

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32625
Date Received: 3/1/1990
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NAMPA SCHOOL DISTRICT # 131 Phone: (208)465-2700
619 S CANYON ST
NAMPA ID USA 83686

2. Date of Priority: 04/25/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	02W	9	SW SE NW	CANYON	

5. Description of diverting works:

WELL, 6.5" I.D. CASING, 165' TOTAL DEPTH, 10 HP TURBINE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.37	

7. Total Quantity Appropriated is:
0.37 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	02W	9	SE	NW	IRRIGATION	15
					Section Acres	15
					Total Acres	15

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-3041 .

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-3041	63-3041	☒			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Kenneth A. Toner
734 Burke Lane, Nampa ID 83686
4. New Owner/Claimant(s) Nampa School District # 131
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 619 S. CANYON ST.
- City, State and ZIP Code Nampa, ID 83686
- New Telephone Number (208) 468-4600
5. Date you acquired the property 7/10/06

RECEIVED

DEC 22 2006

**WATER RESOURCES
 WESTERN REGION**

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-3041</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.0375</u>	<u>15</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.0375</u>	

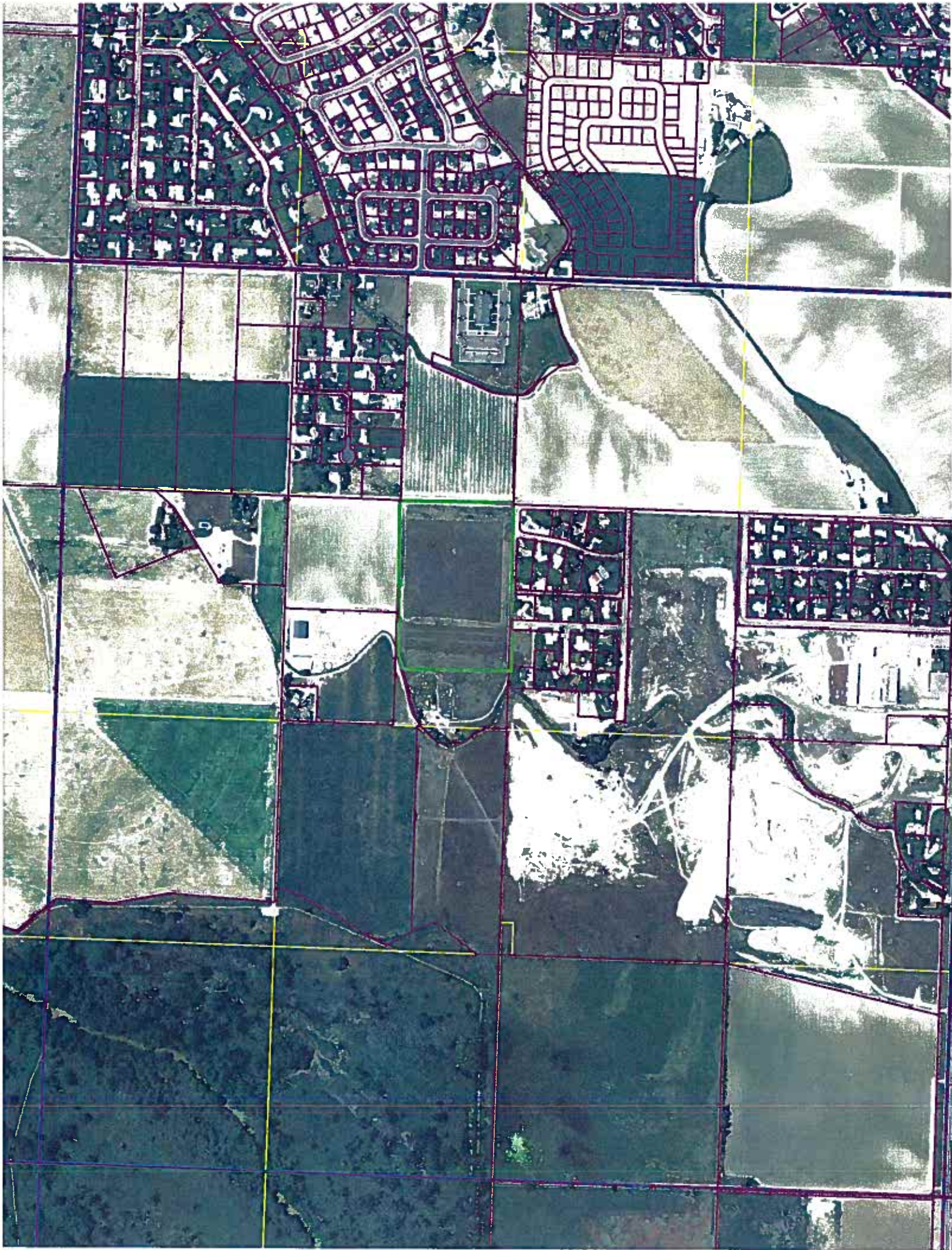
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-3041</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.0125</u>	<u>5</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.0125</u>	

