

2003 OCT 22 AM 10 57

**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

James Wilson 9-15-08
Date

Date _____

Beverly Warm 9-15-08
Date

Date _____

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IDWR Concurrence:

Sandy Egbert 9-22-08
IDWR Agent Date
Sandy Egbert

Nicholas Spencer 9-23-08
Nicholas Spencer Date
Deputy Attorney General

10/21 **CERTIFICATE OF MAILING**

I certify that on OCT 9th, 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

A. M. Lewis
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.

NBS
BW
JR