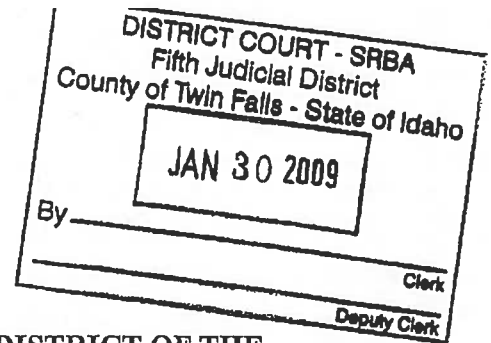


RECEIVED

FEB 02 2009

DEPARTMENT OF
WATER RESOURCES



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

In Re SRBA) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-07954

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

Objections to the *Director's Report* were filed by the claimant, City of Nampa, and by the Nampa & Meridian Irrigation District. On July 14, 2008, the Nampa & Meridian Irrigation District withdrew its objection. On January 27, 2009, the remaining parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the City of Nampa's objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-07954 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Jan. 30, 2009

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 30 2009

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-07954

By _____

Clerk

Deputy Clerk

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

SOURCE: ELIJAH DRAIN TRIBUTARY: WILSON DRAIN

QUANTITY: 1.78 CFS
770.00 AFY

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 4.5 afa per acre at
the field headgate for irrigation of the lands herein.

PRIORITY DATE: 03/20/1974

POINT OF DIVERSION: T03N R02W S21 NWSW Within Canyon County

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	1.78 CFS
		770.00 AFY

PLACE OF USE:

Irrigation		Within Canyon County
T03N R02W S21	SWNW 17.0	SENW 18.0
	NESW 33.0	NWSW 33.0
	SWSW 34.0	SESW 36.0
171.0 Acres Total		

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

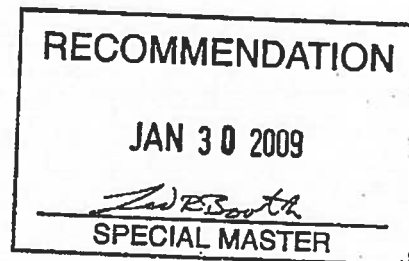
This right remains subject to the right of the original
appropriator, in good faith and in compliance with state laws
governing changes in use and/or expansion of water rights, to
cease wasting water, to change the place or manner of wasting
it, or to recapture it.

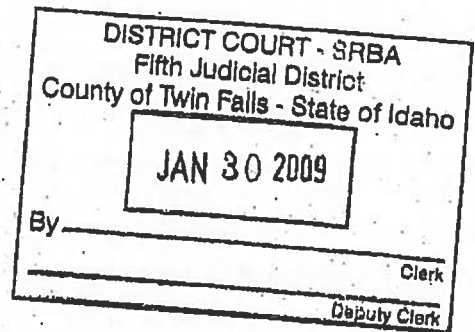
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

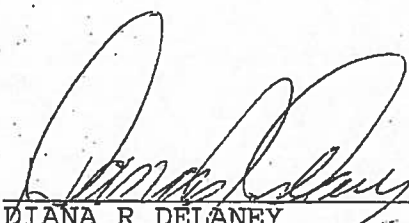
Water Right(s): 63-07954

On January 30, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED January 30, 2009.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRB
Fifth Judicial District
County of Twin Falls - State of

JAN 30 2009

By

Clerk

Deputy Clerk

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)

CERTIFICATE OF MAILING

Water Right(s): 63-07954

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 30, 2009, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

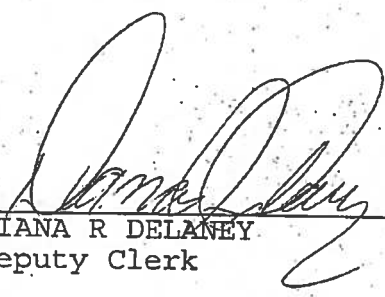
CITY OF NAMPA
Represented by:
CHRISTOPHER H MEYER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

NAMPA & MERIDIAN IRR DIST
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

CERTIFICATE OF MAILING

PAGE 1
01/30/09

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DIANA R DELANEY
Deputy Clerk

Walker, Kay

From: Baxter, Garrick
Sent: Wednesday, December 03, 2008 4:17 PM
To: Spencer, Nick; Harris, Lori
Cc: Shurte, Jan; Williams, Ray; Walker, Kay
Subject: RE: City of Nampa - 63-7954

I talked with Chris Meyer earlier today. We both agreed that Idaho Code Section 50-1805A is not applicable here.

I do have a copy of an SF5 for this one in my records...my guess is that Ray might have created it since the SF5 says that the water rights should be decreed as originally recommended. Thus, I will ask Ray to resend this one to Chris with the rest. Ray forwarded the other recommendations to me for my review. I will get to those today...my goal is to have the SF5 to Chris for his signature by the end of the week.

Thanks,
Garrick

From: Spencer, Nick
Sent: Wednesday, November 26, 2008 11:42 AM
To: Harris, Lori
Cc: Shurte, Jan; Baxter, Garrick; Williams, Ray
Subject: RE: City of Nampa - 63-7954

If one hasn't been prepared yet, one will have to be prepared at some point. However it can't be done in final form yet because SM Booth at the status conference suggested that IDWR and the City should consider including a remark based upon Idaho Code Section 50-1805A, an obscure statute in the municipal code dealing with pooling water right deliveries by a city operating as an irrigation water purveyor. I don't think the statute is relevant here, but Garrick and Chris Meyer will have to talk about it before any SF-5 can be finalized. NBS

From: Harris, Lori
Sent: Wednesday, November 26, 2008 11:33 AM
To: Spencer, Nick
Cc: Shurte, Jan
Subject: City of Nampa - 63-7954

Nick,

Do we need to prepare an SF5 for City of Nampa - 63-7954, that we had the status conference on yesterday? We have not previously prepared one, although Chris Meyer talked about pulling his old copy. Per Kay we have never prepared one for this right.

Let me know what you think.

