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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

63-8324

Date Received

Receipt Number

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

AMENDED

AMENDED

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) June 1, 1976
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	<u>Municipal</u>	purposes from	<u>1/1</u>	to	<u>12/31</u>	amount	<u>3.00</u>	or
For		purposes from		to		amount		or
For		purposes from		to		amount		or
For		purposes from		to		amount		or

7. Total quantity claimed (a) 3.00 (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:

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**

SCANNED

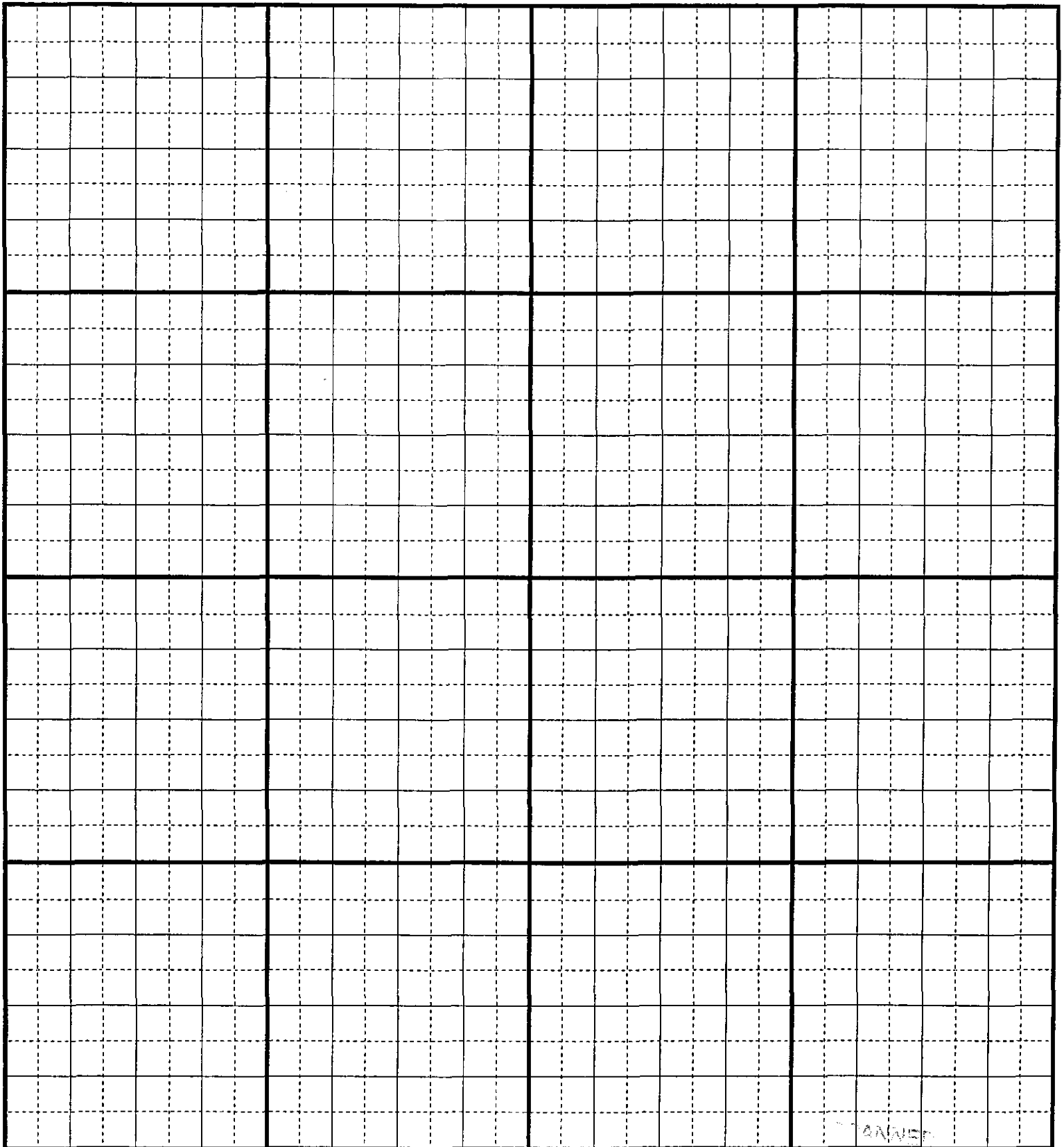
Last Name City of Nampa

Ident. Number 63-8324

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**



Last Name City of Nampa

Ident. Number 63-8324

MAY 10 2004

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 _____)

) SS.

