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Via Hand Delivery

January 30, 2008

Kay Walker
Senior Water Resource Agent
Adjudication Bureau
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: City of Nampa SRBA Claims

Dear Kay:

This follows up on our meeting at IDWR Headquarters on July 27, 2007 and your letter to me of December 19, 2007 in which you asked the City to provide additional information in support of its SRBA claims. The requested information follows.

Potable Water Right No. 63-5258 (Well #6)

This is a beneficial use claim for Well #6 in the City's potable municipal water supply system. It appears from the City's records that the City prepared a permit application for this water right. However, it was never filed, presumably due to an administrative oversight.

The City claimed this right with a priority of January 1, 1954 for 2.67 cfs. This claim corresponds to the City's statutory claim for this right filed on 6-27-1983 (which specified a priority date of 1954 without specifying a day). In its Objection, the City modified the priority date claimed to 7-1-1954, based on the documentation described below.

The Department recommended this right to be disallowed on the basis of no evidence of beneficial use.

The City now provides the following evidence supporting this claim:

1. Exhibit A: *Well Log and Report to the State Reclamation Engineer of Idaho* (July 20, 1954). This well log recites "July, 1954" as the date of completion of the well. The well log is dated July 20, 1954.
2. Exhibit B: City of Nampa Water Department Report titled "*Twentieth Avenue South Well (Also Known as Well No. 6).*" This document is undated, but was located within the City's official files and appears to date to the time period following construction of the well. An attached schematic map showing Well No. 6 is dated January 30, 1964. The report states that the well was "completed July, 1954." It also describes "Existing Equipment as of September 1959" and lists a pump with a rating of 1,200 gpm. This equates to 2.67 cfs, thus corroborating the claimed quantity.
3. Exhibit C: *Statutory Claim for Water Right No. 63-5258* (June 27, 1983). This sworn statement by Larry Bledsoe, City Engineer, states that the well was first put to beneficial use in 1954. This provides corroborating evidence to the City's SRBA claim.
4. Exhibit D: *Unsigned Application for Permit for Well No. 6*. This undated, unsigned application for a water right permit for a water right associated with Well No. 6 was found in the City's files. Apparently this permit was never filed with the Department, perhaps due to an oversight. In any event, for what it is worth, we offer it as corroborating evidence of the beneficial use claim.
5. Exhibit E: *Affidavit of Michael J. Fuss Regarding Well No. 6 (Potable)*. Mr. Fuss is Director of the Department of Public Works for the City of Nampa. In this Affidavit, Mr. Fuss attests that he has reviewed the City's records and concludes, based on all the information available to him that Well No. 6 has been in continuous operation since 7-1954 as part of the City's potable municipal water supply system.

The above documents are evidence that Well No. 6 was completed and placed to beneficial use in July, 1954.

Potable Water Right Nos. 63-2533 and 63-28219 (Well Nos. 1 and 2)

Water Right Nos. 63-2533 and 63-28219 are redundant claims. Both claim 1.22 cfs based use of the same two wells (Well Nos. 1 and 2). The City does not seek both rights to be recommended. The City's objective is to have one or the other of the rights recognized with a 1937 priority date.

Water Right No. 63-2533 is a licensed right for 1.22 cfs. It was originally permitted with a priority date of 8-2-1937. The priority date was advanced to 2-16-1971 as a result of the late

filing of proof of beneficial use. The City filed a separate SRBA claim, No. 63-28219, which seeks a beneficial use right with a priority date of 8-2-1937 (based on the original permit priority) or 12-24-1937 (based on the statement in the IDWR's Order of 9-10-1971 stating that the wells were completed on that date).¹

The Director recommended No. 63-2533 for 1.22 cfs with a 2-16-1971 priority date, based on the licensed right. He recommended that No. 63-28219 be disallowed on the basis of no evidence of the earlier priority.

We now offer this additional evidence of priority.

1. Exhibit F: An internal City of Nampa record labeled "*Tenth Avenue North Wells (Also Known a Well No. 1 and No. 2)*" contains well logs for both wells. In each case the document states "Completed in or about 1928." The document is undated, but presumably was prepared on or after September 1959 based on a statement on the second page itemizing existing equipment as of that date.
2. Exhibit G: On 12-24-1937, the City submitted its sworn and notarized "*Proof of Completion of Works, Affidavit of Holder, R. Lewis Ord*" to the Department. This document states that "2 wells 2 pumps" were completed and installed at that time. This refers to Wells No. 1 and 2, both of which are located at T3N R2W §22 NWSE.
3. Exhibit H: *In the Matter of Permit No. 18483/63-2433 in the Name of the City of Nampa, Order* (9-10-1971). On 9-10-1971 the Director issued an order advancing the priority of Water Right No. 63-2533. This order states that "proof of completion of works was made on December 24, 1937."
4. Exhibit I: On 2-10-1942 the Department notified the City that it was in violation of the terms and conditions for Permit No. 18483 (which corresponds to Water Right No. 63-2533) for failure to submit a \$5.00 fee in connection with the Proof of Completion of Works previously submitted. The Department made no reference to any failure to submit proof or any other issue or shortcoming in connection with the water right. Further communications (in the Department's backfile for Water Right No. 63-2533) dated 2-24-1942 and 4-1-1942 show that the City was not advised of any failure to provide additional proof of beneficial use, until the Department's letter of 7-15-1971. I also note that the Report of Engineer dated 3-10-1961 for Water Right No. 63-2782 (Permit No. 21222) states "Mr. Johnson [the Nampa City Engineer] wants to know if City of Nampa has

¹ The City's amended claim for No. 63-28219 sought the former; the City's objection to No. 63-28219 sought the latter.

other permits that need[] attention.” Someone from the Department then wrote on the report, “checked out 3/14/61.” The record shows no further response. It is evident from these records that the City was affirmatively advised that no further filing was required for its other water rights. Accordingly, the absence of further proof should not be construed as an absence of use, and it is appropriate to infer that the wells have been in use since the date of their completion on 12-24-1937.

5. Exhibit J: Finally, I have enclosed *Affidavit of Michael J. Fuss Regarding Well Nos. 1 and 2 (Potable)*. In this Affidavit, Mr. Fuss attests that he has reviewed the City’s records and concludes, based on all the information available to him, that Well Nos. 1 and 2 have been in continuous operation since at least 12-24-1937 as part of the City’s potable municipal water supply system.

The above documents are evidence that Well Nos. 1 and 2 were completed and placed to beneficial use on or before 12-24-1937.

Potable Water Right Nos. 63-2782 and 63-28220 (Well No. 5)

Water Right Nos. 63-2782 and 63-28220 are redundant claims. Both claim 1.93 cfs based on use of the same Well No. 5. The City does not seek both rights to be recommended. The City’s objective is to have one or the other of the rights recognized with a priority date corresponding to the original construction and operation of the well in 1949 or 1950.

Water Right No. 63-2782 is a licensed right for 1.93 cfs. It was originally permitted with a priority date of 9-2-1949. The priority date was advanced to 11-25-1959 as a result of the late filing of proof of beneficial use.² The City filed a separate SRBA claim, No. 63-28220, which seeks a beneficial use right with a priority date of 9-2-1949 (based on the original permit priority) or 12-1-1949 (based on the statement in Exhibit K discussed below that the well was completed in 12-1949).³

The Director recommended No. 63-2782 for 1.22 cfs with a 2-16-1971 priority date, based on the licensed right. He recommended that No. 63-28220 be disallowed on the basis of no evidence of the earlier priority.

We now offer this additional evidence of priority.

² The backfile on Water Right No. 63-2782 contains a notice sent from IDWR to City on 6-27-1960 bringing to City’s attention for the first time its failure to provide proof of beneficial use. The backfile contains no order addressing the advancement of the priority date. However, the advanced priority date is reflected in the license that was issued on 3-23-1961.

³ The City’s amended claim for No. 63-28220 sought the former; the City’s objection to No. 63-28220 sought the latter.

1. Exhibit K: An internal City of Nampa record labeled "*Eighth Avenue North Well (Also Known a Well No. 5)*" contains a well log with the heading: "Log of Nampa City Well at Eighth Avenue North and Third Street North, Completed December, 1949." The document is undated, but presumably was prepared on or after September 1959 based on a statement on the second page itemizing existing equipment as of that date.
2. Exhibit L: On 7-21-1960 Lawrence Good, Water Superintendent for the City of Nampa, submitted an *Affidavit as to the Completion of Pumping Facilities* attesting that "prior to June 13, 1950 the City of Nampa drilled a well for domestic water purposes on [giving description of Well No. 5]."
3. Exhibit M: On 8-2-1960 Lawrence Good, Water Superintendent for the City of Nampa, submitted *Proof of Completion of Works, Deposition of Witness* in connection with Well No. 5. This deposition states that the diversion facilities associated with Well No. 5 "were completed prior to June 13, 1950."
4. Exhibit N: On 8-2-1960 Alex Henkel of Nampa, Idaho, submitted *Proof of Completion of Works, Deposition of Witness* in connection with Well No. 5. This deposition states that the diversion facilities associated with Well No. 5 "were completed prior to June 13, 1950."
5. Exhibit O: On 8-2-1960 Sumner M. Johnson, City Engineer for the City of Nampa, submitted *Proof of Completion of Works, Deposition of Holder* in connection with Well No. 5. This deposition states that the diversion facilities associated with Well No. 5 "were completed prior to June 13, 1950."
6. Exhibit P: On 9-6-1960 Lawrence Good, Water Superintendent for the City of Nampa, submitted *Proof of Application of Water to Beneficial Use, Deposition of Witness* in connection with Well No. 5. This deposition states: "From June, 1950 to present time I have regularly kept records of the amount of water that has been placed to beneficial use. The amount of water used has been 860 G.P.M. as per demand requirement."
7. Exhibit Q: Finally, I have enclosed *Affidavit of Michael J. Fuss Regarding Well No. 5 (Potable)*. In this Affidavit, Mr. Fuss attests that he has reviewed the City's records and concludes, based on all the information available to him, that Well No. 5 has been in continuous operation since its operation was first initiated as part of the City's potable municipal water supply system.

The above documents are evidence that Well No. 5 was completed and placed to beneficial use on or before December of 1949 or, at the latest, June 13, 1950.

Non-Potable Water Right Nos. 63-5257 and 63-2787 (13th Avenue North Well)

Water Right No. 63-5257 is a beneficial use claim for 0.30 cfs associated with a municipal irrigation well known as the 13th Avenue North Well. This well has been in operation since 1905 and continues to be a part of the City's integrated non-potable municipal delivery system. The City filed a statutory claim for Water Right No. 63-5257 on 6-27-1983.

IDWR recommended disallowal of this claim based on the incorrect understanding that it was included within (and was redundant with) Water Right No. 63-2787. Water Right No. 63-2787 is a licensed right for 30.0 cfs associated with 23 points of diversion. Those 23 points of diversion do not include the 13th Avenue North Well. Water Right No. 63-2787 does include a point of diversion for the 14th Avenue North Well (identified in the original License and Certificate as Well #8) located within T3N R2W §22 NESE. This is the same quarter-quarter as the 13th Avenue North Well. However, these are separate wells. The City is entitled to a separate water right (No. 63-5257) for the 13th Avenue North Well.

In support of this claim, I have attached the following.

1. Exhibit R: *Affidavit of Michael J. Fuss, Regarding 13th Ave. North Well (Non-Potable)*. This affidavit confirms the above, based on Mr. Fuss' review of the Department's records and all information available to him.

The above document is evidence that the 13th Avenue North Well was completed and placed to beneficial use in 1905, and is separate and distinct from the wells and water right associated with Water Right No. 63-2787.

Points of Diversion

In its Objections, the City provided corrected lists of alternative points of diversion associated with each of the water rights associated with its SRBA claims. Separate lists are provided for the City's potable⁴ and non-potable⁵ delivery systems. As of this time, the City's

⁴ The City's Amended Claims identified the incorrect quarter-quarter for Well No. 5 and the incorrect township and lot for Well No. 10. In its recommendation, the Department listed both the correct and the incorrect quarter-quarter for Well No. 5, resulting in a list of 11 PODs. The City's Objections included a corrected list of 10 PODs associated with the integrated potable water delivery system.

