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Documents
In File

RECEIVED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF ~~THE~~ 14 2004
 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

63-9889

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) March 30, 1982
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 3/15 to 10/30 amount 1.50 or 720

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.50 (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.

3. This claim includes an accomplished transfer of the purpose of use and place of use. To prevent enlargement, we include a volume limitation based on the diversion volume associated with the 160 acres of irrigation authorized under original the right.

Last Name City of Nampa

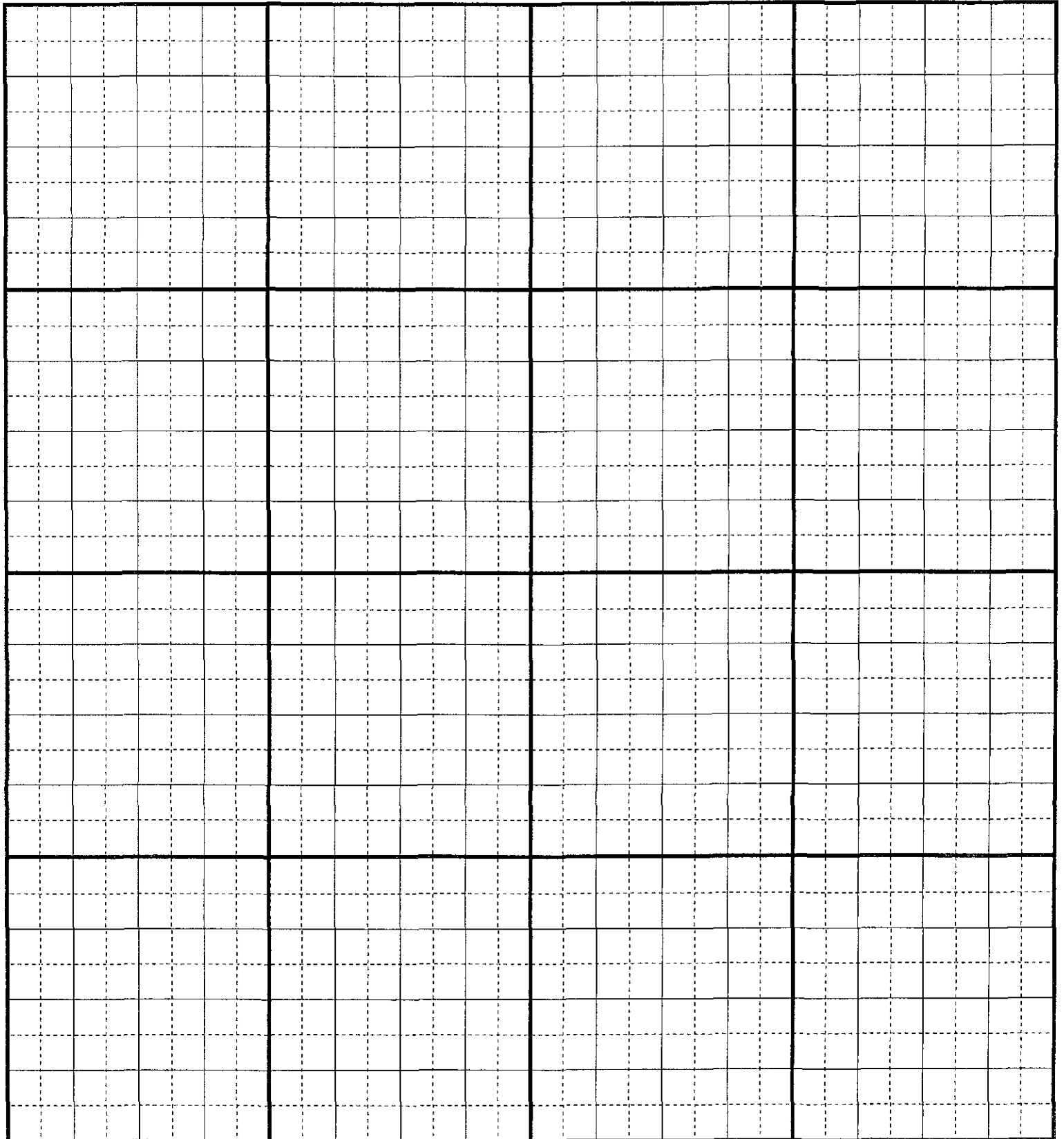
Ident. Number 63-9889

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MAY 9 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 63-9889

SCANNED

MAY 19 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.

