

**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

)  
)  
)  
)  
)  
)

**A. Subcase** 63-5257  
(insert water right number)

**STANDARD FORM 1  
OBJECTION**

Please **print or type** the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: City of Nampa  
Attention Michael Fuss  
Public Works Director  
Address: 411 3<sup>rd</sup> Street South  
Nampa, ID 83651  
Daytime Phone: 208-468-5420  
Email: fussm@cityofnampa.us

Name & Address of Attorney, if any:

Christopher H. Meyer  
Givens Pursley LLP  
601 W. Bannock St.  
P O Box 2720  
Boise, ID 83701  
Daytime Phone: 208-388-1236  
Facsimile: 208-388-1300  
Email: chrismeyer@givenspursley.com

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

Name: City of Nampa  
Address: 411 3<sup>rd</sup> Street South  
Nampa, ID 83651

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

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☒ **Source**  
Should be: Ground water
3. ☒ **Quantity**  
Should be: 0.30 cfs (avg. daily peak flow) and 217.2 acre-feet (annual volume)
4. ☒ **Priority Date**  
Should be: 1/1/1905
5. ☒ **Point(s) of Diversion**  
Should be: See Appendix B (29 PODs currently in use for Integrated Non-potable Delivery System). Also see discussion under section E regarding remark on original POD(s).
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☒ **Purpose(s) of Use**  
Should be: Municipal
8. ☒ **Period of Year**  
Should be: 1/1 to 12/31
9. ☒ **Place of Use**  
Should be: Within the service area of the City of Nampa municipal water supply system as provided under Idaho law.

11. **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):** \_\_\_\_\_

**Distinct from No. 63-2787:** This claim is based on beneficial use by the City of a well

known as the "13 Ave. North" well, which has been in operation since 1905. The "13 Ave. North" well is located within T3N R2W §22 NESE. The well remains in use today as a municipal well serving the City's integrated non-potable irrigation system. IDWR recommended this right to be disallowed on the basis that it was included within licensed Water Right No. 63-2787. This is not correct. Water Right No. 63-2787 does identify a point of diversion within the same quarter-quarter (T3N R2W §22 NESE). However, that point of diversion corresponds to the City's well known as the "14<sup>th</sup> Ave. North" well, which is located within the same quarter-quarter. The "13 Ave. N" well is a distinct well with its own water right.

***Corrected PODs:*** The City has included a corrected list of PODs associated with the integrated non-potable irrigation water delivery system. The well associated with Water Right No. 63-5257 (the 13 Ave. N. well) was inadvertently omitted from the Amended Claim list. This well is in the same quarter-quarter as the 14<sup>th</sup> Ave. N. well.

***Annual Volume:*** The City claims an annual volume based on use of this right for municipal purposes.

***Original POD Remark:*** The Department included a remark for some of the City's rights stating "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 as [original well information]." The City does not object to this remark so long as a similar remark is included for all similarly situated municipal water rights in Idaho. To the extent that the SRBA court (or other court) determines that this is an inappropriate limitation on municipal water rights, the City requests that the remark be removed from its water rights.

**F. VERIFICATION (Must be Completed)**

State of Idaho )  
                          ) ss  
County of Ada)

Christopher H. Meyer, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

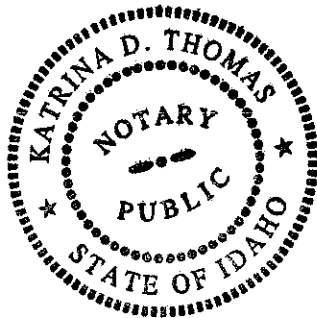
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Christopher H. Meyer  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 19, 2007

Katrina Thomas  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: May 22, 2012



## 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 19, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

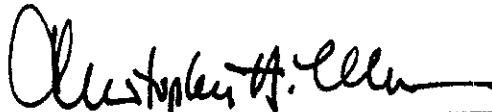
Name: City of Nampa  
Attention Michael Fuss  
Public Works Director  
Address: 411 3<sup>rd</sup> Street South  
Nampa, ID 83651

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

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

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



Christopher H. Meyer, Attorney for City of Nampa

**Appendix B to City of Nampa's Objections - List of PODs for Integrated Non-Potable Water System and Miscellaneous Rights (SRBA Rights Only)**

