

RECEIVED

MAY 19 2004

Department of Water Resources
The State BureauIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

63-5258

Date Received

Receipt Number

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

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) January 1, 1954
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 potable drinking water.

SCANNED

APR 25 2008

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MAY 19 2004

ORIGINAL

6. Water is claimed for the following purposes

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

For Municipal purposes from 1/1 to 12/31 amount 2.67 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.67 (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

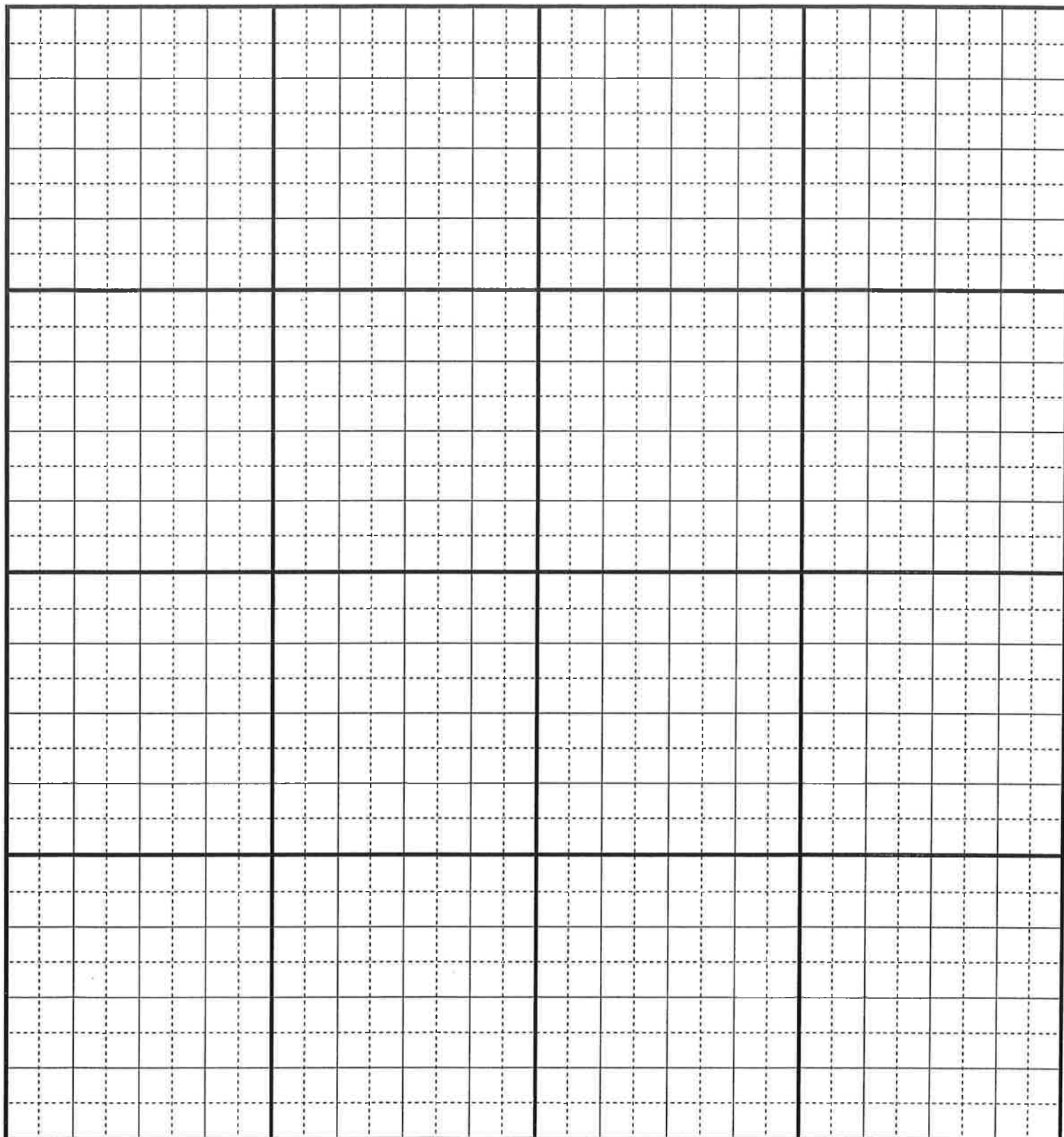
Last Name City of Nampa Ident. Number 63-5258

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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 63-5258

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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 Paul Raymond

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

State of Idaho/or _____)
_____) SS.

