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JAN 27 2009

DEPARTMENT OF
WATER RESOURCES

**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

Case No. 39576

) Subcase No. 63-2787

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

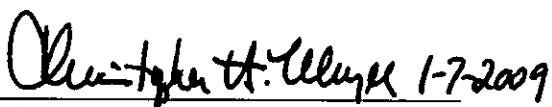
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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

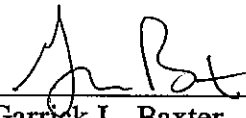


Christopher H. Meyer Date
Attorney for Claimant/Objector

STANDARD FORM 5 – Water Right No. 63-2787

IDWR Concurrence:

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

 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: 63-2787

NAME AND ADDRESS:

CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

30.000 CFS

PRIORITY DATE:

09/02/1949

POINT OF DIVERSION:

T03N R02W S15 NESW
Within CANYON County

T03N R02W S15 SWSE
Within CANYON County

T03N R02W S17 NWSE
Within CANYON County

T03N R02W S20 NESE
Within CANYON County

~~T03N R02W S21 NWSE~~
~~Within CANYON County~~

T03N R02W S21 SENE
Within CANYON County

T03N R02W S21 NESE
Within CANYON County

T03N R02W S21 NESE
Within CANYON County

~~T03N R02W S22 SWNE~~
~~Within CANYON County~~

T03N R02W S22 SENE
Within CANYON County

T03N R02W S22 NENW
Within CANYON County

T03N R02W S22 SWSW
Within CANYON County

T03N R02W S22 SESW
Within CANYON County

T03N R02W S22 NESE
Within CANYON County

T03N R02W S22 NESE
Within CANYON County

T03N R02W S23 SWNW
Within CANYON County

T03N R02W S23 SENW
Within CANYON County

T03N R02W S23 NWSW
Within CANYON County

AS
kw
all

SF5 Right No. 63-2787

T03N R02W S23 SWSW
Within CANYON County

T03N R02W S23 SWSW
Within CANYON County

~~T03N R02W S23 NESE~~
~~Within CANYON County~~

T03N R02W S23 SWSE
Within CANYON County

T03N R02W S26 NWSW
Within CANYON County

~~T03N R02W S27 NNNE~~
~~Within CANYON County~~

T03N R02W S27 SWNE
Within CANYON County

T03N R02W S27 SENE
Within CANYON County

T03N R02W S27 NENW
Within CANYON County

T03N R02W S27 SWNW
Within CANYON County

T03N R02W S27 SENW
Within CANYON County

T03N R02W S28 NNNE
Within CANYON County

~~T03N R02W S28 NESE~~
~~Within CANYON County~~

T03N R02W S34 NENE
Within CANYON County

T03N R02W S34 NNNE
Within CANYON County

T03N R02W S34 NWNW
Within CANYON County

~~T03N R02W S35 NWNW~~
~~Within CANYON County~~

LB
kw
all

This water right is part of the non-potable water delivery system for the City of Nampa.
~~The points of diversion for this right and Right Nos. 63-2450, 63-2484, 63-2780,~~
~~63-2943, 63-7003, 63-7708, 63-8312, 63-9853, 63-9889, are diverted through the~~
~~points of diversion described in Right No. 63-2449.~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

MUNICIPAL

01/01 12/31

30.000 CFS

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.

~~The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.~~

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 the Phyllis, Kohler Lawn Cemetery #1, Kohler Lawn Cemetery #2, East Powerline, 19th Ave North, 15th Ave North, 14th Ave North, Indian, Meyer, Chestnut, Kurtz, Maple, Holly, Fern, 19th South, 14th South, High Street, Hudson, and 4th St South Wells located in T3N, R2W: Sec 22, SENE; Sec 15, NESW; Sec 15, SWSE; Sec 23, SWSE; Sec 23, SWSW; Sec 23, NWSW; Sec 22, NESE; Sec. 23 SWSW; Sec 26, NWSW; Sec 34, NENE; Sec 34, NWNE; Sec 27, SWNW; Sec 27, SENW; Sec 27, SWNE; Sec 27, SENE; Sec 27, NENW; Sec 21, NESE; Sec 21, NESE; and Sec 22, SESW.

AB
kw
am

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on 1-26-2009, ~~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