

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<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| JAN 30 2009                                                                               |
| By _____<br>Clerk                                                                         |
| Deputy Clerk                                                                              |

In Re SRBA )  
Case No. 39576 )

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

Water Right 63-08312

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

SOURCE: GROUND WATER

QUANTITY: 0.50 CFS  
112.50 AFY

This right when combined with other rights shall provide no more  
than .02 cfs per acre.

PRIORITY DATE: 05/24/1976

|                     |               |      |                      |
|---------------------|---------------|------|----------------------|
| POINT OF DIVERSION: | T03N R02W S15 | NESW | Within Canyon County |
|                     |               | SWSE |                      |
|                     | S17           | NWSE |                      |
|                     | S20           | NESE |                      |
|                     | S21           | SENE |                      |
|                     |               | NESE |                      |
|                     |               | NESE |                      |
|                     | S22           | SENE |                      |
|                     |               | NENW |                      |
|                     |               | SWSW |                      |
|                     |               | SESW |                      |
|                     |               | NESE |                      |
|                     |               | NESE |                      |
|                     | S23           | SWNW |                      |
|                     |               | SENE |                      |
|                     |               | NWSW |                      |
|                     |               | SWSW |                      |
|                     |               | SWSW |                      |
|                     |               | SWSE |                      |
|                     | S26           | NWSW |                      |
|                     | S27           | SWNE |                      |
|                     |               | SENE |                      |
|                     |               | NENW |                      |
|                     |               | SWNW |                      |
|                     |               | SENE |                      |
|                     | S28           | NWNE |                      |
|                     | S34           | NENE |                      |
|                     |               | NWNE |                      |
|                     |               | NWNW |                      |

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   |
|----------------|----------------|------------|
| Municipal      | 04-15 TO 10-15 | 0.50 CFS   |
|                |                | 112.50 AFY |

The use of water under this right may begin as  
early as March 1 and may continue to as late as November 15,  
provided other elements of the right are not exceeded. The use  
of water before April 15 and after October 15 under this remark  
is subordinate to all water rights having no subordinated early  
or late irrigation use and a priority date earlier than the date  
a partial decree is entered for this right.

PLACE OF USE:

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

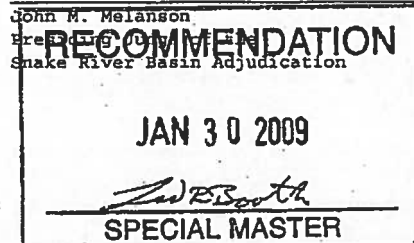
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at the Morgan Well located in T3N, R2W, Sec. 20, NESE.

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.



08/11/2008

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

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RIGHT NUMBER: 63-8312

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.500 CFS  
112.500 AFY

This right when combined with other rights shall provide no more than .02  
cfs per acre.

PRIORITY DATE: 05/24/1976

POINT OF DIVERSION:

T03N R02W S15 NESW Within CANYON County  
T03N R02W S15 SWSE Within CANYON County  
T03N R02W S17 NWSE Within CANYON County  
T03N R02W S20 NESE Within CANYON County  
T03N R02W S21 SENE Within CANYON County  
T03N R02W S21 NESE Within CANYON County  
T03N R02W S21 NESE Within CANYON County  
T03N R02W S22 SENE Within CANYON County  
T03N R02W S22 NENW Within CANYON County  
T03N R02W S22 SWSW Within CANYON County  
T03N R02W S22 SESW Within CANYON County  
T03N R02W S22 NESE Within CANYON County  
T03N R02W S22 NESE Within CANYON County  
T03N R02W S23 SWNW Within CANYON County  
T03N R02W S23 SENW Within CANYON County  
T03N R02W S23 NWSW Within CANYON County  
T03N R02W S23 SWSW Within CANYON County  
T03N R02W S23 SWSW Within CANYON County  
T03N R02W S23 SWSE Within CANYON County  
T03N R02W S26 NWSW Within CANYON County  
T03N R02W S27 SWNE Within CANYON County  
T03N R02W S27 SENE Within CANYON County  
T03N R02W S27 NENW Within CANYON County  
T03N R02W S27 SWNW Within CANYON County  
T03N R02W S27 SENW Within CANYON County  
T03N R02W S28 NWNE Within CANYON County  
T03N R02W S34 NENE Within CANYON County

