

11/21/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 08 2006
DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 7, 2006

Water right number: 63-7830 (63-07030)

CITY OF NYSSA
14 S 3RD ST
NYSSA OR 97913
Telephone Number: (503)372-2264

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-5-06 SIGNATURE: Bill Ewing
Please print your name: BILL EWING

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 09 2006

11/17/2006

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

RIGHT NUMBER: 63-7830

NAME AND ADDRESS: CITY OF NYSSA
14 S 3RD ST
NYSSA OR 97913

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/18/1973

POINT OF DIVERSION:

T06N R05W S7 NWNE Lot 1 Within CANYON County

Five points of diversion are located within Lot 1 (NWNE), S07, T06N, R05W.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

1/01 12/31

1.000 CFS

PLACE OF USE: MUNICIPAL in CANYON County

T06N R05W S07

Place of use is within the service area of the City of Nyssa 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

Draft

10/04/2005

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

RIGHT NUMBER: 63-7830

NAME AND ADDRESS: CITY OF NYSSA
14 S 3RD ST
NYSSA OR 97913

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/18/1973

POINT OF DIVERSION:

T06N R05W S7 NWNE Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
1/01 12/31

QUANTITY
1.000 CFS

PLACE OF USE: MUNICIPAL Within CANYON County
T06N R05W S07

Place of use is within the service area of the City of Nyssa 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

Five RODs -
Use same land as
63-3608

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7830 V1

WATER RIGHT NUMBER: 63-7830 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF NYSSA 14 S 3RD ST NYSSA, OR 97913 (503)372-2264

Priority Date: 07/18/1973

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	1.000 CFS	
	<u>Total Diversion:</u>		1.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	L1 (NW1/4NE1/4)	Sec. 7, Twp 06N, Rge 05W, B.M.
CANYON County		

Place of UseMUNICIPAL Within CANYON County

T06N R05W S07

Conditions of Approval:

1. 124 Place of use is within the service area of the City of Nyssa 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:

1. awarntje 10/4/2005 POD
Comment: License shows Govt Lot 7 and claimed is Govt Lot 1. Check
2. awarntje 10/4/2005 POU
Comment: No city map. No POU has been entered.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7830 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	10/4/2005 8:32:49 AM	awarntje			Active
Priority Date	10/4/2005 8:37:02 AM	awarntje			Active
POD	10/4/2005 8:38:56 AM	awarntje			Active
Source	10/4/2005 8:39:51 AM	awarntje			Active
Use	10/4/2005 8:40:38 AM	awarntje			Active
Season	10/4/2005 8:40:59 AM	awarntje			Active
Quantity	10/4/2005 8:41:31 AM	awarntje			Active
Summary			10/04/2005	awarntje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/4/2005 8:32:50 AM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
Use	10/4/2005 8:40:39 AM	awarntje	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7830 V1

Quantity	10/4/2005 8:41:32 AM	awarntje	(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?
General	10/4/2005 8:37:02 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?
POD	10/4/2005 8:38:56 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD?
Source	10/4/2005 8:39:52 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	10/4/2005 8:41:00 AM	awarntje	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7830 V1

Summary 10/4/2005 8:42:26 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:

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that City of Nyssa

Total number of acres irrigated _____

Acting for the Director

PRC

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: **A63-07830**
Date Received: 4/30/1990
Receipt No: W012320
Received By: _____

AMENDED

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

AMENDED

1. Name: CITY OF NYSSA 503-372-2264
Address: C/O CITY MANAGER
14 S. 3RD ST.
NYSSA OR 97913

2. Date of Priority: JUL 18, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05W	7	NW	NE		1	CANYON

5. Description of diverting works:
5 INTERCONNECTED WELLS, VIA 2 STORAGE TANKS, INTO SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL USE IS CITY OF NYSSA, OREGON & SURROUNDING SERVICE AREA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

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

13. Other Water Rights Used:
A63-03608, A63-07665

14. Remarks:

WATER RIGHT ORIGINALLY REFERRED ONLY TO WELL NO. 3.

P/U CITY WATER CUSTOMERS (NYSSA,OR.) VIA CITY-OWNED DISTRIBUTION
SYSTEM

CLAIM AMENDED PER TRANSFER NO. 4362 APPROVED 06/02/1994.

FIVE POINTS OF DIVERSION ARE LOCATED WITHIN LOT 1 (NWNE), S07,
T06N, R05W.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY
OF APPROVED TRANSFER NO. 4362.

