

No Color
Documents
In File

RECEIVED

MAY 19 2004

Department of Water Resources
Adjudication BureauIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

63-2787

Date Received

Receipt Number

AMENDED **NOTICE OF CLAIM** **AMENDED**
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) City of Nampa (Nampa) Phone (208) 468-5420
Mailing Address 411 3rd Street South, Nampa, ID Zip 83651
2. Date of Priority (only one (1) per claim) September 2, 1949
3. Source of water supply (a) Ground water
which is tributary to (b) (not applicable)
4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____
1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____
Additional points of diversion if any: See Exhibit A for list of alternate points of diversion.
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. The wells listed in Exhibit A are all connected to
Nampa's integrated municipal delivery system for non-potable water.

SCANNED

MAY 19 2004

ORIGINAL

6. Water is claimed for the following purposes

		(both dates are inclusive)		(cfs)	(acre feet)
For	Municipal	purposes from	1/1 to 12/31	amount 30.00	or
For		purposes from		amount	or
For		purposes from		amount	or
For		purposes from		amount	or

7. Total quantity claimed (a) **30.00** (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is **(not applicable)** acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) **Municipal uses within municipal service area**

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated **(not applicable)**

11. In which county(ies) are lands listed above as place of use located? **Canyon County**

12. Do you own the property listed above as place of use? Yes ☐ No ☒

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as describe above.

See "Remarks" section or None ()

14. Remarks:

1. **Nampa is a municipal water provider and claims this right as a municipal right under the Municipal Water Rights Act of 1996 and/or the common law.**

2. **Nampa operates an integrated water supply network involving numerous ground water rights throughout its service area.**

SCANNED

MAY 19 2004

Last Name **City of Nampa**

Ident. Number **63-2787**

Scale: 2 inches equals 1 mile **Please see Exhibit B**

A blank sheet of graph paper with a grid pattern. The grid consists of small squares formed by dashed lines. There are four thick solid vertical lines dividing the page into five columns and four thick solid horizontal lines dividing it into five rows. In the bottom right corner, there is a stamp that reads "SCANNED" above "MAY 19 2004".

Last Name **City of Nampa** Ident. Number **63-2787**

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s) _____

(a.) by signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Paul Raymond

_____ Title _____

of the City of Nampa, that I have signed the foregoing

Organization

document in the space below as Director, Public Works Department of the City of Nampa

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Director, Public Works Dept, City of Nampa Date 5/11/04

State of Idaho/or _____)

) SS.

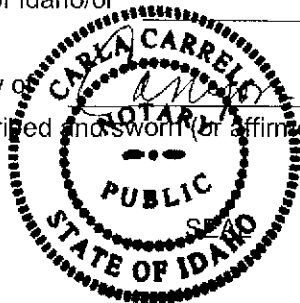
County of _____)

Subscribed and sworn (or affirmed) before me this 11 day of May 20 04

Notary Public

Residing at

My Commission Expires



17. Notice of Appearance:

Please Print Name

Notice is hereby given that, Christopher H. Meyer and John M. Marshall will be acting as attorneys at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to us at the address listed below.

Signature [Signature] [Signature]

Christopher H. Meyer

John M. Marshall, Givens Pursley LLP

Address 601 W. Bannock, PO Box 2720, Boise, ID 83702

Telephone 208-388-1200

Date 5/12/04

SCANNED

MAY 19 2004

Last Name City of Nampa Ident. Number 63-2787

Exhibit A

List of Alternate Points of Diversion for City of Nampa Municipal System for Non-Potable Water

Map Index	Well Name	TWN	RGE	SEC	Tract	Water right associated with well	Priority date associated with well	Diversion rate associated with well (cfs)
1	MAYORS	3N	2W	23	SENW	63-02449	8/13/1931	0.80
2	UNKNOWN	3N	2W	23	SENW	63-02450	8/13/1931	1.00
3	6TH SOUTH	3N	2W	22	SWSW	63-02484	8/22/1933	1.62
4	LAKEVIEW	3N	2W	23	SWNW	63-02780	9/2/1949	2.50
5	UNKNOWN	3N	2W	22	SWNE	63-02787	9/2/1949	30.00
6	PHYLLIS	3N	2W	22	SENE	63-02787	9/2/1949	30.00
7	KOHLER LAWN CEMETERY 1	3N	2W	15	NESW	63-02787	9/2/1949	30.00
8	KOHLER LAWN CEMETERY 2	3N	2W	15	SWSE	63-02787	9/2/1949	30.00
9	EAST POWERLINE	3N	2W	23	SWSE	63-02787	9/2/1949	30.00
10	19TH AVE. NORTH	3N	2W	23	SWSW	63-02787	9/2/1949	30.00
11	15TH AVE. NORTH	3N	2W	23	NWSW	63-02787	9/2/1949	30.00
12	14TH NORTH	3N	2W	22	NESE	63-02787	9/2/1949	30.00
13	INDIAN	3N	2W	23	SWSW	63-02787	9/2/1949	30.00
14	SOUTH POWERLINE	3N	2W	35	NWNW	63-02787	9/2/1949	30.00
15	MEYER	3N	2W	26	NWSW	63-02787	9/2/1949	30.00
16	CHESTNUT	3N	2W	34	NENE	63-02787	9/2/1949	30.00
17	KURTZ	3N	2W	34	NWNE	63-02787	9/2/1949	30.00
18	12 TH & ROOSEVELT	3N	2W	28	NESE	63-02787	9/2/1949	30.00
19	MAPLE	3N	2W	27	SWNW	63-02787	9/2/1949	30.00
20	HOLLY	3N	2W	27	SENW	63-02787	9/2/1949	30.00
21	FERN	3N	2W	27	SWNE	63-02787	9/2/1949	30.00
22	19TH SOUTH	3N	2W	27	SENE	63-02787	9/2/1949	30.00
23	14TH SOUTH	3N	2W	27	NENW	63-02787	9/2/1949	30.00
24	HIGH STREET	3N	2W	21	NESE	63-02787	9/2/1949	30.00
25	HUDSON	3N	2W	21	NESE	63-02787	9/2/1949	30.00
26	PARK LANE & ORR	3N	2W	21	NWNE	63-02787	9/2/1949	30.00
27	4TH ST. SOUTH	3N	2W	22	SESW	63-02787	9/2/1949	30.00
28	CANYON	3N	2W	21	SENE	63-02943	6/3/1953	1.74
29	BIRDSEYE	3N	2W	22	NENW	63-07003	6/9/1967	7.68
30	STATE ST.	3N	2W	28	NWNE	63-07708	2/14/1973	0.40
31								
32	MORGAN	3N	2W	20	NESE	63-08312	5/24/1976	0.50
33	GRANGE PARK	3N	2W	17	NWSE	63-09853	1/17/1982	1.00
34	COLORADO	3N	2W	34	NWNW	63-09889	3/30/1982	1.50
35	MEADOWBROOK #1	2N	2W	3	NWNW	63-10211	3/9/1984	8.69
36	SWEETWOOD	3N	2W	20	NESE	63-10211	3/9/1984	8.69
37	BOONE	3N	2W	17	SESE	63-10211	3/9/1984	8.69
38	WINTHER	3N	2W	20	SENE	63-10211	3/9/1984	8.69
39	VENICE	3N	2W	23	NWSE	63-10211	3/9/1984	8.69
40	YOUNG	3N	2W	28	SENE	63-10211	3/9/1984	8.69
41	WESTPARK	3N	2W	28	NENW	63-10211	3/9/1984	8.69
42	JUNIPER	3N	2W	34	SWSW	63-10211	3/9/1984	8.69