County of Canyon)

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

Notary Public 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 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 63-5258

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MAY 19 2004

Exhibit A

List of Alternate Points of Diversion for City of Nampa Municipal System for Potable Water

Well Name	TWN	RGE	SEC	Tract	Right originally associated with well	Priority originally associated with well	Diversion rate originally associated with well
Well # 1	3N	2W	S22	NWSE	63-02533 63-28219	12/16/1971 8/2/1937	1.22 1.22
Well # 2	3N	2W	S22	NWSE	63-02533 63-28219	12/16/1971 8/2/1937	1.22 1.22
Well # 3	3N	2W	S22	NWNW	63-02779	9/2/1949	2.00
Well # 4	3N	2W	S22	SWNE	63-02781	9/2/1949	3.00
Well # 5	3N	2W	S22	SWNW	63-02782 63-28220	11/25/1959 9/2/1949	1.93 1.93
Well # 6	3N	2W	S27	SENE	63-05258	1/1/1954	2.67
Well # 7	3N	2W	S17	SWNE	63-10212	6/28/1983	2.23
Well # 8	3N	2W	S14	NWSE	63-07567	3/6/1972	2.79
Well # 9	3N	2W	S17	SWNW	63-08324	6/1/1976	3.00
Well # 10	3N	2W	S3	NWNW	63-09180	9/27/1978	4.00

SCANNED

MAY 19 2004



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-05258**
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. S.
NAMPA ID

83651

2. Date of Priority: JAN 1, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	27		SE	NE		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	01/01	12/31	2.670		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

P/U WITHIN THE CITY OF NAMPA., A MUNICIPALITY.
KNOWN AS WELL #6.

15. Basis of Claim: BENEFICIAL USE

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)
County of _____) SS.

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: A63-05258
Date Received: ~~2/21/1990~~ 3/28/90
Receipt No: 0015984
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 28 1990

1. Name: CITY OF NAMPA
Address: 411 3RD. ST. S.
NAMPA, ID

83651

2. Date of Priority: JAN 01, 1954

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	27	SE	NE			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	01/01	12/31	2.670		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

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:

P/U WITHIN THE CITY OF NAMPA., A MUNICIPALITY.

Known as Well # 6

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am 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 Blodine
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 Lambert
Notary Public

Seal

Residing at Nampa, Idaho

My Commission Expires 12/21/93
2 Date: 02/21/90

A63-05258

Page

MICROFILMED

JUL 25 1994

Water Right Number - 63-05258

Prefix Translation: WATER RIGHT

Old (D) Number -

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

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

1 - 411 3RD. ST. S.
2 -
3 -
City- NAMPA State- ID Zip- 83651
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/01/1954 14 WESTERN S - STATUTORY CLAIM

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

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

03N 02W 27 SE NE (27) CANYON

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

40 - MUNICIPAL 01/01 12/31 2.670

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2.670

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

+ - - Diversion Means - WELL, PUMP & PIPELINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/U WITHIN THE CITY OF NAMPA., A MUNICIPALITY.

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

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

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

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JUL 25 1994

Prefix Translation: WATER RIGHT

+ - - Audit Fields - 01/17/84 05/01/88 CONVERT

[illegible]

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-	
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-	P
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	-	
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-	
Decree Date	-	00/00/0000	Presumption Flag	-				

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JUL 25 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

City of Nampa

CLAIM IDENT. NO.

