

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 30 2009

By _____ Clerk
Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-05257

NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA, ID 83651

SOURCE: GROUND WATER

QUANTITY: 0.30 CFS

PRIORITY DATE: 01/01/1905

POINT OF DIVERSION: T03N R02W S15 NESW Within Canyon County
S17 SWSE
S20 NWSE
S21 NESE
S22 SENE
NESE
SENE
NENW
SWSW
SESW
NESE
NESE
S23 SWNW
SENW
NWSW
SWSW
SWSW
SWSE
S26 NWSW
S27 SWNE
SENE
NENW
SWNW
SENW
S28 NNNE
S34 NENE
NNNE
NWNW

This water right is part of the non-potable water delivery system
for the City of Nampa.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.30 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.

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

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 13th Ave. North
Well, located in T3N, R2W, Sec. 22, NESE.

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

JAN 30 2009

Lawrence Booth
SPECIAL MASTER

RECEIVED

FEB 02 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 30 2009	
By _____	Clerk
_____	Deputy Clerk

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-02449,
) 63-02450, 63-02484, 63-02780, 63-02787,
) 63-02943, 63-05257, 63-07003, 63-07708,
) 63-08312, 63-09853, and 63-09889

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 20, 2007, the claimant of the water rights, the City of Nampa, through its attorney Christopher H. Meyer, filed objections to the *Director's Report* for each right. On January 27, 2009 the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

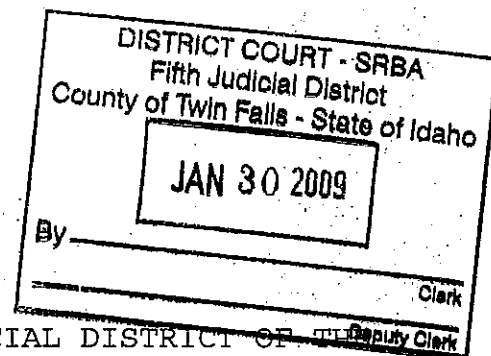
II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-02449, 63-02450, 63-02484, 63-02780, 63-02787, 63-02943, 63-05257, 63-07003, 63-07708, 63-08312, 63-09853, and 63-09889 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Jan 30, 2009



Theodore R. Booth
Special Master
Snake River Basin Adjudication



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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-02449
(SEE ATTACHED EXHIBIT A)

On January 30, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED January 30, 2009.

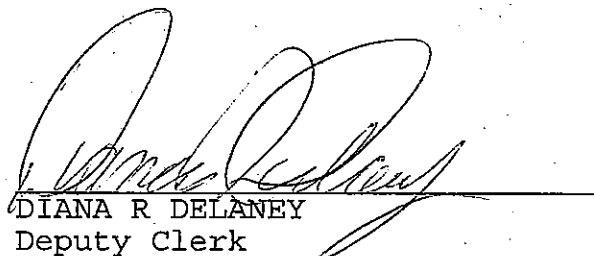

DIANA R. DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

63-02449
63-02450
63-02484
63-02780
63-02787
63-02943
63-05257
63-07003
63-07708
63-08312
63-09853
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In Re SRBA)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 63-02449
(SEE ATTACHED EXHIBIT A)

CERTIFICATE OF MAILING

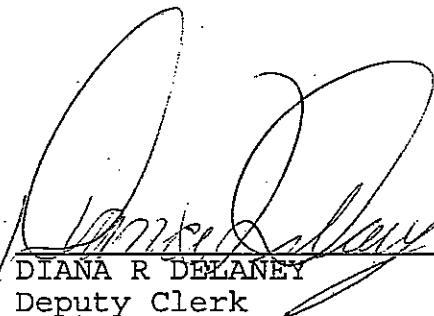
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 30, 2009, with sufficient first-class postage prepaid to the following:

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

CITY OF NAMPA

Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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01/30/09

Exhibit A

Subcase Nos:

63-02449
63-02450
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