

08/06/2008

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

RIGHT NUMBER: 63-28220

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.930 CFS

PRIORITY DATE: 12/01/1949

POINT OF DIVERSION:

T02N R02W S3 NWNW Lot 4 Within CANYON County

T03N R02W S14 NWSE Within CANYON County

T03N R02W S17 SWNE Within CANYON County

T03N R02W S17 SWNW Within CANYON County

T03N R02W S22 SWNE Within CANYON County

T03N R02W S22 SWNE Within CANYON County

T03N R02W S22 NWNW Within CANYON County

T03N R02W S22 NWSE Within CANYON County

T03N R02W S22 NWSE Within CANYON County

T03N R02W S27 SENE Within CANYON County

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	1.930 CFS

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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 #5 located in T3N, R2W, Sec. 22, SWNE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-28220 V1

WATER RIGHT NUMBER: 63-28220 V1

Owner Type Name and Address
 Current Owner CITY OF NAMPA
 411 3RD ST S
 NAMPA, ID 83651
 (208) 466-6000

Priority Date: ^{12/1/11} ~~09/02/1949~~

Basis: Beneficial Use

Status: ~~Disallowed~~Source gw Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	1.930 CFS ✓	
	<u>Total Diversion:</u>	1.930 CFS ✓	

Location of Point(s) of Diversion

add-

Place of Use

add-

Conditions of Approval:

1. ~~P01~~ No lawful appropriation shown.
2. ~~THIS CLAIM IS BEING FILED IN ORDER TO CHANGE THE PRIORITY DATE FROM 11/25/1959 UNDER LICENSE NO. 63-02782 TO 9/2/1949. SAID DATE IS WHEN THIS PARTICULAR WELL WAS PUT INTO SERVICE.~~
- Keep 3. ~~C18~~ This water right is part of the potable water delivery system for the City of Nampa.
- Keep 4. ~~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.
5. ~~P11~~ No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.
- keep 6. 124 Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.

Remarks:

add condition #1 from 2782
 11 ~~15~~ 11

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-28220 V1

Comments:

1. awamtje 10/3/2005 Priority
Comment: Need evidence of priority.
2. awamtje 10/3/2005 Water Use
Comment: Water use is listed as commercial. Check
3. awamtje 10/3/2005 POU
Comment: POU has not been linked to large POU.

Dates and Other Information:

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:

SubCase:

SubCase Number: 63-28220
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: awamtje
Basis of Claim: Beneficial Use
Date Filed: 6/19/2006 Objection Status: Active

Water Supply Bank:

MEMORANDUM

TO: CITY OF NAMPA FILES

FROM: KAY WALKER

RE: INFORMATION

Date: August 5, 2008

See file 63-2449 for book submitted by Chris Meyer on 1/30/2008. This book contains requested additional information in support of SRBA claims. The book has also been scanned and attached to the City's claims that were objected to.

File 63-2449 also contains some maps that were submitted that are too large to scan.