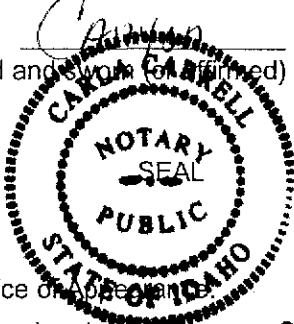
County of Canyon)

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

Notary Public [Signature]

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 63-9889

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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

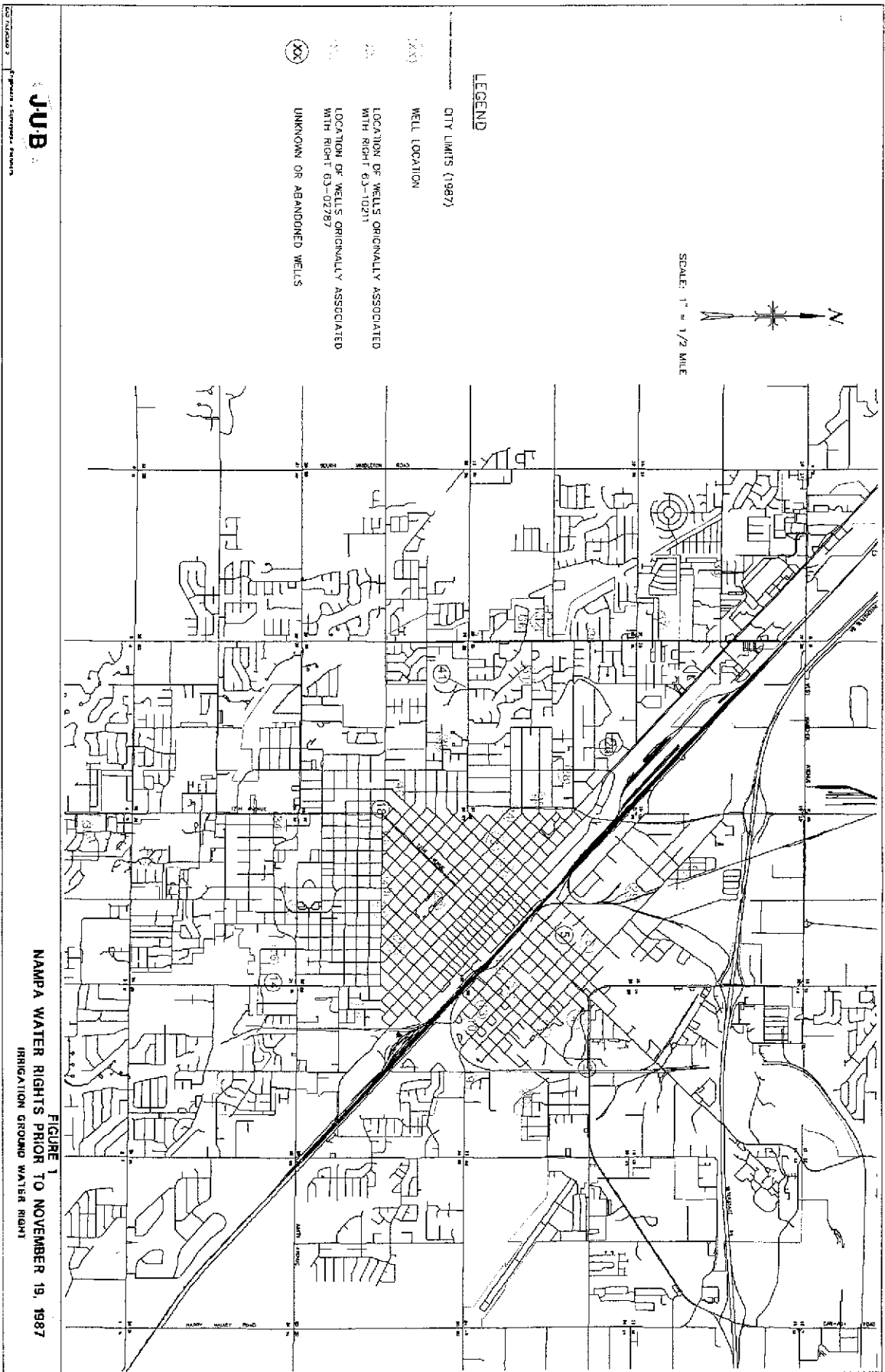


Exhibit B

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

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: A63-09889
Date Received: 4/ 1/1991
Receipt No: C015984
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CITY OF NAMPA
Address: OFFICE OF THE CITY ENGINEER
411 3RD ST SO
NAMPA ID

83651

2. Date of Priority: MAR 30, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	34		NW	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	04/01	10/15	1.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	34	NE	NW		MUNI	40.0
			NW	NW		MUNI	40.0
			SW	NW		MUNI	40.0
			SE	NW		MUNI	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	160.0
					Total Acres	160.0

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:

KNOWN AS CLOVERDALE PUMP 52-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.
POU CORRECTED TO MUNICIPAL AS CLAIMED FOR WATER USE. 9/3/97 LH

15. Basis of Claim: PERMIT

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: **A63-09889**
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. SOUTH
NAMPA ID 83651
2. Date of Priority: MAR 30, 1982
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	34		NW	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	04/01	10/15	1.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	34	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

10. Place of Use: Continued

Section Acres 160.0

Total Acres 160.0

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:

KNOWN AS CLOVERDALE PUMP 52-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: PERMIT

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED

11 13 1993

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 _____

MICROFILMED
JUL 23 1994

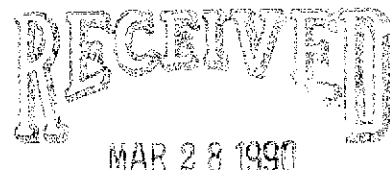
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: A63-09889