A63-05258

DATE RECEIVED 3/28/90 RECEIPT # C015984 FEE PAID \$ 9120 FEE REQ'D \$ 317

	YES	NO	Requires 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 1/25/93
 Claim data entered by: JH 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: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
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 63-05258

By _____ Clerk
Deputy Clerk

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

SOURCE: GROUND WATER

QUANTITY: 2.10 CFS

PRIORITY DATE: 07/20/1954

POINT OF DIVERSION: T02N R02W S03 LOT 4 (NWNW) Within Canyon County
T03N R02W S14 NWSE
S17 SWNE
S22 SWNW
SWNE
NWNW
NWSE
NWSE
S27 SENE

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	2.10 CFS

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

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

To the extent necessary for administration between points of
diversion for ground water, and between points of diversion for
ground water and hydraulically connected surface sources, ground
water was first diverted under this right at Well #6 located in
T3N, R2W, Sec. 27, SENE.

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).

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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

RECOMMENDATION

JAN 30 2009

Lawrence B. Smith
SPECIAL MASTER

Walker, Kay

From: Christopher H Meyer [ChrisMeyer@givenspursley.com]
Sent: Wednesday, December 03, 2008 3:53 PM
To: Baxter, Garrick
Cc: Walker, Kay; 'Roxanne Brown'
Subject: FW: City of Nampa (claim 63-5258)

Garrick, here's the email we discussed.

- Chris

cc: Kay Walker, Roxanne Brown

(Reply from chrismeyer@givenspursley.com)

From: Roxanne Brown [mailto:RBrown@spfwater.com]
Sent: Monday, November 24, 2008 4:24 PM
To: Christopher H Meyer
Subject: City of Nampa (claim 63-5258)

Chris,

I spoke to Kay Walker today concerning her recommendation of claim 63-5258. Specifically, we discussed her theoretical calculation of the diversion rate for the water right.

Her current recommendation is based on some assumptions made by IDWR and actual information from Layne of Idaho, Inc. as to the installation of the pump. The following information was used for the calculation Kay performed (the so-called "horsepower equation"):

Horsepower of the pump: known to be **75 hp**

Efficiency of the pump: assumed by Kay to be **70%**, a reasonable assumption

Lift: known to be **70 ft.**

Pressure: assumed by Kay to be **65 psi**, a reasonable assumption at the time the well was first used (1954)

The equation:
$$\frac{(8.8)(hp)(efficiency)}{lift+(pressure)(2.31)}$$
 (Note: the constants simply make the units come out in cfs)

The result:
$$\frac{(8.8)(75\ hp)(0.70)}{70\ ft+(65\ psi)(2.31)} = 2.1\ cfs$$

Upon review, the information used by Kay, and her assumptions, appear to be acceptable. A recommendation of diversion rate based on this calculation is probably as high as the City is likely to get from IDWR.

Please call if you have questions.

SCANNED
MAY 09 2011

12/4/2008

Roxanne Brown
SPF Water Engineering, LLC
300 E. Mallard Dr., Suite 350
Boise, ID 83706
(208) 383-4140 x216
(208) 383-4156 fax
rbrown@spfwater.com
www.spfwater.com

10/02/2008

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

RIGHT NUMBER: 63-5258

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.100 CFS

PRIORITY DATE: 07/20/1954

POINT OF DIVERSION:

T02N R02W S3 NWNW Lot 4 Within CANYON County

T03N R02W S14 NWSE Within CANYON County

T03N R02W S17 SWNE Within CANYON County

T03N R02W S17 SWNW Within CANYON County

T03N R02W S22 SWNE Within CANYON County

T03N R02W S22 SWNE Within CANYON County

T03N R02W S22 NWNW Within CANYON County

T03N R02W S22 NWSE Within CANYON County

T03N R02W S22 NWSE Within CANYON County

T03N R02W S27 SENE Within CANYON County

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	2.100 CFS

PLACE OF USE:

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

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

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

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at Well #6 located in T3N, R2W, Sec. 27, SENE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Walker, Kay

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Monday, September 29, 2008 2:59 PM
To: Walker, Kay
Cc: Christopher H Meyer
Subject: pumping level/City of Nampa well #6
Attachments: s2d8D0F43FFBD32D973115EABA9D9D09708_1.pdf

Kay,

Attached is a copy of the Layne pump "Installer's Report" we just discussed. I'm glad City personnel could find something that cleared up the confusion!