7. Signature of New Owner(s) or Claimant(s) Donald J. Nye
(include title if applicable) Chairman, Nampa School Board # 131

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by [Signature] Date 12-22-06 Fee N/A
 Receipted by [Signature] Date _____ Receipt No. _____
 Processed by [Signature] AJ Date 3-27-07 WR _____ Date _____



200688315

RECORDED

2006 NOV 1 PM 4 35

CANYON COUNTY RECORDER

PHONE

REQUEST
TYPE Doc FEE 900

CORRECTED
PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by JIM K. TOMER and BETTY A. MELLO, as co-personal representatives of the estate of KENNETH A. TOMER, deceased, Grantors, to NAMPA SCHOOL DISTRICT #131, Grantee, whose current address is 619 South Canyon, Nampa, Idaho.

WHEREAS, Grantors are the qualified co-personal representatives of said estate, filed as Case No. CV 2005 - 5403, in Canyon County, Idaho;

THEREFORE, for valuable consideration received, Grantors quitclaim, transfer, and convey to Grantee the following described real property in Canyon County, Idaho:

See Exhibit "A" attached hereto and made a part hereof.

with all appurtenances.

THIS CORRECTION DEED IS RECORDED TO CORRECT THE LEGAL DESCRIPTION IN THAT CERTAIN PERSONAL REPRESENTATIVE'S DEED RECORDED ON JULY 11, 2006 AS INSTRUMENT # 200655270 AS A RESULT OF A SUBSEQUENT SURVEY OF THE PROPERTY.

EXECUTED this 6 day of July, 2006.

Jim K. Tomer
Co-Personal Representative of the estate of
KENNETH A. TOMER, deceased.

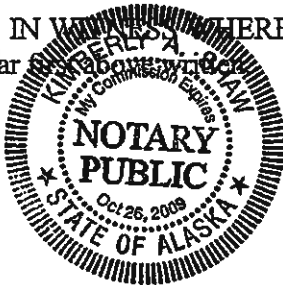
EXECUTED this 2nd day of July, 2006

✓ Betty mello
Co-Personal Representative of the estate of
KENNETH A. TOMER, deceased.

STATE OF ALASKA)
County of Eagleville) : ss

On this 6 day of July, 2006, before me, the undersigned, a notary public in and for said state, personally appeared, JIM K. TOMER, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of KENNETH A. TOMER, deceased, and acknowledged to me that he executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
Notary Public for Eagleville ENBA.
Residing at Eagleville
My commission expires: 10-26-09

*SEAL
STATE OF Idaho)
County of Canyon) : ss

On this 2nd day of July, 2006, before me, the undersigned, a notary public in and for said state, personally appeared, BETTY A MELLO, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of KENNETH A. TOMER, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
Notary Public for Idaho
Residing at Nampa
My commission expires: 6/19/12



THE LAND GROUP, INC.

October 11, 2006

Legal Description
Nampa School District
Burke Lane Property
15.00 acres

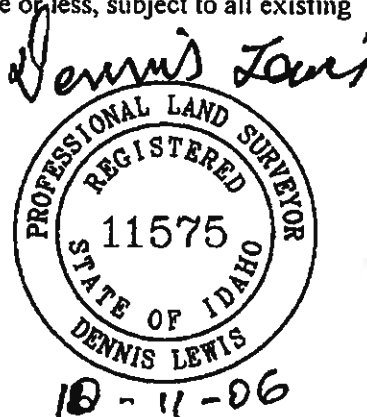
A tract of land situated in the East One Half of the Southeast One Quarter of the Northwest One Quarter of Section 9, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