County of Canyon)

Subscribed and sworn to (or affirmed) 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 63-8324

SCANNED
MAY 19 2004

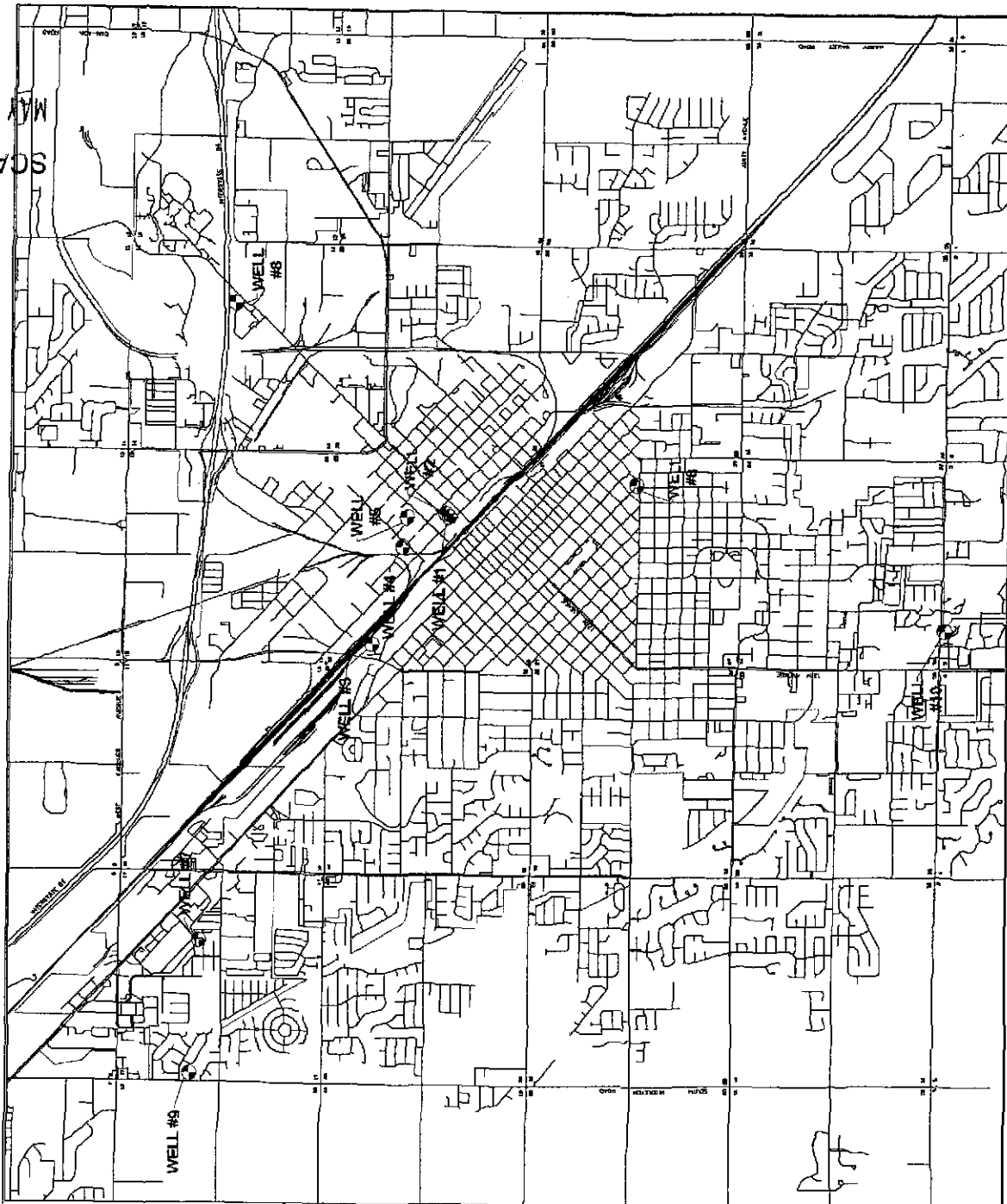
Exhibit A

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

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MAY 19 2004

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MAY 19 2004



SCALE 1" = 1/2 MILE

LEGEND

- CITY LIMITS (1987)
- DOMESTIC WELL LOCATIONS

JUB

Engineering & Surveying, P.A.

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: A63-08324
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 SO
NAMPA ID 83651
2. Date of Priority: JUN 1, 1976
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	17		SW	NW		CANYON

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	3.000		

7. Total Quantity Appropriated is:
3.000 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
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

MICROFILMED
JUL 25 1994

13. Other Water Rights Used:

14. Remarks:

P/U WITHIN CITY LIMITS OF NAMPA.
KNOWN AS WELL #9

15. Basis of Claim: LICENSE

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 _____

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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: A63-08324
Date Received: ~~2/21/1990~~ 3/24/90
Receipt No: 0015984
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 28 1990

1. Name: CITY OF NAMPA
Address: CITY HALL 411-3rd. St. So.
NAMPA, ID 83651

2. Date of Priority: JUN 01, 1976

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	17	SW	NW			CANYON

5. Description of diverting works:
Well, pumps, and pipeline

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	3.000		

7. Total Quantity Appropriated is:
3.000 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
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties: *Canyon*

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

P/U WITHIN CITY LIMITS OF NAMPA.

Known as well #9

15. Basis of Claim: LICENSE

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
the City of Nampa, that I have signed the foregoing
document in the space below as the City Engineer of
the City of Nampa and that the statements contained in the
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 Lambing
Notary Public

Seal

Residing at Nampa, Idaho

My Commission Expires 12/21/90