Lori

Shurte, Jan

From: Spencer, Nick
Sent: Wednesday, November 26, 2008 11:42 AM
To: Harris, Lori
Cc: Shurte, Jan; Baxter, Garrick; Williams, Ray
Subject: RE: City of Nampa - 63-7954

If one hasn't been prepared yet, one will have to be prepared at some point. However it can't be done in final form yet because SM Booth at the status conference suggested that IDWR and the City should consider including a remark based upon Idaho Code Section 50-1805A, an obscure statute in the municipal code dealing with pooling water right deliveries by a city operating as an irrigation water purveyor. I don't think the statute is relevant here, but Garrick and Chris Meyer will have to talk about it before any SF-5 can be finalized. NBS

From: Harris, Lori
Sent: Wednesday, November 26, 2008 11:33 AM
To: Spencer, Nick
Cc: Shurte, Jan
Subject: City of Nampa - 63-7954

Nick,

Do we need to prepare an SF5 for City of Nampa - 63-7954, that we had the status conference on yesterday? We have not previously prepared one, although Chris Meyer talked about pulling his old copy. Per Kay we have never prepared one for this right.

Let me know what you think.

Lori

Shurte, Jan

From: Spencer, Nick
Sent: Tuesday, November 25, 2008 4:07 PM
To: Baxter, Garrick
Cc: Shurte, Jan; Williams, Ray
Subject: 63-7954 (City of Nampa)

Hi Garrick. At the telephone status conference today Special Master Booth raised a new issue out of the blue: he suggested that the SF-5 for 63-7954 ought to have a remark based upon Idaho Code Section 50-1805A, which provides that irrigation rights owned by cities, and delivered to private landowners, may be "pooled" for delivery purposes without a requirement for compliance with Idaho Code Sections 42-108 or 42-222. (!?) In glancing briefly at the statute, and other sections in that chapter it appears to me the whole chapter deals with a situation where a city steps into the shoes of an irrigation district or canal company and takes over the delivery of district or canal company water within the city. It seems to have no relevance here. But, in any event, you need to take a look at it and get hold of Chris Meyer to discuss with him its relevance and utility. NBS

Supreme Court Center | US Laws | Blawgs.FM | BlawgSearch.com | Justia

Search Justia

Justia> Law> Idaho Law> Idaho Code> TITLE 50 — MUNICIPAL CORPORATIONS> CHAPTER 18 — CITY IRRIGATION SYSTEMS> 50-1805 — CONTRACTS FOR DISTRIBUTION OF WATER, COLLECTION AND REMISSION OF IRRIGATION DISTRICT ASSESSMENTS

50-1805 — CONTRACTS FOR DISTRIBUTION OF WATER, COLLECTION AND REMISSION OF IRRIGATION DISTRICT ASSESSMENTS

Search

☒ Idaho Code ☐ All US State Codes

TITLE 50 MUNICIPAL CORPORATIONS CHAPTER 18 CITY IRRIGATION SYSTEMS

50-1805. CONTRACTS FOR DISTRIBUTION OF WATER, COLLECTION AND REMISSION OF IRRIGATION DISTRICT ASSESSMENTS. Every city incorporated under the laws of the state of Idaho shall have the power to enter into a contract in writing with an irrigation district organized or hereafter organized under the laws of the state of Idaho, or with any person, association or corporation where water has been purchased or is being furnished or used for lands within said irrigation district and within the boundaries of any such city, whereby such city shall assume the duty of the distribution of such water to the persons within such city having the right to the use thereof, and to receive such water at such place as shall be provided for in such contract. Such city may enter into a contract with any irrigation district to act as the agent of the irrigation district and be empowered to collect any or all assessments or charges which such irrigation district shall be authorized by law to levy upon all or any part of the lands within such city. Such assessments shall be entered upon the assessment roll as herein provided under an appropriate column to be known as "..... Irrigation District Assessments" and shall remit to such irrigation district, annually or at more frequent intervals as the contract may provide[,] all moneys collected on account of such levy for the previous year or other remittance period provided by the contract, less the commission contracted to be paid for such collection. If the assessments become delinquent and the property is redeemed from such delinquency, the city shall remit the proportionate part of the amount collected on such delinquency, as the amount due for bonds and interest on such parcels of property shall bear to the other assessments contained in the original tax levy. If a tax deed is taken by the city and thereafter the property so taken is sold as provided in sections 50-1801 through 50-1835, Idaho Code, the irrigation district shall likewise receive its proportionate part of the sale price of such property so sold. Such city shall be entitled to compensation, for collecting assessment and making payments to the irrigation district, in an amount equal to the actual cost which the city incurred in collecting and making such payments. The city shall certify to the district annually, not less than three (3) weeks before the date set for making the annual assessment by the district, the

amount set by the city as the cost of collecting and making such payments to the district, and that amount shall be included by the district in its assessments or charges for that year against the lands for which the city collects and makes payments to the district as provided by the contract. Nothing in sections 50-1801 through 50-1835, Idaho Code, shall be construed make said city primarily liable for any such irrigation district assessments to be collected or obligations, except for the faithful remittance of the funds collected; provided, however, that under contracts where water rights are pooled for delivery and a uniform method of allocating the assessments and charges of the district has been adopted as authorized by section 50-1805A, Idaho Code, the city shall be primarily liable for all such irrigation district assessments to be collected, including operation, maintenance, and principal and interest on bonded or contract indebtedness.

Justia Lawyer, Legal Aid & Services Directory: [Idaho Public Benefits Lawyers](#)

Copyright © Justia - No copyright claim is made to any of the government data on these pages.

[Company](#) :: [Terms of Service](#) :: [Privacy Policy](#) :: [Contact Us](#) :: [Have a Happy Day!](#)

RECEIVED

OCT 31 2008

DEPARTMENT OF
WATER RESOURCES

2008 OCT 30 PM 05:22
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-07954

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, NOVEMBER 25, 2008 at 03:30 PM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: OCTOBER 30, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 10/30/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on OCTOBER 30, 2008, with sufficient first-class postage to the following:

CITY OF NAMPA

Represented by:
CHRISTOPHER H MEYER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

NAMPA & MERIDIAN IRR DIST

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL. RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Repre...
to IDPA...
ENVIRON...
...
...