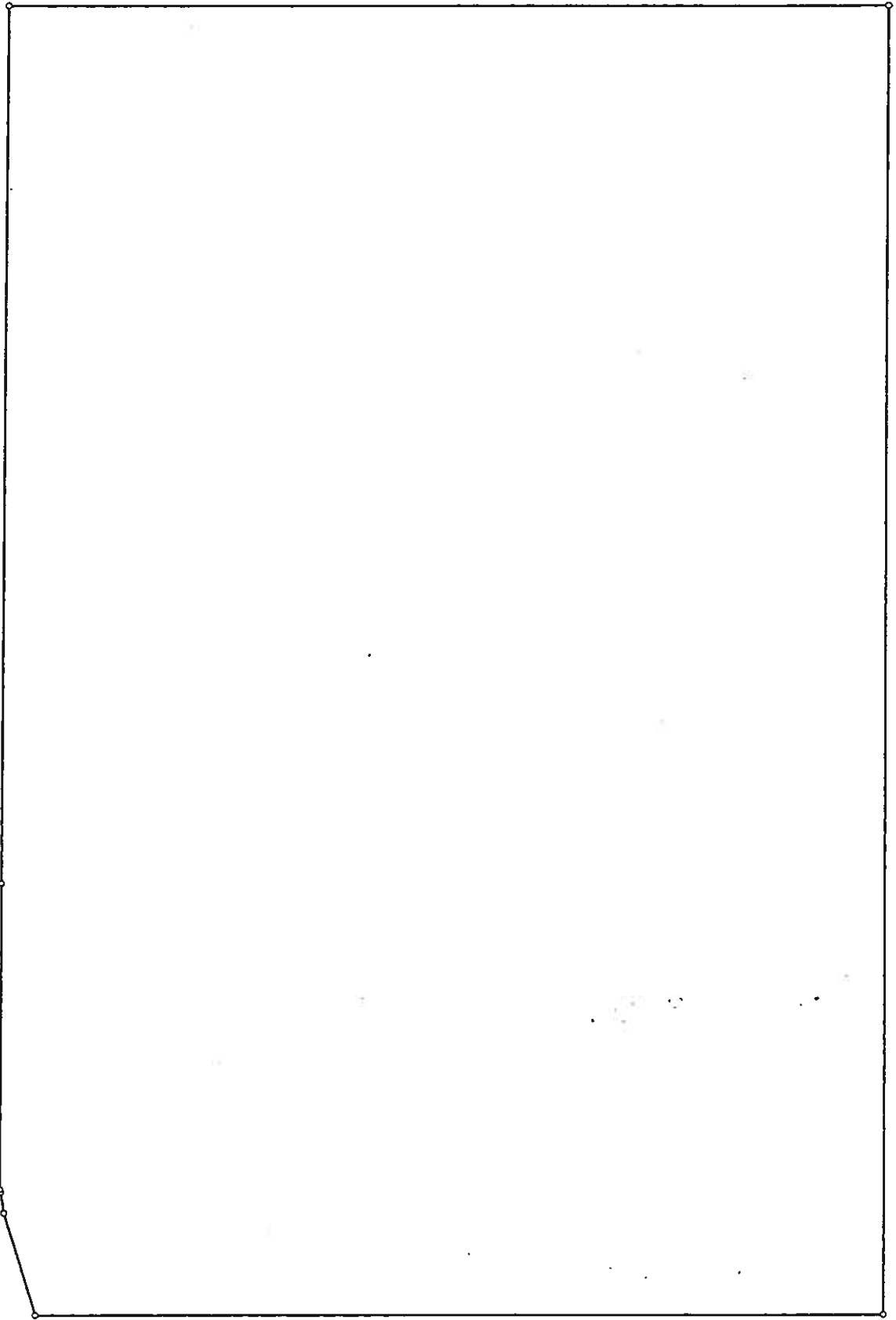
Commencing at a 5/8-inch steel pin monumenting the North One Quarter Corner of Said Section 9, thence South 00°51'26" East a distance of 1,322.34 feet to a found 5/8-inch steel pin monumenting the Northeast Corner of the Southeast One Quarter of the Northwest One Quarter of said Section 9 and being the POINT OF BEGINNING.

Thence following the easterly line of the Southeast One Quarter of the Northwest One Quarter of Section 9, South 00°51'27" West a distance of 987.18 feet to a point; *300.8925 m*
Thence leaving said easterly line, North 89°14'57" West a distance of 635.76 feet to a point; *193.7796 m*
Thence North 16°06'24" West a distance of 80.83 feet to a point; *24.63698*
Thence North 08°34'09" West a distance of 15.88 feet to a point; *4.8402 m*
Thence North 15°10'51" West a distance of 2.36 feet to a point; *.719328 m*
Thence North 00°51'06" East a distance of 231.62 feet to a found 1/2-inch steel pin; *70.59778 m*
Thence North 00°52'21" East a distance of 660.53 feet to a found 5/8-inch steel pin on the northerly line of the said Southeast One Quarter of the Northwest One Quarter of Section 9; *201.3295 m*
Thence following the northerly line of the said Southeast One Quarter of the Northwest One Quarter, South 89°13'35" East a distance of 662.45 feet to the POINT OF BEGINNING. *201.9148 m*

The above-described tract of land contains 15.00 acres, more or less, subject to all existing easements and rights-of-way.

