

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. 63-32695B

STANDARD FORM 5

By
STIPULATED ELEMENTS OF A
WATER RIGHT

DISTRICT COURT - Nampa
Fifth Judicial District
County of Twin Falls - State of Idaho
NOV 12 2013

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 & Meridian Irrigation District

RESPONDENT:

State of Idaho
Department of Fish and Game

Daniel V. Steenson 9-19-13
Daniel V. Steenson, Attorney Date

Harriet A. Hensley 9/16/2013
Harriet A. Hensley Date
Deputy Attorney General

RESPONDENT:

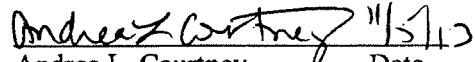
United States of America

David Negri 11/5/13
David Negri, Attorney Date
Bureau of Land Management

IDWR Concurrence:

 9/13/13

Jan Shurte Date
Senior Water Resource Agent

 11/5/13

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-32695B

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

RIGHT NUMBER: 63-32695B

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST ST SOUTH
NAMPA ID 83651

SOURCE: WASTEWATER GROUND WATER

TRIBUTARY: WILSON DRAIN

QUANTITY: 12-12 8.00 CFS
4,125.0 AFY

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: 05/03/1974

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T02N R02W S2 NWSW Within CANYON CountyT02N R02W S2 NWSW Within CANYON CountyT02N R02W S2 NWSW Within CANYON CountyT02N R02W S2 SWSW Within CANYON CountyT02N R02W S2 SWSW Within CANYON CountyT02N R02W S2 SWSW Within CANYON CountyT02N R02W S2 SWSW Within CANYON CountyT02N R02W S2 SWSW Within CANYON CountyT02N R02W S2 SWSW Within CANYON CountyT02N R02W S11 NWNW Within CANYON CountyT02N R02W S11 NWNW Within CANYON County~~T02N R02W S3 NESE Within CANYON County~~PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

12-12 8.00 CFS

4,125.0 AFY

PLACE OF USE:

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.

SF5 Right No. 63-32695B

This right when combined with Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181, 63-32695A and 63-33739 can be used to irrigate up to 69,495 acres within the boundary of the Nampa & Meridian Irrigation District.

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.

This right is based upon an enlargement of Right No. 63-7879 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Beneficial Use

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

Right Nos. 63-7879, 63-9194 and 63-32695A are also diverted through the six points of diversion in the SWSW, S2, Twp. 02N, Rge. 02W, and the two points of diversion in the NWNW, S11, Twp. 02N, Rge. 02W.



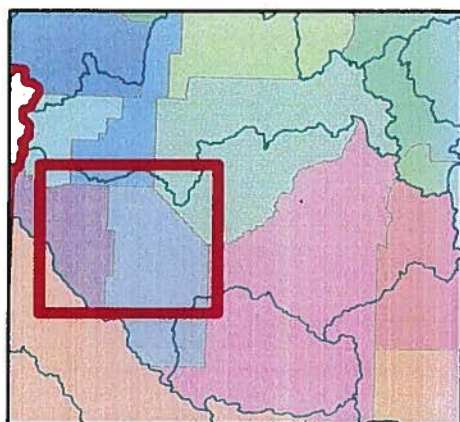
Nampa And Meridian Irrigation District

Adjudication Recommendations: 63-32695A, 63-32695B, & 63-33739

Irrigation Service Area Boundary
GIS Place of Use Illustration

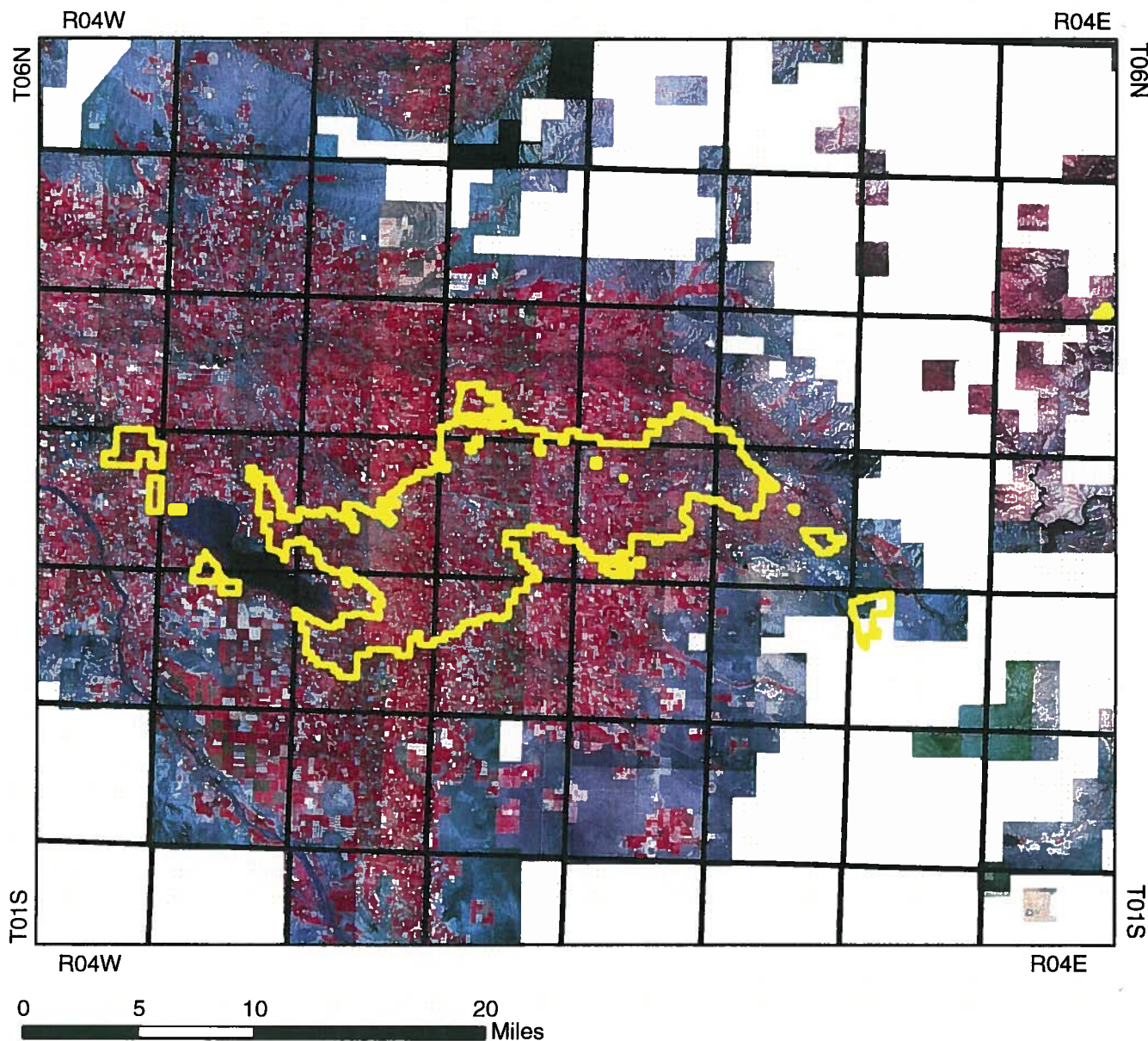
Legend

-  Service Area
-  Township/Range



Boise, Canyon, Ada Counties
IDWR Basin 63

Prepared by Favreau, Danielle
On September 11, 2013
1987 Aerial Photography



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

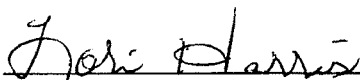
2. Copies to:

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