Roxanne Brown
 SPF Water Engineering, LLC
 300 E. Mallard Dr., Suite 350
 Boise, ID 83706
 (208) 383-4140 x216
 (208) 383-4156 fax
rbrown@spfwater.com
www.spfwater.com

*see this information can allow
additional quantity; for well #6 -*

$$Q = \frac{75 \text{ HP} \times 8.814 \times .70 \text{ eff}}{70' + (2.31 \times 65 \text{ psi})} = 2.10 \text{ cfs}$$

*kw
9/30/2008*

**LAYNE OF IDAHO, INC.**P.O. BOX 1005 • NAMPA, IDAHO 83653
TELEPHONE (208) 468-7376 • FAX (208) 468-5078**INSTALLERS REPORT**CUSTOMER NAME: City of NampaDate: 7/06PUMP LOCATION: Well #6 Roosevelt & 6th

PUMP #: _____

PUMP HP: 75 BJ SERIAL #: 987441RPM: 1800HEAD SIZE: 8" x 8" x 5'

HEAD #: _____

HEAD SHAFT SIZE: 1 7/8TBD: 8COL. SIZE: 8" x 10'SETTING: 70'

PIT DEPTH: _____

TUBE SIZE: 2 1/2TBD: 8SHAFT SIZE: 1 7/8TBD: 8

WELL DEPTH: _____

WATER TEMP: _____

STATIC WATER LEVEL: 8'6"

PUMPING LEVEL: _____

Casing Size: 15" with a 13" liner**BOWL INFORMATION:**

SIZE: _____

STAGES: 5

STICKUP: _____

SHAFT: 15 1/4TUBE: 5 1/2

TREAD: _____

SHAFT: 8TUBE: 8**PANEL:**CONDITION: good**PROBLEMS:**SITE: we had to set up in street so bring cones for traffic

EQUIPMENT: _____

HRS. _____

TRAVEL TIME: _____

08/06/2008

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

RIGHT NUMBER: 63-5258

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.600 CFS

PRIORITY DATE: 07/20/1954

POINT OF DIVERSION:

T02N R02W S3 NWNW Lot 4 Within CANYON County

T03N R02W S14 NWSE Within CANYON County

T03N R02W S17 SWNE Within CANYON County

T03N R02W S17 SWNW Within CANYON County

T03N R02W S22 SWNE Within CANYON County

T03N R02W S22 SWNE Within CANYON County

T03N R02W S22 NWNW Within CANYON County

T03N R02W S22 NWSE Within CANYON County

T03N R02W S22 NWSE Within CANYON County

T03N R02W S27 SENE Within CANYON County

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.600 CFS

PLACE OF USE:

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

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

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

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

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at Well #6 located in T3N, R2W, Sec. 27, SENE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5258 V1

WATER RIGHT NUMBER: 63-5258 V1

Owner Type Name and Address

Current Owner

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

Priority Date: 04/01/1954

Basis: Beneficial Use

Status: Disallowed

SourceTributaryBeneficial Use

MUNICIPAL

From To

1/01 to 12/31

Diversion Rate

2,670 CFS

Annual VolumeTotal Diversion:

2,670 CFS

Location of Point(s) of DiversionPlace of Use

MUNICIPAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	1		X L 2			X L 3	X L 4	X			X							
02N	02W	2	X L 1	X L 2	X	X	X L 3	X L 4	X	X	X	X			X	X	X		
02N	02W	3	X L 1	X L 2	X	X	X L 3	X L 4	X	X	X	X	X	X		X	X		
02N	02W	4	X L 1	X L 2	X	X	X L 3	X L 4	X	X	X	X	X	X	X	X	X		
02N	02W	5	X L 1																
02N	02W	9		X			X												
03N	01W	7					X L 1	X L 2		X	X L 3	X L 4	X	X	X	X	X	X	
03N	01W	8									X	X							