RECEIVED

MAY 14 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

Date Received

Receipt Number

63-7954

**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 20, 1974
3. Source of water supply (a) Elijah Drain
which is tributary to (b) (not applicable)
4. a. Location of existing point of diversion is: Township 3N Range 2W Section 21,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of _____
Additional points of diversion if any: _____
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.

SCANNED

APR 25 2008

SCANNED

MAY 19 2004

ORIGINAL

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For Municipal purposes from 4/15 to 10/15 amount 4.00 or 800

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.00 (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.

3. This claim includes an accomplished transfer of the purpose of use and place of use. To prevent enlargement, we include the volume limit based on the diversion volume associated with the 200 acres of irrigation authorized under original the right.

SCANNED

Last Name City of Nampa Ident. Number 63-7954

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**

SCANNED

Last Name City of Nampa Ident. Number 63-7954

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]

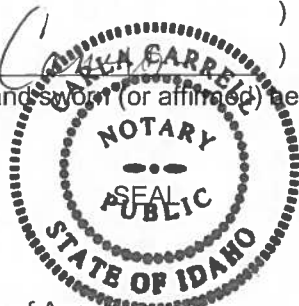
Title and Organization Director, Public Works Dept, City of Nampa Date 5/11/04

State of Idaho/or _____)

) SS.

County of _____)

Subscribed and sworn (or 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]

Christopher H. Meyer

[Signature]

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 63-7954

SCANNED

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

MAY 19 2007

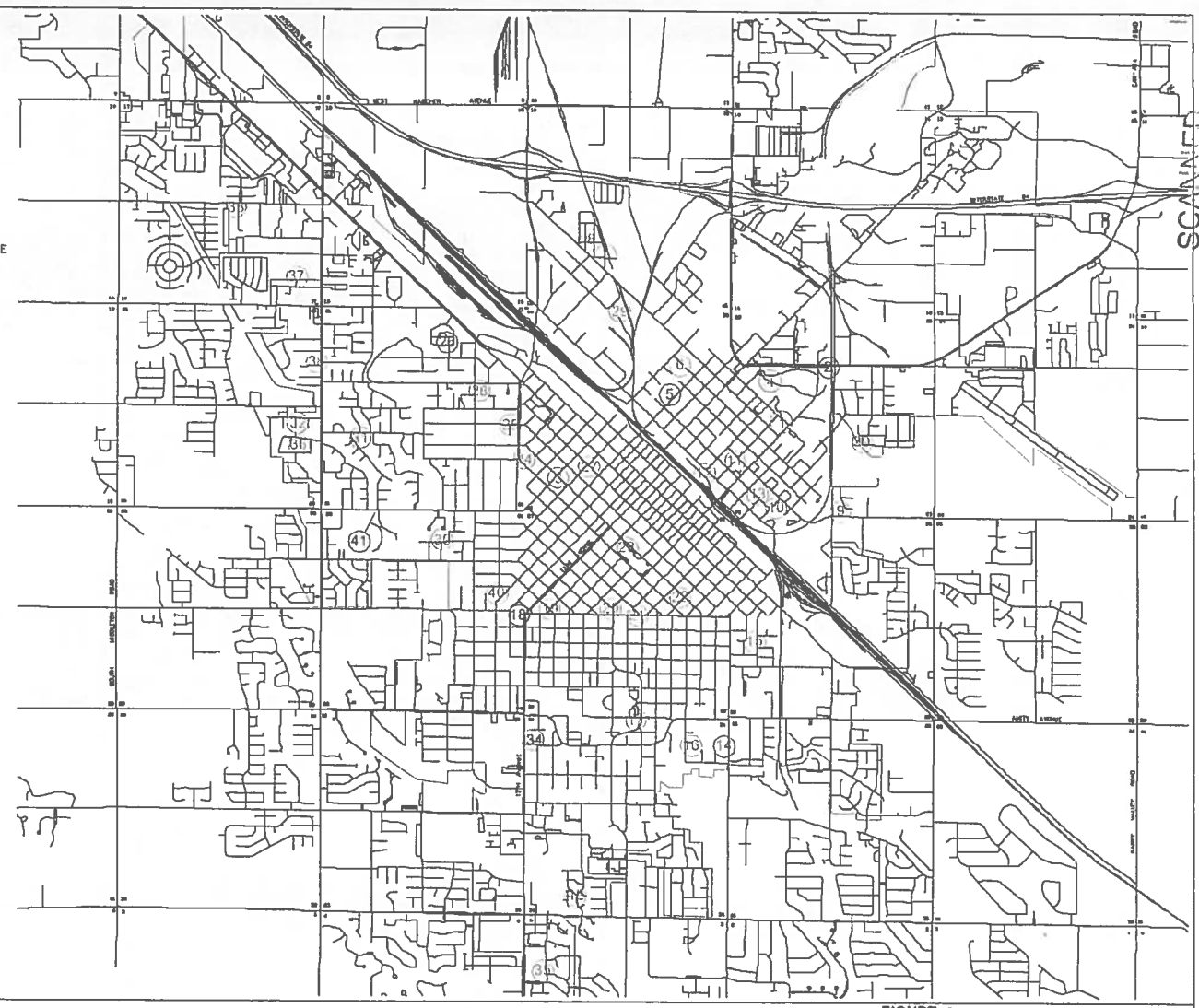
SCANNED



SCALE: 1" = 1/2 MILE

LEGEND

- CITY LIMITS (1987)
- (XX) WELL LOCATION
- (XX) LOCATION OF WELLS ORIGINALLY ASSOCIATED WITH RIGHT 63-10211
- (XX) LOCATION OF WELLS ORIGINALLY ASSOCIATED WITH RIGHT 63-02787
- (XX) UNKNOWN OR ABANDONED WELLS



240 THURGOOD 2 Engineers • Surveyors • Planners

FIGURE 1
NAMPA WATER RIGHTS PRIOR TO NOVEMBER 19, 1987
IRRIGATION GROUND WATER RIGHT

Exhibit B

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 63-7954
Date Received: 4/1/1991
Receipt No: C015984
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF NAMPA Phone: (208)465-2270
411 3RD ST S
NAMPA ID USA 83651