15. Basis of Claim: LICENSE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

✓ Carter
✓ Roxanne
M Western AJ

TRANSFER NO. 4362
WATER RIGHT NO(S). 63-03608/63-07665/63-07830 **RECEIVED**

AUG 11 1994

WATER RESOURCES
WESTERN REGION

This is to certify that: **CITY OF NYSSA**
14 S 3RD ST
NYSSA OR 97913

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-03608 :			
MUNICIPAL	01/01 to 12/31	1.34 CFS	863.9 AF
Priority: 08/03/1964			
Right No. 63-07665 :			
MUNICIPAL	01/01 to 12/31	0.95 CFS	
Priority: 09/26/1972			
Right No. 63-07830 :			
MUNICIPAL	01/01 to 12/31	1.00 CFS	
Priority: 07/18/1973			
	TOTAL:	3.29 CFS	

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNE), Sec. 7, Township 06N, Range 05W
CANYON County

PLACE OF USE: Within the city of Nyssa, Oregon & the surrounding service area.

CONDITIONS/REMARKS:

- 040
T07
T08
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
 2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
 3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

MICROFILMED
OCT 07 1996

TRANSFER NO. 4362
WATER RIGHT NO(S). 63-03608/63-07665/63-07830

CONDITIONS/REMARKS:

- 109/ 4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- 016/ * 5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 6. Five points of diversion are located within Lot 1 (NWNE), S07, T06N, R05W.

Dated this 2nd day of

June, 1994

[Signature]

Chief, Water Alloc. Bureau

MICROFILMED
OCT 07 1996

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: A63-07830

Date Received: 4-30-90

Receipt No: 6012320

Received By: _____

RECEIVED

APR 27 1990

30ms
Department of Water Resources
Western Regional Office

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

1. Name: CITY OF NYSSA 503-372-2264
Address: C/O CITY MANAGER
14 S. 3RD ST.
NYSSA, OR 97913

2. Date of Priority: JUL 18, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05W	7	NW	NE		1	CANYON

5. Description of diverting works:
4 INTERCONNECTED WELLS, VIA 2 STORAGE TANKS, INTO SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL USE IS CITY OF NYSSA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

A63-07830

Page 1

Date: 04/25/90

MICROFILMED

AUG 24 1992

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

13. Other Water Rights Used:
A63-03608, A63-07665

14. Remarks:

WATER RIGHT ORIGINALLY REFERRED ONLY TO WELL NO. 3.
P/U CITY WATER CUSTOMERS (NYSSA, OR.) VIA CITY-OWNED DISTRIBUTION
SYSTEM

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 City Manager of
City of Nyssa, Oregon, that I have signed the foregoing
document in the space below as City Manager of
City of Nyssa, Oregon and that the statements contained in the
foregoing document are true and correct.

CM Childs
Signature of Authorized Agent
City Mgr., City of Nyssa, Oregon
Title and Organization
4/25/90
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 25th day