well #6 -
Theoretical = 0.6 cfs
see ECV R-
KJ
8/6/08

03N 01W 17							X												
03N 01W 18	X	X	X	X	X	X	X	X		X	X								
03N 01W 19													X						
03N 01W 30							X												
03N 02W 7																			X
03N 02W 8									X	X	X	X	X		X	X	X		
03N 02W 9	X	X	X	X	X			X	X		X	X		X	X	X	X		
03N 02W 10	X	X	X	X					X	X	X	X		X	X	X	X		
03N 02W 11	X	X	X	X		X	X		X	X	X	X		X	X	X	X		
03N 02W 12	X	X	X	X	X		X	X	X	X	X	X		X	X	X	X		
03N 02W 13	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		
03N 02W 14	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		
03N 02W 15	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		
03N 02W 16	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		
03N 02W 17	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		
03N 02W 18	X			X										X					
03N 02W 20	X	X	X	X	X	X	X	X	X					X	X		X		
03N 02W 21	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		
03N 02W 22	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		
03N 02W 23	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5258 V1

03N 02W 24	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
03N 02W 25	X		X		X	X	X	X	X	X	X	X		X			
03N 02W 26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
03N 02W 27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
03N 02W 28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
03N 02W 29	X	X	X	X	X	X	X	X	X	X				X	X	X	X
03N 02W 32	X	X	X	X										X	X	X	X
03N 02W 33	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
03N 02W 34	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
03N 02W 35	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X
03N 02W 36					X	X	X	X	X	X	X	X			X	X	

Conditions of Approval:

1. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at Well #6 located in T3N, R2W, Sec. 27, SENE.
2. This water right is part of the potable water delivery system for the City of Nampa.
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. **124** Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.
5. ~~P41~~ No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.
6. ~~P81~~ No lawful appropriation shown.
7. The points of diversion for this right and Right Nos. 63-2779, 63-2781, 63-2782, 63-10212, 63-7567, 63-8324, and 63-9180 are diverted through the points of diversion described in Right No. 63-2533.

done
need
if plots
on page?
NO-

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-5258 V1

Remarks:

Comments:

1. awarntje 9/30/2005 Priority
Comment: Need evidence of priority.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 63-5258
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: awarntje
Basis of Claim: Beneficial Use
Date Filed: 6/19/2006 Objection Status: Active

Water Supply Bank:

MEMORANDUM

TO: CITY OF NAMPA FILES

FROM: KAY WALKER

RE: INFORMATION

Date: August 5, 2008

.....

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

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

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

Scanned

(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: chrismeyer@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
Krislin 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.

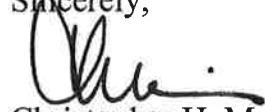
Based on the Department's assurance that its longstanding policy remains in place (that municipal water rights are authorized to pump year-round at the authorized diversion rate), the City withdraws its request that the annual volume be stated on the face of the water right decree.

Scanned

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

December 19, 2007

CITY OF NAMPA
ATTN: CHRISTOPHER H MEYER
GIVENS, PURSLEY, LLP
PO BOX 2720
BOISE ID 83701

Re: City of Nampa Claims

Dear Mr. Meyer:

Pursuant to our visit in July, 2007, we had requested additional information in order to complete review of the claims filed by the City of Nampa. Please note that we have not received the additional information and would like to request you submit this information at your earliest convenience. For your information, the documentation we requested is as follows:

1. Evidence of Priority Date for Claim Nos. 63-5258, 63-28219 and 63-28220
2. Documentation showing that Claim 63-5257 and 63-2787 are separate wells and evidence of priority date for well under 63-5257.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, the priority dates, as claimed, may not be recommended to the Court for decree.

If we do not receive the requested information on or before January 31, 2008, we will proceed with our revised recommendations on claims that were objected to in June of 2007, and will not revise recommendations to the above mentioned claims that were disallowed for failure to submit evidence of priority dates.

If you have any questions concerning this request please do not hesitate to contact me at 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosure

Cc: City of Nampa
411 3rd St S
Nampa, ID 83651

RECEIVED

JUN 20 2007

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

Case No. 39576

A. Subcase 63-5258

(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: Ground water

3. ☒ **Quantity**
Should be: 2.67 cfs (avg. daily peak flow); 1,933.0 acre-feet (annual volume)

4. ☒ **Priority Date**
Should be: 7/1/1954

5. ☒ **Point(s) of Diversion**
Should be: See Appendix A (10 PODs for Potable 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):** _____

Basis of Claim: This beneficial use claim is associated with Domestic Well #6 located at T3N R2W §27 SENE. This well has been in continuous operation since 1/1/1954 and remains in

use today.