2. Date of Priority: 03/20/1974

3. Source: ELIJAH DRAIN Trib. to: WILSON DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02W	21	NW SW	CANYON	

5. Description of diverting works:

PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	1.78	770

7. Total Quantity Appropriated is:
1.78 C.F.S. and/or 770 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03N	02W	21	SW	NW		IRRIGATION	17
			SE	NW		IRRIGATION	18
			NE	SW		IRRIGATION	33
			NW	SW		IRRIGATION	33
			SW	SW		IRRIGATION	34
			SE	SW		IRRIGATION	36
						Section Acres	171
						Total Acres	171

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:

Claim amended per license issued 5/16/03.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

15. Basis of Claim: License

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-07954

RECEIVED

MAY 19 2003

WATER RESOURCES
WESTERN REGION

Priority: March 20, 1974

Maximum Diversion Rate: 1.78 CFS
Maximum Diversion Volume: 770.0 AF

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 March 20, 1974; and has
submitted Proof of Beneficial Use on February 14, 1979. An examination indicates that the works have
a diversion capacity of 1.78 cfs of water from:

SOURCE

ELIJAH DRAIN

Tributary: WILSON DRAIN

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/01 to 11/15	1.78 CFS	770.0 AF

LOCATION OF POINT OF DIVERSION:

ELIJAH DRAIN NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, Twp 03N, Rge 02W, B.M., CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 02W 21							17.0	18.0	33.0	33.0	34.0	36.0					171.0

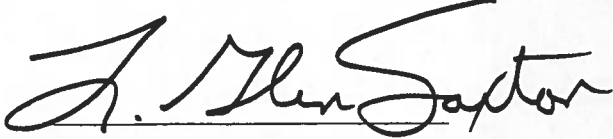
Total Acres: 171

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

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 16th day of May 2003.


KARL J. DREHER
for Director

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: A63-07954
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 20, 1974

3. Source: ELIJAH DRAIN Trib. to: WILSON DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	21		NW	SW		CANYON

5. Description of diverting works:
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	4.000		800.00

7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) 800.00 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	21	SW	NW		MUNI	20.0
			SE	NW		MUNI	20.0
			NE	SW		MUNI	40.0
			NW	SW		MUNI	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	21	SW	SW		MUNI	40.0
			SE	SW		MUNI	40.0
Section Acres							200.0
Total Acres							200.0

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 39-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: A63-07954
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: MAR 20, 1974

3. Source: ELIJAH DRAIN

Trib. to: WILSON DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	21		NW	SW		CANYON

5. Description of diverting works:
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	4.000		800.00

7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) 800.00 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	21	SW	NW		IRR	20.0
			SE	NW		IRR	20.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02W	21	SE SW		IRR	40.0
Section Acres						200.0
Total Acres						200.0

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 39-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: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-07954
Date Received: ~~2/21/1990~~ 3/28/90
Receipt No: CO15984
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 28 1990

Department of Water Resources

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

2. Date of Priority: MAR 20, 1974

3. Source: ELIJAH DRAIN Trib. to: WILSON DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02W	21	NW	SW			CANYON

5. Description of diverting works:
PUMP. and pipe line

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
~~IRRIGATION~~ Municipal	04/01	10/15	4.000		800.00

7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) 800.00 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 of	Lot	Use	Acres
03N	02W	21	SW	NW		IRR	20.0
			SE	NW		IRR	20.0
			NE	SW		IRR	40.0

A63-07954

Page 1

Date: 02/21/90

MICROFILMED

JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	21	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	200.0
						Total Acres	200.0

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 . . . 39-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: _____ / _____

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 Blalock
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 12/21/93

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 25 1994

Water Right Number - 63-07954

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

CITY OF NAMPA

1 - DEPT. OF IRRIGATION

2 - CITY HALL

3 -

City- NAMPA

State- ID Zip- 83651

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
03/20/1974 14 WESTERN P - PERMIT+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
ELIJAH DRAIN WILSON DRAIN+ - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

03N 02W 21 NW SW (27) CANYON

+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/15 4.000 800.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
4.000 800.00+ - - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
03N 02W 21 SW NW 20.0 01 IRRIGATION (27) CANYON
03N 02W 21 SE NW 20.0 01 IRRIGATION (27) CANYON
03N 02W 21 NE SW 40.0 01 IRRIGATION (27) CANYON
03N 02W 21 NW SW 40.0 01 IRRIGATION (27) CANYON
03N 02W 21 SW SW 40.0 01 IRRIGATION (27) CANYON
03N 02W 21 SE SW 40.0 01 IRRIGATION (27) CANYON

Total Acres: 200.0

+ - - Diversion Means - PUMP.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
No Remarks found.+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.JUL 25 1994
MICROFILMED

Prefix Translation: WATER RIGHT

Proof Due Date	- 04/01/1979	Field Exam Made	- 08/14/1985	Field Exam Fee	-
Approved/Denied	- 04/19/1974	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 01/01/1900	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 63
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

MICROFILMED
JUL 25 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

City of Nampa

CLAIM IDENT. NO. A63-07954

DATE RECEIVED 3/28/90 RECEIPT # C015984 FEE PAID \$2190 FEE REQ'D \$450

	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 ☒	☐	☐	*

MICROFILMED

JUL 25 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: HHT Date 11/28/93
 Claim data entered by: ADD 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: _____

08/11/2008

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-7954 V1

WATER RIGHT NUMBER: 63-7954 V1

Owner Type
 Current Owner

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

Priority Date: 03/20/1974 ✓

Basis: License ✓

Status: Active

Source

ELIJAH DRAIN ✓

Tributary

WILSON DRAIN ✓

Beneficial Use

IRRIGATION ✓

From To

03/01 to 11/15 ✓

Diversion Rate

1.780 CFS ✓

Annual Volume

770.00 AF ✓

Total Diversion:

1.780 CFS ✓

770.00 AF ✓

Location of Point(s) of Diversion

ELIJAH DRAIN ✓
 CANYON County ✓

NW1/4SW1/4 ✓

Sec. 21, Twp 03N, Rge 02W, B.M. ✓

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	02W	21	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	171.0
									17.0	18.0			33.0	33.0			34.0	36.0	

Total Acres: 171 ✓

Conditions of Approval:

1. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. 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.
4. This water right is part of the non-potable water delivery system for the City of Nampa.