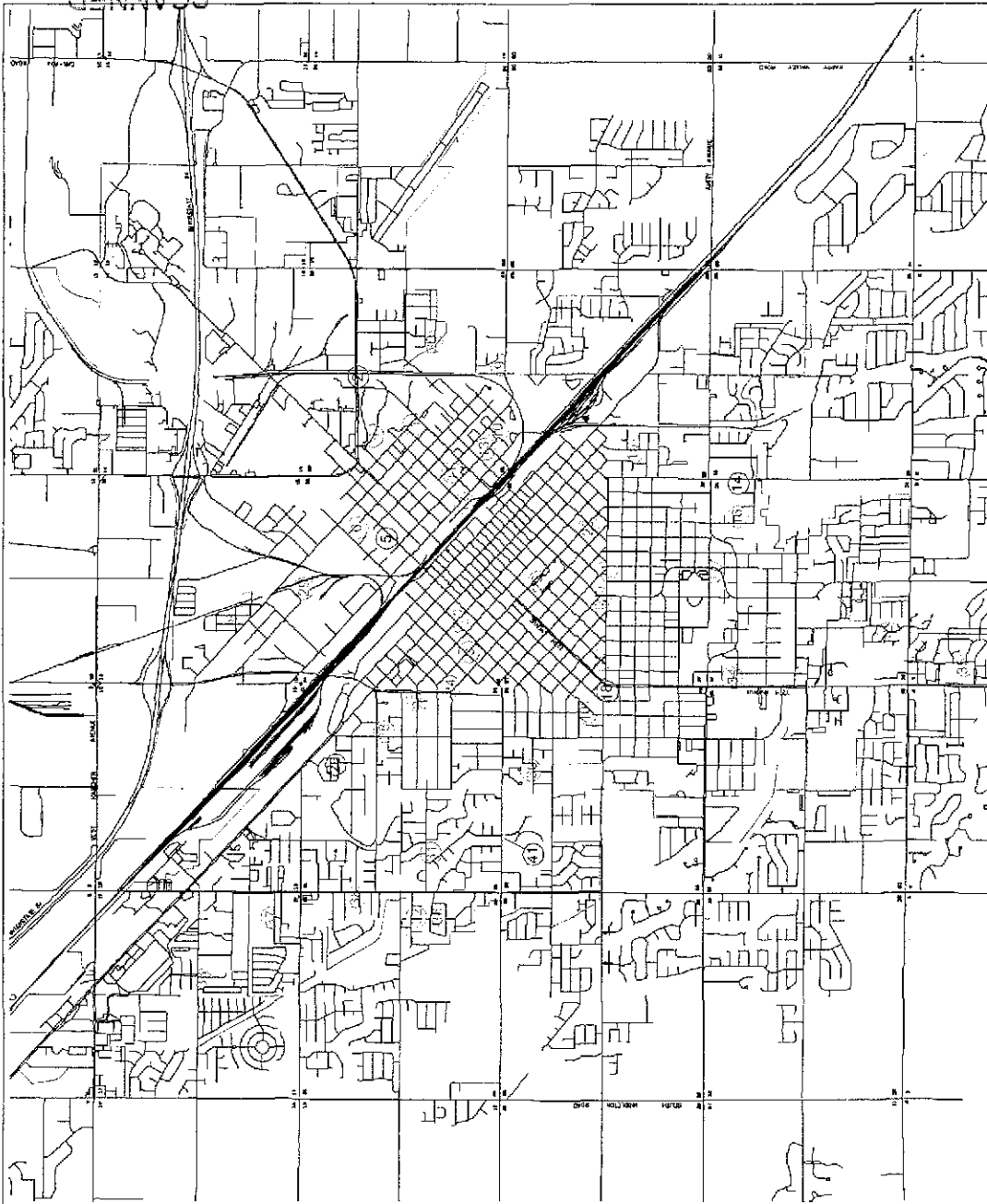
** Shaded row indicates an abandoned well

** Map index number 31 is a pump from the Elijah drain and is not included as an alternate point of diversion for ground water rights.

SCANNED

MAY 19 2004

SCANNED



SCALE: 1" = 1/2 MILE

LEGEND

CITY LIMITS (1987)

WELL LOCATION

LOCATION OF WELLS ORIGINALLY ASSOCIATED WITH RIGHT 63-10211

LOCATION OF WELLS ORIGINALLY ASSOCIATED WITH RIGHT 63-07287

UNKNOWN OR ABANDONED WELLS



FIGURE 1
NAMPA WATER RIGHTS PRIOR TO NOVEMBER 19, 1987
IRRIGATION GROUND WATER RIGHT

JUB

CONTRACT 3 Engineers - Surveyors - Planners

Exhibit B

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02787
Date Received: 4/ 1/1991
Receipt No: C015984
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CITY OF NAMPA
Address: OFFICE OF THE CITY ENGINEER
411 3RD ST SO
NAMPA ID 83651
2. Date of Priority: SEP 2, 1949
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	15		NE	SW		CANYON
				SW	SE		CANYON
		21		NW	NE		CANYON
				NE	SE		CANYON
		22		SW	NE		CANYON
				SE	NE		CANYON
				SE	SW		CANYON
				NE	SE		CANYON
		23		NW	SW		CANYON
				SW	SW		CANYON
				NE	SE		CANYON
				SW	SE		CANYON
		26		NW	SW		CANYON
		27		NW	NE		CANYON
				SW	NE		CANYON
				SE	NE		CANYON
				SW	NW		CANYON
				SE	NW		CANYON
		28		NE	SE		CANYON
		34		NE	NE		CANYON
				NW	NE		CANYON
		35		NW	NW		CANYON

