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MAY 14 2004

Department of Water Resources
Application 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

63-5258

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) January 1, 1954
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 potable drinking 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 2.67 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.67 (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	

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.

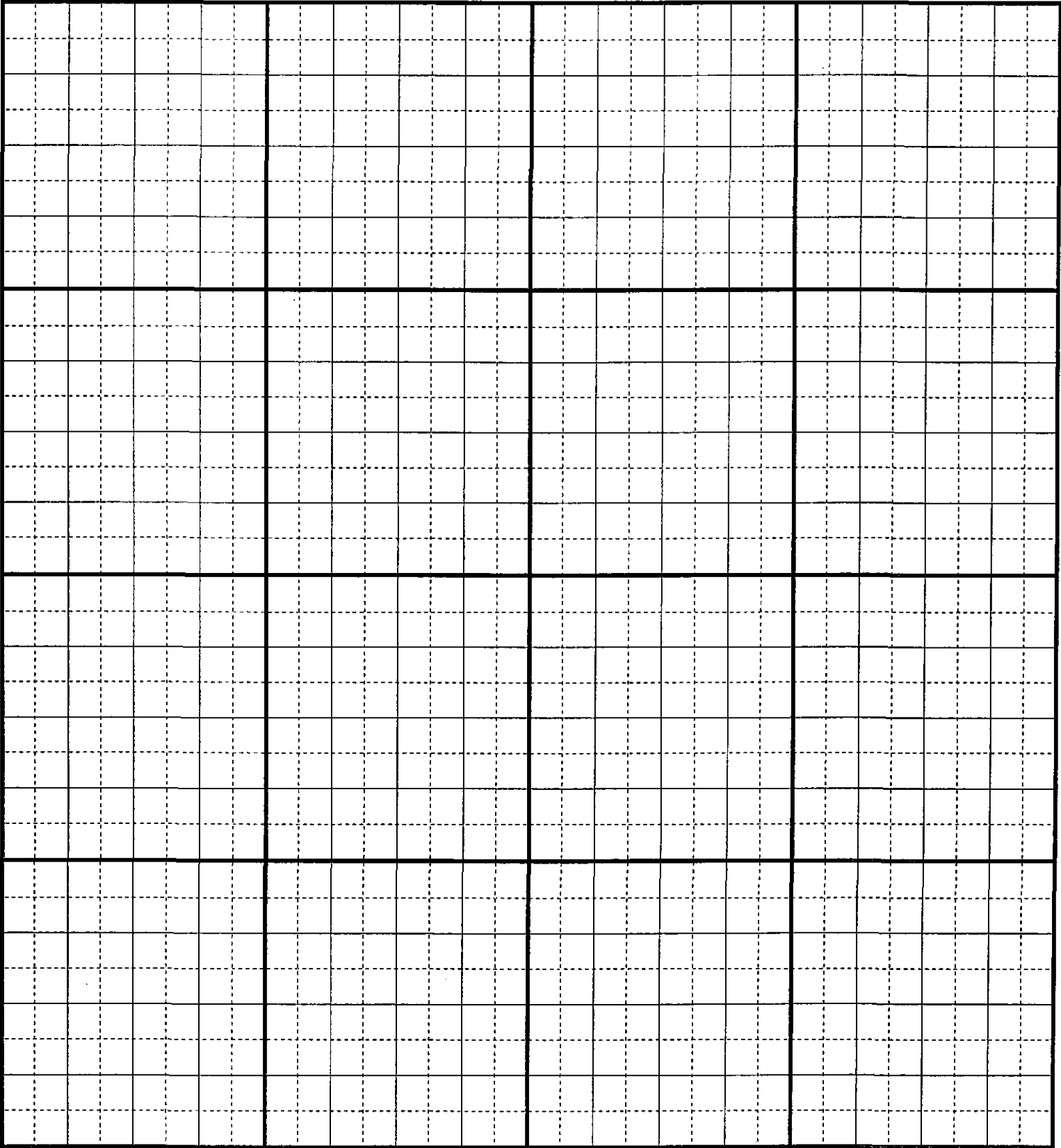
2. Nampa operates an integrated water supply network involving numerous ground water rights throughout its service area

SCANNED

Last Name City of Nampa Ident. Number 63-5258

MAY 19 2004

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.
Scale: 2 inches equals 1 mile **Please see Exhibit B**



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 Paul Raymond

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

State of Idaho/or _____)

) SS.

