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MAY 19 2004

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

Department of Water Resources
Adjudication Bureau

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-5257

Date Received

Receipt Number

AMENDED NOTICE OF CLAIM TO A AMENDED
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) January 1, 1905
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.

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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 0.30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.30 (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:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
						Within the Service Area of the City of Nampa													

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.

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MAY 10 2004

Last Name City of Nampa Ident. Number 63-5257

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

ANNED
MAY 10 2001

Last Name	City of Nampa	Ident. Number	63-5257
-----------	---------------	---------------	---------

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 2

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

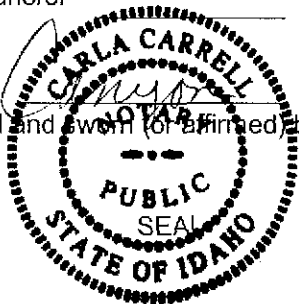
document in the space below as Director, Public Works Department of the City of Nampa
Title Organization

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 _____)
County of _____) SS.

Subscribed and sworn to before me this 11 day of May 2004



Notary Public Carla Carrell
Residing at Nampa
My Commission Expires 4/20/10

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

Last Name City of Nampa Ident. Number 63-5257

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MAY 19 2004

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

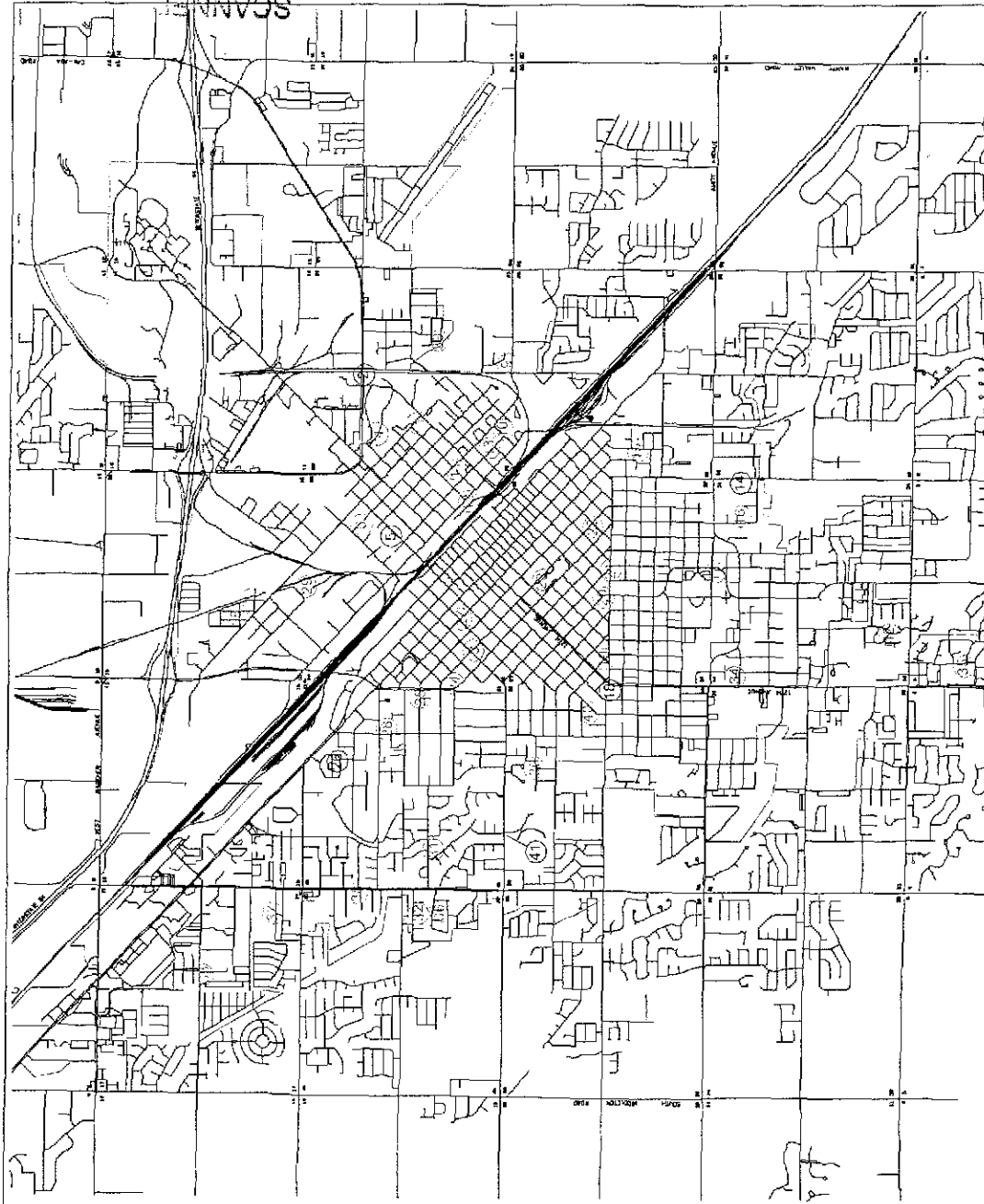
** Map index number 31 is a pump from the Elijah drain and is not included as an alternate point of diversion for ground water rights.