5. Description of diverting works:
WELLS, PUMPS AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	04/01	10/15	30.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	02W	15	SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SE		SW		MUNI	
			SW		SE		MUNI	
		21	NW		NE		MUNI	
			SW		NE		MUNI	
			NE		SW		MUNI	
			NE		SE		MUNI	
			SE		SE		MUNI	
		22	SE		NE		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
		23	NE		SW		MUNI	
			NW		SW		MUNI	
			SE		SW		MUNI	
		26	NW		NW		MUNI	
			SW		NW		MUNI	
		27	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	27	SE	SW		MUNI	
			SE	SE		MUNI	
		28	NE	NE		MUNI	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

2 P/D IN NESE, SEC. 21, T3N, R2W. 23 WELLS TOTAL.

2 P/D IN SWSW, S23, T3N, R2W.

WELLS NUMBERED 5-27. THE PLACE OF USE DESCRIBED IN ITEM #10 IS THE FOUNDATION OF THIS WATER RIGHT. THE ACTUAL PLACE OF USE UNDER THE CITY OF NAMPA'S CLOSED LOOP SYSTEM IS WITHIN THE CITY OF NAMPA MUNICIPAL IRRIGATION DISTRICT, AND WITHIN THE CITY LIMITS OF NAMPA.

POU CORRECTED TO MUNICIPAL AS CLAIMED FOR WATER USE. 9/3/97 LH

15. Basis of Claim: LICENSE

Water Right Number: 21268

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-02787**
Date Received: 3/28/1990
Receipt No: C015984
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CITY OF NAMPA
Address: C/O CITY ENGINEER
411 3RD ST SO
NAMPA ID 83651
2. Date of Priority: SEP 2, 1949
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	15		NE	SW		CANYON
				SW	SE		CANYON
		21		NW	NE		CANYON
				NE	SE		CANYON
		22		SW	NE		CANYON
				SE	NE		CANYON
				SE	SW		CANYON
				NE	SE		CANYON
		23		NW	SW		CANYON
				SW	SW		CANYON
				NE	SE		CANYON
				SW	SE		CANYON
		26		NW	SW		CANYON
		27		NW	NE		CANYON
				SW	NE		CANYON
				SE	NE		CANYON
				SW	NW		CANYON
				SE	NW		CANYON
		28		NE	SE		CANYON
		34		NE	NE		CANYON
				NW	NE		CANYON
		35		NW	NW		CANYON

WIDENED
JUL 5 1994

5. Description of diverting works:
WELLS, PUMPS AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	04/01	10/15	30.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02W	15	SE NW		IRR	
			NE SW		IRR	
			NW SW		IRR	
			SE SW		IRR	
			SW SE		IRR	
		21	NW NE		IRR	
			SW NE		IRR	
			NE SW		IRR	
			NE SE		IRR	
			SE SE		IRR	
		22	SE NE		IRR	
			NE SW		IRR	
			NW SW		IRR	
			SW SW		IRR	
			SE SW		IRR	
			NE SE		IRR	
		23	NE SW		IRR	
			NW SW		IRR	
			SE SW		IRR	
		26	NW NW		IRR	
			SW NW		IRR	
		27	NE NE		IRR	
			NW NE		IRR	
			SW NE		IRR	
			SE NE		IRR	
			NE NW		IRR	
			NW NW		IRR	
			SW NW		IRR	
			SE NW		IRR	
			NE SW		IRR	
			NW SW		IRR	
			SW SW		IRR	
			SE SW		IRR	

APPROVED
JUL 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	27	SE	SE		IRR	
		28	NE	NE		IRR	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

2 P/D IN NESE, SEC. 21, T3N, R2W. 23 WELLS TOTAL.
2 P/D IN SWSW, S23, T3N, R2W.
WELLS NUMBERED 5-27. THE PLACE OF USE DESCRIBED IN ITEM #10 IS
THE FOUNDATION OF THIS WATER RIGHT. THE ACTUAL PLACE OF USE
UNDER THE CITY OF NAMPA'S CLOSED LOOP SYSTEM IS WITHIN THE CITY
OF NAMPA MUNICIPAL IRRIGATION DISTRICT, AND WITHIN THE CITY
LIMITS OF NAMPA.

15. Basis of Claim: LICENSE

Water Right Number: 21268

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED
JUN 24 1994

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
BY SP5 DDE

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02787
Date Received: 2/21/1990 3/28/90
Receipt No: C015984
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 28 1990

1. Name: CITY OF NAMPA
Address: C/O CITY ENGINEER
411 3RD ST. ST
NAMPA, ID

83651

2. Date of Priority: SEP 02, 1949

Department of Water Resources

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	15	NE	SW			CANYON
			SW	SE			CANYON
		21	NW	NE			CANYON
			NE	SE			CANYON
		22	SW	NE			CANYON
			SE	NE			CANYON
			SE	SW			CANYON
			NE	SE			CANYON
		23	NW	SW			CANYON
			SW	SW			CANYON
			NE	SE			CANYON
			SW	SE			CANYON
		26	NW	SW			CANYON
		27	NW	NE			CANYON
			SW	NE			CANYON
			SE	NE			CANYON
			SW	NW			CANYON
			SE	NW			CANYON
		28	NE	SE			CANYON
		34	NE	NE			CANYON
			NW	NE			CANYON
		35	NW	NW			CANYON