⁵ Of the 42 PODs listed in the Amended Claims for the non-potable system, IDWR recommended 28. The exclusions were made for the following three reasons. First, the Department eliminated six wells that were identified as having been abandoned. This City does not object to their exclusion. Second, the Department did not include eight wells associated with a post-SRBA permit application for Water Right No. 63-10211 (one of which was among the six abandoned wells). Note that the permit for Water Right No. 63-10211 was issued on July 30, 1984. However, proof was not filed until 1989 (and amended proof in 2004). Consequently, this is a "post-commencement" right. The Director's decision not to list post-commencement wells is consistent with the Department's policy, and the City has no objection to the exclusion of these PODs. Third, IDWR did not include

potable and non-potable delivery systems are physically separate delivery systems. It is my understanding that the Department agrees that the lists of alternative points of diversion should be revised in accordance with the City's Objections.

These lists do not include points of diversion added to the City's systems after initiation of the SRBA in 1987. It is my understanding that the Department's policy is not to include post-SRBA points of diversion, based on the fact that the accomplished transfer statute does not apply to them. Subsequent to resolution of the City's SRBA claims, it is the City's intention to file transfer applications to identify all points of diversion associated with its potable and non-potable systems.

Based on the Special Master's decision in *In Re SRBA, Case No. 39576, Subcases: See Attached Exhibit A, Master's Report and Recommendation*, Idaho Fifth Dist. Ct, at 6 (Oct. 2, 2007) (the City of Pocatello alternative points of diversion decision), the City has no objection to the Department's recommended condition respecting the original points of diversion. The City continues to reserve the right to object to this condition, however, in the event that any appeal or reconsideration of the Special Master's ruling alters the result. As stated previously, the City seeks only the same treatment accorded to other water right holders with respect to alternative points of diversion.

Annual Volume

The City reaffirms its request (as stated in its Objections) that each of its municipal rights be stated with an annual volume limit reflecting its right to grow into 24 hour / 365 day use of the right. This is consistent with the Department's longstanding policy and practice with respect to all municipal water rights. The City is concerned that leaving the annual volume unstated could lead to future disagreements over the quantity of use permissible under these municipal rights. We understand that the Department typically leaves the annual volume blank for municipal water rights (although it has on occasion stated an annual volume). However, absent a compelling reason not to do so, we believe that the Department should accede to the City's request to have the annual volume displayed on the decree.

the 31st POD on the list, which is the pump associated with the Elijah Drain, aka Sunny Lane (Water Right No. 63-7954). This well is not integrated into the City's non-potable delivery system and was also properly excluded. However, in addition to the 28 PODs recommended by the Director, the list of non-potable wells should include a 29th POD, which was inadvertently omitted. This is the 13th Avenue North Well associated with Water Right No. 63-5257. This well is in the same quarter-quarter (T3N R2W §22 NESE) as the 14th Avenue North Well. Accordingly, that quarter-quarter should be listed twice.

Kay Walker
January 30, 2008
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I thank you for your assistance in sorting out these claims. It has been a pleasure to work with you.

Sincerely,



Christopher H. Meyer

Encl: Per attached Exhibit List

cc: David R. Tuthill, Jr., Director, IDWR
Michael J. Fuss, Director, Public Works Department, City of Nampa
Fred Snoderly, Superintendent, Water Works, City of Nampa
John Priester, City Engineer, City of Nampa
Daniel Badger, Plan Review, Engineering Division, City of Nampa
David L. Bauer, J-U-B Engineers
Ken Gingrich, J-U-B Engineers
Terry M. Scanlan, SPF Water Engineering LLC
Kevin Boggs, CH2M Hill

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EXHIBITS

- Exhibit A** WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO (JULY 20, 1954)
- Exhibit B** CITY OF NAMPA WATER DEPARTMENT REPORT TITLED "TWENTIETH AVENUE SOUTH WELL (ALSO KNOWN AS WELL NO. 6)"
- Exhibit C** STATUTORY CLAIM FOR WATER RIGHT NO. 63-5258 (JUNE 27, 1983)
- Exhibit D** UNSIGNED APPLICATION FOR PERMIT FOR WELL NO. 6
- Exhibit E** AFFIDAVIT OF MICHAEL J. FUSS REGARDING WELL NO. 6 (POTABLE)
- Exhibit F** CITY OF NAMPA WATER DEPARTMENT REPORT TITLED "TENTH AVENUE NORTH WELLS (ALSO KNOWN AS WELL NO. 1 AND NO. 2)"
- Exhibit G** PROOF OF COMPLETION OF WORKS, AFFIDAVIT OF HOLDER, R. LEWIS ORD (12-24-1937)
- Exhibit H** IDWR ORDER (9-10-1971) (ADVANCING PRIORITY RE WATER RIGHT NO. 63-2533)
- Exhibit I** DEPARTMENT OF RECLAMATION NOTICE TO CITY RE \$5.00 FEE (2-10-1942); LETTER FROM IDWR TO CITY (2-24-1942); LETTER FROM IDWR TO CITY (4-1-1942); LETTER FROM IDWR TO CITY (7-15-1971); REPORT OF ENGINEER FOR PERMIT NO. 21222 (3-10-1961)
- Exhibit J** AFFIDAVIT OF MICHAEL J. FUSS REGARDING WELL NOS. 1 AND 2 (POTABLE)
- Exhibit K** CITY OF NAMPA WATER DEPARTMENT REPORT TITLED "EIGHTH AVENUE NORTH WELL (ALSO KNOWN AS WELL NO. 5)"
- Exhibit L** AFFIDAVIT OF LAWRENCE GOOD (7-21-1960)
- Exhibit M** LAWRENCE GOOD – PROOF OF COMPLETION OF WORKS, DEPOSITION OF WITNESS LAWRENCE GOOD (8-2-1960)

- Exhibit N** **ALEX HENKEL – PROOF OF COMPLETION OF WORKS, DEPOSITION OF WITNESS (8-2-1960)**
- Exhibit O** **SUMNER M. JOHNSON – PROOF OF COMPLETION OF WORKS , DEPOSITION OF HOLDER (8-2-1960)**
- Exhibit P** **LAWRENCE GOOD – PROOF OF APPLICATION OF WATER TO BENEFICIAL USE, DEPOSITION OF WITNESS LAWRENCE GOOD (9-6-1960)**
- Exhibit Q** **AFFIDAVIT OF MICHAEL J. FUSS REGARDING WELL NO. 5 (POTABLE)**
- Exhibit R** **AFFIDAVIT OF MICHAEL J. FUSS REGARDING 13TH AVENUE NORTH WELL (NON-POTABLE)**

**WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO**

RECEIVED
JUL 4 1954

Department of Reclamation

Log No. _____
Rec. _____ 19____
Well No. _____
Permit No. _____

(DO NOT FILL IN)

Owner Nampa, City Well Address Nampa, Idaho
Driller A. E. Hosack & Son Address Esape, Idaho Lic. No. 27
Location of Well Roosevelt & 6-th. St. So.
1/4 Sec. 1, T. 5 N., R. 13 E., S. 3 W/W CANYON County,
and _____ feet N/S, and _____ feet E/W from _____ Corner of _____ 1/4 Sec. _____
Size of Drilled Hole 16" Total depth of Well 507'
Give depth of standing water from surface 0 Water Temp. 74 °Fahrenheit
On pumping test delivery was 1650 g.p.m. or _____ c.f.s. Drawdown was 64 feet.
Size of pump and motor used to make the test 12" Turbine, 100 H.P.
Length of time pumped during check was 120 hr., _____ minutes.
If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure. _____
If flowing well, describe control works _____
(TYPE AND SIZE OF VALVE, ETC.)
Water will be used for Domestic & Industrial Weight of casing per linear foot 24"-86#, 20"-78#, 16"-62#
Thickness of casing 24"-5/16", 20"-3/8", 16"-3/8" Casing material Steel Pipe
E.G., PIPE, CONCRETE, WOOD.
Diameter, length and location of casing 16" from 0 to 370'
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)
Number and size of perforations _____ located _____ feet to _____ feet
from surface of ground 427' to 438'-10" of well screens, 438' to 470'-31" of 10" pipe,
470' x 500'-50" of well screens, 500 to 504'-4" of 10" pipe with cement plug.
Other perforations _____
Date of commencement of well May, 1954 Date of completion of well July, 1954
Type of well rig Cable Tools

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	REMARKS - SEALS, GRROUTING, ETC.
24	0	83'	83'	The 24" casing was driven into the lava. The 20" & 16" casing was driven into clay. There's a 10" x 16" lead packer at 356'. There's a 4 ft. plug of cement in the bottom end of the 10" pipe.
20	0	178'	178'	
16	0	370'	370'	
10	356	427	71	

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

WELL LOG

From Feet	To Feet	Type of Material	Drilling Time		Water-bearing Formation Ass. Test No.	Casing Perforated Ass. Test No.
			Hrs.	Min.		
0	6	top soil and hard pan				
6	10	Indian Creek sand				
10	40	sandy clay				
40	50	Indian Creek sand				
50	61	silt				
61	80	lava				
80	87	broken lava				
87	101	lava				
101	107	broken lava rock				
107	114	red muddy sand				
114	140	sand and gravel				
140	145	fine gravel and small sand				
145	155	sand				
155	174	clay				
174	180	yellow clay				
180	195	hard clay				
195	221	sand				
221	226	clay				
226	249	mud clay				
249	255	muddy sand				
If more space is required use Sheet No. 2						

WELL DRILLERS STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed A. E. BURMAN & SON

By Chas. E. Burman

License No. 27

Dated July 20 1954

Subscribed and sworn before me this 20 day of July 1954

Notary Public

My Commission expires July 20, 1955

Residing at

Well Location

[illegible]

3424

11-24-44

B

TWENTIETH AVENUE SOUTH WELL
(Also Known as Well No. 6)

Log of Nampa City Well at Roosevelt and Sixth Street South, completed July, 1954

Geological Log

0'- 6'	Top Soil and Hard Pan	249'-255'	Muddy Sand
6'- 10'	Indian Creek Sand	255'-268'	Sandy Clay
10'- 40'	Sandy Clay	268'-305'	Sand
40'- 50'	Indian Creek Sand	305'-350'	Sandy Clay
50'- 61'	Silt	350'-363'	Sticky Sandy Clay
61'- 80'	Lava	363'-382'	Sticky Clay
80'- 87'	Broken Lava	382'-386'	Sandy Clay
87'-101'	Lava	386'-393'	Sticky Clay
101'-107'	Broken Lava Rock	393'-411'	Sandy Clay
107'-114'	Red Muddy Sand	411'-414'	Coarse Sand and Some Gravel
114'-140'	Sand and Gravel	414'-417'	Clay with Sand
140'-145'	Big Gravel and Small Sand	417'-425'	Sandy Clay
145'-165'	Sand	425'-436'	Coarse Sand
165'-174'	Clay	436'-440'	Sandy Clay
174'-190'	Yellow Clay	440'-467'	Sticky Clay
190'-195'	Hard Clay	467'-483'	Sand
195'-221'	Sand	483'-503'	Coarse Sand and Gravel
221'-226'	Clay	503'-507'	Sticky Clay
226'-249'	Sandy Clay		

Pumping Test: 1,240 GPM at 60' total lift
1,650 GPM at 73' total lift

Construction Log

0'- 63' 24" O.D. casing with 5/16" wall
0'-178' 20" O.D. casing with 3/8" wall
0'-370' 16" O.D. casing with 3/8" wall
346.4' top of 10"X16" lead packer on 10' of 10" Std. pipe
356.4' there is a 10" coupling bored out to make a slip joint on to 10" Std. pipe
356.4'-427.4' 71' of blank 10" pipe
427.4'-438.4' 10' of No. 30 slot screens and fittings
438.4'-470' 31.6' of blank 10" pipe
470'-481' 10' of No. 15 slot screens and fittings
481'-492' 4' of No. 20 slot and 5' of No. 35 slot screens and fittings
492'-503' 10' of No. 40 slot screen and fittings
503'-507' 4' of 10" blank pipe with 3/8" plate welded on the lower end for plug

Well screens used were silicon bronze mfg. by Cook, Inc.

