

RECEIVED

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     | ) | Subcase No. 63-28220     |
|                | ) |                          |
| Case No. 39576 | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

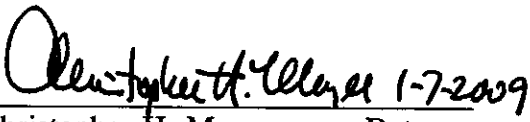
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

  
Christopher H. Meyer      Date  
Attorney for Claimant/Objector

STANDARD FORM 5 – Water Right No. 63-28220

**IDWR Concurrence:**

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

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

SF5 Right No. 63-28220

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

RIGHT NUMBER: 63-28220

NAME AND ADDRESS:

CITY OF NAMPA  
411 3RD ST S  
NAMPA ID 83651

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

1.930 CFS

PRIORITY DATE:

12/01/1949

POINT OF DIVERSION:

T02N R02W S3 Lot 4 NWNW  
Within CANYON County

T03N R02W S14 NWSE  
Within CANYON County

T03N R02W S17 SWNE  
Within CANYON County

T03N R02W S17 SWNW  
Within CANYON County

T03N R02W S22 SWNE  
Within CANYON County

T03N R02W S22 SWNE  
Within CANYON County

T03N R02W S22 NWNW  
Within CANYON County

T03N R02W S22 NWSE  
Within CANYON County

T03N R02W S22 NWSE  
Within CANYON County

T03N R02W S27 SENE  
Within CANYON County

This 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:

MUNICIPAL

01/01 12/31

1.930 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.

SF5 Right No. 63-28220

LB  
KW  
All

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 #5 located in T3N, R2W, Sec. 22, SWNE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

LB  
kw  
AM

~~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 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