5. Description of diverting works:
WELLS, PUMPS AND PIPELINES
A63-02787

Page 1

Date: 03/26/90

MICROFILMED
JUL 25 1994

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
~~IRRIGATION~~ municipal	04/01	10/15	30.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	02W	15	SE		NW		IRR	
			NE		SW		IRR	
			NW		SW		IRR	
			SE		SW		IRR	
			SW		SE		IRR	
		21	NW		NE		IRR	
			SW		NE		IRR	
			NE		SW		IRR	
			NE		SE		IRR	
			SE		SE		IRR	
		22	SE		NE		IRR	
			NE		SW		IRR	
			NW		SW		IRR	
			SW		SW		IRR	
			SE		SW		IRR	
			NE		SE		IRR	
		23	NE		SW		IRR	
			NW		SW		IRR	
			SE		SW		IRR	
		26	NW		NW		IRR	
			SW		NW		IRR	
		27	NE		NE		IRR	
			NW		NE		IRR	
			SW		NE		IRR	
			SE		NE		IRR	
			NE		NW		IRR	
			NW		NW		IRR	
			SW		NW		IRR	
			SE		NW		IRR	
			NE		SW		IRR	
			NW		SW		IRR	
			SW		SW		IRR	
			SE		SW		IRR	
			SE		SE		IRR	
		28	NE		NE		IRR	

11. Place of use in counties: CANYON

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

14. Remarks:

2 P/D IN SWSW, S23, T3N, R2W.

15. Basis of Claim: LICENSE

16. Signature(s)

Number of attachments: /

I do solemnly swear or affirm that I am the City Engineer of _____
Title

the City of Nampa, that I have signed the foregoing
Organization

document in the space below as the City Engineer of

the City of Nampa and that the statements contained in the
Organization *See*

foregoing document are true and correct.

Lamphear
Signature of Authorized Agent

City Engineer, Nampa, Idaho
Title and Organization

March 27, 1990
Date

State of Idaho)
County of *Canyon*) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of March, 19 90

Miana Lamberg
Notary Public

Seal

Residing at Nampa Idaho

My Commission Expires 12/21/93

MICROFILMED

111 25 1994

Attachment

Remarks:

The place of use described in Item #10 is the foundation of this water right. The actual place of use under the City of Nampa's closed loop system is within the City of Nampa Municipal Irrigation District, and within the city limits of Nampa.

MICROFILMED

JUL 25 1994

Water Right Number - 63-02787 Prefix Translation: WATER RIGHT Old (D) Number - 21268
+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CITY OF NAMPA
1 - C/O CITY ENGINEER
2 -
3 -
City- NAMPA State- ID Zip- 83651
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
09/02/1949 14 WESTERN L - LICENSE
+ - - Source - - - - - + + - - Tributary - - - - - +

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
03N	02W	15	NE SW	(27)		CANYON		
			SW SE	(27)		CANYON		
		21	NW NE	(27)		CANYON		
			NE SE	(27)		CANYON		
		22	SW NE	(27)		CANYON		
			SE NE	(27)		CANYON		
			SE SW	(27)		CANYON		
			NE SE	(27)		CANYON		
		23	NW SW	(27)		CANYON		
			SW SW	(27)		CANYON		
			SW SE	(27)		CANYON		
		26	NW SW	(27)		CANYON		
		27	SW NE	(27)		CANYON		
			SE NE	(27)		CANYON		
			NE NW	(27)		CANYON		
			SW NW	(27)		CANYON		
			SE NW	(27)		CANYON		
		28	NE SE	(27)		CANYON		
		34	NE NE	(27)		CANYON		
			NW NE	(27)		CANYON		
		35	NW NW	(27)		CANYON		

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 30.000

Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +				Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +			
30.000				30.000			
Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	County
03N	02W	15	SE NW			01 IRRIGATION	(27) CANYON
03N	02W	15	NE SW			01 IRRIGATION	(27) CANYON

RECORDED
1993 FEB 18

Water right number - 63-02787 Prefix Translation: WATER RIGHT

Trwn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
03N	02W	15	NW SW				01	IRRIGATION	(27) CANYON
03N	02W	15	SE SW				01	IRRIGATION	(27) CANYON
03N	02W	15	SW SE				01	IRRIGATION	(27) CANYON
03N	02W	21	NW NE				01	IRRIGATION	(27) CANYON
03N	02W	21	SW NE				01	IRRIGATION	(27) CANYON
03N	02W	21	NE SW				01	IRRIGATION	(27) CANYON
03N	02W	21	NE SE				01	IRRIGATION	(27) CANYON
03N	02W	21	SE SE				01	IRRIGATION	(27) CANYON
03N	02W	22	SE NE				01	IRRIGATION	(27) CANYON
03N	02W	22	NE SW				01	IRRIGATION	(27) CANYON
03N	02W	22	NW SW				01	IRRIGATION	(27) CANYON
03N	02W	22	SW SW				01	IRRIGATION	(27) CANYON
03N	02W	22	SE SW				01	IRRIGATION	(27) CANYON
03N	02W	22	NE SE				01	IRRIGATION	(27) CANYON
03N	02W	23	NE SW				01	IRRIGATION	(27) CANYON
03N	02W	23	NW SW				01	IRRIGATION	(27) CANYON
03N	02W	23	SE SW				01	IRRIGATION	(27) CANYON
03N	02W	26	NW NW				01	IRRIGATION	(27) CANYON
03N	02W	26	SW NW				01	IRRIGATION	(27) CANYON
03N	02W	27	NE NE				01	IRRIGATION	(27) CANYON
03N	02W	27	NW NE				01	IRRIGATION	(27) CANYON
03N	02W	27	SW NE				01	IRRIGATION	(27) CANYON
03N	02W	27	SE NE				01	IRRIGATION	(27) CANYON
03N	02W	27	NE NW				01	IRRIGATION	(27) CANYON
03N	02W	27	NW NW				01	IRRIGATION	(27) CANYON
03N	02W	27	SW NW				01	IRRIGATION	(27) CANYON
03N	02W	27	SE NW				01	IRRIGATION	(27) CANYON
03N	02W	27	NE SW				01	IRRIGATION	(27) CANYON
03N	02W	27	NW SW				01	IRRIGATION	(27) CANYON
03N	02W	27	SE SW				01	IRRIGATION	(27) CANYON
03N	02W	27	SE SE				01	IRRIGATION	(27) CANYON
03N	02W	28	NE NE				01	IRRIGATION	(27) CANYON

+ - - - Diversion Means -

+ - - - Non-Irrigation Use -

+ - - - Other Rights for Same Use -

+ - - - Remarks - - - - - 2 P/D IN NESE, SEC. 21, T3N, R2W. 23 WELLS TOTAL.
2 P/D IN SWSW, S23, T3N, R2W.

+ - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

RECORDED

APR 21 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

WATER RIGHT PROOF READING REPORT

WR5808NP
(OD-26)

(OD-26)

Water right number - 63-02787

Prefix Translation:

- - Conditions of Approval - -
No Conditions of Approval found.

No Conditions of Approval found.

+ - - -	- Decree Defendant	- - +
---------	--------------------	-------

+ - Decree Date - +
00/00/0000

0000/00/00

- - Comments - - - - -

No Comments Found

+ - - Audit Fields - 10/29/85 05/01/88 CONVERT

Water Rights Dates and Flags Area

	Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
	Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-
	Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
	Exam to S.O. Date-	-	00/00/0000	Verified Date	-	00/00/0000	DLE/Carey Act	-
	Order Show Cause	-	00/00/0000	Receipt Number	-	-	Water District	-
	Licensed Date	-	08/28/1979	Appl Received	-	00/00/0000	Transfer/Amended	-
	Decree Date	-	00/00/0000	Presumption Flag	-	-	-	-

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

City of Nampa

CLAIM IDENT. NO. A63-02787

DATE RECEIVED 3/24/90 RECEIPT # C015984 FEE PAID \$120 FEE REQ'D \$3050

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.			
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	N/A ☒
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	*
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☐	☒	N/A ☐
Is the consumptive use correct?	☐	☒	N/A ☐
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	☐	☐	*
If multiple domestic, is single ownership indicated?	☒	☐	
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☐	☒	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐	N/A ☐
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed?	☒	☐	N/A ☐
If yes, compare claim w/existing right and attach proof report noting any differences in comments.			
If no, was water right no. found?	☐	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim?	☒	☐	N/A ☐
(If yes, attach a proof report & complete number change)			
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid?	☒	☐	N/A ☐
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct?	☒	☐	Exempt ☐

MICROFILMED

JUL 25 1994

	YES	NO
23. Is this claim being rejected and returned to claimant?	☐	☒
24. Can this claim be data entered?	☒	☐
25. Was claim modified?	☐	☒
If yes, do modifications require notification to claimant?	☒	☐

Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: HHT Date 1/25/93
 Claim data entered by: BD Date 7-22-93

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Claim is acceptable, however, POA should be deleted for recommendation.

Presumption Code : 'C' (change N/A)

MAR 04 2008

CHRISTOPHER H. MEYER
DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: chrismeier@givenspursley.com

WATER RESOURCES
WESTERN REGION

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen	Jeremy G. Ladle	G. Andrew Page
Peter G. Barton	Michael P. Lawrence	Angela M. Reed
Christopher J. Beeson	Franklin G. Lee	Scott A. Tschirgi, LL.M.
Clint R. Bolinder	David R. Lombardi	J. Will Varin
Erik J. Bolinder	John M. Marshall	Conley E. Ward
William C. Cole	Kenneth R. McClure	Robert B. White
Michael C. Creamer	Kelly Greene McConnell	Terri R. Yost
Amber N. Dina	Cynthia A. Meillo	
Kristin Bjorkman Dunn	Christopher H. Meyer	RETIRED
Thomas E. Dvorak	L. Edward Miller	Kenneth L. Pursley
Jeffrey C. Fereday	Patrick J. Miller	Raymond D. Givens
Martin C. Hendrickson	Judson B. Montgomery	James A. McClure
Steven J. Hippler	Deborah E. Nelson	
Debora K. Kristensen	W. Hugh O'Riordan, LL.M.	
Anne C. Kunkel		

Via Email and U.S. Mail

March 3, 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:

I am writing on behalf of my client, the City of Nampa, to confirm our telephone conversation the other day. As you know, the City of Nampa has pending various objections to the Director's Recommendations on its water rights. For each of its municipal water rights, the City requested that the Department recommend an annual volume.

Based on the Department's assurance that its longstanding policy remains in place (that municipal water rights are authorized to pump year-round at the authorized diversion rate), the City withdraws its request that the annual volume be stated on the face of the water right decree.

Kay Walker
March 3, 2008
Page 2

Again, I thank you for your assistance in sorting out these claims. I look forward to resolving the remaining issues via stipulation. It has been a pleasure to work with you.

Sincerely,


Christopher H. Meyer

CHM:ch

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
Kent Gingrich, J-U-B Engineers
Terry M. Scanlan, SPF Water Engineering LLC
Kevin Boggs, CH2M Hill



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

December 19, 2007

CITY OF NAMPA
ATTN: CHRISTOPHER H MEYER
GIVENS, PURSLEY, LLP
PO BOX 2720
BOISE ID 83701

Re: City of Nampa Claims

Dear Mr. Meyer:

Pursuant to our visit in July, 2007, we had requested additional information in order to complete review of the claims filed by the City of Nampa. Please note that we have not received the additional information and would like to request you submit this information at your earliest convenience. For your information, the documentation we requested is as follows:

1. Evidence of Priority Date for Claim Nos. 63-5258, 63-28219 and 63-28220
2. Documentation showing that Claim 63-5257 and 63-2787 are separate wells and evidence of priority date for well under 63-5257.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, the priority dates, as claimed, may not be recommended to the Court for decree.

If we do not receive the requested information on or before January 31, 2008, we will proceed with our revised recommendations on claims that were objected to in June of 2007, and will not revise recommendations to the above mentioned claims that were disallowed for failure to submit evidence of priority dates.

If you have any questions concerning this request please do not hesitate to contact me at 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with a large loop at the end of the word "Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosure

Cc: City of Nampa
411 3rd St S
Nampa, ID 83651

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

In Re SRBA
Case No. 39576

A. Subcase 63-2787
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

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

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Name & Address of Attorney, if any:

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

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

Name: City of Nampa
Address: 411 3rd Street South
Nampa, ID 83651

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 30.00 cfs (avg. daily peak flow) and 21,719.3 acre-feet
(annual volume) _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: See Appendix B (29 PODs currently in use for Integrated
Non-potable Delivery System). Also see discussion under section E regarding remark on
original POD(s). _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
11. **I object because:**
 - ☐ This water right should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** _____
Corrected PODs: The City has included a corrected list of PODs associated with the
integrated non-potable irrigation water delivery system. The well associated with Water Right

No. 63-5257 (the 13 Ave. N. well) was inadvertently omitted from the Amended Claim list. This well is in the same quarter-quarter as the 14th Ave. N. well.