T03N R02W S34 NWNE Within CANYON County

T03N R02W S34 NWNW 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>         |
|-----------------------|----------------------|-------------------------|
| MUNICIPAL             | 04/15 10/15          | 0.500 CFS<br>112.50 AFY |

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

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

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

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

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at the Morgan Well located in T3N, R2W, Sec. 20, NESE.

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

## **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.

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



RECEIVED

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 63-8312  
(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 3<sup>rd</sup> 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: chris Meyer@givenspursley.com

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

Name: City of Nampa  
Address: 411 3<sup>rd</sup> 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: 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: \_\_\_\_\_

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

9 ☐ **Place of Use**  
Should be: \_\_\_\_\_

11. **I object because:**

☐ This water right should not exist.

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

E. **REASONS SUPPORTING OBJECTION(S):** \_\_\_\_\_

Corrected PODs: The City has included a corrected list of PODs associated with the integrated non-potable irrigation water delivery system. The well associated with Water Right 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 14<sup>th</sup> Ave. N. well.

***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.

***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 3<sup>rd</sup> 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) |
|-----------------------------------------------------------------------------------|--------------------------------|--------------------------|----------------------------------|------------------------------------|----------------------|
| <b>Irrigation Wells Currently In Use - Integrated Non-potable Delivery System</b> |                                |                          |                                  |                                    |                      |
| 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                          | 6/24/1976                          | 0.60                 |
| 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                 |
| <b>Abandoned Irrigation Wells (water rights remain valid)</b>                     |                                |                          |                                  |                                    |                      |
| 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                |
| <b>Drain Pump (wastewater right)</b>                                              |                                |                          |                                  |                                    |                      |
| 1                                                                                 | Elijah Drain                   | T3N R2W §21 NWSW         | 63-7954                          | 3/20/1974                          | 4.00                 |
| <b>Domestic &amp; Stockwater Right</b>                                            |                                |                          |                                  |                                    |                      |
| 1                                                                                 | Airport Well                   | T3N R2W §24 NWSE         | 63-20264                         | 6/3/1925                           | 0.06                 |

11/21/2006

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

RIGHT NUMBER: 63-8312  
NAME AND ADDRESS: CITY OF NAMPA  
411 3RD ST S  
NAMPA ID 83651

SOURCE:

QUANTITY: 0.500 CFS  
112.50 AFY

This right when combined with other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/24/1976

POINT OF DIVERSION:

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

The points of diversion for this right and Right Nos. 63-2450, 63-2484, 63-2780, 63-2787, 63-2943, 63-7003, 63-7708, 63-9853, 63-9889, are diverted through the points of diversion described in Right No. 63-2449.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| MUNICIPAL             | 4/15 10/15           | 0.500 CFS<br>112.50 AFY |

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

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

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

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at the Morgan Well located in T3N, R2W, Sec. 20, NESE.

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

05/22/2006

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

RIGHT NUMBER: 63-8312

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.500 CFS  
112.500 AFY

This right when combined with other rights shall provide no more than .02  
cfs per acre.

PRIORITY DATE: 05/24/1976

POINT OF DIVERSION:

POD ( T03N R02W S20 NESE 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  
MUNICIPAL

PERIOD OF USE  
4/15 10/15

QUANTITY  
0.500 CFS  
112.50 AFY

PLACE OF USE:

Add Shoulder Remarks Mar 1 - 11/15

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

## WATER RIGHT LICENSE

THIS IS TO CERTIFY, that City of Nampa

Beneficial Use      Period of Use      Rate of Diversion      Annual Volume

Irrigation from April 15 to October 15 at 0.50 cfs and 112.5 acre feet

\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_ cfs and \_\_\_\_\_

\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_ cfs and \_\_\_\_\_

(both dates inclusive)

Description and location of place of use:

[illegible]

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 for the lands above.