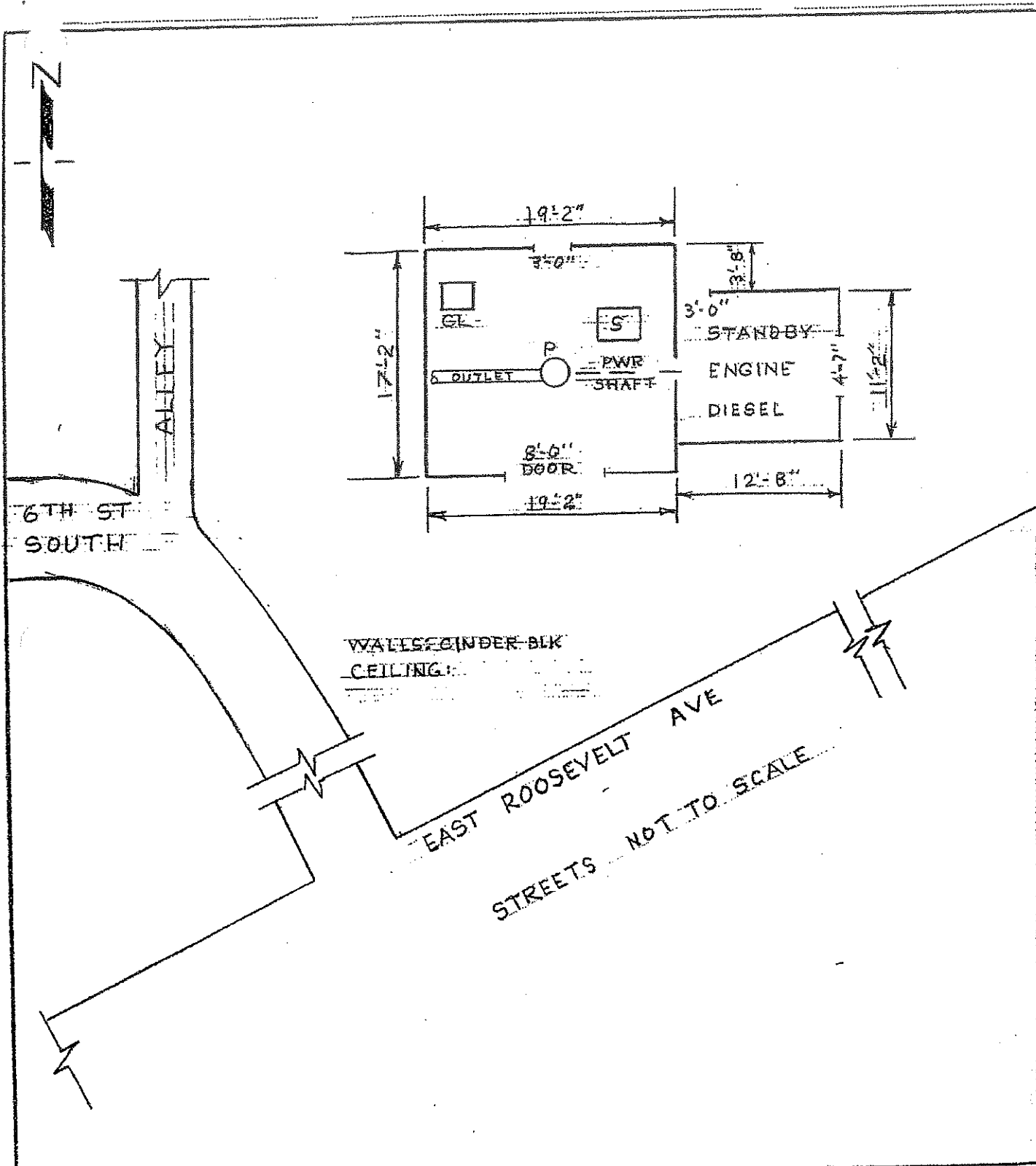
Existing Equipment as of September 1959

Byron Jackson deepwell turbine pump with Mfg. rating of 1200 GPM.
75 H.P. motor with reduced voltage starter.
105 H.P. diesel auxiliary engine with manual control.
Wallace & Tiernan Chlorinator with booster pump.
8" Sparling flow meter.
Measured flow was 930 GPM against normal operating head.

CHEMICAL QUALITY OF WATER
NANPA MUNICIPAL SUPPLY

(Parts per Million)

Well Number	1 & 2	3	4	5	6	Recommended Maximum
Date Collected	12-11-59	12-11-59	12-11-59	12-11-59	12-11-59	
Iron	.06	.06	.06	.06	.06	.3
Calcium	16.	10.	15.	18.	14.	-
Magnesium	2.	0	1.5	2.	4.	125
Sodium	45.	44.	43.	44.	32.	-
Bicarbonate Alkalinity	116.	108.	120.	114.	102.	-
Sulfate	14.	8.	7.	11.	10.	250
Chloride	12.	6.	8.	7.	8.	250
Fluoride	1.45	1.4	1.4	1.3	1.1	1.5
Total Diss. Solids	204.	188.	184.	200.	174.	500
Hardness	48.	26.	44.	50.	52.	150
pH	7.6	7.6	7.6	7.6	7.4	-



CITY OF NAMPA, IDAHO ENGINEERING DEPARTMENT

WELL NO. 6
 PUMPHOUSE 2016 6TH STREET SOUTH

DRN BY C. Richardson 1/30/64
 CKD BY JA 2/5/64

SCALE: 1"=10'-0"
 DATE: JAN 30 1964

APPR. _____
 DWG NO A-04-1004

JUN 20 1933

cc. Encl Car #740

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

(Name of Claimant)

83651

Telephone No. 466-9221

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) 1954

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

groundwater

tributary to

(c/s, af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)

(Mo., Day)

{Mo., Day}

Quantity 3.67 cfs

Use ~~municipal~~ water supply

Period of Use From Jan. 01

To Dec. 31

Quantity _____

Use

Peri

Period of Use From _____

To

Quantity

Use

Peri

Period of Use From

To

(4) 267

TOTAL QUANTITY USED.

(cfs. 20)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27 Twp. 3N Rge. 2W B.M., County of Canyon

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well: 16" 507' deep. Pump: Byron Jackson deepwell turbine w/75 h.p. motor; 1200 gpm rating. 105 h.p. diesel aux. motor w/ manual control. Wallace Tiernan chlorinator w/ booster pump. 8" Sparling flow meter.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres

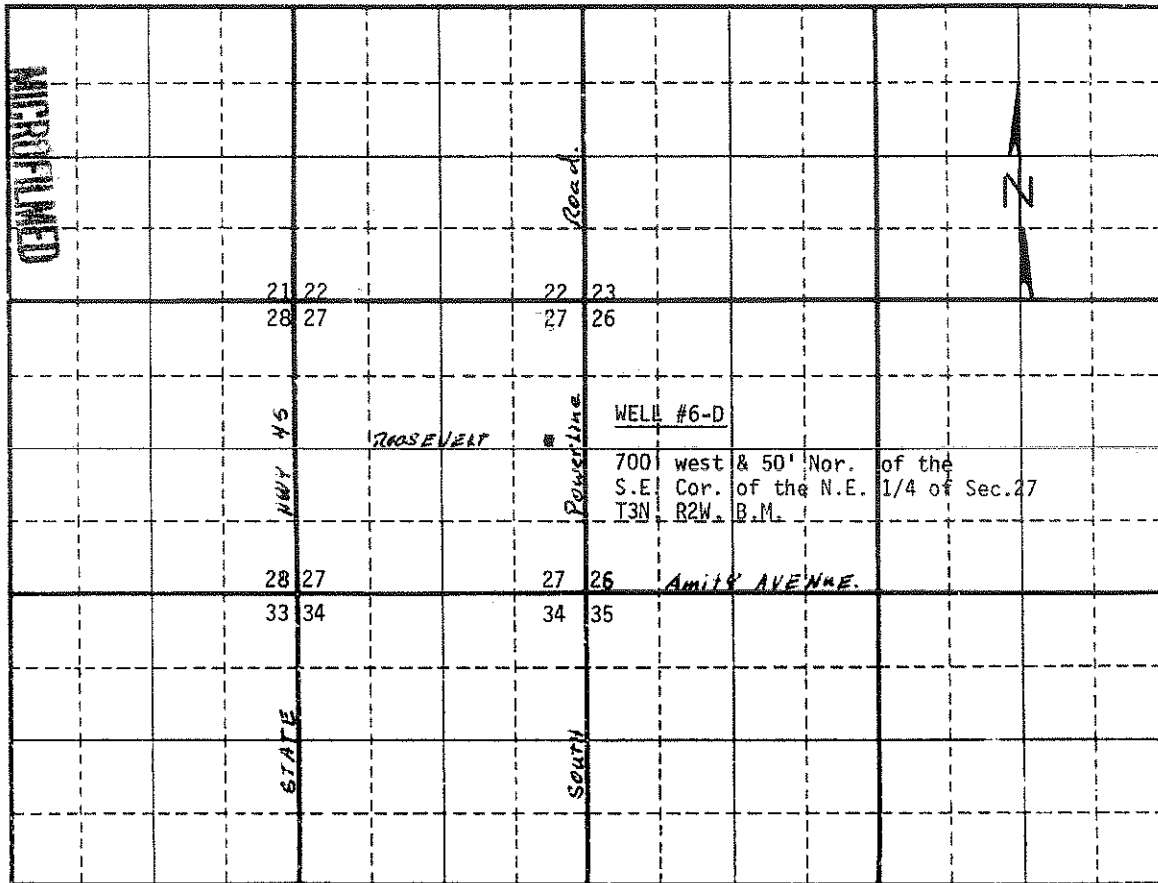
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Well discharges into domestic water system serving Nampa and vicinity.

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

MICROFILME

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Canyon) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Larry Blidner - City Engineer
(Claimant)

Sworn to before me this 27 day of June, 1983.

Corinne M. Beaman
Notary Public
Residing at Helena

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by mm Date 6-28-83 Exception filed by: _____ Date _____
Prelim. check by RL Date 6/30/83 claimant by: _____
\$30.00 fee received by SP Date 6/28/83 32211
Published in Bozeman Tribune
Dates 1/26 & 2/2/84

NOTICE OF CLAIMS
TO WATER RIGHTS

The following claims have been
filed on water rights created by
diversion and beneficial use:

63-5237

PIONEER IRRIGATION DIST.
P.O. BOX 426, CALDWELL,
IDAHO 83605

Source: INDIAN CREEK trib. to
BOISE RIVER

Priority Date: April 1, 1910
Diversion Pt: NESW Sec 26 T 04N
R 03W

Use: IRRIGATION (16.00 CFS)
P/U: Within the lands of the
Pioneer Irr. Dist.
63-5248

LITTLE, RALPH L.
RT. 1 BOX 1393, NAMPA, IDAHO
83651

Source: GROUNDWATER
Priority Date: December 1, 1961
Diversion Pt: NESE Sec 30 T 03N
R 02W

Use: STOCKWATER (0.99 CFS)
In: NESE Sec 30 T 03N R 02W
63-5252

PAYETTE FARMS CO.
P.O. BOX 27, BOISE, IDAHO 83701
Source: GROUNDWATER
Priority Date: January 1, 1948
Diversion Pt: NENW SWNE
SENE Sec 07 T 02N R 03W
Use: DOMESTIC (0.09 CFS)
In: NENW SWNE SENE Sec 07 T
02N R 03W
63-5255

PIONEER IRRIGATION DIST.
P.O. BOX 426, CALDWELL,
IDAHO 83605
Source: INDIAN CREEK trib. to
BOISE RIVER
Priority Date: April 1, 1910
Diversion Pt: NWSW Sec 22 T 04N
R 03W

Use: IRRIGATION (2.50 CFS)
P/U: Within the Lands of the
Pioneer Irr. Dist.
63-5257

CITY OF NAMPA
411 3RD ST. S., NAMPA, IDAHO
83651

Source: GROUNDWATER
Priority Date: January 1, 1905
Diversion Pt: NESE Sec 22 T 03N
R 02W

Use: MUNICIPAL (0.30 CFS)
PU: Within the city limits of
Nampa.
63-5258 ✓ SP

CITY OF NAMPA
411 3RD ST. S., NAMPA, IDAHO
83651

Source: GROUNDWATER
Priority Date: January 1, 1954
Diversion Pt: SENE Sec 27 T 03N
R 02W

Use: MUNICIPAL (2.67 CFS)
P/U: Within the city limits of
Nampa.

Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, Western Region,
Statehouse, Boise, Idaho 83720.

KEN DUNN

Director

January 26; February 2, 1984

Department of Water Resources
Western Regional Office

MICROFILMED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

Debra Martin del Campo

of Nampa, Canyon County, Idaho, being first duly
sworn, deposes and says:

1. That I am a citizen of the United States of
America, and at all times hereinafter mentioned
was over the age of eighteen years, and not a party
to the above entitled action.

2. That I am the Principal Clerk of the Idaho
Press-Tribune, a daily, (except Saturday)
newspaper published in the City of Nampa and
Caldwell, in the County of Canyon, State of Idaho;
that the said newspaper is in general circulation
in the said County of Canyon, and in the vicinity of
Nampa and Caldwell, and has been uninterrupted-
ly published in said County during a period of
seventy-eight consecutive weeks prior to the first
publication of the notice, a copy of which is hereto
attached.

3. That the notice, of which the annexed is a prin-
ted copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and
was printed in the newspaper proper, and not in a
supplement.

4. That said notice was published the following
dates:

January 26;

February 2, 1984

Subscribed and sworn to before me this 2nd
day of February
1984

Janet Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985
FEB 6 1984

Department of Water Resources
Western Regional Office

WR8100
63-5258

1 DAMO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
20-NOV-1985 13:28:05

01 WATER RIGHT NUMBER - 63-5258 02 OLD (D) NUMBER -

03001 - CITY OF NAMPA LAST NAME

FIRST NAME

ORIG. OWNER
05001 - C

06 ADD LINE 1 - 411 3RD. ST. S.

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - NAMPA

10 STATE - ID

11 ZIP - 83651

12 STAGE - S STATUTORY CLAIM

13 STATUS -

14001 - GROUNDWATER SOURCE

TRIBUTARY OF

15001 -

16 DIVERSION MEANS - WELL, PUMP & PIPELINE

17 COUNTY - 27 CANYON

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 2.670

20 TOTAL DIVERSION VOLUME - .60

21 WATER DISTRICT -

TRACT SEC TWN RNG LOT RFLG STREAM INDEX FIELDS
22001 - SENE 23001 - 27 24001 - 03N 25001 - 02W 26001 - 27001 -
28001 - 0 0.0 0.0 0.0 0.0 0.0 0 0 0 0.0

29 NON-IRRIGATION USE -

USE CODE / USE

PLACE OF USE
SEC

ACRES

LOD

30001 -

31001 -

32001 -

33001 -

34001 -

35001 -

36001 -

TOTAL ACRES: 0

PERIOD FROM PERIOD TO

USE CODE / USE

WATER USE

DIVERSION RATE

DIVERSION VOLUME

37001 - 0101 38001 - 1231

39001 - 40 MUNICIPAL

40001 -

2.670 41001 -

0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS-

44001 - P/U WITHIN THE CITY OF NAMPA, A MUNICIPALITY.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY - DATES - 1-JAN-1954
48 PROOF DUE -
49 PROOF MADE -
50 APPROVE/DENIED -
51 PROTESTED -
52 HEARING -
53 VERIFIED -
54 LAST UPDATE - 17-JAN-1984
55 LICENSE -
56 APPL RECEIVED -
57 FIELD EXAM MADE -
58 DECREE -
59 START WORK -
60 ORDER SHOW CAUSE -
61 DATE_1 -
62 DATE_2 -
63 TRANSFER/AMENDED -
64 DLE/CAREY ACT -
65 FLAG_1 -
66 FLAG_2 -
67 FLAG_3 -

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: *Shaff*

Right Number 63- 5258 Applicant CITY OF NAMPA

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 4/2/84
- ☒ Claim published correctly. Answer - Dile
30/32211 1/26 & 4/2/84
- ☒ Exceptions processed.

By DBS Date 2/14/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By DC Date 2/22/84

MICROFILMED

RECEIVED
FEB 22 1984

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

FEBRUARY 15, 1984

CITY OF NAMPA
411 3RD. ST. S.
NAMPA

ID 83651

RE: Claim No. 63-5258

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

DAVID B. SHAW
Western Region Supervisor

Enclosure

MICROFILM

63-5258_

CITY OF NAMPA

411 3RD. ST. S., NAMPA, ID 83651

Source: GROUNDWATER

Priority Date: 01/01/1954

Diversion Pt: SENE Sec 27 T 03N R 02W

Use: MUNICIPAL (2.67 CFS)

PU: Within the city limits of Nampa.

MICROFILMED

D

Address all communications to:

CITY OF NAMPA, ENGINEERING
DEPARTMENT
P. O. CITY HALL, NAMPA, IDAHO

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G. _____

Permit No. G. _____

Water District No. _____

1. Name of applicant: City of Nampa

Post office address Nampa County Canyon State Idaho

2. Quantity of water claimed: 4.0 C.F.S.

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27
Twp. T3N, Rge. 2W, B.M., County of CANYON

5. Water is to be used for: Domestic Purposes (Municipal Use)

6. If for domestic, municipal, industrial or recreational purposes give:

(a) Point of use of water is in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27
Twp. 3N, Rge. 2W, B.M.

(b) Waste water or sewage effluent is to be returned to INDIAN CREEK
at a point in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Twp. 3N, Rge. 2W, B.M.

7. Kind of Works: Well & Pump

8. Estimated cost of works: \$ 20,000 \$2,000

9. (a) Is reservoir to be used? No No

(b) Capacity of reservoir: None None

10. The time required for the completion of such work and complete application of the water to the proposed use is
3 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation: May 6, 1901 - Municipal Corporation

(b) Amount of capital stock \$ _____ (c) Amount paid in: \$ _____

(d) Names and addresses of directors: City Council, City Hall

Nampa Idaho

Remarks: This well is to Supplement the
Nampa Municipal Domestic water
System, Owned by the City of Nampa.
The water is used throughout the
City of Nampa.

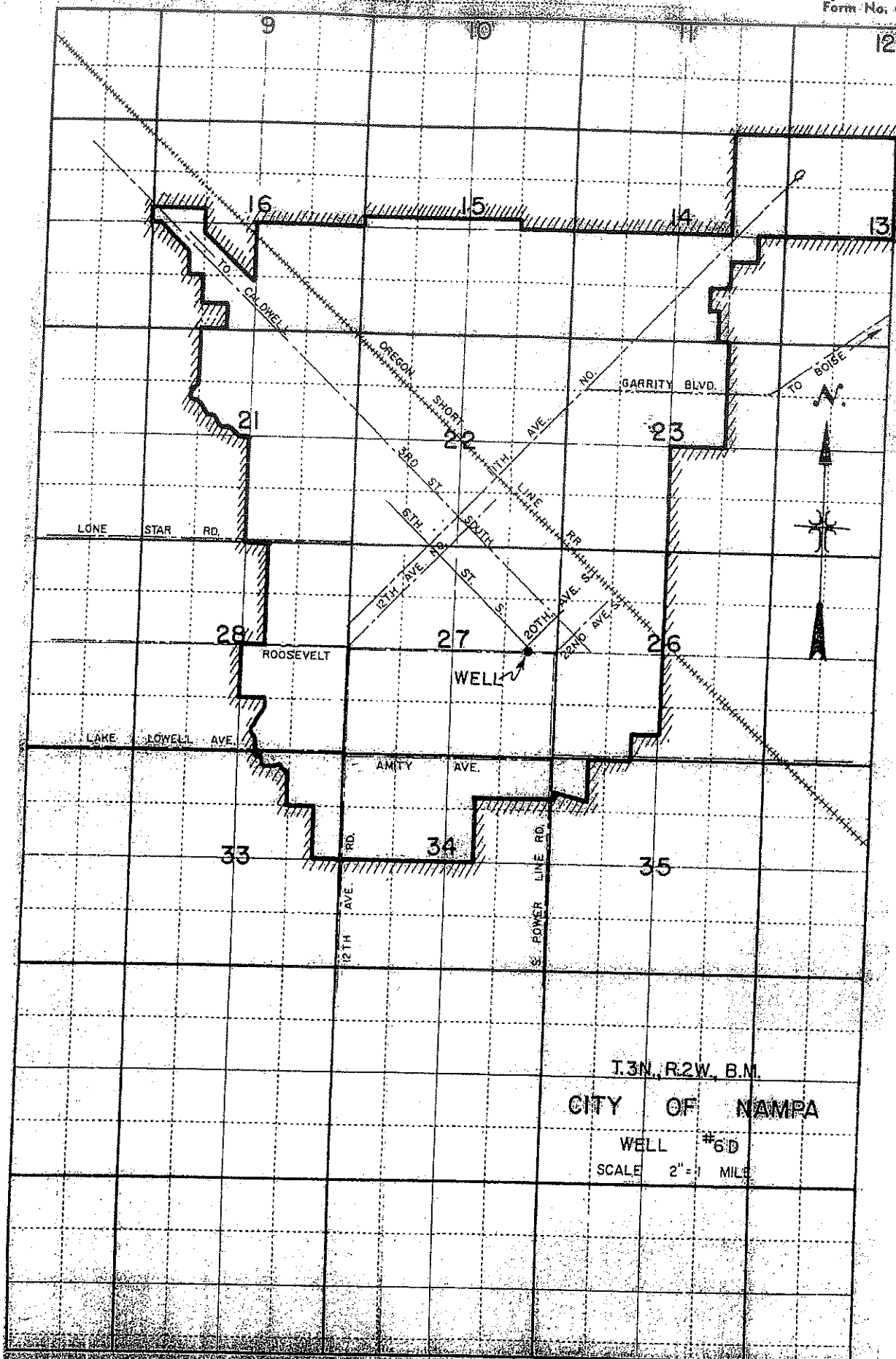
BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of
the State of Idaho as herein set forth.

Applicant

By _____, Agent

NAME OF APPLICANT CITY OF NAMPA

Form No. 0



SCALE 2" = 1 MILE Draw Nampa, ID

E

Christopher H. Meyer [ISB No. 4461]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for the City of Nampa.

**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

Sub Case No.: 63-5258

**AFFIDAVIT OF MICHAEL J. FUSS
REGARDING WELL NO. 6 (POTABLE)**

State of Idaho)
) ss.
County of Canyon)

Michael J. Fuss, being first duly sworn upon oath, deposes and states as follows:

1. I am the Director of the Public Works Department for the City of Nampa, Idaho.
2. In preparation of this Affidavit, I reviewed the records of the City of Nampa for Domestic Well No. 6 associated with Water Right No. 63-5258. I also consulted with other employees of the Department of Public Works as well as private engineering consultants employed by the Department to obtain any relevant information or historical knowledge bearing on the subject of this Affidavit.
3. The above-referenced Well No. 6 is in operation today and serves the City's integrated potable municipal water delivery system.

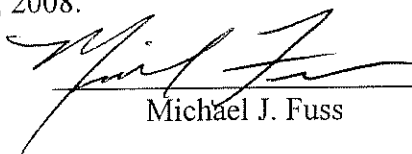
4. Based on my review of the records of the City of Nampa's Department of Public Works and upon the institutional knowledge available to me as Director of the Department of Public Works, it is my belief that Well No. 6 has been in continuous operation since its operation was first initiated in July of 1954 and has always been capable of producing at least 2.67 cfs.

5. There is no evidence available to me showing that Wells No. 6 was ever taken out of service except for routine maintenance. To the best of my knowledge, it has always been relied upon by the City as an integral part of its municipal delivery system.

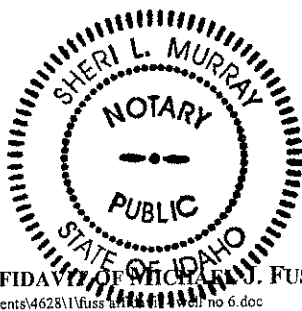
6. In my review of the records of the Department of Public Works, I identified a document known as "Twentieth Avenue South Well (Also Known as Well No. 6)." This document contains a well log with the heading: "Log of Nampa City Well at Roosevelt and Sixth Street South, completed July, 1954." Based on all information available to me, I believe that this is an accurate representation. This document is an official record of the City created in the ordinary course of business. This document appears to have been created on or shortly after September 1959, based on the statement set out on page two of the document listing equipment on site as of that date. A true and correct copy of this document is attached hereto as Exhibit 1.