SCANNED

MAY 19 2004

MAY 19 2004

SCANNED



SCALE: 1" = 1/2 MILE

LEGEND

CITY LIMITS (1987)

WELL LOCATION

LOCATION OF WELLS ORIGINALLY ASSOCIATED WITH RIGHT 63-10213

LOCATION OF WELLS ORIGINALLY ASSOCIATED WITH RIGHT 63-02787

UNKNOWN OR ABANDONED WELLS

JUB

NOT TO SCALE

FIGURE 1

NAMPA WATER RIGHTS PRIOR TO NOVEMBER 19, 1987

IRRIGATION GROUND WATER RIGHT

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: **A63-05257**
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: 411 3RD ST S
NAMPA ID

83651

2. Date of Priority: JAN 1, 1905

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	22	NE	SE			CANYON

5. Description of diverting works:
WELL & MOTOR, PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	04/01	10/15	0.300		

7. Total Quantity Appropriated is:
0.300 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
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

P/U WITHIN THE CITY OF NAMPA., MUNICIPALITY, WELL 32-I.
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: BENEFICIAL USE

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: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A63-05257
Date Received: 2/21/1990 3:28 PM
Receipt No: C015984
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF NAMPA
Address: 411 3RD. ST. S.
NAMPA, ID

83651

2. Date of Priority: JAN 01, 1905

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	22	NE	SE			CANYON

5. Description of diverting works:
WELL & MOTOR, pump, and Pipeline

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL Irrigation	01/01	12/31	0.300		
	4-1	10-15			

7. Total Quantity Appropriated is:
0.300 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
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties: Canyon

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

A63-05257

Page 1

Date: 02/21/90

MICROFILMED

JUL 25 1994

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

(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:

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

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

document in the space below as the City Engineer of
Title

the City of Nampa and that the statements contained in the
Organization ✓ 202

foregoing document are true and correct.

Larry Blodine
Signature of Authorized Agent

City Engineer, Nampa, Idaho
Title and Organization

March 28, 1990
Date

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

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

of March, 19 90

Liana Lambing
Notary Public

Residing at Nampa Idaho

My Commission Expires 12/21/93
2 Date: 02/21/90

Page

MICROFILMED

JUL 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

old (D) Number -

1 - 411 3RD. ST. S.
2 -
3 -
City- NAMPA
Phone -

State- ID Zip- 83651

[illegible][illegible]

03N	02W	22	NE SE	(27)	CANYON
-----	-----	----	-------	------	--------

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

01/01	12/31	0.300
-------	-------	-------

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +	0.300
---	-------

Town	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
------	-----	-----	-------	-----	-------	--------------	------	-------------	--------

+ - - Diversion Means - WELL & MOTOR

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

[illegible]

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

[illegible][illegible]

WATER RIGHT

[illegible]

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	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000	Presumption Flag	-			-

29700714EE
with 23 389

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

City of Nampa

CLAIM IDENT. NO.