Date Received: 2/21/1990
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. SOUTH
NAMPA, ID

83651

2. Date of Priority: MAR 30, 1982

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	34		NW	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.
IRRIGATION	~~03/15~~	~~10/30~~		1.500	
Municipal	4-08	10-15			

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	34	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

Section Acres 160.0

A63-09889

Page 1

Date: 02/21/90

MICROFILMED

JUL 26 1994

10. Place of Use: Continued

Total Acres 160.0

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: *known as Colorado Pump (52-I)*
see attachment

15. Basis of Claim: PERMIT

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: 1

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 Blodgett
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

Lisa Lambing
Notary Public

Seal

Residing at Nampa, Idaho

My Commission Expires 12/21/93

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 26 1994

Water Right Number - 63-09889

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CITY OF NAMPA

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

State- ID Zip- 83651

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/30/1982 14 WESTERN P - PERMIT

+ - - Source - - - - - + + - - - - Tributary - - - - - + + - - - - +
GROUNDWATER

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County

03N 02W 34 NW NW (27) CANYON

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

01 - IRRIGATION 03/15 10/30 1.500

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.500

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

| | | | | | | | |
|-----|-----|----|-------|------|----|------------|-------------|
| 03N | 02W | 34 | NE NW | 40.0 | 01 | IRRIGATION | (27) CANYON |
| 03N | 02W | 34 | NW NW | 40.0 | 01 | IRRIGATION | (27) CANYON |
| 03N | 02W | 34 | SW NW | 40.0 | 01 | IRRIGATION | (27) CANYON |
| 03N | 02W | 34 | SE NW | 40.0 | 01 | IRRIGATION | (27) CANYON |

Total Acres: 160.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - - Remarks found. - - - - - +
No Remarks found.