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

Original POD Remark: The Department included a remark for some of the City's rights stating "To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right as [original well] information)." The City does not object to this remark so long as a similar remark is included for all similarly situated municipal water rights in Idaho. To the extent that the SRBA court (or other court) determines that this is an inappropriate limitation on municipal water rights, the City requests that the remark be removed from its water rights.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

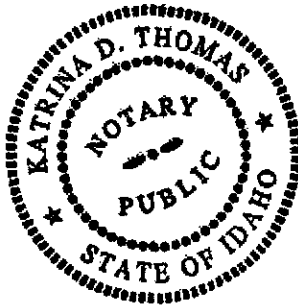
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

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

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



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on June 19, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

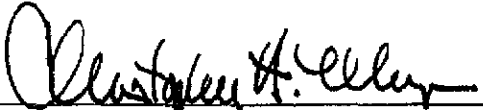
Name: City of Nampa
Attention Michael Fuss
Public Works Director
Address: 411 3rd Street South
Nampa, ID 83651

3. Copies to:

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

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

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



Christopher H Meyer, Attorney for City of Nampa

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

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

11/21/2006

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

RIGHT NUMBER: 63-2787
NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE:

QUANTITY: 30.000 CFS

PRIORITY DATE: 09/02/1949

POINT OF DIVERSION:

The points of diversion for this right and Right Nos. 63-2450, 63-2484, 63-2780, 63-2943, 63-7003, 63-7708, 63-8312, 63-9853, 63-9889, are diverted through the points of diversion described in Right No. 63-2449.

This water right is part of the non-potable water delivery system for the City of Nampa.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	30.000 CFS

PLACE OF USE:

Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at the Phyllis, Kohler Lawn Cemetery #1, Kohler Lawn Cemetery #2, East Powerline, 19th Ave North, 15th Ave. North, 14th North, Indian, Meyer, Chestnut, Kurtz, Maple, Holly, Fern, 19th South, 14th South, High Street, Hudson, and 4th St. South Wells located in T3N, R2W: Sec. 22, SENE; Sec. 15, NESW; Sec. 15, SWSE; Sec 23, SWSE; Sec. 23, SWSW; Sec. 23, NWSW; Sec. 22, NESE; Sec. 23, SWSW; Sec. 26, NWSW; Sec. 34, NENE; Sec. 34, NWNE; Sec. 27, SWNW; Sec. 27, SENW; Sec. 27, SWNE; Sec. 27, SENE; Sec. 27, NENW; Sec. 21, NESE; Sec. 21, NESE; and Sec. 22, SESW.

EXPLANATORY MATERIAL: BASIS OF CLAIM ~ License

Draft

05/22/2006

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

RIGHT NUMBER: 63-2787
NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651
SOURCE: GROUND WATER
QUANTITY: 30.000 CFS
PRIORITY DATE: 09/02/1949
POINT OF DIVERSION:

TRIBUTARY:

T03N R02W S15 NESW Within CANYON County ✓
T03N R02W S15 SWSE Within CANYON County
T03N R02W S21 NWNE Within CANYON County
T03N R02W S21 NESE Within CANYON County
T03N R02W S22 SWNE Within CANYON County
T03N R02W S22 SENE Within CANYON County
T03N R02W S22 SESW Within CANYON County
T03N R02W S22 NESE Within CANYON County
T03N R02W S23 NWSW Within CANYON County
T03N R02W S23 SWSW Within CANYON County
T03N R02W S23 NESE Within CANYON County
T03N R02W S23 SWSE Within CANYON County
T03N R02W S26 NWSW Within CANYON County
T03N R02W S27 NWNE Within CANYON County
T03N R02W S27 SWNE Within CANYON County
T03N R02W S27 SENE Within CANYON County
T03N R02W S27 SWNW Within CANYON County
T03N R02W S27 SENW Within CANYON County
T03N R02W S28 NESE Within CANYON County
T03N R02W S34 NENE Within CANYON County
T03N R02W S34 NWNE Within CANYON County
T03N R02W S35 NWNW Within CANYON County

This water right is part of the non-potable water delivery system for the City of Nampa.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
30.000 CFS

PLACE OF USE:

Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This list was original
63-2787 list - now we
need to augment with
other interconnected wells
by adding others (and
Add: Deleting from this list)
T03N R02W S23 SENE
S22 SWSW

AAA Should match
listing of Exhibit A.
Now very different...
Do not include shaded
wells
(abandoned)
in list

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5257 V1

WATER RIGHT NUMBER: 63-5257 V1

Owner Type Name and Address
Current Owner CITY OF NAMPA
 411 3RD ST S
 NAMPA, ID 83651
 (208) 463-2270

Priority Date: 01/01/1905
Basis: Beneficial Use
Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4 Sec. 22, Twp 03N, Rge 02W, B.M.
CANYON County

Place of Use

Conditions of Approval:

1. 124 Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:

1. awamtje 9/30/2005 Priority
Comment: Need proof of priority date.

2. awamtje 9/30/2005 Period of Use
Comment: Statutory claim year around use, adj claim is for seasonal use. Recommended year around. Check

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5257 V1

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/30/2005 8:14:42 AM	awarntje			Active
Priority Date	9/30/2005 8:15:25 AM	awarntje			Active
POD	9/30/2005 8:16:24 AM	awarntje			Active
Source	9/30/2005 8:16:45 AM	awarntje			Active
POU	9/30/2005 8:18:26 AM	awarntje			Active
Use	9/30/2005 8:18:48 AM	awarntje			Active
Season	9/30/2005 8:21:45 AM	awarntje			Active
Quantity	9/30/2005 8:22:40 AM	awarntje			Active
Summary			09/30/2005	awarntje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	9/30/2005 8:16:45 AM	awarntje	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
POU	9/30/2005 8:18:26 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5257 V1

Contacts	9/30/2005 8:14:42 AM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
General	9/30/2005 8:15:26 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date?
POD	9/30/2005 8:16:25 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Use	9/30/2005 8:18:48 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	9/30/2005 8:21:45 AM	awarntje	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5257 V1

Quantity	9/30/2005 8:22:41 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	9/30/2005 8:23:42 AM	awarntje	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

State of Idaho

License and Certificate of Water Right

Water License No. 21268Amount 30 second feet

Water District No. _____

Priority September 2, 1949

THIS IS TO CERTIFY that City of Nampa
 of Nampa, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated September 2, 1949; that Permit No. 21268
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
30 second feet, was issued thereunder on June 18, 1951, showing that said works
 were completed on the 20th day of December, 1949; and that on the 20th
 day of December, 1949,

City of Nampa

of Nampa, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of subterranean
 flow subterranean (from 23 wells), for the purpose of irrigation

, under Use Permit No. 21268 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4769, on the 18th day of June, 1951;

The right hereby confirmed dates from September 2, 1949;

The Points of Diversion ~~indicated~~ or location of the wells are given below.