Prepared By: THE LAND GROUP, INC.
462 E. SHORE DRIVE, SUITE 100
EAGLE, IDAHO 83616
208-939-4041
208-939-4445 (FAX)





Title:

Date: 10-11-2006

Data and Deed Call Listing of File:

Tract 1: 14.990 Acres: 652957 Sq Feet: Closure = s44.2752w 0.00 Feet: Precision = 1/821824: Perimeter = 3277 Feet

001=s00.5127w 987.18

002=n89.1457w 635.76

003=n16.0624w 80.83

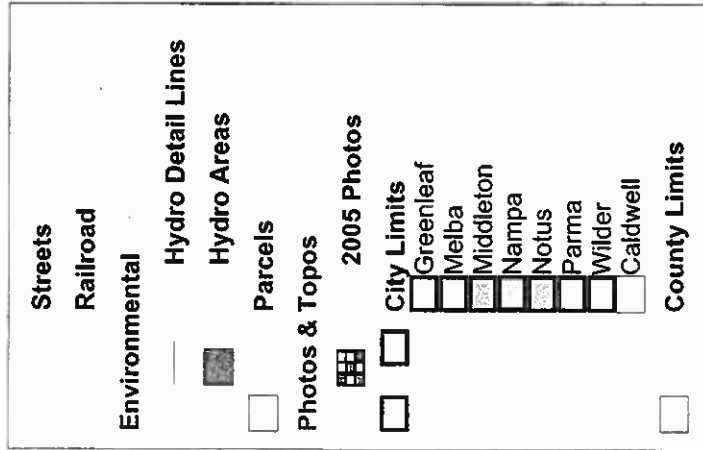
004=n08.3409w 15.88

005=n15.1051w 2.36

006=n00.5106e 231.62

007=n00.5221e 660.53

008=s89.1335e 662.45



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03041
Date Received: 3/01/1990
Receipt No: CO15234
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH A. TOMER 208-466-2032
Address: 734 BURKE LANE
NAMPA, ID 83651

2. Date of Priority: APR 25, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	9	SW	SE	NW		CANYON

5. Description of diverting works:
WELL, 6.5" I.D. CASING, 165' TOTAL DEPTH, 10 HP TURBINE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	9	SE	NW		IRR	20.0

Section Acres 20.0

Total Acres 20.0

A63-03041

Page 1

Date: 03/01/90

MICROFILMED
AUG 18 1992

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 25638

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -/-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Kenneth C. Tower Date: 1st Mar. 1990

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of March 19 90 Carter Fritzsche
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritzsche, Notary Public
Residing at _____, Idaho
My Commission Expires March 21, 1994

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-25638

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Kenneth A. Tomer

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ of Section 9

T. 2 N. R. 2 W. B. M. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Well 165' x 6" in

ced 120' d = 72' Lift = 76' 10 hp Smithway Motor
Jasuzzi pump 17 single nozzles $\frac{1}{4}$ " 6 nozzles $\frac{3}{8}$ "

Irrigator by sprinkler above canal. By gravity
below canal.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

20 acres in SE $\frac{1}{4}$ of Sec. 9, Twp. 2 N., Rge. 2 W., B.M.

This water is supplemented with water from the Boise River Irrigation
District used on the NE $\frac{1}{4}$ SW $\frac{1}{4}$ North of the Lake Lowell Reservoir in Sec. 9.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Power off.

③ = by Calculations. Pump should deliver
more than asked for.

This examination was made on the 2 day of October, 1927

(Signed) B. H. Humphrey Examiner.

G-25638

15" for sprinkler.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
OCT 2 1957
Department of Reclamation

Kenneth A. Tomer
Rt. #4, Nampa, Idaho
Permit No. G-25638

Examination for Completion of Works & Beneficial Use 10 hp. Smithway

County Canyon

9-2N.-2W.

Q- 0.5 c.f.s.

D- Well

P.D. = SE. 1/4, Sec. 9, T. 2N., - R. 2W.