7. I have reviewed the letter of Christopher H. Meyer to Kay Walker dated January 30, 2008. It accurately reflects my understanding of the City's water rights in all respects.

DATED this 30th day of January, 2008.


Michael J. Fuss

Subscribed and sworn to, before me, this 30th day of January, 2008.




Notary Public for the State of Idaho
Residing at Nampa, Canyon County
My Commission Expires 12-14-2014

EXHIBIT 1

TWENTIETH AVENUE SOUTH WELL (Also Known as Well No. 6)

Log of Nampa City Well at Roosevelt and Sixth Street South, completed July, 1954

Geological Log

0'-6'	Top Soil and Hard Pan	249'-255'	Muddy Sand
6'-10'	Indian Creek Sand	255'-268'	Sandy Clay
10'-40'	Sandy Clay	268'-305'	Sand
40'-50'	Indian Creek Sand	305'-350'	Sandy Clay
50'-61'	Silt	350'-363'	Sticky Sandy Clay
61'-80'	Lava	363'-382'	Sticky Clay
80'-87'	Broken Lava	382'-386'	Sandy Clay
87'-101'	Lava	386'-393'	Sticky Clay
101'-107'	Broken Lava Rock	393'-411'	Sandy Clay
107'-114'	Red Muddy Sand	411'-414'	Coarse Sand and Some Gravel
114'-140'	Sand and Gravel	414'-417'	Clay with Sand
140'-145'	Big Gravel and Small Sand	417'-425'	Sandy Clay
145'-165'	Sand	425'-436'	Coarse Sand
165'-174'	Clay	436'-440'	Sandy Clay
174'-190'	Yellow Clay	440'-467'	Sticky Clay
190'-195'	Hard Clay	467'-483'	Sand
195'-221'	Sand	483'-503'	Coarse Sand and Gravel
221'-226'	Clay	503'-507'	Sticky Clay
226'-249'	Sandy Clay		

Pumping Test: 1,240 GPM at 60' total lift
1,650 GPM at 73' total lift

Construction Log

0'-63' 24" O.D. casing with 5/16" wall
0'-178' 20" O.D. casing with 3/8" wall
0'-370' 16" O.D. casing with 3/8" wall
346.4' top of 10"X16" lead packer on 10' of 10" Std. pipe
356.4' there is a 10" coupling bored out to make a slip joint on to 10" Std. pipe
356.4'-427.4' 71' of blank 10" pipe
427.4'-438.4' 10' of No. 30 slot screens and fittings
438.4'-470' 31.6' of blank 10" pipe
470'-481' 10' of No. 15 slot screens and fittings
481'-492' 4' of No. 20 slot and 5' of No. 35 slot screens and fittings
492'-503' 10' of No. 40 slot screen and fittings
503'-507' 4' of 10" blank pipe with 3/8" plate welded on the lower end for plug
Well screens used were silicon bronze mfg. by Cook, Inc.

Existing Equipment as of September 1959

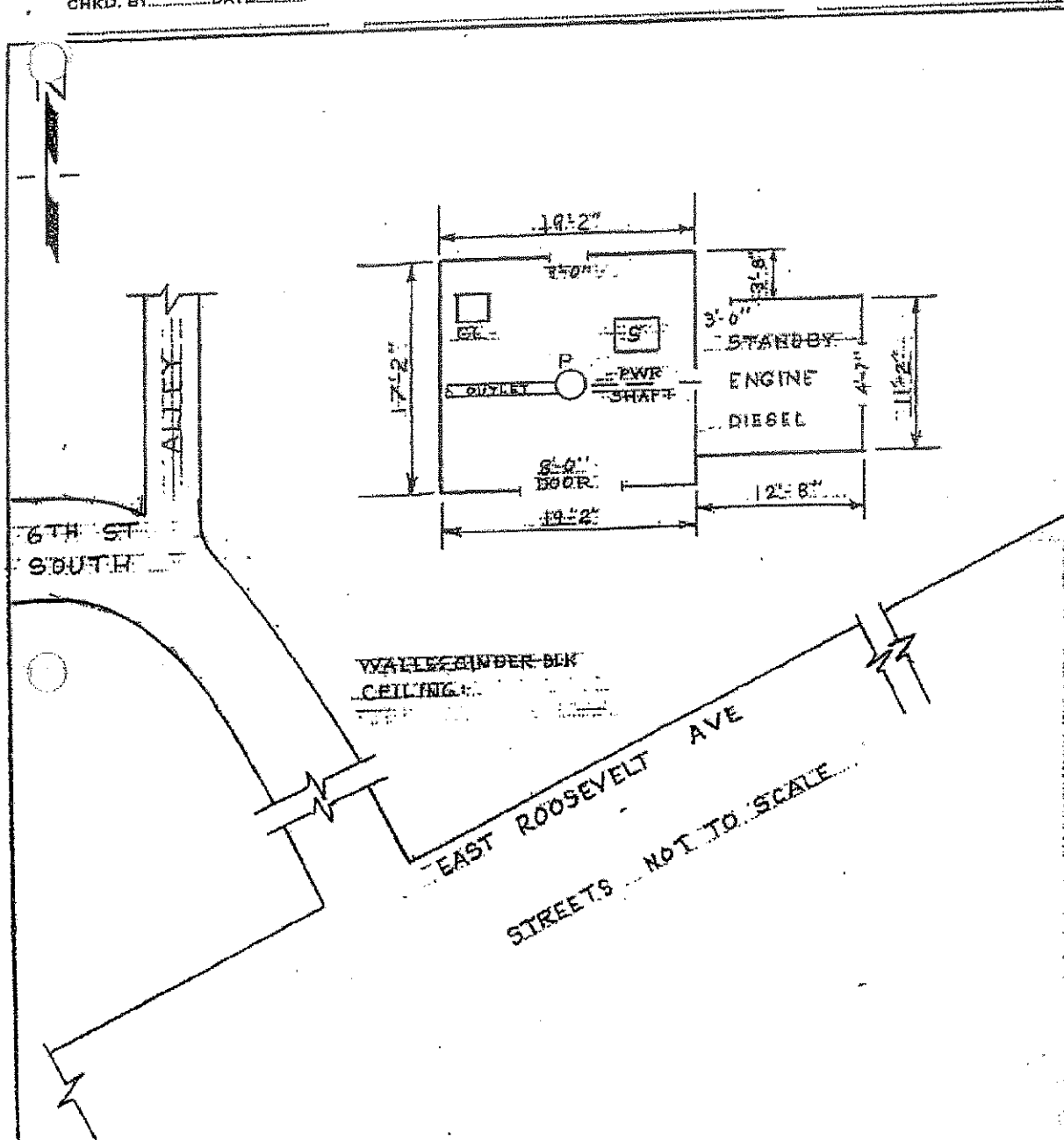
Byron Jackson deepwell turbine pump with Mfg. rating of 1200 GPM.
75 H.P. motor with reduced voltage starter.
105 H.P. diesel auxiliary engine with manual control.
Wallace & Tiernan Chlorinator with booster pump.
8" Sparling flow meter.
Measured flow was 930 GPM against normal operating head.

CHEMICAL QUALITY OF WATER
NANPA MUNICIPAL SUPPLY

(Parts per Million)

Well Number	1 & 2	3	4	5	6	Recommended Maximum
Date Collected	12-11-59	12-11-59	12-11-59	12-11-59	12-11-59	
Iron	.06	.06	.06	.06	.06	.3
Calcium	16.	10.	15.	18.	14.	-
Magnesium	2.	0	1.5	2.	4.	125
Sodium	45.	44.	43.	44.	32.	-
Bicarbonates Alkalinity	116.	108.	120.	114.	102.	-
Sulfate	14.	8.	7.	11.	10.	250
Chloride	12.	6.	8.	7.	8.	250
Fluoride	1.45	1.4	1.4	1.3	1.1	1.5
Total Diss. Solids	204.	188.	184.	200.	174.	500
Hardness	48.	26.	44.	50.	52.	150
pH	7.6	7.6	7.6	7.6	7.4	-

BY _____ DATE _____ SUBJECT _____ SHEET NO. _____ OF _____
 CHKD. BY _____ DATE _____ JOB NO. _____



CITY OF NAMPA, IDAHO		ENGINEERING DEPARTMENT	
WELL NO. 6			
PUMPHOUSE 2016 6TH STREET SOUTH			
DRW BY C. Richardson	1/30/64	SCALE 1"=10'-0"	APPR.
CHKD BY S. A.	2/5/64	DATE JAN. 30 1964	DWG NO A-04-1004

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th of January, 2008, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

COURTESY COPY

Kay Walker
Senior Water Resource Agent
Adjudication Bureau
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


Christopher H. Meyer

F

TENTH AVENUE NORTH WELLS
(Also Known as Wells No. 1 and No. 2)

Sheet 1 of 2

WELL NO. 1

The easterly (near rear of lot) well at Tenth Avenue North and First Street North pump house.

Completed in about 1928
Drilled by a Mr. DeCoursey

Geological Log *

0' - 75'	Earth	408' - 418'	Coarse Sand
75' - 85'	Lava Rock	418' - 424'	Clay
85' - 145'	Sand	424' - 426'	Fine Sand
145' - 188'	Clay	426' - 429'	Clay
188' - 304'	Sand	429' - 436'	Sand
304' - 347'	Clay	436' - 445'	Clay
347' - 408'	Fine Sand	445' - 449'	Sand

Construction Log *

0' - 75' 16" hole with no casing
75' - 85' 13" hole through lava rock
85' - 388' 10" casing
388' - 440' Smaller casing

WELL NO. 2

The westerly (near front of lot) well at Tenth Avenue North and First Street North pump house.

Completed in about 1928
Drilled by Hosack

Geological Log *

0' - 24'	Soil	270' - 290'	White Sand
24' - 52'	Lava Rock	290' - 335'	Clay
52' - 60'	Clay	335' - 345'	Sand
60' - 93'	Gravel	345' - 360'	Clay
93' - 143'	Sandy Gravel	360' - 370'	Sand
143' - 160'	Red Sand	370' - 390'	Clay
160' - 180'	Clay	390' - 400'	Sand
180' - 215'	Sand	400' - 406'	Clay
215' - 240'	Clay and Sand	406' - 452'	Sand
240' - 270'	Sand	452' -	Clay

* Positive records of the logs were not found but from old City records, the logs shown here were reconstructed. The reliabilities of these cannot be verified.

Construction Log *

- 0'-105' Appears to be 16" hole (note shows end of 16" casing at 60')
93'-335' Appears to be smaller hole, such as 10" (believed to have 230' of 10" Std. I. D. Pipe)
335'-452' Appears to be smaller hole, such as 8" (believed to have 100' of perforated 8" Std. pipe in the bottom of well)

* Positive records of the logs were not found but from old City records, the logs shown here were reconstructed. The reliabilities of these cannot be verified.

Existing Equipment as of September 1959

North Pump (No. 1)

Sterling deepwell turbine pump (north pump in pump house) with Mfg. rating of 1000 GPM.

50 H.P. G.E. motor with reduced voltage starter installed in about 1935.

Wallace & Tiernan Chlorinator (serves both the north and south pump).

6" Sparling flow meter.

Provided with artesian overflow to waste.

Measured flow was 880 GPM against normal operating head.

South Pump (No. 2)

Sterline deepwell turbine pump (south pump in pump house) with Mfg. rating of 1000 GPM.

50 H.P. motor with reduced voltage starter installed as a used motor in about 1936.

Wallace & Tiernan Chlorinator (see above).

8" Sparling flow meter.

Provided with artesian overflow to waste.

Measured flow was 850 GPM against normal operating head.

NOTE: Both Well No. 1 and Well No. 2 are free flowing artesian wells that flow into the 70,000 gallon underground cistern type reservoir. Both the north pump and the south pump get their water supply by suction from the reservoir. By timing the artesian inflow into the reservoir, the flow against average head was estimated to be 575 GPM. The single chlorinator is used to serve both pumps.

