



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

January 21, 2009

Christopher H. Meyer
Givens Pursley
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720

Re: City of Nampa

Dear Chris:

Thank you for returning the signed SF5s. When I received them, I noticed that you had missed initialing the revised recommendations. To expedite getting the SF5s filed, I went ahead and obtained IDWR's concurrence and am returning the originals to you so that you can initial the revised recommendations contained within the SF5s and file the original SF5s with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4811.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

cc: Garrick Baxter

**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. 63-5258
	)	
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 Nampa

 1-7-2009

Christopher H. Meyer Date
Attorney for Claimant/Objector

STANDARD FORM 5 – Water Right No. 63-5258

IDWR Concurrence:

Kay Walker 1-15-09
Kay Walker Date
Senior Water Resource Agent

h Bt 1/12/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-5258

NAME AND ADDRESS:

CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651SOURCE: Source:
GROUND WATER

Tributary:

AB
kwQUANTITY: 2.100 CFSPRIORITY DATE: 07/20/1954

POINT OF DIVERSION:

T02N R02W S3 Lot 4 NWNW
Within CANYON CountyT03N R02W S14 NWSE
Within CANYON CountyT03N R02W S17 SWNE
Within CANYON CountyT03N R02W S17 SWNW
Within CANYON CountyT03N R02W S22 SWNE
Within CANYON CountyT03N R02W S22 SWNE
Within CANYON CountyT03N R02W S22 NWNW
Within CANYON CountyT03N R02W S22 NWSE
Within CANYON CountyT03N R02W S22 NWSE
Within CANYON CountyT03N R02W S27 SENE
Within CANYON CountyThis water right is part of the potable water delivery system for the City of Nampa.

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	<u>MUNICIPAL</u>	<u>01/01 12/31</u>	<u>2.100 CFS</u>

PLACE OF USE:

Place of use is within the service area of the City of Nampa 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.

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at Well #6 located in T3N, R2W, Sec. 27, SENE.

AB
KW

~~No lawful appropriation shown.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~No lawful appropriation shown. There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.~~

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:

CITY OF NAMPA
Represented by:
CHRISTOPHER H. MEYER
601 W. BANNOCK STREET
P.O. BOX 2720
BOISE, ID 83701-2720

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

Signature of person or attorney mailing the form