A63-08324

Page

2

Date: 02/21/90

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[illegible]

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 JUL 25 1994

[illegible]

-	Field Exam Fee
-	Swan Falls
-	Temporary Right
-	DLE/Carey Act
-	Water District
-	Transfer/Amended

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ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

City of Nampa

CLAIM IDENT. NO.

A03-08324

DATE RECEIVED 3/28/90 RECEIPT # C015984 FEE PAID \$9120 FEE REQ'D \$350

	YES	NO	Require 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 ☒	☐	*

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	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: HHS Date 12/6/93
 Claim data entered by: JDV 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: 208 407-2782
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
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
William C. Cole
Michael C. Creamer
Amber N. Dina
Kristin 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. Melillo
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

**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 63-8324
(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: 3.00 cfs (avg. daily peak flow); 2,171.9 acre-feet (annual volume)
4. ☐ **Priority Date**
Should be: _____
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: _____
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 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.

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)

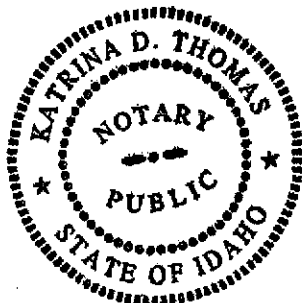
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(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:

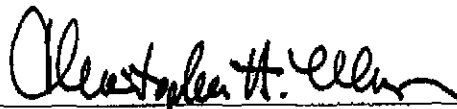
Name: City of Nampa
Attention Michael Fuss
Public Works Director
Address: 411 3rd Street South
Nampa, ID 83651

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 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	63-7567	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: 63-8324
NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE:

QUANTITY: 3.000 CFS
PRIORITY DATE: 06/01/1976

POINT OF DIVERSION:

The points of diversion for this right and Right Nos. 63-2779, 63-2781, 63-2782, 63-5258, 63-10212, 63-7567, and 63-9180 are diverted through the points of diversion described in Right No. 63-2533.