of APRIL 19 90

Ron Howerton
Notary Public

Seal

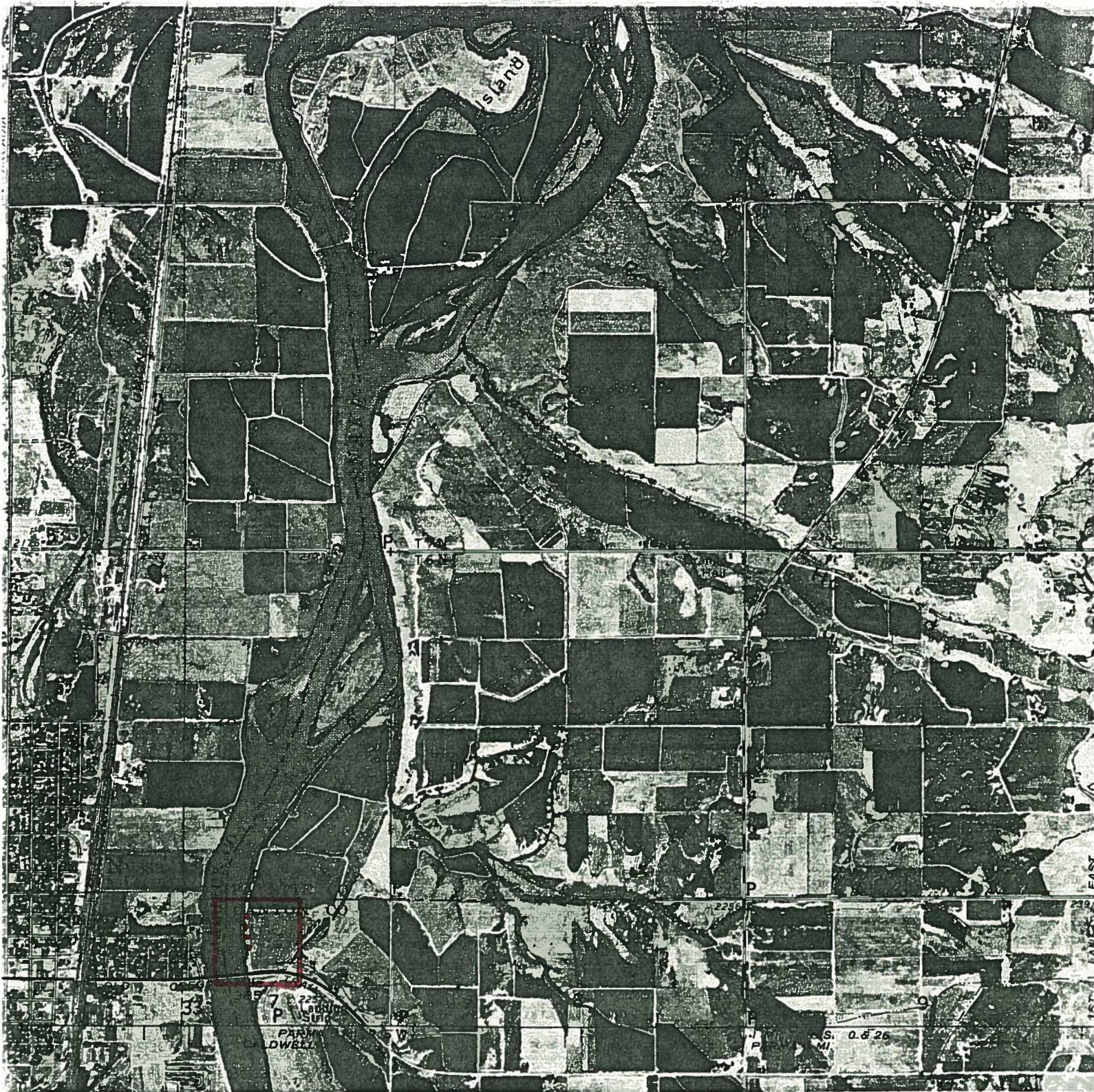
Residing at Ron Howerton

My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994



MICROFILMED

APR 24 1992



180 000 FEET (IDAHO)

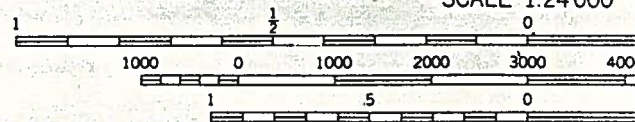
SCALE 1:24 000

by the Geological Survey

NW NE LOT 1

ograph prepared from 1:76,000-scale
otographs taken July 18, 1974

n: Idaho coordinate system, west zone
se Mercator)
ot grid ticks based on Idaho coordinate
est zone and Oregon coordinate system,
e
re Universal Transverse Mercator grid ticks,
1927 North American datum



NORTH

MICROFILMED

Water Right Number - 63-07830

Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***
CITY OF NYSSA

1 - 14 S. 3RD ST.
2 -
3 -
City- NYSSA
Phone -
State- OR Zip- 97913

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/18/1973 14 L - LICENSE

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

GROUNDWATER

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +

Twn Rng Sec Tract Lot Rflg County

06N 05W 7 NUNE 1 (27) CANYON

+ - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +

Code Description Period From Period To

40 - MUNICIPAL 01/01 12/31 1.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

1.000

+ - - - - - - - - - - - Place of Use - - - - - Description County - - - - - +

Twn Rng Sec Tract Lot Acres Code

Total Acres:

+ - - Diversion Means - WELL & SPRING.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - - +

P/U WITHIN THE CITY LIMITS OF NYSSA, OR.

+ - - - - - - - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - - - - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

MICROFILMED
AUG 24 1992

| | | | | |
|----------------------|--------------|------------------------|-----------------------------------|-------------------------|
| Water right number - | 63-07830 | Adj. flag translation: | Standard Water Right Number | |
| + - - Audit Fields - | 06/03/85 | 05/01/88 | CONVERT | |
| + - - - - - | - - - - - | - - - - - | Water Rights Dates and Flags Area | - - - - - + |
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right - P |
| Start Work Date | - 00/00/0000 | Verified Date | - 06/03/1985 | DLE/Carey Act - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District - |
| Licensed Date | - 08/15/1983 | Appl Received | - 00/00/0000 | Transfer/Amended - |
| Decree Date | - 00/00/0000 | Presumption Flag | - | Microfilm Roll Number - |

MICROFILMED
AUG 24 1992