A63-05257

DATE RECEIVED 3/28/90

RECEIPT # C015984

FEE PAID \$1120

FEE REQ'D \$ 80

	YES	NO	Requires 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 ☒	☐	*

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? ☒ YES ☐ NO
 - Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: HAT Date 1/25/93
 Claim data entered by: ADV Date 7-21-93

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: _____

MAR 04 2008

CHRISTOPHER H. MEYER
DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: chrimeyer@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. Melillo	
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 cursive script that reads "Kay Walker". The signature is written in black ink and is positioned above the printed name.

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 63-5257
(insert water right number)

**STANDARD FORM 1
OBJECTION**

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

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: City of Nampa
Attention Michael Fuss
Public Works Director
Address: 411 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: Ground water
3. ☒ **Quantity**
Should be: 0.30 cfs (avg. daily peak flow) and 217.2 acre-feet (annual volume)
4. ☒ **Priority Date**
Should be: 1/1/1905
5. ☒ **Point(s) of Diversion**
Should be: See Appendix B (29 PODs currently in use for Integrated Non-potable Delivery System). Also see discussion under section E regarding remark on original POD(s).
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Municipal
8. ☒ **Period of Year**
Should be: 1/1 to 12/31
9. ☒ **Place of Use**
Should be: Within the service area of the City of Nampa municipal water supply system as provided under Idaho law.

11. **I object because:**

- ☐ This water right should not exist.
- ☒ This water right was not recommended, but should be recommended with the elements described above

E. **REASONS SUPPORTING OBJECTION(S):** _____

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

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

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

Christopher H. Meyer

(Attorney signing in representative capacity)

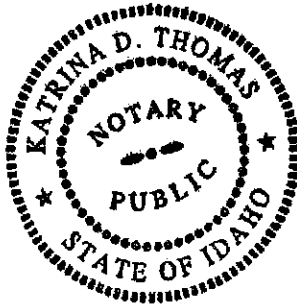
Subscribed and sworn to before me on: June 19, 2007

Katrina Thomas

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: May 22, 2012



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

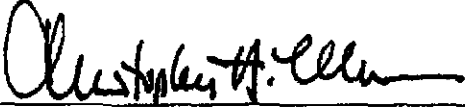
Name: City of Nampa
Attention Michael Fuss
Public Works Director
Address: 411 3rd Street South
Nampa, ID 83651

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	Inhlan	T3N R2W §23 SWSW			
12	Mayer	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 §26 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: 63-5257

NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

DISALLOWED: Recommended as Right No. 63-2787.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Recommended as Right No. 63-2787: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

Tuthill, Dave

From: Tuthill, Dave
Sent: Sunday, November 19, 2006 11:15 AM
To: 'jmm@givenspursley.com'
Subject: Nampa

Contacts: John Marshall

Good morning, John.

I just completed review of the last of the municipal water rights in the Treasure Valley -- City of Nampa.

The claims are nicely filed and they all make sense to me -- except for 3. B/U claims 63-5258, 63-29219 and 63-28220 do not appear to contain a shred of evidence for either date of priority or flow rate. (The latter two are for uses that were later licensed, so we do have some flow info for later dates.)

Also, it appears that 63-5257 is no longer part of the system so at this point I am planning to disallow it.

Please call me at 287-4805 after you have had a chance to check it out.