NOV 19 2002

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use ~~herein~~ described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of June, 1982.

Director



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](http://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.

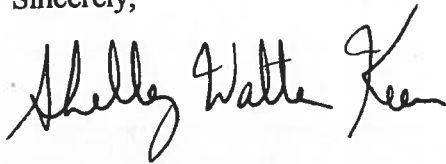
Normally IDWR will not issue a well drilling permit authorizing well construction until the associated water right filing is processed and approved. However, to avoid delaying your project while you are reviewing your options, IDWR will consider issuing a well drilling permit now if you accept the risk 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](mailto:skeen@idwr.state.id.us).

Sincerely,

A handwritten signature in black ink, reading "Shelley Walter Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

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

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

63-8312

Date Received

Receipt Number

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

AMENDED

AMENDED

Please type or print clearly

1. Name of Claimant(s) City of Nampa (Nampa) Phone (208) 468-5420  
Mailing Address 411 3rd Street South, Nampa, ID Zip 83651
2. Date of Priority (only one (1) per claim) May 24, 1976
3. Source of water supply (a) Ground water  
which is tributary to (b) (not applicable)
4. a. Location of existing point of diversion is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_  
1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of \_\_\_\_\_  
Additional points of diversion if any: See Exhibit A for list of alternate points of diversion.  
b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_  
ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_  
1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. The wells listed in Exhibit A are all connected to  
Nampa's integrated municipal delivery system for 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 0.50 or 112.5

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 112.5 (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 25 acres of irrigation authorized under original the right.

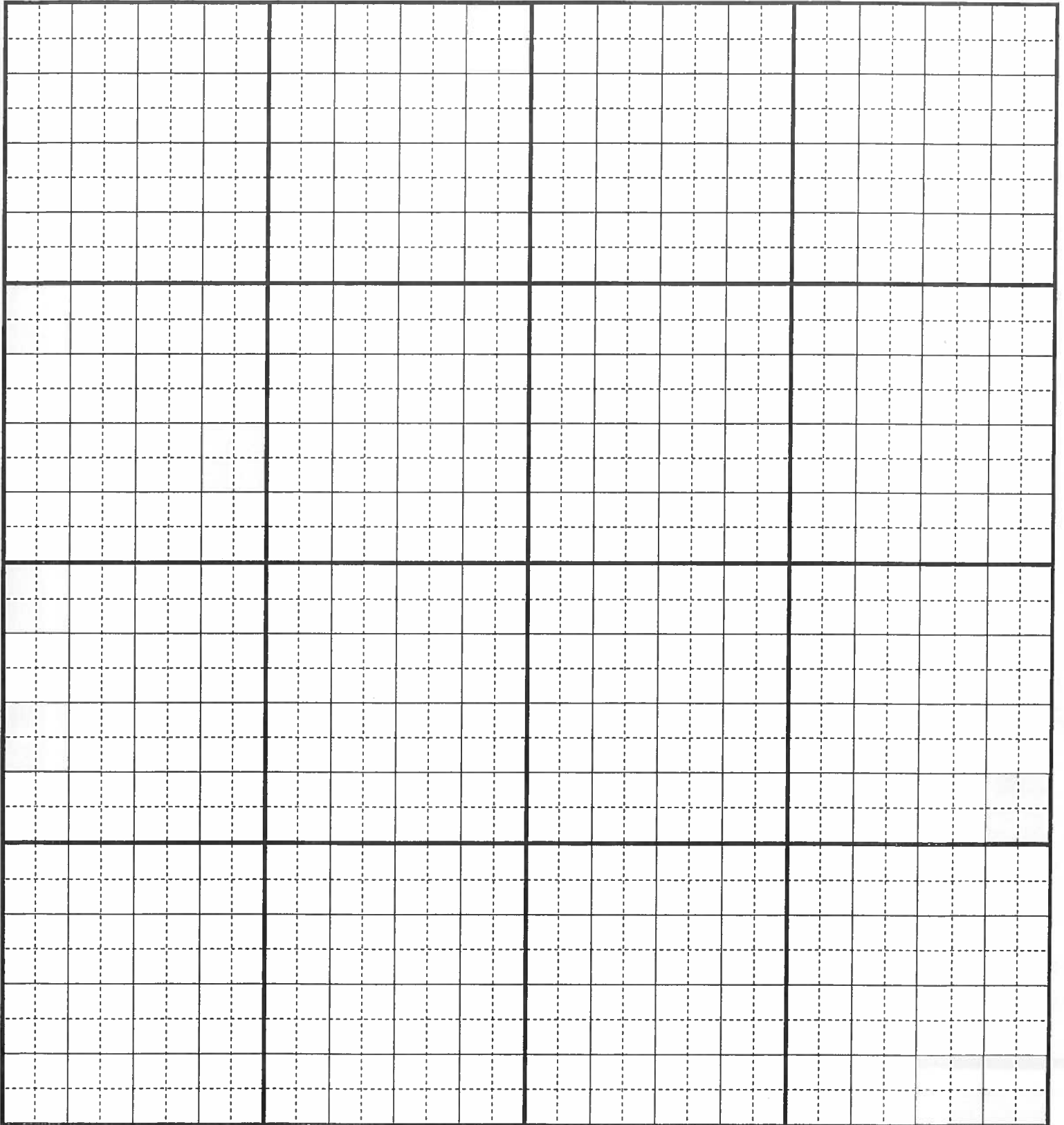
Last Name City of Nampa Ident. Number 63-8312

