



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

September 3, 2008

Duane & Beverly Warn
9053 Southside Blvd.
Nampa, ID 83686

Re: Subcase Nos. 63-10460, 63-31202, and 63-31203

Dear Mr. & Mrs. Warn:

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. The documents for 63-31202 and 63-31203 were previously signed and filed with the Court. However, a slight clerical error was noted under the Place of Use element, in which 63-31203 was mistakenly printed out as 63-3123. The new documents enclosed for subcase nos. 63-31202 and 63-31203 correct this error and will help ensure that your partial decrees are issued properly with the correct information.

Please review the recommendations. 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 call me at 287-4814.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Renea Ridgeway". The signature is fluid and cursive, with a horizontal line above the name.

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. 63-10460
	)	
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.

CLAIMANTS

Duane & Beverly Warn

Date

Date

IDWR Concurrence:

IDWR Agent Date

Nicholas Spencer Date
Deputy Attorney General

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:

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

BEVERLY J WARN
DUANE W WARN
9053 SOUTHSIDE BLVD
NAMPA, ID 83686

Signature of person or attorney mailing the form

09/02/2008

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

RIGHT NUMBER: 63-10460

NAME AND ADDRESS: DUANE W WARN
9053 SOUTHSIDE BLVD
NAMPA ID 83686

BEVERLY J WARN
9053 SOUTHSIDE BLVD
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.820 CFS
279.00 AFY

Right Nos. 63-31202, 63-10460 and 63-31203 are limited to a total combined diversion rate of 1.27 cfs.

PRIORITY DATE: 04/29/1987

POINT OF
DIVERSION:

T02N R02W S13 SWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.820 CFS 279.00 AFY

PLACE OF USE: IRRIGATION in CANYON County

T02N R02W S13	SWSW	32.00	T02N R02W S14	SESE	16.00
T02N R02W S23	NENE	14.00			

62 ACRES TOTAL

Right Nos. 63-31202, 63-10460 and 63-31203 are limited to the irrigation of a combined total of 63.5 acres in a single irrigation season.

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

Use of this right is combined with water from Boise-Kuna Irrigation District.

Use of this right is combined with water from Nampa Meridian Irrigation District.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

09/02/2008

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

RIGHT NUMBER: 63-10460

NAME AND ADDRESS: DUANE W WARN
9053 SOUTHSIDE BLVD
NAMPA ID 83686

BEVERLY J WARN
9053 SOUTHSIDE BLVD
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.820 CFS
279.00 AFY

Right Nos. 63-31202, 63-10460 and 63-31203 are limited to a total combined diversion rate of 1.27 cfs.

PRIORITY DATE: 04/29/1987

POINT OF
DIVERSION:

T02N R02W S13 SWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.820 CFS 279.00 AFY

PLACE OF USE: IRRIGATION in CANYON County

T02N R02W S13	SWSW	32.00	T02N R02W S14	SESE	16.00
T02N R02W S23	NENE	14.00			

62 ACRES TOTAL

Right Nos. 63-31202, 63-10460 and 63-3123 are limited to the irrigation of a combined total of 63.5 acres in a single irrigation season.

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

Use of this right is combined with water from Boise-Kuna Irrigation District.

Use of this right is combined with water from Nampa Meridian Irrigation District.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

**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. 63-31202
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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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

Duane W. and Beverly J. Warn

OBJECTOR

Boise Kuna Irrigation District

Date

Shelley M. Davis, Attorney Date

Date

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Nicholas Spencer
Deputy Attorney General

Date

CERTIFICATE OF MAILING

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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

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

BEVERLY J WARN
DUANE W WARN
9053 SOUTHSIDE BLVD
NAMPA, ID 83686

Signature of person or attorney mailing the form

Standard Form 5 – 63-31202

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

RIGHT NUMBER: 63-31202

NAME AND ADDRESS: DUANE W WARN
9053 SOUTHSIDE BLVD
NAMPA ID 83686

BEVERLY J WARN
9053 SOUTHSIDE BLVD
NAMPA ID 83686

SOURCE: WASTE WATER

TRIBUTARY: GARLAND DRAIN

QUANTITY: 0.510 CFS

Right Nos. 63-31202, 63-10460 and 63-31203 are limited to a total combined diversion rate of 1.27 cfs.

PRIORITY DATE: 04/15/1932

POINT OF DIVERSION:

T02N R02W S13 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.510 CFS

PLACE OF USE: IRRIGATION in CANYON County

T02N R02W S13	SWSW	3.00	T02N R02W S14	SESE	5.50
T02N R02W S23	NENE	17.00			

25.5 ACRES TOTAL

Right Nos. 63-31202, 63-10460 and 63-31203 are limited to the irrigation of a combined total of 63.5 acres in a single irrigation season.

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.~~

The source of this water right is waste water. The wasting of water may be discontinued at any time.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Nampa Meridian Irrigation District.

Use of this right is combined with water from Boise-Kuna Irrigation District.

**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. 63-31203
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

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Duane W. and Beverly J. Warn

OBJECTOR

Boise Kuna Irrigation District

Date

Shelley M. Davis, Attorney Date

Date

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Nicholas Spencer
Deputy Attorney General

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550 WEST FORT STREET, MSC 033
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PO BOX 83720
BOISE, ID 83720-0098

BEVERLY J WARN
DUANE W WARN
9053 SOUTHSIDE BLVD
NAMPA, ID 83686

Signature of person or attorney mailing the form

Standard Form 5 – 63-31203

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

RIGHT NUMBER: 63-31203

NAME AND ADDRESS: DUANE W WARN
9053 SOUTHSIDE BLVD
NAMPA ID 83686

BEVERLY J WARN
9053 SOUTHSIDE BLVD
NAMPA ID 83686

SOURCE: WASTE WATER

TRIBUTARY: GARLAND DRAIN

QUANTITY: 0.200 CFS

Right Nos. 63-31202, 63-10460 and 63-31203 are limited to a total combined diversion rate of 1.27 cfs.

PRIORITY DATE: 04/15/1932

POINT OF DIVERSION:

T02N R02W S23 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.200 CFS

PLACE OF USE: IRRIGATION in CANYON County

T02N R02W S23 NENE 10.00

10 ACRES TOTAL

Right Nos. 63-31202, 63-10460 and 63-31203 are limited to the irrigation of a combined total of 63.5 acres in a single irrigation season.

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

~~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.~~

The source of this water right is waste water. The wasting of water may be discontinued at any time.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Boise-Kuna Irrigation District.

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