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

+ - - - - - - - - - - - Conditions of Approval - - - - - +
01C - A flow measurement port or other device as specified by the
Department shall be installed by the right holder to provide for

WR5808NP
01/25/93

WATER RIGHT

```
+-----+-----+-----+-----+-----+-----+-----+-----+-----+
- - - - - {Condition continued from previous page} - - - - -
- - - - -   the installation of measuring equipment and the determination of
- - - - -   the rate of diversion by the Department.
004 - - - - - The issuance of this right in no way grants any right-of-way
      - - - - - or easement across the land of another.
```

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

+-----+
-Comments-- - - - - +

No Comments Found

+ - - Audit Fields - 01/14/87 05/01/88 CONVERT

[illegible]

| | | | | | |
|-------------------|--------------|------------------|--------------|------------------|---|
| Proof Due Date | - 07/01/1984 | Field Exam Made | - 08/14/1985 | Field Exam Fee | - |
| Approved/Denied | - 06/15/1982 | Protested Date | - | Swan Falls | - |
| Proof Made Date | - 01/01/1990 | Hearing Date | - | Temporary Right | - |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - | 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 | - | | - |

MICROFILMED
JUL 20 1985

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

City of Nampa

CLAIM IDENT. NO.

A63-09889

DATE RECEIVED 3/28/94 RECEIPT # C015784 FEE PAID \$9120 FEE REQ'D \$200

| | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 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? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 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.) | ☒ | ☐ | |
| 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? | ☒ | ☐ | * |
| 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. | ☒ | ☐ | |
| 18. If the claimant requested a monthly docket sheet, was the fee paid? | ☒ | ☐ | |
| 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? | ☒ | ☐ | * |

MICROFILMED

JUL 26 1994

YES NO

23. Is this claim being rejected and returned to claimant? ✓
24. Can this claim be data entered? ✓
25. Was claim modified? ✓

If yes, do modifications require notification to claimant? ✓

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

Claim reviewed by: HAT Date 1/26/93

Claim data entered by: JAN 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: chrismeier@givenspursley.com

WATER RESOURCES
WESTERN REGION

LAW OFFICES

601 W. Bannock Street

PO Box 2720, Boise, Idaho 83701

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David R. Lombardi
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Kenneth R. McClure
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Christopher H. Meyer
L. Edward Miller
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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 63-9889
(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

63-9889

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: 1.50 cfs (avg. daily peak flow) and 1,086.0 acre-feet
(annual volume) _____
4. ☐ Priority Date
Should be: _____
5. ☒ Point(s) of Diversion
Should be: See Appendix B (29 PODs currently in use for Integrated
Non-potable Delivery System). Also see discussion under section B 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: 1/1 to 12/31 _____
9. ☐ Place of Use
Should be: _____
11. I object because:
☐ This water right should not exist.
☒ This water right was not recommended, but should be recommended with the
elements described above.

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

SF.I - Objection
Amended 10/16/97

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.

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.

Season of Use: This is a municipal right and has always been so. It should be decreed with a year-round season of use. Decreeing municipal water rights with different seasons of use adds an unnecessary layer of complexity to administration.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

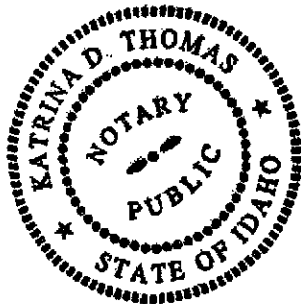
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

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

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:

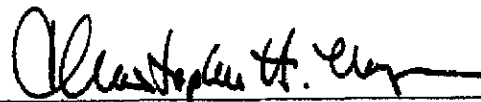
Name: City of Nampa
Attention Michael Fuss
Public Works Director
Address: 411 3rd Street South
Nampa, ID 83651