Use = Irrigation

37 a. irrig. in lower 40

Filed = April 25, 1955

Due = May 3, 1957

240
26
1320
440
5720

165' x 6 1/2" cad 120,

h = 72' l = 76'

220V 24amps 3470 rpm
Jacuzzi MC6A4 6" x 90' Col.
WGE1103
T129A

17 nozzles 1 3/4 nozzles
6 " 7/16 x 7/32

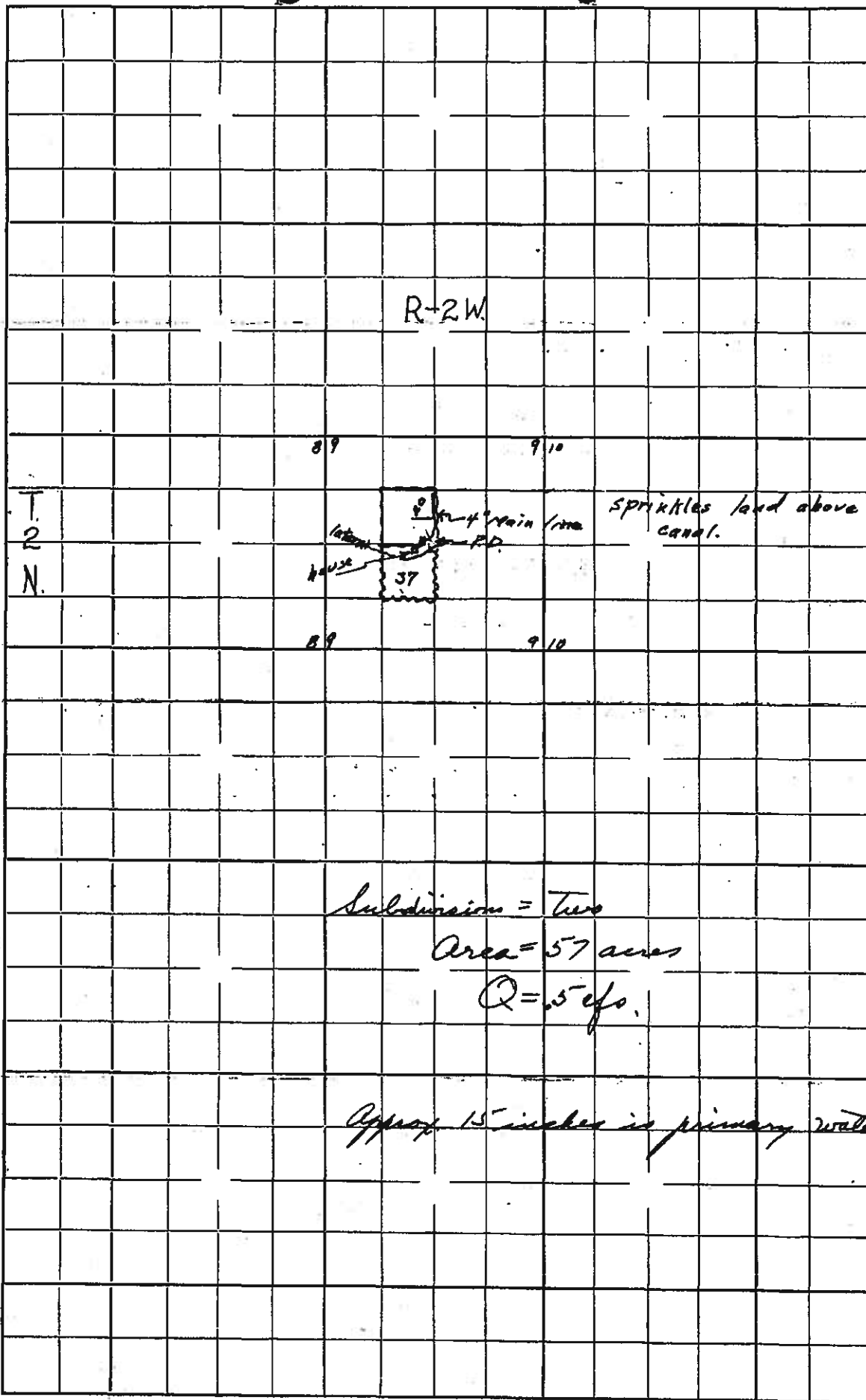
4" x 1200' main Port. al.
620' x 3" } Port. al.
240' x 3"

Where Controls on water
panel to S. No protect -

Demand = 12.5' x 10

6 E meter #28446343

10 x 110 x 70 x 550
76



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

25638

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-25638

REPORT ON PROOF OF Completion of Works & Beneficial Use

Kenneth A. Tomer, Rt. #4, Nampa, Idaho

.5 cfs
max

app. 0.5 cfs
dist 2
acres 57

SRBA

PARTIAL DECREE 63-32625

Issued on 03-20-2008.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	NAMPA SCHOOL DISTRICT #131		
	619 S CANYON ST		
	NAMPA, ID 83686		
SOURCE:	GROUND WATER		
QUANTITY:	0.37 CFS		
	67.50 AFY		
PRIORITY DATE:	04/25/1955		
POINT OF DIVERSION:	T02N R02W S09	SWSENW	Within Canyon County
PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTIT
	Irrigation	03-01 TO 11-15	0.37 C
			67.50
PLACE OF USE:	Irrigation		Within Canyon
	T02N R02W S09	SENW 15.0	
	15.0 Acres Total		