This water right is part of the 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	1/01 12/31	3.000 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 Well # 9 located in T3N, R2W, Sec. 17, SWNW.

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: 63-8324

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.000 CFS

PRIORITY DATE: 06/01/1976

POINT OF DIVERSION:

T03N R02W S17 SWNW 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
3.000 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

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that CITY OF NAMPA

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Municipal	from January 1 to December 31	at 3.0 cfs and	N/A
	from to	cfs and	
	from to	at cfs and	

Description and location of place of use: CITY OF NAMPA, IDAHO

[illegible]

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of

ss the seal and
April

1979

2. *Stephen B. Reed*

Director

MICROFILM

D r , P t

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8324 V1

WATER RIGHT NUMBER: 63-8324 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: 06/01/1976

Basis: License

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	3.000 CFS	
	<u>Total Diversion:</u>	3.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 17, 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:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8324 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>
Priority Date	1/13/2004 4:21:55 PM	lpew			Active
Source	1/13/2004 4:22:04 PM	lpew			Active
POU	1/13/2004 4:23:01 PM	lpew			Active
Use	1/13/2004 4:23:08 PM	lpew			Active
Season	1/13/2004 4:23:31 PM	lpew			Active
Quantity	1/13/2004 4:23:38 PM	lpew			Active
Contacts	10/3/2005 8:55:12 AM	awarntje			Active
POD	10/3/2005 8:55:36 AM	awarntje			Active
Summary			10/03/2005	awarntje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/3/2005 8:55:13 AM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
POD	10/3/2005 8:55:36 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8324 V1

Summary	10/3/2005 8:56:38 AM	awamtje	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (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?
Priority Date	1/13/2004 4:21:55 PM	lpew	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	1/13/2004 4:22:05 PM	lpew	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Season	1/13/2004 4:23:31 PM	lpew	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	1/13/2004 4:23:39 PM	lpew	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8324 V1

POU	1/13/2004 4:23:02 PM	lpew	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
Use	1/13/2004 4:23:09 PM	lpew	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

Water Supply Bank:



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 cursive script, reading "Shelley Walter Keen".

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

A63-08324



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

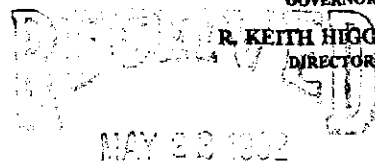
CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 22, 1992



Scott L. Campbell
Davis, Wright, Tremaine
702 W. Idaho St., #700
Boise, ID 83702

Department of Water Resources
Western Regional Office

RE: Change in Notice of Appearance of Counsel on the Snake River
Basin Adjudication Claims for Owen Ranches, Pioneer Irrigation
District, Cyprus Thompson Creek Mining Company, Conversion
Industries U.S.A., Inc. and Settlers Irrigation District

Dear Scott:

The five computer reports enclosed confirm the change in firm
and address you requested in your letter dated February 13, 1992.
By comparing these reports to the list you supplied with your
letter, you will see not all of the water right claims listed in
your attachments were changed. Those claim records not changed are
filed by persons other than your client(s).

The possibility of questions I raised in our telephone
conversation last week were resolved for my part. If you have any
questions or need some points clarified, please feel free to
contact me.

Thank you for supplying the claim lists in an orderly fashion.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:region(s)

Enclosures:

Five Computer Reports

MICROFILMED

JUL 25 1994

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

RECEIVED
FEB 25 1992

Department of Water Resources

SCOTT L. CAMPBELL
(208) 338-8219

February 24, 1992

Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

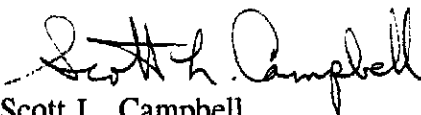
Re: Notice of Change in Address and Firm Affiliation

To Whom it May Concern:

Please note that I have changed my law firm affiliation, effective January 1, 1992. I am now a partner with the Boise office of Davis Wright Tremaine with the above new address. Please make sure that all documents sent to me from Water Resources, including the Weekly Water Right Print Out sheets, are revised to reflect this change. Thank you for your assistance.

