
201 E. CENTER STREET
P.O. BOX 1391
POCATELLO, ID 83204-1391

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

Signature of person or attorney