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIO
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFI
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN T
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-32625

2003 JAN 23 8 45

NAME AND ADDRESS: NAMPA SCHOOL DISTRICT #131
619 S CANYON ST
NAMPA, ID 83686

SOURCE: GROUND WATER

QUANTITY: 0.37 CFS
67.50 AFY

PRIORITY DATE: 04/25/1955

POINT OF DIVERSION: T02N R02W S09 SWSNW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.37 CFS 67.50 AFY

PLACE OF USE: Irrigation Within Canyon County
T02N R02W S09 SENW 15.0
15.0 Acres Total

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. 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 23 2008

John M. Melanson
SPECIAL MASTER

THE DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2008 JAN 23 PM 3 45

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): 63-32625

On January 23, 2008, 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 23, 2008.



DIANA R DELANEY
Deputy Clerk

FILED
TWIN FALLS CO. IDAHO

2008 JAN 23 PM 3 45

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

CERTIFICATE OF MAILING

Water Right(s): 63-32625

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 23, 2008, with sufficient first-class postage prepaid to the following:

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

NAMPA SCHOOL DISTRICT #131

Represented by:
WILLIAM F. YOST III
4 OGDEN AVE
PO BOX 1275
NAMPA, ID 83653
Phone: 208-466-9222


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/23/08

2008 JAN 23 00 0 45

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) SPECIAL MASTER'S REPORT
Case No. 39576) FINDINGS OF FACT AND
CONCLUSIONS OF LAW
FOR WATER RIGHT 63-32625

I. FINDINGS OF FACT

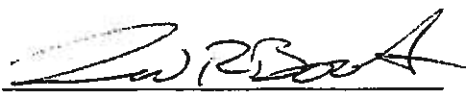
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

On June 18, 2007, the claimant of the water right, Nampa School District #131, through its attorney William Yost, filed an objection to the *Director's Report*, asserting that the "explanatory material" section of the *Director's Report* incorrectly stated that use of the right "is combined with water from the Boise-Kuna Irrigation District." On January 18, 2008, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection by removing said remark. Although the "explanatory material" section of the *Director's Report* is not printed on SRBA partial decrees, the Court has removed the subject remark from its IWATRS database. The Idaho Department of Water Resources is **hereby instructed** to remove the remark from its records as well, if not done so already.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-32625 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated: January 23, 2008


Theodore R. Booth
Special Master
Snake River Basin Adjudication

SF5 - Amended Director's Report

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

RIGHT NUMBER: 63-32625

NAME AND ADDRESS: NAMPA SCHOOL DISTRICT # 131
619 S CANYON ST
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.370 CFS
67.500 AFY

PRIORITY DATE: 04/25/1955

POINT OF DIVERSION:

T02N R02W S9 SNE2NW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.370 CFS
67.50 AFY

PLACE OF USE:

IRRIGATION in CANYON County

T02N R02W S09 SENW 15.00

15 ACRES TOTAL

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 River Irrigation District.~~
This right is a split from former right 63-3041.

NBS
OK
WTF

SF5 - Amended Director's Report

COPY

RECEIVED

DISTRICT COURT - JUDGE
TWIN FALLS, IDAHO
FILED

JAN 23 2008
DEPARTMENT OF
WATER RESOURCES

2008 JAN 19 8 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.: 63-32625

Case No. 39576

STANDARD FORM 5

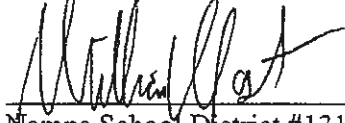
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

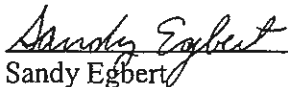
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR



Nampa School District #131 Date

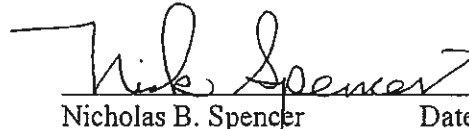
IDWR CONCURRENCE



Sandy Egbert

12-20-07
Date

IDWR CONCURRENCE



Nicholas B. Spencer

Date

12-24-07

CERTIFICATE OF SERVICE

I certify that on Jan 17th ²⁰⁰⁶~~2007~~, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

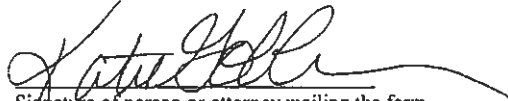
2. Copies to:

ID WR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Nampa School District #131
619 S. Canyon St.
Nampa, ID 83686

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form

Boise-Kuna Irrigation District

Ronald I. Blickenstaff, Director

Duane Yamamoto, Director

Mike D. Kukla, Director

P.O. Box 330
129 N. School Ave
Kuna, ID 83634-0330

Telephone (208) 922-5608
Fax (208) 922-5659

February 12, 2007

Scott King
SPF Water Engineering LLC
600 E Rive Park Ln Ste 105
Boise, ID 83706

RE: Water Right

Dear Scott:

Please find enclosed a 1915 Bureau of Reclamation map of Sec 9 2N 2W E2 SE4 NW4, which is used by the District for water rights appurtenant with the lands.

