



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

December 2, 2009

Erika E. Malmen
1111 W. Jefferson Street, Suite 500
P.O. Box 737
Boise, ID 83702-0737

RE: SRBA Subcase No. 63-5354 (City of Boise)

Dear Erika:

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 IDWR signature, file the original SF5 with the SRBA Court and provide you with a copy.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in blue ink 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. 63-5354
	)	
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 Boise
Department of Aviation & Public Transportation

Erika E. Malmen Date
Attorney for Claimant/Objector

STANDARD FORM 5 – Water Right No. 63-5354

IDWR Concurrence:

Jan Shurte Date
Water Rights Supervisor

Andrea L. Courtney 12/2/09
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: 63-5354

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.180 CFS
130.300 AFY~~The quantity of water under this right shall not exceed 13,000 gallons per day.~~PRIORITY DATE: 01/01/1939 ~~1900~~

POINT OF DIVERSION:

T03N R02E S30 NENE Within ADA County

T03N R02E S30 NENE Within ADA County

T03N R02E S30 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

DOMESTIC

01/01 12/31

0.180 CFS
130.30 AFYPLACE OF USE: DOMESTIC in ADA CountyT03N R02E S30 NENET03N R02E S30 SWNET03N R02E S30 SENE

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 _____, 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
1111 W. JEFFERSON STREET, SUITE 500
P.O. BOX 737
BOISE, ID 83702-0737

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

Signature of person or attorney mailing the form