Wells: 24 25 26 27 28 29

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 30 cubic feet per second.

W18 - NE 1/4 Sec 34	NE 1/4 Sec 34
W19 - NE 1/4 Sec 34	NE 1/4 Sec 34
W20 - NE 1/4 Sec 34	NE 1/4 Sec 34
W21 - NE 1/4 Sec 34	NE 1/4 Sec 34
W22 - NE 1/4 Sec 34	NE 1/4 Sec 34
W23 - NE 1/4 Sec 34	NE 1/4 Sec 34
W24 - NE 1/4 Sec 34	NE 1/4 Sec 34
W25 - NE 1/4 Sec 34	NE 1/4 Sec 34
W26 - NE 1/4 Sec 34	NE 1/4 Sec 34
W27 - NE 1/4 Sec 34	NE 1/4 Sec 34
W28 - NE 1/4 Sec 34	NE 1/4 Sec 34
W29 - NE 1/4 Sec 34	NE 1/4 Sec 34
W30 - NE 1/4 Sec 34	NE 1/4 Sec 34
W31 - NE 1/4 Sec 34	NE 1/4 Sec 34
W32 - NE 1/4 Sec 34	NE 1/4 Sec 34
W33 - NE 1/4 Sec 34	NE 1/4 Sec 34
W34 - NE 1/4 Sec 34	NE 1/4 Sec 34
W35 - NE 1/4 Sec 34	NE 1/4 Sec 34
W36 - NE 1/4 Sec 34	NE 1/4 Sec 34
W37 - NE 1/4 Sec 34	NE 1/4 Sec 34
W38 - NE 1/4 Sec 34	NE 1/4 Sec 34
W39 - NE 1/4 Sec 34	NE 1/4 Sec 34
W40 - NE 1/4 Sec 34	NE 1/4 Sec 34
W41 - NE 1/4 Sec 34	NE 1/4 Sec 34
W42 - NE 1/4 Sec 34	NE 1/4 Sec 34
W43 - NE 1/4 Sec 34	NE 1/4 Sec 34
W44 - NE 1/4 Sec 34	NE 1/4 Sec 34
W45 - NE 1/4 Sec 34	NE 1/4 Sec 34
W46 - NE 1/4 Sec 34	NE 1/4 Sec 34
W47 - NE 1/4 Sec 34	NE 1/4 Sec 34
W48 - NE 1/4 Sec 34	NE 1/4 Sec 34
W49 - NE 1/4 Sec 34	NE 1/4 Sec 34
W50 - NE 1/4 Sec 34	NE 1/4 Sec 34
W51 - NE 1/4 Sec 34	NE 1/4 Sec 34
W52 - NE 1/4 Sec 34	NE 1/4 Sec 34
W53 - NE 1/4 Sec 34	NE 1/4 Sec 34
W54 - NE 1/4 Sec 34	NE 1/4 Sec 34
W55 - NE 1/4 Sec 34	NE 1/4 Sec 34
W56 - NE 1/4 Sec 34	NE 1/4 Sec 34
W57 - NE 1/4 Sec 34	NE 1/4 Sec 34
W58 - NE 1/4 Sec 34	NE 1/4 Sec 34
W59 - NE 1/4 Sec 34	NE 1/4 Sec 34
W60 - NE 1/4 Sec 34	NE 1/4 Sec 34
W61 - NE 1/4 Sec 34	NE 1/4 Sec 34
W62 - NE 1/4 Sec 34	NE 1/4 Sec 34
W63 - NE 1/4 Sec 34	NE 1/4 Sec 34
W64 - NE 1/4 Sec 34	NE 1/4 Sec 34
W65 - NE 1/4 Sec 34	NE 1/4 Sec 34
W66 - NE 1/4 Sec 34	NE 1/4 Sec 34
W67 - NE 1/4 Sec 34	NE 1/4 Sec 34
W68 - NE 1/4 Sec 34	NE 1/4 Sec 34
W69 - NE 1/4 Sec 34	NE 1/4 Sec 34
W70 - NE 1/4 Sec 34	NE 1/4 Sec 34
W71 - NE 1/4 Sec 34	NE 1/4 Sec 34
W72 - NE 1/4 Sec 34	NE 1/4 Sec 34
W73 - NE 1/4 Sec 34	NE 1/4 Sec 34
W74 - NE 1/4 Sec 34	NE 1/4 Sec 34
W75 - NE 1/4 Sec 34	NE 1/4 Sec 34
W76 - NE 1/4 Sec 34	NE 1/4 Sec 34
W77 - NE 1/4 Sec 34	NE 1/4 Sec 34
W78 - NE 1/4 Sec 34	NE 1/4 Sec 34
W79 - NE 1/4 Sec 34	NE 1/4 Sec 34
W80 - NE 1/4 Sec 34	NE 1/4 Sec 34
W81 - NE 1/4 Sec 34	NE 1/4 Sec 34
W82 - NE 1/4 Sec 34	NE 1/4 Sec 34
W83 - NE 1/4 Sec 34	NE 1/4 Sec 34
W84 - NE 1/4 Sec 34	NE 1/4 Sec 34
W85 - NE 1/4 Sec 34	NE 1/4 Sec 34
W86 - NE 1/4 Sec 34	NE 1/4 Sec 34
W87 - NE 1/4 Sec 34	NE 1/4 Sec 34
W88 - NE 1/4 Sec 34	NE 1/4 Sec 34
W89 - NE 1/4 Sec 34	NE 1/4 Sec 34
W90 - NE 1/4 Sec 34	NE 1/4 Sec 34
W91 - NE 1/4 Sec 34	NE 1/4 Sec 34
W92 - NE 1/4 Sec 34	NE 1/4 Sec 34
W93 - NE 1/4 Sec 34	NE 1/4 Sec 34
W94 - NE 1/4 Sec 34	NE 1/4 Sec 34
W95 - NE 1/4 Sec 34	NE 1/4 Sec 34
W96 - NE 1/4 Sec 34	NE 1/4 Sec 34
W97 - NE 1/4 Sec 34	NE 1/4 Sec 34
W98 - NE 1/4 Sec 34	NE 1/4 Sec 34
W99 - NE 1/4 Sec 34	NE 1/4 Sec 34
W100 - NE 1/4 Sec 34	NE 1/4 Sec 34

of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

18th day of June, 1951.