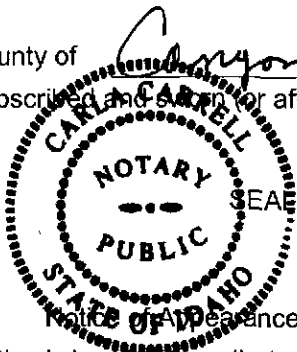
County of Canyon)

Subscribed and sworn to (or affirmed) before me this 11 day of May 2004

Notary Public

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

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 63-5258

SCANNED

MAY 19 2004

Exhibit A

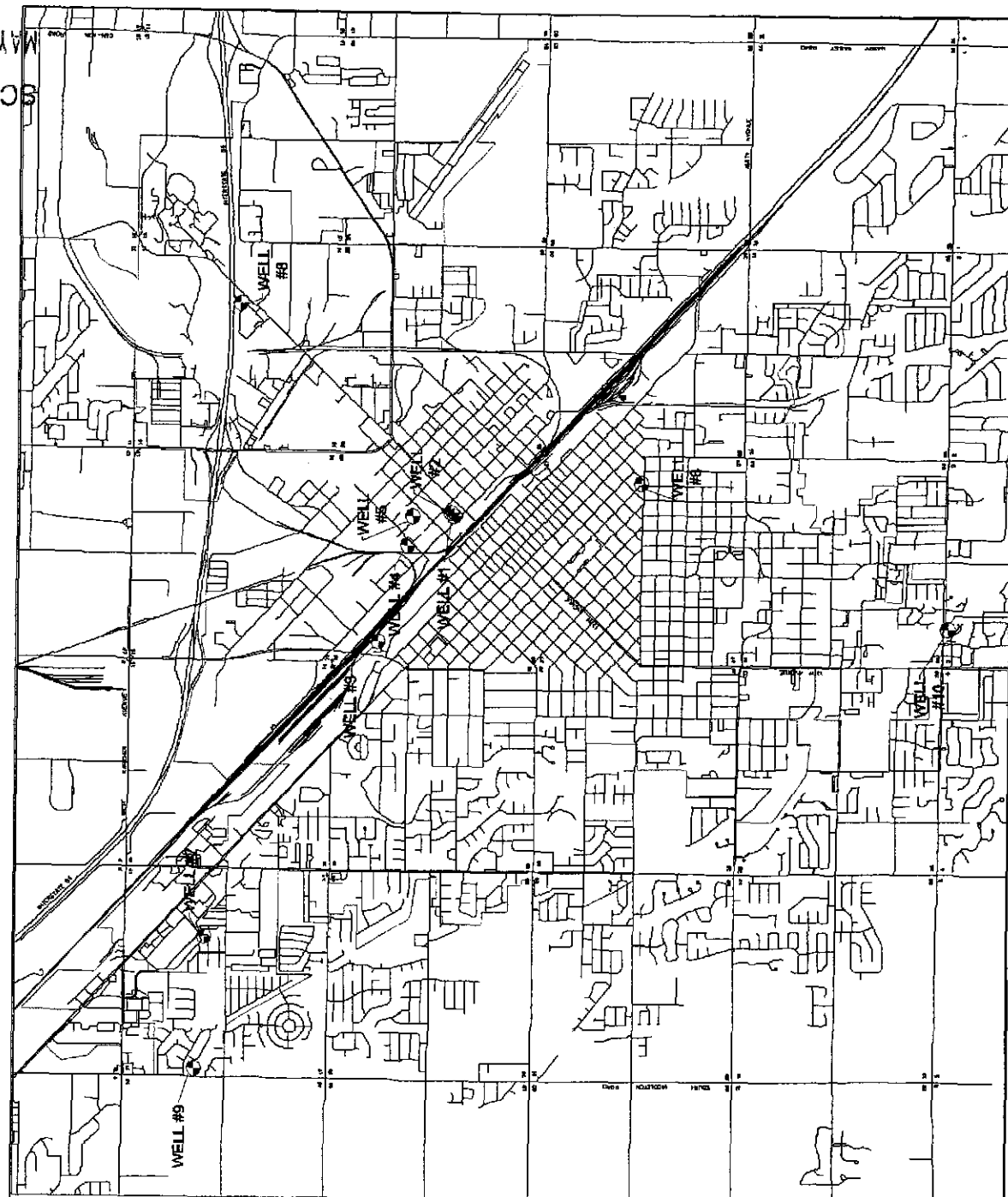
List of Alternate Points of Diversion for City of Nampa Municipal System for Potable Water