As you can see there is only 6.35 acres of Water Right on this quarter quarter, which belongs to the properties lying south of the Hoffman Lateral. The dashed lines north of the lateral indicate High Ground and have no surface water rights.

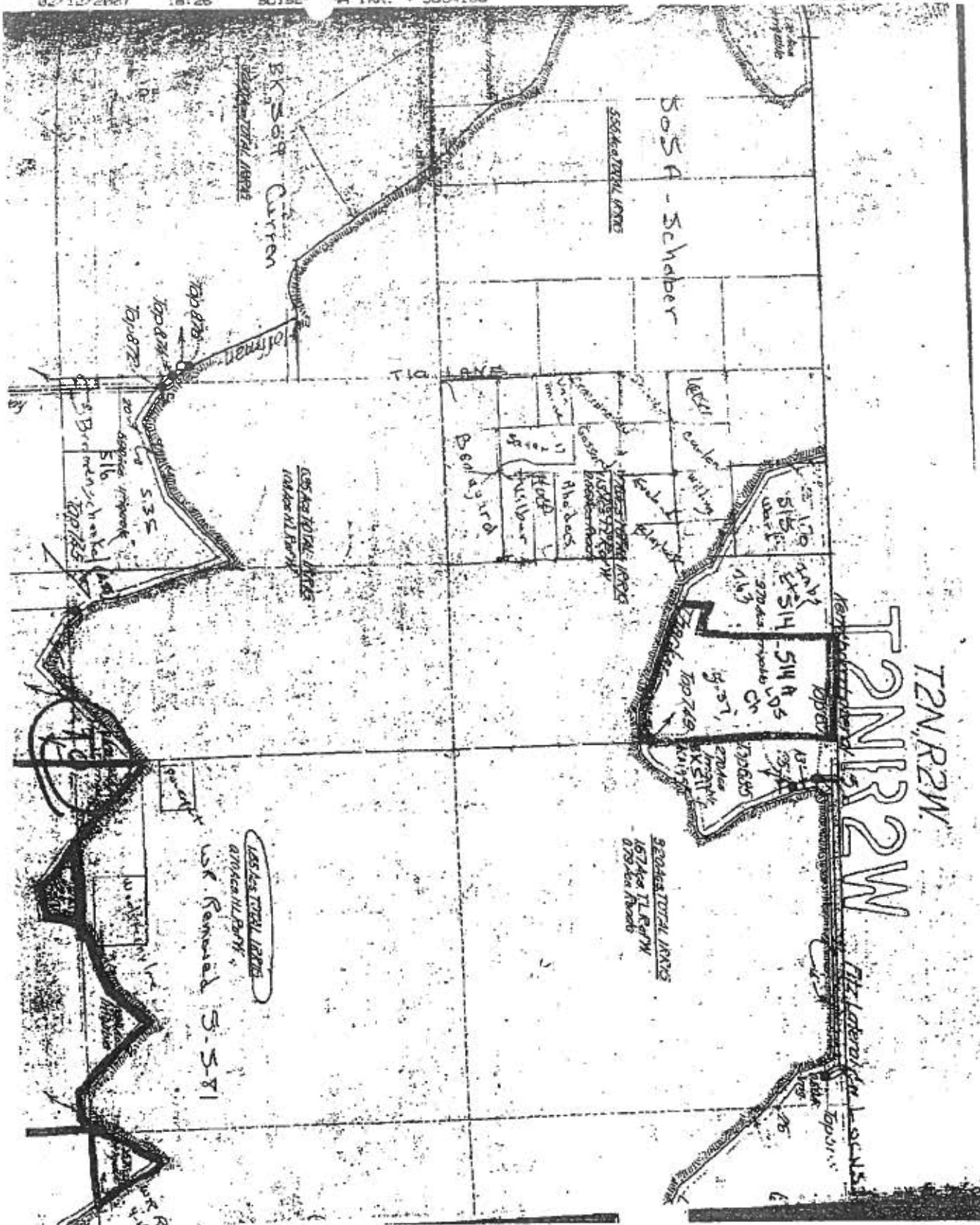
If you have any questions, please call me at 922-5608.