Corrected PODs: The City has included a corrected list of 10 PODs associated with the integrated potable water delivery system. The City's Amended Claim identified the incorrect quarter-quarter for Well No. 5 and the incorrect township and lot for Well No. 10.

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

Original POD Remark: The Department included a remark 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.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss
County of Ada)

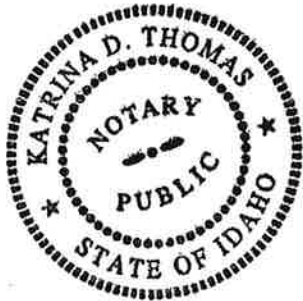
Christopher H. Meyer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 A to City of Nampa's Objections - List of PODs for Integrated Potable Water System (SRBA Rights Only)

Well Name	Location	Original Water Right(s) Associated with Well	Priority Date Associated with Well	Diversion Rate (cfs) of Original Water Right(s)
Domestic Well #1	T3N R2W S22 NWSE	63-2533 63-28219	12/24/1937	1.22
Domestic Well #2	T3N R2W S22 NWSE	63-2533 63-28219	12/24/1937	
Domestic Well #3	T3N R2W S22 NWNW	63-2779	9/2/1949	2.00
Domestic Well #4	T3N R2W S22 SWNE	63-2781	9/2/1949	3.00
Domestic Well #5	T3N R2W S22 SWSE	63-2782 63-28220	12/1/1949	1.93
Domestic Well #6	T3N R2W S27 SENE	63-5258	7/1/1954	2.67
Domestic Well #7	T3N R2W S17 SWNE	63-10212	6/28/1983	2.23
Domestic Well #8	T3N R2W S14 NWSE	63-7567	3/6/1972	2.79
Domestic Well #9	T3N R2W S17 SWNW	63-8324	6/1/1976	3.00
Domestic Well #10	T2N R2W S3 NWNW, Lot 4	63-9180	9/27/1978	4.00
TOTAL				22.84

11/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5258

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

DISALLOWED: No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

11/21/2006

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

RIGHT NUMBER: 63-5258
NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE:

QUANTITY: 2.670 CFS

PRIORITY DATE: 01/01/1954

POINT OF DIVERSION:

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

The points of diversion for this right and Right Nos. 63-2779, 63-2781, 63-2782, 63-10212, 63-7567, 63-8324, and 63-9180 are diverted through the points of diversion described in Right No. 63-2533.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	1/01 12/31	2.670 CFS

PLACE OF USE:

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

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

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at Well #6 located in T3N, R2W, Sec. 27, SENE.

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.

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Extra Notice

Provided with Mailing of Preliminary Recommendation

Dated November 20, 2006

Claim No. 63-5258

Attached please find two descriptions of a water right claimed by your municipality with basis of beneficial use. The first is a recommendation for disallowal, which we must submit to the SRBA Court if more information is not provided.

The second is a description of the water right showing the date of priority and the rate of flow claimed. **We can submit this recommendation to the SRBA Court only if convincing supporting information is provided to this office soon.**

Please provide evidence of:

X Date of priority (date of first use of water from the well described by this claimed water right)

X Rate of flow provided by this system (measurement information or a pump rating curve for the pump in the claimed well as of the claimed date of priority)

Please provide this information by fax to 208-287-6700, attn: Dave Tuthill, no later than December 7, 2006 to ensure the information is considered by IDWR prior to filing the Director's Report for this water right.

More information is provided in the enclosed pamphlet entitled: Evidence of Priority.

If you have questions please call Dave Tuthill at 287-4805.

Extra Notice

Provided with Mailing of Preliminary Recommendation

Dated November 20, 2006

Claim No. 63-5258

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Please provide evidence of:

✕ Date of priority (date of first use of water from the well described by this claimed water right)

✕ Rate of flow provided by this system (measurement information or a pump rating curve for the pump in the claimed well as of the claimed date of priority)

Please provide this information by fax to 208-287-6700, attn: Dave Tuthill, no later than December 7, 2006 to ensure the information is considered by IDWR prior to filing the Director's Report for this water right.