MARK R. KULP

State Reclamation Engineer

(SEAL)

Location of WellPlace of Use

#1 - SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22.	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22
#2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22.	SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23.
#3 - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15.	NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15.
#4 - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15.	SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15.
#5 - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23.	NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23.
#6 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23.	Same.
#7 - NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23.	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22.
#8 - NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22.	Same.
#9 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23.	Same.
#10 - NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35.	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27.
#11 - NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26.	NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27.
#12 - NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34.	NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27.
#13 - NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34.	NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27.
#14 - NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28.	Same
#15 - SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27.	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28.
#16 - SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27.	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27.
#17 - SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27.	SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27.
#18 - SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27.	NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27.
#19 - NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27.	SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27.
#20 - NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21.	NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21.
#21 - NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21.	SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21.
#22 - NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21.	Same.
#23 - SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22.	NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22.

All in Township 3 North, Range 2 West, B.M.

1147 acres



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2002

CITY OF NAMPA
C/O DOUGLAS COX
411 THIRD ST SOUTH
NAMPA ID 83651

RECEIVED

AUG 28 2002

WATER RESOURCES
WESTERN REGION

RE: Application for Permit No. 63-31504

Dear Mr. Cox:

The Department of Water Resources (IDWR) is reviewing Application 63-31504, which you submitted for a diversion from ground water for supplemental irrigation within the City of Nampa. Your application proposes a diversion of 4.0 cfs in addition to the 95.51 cfs of existing water rights already held by the City of Nampa. Counting beneficial use claims filed in the Snake River Basin Adjudication, the City of Nampa's existing water rights may total as much as 111.45 cfs. Please see the enclosed list for a summary of the City of Nampa's water rights.

Diverting 95.51 cfs at a constant rate will produce more than 61 million gallons per day. According to figures published on the Department of Commerce community profile for the City of Nampa, however, your actual maximum daily usage is 4.8 million gallons per day. According to the same community profile, your plant capacity is about 13 million gallons per day. These figures suggest that the City of Nampa's water rights on paper exceed actual usage. If there is, in fact, a discrepancy between "paper" water rights and actual use, it may have arisen through filing for and receiving a new water right permit each time you drilled a new well, regardless of whether the well was needed to meet increased demand or was simply a replacement for a well that was failing or had failed. IDWR is concerned that approving another permit could simply perpetuate a practice that is not in the city's best interest because the senior priority date of an existing water right may be foregone in lieu of a new right with a much junior priority.

Under the provisions of §42-222, *Idaho Code*, a water right holder may seek and obtain approval to change the point of diversion or add an additional point of diversion for an existing water right. Such a change is termed a "transfer." When a water right is transferred, it retains its original priority date, but the amount of the water right is limited to the amount of the original right. For ground water rights, the transfer provision is useful when replacing a well that has diminished in productivity or for adding a well for more efficient distribution of water.

Rather than file for a new water right that may not be needed, it could be worthwhile to review your water rights to see if a transfer would better accomplish your objective. I recommend first

determining if your peak demand is in the 95 cfs range. If so, the application you filed is probably appropriate. If not, I recommend matching the points of diversion descriptions for your recorded water rights with your active wells to determine if you hold any water rights for wells that are no longer in use. If so, you could file an application to transfer those water rights to a new well at the location proposed in your application.

While you are reviewing your water rights, another item to consider is how the City of Nampa's claims will be addressed in the Snake River Basin Adjudication. Section 42-222, *Idaho Code*, also provides for the forfeiture of a water right after five years of non-use. If the city's existing use is, in fact, far less than what has been claimed in the adjudication, water rights in excess of actual historical beneficial use may be found to have been forfeited. In addition, if a change to a water right occurred prior to November 19, 1987, the change may be claimed and decreed in the SRBA process without having to file an application for transfer.

Also, under recent legislation a municipal water provider may file an application to appropriate water for reasonably anticipated future needs. Under §42-202B, *Idaho Code*, reasonably anticipated future needs means "future uses of water by a municipal provider for municipal purposes within a service area which, on the basis of population and other planning data, are reasonably expected to be required within the planning horizon of each municipality within the service area not inconsistent with comprehensive land use plans approved by each municipality." Water appropriated for reasonably anticipated future needs is not required to be diverted and used immediately, as is the case for most new water rights. Instead, the water right can be held over a "planning horizon" in anticipation that the water will be needed to meet the municipality's needs in the future. While an application for transfer may be a better choice than an application for permit to meet your immediate needs, with additional information your existing application could possibly be converted to an application for reasonably anticipated future needs.

I will hold your application for permit for 30 days to give you time to explore this issue. Please respond by either (a) describing your diversion and distribution system(s) to show why the new water right is needed now, or (b) providing sufficient information to establish that the application is for reasonably anticipated future needs, or (c) withdrawing your application for permit. In connection with options (b) and (c), you may also wish to file an application for transfer to cover your plans to divert from the new well to meet existing needs. I have enclosed an application for transfer form for you. If I have not received a response from you within 30 days, I will recommend that your application be denied.

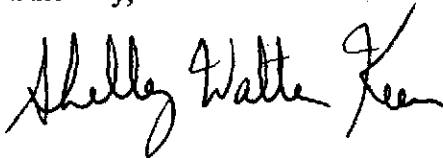
Normally IDWR will not issue a well drilling permit authorizing well construction until the associated water right filing is processed and approved. However, to avoid delaying your project while you are reviewing your options, IDWR will consider issuing a well drilling permit now if you accept the risk that approval to divert and use water from the well may not be granted. If this

City of Nampa
August 14, 2002
Page 3

is how you want to proceed, please submit your application for drilling permit and a request for expedited approval of the drilling permit. I have enclosed forms for you to use.

If you have any questions or need more information, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

A handwritten signature in black ink, reading "Shelley Walter Keen". The signature is written in a cursive, flowing style.

Shelley Walter Keen
Water Rights Supervisor

Enclosures

cc: Gary Spackman, IDWR Western Region
Dave Tuthill, IDWR Adjudication Bureau
Mark Slifka, IDWR Ground Water Protection Section