Remarks:

*Rt. recommended
 as licensed - no
 changes made to
 recommendation
 KW
 8/11/2008*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7954 V1

Comments:

1. awarntje 11/21/2006 License

Comment: Claim amended per license issued 5/16/03.

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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/30/2005 10:47:01 AM	awarntje			Active
Priority Date	9/30/2005 10:47:47 AM	awarntje			Active
POD	9/30/2005 10:48:12 AM	awarntje			Active
Source	9/30/2005 10:48:46 AM	awarntje			Active
POU	9/30/2005 12:38:33 PM	awarntje			Active
Use	9/30/2005 12:39:21 PM	awarntje			Active
Season	9/30/2005 12:40:41 PM	awarntje			Active
Quantity	9/30/2005 12:41:20 PM	awarntje			Active
Summary			09/30/2005	awarntje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	9/30/2005 11:49:24 AM	awarntje	Updated shape for Active POU
POU	9/30/2005 12:38:34 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7954 V1

Use	9/30/2005 12:39:22 PM	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?
POU	9/30/2005 12:36:13 PM	awarntje	Updated shape for Active POU
Contacts	9/30/2005 10:47:01 AM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
General	9/30/2005 10:47:48 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?
POU	9/30/2005 11:43:19 AM	awarntje	Updated shape for Active POU
POU	9/30/2005 11:52:23 AM	awarntje	Updated shape for Active POU
Season	9/30/2005 12:40:42 PM	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? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/30/2005 12:41:21 PM	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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - 770 afa

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7954 V1

Summary	9/30/2005 12:43:33 PM	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?
POD	9/30/2005 10:48:13 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	9/30/2005 10:48:46 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?
POU	9/30/2005 11:37:53 AM	awarntje	Updated shape for Active POU

SubCase:

SubCase Number: 63-7954
 Class: 1
 SF5 Filed Date:
 Special Master Recom Signed Date:
 Attorney Assigned:
 Adjudication Agent: awarntje
 Basis of Claim: License
 Date Filed: 8/20/2007 Objection Status: Active
 Date Filed: 8/16/2007 Objection Status: Active
 Date Filed: 6/14/2007 Objection Status: Active
 Date Filed: 6/19/2006 Objection Status: Active

Water Supply Bank:

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.

Y Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Y Aerial Photo Attached (required for irrigation of 10+ acres).

N Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	40	FJJ620341	Layne-Bowler	45316

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
McCrometer Meter			748620			

2. Measurements: 800 GPM

E. NARRATIVE/REMARKS/COMMENTS

Water from Elijah Drain is pumped for irrigation of 171.4 acres via 40 hp pump and 8" mainline. Pump & motor sit above Elijah Drain on Sunnyslane Street, where the drain crosses under the road. This irrigation system is separate from the city's municipal works. Only roads were deducted from the tracts when figuring total acres irrigated. The SRBA claim was filed as licensed, except irrigation use was changed to municipal.

Have conditions of permit approval been met? Y yes no

F. FLOW CALCULATIONS

Measured Method:
800 gpm = 1.8 cfs

Y Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 171.4 \times 4.5 = 771.3$$
$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.8 \times 260 \times 1.9835 = 928.3$$
$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 771.3$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/1	11/15	1.8	771.3
Totals:			1.8	771.3

2. Recommended Amendments

Change P.D. as reflected above Add P.D. as reflected above ☒ None
Change P.U. as reflected above Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

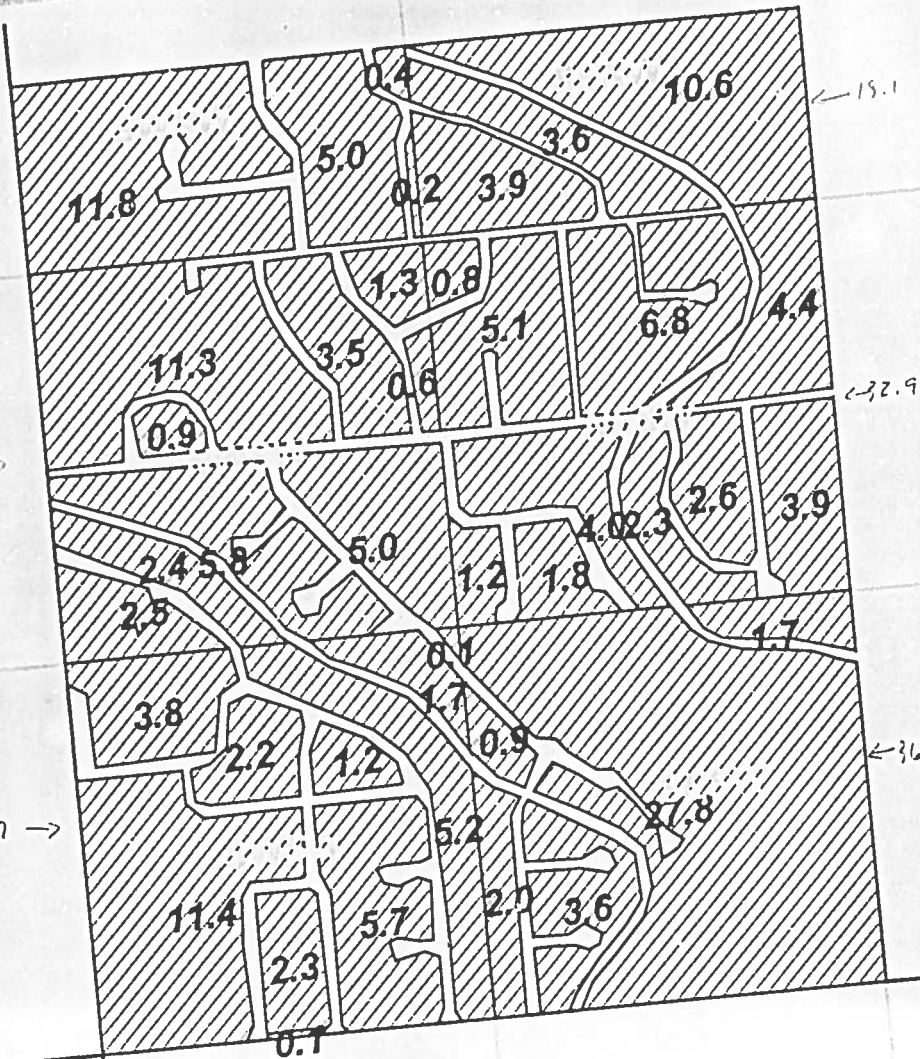
Field Examiner's Name Lori Graves Date 8/24/00
Reviewer _____ Date _____