Well Name	TWN	RGE	SEC	Tract	Right originally associated with well	Priority originally associated with well	Diversion rate originally associated with well
Well # 1	3N	2W	S22	NWSE	63-02533 63-28219	12/16/1971 8/2/1937	1.22 1.22
Well # 2	3N	2W	S22	NWSE	63-02533 63-28219	12/16/1971 8/2/1937	1.22 1.22
Well # 3	3N	2W	S22	NWNW	63-02779	9/2/1949	2.00
Well # 4	3N	2W	S22	SWNE	63-02781	9/2/1949	3.00
Well # 5	3N	2W	S22	SWNW	63-02782 63-28220	11/25/1959 9/2/1949	1.93 1.93
Well # 6	3N	2W	S27	SENE	63-05258	1/1/1954	2.67
Well # 7	3N	2W	S17	SWNE	63-10212	6/28/1983	2.23
Well # 8	3N	2W	S14	NWSE	63-07567	3/6/1972	2.79
Well # 9	3N	2W	S17	SWNW	63-08324	6/1/1976	3.00
Well # 10	3N	2W	S3	NWNW	63-09180	9/27/1978	4.00

SCANNED

MAY 19 2004

SCANNED
MAY 19 2004



N
SCALE 1" = 1/2 MILE

LEGEND

- CITY LIMITS (1987)
- DOMESTIC WELL LOCATIONS

(JUB)
Engineers & Surveyors - Planners

FIGURE 2
NAMPA WATER RIGHTS PRIOR TO NOVEMBER 19, 1987
DOMESTIC GROUND WATER WELL LOCATIONS

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: **A63-05258**
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, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	27	SE	NE			CANYON

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	2.670		

7. Total Quantity Appropriated is:
2.670 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? NO

13. Other Water Rights Used:

14. Remarks:

P/U WITHIN THE CITY OF NAMPA., A MUNICIPALITY.
KNOWN AS WELL #6.

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: A63-05258
Date Received: ~~2/21/1990~~ 3/24/90
Receipt No: 0015984
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

RECEIVED
MAR 28 1990

2. Date of Priority: JAN 01, 1954

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	27	SE	NE			CANYON

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	2.670		

7. Total Quantity Appropriated is:
2.670 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? NO

A63-05258

Page 1

Date: 02/21/90

MICROFILMED

JUL 25 1994

13. Other Water Rights Used:

14. Remarks:

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

Known as Well # 6

15. Basis of Claim: STATUTORY CLAIM

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

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
Title
the City of Nampa and that the statements contained in the
Organization
foregoing document are true and correct.

Larry Blodine
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

Liana Lamborg
Notary Public

Seal

Residing at Nampa, Idaho

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

old (D) Number -

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

State- ID Zip- 83651

+ - -	Priority Date	- - +	+ - - -	Region	- - - +	+ - - -	Stage	- - - +	+ - - -	Status	- - - +
				14 WESTERN			S - STATUTORY CLAIM				
				01/01/1954							

[illegible][illegible]

40 - MUNICIPAL		01/01	12/31	2.670
+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +		
2.670				

+	trwn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County	+
---	------	-----	-----	-------	-----	-------	--------------	-------------	--------	---

+ - - Other Rights for Same Use -

	Remarks	
P/U WITHIN THE CITY OF NAMPA.. A MUNICIPALITY.		

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

+ - - - - +
- - - - -
+ - - - - +

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

-	- - - Decree Plaintiff	- - - +	+ - - - - Decree Defendant	- - - +	+ - Decree Date
					00/00/0000

JUL 25 1994

WATER RIGHT

No Comments Found

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

JUL 25 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

City of Nampa

CLAIM IDENT. NO.

A63-05258

DATE RECEIVED 3/28/90 RECEIPT # C015984 FEE PAID \$9120 FEE REQ'D \$317

	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? If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	☒	☐	N/A ☐
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? (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.	☒	☐	N/A ☒
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?	<u> </u>	<u> ✓ </u>
24. Can this claim be data entered?	<u> ✓ </u>	<u> </u>
25. Was claim modified?	<u> </u>	<u> ✓ </u>
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: JN 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: _____

MAR 04 2008

CHRISTOPHER H. MEYER
DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: chris_meyer@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
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
William C. Cole
Michael C. Creamer
Amber N. Dina
Krislin Bjorkman Dunn
Thomas E. Dvorak
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Meilillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.