SCANNED

MAY 19 2004

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile **Please see Exhibit B**



Last Name City of Nampa Ident. Number 63-8312

SCANNED

MAY 4 2021

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 \_\_\_\_\_

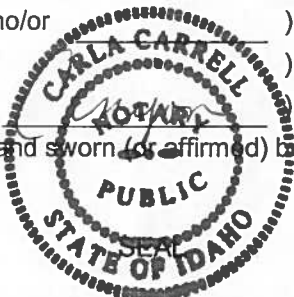
Subscribed and sworn (or affirmed) before me this

11 day of May 20 04

Carla Carrell

Residing at Nampa

My Commission Expires 4/20/10



17. Notice of Appearance:

Please Print Name

Notice is hereby given that, Christopher H. Meyer and John M. Marshall will be acting as attorneys at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to us at the address listed below.

Signature [Signature]

Christopher H. Meyer

John M. Marshall, Givens Pursley LLP

Address 601 W. Bannock, PO Box 2720, Boise, ID 83702

Telephone 208-388-1200

Date 5/12/04

Last Name City of Nampa Ident. Number 63-8312

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 <sup>TH</sup> & ROOSEVELT | 3N  | 2W  | 28  | NESE  | 63-02787                         | 9/2/1949                           | 30.00                                     |
| 19        | MAPLE                        | 3N  | 2W  | 27  | SWNW  | 63-02787                         | 9/2/1949                           | 30.00                                     |
| 20        | HOLLY                        | 3N  | 2W  | 27  | SENW  | 63-02787                         | 9/2/1949                           | 30.00                                     |
| 21        | FERN                         | 3N  | 2W  | 27  | SWNE  | 63-02787                         | 9/2/1949                           | 30.00                                     |
| 22        | 19TH SOUTH                   | 3N  | 2W  | 27  | SENE  | 63-02787                         | 9/2/1949                           | 30.00                                     |
| 23        | 14TH SOUTH                   | 3N  | 2W  | 27  | NENW  | 63-02787                         | 9/2/1949                           | 30.00                                     |
| 24        | HIGH STREET                  | 3N  | 2W  | 21  | NESE  | 63-02787                         | 9/2/1949                           | 30.00                                     |
| 25        | HUDSON                       | 3N  | 2W  | 21  | NESE  | 63-02787                         | 9/2/1949                           | 30.00                                     |
| 26        | PARK LANE & ORR              | 3N  | 2W  | 21  | NWNE  | 63-02787                         | 9/2/1949                           | 30.00                                     |
| 27        | 4TH ST. SOUTH                | 3N  | 2W  | 22  | SESW  | 63-02787                         | 9/2/1949                           | 30.00                                     |
| 28        | CANYON                       | 3N  | 2W  | 21  | SENE  | 63-02943                         | 6/3/1953                           | 1.74                                      |
| 29        | BIRDSEYE                     | 3N  | 2W  | 22  | NENW  | 63-07003                         | 6/9/1967                           | 7.68                                      |
| 30        | STATE ST.                    | 3N  | 2W  | 28  | NWNE  | 63-07708                         | 2/14/1973                          | 0.40                                      |
| 31        |                              |     |     |     |       |                                  |                                    |                                           |
| 32        | MORGAN                       | 3N  | 2W  | 20  | NESE  | 63-08312                         | 5/24/1976                          | 0.50                                      |
| 33        | GRANGE PARK                  | 3N  | 2W  | 17  | NWSE  | 63-09853                         | 1/17/1982                          | 1.00                                      |
| 34        | COLORADO                     | 3N  | 2W  | 34  | NWNW  | 63-09889                         | 3/30/1982                          | 1.50                                      |
| 35        | MEADOWBROOK #1               | 2N  | 2W  | 3   | NWNW  | 63-10211                         | 3/9/1984                           | 8.69                                      |
| 36        | SWEETWOOD                    | 3N  | 2W  | 20  | NESE  | 63-10211                         | 3/9/1984                           | 8.69                                      |
| 37        | BOONE                        | 3N  | 2W  | 17  | SESE  | 63-10211                         | 3/9/1984                           | 8.69                                      |
| 38        | WINTHER                      | 3N  | 2W  | 20  | SENE  | 63-10211                         | 3/9/1984                           | 8.69                                      |
| 39        | VENICE                       | 3N  | 2W  | 23  | NWSE  | 63-10211                         | 3/9/1984                           | 8.69                                      |
| 40        | YOUNG                        | 3N  | 2W  | 28  | SENE  | 63-10211                         | 3/9/1984                           | 8.69                                      |
| 41        | WESTPARK                     | 3N  | 2W  | 28  | NENW  | 63-10211                         | 3/9/1984                           | 8.69                                      |
| 42        | JUNIPER                      | 3N  | 2W  | 34  | SWSW  | 63-10211                         | 3/9/1984                           | 8.69                                      |

\*\* Shaded row indicates an abandoned well

\*\* Map index number 31 is a pump from the Elijah drain and is not included as an alternate point of diversion for ground water rights.