| Count                                                                             | Well Name                      | Location                 | Water Right Associated with Well | Priority Date Associated with Well | Diversion Rate (cfs) |
|-----------------------------------------------------------------------------------|--------------------------------|--------------------------|----------------------------------|------------------------------------|----------------------|
| <b>Irrigation Wells Currently in Use - Integrated Non-potable Delivery System</b> |                                |                          |                                  |                                    |                      |
| 1                                                                                 | Mayors                         | T3N R2W §23 SENW         | 63-2449                          | 8/13/1931                          | 0.80                 |
| 2                                                                                 | 6th Street South               | T3N R2W §22 SWSW         | 63-2484                          | 8/22/1933                          | 1.62                 |
| 3                                                                                 | Lakeview                       | T3N R2W §23 SWNW         | 63-2780                          | 9/2/1949                           | 2.50                 |
| 4                                                                                 | Phyllis                        | T3N R2W §22 SENE         | 63-2787                          | 9/2/1949                           | 30.00                |
| 5                                                                                 | Kohler Lawn Cemetery 1         | T3N R2W §15 NESW         |                                  |                                    |                      |
| 6                                                                                 | Kohler Lawn Cemetery 2         | T3N R2W §15 SWSE         |                                  |                                    |                      |
| 7                                                                                 | East Powerline                 | T3N R2W §23 SWSE         |                                  |                                    |                      |
| 8                                                                                 | 19th Ave. North                | T3N R2W §23 SWSW         |                                  |                                    |                      |
| 9                                                                                 | 15th Ave. North                | T3N R2W §23 NWSW         |                                  |                                    |                      |
| 10                                                                                | 14th Ave. North                | T3N R2W §22 NESE         |                                  |                                    |                      |
| 11                                                                                | Indian                         | T3N R2W §23 SWSW         |                                  |                                    |                      |
| 12                                                                                | Meyer                          | T3N R2W §26 NWSW         |                                  |                                    |                      |
| 13                                                                                | Chestnut                       | T3N R2W §34 NENE         |                                  |                                    |                      |
| 14                                                                                | Kurtz                          | T3N R2W §34 NWNE         |                                  |                                    |                      |
| 15                                                                                | Maple                          | T3N R2W §27 SWNW         |                                  |                                    |                      |
| 16                                                                                | Holly                          | T3N R2W §27 SENW         |                                  |                                    |                      |
| 17                                                                                | Fern                           | T3N R2W §27 SWNE         |                                  |                                    |                      |
| 18                                                                                | 19th South                     | T3N R2W §27 SENE         |                                  |                                    |                      |
| 19                                                                                | 14th South                     | T3N R2W §27 NENW         |                                  |                                    |                      |
| 20                                                                                | High Street                    | T3N R2W §21 NESE         |                                  |                                    |                      |
| 21                                                                                | Hudson                         | T3N R2W §21 NESE         |                                  |                                    |                      |
| 22                                                                                | 4th St. South                  | T3N R2W §22 SESW         |                                  |                                    |                      |
| 23                                                                                | Canyon                         | T3N R2W §21 SENE         | 63-2943                          | 6/3/1953                           | 1.74                 |
| 24                                                                                | Birds Eye                      | T3N R2W §22 NENW         | 63-7003                          | 6/9/1967                           | 7.68                 |
| 25                                                                                | State St                       | T3N R2W §28 NWNE         | 63-7708                          | 2/14/1973                          | 0.40                 |
| 26                                                                                | Morgan                         | T3N R2W §20 NESE         | 63-8312                          | 5/24/1976                          | 0.50                 |
| 27                                                                                | Grange Park                    | T3N R2W §17 NWSE         | 63-9853                          | 1/17/1982                          | 1.00                 |
| 28                                                                                | Colorado                       | T3N R2W §34 NWNW         | 63-9889                          | 3/30/1982                          | 1.50                 |
| 29                                                                                | 13th Ave. North                | T3N R2W §22 NESE         | 63-5257                          | 1/1/1905                           | 0.30                 |
| <b>Abandoned Irrigation Wells (water rights remain valid)</b>                     |                                |                          |                                  |                                    |                      |
| 1                                                                                 | Unnamed well near Mayor's Well | T3N R2W §23 SENW or NESW | 63-2450                          | 8/13/1931                          | 1.00                 |
| 2                                                                                 | Unnamed Well                   | T3N R2W §22 SWNE         | 63-2780                          | 9/2/1949                           |                      |
| 3                                                                                 | South Powerline                | T3N R2W §35 NWNW         |                                  |                                    |                      |
| 4                                                                                 | 12th & Roosevelt               | T3N R2W §28 NESE         |                                  |                                    |                      |
| 5                                                                                 | Park Lane & Orr                | T3N R2W §21 NWNE         |                                  |                                    |                      |
| All SRBA ground water irrigation wells - TOTAL cfs:                               |                                |                          |                                  |                                    | 49.04                |
| <b>Drain Pump (wastewater right)</b>                                              |                                |                          |                                  |                                    |                      |
| 1                                                                                 | Elijah Drain                   | T3N R2W §21 NWSW         | 63-7954                          | 3/20/1974                          | 4.00                 |
| <b>Domestic &amp; Stockwater Right</b>                                            |                                |                          |                                  |                                    |                      |
| 1                                                                                 | Airport Well                   | T3N R2W §24 NWSE         | 63-20264                         | 6/3/1925                           | 0.06                 |