Very truly yours,

DAVIS WRIGHT TREMAINE


Scott L. Campbell

SLC:md

MICROFILMED

JUL 25 1994

FAX: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • HONOLULU, HAWAII • LOS ANGELES, CALIFORNIA
PORTLAND, OREGON • RICHLAND, WASHINGTON • SAN FRANCISCO, CALIFORNIA • SEATTLE, WASHINGTON • WASHINGTON, D.C.

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

SCOTT L. CAMPBELL
(208) 338-8219

February 13, 1992

Mr. David B. Shaw
Bureau Chief
Adjudications Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

RECEIVED
FEB 14 1992

Department of Water Resources

**Re: Change in Notice of Appearance of Counsel on the Snake River Basin
Adjudication Claims for Owen Ranches, Pioneer Irrigation District,
Cyprus Thompson Creek Mining Company, Conversion Industries U.S.A.,
Inc. and Settlers Irrigation District**

Dear David:

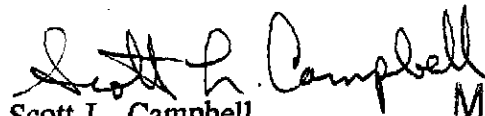
Pursuant to a prior telephone conversation with Ms. Lynne Krogh-Hampe, I am providing this correspondence to notify the Idaho Department of Water Resources of my change of address and affiliation. I am presently a partner with the law firm of Davis Wright Tremaine at the above-referenced address.

Because of this change, I request that the Idaho Department of Water Resources make the necessary modifications to its records pertaining to the Snake River Basin Adjudication regarding the water rights and notices of claim identified for the above-referenced clients, as indicated on the attached lists, marked Exhibit A. Based upon my prior conversations with Lynne, she indicated that one letter with identification of the individual water right numbers would be sufficient. Please notify me in writing if this is not the case. Additionally, I would appreciate receiving written confirmation that the requested changes in your records have been made, so that I may include copies of your confirmation in the individual claim files for each client and each water right.

Thank you very much for your cooperation.

Very truly yours,

DAVIS WRIGHT TREMAINE


Scott L. Campbell

MICROFILMED

SLC:md
Enclosures

JUL 25 1994

FAX: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • HONOLULU, HAWAII • LOS ANGELES, CALIFORNIA
PORTLAND, OREGON • RICHLAND, WASHINGTON • SAN FRANCISCO, CALIFORNIA • SEATTLE, WASHINGTON • WASHINGTON, D.C.

A55-02079B

A55-02090

A55-02113

A55-02173

A55-02409

A55-04008

Beneficial Use

September 21, 1910

A55-04009

Beneficial Use

March 2, 1927

A55-04010

Beneficial Use

October 9, 1914

A55-04011

Beneficial Use

September 23, 1910

A55-04012

A55-10136

Beneficial Use

December 31, 1860

A55-10137

Beneficial Use

December 31, 1860

A55-10138

Beneficial Use

December 31, 1860

A55-10139

Beneficial Use

December 31, 1860

A55-10140

Beneficial Use

December 31, 1920

A55-10141

Beneficial Use

December 31, 1860

A55-10142

Beneficial Use

December 31, 1860

A55-10143

Beneficial Use

December 31, 1860

A55-10144

Beneficial Use

December 31, 1860

A55-10145

Beneficial Use

December 31, 1920

A55-10146

Beneficial Use

December 31, 1860

A55-10147

Beneficial Use

December 31, 1860

A55-10221

Beneficial Use

1860+

A55-10222

Beneficial Use

1860+

A55-10223

Beneficial Use

1860+

A55-10224

Beneficial Use

1860+

A55-10225

Beneficial Use

June 20, 1910

A55-10226

Beneficial Use

1860+

A55-10227

Beneficial Use

1920+

A55-10228

Beneficial Use

1860+

A65-08324

A65-10366

A65-10367

MICROFILMED

JUL 25 1994