SCANNED

MAY 19 2004

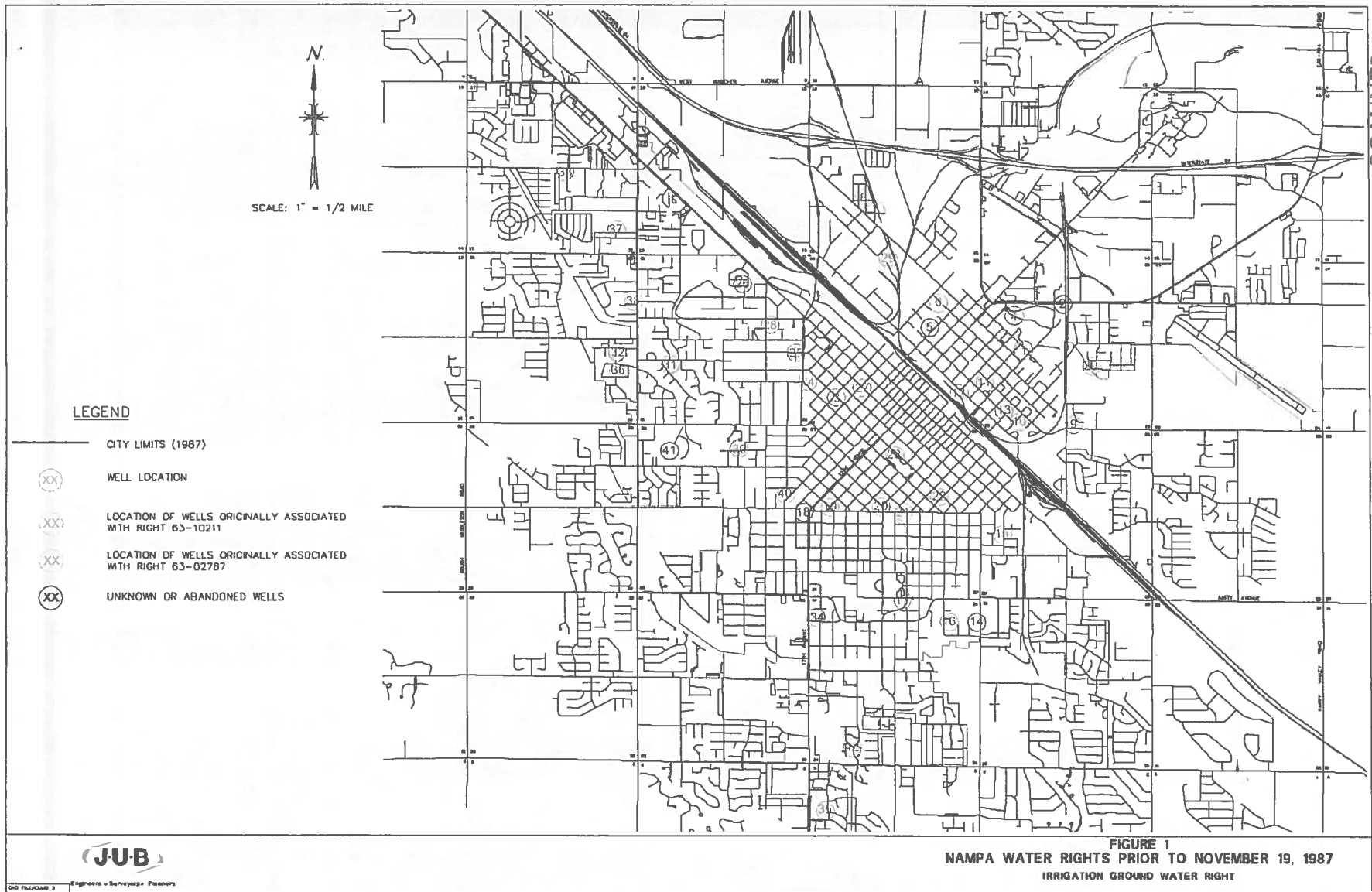


**Exhibit B**

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: **A63-08312**  
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: MAY 24, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 02W   | 20      |        | NE     | SE  |     | CANYON |

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

6. Water is used for the following purposes:

| Purpose   | From  | To    | C.F.S | (or) | A.F.A. |
|-----------|-------|-------|-------|------|--------|
| MUNICIPAL | 04/15 | 10/15 | 0.500 |      | 112.50 |

7. Total Quantity Appropriated is:  
0.500 C.F.S. (and/or) 112.50 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   | 20      | SW     | NE  |     | MUNI | 1.0   |
|          |       |         | SE     | NE  |     | MUNI | 5.0   |
|          |       |         | NE     | SE  |     | MUNI | 15.0  |
|          |       |         | NW     | SE  |     | MUNI | 4.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 25.0  |
|          |       |         |            |     | Total Acres   | 25.0  |

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
NAMPA-MERIDIAN IRR. DIST. & PIONEER IRR. DIST.