More information is provided in the enclosed pamphlet entitled: Evidence of Priority.

If you have questions please call Dave Tuthill at 287-4805.

Tuthill, Dave

From: Tuthill, Dave
Sent: Sunday, November 19, 2006 11:15 AM
To: 'jmm@givenspursley.com'
Subject: Nampa

Contacts: John Marshall

Good morning, John.

I just completed review of the last of the municipal water rights in the Treasure Valley -- City of Nampa.

The claims are nicely filed and they all make sense to me -- except for 3. B/U claims 63-5258, 63-29219 and 63-28220 do not appear to contain a shred of evidence for either date of priority or flow rate. (The latter two are for uses that were later licensed, so we do have some flow info for later dates.)

Also, it appears that 63-5257 is no longer part of the system so at this point I am planning to disallow it.

Please call me at 287-4805 after you have had a chance to check it out.

Thanks, Dave

Notes for Review of Nampa Claims

Dns 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.

Dns 11/19/06

05/22/2006

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

RIGHT NUMBER: 63-5258

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.670 CFS

PRIORITY DATE: 01/01/1954

POINT OF DIVERSION:

T03N R02W S27 SENE Within CANYON County

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

1/01 12/31

2.670 CFS

PLACE OF USE:

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Recommend for disallowal
No evidence of date of Priority or rate of flow

Drift

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5258 V1

WATER RIGHT NUMBER: 63-5258 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF NAMPA 411 3RD ST S NAMPA, ID 83651 (208) 463-2270

Priority Date: 01/01/1954

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	2.670 CFS	
	<u>Total Diversion:</u>	2.670 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 27, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of Use

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 124 Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.

Remarks:

Comments:

1. awarntje 9/30/2005 Priority
Comment: Need evidence of priority.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5258 V1

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/30/2005 8:44:28 AM	awarntje			Active
Priority Date	9/30/2005 8:45:55 AM	awarntje			Active
POD	9/30/2005 8:47:22 AM	awarntje			Active
Source	9/30/2005 8:47:45 AM	awarntje			Active
POU	9/30/2005 8:48:59 AM	awarntje			Active
Use	9/30/2005 8:49:39 AM	awarntje			Active
Season	9/30/2005 8:50:12 AM	awarntje			Active
Quantity	9/30/2005 8:50:53 AM	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>
POD	9/30/2005 8:47:22 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5258 V1

Quantity	9/30/2005 8:50:53 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	9/30/2005 8:51:57 AM	awarntje	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?
POU	9/30/2005 8:49:00 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
Use	9/30/2005 8:49:40 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Contacts	9/30/2005 8:44:28 AM	awarntje	(No) 1. Do you want to schedule an appointment?
General	9/30/2005 8:45:56 AM	awarntje	Comment for 1: Sufficient info in file (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficien

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5258 V1

evidence of Priority Date?

Source	9/30/2005 8:47:45 AM	awarntje	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
Season	9/30/2005 8:50:12 AM	awarntje	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

Water Supply Bank:

Field Investigation Report

Completed by **Karan Waters**

Claim Number 63-5258

Contact:

Contact Date: 12/9/02

CITY OF NAMPA

411 3RD ST S

NAMPA **ID** 83651

208 465-2220

Source of Information

Les Liebschwager

Contact Comments

☒ **Verified**

☐ **New owner**

Appointment Date: 12/11/02

Appointment Time: 10:30 AM

POD id 302790

Legal Description 03N 02W 27 SE NE

Desc of Diversion W well, pump and pipeline

Site Tag # A0002092

GPS File Name 189

Motor Make Submersible

Pump Make Submersible

Horsepower 75

Pressure gage 65 psi

pump bowl or static pump

Depth level 487 Ft.

dyn. pump level 477 Ft.

POD Remarks:

WELL #6 located at E. Roosevelt & 6th St. S.
Maintenance man estimated horsepower. Pump
was dismantled and in the shop at time of
inspection.