Thank you,



Lauren S. Boehlke
Secretary-Treasurer

LSB
Enc: 1



RECEIVED
JUN 19 2007
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

A. Subcase 63-32625

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Nampa School District #131
Address: 619 South Canyon
Nampa, Idaho 83686

Daytime Phone: (208) 468-4600

Name & Address of Attorney, if any:

William Yost/Yost Law Offices

4 Ogden Ave., PO Box 1275

Nampa, ID 83653

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Nampa School District #131
Address: 619 South Canyon
Nampa, ID 83686

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes.)

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: See attached
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____

10. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See attached

F. VERIFICATION (Must be completed)

State of Idaho)
)ss.
County of Canyon)

William F. Year, duly sworn, upon oath, deposes and says:

That I am the party filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

William F. Year

Subscribed and sworn to before me on:

June 15, 2007.



Carol S. Trimble

Notary Public for Adams

Residing at: Nampa, Idaho

My Commission Expires: 9/12/2007

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 15, ²⁰⁰⁷~~2006~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right:

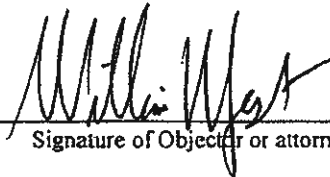
Name: Nampa School District #131
Address: 619 South Canyon
Nampa, ID 83686

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney

Notice of Objection Attachment for Subcase 63-3041

E. REASONS SUPPORTING OBJECTION(S):

Explanatory Material states that "Use of this right is combined with water from Boise-Kuna Irrigation District". We are requesting that the condition be removed from the water right. The property receives no water from the irrigation district; therefore, water right 63-32625 is a primary water right and should be represented as such. Attached is a letter and accompanying map from the Boise-Kuna Irrigation District showing that the district does not supply water to the property. We realize that the explanatory material will not appear on the final decree, but we would like to ensure that no current or future records of this right have that condition attached.

Boise-Kuna Irrigation District

Ronald I. Blickenstaff, Director
Duane Yamamoto, Director
Mike D. Kukla, Director

P.O. Box 330
129 N. School Ave
Kuna, ID 83634-0330

Telephone (208) 922-5608
Fax (208) 922-5659

February 12, 2007

Scott King
SPF Water Engineering LLC
600 E Rive Park Ln Ste 105
Boise, ID 83706

RE: Water Right

Dear Scott:

Please find enclosed a 1915 Bureau of Reclamation map of Sec 9 2N 2W E2 SE4 NW4, which is used by the District for water rights appurtenant with the lands.

As you can see there is only 6.35 acres of Water Right on this quarter quarter, which belongs to the properties lying south of the Hoffman Lateral. The dashed lines north of the lateral indicate High Ground and have no surface water rights.

If you have any questions, please call me at 922-5608.

Thank you,


Lauren S. Boehlke
Secretary-Treasurer

LSB
Enc: 1

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

RIGHT NUMBER: 63-32625

NAME AND ADDRESS: NAMPA SCHOOL DISTRICT # 131
619 S CANYON ST
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.370 CFS
67.500 AFY

PRIORITY DATE: 04/25/1955

POINT OF DIVERSION:

T02N R02W S9 SWSENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.370 CFS 67.50 AFY

PLACE OF USE: IRRIGATION in CANYON County

T02N R02W S09 SENW 15.00

15 ACRES TOTAL

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.

This right is a split from former right 63-3041 .

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

)
)
)
)
)

Water Rights: 63-3041 (Split)
63-32624, 63-32625

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

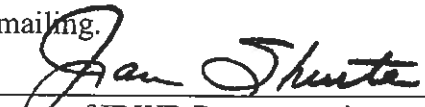
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 30, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 30, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Kenneth A. Tomer	☐ overnight mail
734 Burke Ln.	☒ regular mail
Nampa ID 83651	☐ hand-delivered
	☐ facsimile

Nampa School District #131	☐ overnight mail
619 S. Canyon St.	☒ regular mail
Nampa ID 83686	☐ hand-delivered
	☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 30, 2007

NAMPA SCHOOL DISTRICT #131
619 S CANYON ST
NAMPA ID 83686

Re: Original Water Right No. 63-3041

Renumbered to Water Right Nos. 63-32625

Dear Sir or Madam:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original right number is renumbered to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original right after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new number when corresponding with our office. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the SRBA Court as notification of this change.

If you have any questions concerning this ownership change, or the enclosed copy, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region Office

LH:1
Enclosures

cc: Kenneth Tomer