14. Remarks:  
KNOWN AS 44-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: LICENSE

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: A63-08312  
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: MAY 24, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 02W   | 20      |        | NE     | SE  |     | CANYON |

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

6. Water is used for the following purposes:

| Purpose   | From  | To    | C.F.S | (or) | A.F.A. |
|-----------|-------|-------|-------|------|--------|
| MUNICIPAL | 04/15 | 10/15 | 0.500 |      | 112.50 |

7. Total Quantity Appropriated is:  
0.500 C.F.S. (and/or) 112.50 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   | 20      | SW     | NE  |     | IRR | 1.0   |
|          |       |         | SE     | NE  |     | IRR | 5.0   |
|          |       |         | NE     | SE  |     | IRR | 15.0  |
|          |       |         | NW     | SE  |     | IRR | 4.0   |

**MICROFILMED**

**JUL 25 1994**

10. Place of Use: Continued

Section Acres 25.0

Total Acres 25.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

NAMPA-MERIDIAN IRR. DIST. & PIONEER IRR. DIST.

14. Remarks:

KNOWN AS 44-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: LICENSE

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

**MICROFILMED**

**JUL 25 1994**

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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JUL 25 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-08312  
Date Received: ~~2/21/1990~~ 3/28/90  
Receipt No: C015984  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED  
MAR 28 1990

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

83651

2. Date of Priority: MAY 24, 1976

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N      | 02W   | 20      |        | NE     | SE     |     | CANYON |

5. Description of diverting works:  
WELL, PUMP & ~~SPRINKLERS~~ pipeline

6. Water is used for the following purposes:

| Purpose                            | From  | To    | C.F.S. | (or) | A.F.A. |
|------------------------------------|-------|-------|--------|------|--------|
| <del>IRRIGATION</del><br>municipal | 04/15 | 10/15 | 0.500  |      | 112.50 |

7. Total Quantity Appropriated is:  
0.500 C.F.S. (and/or) 112.50 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   | 20      | SW     | NE     |     | IRR | 1.0   |
|          |       |         | SE     | NE     |     | IRR | 5.0   |
|          |       |         | NE     | SE     |     | IRR | 15.0  |
|          |       |         | NW     | SE     |     | IRR | 4.0   |

Section Acres 25.0

A63-08312

Page 1

Date: 02/21/90

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JUL 25 1994

10. Place of Use: Continued

Total Acres 25.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
NAMPA-MERIDIAN IRR. DIST. & PIONEER IRR. DIST.

14. Remarks: Known as #4-I  
See attachment

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: 1

**For Organizations:**

I do solemnly swear or affirm that I am the City Engineer of  
Title  
the City of Nampa, that I have signed the foregoing  
Organization  
document in the space below as the City Engineer of  
Title  
the City of Nampa and that the statements contained in the  
Organization  
foregoing document are true and correct.

Larry Blesore  
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 28<sup>th</sup> day  
of March, 19 90

Seal

Liana Lamber  
Notary Public

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

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Water Right Number - 63-08312

Prefix Translation:

WATER RIGHT

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*

CITY OF NAMPA

1 - CITY HALL

2 -

3 -

City- NAMPA

State- ID Zip- 83651

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
05/24/1976 14 WESTERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +  
GROUNDWATER+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

03N 02W 20 NE SE (27) CANYON

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

01 - IRRIGATION 04/15 10/15 0.500 112.50

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
0.500 112.50+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County

03N 02W 20 SW NE 1.0 01 IRRIGATION (27) CANYON

03N 02W 20 SE NE 5.0 01 IRRIGATION (27) CANYON

03N 02W 20 NE SE 15.0 01 IRRIGATION (27) CANYON

03N 02W 20 NW SE 4.0 01 IRRIGATION (27) CANYON

Total Acres: 25.0

+ - - Diversion Means - WELL, PUMP &amp; SPRINKLERS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NAMPA-MERIDIAN IRR. DIST. &amp; PIONEER IRR. DIST.