Thanks, Dave

Notes for Review of Nampa Claims

Dms 11/19/06

- 63-20264 - OK (Single Household Domestic)
- 63-7954 - OK (separate SW - licensed in 2003)
- 63-5251 - Not included in lists of potable or non-potable
Recommended as 63-2787

Potable System

Generally well claimed, but
No evidence for the B/U claims

63-28219

63-5258

63-28220

Must disallow these unless info is forthcoming soon.

Dms 11/19/06

Draft

05/22/2006

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

RIGHT NUMBER: 63-5257

NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS

PRIORITY DATE: 01/01/1905

POINT OF DIVERSION:

T03N R02W S22 NESE 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.300 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 - Beneficial Use

Plz recommend for disallowal.

Recommended as 63-2787.

*(see chart attached
to Amended Claim)*

Field Investigation Report

Completed by **Karan Waters**

Claim Number 63-5257

Contact:

Contact Date: 12/9/02

CITY OF NAMPA

411 3RD ST S

NAMPA **ID** 83651

208 465-2220

Source of Information

Les Liebschwager

Contact Comments

Water Dept. 465-2209 Liz

☒ **Verified**

☐ **New owner**

Appointment Date: 12/11/02

Appointment Time: 10:30 AM

POD id 302748

Legal Description 03N 02W 22 NE SE

Desc of Diversion W well, submersible pump, pipelines

Site Tag # A0002093

GPS File Name 141

Motor Make submersible

Pump Make submersible

Horsepower 25

Pressure gage 60 psi

pump bowl or static static

Depth level 20 Ft.

dyn. pump level 0 Ft.

POD Remarks:

WELL # 32-I, unknown model and serial numbers for pump and motor, unknown well depth, sytem not running so used estimated psi for theoretical. Used TVGW map for static water level.

Pressure gage at sprinkler 0 psi

Bucket Measurment (gps) 0

Calc Method: Theoretical

Flow (cfs) 0.90

Photos

dsc00075 map

dsc00092 pumping system

JUN 28 1983

**Department of Water Resources
Western Regional Office**



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that The City of Nampa, a municipality, well# 32-I,

(Name of Claimant)

411-3rd. Street South, Nampa, ID.

83651

Telephone No. 466-9221

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1905 approx.

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

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

groundwater _____ tributary to _____

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

.30cts

(cfs, af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)

(Mo., Day)

(Mo., Day)

Quantity .30 cfs Use Municipal Water for _____ Period of Use From 1/1/00 To 12/31/00

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

- (4) 30 cfs TOTAL QUANTITY USED.

(cfs, af)

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

NE ¼ SE ¼, Sec. 22 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: artesian Depth: na Size: 8" Pump: Vertical Turbine

Motor: 10 hp.

- (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.

T	R	SEC.	NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			(PLACE OF USE IS CITY OF NAMPA)												
			Discharges into pressure system.												
			and is looped throught city.												
			Serves Nampa and vicinity.												

No. of acres

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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

