

1880

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. 63-09194

STANDARD FORM 5

By
STIPULATED ELEMENTS OF A
WATER RIGHT

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

NOV 12 2013

Clerk

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:

State of Idaho
Department of Fish and Game

OBJECTOR:

Nampa & Meridian Irrigation District

Harriet A. Hensley 9/16/2013 Daniel V. Steenson 9-19-13
Harriet A. Hensley Date Daniel V. Steenson, Attorney Date
Deputy Attorney General

Jan Shurte 9/13/13
Jan Shurte Date
Senior Water Resource Agent

~~Senior~~ Water Resource Agent

Date _____

Andrea L. Courtney "K/13" Date
Deputy Attorney General
Attorney for IDWR

Deputy Attorney General
Attorney for IDWR

Date _____

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

RIGHT NUMBER: 63-9194
NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: GROUND WATER
QUANTITY: 5.000 CFS
3,620.000 AFY

TRIBUTARY:

J
#1 DVS
The rights listed below are limited to a total combined diversion rate of 30 cfs.
Combined Right Nos.: 63-7879, 63-9194, 63-32695A and 63-32695B.

PRIORITY DATE: 12/08/1978

POINT OF DIVERSION:

OK
~~T02N R02W S2 NWNW Within CANYON County~~
T02N R02W S2 SWSW Within CANYON County
~~6 points of diversion located in T02N, R02W, S2, SWSW.~~
~~2 points of diversion located in T02N, R02W, S11, NWNW~~
T02N R02W S2 SWSW Within CANYON County
T02N R02W S2 SWSW Within CANYON County
T02N R02W S2 SWSW Within CANYON County
T02N R02W S2 SWSW Within CANYON County
T02N R02W S2 SWSW Within CANYON County
T02N R02W S11 NWNW Within CANYON County
T02N R02W S11 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	5.000 CFS 3,620.00 AFY

PLACE OF USE: FISH PROPAGATION in CANYON County

T02N R02W S02 SWSW

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.

This water right is also the subject of an operational agreement effective July 16, 2013 between Nampa & Meridian Irrigation District and the Idaho Department of Fish and Game, and recorded in the Canyon County Recorder's Office as Instrument No. 2013-036811.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

~~AGREEMENT WITH NAMPA-MERIDIAN IRRIGATION DIST. FOR USE OF
WELLS SEE FILE #63-7879 NON-IRRIGATION USES: FISH/4 VATS 2.5' X 3' X
12', 16 RACEWAYS 2' X 5' X 50', 3 RACEWAYS 3' X 12' X 200'.~~

~~Modifications to or variance from this license must be made within the limits
of Section 42-222, Idaho Code, or the applicable Idaho law.~~

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.

The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

Right Nos. 63-7879, 63-32695A and 63-32695B are also diverted through the points of diversion described above.

~~This water right is appurtenant to the described place of use.~~

The issuance of this right does not grant any right-of-way or easement across the land of another.

~~This right is subject to all prior water rights and may be forfeited by five years of non-use~~

The facility volume is 101,356 cubic feet

~~A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.~~

~~Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.~~

Handwritten:
JH
DVS

Handwritten:
A

CERTIFICATE OF MAILING

I certify that on November 8, 2013, 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

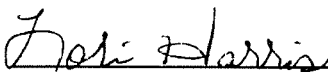
2. Copies to:

STATE OF IDAHO
Represented by:
CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-0449

NAMPA & MERIDIAN IRRIGATION
Represented by:
DANIEL V STEENSON
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE, ID 83707

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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



Signature of person or attorney mailing form