SEAL

17.4 →

33.3 →

33.7 →



63-7954 (at initial hearing)
Irving Dist. does
not think right should exist -
says City "pumps" at several
locations & want to know
exact point of diversion -
see bottom of pg. 7 of book -

Book says ... "pump associated
with the Elijah Whain, aka Sunny
Lane" ... -

Per a/c view & "streets" theme this
pld is located on Sunny
Lane - kw 8/11/08

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.

S. BRYCE FARRIS (ISB #5636)
RINGERT LAW CHARTERED
455 S. Third Street
P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED

JUL 15 2008

DEPARTMENT OF
WATER RESOURCES

Attorneys for Nampa & Meridian Irrigation District

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 63-07954
(Insert water right no.)

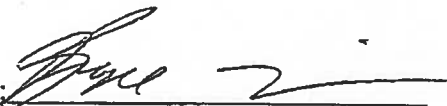
WITHDRAWAL OF OBJECTION

COMES NOW, Nampa & Meridian Irrigation District, by and through its attorneys of record
Ringert Law, Chartered, hereby withdraws it's objection in the above-referenced matter.

DATED this ____ day of July, 2008.

RINGERT LAW CHARTERED

By:



S. Bryce Farris
Attorneys for Nampa & Meridian Irrigation District

COPY

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 11th day of July, 2008, I served a true and correct copy of the foregoing document via U.S. mail, postage prepaid to the following:

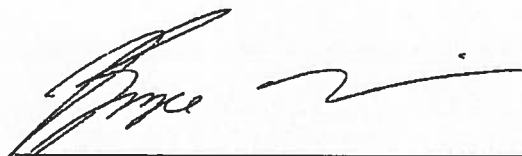
City of Nampa
Represented by:
Christopher H. Meyer
601 W. Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720

City of Nampa
411 3rd Street South
Nampa, Idaho 83605

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

USDI Bureau of Reclamation
Represented by:
United States Department of Justice
Environment and Natural Resource Division
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

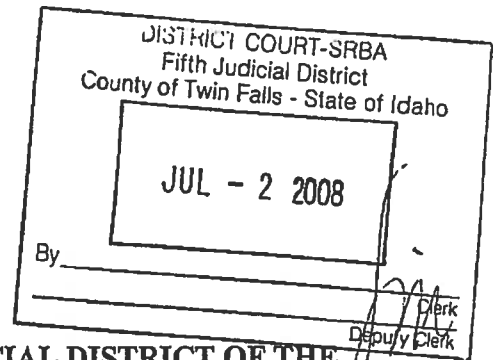


S. Bryce Farris

RECEIVED

JUL 07 2008

DEPARTMENT OF
WATER RESOURCES



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

In Re SRBA) Subcase 63-07954
)
Case No. 39576) TRIAL SCHEDULING ORDER
)

An initial hearing was held on June 20, 2008. Pursuant to the comments of the participants at the initial hearing, the following dates shall govern the conduct of this subcase through trial:

September 2, 2008	3:30 PM	Deadline for Settlement Conference. The parties are ordered to participate in a settlement conference at a date/time and location to be determined by the parties, but no later than this deadline. IDWR need not attend unless requested by either party.
September 2, 2008	3:30 PM	Supplemental Scheduling Conference. A supplemental scheduling conference will be held at the Snake River Basin Adjudication Courthouse, 253 3 rd Avenue North, Twin Falls, Idaho, for the purpose of setting deadlines for the filing of dispositive motions, discovery cutoff, witness disclosure, and setting a date for a final pretrial conference. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.
January 29, 2009	9:00 AM	Trial. The trial in this matter will be held at a location to be determined.

Dated July 2, 2008

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the TRIAL SCHEDULING ORDER was mailed on July 02, 2008, with sufficient first-class postage to the following:

CITY OF NAMPA

Represented by:
CHRISTOPHER H MEYER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

NAMPA & MERIDIAN IRR DIST

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

CITY OF NAMPA

411 3RD ST S
NAMPA, ID 83651
Phone: 208-463-2270

ORDER

Page 1 7/02/08

FILE COPY FOR 01875

Deputy Clerk



RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 03:38
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NOS: SEE ATTACHED EXHIBIT A

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 20, 2008 at 02:00 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008 _____,
with sufficient first-class postage to the following:

CITY OF NAMPA

Represented by:
CHRISTOPHER H MEYER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

NAMPA & MERIDIAN IRR DIST

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

CITY OF NAMPA

411 3RD ST S
NAMPA, ID 83651
Phone: 208-463-2270

Exhibit A

Subcase Nos:

63-02449
63-02450
63-02484
63-02533
63-02779
63-02780
63-02781
63-02782
63-02787
63-02943
63-05257
63-05258
63-07003
63-07567
63-07708
63-07954
63-08312
63-08324
63-09180
63-09853
63-09889
63-10212
63-28219
63-28220

MAR 04 2008

CHRISTOPHER H. MEYER
DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: chrisemeyer@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 63-7954
(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: 4.00 cfs (avg. daily peak flow) and 1,288.7 acre-feet
(annual volume). Also see discussion in section E regarding duty of water.

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 E regarding remark on
original POD(s).