G. Andrew Page
Angela M. Reed
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

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:

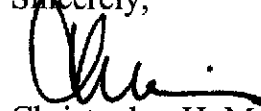
I am writing on behalf of my client, the City of Nampa, to confirm our telephone conversation the other day. As you know, the City of Nampa has pending various objections to the Director's Recommendations on its water rights. For each of its municipal water rights, the City requested that the Department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

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosure

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

RECEIVED

JUN 20 2007

**DEPARTMENT OF
WATER RESOURCES**

**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 63-5258
(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: 2.67 cfs (avg. daily peak flow); 1,933.0 acre-feet (annual volume)
- 4 ☒ **Priority Date**
Should be: 7/1/1954
- 5 ☒ **Point(s) of Diversion**
Should be: See Appendix A (10 PODs for Potable 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):** _____

Basis of Claim: This beneficial use claim is associated with Domestic Well #6 located at T3N R2W §27 SENE. This well has been in continuous operation since 1/1/1954 and remains in

use today.

Corrected PODs: The City has included a corrected list of 10 PODs associated with the integrated potable water delivery system. The City's Amended Claim identified the incorrect quarter-quarter for Well No. 5 and the incorrect township and lot for Well No. 10.

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

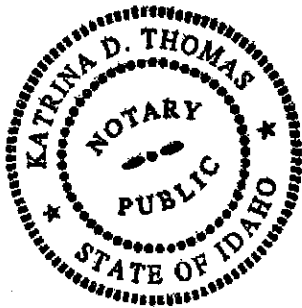
Original POD Remark: The Department included a remark stating "To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right as [original 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.

State of Idaho)
) ss
County of Ada)

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.

Christopher H. Kelly
(Attorney signing in representative capacity)

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 A to City of Nampa's Objections - List of PODs for Integrated Potable Water System (SRBA Rights Only)

Well Name	Location	Original Water Right(s) Associated with Well	Priority Date Associated with Well	Diversion Rate (cfs) of Original Water Right(s)
Domestic Well #1	T3N R2W S22 NWSE	63-2533 63-28219	12/24/1937	1.22
Domestic Well #2	T3N R2W S22 NWSE	63-2533 63-28219	12/24/1937	
Domestic Well #3	T3N R2W S22 NWNW	63-2779	9/2/1949	2.00
Domestic Well #4	T3N R2W S22 SWNE	63-2781	9/2/1949	3.00
Domestic Well #5	T3N R2W S22 SWSE	63-2782 63-28220	12/1/1949	1.93
Domestic Well #6	T3N R2W S27 SENE	63-5258	7/1/1954	2.67
Domestic Well #7	T3N R2W S17 SWNE	63-10212	6/28/1983	2.23
Domestic Well #8	T3N R2W S14 NWSE	63-7587	3/6/1972	2.79
Domestic Well #9	T3N R2W S17 SWNW	63-8324	6/1/1976	3.00
Domestic Well #10	T2N R2W S3 NWNW, Lot 4	63-9180	9/27/1978	4.00
TOTAL				22.84

11/21/2006

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

RIGHT NUMBER: 63-5258

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

DISALLOWED: No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

11/21/2006

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

RIGHT NUMBER: 63-5258
NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE:

QUANTITY: 2.670 CFS

PRIORITY DATE: 01/01/1954

POINT OF DIVERSION:

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

The points of diversion for this right and Right Nos. 63-2779, 63-2781, 63-2782, 63-10212, 63-7567, 63-8324, and 63-9180 are diverted through the points of diversion described in Right No. 63-2533.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	1/01 12/31	2.670 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:

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 Well #6 located in T3N, R2W, Sec. 27, SENE.

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.

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Extra Notice

Provided with Mailing of Preliminary Recommendation

Dated November 20, 2006

Claim No. 63-5258

Attached please find two descriptions of a water right claimed by your municipality with basis of beneficial use. The first is a recommendation for disallowal, which we must submit to the SRBA Court if more information is not provided.