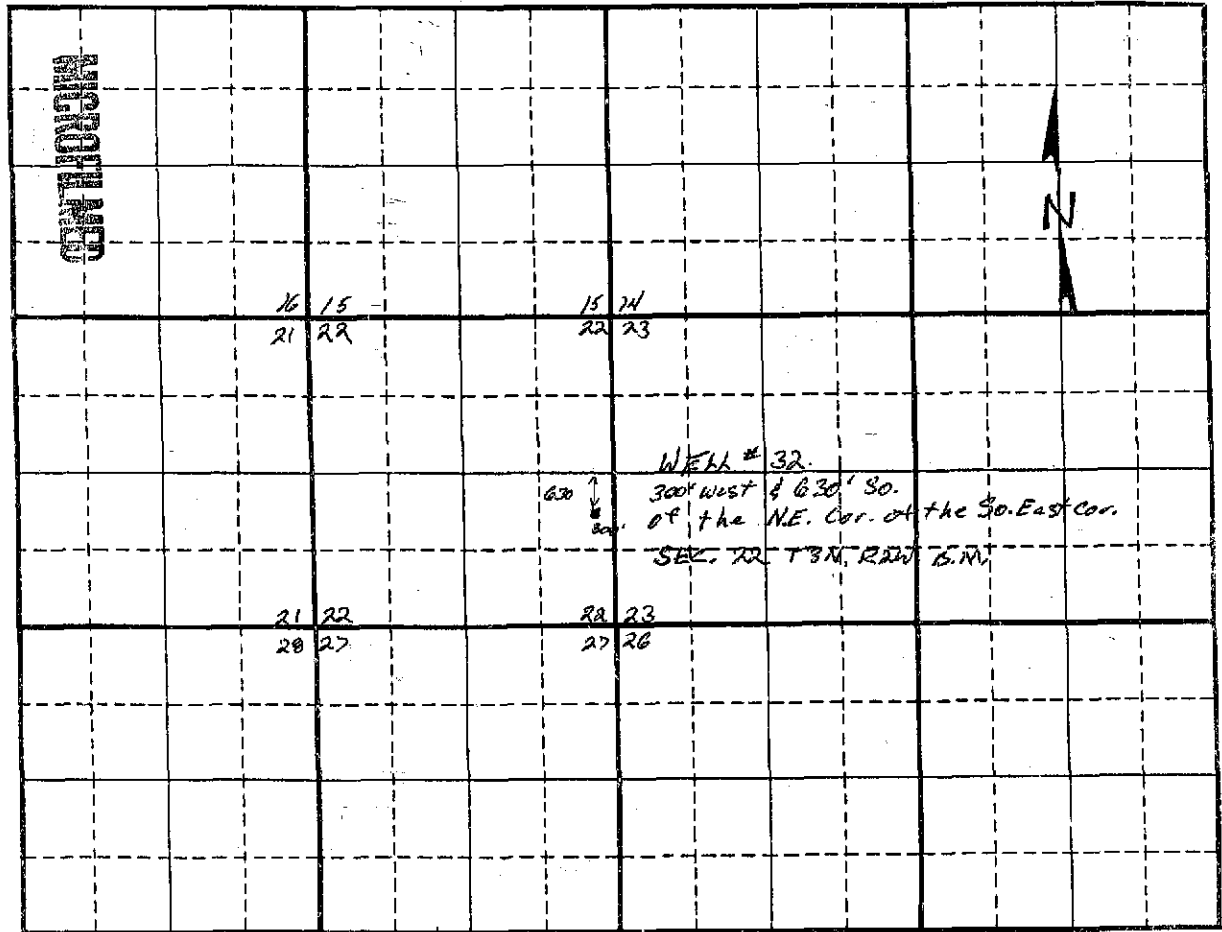
- (7) If you are claiming water as a member of an organization, list name of organization:

SCANNED

OCT 21 2002

MICROFILMED

- (8) Remarks System has been designed as a looped system so that it might operate more efficient thus saving water. Also by doing so a larger number of propertys may be served with fewer wells.



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 Bledsoe - City Engineer
(Claimant)

Sworn to before me this 27 day of June, 19 83.

Camille M. Beauchien
Notary Public
Residing at Nampa

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by <u>mm</u>	Date <u>6-28-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>dl</u>	Date <u>6/30/83</u>		claimant by:	
\$30.00 fee received by <u>JP</u>	Date <u>6/28/83</u>	<u>32211</u>		
Published in <u>News Bulletin</u>				
Dates <u>1/26 & 2/2/84</u>				



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 3, 2002

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Water Works, Inc., to assist us with this task.

The purpose of this letter is to advise you that Water Works, Inc. might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Water Works, Inc. with access to your water diversion system so that their personnel can conduct this field examination. Water Works, Inc. will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. ~~Experience has shown that water users who~~ work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Water Works, Inc. to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte
Adjudication Section Supervisor
Western Regional Office