This Tenth Avenue North pump house has the automatic switch control system for all pumps except for the west well which is only a hand operated unit.

CHEMICAL QUALITY OF WATER
NANPA MUNICIPAL SUPPLY

(Parts per Million)

Well Number	1 & 2	3	4	5	6	Recommended Maximum
Date Collected	12-11-59	12-11-59	12-11-59	12-11-59	12-11-59	
Iron	.06	.06	.06	.06	.06	.3
Calcium	16.	10.	15.	18.	14.	-
Magnesium	2.	0	1.5	2.	4.	125
Sodium	45.	44.	43.	44.	32.	-
Bicarbonate Alkalinity	116.	108.	120.	114.	102.	-
Sulfate	14.	8.	7.	11.	10.	250
Chloride	12.	6.	8.	7.	8.	250
Fluoride	1.45	1.4	1.4	1.3	1.1	1.5
Total Diss. Solids	204.	188.	184.	200.	174.	500
Hardness	48.	26.	44.	50.	52.	150
pH	7.6	7.6	7.6	7.6	7.4	-

G

Permit No. 18483

RECEIVED

DEC 28 1937

Department of Reclamation

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,
County of _____ } SSR. Lewis Ord, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to Appropriate the Public Waters of the state of Idaho, No. 18483, and that his postoffice address is Nampa
State of Idaho

Second: That the name of the stream from which said water is to be diverted is _____

Third: That the point of diversion of said water is Underground
N.W. 1/4 S.E. 1/4 Sec. 22 T.3N. R.2W. B.M. Lot 12 Block 84 Griffith + King Add. Nampa Canyon Co.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Feb 6, 1938.Fifth: That the use for which said water is intended is Irrigation & Domestic.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: 2 Wells 2 Pumps
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work: _____

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit Pipe width at bottom _____ feet, width at water line _____
(State whether ditch, flume or pipe.)feet, depth of water _____ feet; diameter of pipe 18 inches, average grade per mile is 6.0 feet. Length of conduit is 0.5 miles.Seventh: That said works are capable of conducting to the place of intended use 0.2 second feet of water.Eighth: That water appropriated under said permit is available for 10 acres of land described as follows: N.W. 1/4 S.E. 1/4 Sec. 22 T.3N. R.2W. B.M.Ninth: Remarks: That This well is for the use of the City of Nampa and the water will be used through the city's distribution system.R. Lewis Ord

(Sign here)

Subscribed and sworn to before me this 4 day of November, 1937My commission expires Dec 20 1939James E. B. Smith

Notary Public.

18483

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 18483/)
63-2533 in the name of the City of Nampa)

ORDER

WHEREAS, on August 2, 1937, the City of Nampa applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 5.0 cubic feet per second of water from a ground water source within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 22, T. 3N. R. 2W, B.M., Canyon County, to be used for irrigation and domestic purposes; and,

WHEREAS, on August 6, 1937, the Department approved said application and issued Permit No. 18483 with the condition that one-fifth of the work be completed on or before November 6, 1937; and that the whole of said work be completed on or before February 6, 1938; and that the water be appropriated to a beneficial use on or before February 6, 1938; and,

WHEREAS, proof of completion of works was made on December 24, 1937; and,

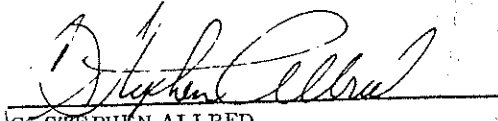
WHEREAS, on July 15, 1971, the Department notified the permit holder that Permit No. 18483/63-2533 was subject to cancellation for failure to submit proof of beneficial use of water due on February 6, 1938; and,

WHEREAS, proof of beneficial use of water was received by the Department on August 23, 1971; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

IT IS, THEREFORE, HEREBY ORDERED that the priority under Permit No. 18483/63-2533 be and is advanced to February 16, 1971.

Dated this 10 day of September, 1971.


C. STEPHEN ALLRED
Deputy Director

BDF:DR

63 2533

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 10, 1943

194

Re: Permit No. 18483

To City of Nampa

Nampa, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 18483, to appropriate the Public Waters of the State of Idaho, have not been complied with as to failure to pay the \$5.00 Completion of Works fee,

you are hereby notified in compliance with Sec. 41-311, Idaho Code Annotated that said Permit No. 18483 is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 18483 claims the use of 5.0 cubic feet per second of the waters of subterranean water, with point of diversion located NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, Twp. 3 N., Rge 2. W, Canyon Co., and was approved Aug. 6, 1937

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 10th day of February, 1943

E. V. BERG.

Commissioner of Reclamation.

By

Assistant.

18483

February 24, 1942

Re: 18483

City of Nampa
Nampa, Idaho

Gentlemen:

We are enclosing voucher for the \$5.00 completion of
works proof fee which is due on the above numbered permit. You
were notified of this fee on the 14th of January, 1938.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: Chief Clerk.

ml.
encl.

18483

April 1, 1942

Re: 18483

City of Nampa
Nampa, Idaho

Gentlemen:

We are enclosing a Certificate of Completion of
works issued on the above numbered permit for the use of sub-
terranean waters to irrigate the SE $\frac{1}{4}$ of Sec. 22, Twp. 3 N.,
Rge 2 W (Lot 12, Block 84, Griffith and King Addition).

Receipt No. 18142 for the \$5.00 is also enclosed.

Very truly yours,
E. V. BERG
Commissioner of Reclamation

BY: Chief Clerk.

ml.
encl.

18483

July 15, 1971

CERTIFIED MAIL #31509

Re: Permit No. 18483 (New No. 63-2533)

City of Nampa
City Hall
Nampa, Idaho 83651

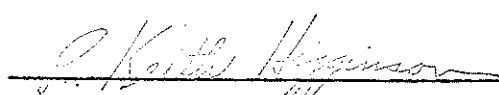
Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit 18483/63-2533 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on February 6, 1938, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before August 24, 1971, why said permit should not be cancelled.

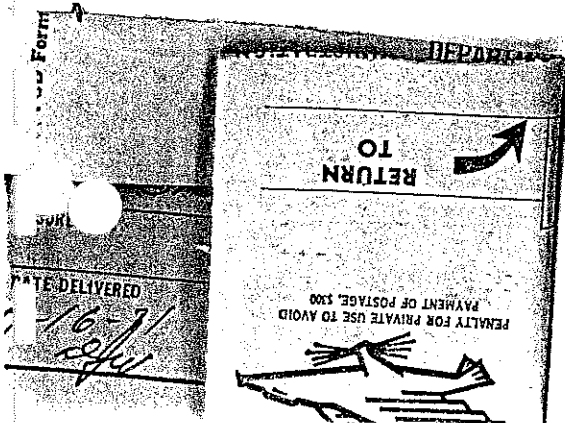
Permit 18483/63-2533 claims the use of 5.0 cubic feet per second of water from a ground water source

the point of diversion was to be located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, T. 3N.

R. 2W, B.M. and the permit was approved August 6, 1937.


R. KEITH HIGGINSON
Director

63 2533



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 21222

This proof is for Beneficial Use

In Water District No.

1. Name of applicant City of Nampa, Sumner M. Johnson, City Engineer

2. Source of water supply: subterranean from a well

3. Location of point of diversion: Is in the Lots 7 & 8 Griffiths & Kings of Section 22

T. 3 N. R. 2 W. Add. (SW 1/4 NE 1/4) Canyon
County of

4. Describe works as they exist, giving dimensions and capacities of same: 50 HP U.S. Motor, 440V ser# 663956. - Byron Jackson Pump. - Deepwell 2 K. 3 stg. ser# 219762 - 900 gpm @ 165' h. @ 175' RPM. - 8" discharge 8" check & gate valve and spooling. Motor 4 1/2" South then on 45° angle to underground main. Pump base set on 24" x 24" steel plate welded to top of 16" casing. 3" above concrete floor of pump house. GE. Automatic compressor control. Control box # 4386985612 with Merco. Pressure switch. 8' S.E. on stand. Pump house - 16' x 18' x 8' under block. Frame & wood shingle roof. Wallace & Terman Chlorinator Type A-419. Ser# 11662. 4 1/2 HP. - F.M. Motor 220V ser# F213691. - Westco 586058 FR 7729 Booster Pump. 7 1/2" sw. - Well 503' deep. 16" casing? dry free flow approx. 20 inches into Indian Creek. 150' South through 10" steel pipe when not pumping - ad. 15' by air line & gate when pumping.

5. Water is used for Municipal Use

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):

Water is to be used to augment City's supply and will be distributed through present water lines.

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

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

Remarks: Mr. Alex. Henkel ^{Supr} and Mr. Sumner Johnson, Eng. along.

At present time pump is only used at night.

Mr. Johnson wants to know if city of Nampa has the permits that needs attention checked out 3/14/61

This examination was made on the 10th day of March, 1961(Signed) Lloyd Johnson Examiner.

21222

Christopher H. Meyer [ISB No. 4461]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for the City of Nampa.

**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

Sub Case Nos.: 63-2533
63-29219

**AFFIDAVIT OF MICHAEL J. FUSS
REGARDING WELL NOS. 1 AND 2
(POTABLE)**

State of Idaho)
) ss.
County of Canyon)

Michael J. Fuss, being first duly sworn upon oath, deposes and states as follows:

1. I am the Director of the Public Works Department for the City of Nampa, Idaho.
2. In preparation of this Affidavit, I reviewed the records of the City of Nampa for Domestic Well Nos. 1 and 2 associated with Water Right Nos. 63-2533 and 63-29219. I also consulted with other employees of the Department of Public Works as well as private engineering consultants employed by the Department to obtain any relevant information or historical knowledge bearing on the subject of this Affidavit.

3. Both of the above-referenced Wells Nos. 1 and 2 serve the City's integrated municipal water delivery system.

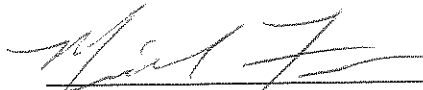
4. In my review of the records of the Department of Public Works, I identified a document known as "Tenth Avenue North Wells (Also Known as Well No. 1 and No. 2)." This document contains a well log for Well No. 1 with the following notation: "Completed in or about 1928." This document also contains a well log for Well No. 2 with the following notation: "Completed in or about 1928." Based on all information available to me, I believe that this is an accurate representation. This document is an official record of the City created in the ordinary course of business. This document appears to have been created on or shortly after September 1959, based on the statement set out on page two of the document listing equipment on site as of that date. A true and correct copy of this document is attached hereto as Exhibit 1.

5. Based on my review of the records of the City of Nampa's Department of Public Works and upon the institutional knowledge available to me as Director of the Department of Public Works, it is my belief that Well Nos. 1 and 2 were placed into operation on or before December 24, 1937 and have never been abandoned.

6. Based on my review of the records of the City of Nampa's Department of Public Works and upon the institutional knowledge available to me as Director of the Department of Public Works, it is my belief that the City failed to provide timely proof of beneficial use because it was lead to believe that its submission of its Proof of Completion of Works was sufficient for that purpose. In any event, its failure to provide timely proof of beneficial use was not based on lack of actual beneficial use prior to 1971.

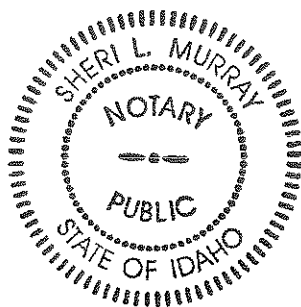
7. I have reviewed the letter of Christopher H. Meyer to Kay Walker dated January 30, 2008. It accurately reflects my understanding of the City's water rights in all respects.

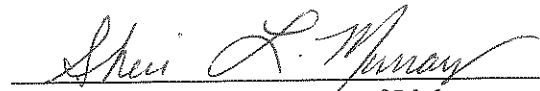
DATED this 30th day of January, 2008.



Michael J. Fuss

Subscribed and sworn to, before me, this 30th day of January, 2008.





Notary Public for the State of Idaho
Residing at Canyon County
My Commission Expires 12-14-2012

EXHIBIT I

TENTH AVENUE NORTH WELLS (Also Known as Wells No. 1 and No. 2)

Sheet 1 of 2

WELL NO. 1

The easterly (near rear of lot) well at Tenth Avenue North and First Street North pump house.