The second is a description of the water right showing the date of priority and the rate of flow claimed. **We can submit this recommendation to the SRBA Court only if convincing supporting information is provided to this office soon.**

Please provide evidence of:

X Date of priority (date of first use of water from the well described by this claimed water right)

X Rate of flow provided by this system (measurement information or a pump rating curve for the pump in the claimed well as of the claimed date of priority)

Please provide this information by fax to 208-287-6700, attn: Dave Tuthill, no later than December 7, 2006 to ensure the information is considered by IDWR prior to filing the Director's Report for this water right.

More information is provided in the enclosed pamphlet entitled: Evidence of Priority.

If you have questions please call Dave Tuthill at 287-4805.

Extra Notice

Provided with Mailing of Preliminary Recommendation

Dated November 20, 2006

Claim No. 63-5258

Attached please find two descriptions of a water right claimed by your municipality with basis of beneficial use. The first is a recommendation for disallowal, which we must submit to the SRBA Court if more information is not provided.

The second is a description of the water right showing the date of priority and the rate of flow claimed. **We can submit this recommendation to the SRBA Court only if convincing supporting information is provided to this office soon.**

Please provide evidence of:

✓ Date of priority (date of first use of water from the well described by this claimed water right)

✓ Rate of flow provided by this system (measurement information or a pump rating curve for the pump in the claimed well as of the claimed date of priority)

Please provide this information by fax to 208-287-6700, attn: Dave Tuthill, no later than December 7, 2006 to ensure the information is considered by IDWR prior to filing the Director's Report for this water right.

More information is provided in the enclosed pamphlet entitled: Evidence of Priority.

If you have questions please call Dave Tuthill at 287-4805.

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

Drs 11/19/06

- 63-20264 - OK (Single Household Domestic)
- 63-7954 - OK (separate SW - licensed in 2003)
- 63-5257 - 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.

Drs 11/19/06

05/22/2006

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

RIGHT NUMBER: 63-5258

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.670 CFS

PRIORITY DATE: 01/01/1954

POINT OF DIVERSION:

T03N R02W S27 SENE Within CANYON County

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
1/01 12/31

QUANTITY
2.670 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

*Recommend for disallowal
No evidence of date of Priority or rate of flow*

Draft

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-5258 V1

WATER RIGHT NUMBER: 63-5258 V1

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

Priority Date: 01/01/1954
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	2.670 CFS	
	<u>Total Diversion:</u>	2.670 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 27, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of Use

Conditions of Approval:

1. 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.
2. 124 Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.

Remarks:

Comments:

1. awarntje 9/30/2005 Priority
Comment: Need evidence of priority.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5258 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 8:44:28 AM	awarntje			Active
Priority Date	9/30/2005 8:45:55 AM	awarntje			Active
POD	9/30/2005 8:47:22 AM	awarntje			Active
Source	9/30/2005 8:47:45 AM	awarntje			Active
POU	9/30/2005 8:48:59 AM	awarntje			Active
Use	9/30/2005 8:49:39 AM	awarntje			Active
Season	9/30/2005 8:50:12 AM	awarntje			Active
Quantity	9/30/2005 8:50:53 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>
POD	9/30/2005 8:47:22 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5258 V1

Quantity	9/30/2005 8:50:53 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 8:51:57 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?
POU	9/30/2005 8:49:00 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?
Use	9/30/2005 8:49:40 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?
Contacts	9/30/2005 8:44:28 AM	awarntje	(No) 1. Do you want to schedule an appointment?
General	9/30/2005 8:45:56 AM	awarntje	Comment for 1: Sufficient info in file (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 sufficien

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5258 V1

evidence of Priority Date?

Source	9/30/2005 8:47:45 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?
Season	9/30/2005 8:50:12 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?

Water Supply Bank:

Field Investigation Report

Completed by **Karan Waters**

Claim Number 63-5258

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

☒ **Verified**

☐ **New owner**

Appointment Date: 12/11/02

Appointment Time: 10:30 AM

POD id 302790

Legal Description 03N 02W 27 SE NE

Desc of Diversion W well, pump and pipeline

Site Tag # A0002092

GPS File Name 189

Motor Make Submersible

Pump Make Submersible

Horsepower 75

Pressure gage 65 psi

pump bowl or static pump

Depth level 487 Ft.

dyn. pump level 477 Ft.