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 | Indian | T3N R2W §23 SWSW | | | |
| 12 | Meyer | T3N R2W §26 NWSW | | | |
| 13 | Chestnut | T3N R2W §34 NENE | | | |
| 14 | Kurtz | T3N R2W §34 NWNE | | | |
| 15 | Maple | T3N R2W §27 SWNW | | | |
| 16 | Holly | T3N R2W §27 SENW | | | |
| 17 | Fern | T3N R2W §27 SWNE | | | |
| 18 | 19th South | T3N R2W §27 SENE | | | |
| 19 | 14th South | T3N R2W §27 NENW | | | |
| 20 | High Street | T3N R2W §21 NESE | | | |
| 21 | Hudson | T3N R2W §21 NESE | | | |
| 22 | 4th St. South | T3N R2W §22 SE8W | | | |
| 23 | Canyon | T3N R2W §21 SENE | 63-2943 | 6/3/1953 | 1.74 |
| 24 | Birds Eye | T3N R2W §22 NENW | 63-7003 | 6/9/1967 | 7.68 |
| 25 | State St. | T3N R2W §28 NWNE | 63-7708 | 2/14/1973 | 0.40 |
| 26 | Morgan | T3N R2W §20 NESE | 63-8312 | 5/24/1976 | 0.50 |
| 27 | Grange Park | T3N R2W §17 NWSE | 63-9853 | 1/17/1982 | 1.00 |
| 28 | Colorado | T3N R2W §34 NWNW | 63-9889 | 3/30/1982 | 1.50 |
| 29 | 13th Ave. North | T3N R2W §22 NESE | 63-5257 | 1/1/1905 | 0.30 |
| Abandoned Irrigation Wells (water rights remain valid) | | | | | |
| 1 | Unnamed well near Mayor's Well | T3N R2W §23 SENW or NESW | 63-2450 | 8/13/1931 | 1.00 |
| 2 | Unnamed Well | T3N R2W §22 SWNE | 63-2780 | 9/2/1949 | |
| 3 | South Powerline | T3N R2W §36 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: 63-9889
NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE:

QUANTITY: 1.500 CFS

PRIORITY DATE: 03/30/1982

POINT OF DIVERSION:

The points of diversion for this right and Right Nos. 63-2450, 63-2484, 63-2780, 63-2787, 63-2943, 63-7003, 63-7708, 63-8312, 63-9853 are diverted through the points of diversion described in Right No. 63-2449.

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

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| MUNICIPAL | 03/01 11/15 | 1.500 CFS |

PLACE OF USE:

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

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

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

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at the Colorado Well located in T3N, R2W, Sec. 34, NWNW.

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: 63-9889

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.500 CFS

PRIORITY DATE: 03/30/1982

POINT OF DIVERSION:

POD (T03N R02W S34 NWNW within CANYON County

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

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
03/01 11/15

QUANTITY
1.500 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

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-09889

Priority: March 30, 1982

Maximum Diversion Rate: 1.50 CFS

It is hereby certified that CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated ; and has submitted Proof of
Beneficial Use on May 7, 1984. An examination indicates that the works have a diversion capacity
of 1.9 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

MUNICIPAL

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

1.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

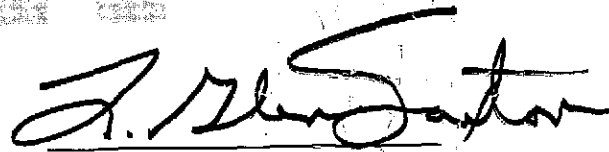
NW¼NW¼ Sec. 34, Twp 03N, Rge 02W, B.M. CANYON County

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 25th day of April, 2005.


for **KARL J. DREHER**
Director

SCANNED

MAY 11 2005

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9889 V1

WATER RIGHT NUMBER: 63-9889 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: 03/30/1982

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 | 4/01 to 10/15 | 1.500 CFS | |
| | <u>Total Diversion:</u> | 1.500 CFS | |

Location of Point(s) of Diversion

| | | |
|---------------|------------|---------------------------------|
| GROUND WATER | NW1/4NW1/4 | Sec. 34, 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.
3. 004 This right does not grant any right-of-way or easement across the land of another.

Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9889 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 | 10/3/2005 10:28:52 AM | awarntje | | | Active |
| Priority Date | 10/3/2005 10:29:29 AM | awarntje | | | Active |
| POD | 10/3/2005 10:29:51 AM | awarntje | | | Active |
| Source | 10/3/2005 10:30:14 AM | awarntje | | | Active |
| POU | 10/3/2005 10:38:51 AM | awarntje | | | Active |
| Use | 10/3/2005 10:55:22 AM | awarntje | | | Active |
| Season | 10/3/2005 10:56:17 AM | awarntje | | | Active |
| Season | 10/3/2005 11:01:18 AM | awarntje | | | Active |
| Season | 10/3/2005 11:01:26 AM | awarntje | | | Active |
| Quantity | 10/3/2005 11:02:46 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 10:28:53 AM | awarntje | (No) 1. Do you want to schedule an appointment? |
| | | | Comment for 1: Sufficient info in file |
| General | 10/3/2005 10:29:29 AM | awarntje | (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? |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9889 V1

| | | | |
|----------|-----------------------|----------|---|
| POU | 10/3/2005 10:38:51 AM | awarntje | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2a. Is the POU required?</p> <p>(Yes) 14. Is a POU remark and/or condition required?</p> |
| Use | 10/3/2005 10:55:22 AM | awarntje | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p> |
| Season | 10/3/2005 10:56:17 AM | awarntje | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 5. Can the claimed Period of Use be verified using the water right file?</p> <p>(Yes) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 7. Does the claim include an enlargement in the Period of Use?</p> <p>(No) 9. Was an enlargement claim filed?</p> |
| Season | 10/3/2005 11:01:19 AM | awarntje | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 5. Can the claimed Period of Use be verified using the water right file?</p> <p>(Yes) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(No) 7. Does the claim include an enlargement in the Period of Use?</p> <p>(No) 8. Can the change be recommended as an accomplished transfer?</p> <p>(No) 11. Was a transfer filed?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(No) 14. Is irrigation claimed as a Purpose of Use?</p> |
| Quantity | 10/3/2005 11:02:47 AM | awarntje | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9889 V1

| | | | |
|---------|-----------------------|----------|---|
| POD | 10/3/2005 10:29:52 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? |
| Source | 10/3/2005 10:30:14 AM | awarntje | (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 | 10/3/2005 11:01:26 AM | awarntje | (Yes) 1. Is the basis of claim Decree or License?
(Yes) 4. Does the Decree or License have a Period of Use?
(No) 5. Can the claimed Period of Use be verified using the water right file?
(Yes) 6. Is there evidence that there has been a change in the Period of Use?
(No) 7. Does the claim include an enlargement in the Period of Use?
(No) 8. Can the change be recommended as an accomplished transfer?
(No) 11. Was a transfer filed?
(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?
(Yes) 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) 14. Is irrigation claimed as a Purpose of Use?
(No) 18. Is a Period of Use remark and/or condition required? |
| Summary | 10/3/2005 11:03:53 AM | awarntje | (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? |

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.

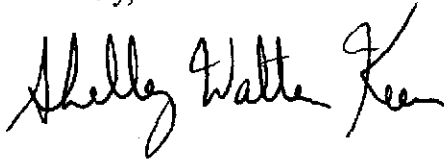
Normally IDWR will not issue a well drilling permit authorizing well construction until the associated water right filing is processed and approved. However, to avoid delaying your project while you are reviewing your options, IDWR will consider issuing a well drilling permit now if you accept the risk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

City of Nampa
August 14, 2002
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is how you want to proceed, please submit your application for drilling permit and a request for expedited approval of the drilling permit. I have enclosed forms for you to use.

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

Sincerely,

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

Shelley Walter Keen
Water Rights Supervisor

Enclosures

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