Completed in about 1928
Drilled by a Mr. DeCoursey

Geological Log *

0'- 75'	Earth	408'-418'	Coarse Sand
75'- 85'	Lava Rock	418'-424'	Clay
85'-145'	Sand	424'-426'	Fine Sand
145'-188'	Clay	426'-429'	Clay
188'-304'	Sand	429'-436'	Sand
304'-347'	Clay	436'-445'	Clay
347'-408'	Fine Sand	445'-449'	Sand

Construction Log *

0'- 75'	16" hole with no casing
75'- 85'	13" hole through lava rock
85'-388'	10" casing
388'-440'	Smaller casing

WELL NO. 2

The westerly (near front of lot) well at Tenth Avenue North and First Street North pump house.

Completed in about 1928
Drilled by Hosack

Geological Log *

0'- 24'	Soil	270'-290'	White Sand
24'- 52'	Lava Rock	290'-335'	Clay
52'- 60'	Clay	335'-345'	Sand
60'- 93'	Gravel	345'-360'	Clay
93'-143'	Sandy Gravel	360'-370'	Sand
143'-160'	Red Sand	370'-390'	Clay
160'-180'	Clay	390'-400'	Sand
180'-215'	Sand	400'-406'	Clay
215'-240'	Clay and Sand	406'-452'	Sand
240'-270'	Sand	452'-	Clay

* Positive records of the logs were not found but from old City records, the logs shown here were reconstructed. The reliabilities of these cannot be verified.

Construction Log *

- 0'-105' Appears to be 16" hole (note shows end of 16" casing at 60')
93'-335' Appears to be smaller hole, such as 10" (believed to have 230' of 10" Std. I. D. Pipe)
335'-452' Appears to be smaller hole, such as 8" (believed to have 100' of perforated 8" Std. pipe in the bottom of well)

* Positive records of the logs were not found but from old City records, the logs shown here were reconstructed. The reliabilities of these cannot be verified.

Existing Equipment as of September 1959

North Pump (No. 1)

Sterling deepwell turbine pump (north pump in pump house) with Mfg. rating of 1000 GPM.

50 H.P. G.E. motor with reduced voltage starter installed in about 1935.

Wallace & Tiernan Chlorinator (serves both the north and south pump).

6" Sparling flow meter.

Provided with artesian overflow to waste.

Measured flow was 880 GPM against normal operating head.

South Pump (No. 2)

Sterline deepwell turbine pump (south pump in pump house) with Mfg. rating of 1000 GPM.

50 H.P. motor with reduced voltage starter installed as a used motor in about 1936.

Wallace & Tiernan Chlorinator (see above).

8" Sparling flow meter.

Provided with artesian overflow to waste.

Measured flow was 850 GPM against normal operating head.

NOTE: Both Well No. 1 and Well No. 2 are free flowing artesian wells that flow into the 70,000 gallon underground cistern type reservoir. Both the north pump and the south pump get their water supply by suction from the reservoir. By timing the artesian inflow into the reservoir, the flow against average head was estimated to be 575 GPM. The single chlorinator is used to serve both pumps.

This Tenth Avenue North pump house has the automatic switch control system for all pumps except for the west well which is only a hand operated unit.

CHEMICAL QUALITY OF WATER
NANPA MUNICIPAL SUPPLY

(Parts per Million)

Well Number	1 & 2	3	4	5	6	Recommended Maximum
Date Collected	12-11-59	12-11-59	12-11-59	12-11-59	12-11-59	
Iron	.06	.06	.06	.06	.06	.3
Calcium	16.	10.	15.	18.	14.	-
Magnesium	2.	0	1.5	2.	4.	125
Sodium	45.	44.	43.	44.	32.	-
Bicarbonate Alkalinity	116.	108.	120.	114.	102.	-
Sulfate	14.	8.	7.	11.	10.	250
Chloride	12.	6.	8.	7.	8.	250
Fluoride	1.45	1.4	1.4	1.3	1.1	1.5
Total Diss. Solids	204.	188.	184.	200.	174.	500
Hardness	48.	26.	44.	50.	52.	150
pH	7.6	7.6	7.6	7.6	7.4	-

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th of January, 2008, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

COURTESY COPY

Kay Walker
Senior Water Resource Agent
Adjudication Bureau
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail



Christopher H. Meyer

K

EIGHTH AVENUE NORTH WELL
(Also Known as Well No. 5)

Sheet 1 of 2

Log of Nampa City Well at Eighth Avenue North and Third Street North, Completed December, 1949.

Geological Log

0'- 9'	Soil	266'-290'	Sandy Hard Clay
9'- 24'	Indian Creek Sand	290'-306'	Fine Sand
24'- 29'	Silt	306'-320'	Clay and Streaks of Sand
29'- 52'	Lava Rock	320'-327'	Hard Sand
52'- 63'	Sandy Hard Clay	327'-328'	Clay
63'-118'	Sand and Gravel	328'-361'	Muddy Yellow Sand
118'-145'	Sand and Layers of Clay	361'-366'	Sand and Balls of Clay
145'-158'	Reddish Sand	366'-368'	Muddy Sand
158'-164'	Yellow Sand	368'-390'	Coarse Brown Sand
164'-176'	Sandy Yellow Clay	390'-395'	Gray Sand
176'-190'	Muddy Gray Sand	395'-398'	Sand
190'-202'	Yellow Sand	398'-404'	Yellow Clay
202'-205'	Clay	404'-408'	Muddy Sand
205'-231'	Brown Sand	408'-423'	Sticky Clay
231'-238'	Clay	423'-427'	Coarse Brown Sand (First Flow)
238'-240'	Muddy Sand	427'-434'	Sand with Stringers of Clay
240'-243'	Clay	434'-449'	Coarse Gray Sand
243'-245'	Muddy Sand	449'-458'	Clay
245'-248'	Coarse Gray Sand	458'-470'	Coarse Gray Sand
248'-256'	Muddy Sand	470'-476'	Clay
256'-263'	Sand and Gravel	476'-493'	Coarse Gray Sand
263'-266'	Yellow Sand	498'-503'	Sticky Clay

Pumping Test: 36' draw down 2,025 GPM
31' draw down 1,850 GPM
25' draw down 1,500 GPM
20' draw down 1,150 GPM
15' draw down 950 GPM

Construction Log

0'- 30' 24" O.D. casing with 3/8" wall
0'-167' 20" O.D. casing with 5/16" wall
0'-417' 16" O.D. casing with 3/8" wall
396' top of 10"X16" lead packer on 9' of 10" Std. Pipe
405' there is a 10" coupling bored out to make a slip joint on to 10" Std.
405'-427' 22' of blank 10" pipe
427'-449' 22' of No. 40 slot well screen
449'-458' 11" 9'11" of blank 10" pipe
458'-469' 9" 10'10" of No. 40 slot well screen
469'9"-475'5" 5'8" of blank 10" pipe
475'5"-497'5" 22' of No. 40 slot well screen
497'5"-503' 5'7" of blank 10" pipe with 3/8" plate welded on lower end
for plug
Well screens used were silicon bronze mfg. by A. D. Cook, Inc. 50'

Existing Equipment as of September 1959

Byron Jackson deepwell turbine pump with Mfg. rating of 1000 GPM.
50 H.P. U.S. Motor with reduced voltage starter.
Wallace & Tierman Chlorinator.
8" Sparling flow meter.
Provided with underground artesian flow to waste.
Measured flow was 860 GPM against normal operating head.

L

AFFIDAVIT AS TO THE
COMPLETION OF PUMPING FACILITIES

RECEIVED
JUL 26 1960
Department of Reclamation

STATE OF IDAHO)
) ss.
County of Canyon)

I, Lawrence Good, Being first duly sworn, do hereby certify: That from May, 1944 to the present time I have been the water Superintendent for the municipal water system of the City of Nampa; that prior to June 13, 1950 the City of Nampa drilled a well for domestic water purposes on Lots 7 and 8 of Block 107 of Griffith and King Addition to the City of Nampa as it is located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, T 3 N, R 2 W, Boise-Meridian; that the test pumping of this well in 1949 produced a flow of over 4.0 cubic feet per second; that, furthermore, prior to June 13, 1950 the City of Nampa improved the said well by installing a pump, motor, electrical controls, pumphouse, etc., and connected said installation into the municipal water system distribution mains; and that this well and pumping facilities have served the Nampa Municipal Water System continuously since its installation.

Lawrence Good
Lawrence Good, Water Superintendent
City of Nampa

STATE OF IDAHO)
) ss.
County of Canyon)

On this 21st day of July, in the year 1960, before me General
B. Russell, a Notary Public in and for said State, personally appeared Lawrence Good, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

General B. Russell
Notary Public for Idaho, residing at

Nampa, Idaho

Commission expires 5-1-62

21222

...

M

...

PERMIT No. G-21222.

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Lawrence Good, Water Superintendent, 412-12th Ave. No., Nampa, Idaho

Ques. 2. Are you acquainted with Sumner M. Johnson, City Engineer, acting for the City of Nampa

holder of Permit No. G-21222 authorizing the diversion of 4.0 second-feet of the waters of subterranean origin at Nampa, Idaho

for municipal purposes? How long have you known him, and where does he reside?

Ans. Since 1948. He resides at Nampa, Idaho

Ques. 3. Have you read or heard read said Permit No. G-21222, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. Yes and they were completed prior to June 13, 1950

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. The works consist of a 503' deep well cased with a 16" O.D. casing and having a test pump capacity of 2,025 GPM with 36 feet of draw down. The well is equipped with a deepwell turbine pump, 50 H.P. motor, chlorinator, etc. and enclosed within a cinder block pump house. Its present pump setting capacity is 860 GPM

(Sign here.)

Lawrence Good

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Nampa

Canyon, State of Idaho, on this 2nd day of

August A. D. 1960

My Commission expires 12-18-61

Arden Brasher

Notary Public.

21222

N

PERMIT NO. G-21222.

DEPOSITION, OF RECOMMENDATION

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Alex Henkel, 1915-6th St. So., Nampa, Idaho

Ques. 2. Are you acquainted with Sumner M. Johnson, City Engineer, acting for the City of Nampa holder of Permit No. G-21222 authorizing the diversion of 4.0 second-feet of the waters of subterranean origin at Nampa, Idaho for municipal purposes? How long have you known him, and where does he reside?

Ans. Since 1948. He resides at Nampa, Idaho

Ques. 3. Have you read or heard read said Permit No. G-21222, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. Yes and they were completed prior to June 13, 1950

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. The works consist of a 503' deep well cased with a 16" O.D. casing and having a test pump capacity of 2,025 GPM with 36 feet of draw down. The well is equipped with a deepwell turbine pump, 50 H.P. motor, chlorinator, etc. and enclosed within a cinder block pump house. Its present pump setting capacity is 860 GPM.

(Sign here.) Alex Henkel

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Nampa Canyon, State of Idaho, on this 2nd day of August, A. D. 1949.

My Commission expires 12-18-61

Julia Broske

Notary Public

21222

JUN 3 1950

Department of Reclamation

Proof of Completion of Works

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Sumner M. Johnson, City Engineer, 324 W. Dewey Ave., Nampa, Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. the City of Nampa, a Municipal Corporation, at the City Hall, Nampa, Idaho.
I serve as the Municipal Water Superintendent

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Permit No. 21222 authorizes 4.0 cu. ft. per sec. of water to be pumped from a deep well located on Lots 7 & 8, Block 107, Griffith & King Add. to Nampa, Idaho

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you have reclaimed or intend to reclaim.

Ans. Water is to be used for Municipal water use

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes it was placed in operation prior to June 13, 1950 with a pump setting capacity of 860 GPM

Ques. 6. State whether or not the works of diversion are fully completed, if so on what date, whether or not they comply in all respects with terms of the permit.

Ans. Yes they were completed prior to June 13, 1950 and are in accordance with terms of the permit

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. the works comply with the terms of the permit

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on or prior to June 13, 1950, and give cost of same.