POD Remarks:

WELL #6 located at E. Roosevelt & 6th St. S. Maintenance man estimated horsepower. Pump was dismantled and in the shop at time of inspection.

Pressure gage at sprinkler 0 psi

Bucket Measurment (gps) 0.

Calc Method: Theoretical

Flow (cfs) 0.60

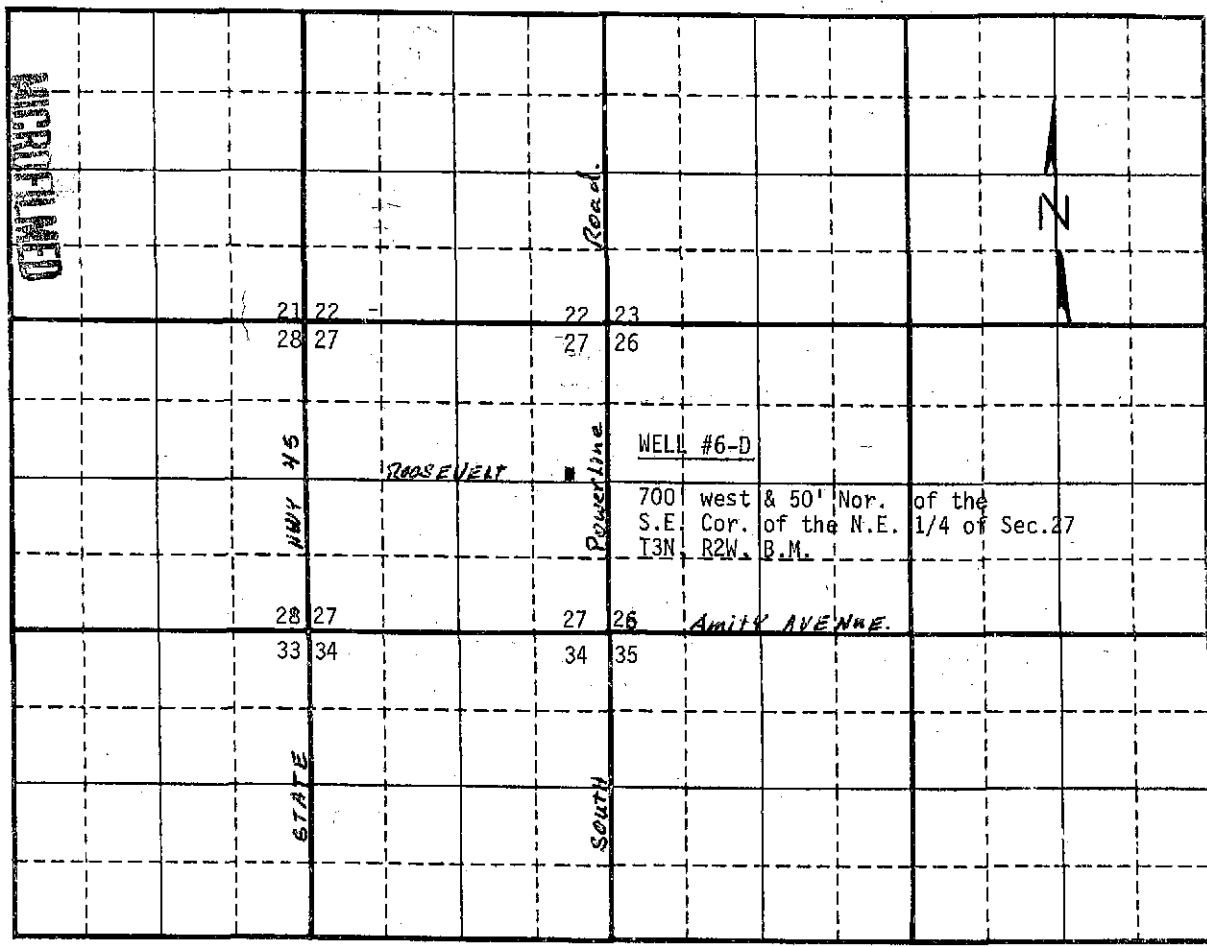
Photos

dsc00077 map
dsc00093 pump house
dsc00094 pumping system



OCT 21 2002

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Canyon) ss.

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

Larry Blidore - City Engineer
(Claimant)

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

Camille M. Beaubien
Notary Public
Residing at Nampa

My commission expires _____

FOR DEPARTMENT USE ONLY

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



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