+ - - - - Remarks - - - - - +  
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +  
R32 - This right when combined with all other rights shall provide no  
- more than .02 cfs per acre nor more than 4.5 afa per acre for theMICROFILMED  
JUL 25 1994

Water right number - 63-08312

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +  
(Condition continued from previous page)  
- lands above.

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

+ - - - - Comments - - - - - +  
No Comments Found

+ - - Audit Fields - 06/03/85 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

|                                |                              |                     |
|--------------------------------|------------------------------|---------------------|
| Proof Due Date - 06/01/1981    | Field Exam Made - 00/00/0000 | Field Exam Fee -    |
| Approved/Denied - 06/25/1976   | 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 - 06/03/1985   | DLE/Carey Act -     |
| Order Show Cause - 00/00/0000  | Receipt Number -             | Water District -    |
| Licensed Date - 07/05/1983     | 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-

DATE RECEIVED 3/28/90 RECEIPT #C015984 FEE PAID \$1120 FEE REQ'D \$100

|                                                                                                                                                                                                                                                              | YES                                 | NO                       | Require Info?                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------------------------|
| 1. Is the name and address complete with zip code?                                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| 2. Is a priority date entered?                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| Is the priority date acceptable in view of mandatory filing dates?<br>See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                                                                                 |                                     |                          |                                            |
| 3. (a) Is a source entered?                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| (b) Is a tributary to entered? (if required)                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A <input checked="" type="checkbox"/>    |
| 4. Is the legal description of the p.d. sufficient?                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| 5. Is there a description of the diverting works?                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| 6. Are the water uses appropriate for the form?<br>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. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| Is the period of use included?                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                            |
| Is a quantity claimed for each use?                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| 7. Is a total quantity claimed entered?                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                            |
| 8. If required is a consumptive use entered?                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A <input checked="" type="checkbox"/>    |
| Is the consumptive use correct?                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A <input checked="" type="checkbox"/>    |
| 9. Are the non-irrigation uses listed showing # of homes, hd. of stock?                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| If multiple domestic, is single ownership indicated?                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                            |
| 10. Is (are) the place(s) of use and purpose(s) indicated?                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| 11. Is (are) the county(ies) entered?                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                            |
| 12. Is the ownership of p.u. checked?                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                            |
| 13. Are other water rights listed or "none" indicated?                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                            |
| 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.)                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A <input checked="" type="checkbox"/>    |
| 15. Is the basis of the claim indicated?                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                            |
| 16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed?                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A <input checked="" type="checkbox"/>    |
| If yes, compare claim w/existing right and attach proof report noting any differences in comments.                                                                                                                                                           |                                     |                          |                                            |
| If no, was water right no. found?                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| 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?                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A <input checked="" type="checkbox"/>    |
| (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?                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A <input checked="" type="checkbox"/>    |
| 19. Is the claim signed by the claimant, and is the signature appropriate?                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| 20. Has the claim been signed, sealed, and dated by a notary?                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| 21. Was this claim filed on time?<br>(Check ML3 for date mailed-not all were mailed on the planned date)<br>If no, was an extension of time filed & approved?                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *                                          |
| 22. Is the fee enclosed correct?                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Exempt <input checked="" type="checkbox"/> |

MICROFILMED

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- |                                                                                                                         | YES | NO |
|-------------------------------------------------------------------------------------------------------------------------|-----|----|
| 23. Is this claim being rejected and returned to claimant? . . . . .                                                    | —   | —  |
| 24. Can this claim be data entered? . . . . .                                                                           | —   | —  |
| 25. Was claim modified? . . . . .                                                                                       | —   | —  |
| If yes, do modifications require notification to claimant? . . . . .                                                    |     |    |
| Note: Modifications made must be explained in comments stating where the information for any changes was found. . . . . |     |    |

Claim reviewed by: HAT Date 1/26/93  
 Claim data entered by: JAD 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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_