Ans. the works consist of a 503' deep well cased with a 16" O.D. casing and having a test pumping capacity of 2,025 GPM with 36 feet of draw down. The well is equipped with a deepwell turbine pump, 50 H.P. motor, chlorinator, etc. and enclosed within a cinder block pump house. Its present pump setting capacity is 860 GPM. This complete installation cost \$35,000.00. (Sign here.)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Nampa, Canyon, State of Idaho, on this 2nd day of August, A. D. 1950.

My Commission expires 12-18-61

Notary Public.

21222

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
SEP 13 1968
Department of Reclamation

Permit No. G-21222

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Lawrence Good, Age 57, 412-12th Ave. No., Nampa, Idaho - Water Superintendent

Ques. 2. Are you acquainted with Sumner M. Johnson, City Engineer for the City the
of Nampa, Idaho holder of Permit No. G-21222? How long have you known him and where does he reside?

Ans. Since 1948 and he resides at 324 West Dewey Avenue, Nampa, Idaho

Ques. 3. Have you read or heard read said Permit No. G-21222, and are you
familiar with its provisions and conditions?

Ans. Yes and I am familiar with its provisions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean. The works consist of a 503' deep well cased with 16" O.D. casing. The well is equipped with a deep well turbine pump and 50 H.P. motor which pumps directly into the distribution mains of the Nampa Municipal Water System

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. (Not Applicable)

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. The existing pump delivers 860 G.P.M. measured through a Sperling in line meter but test pumping produced a flow of 2025 G.P.M.

21222

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each division.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for domestic purposes throughout the Municipal Water System of the City of Nampa, Idaho

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. (Not Applicable)

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. (Not Applicable)

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. Only as the employed water superintendent for the City of Nampa

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. From June, 1950 to present time I have regularly kept records of the amount of water that has been placed to beneficial use. The amount of water used has been 100 C.F.M. as per demand requirement.

(Signed) Lawrence Good

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Nampa, County of Canyon, State of Idaho, on this 6th day of September, A. D. 1960.

Arlin Braske
Notary Public.

My commission expires 12-18-61

Christopher H. Meyer [ISB No. 4461]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for the City of Nampa.

**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

Sub Case Nos.: 63-2782
63-28220

**AFFIDAVIT OF MICHAEL J. FUSS
REGARDING WELL NO. 5 (POTABLE)**

State of Idaho)
) ss.
County of Canyon)

Michael J. Fuss, being first duly sworn upon oath, deposes and states as follows:

1. I am the Director of the Public Works Department for the City of Nampa, Idaho.
2. In preparation of this Affidavit, I reviewed the records of the City of Nampa for Domestic Well No. 5 associated with Water Right Nos. 63-2782 and 63-28220. I also consulted with other employees of the Department of Public Works as well as private engineering consultants employed by the Department to obtain any relevant information or historical knowledge bearing on the subject of this Affidavit.

3. The above-referenced Well No. 5 is in operation today and serves the City's integrated potable municipal water delivery system.

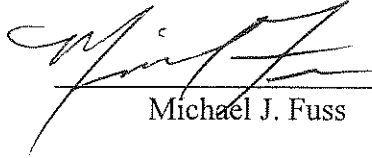
4. Based on my review of the records of the City of Nampa's Department of Public Works and upon the institutional knowledge available to me as Director of the Department of Public Works, it is my belief that Well No. 5 has been in continuous operation since its operation was first initiated and has always been capable of producing at least 1.93 cfs.

5. There is no evidence available to me showing that Wells No. 5 was ever taken out of service except for routine maintenance. To the best of my knowledge, it has always been relied upon by the City as an integral part of its municipal delivery system.

6. In my review of the records of the Department of Public Works, I identified a document known as "Eighth Avenue North Well (Also Known as Well No. 5)." This document contains a well log with the heading: "Log of Nampa City Well at Eighth Avenue North and Third Street North, Completed December, 1949." Based on all information available to me, I believe that this is an accurate representation. This document is an official record of the City created in the ordinary course of business. This document appears to have been created on or shortly after September 1959, based on the statement set out on page two of the document listing equipment on site as of that date. A true and correct copy of this document is attached hereto as Exhibit 1.

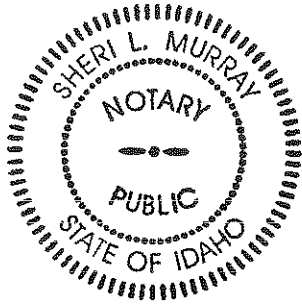
7. I have reviewed the letter of Christopher H. Meyer to Kay Walker dated January 30, 2008. It accurately reflects my understanding of the City's water rights in all respects.

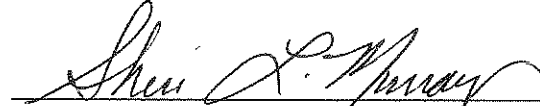
DATED this 30th day of January, 2008.



Michael J. Fuss

Subscribed and sworn to, before me, this 30th day of January, 2008.





Notary Public for the State of Idaho
Residing at Canyon County
My Commission Expires 12-14-2012

EXHIBIT 1

EIGHTH AVENUE NORTH WELL (Also Known as Well No. 5)

Sheet 1 of 2

Log of Nampa City Well at Eighth Avenue North and Third Street North, Completed December, 1949.

Geological Log

0'- 9'	Soil	266'-290'	Sandy Hard Clay
9'- 24'	Indian Creek Sand	290'-306'	Fine Sand
24'- 29'	Silt	306'-320'	Clay and Streaks of Sand
29'- 52'	Lava Rock	320'-327'	Hard Sand
52'- 63'	Sandy Hard Clay	327'-328'	Clay
63'-118'	Sand and Gravel	328'-361'	Muddy Yellow Sand
118'-145'	Sand and Layers of Clay	361'-366'	Sand and Balls of Clay
145'-158'	Reddish Sand	366'-368'	Muddy Sand
158'-164'	Yellow Sand	368'-390'	Coarse Brown Sand
164'-176'	Sandy Yellow Clay	390'-395'	Gray Sand
176'-190'	Muddy Gray Sand	395'-398'	Sand
190'-202'	Yellow Sand	398'-404'	Yellow Clay
202'-205'	Clay	404'-408'	Muddy Sand
205'-231'	Brown Sand	408'-423'	Sticky Clay
231'-238'	Clay	423'-427'	Coarse Brown Sand (First Flow)
238'-240'	Muddy Sand	427'-434'	Sand with Stringers of Clay
240'-243'	Clay	434'-449'	Coarse Gray Sand
243'-245'	Muddy Sand	449'-458'	Clay
245'-248'	Coarse Gray Sand	458'-470'	Coarse Gray Sand
248'-256'	Muddy Sand	470'-476'	Clay
256'-263'	Sand and Gravel	476'-493'	Coarse Gray Sand
263'-266'	Yellow Sand	498'-503'	Sticky Clay

Pumping Test: 36' draw down 2,025 GPM
31' draw down 1,850 GPM
25' draw down 1,500 GPM
20' draw down 1,150 GPM
15' draw down 950 GPM

Construction Log

0'- 30' 24" O.D. casing with 3/8" wall
0'-167' 20" O.D. casing with 5/16" wall
0'-417' 16" O.D. casing with 3/8" wall
396' top of 10"X16" lead packer on 9' of 10" Std. Pipe
405' there is a 10" coupling bored out to make a slip joint on to 10" Std.
405'-427' 22' of blank 10" pipe
427'-449' 22' of No. 40 slot well screen
449'-458' 11" 9'11" of blank 10" pipe
458'-469' 9" 10'10" of No. 40 slot well screen
469'9"-475'5" 5'8" of blank 10" pipe
475'5"-497'5" 22' of No. 40 slot well screen
497'5"-503' 5'7" of blank 10" pipe with 3/8" plate welded on lower end
for plug
Well screens used were silicon bronze mfg. by A. D. Cook, Inc. 50'

Existing Equipment as of September 1959

Byron Jackson deepwell turbine pump with Mfg. rating of 1000 GPM.
50 H.P. U.S. Motor with reduced voltage starter.
Wallace & Tierman Chlorinator.
8" Sparling flow meter.
Provided with underground artesian flow to waste.
Measured flow was .860 GPM against normal operating head.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th of January, 2008, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE

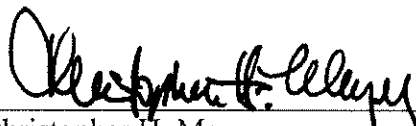
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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☐ Facsimile
☐ E-mail

COURTESY COPY

Kay Walker
Senior Water Resource Agent
Adjudication Bureau
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail



Christopher H. Meyer

EIGHTH AVENUE NORTH WELL
(Also Known as Well No. 5)

Sheet 1 of 2

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190'-202'	Yellow Sand	398'-404'	Yellow Clay
202'-205'	Clay	404'-408'	Muddy Sand
205'-231'	Brown Sand	408'-423'	Sticky Clay
231'-238'	Clay	423'-427'	Coarse Brown Sand (First Flow)
238'-240'	Muddy Sand	427'-434'	Sand with Stringers of Clay
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31' draw down 1,850 GPM
25' draw down 1,500 GPM
20' draw down 1,150 GPM
15' draw down 950 GPM

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0'-167' 20" O.D. casing with 5/16" wall
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Wallace & Tierman Chlorinator.
8" Sparling flow meter.
Provided with underground artesian flow to waste.
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R

Christopher H. Meyer [ISB No. 4461]
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P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for the City of Nampa.

**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

Sub Case Nos.: 63-5257
63-2787

**AFFIDAVIT OF MICHAEL J. FUSS
REGARDING 13TH AVE. NORTH WELL
(NON-POTABLE)**

State of Idaho)
) ss.
County of Canyon)

Michael J. Fuss, being first duly sworn upon oath, deposes and states as follows:

1. I am the Director of the Public Works Department for the City of Nampa, Idaho.
2. In preparation of this Affidavit, I reviewed the records of the City of Nampa for the 13th Avenue North Well associated with Water Right Nos. 63-5257. I also consulted with other employees of the Department of Public Works as well as private engineering consultants employed by the Department to obtain any relevant information or historical knowledge bearing on the subject of this Affidavit.

3. The above-referenced 13th Avenue North Well is in operation today and serves the City's integrated non-potable municipal water delivery system.

4. Based on my review of the records of the City of Nampa's Department of Public Works and upon the institutional knowledge available to me as Director of the Department of Public Works, it is my belief that the 13th Avenue North Well has been in continuous operation since its operation was first initiated in 1905 and has always been capable of producing at least 0.30 cfs.

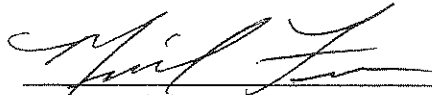
5. There is no evidence available to me showing that the 13th Avenue North Well was ever taken out of service except for routine maintenance. To the best of my knowledge, it has always been relied upon by the City as an integral part of its municipal delivery system.

6. The 13th Avenue North Well is located in T3N R2W §22 NESE. This is the same quarter-quarter in which the 14th Avenue North Well is located. However, these are different wells. Both are in operation today.

7. Water Right No. 63-2787 was licensed on 6-8-1951 with a priority date of 9-2-1949 for 30.0 cfs from 23 points of diversion. Those 23 points of diversion included the 14th Avenue North Well in T3N R2W §22 NESE. Water Right No. 63-2787 did not include the 13th Avenue North Well also located in T3N R2W §22 NESE.

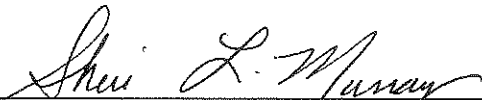
8. I have reviewed the letter of Christopher H. Meyer to Kay Walker dated January 30, 2008. It accurately reflects my understanding of the City's water rights in all respects.

DATED this 30th day of January, 2008.



Michael J. Fuss

Subscribed and sworn to, before me, this 30th day of January, 2008.



Notary Public for the State of Idaho
Residing at Canyon County
My Commission Expires 12-14-2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th of January, 2008, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

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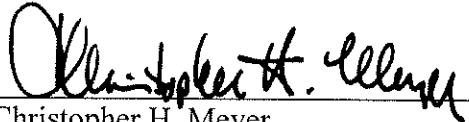
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Kay Walker
Senior Water Resource Agent
Adjudication Bureau
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


Christopher H. Meyer