6 ☐ **Instream Flow Description**
Should be: _____

7 ☒ **Purpose(s) of Use**
Should be: Municipal

8 ☒ **Period of Year**
Should be: 1/1 to 12/31

9 ☒ **Place of Use**
Should be: Within the service area of the City of Nampa municipal
water supply system as provided under Idaho law.

11 **I object because:**

☐ This water right should not exist

☒ This water right was not recommended, but should be recommended with the
elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** _____

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 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.

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

Special Note: This water right was appropriated by the City for irrigation of lawns served by the City. The permit application notes that its purpose was to irrigate "urban residential lots." Thus, this right was always used for municipal purposes, and should be decreed accordingly.

Duty of Water: IDWR has recommended language for this right relating to duty of water that is not included in the City's other municipal water rights. This language is inappropriate to municipal water rights and may complicate administration of the right. The City requests that it be eliminated.

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.

Place of Use: IDWR's recommendation limited the place of use to a particular 171 acre parcel. The water under this right is now used (through accomplished transfer) throughout the City's integrated non-potable delivery system.

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)

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:

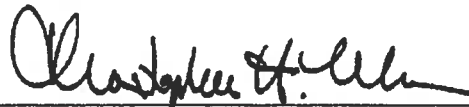
Name: City of Nampa
Attention Michael Fuss
Public Works Director
Address: 411 3rd Street South
Nampa, ID 83651

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 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 SESW			
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	1/1/1906	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 §35 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

**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	)	A.	Subcase <u>63-7954</u>
	)		(Insert water right no.)
Case No. 39576	)		
	)		
	)		
	)		
	)		
	)		
	)		
	)		

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:
Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: City of Nampa

Address: 411 3rd Street South
Nampa, Idaho 83651

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. X **Name and Address**
 Should be: Disallowed. See below.
2. X **Source**
 Should be: Disallowed. See below.
3. X **Quantity**
 Should be: Disallowed. See below.
4. X **Priority Date**
 Should be: Disallowed. See below.
5. X **Point(s) of Diversion**
 Should be: Disallowed. See below.
6. ☐ **Instream Flow Description**
 Should be: N/A
7. X **Purpose(s) of Use**
 Should be: Disallowed. See below.
8. X **Period of Year**
 Should be: Disallowed. See below.
9. X **Place of Use**
 Should be: Disallowed. See below.
10. X **I object because:**

 X 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): This claimed water right is within the boundaries of Nampa & Meridian Irrigation District ("NMID") and the source of said claim is a drain which was constructed or enlarged by or for NMID. Said drain is owned, operated, maintained and controlled by NMID and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by NMID. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

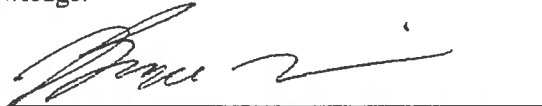
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

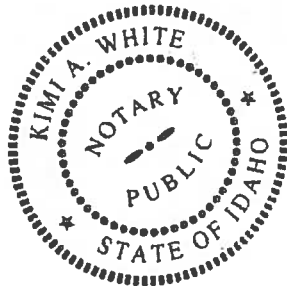
S. Bryce Farris, duly sworn, upon oath, deposes and says:

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 objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



S. Bryce Farris

Subscribed and sworn to before me on: June 14, 2007



Kim A. White
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/01/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on ^{June} ~~May~~ 14, 2007, I mailed the original and copies of this objection, 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

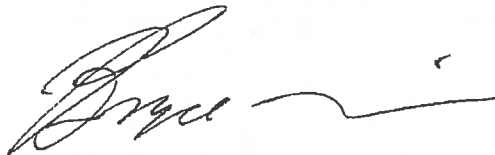
Address: 411 3rd Street South
Nampa, Idaho 83651

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

11/21/2006

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

RIGHT NUMBER: 63-7954
NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE: ELIJAH DRAIN
QUANTITY: 1.780 CFS
770.00 AFY

TRIBUTARY: WILSON DRAIN

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/20/1974

POINT OF DIVERSION:
T03N R02W S21 NWSW Within CANYON County
This water right is part of the non-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>
IRRIGATION	03/01 11/15	1.780 CFS 770.00 AFY

PLACE OF USE: IRRIGATION in CANYON County

T03N R02W S21	SWNW	17.00	T03N R02W S21	SENW	18.00
T03N R02W S21	NESW	33.00	T03N R02W S21	NWSW	33.00
T03N R02W S21	SWSW	34.00	T03N R02W S21	SESW	36.00

171 ACRES TOTAL

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



Idaho Department of Water Resources

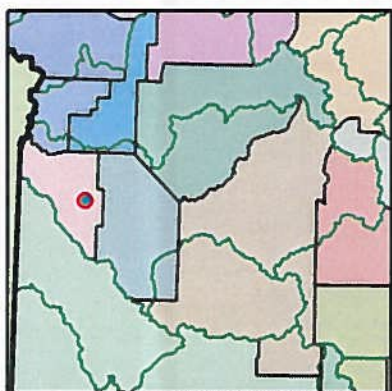
SRBA Recommendation:

63-7954

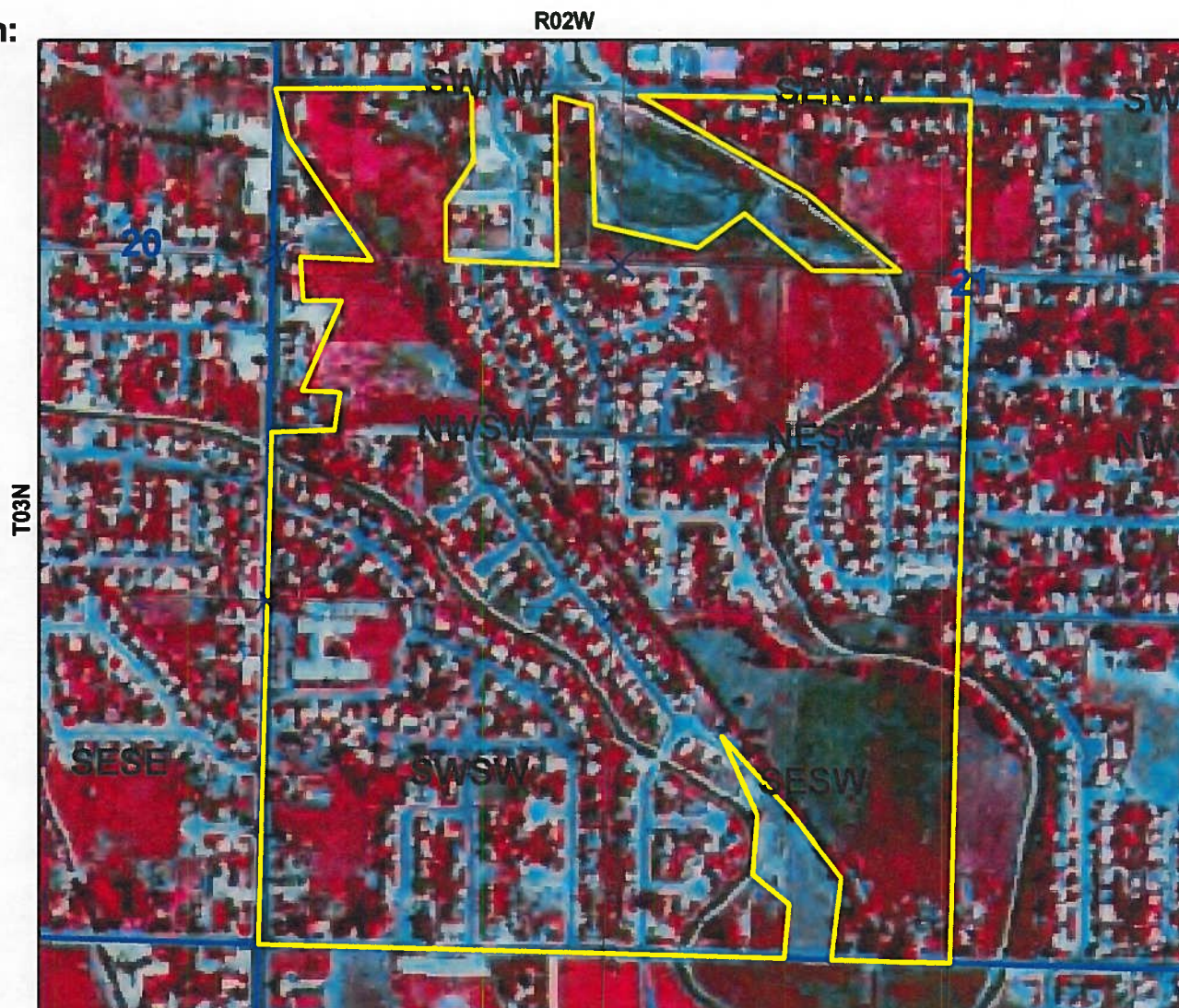
(Irrigation)

Legend

-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.3 0.6 Miles



Prepared by A. Warntjes
On Tuesday, November 21, 2006
1987/88 Aerial Photography

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-07954

Priority: March 20, 1974

Maximum Diversion Rate: 1.78 CFS
Maximum Diversion Volume: 770.0 AF

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 March 20, 1974; and has
submitted Proof of Beneficial Use on February 14, 1979. An examination indicates that the works have
a diversion capacity of 1.78 cfs of water from:

SOURCE

ELIJAH DRAIN

Tributary: WILSON DRAIN

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

1.78 CFS

**ANNUAL
DIVERSION VOLUME**

770.0 AF

LOCATION OF POINT OF DIVERSION:

ELIJAH DRAIN NW¼SW¼ Sec. 21, Twp 03N, Rge 02W, B.M., CANYON County

PLACE OF USE:

IRRIGATION

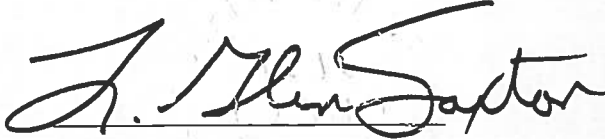
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02W	21							17.0	18.0	33.0	33.0	34.0	36.0					171.0
Total Acres:			171																

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

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 16th day of May 2003.


KARL J. DREHER
for Director

MICROFILMED

MAY 21 2003

Notes for Review of Nampa Claims

Drs 11/19/06

- 63-20264 - OK (Single Household Domestic)
- 63-7954 - OK (separate SW - licensed in 2003)
- 63-5251 - Not included in lists of potable or non-potable
Recommended as 63-2787

Potable System

Generally well claimed, but

No evidence for the B/U claims

63-28219

63-5258

63-28220

Must disallow these unless info is forthcoming soon.

Drs 11/19/06

Draft

09/30/2005

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

RIGHT NUMBER: 63-7954
NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE: ELIJAH DRAIN

TRIBUTARY: WILSON DRAIN

QUANTITY: 1.780 CFS
770.000 AFY

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 4.5 afa per acre at the field headgate for
irrigation of the lands above.

PRIORITY DATE: 03/20/1974

POINT OF DIVERSION:

T03N R02W S21 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.780 CFS 770.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T03N R02W S21	SWNW	17.0	T03N R02W S21	SENW	18.0
T03N R02W S21	NESW	33.0	T03N R02W S21	NWSW	33.0
T03N R02W S21	SWSW	34.0	T03N R02W S21	SESW	36.0

171 ACRES TOTAL

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

Use of water under this right will be regulated by a watermaster with
responsibility for the distribution of water among appropriators within a
water district. At the time of this approval, this water right is within
State Water District No. 63.

Claim amended per license issued 5/16/03.

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

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.

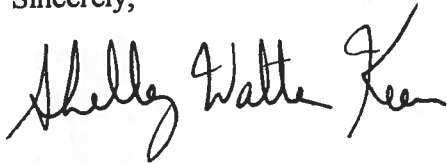
Normally IDWR will not issue a well drilling permit authorizing well construction until the associated water right filing is processed and approved. However, to avoid delaying your project while you are reviewing your options, IDWR will consider issuing a well drilling permit now if you accept the risk 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 black ink, reading "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