Pressure gage at sprinkler 0 psi

Bucket Measurment (gps) 0

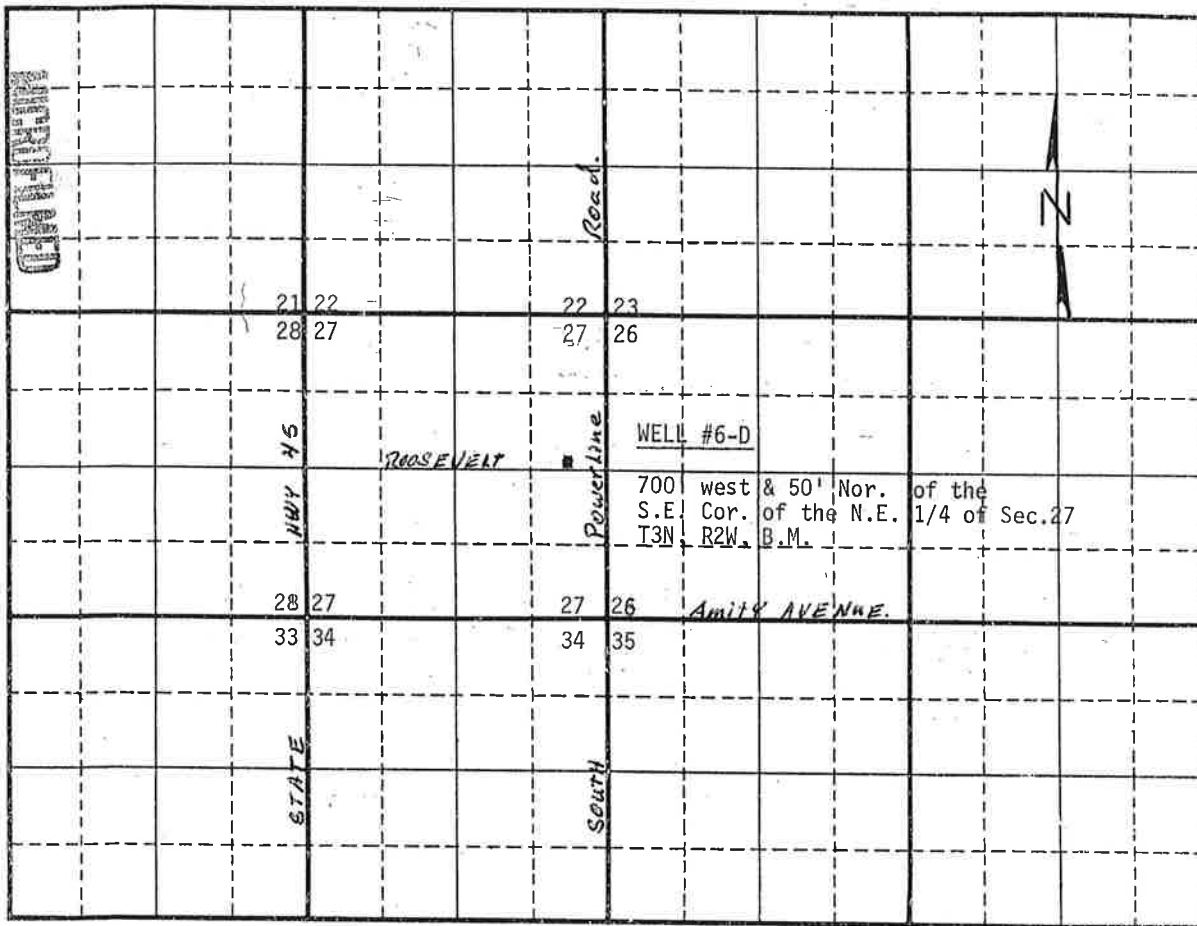
Calc Method: Theoretical

Flow (cfs) 0.60

Photos

dsc00077 map
dsc00093 pump house
dsc00094 pumping system

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Canyon) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 27 day of June

Larry Blidore - City Engineer
(Claimant)

1983.

Camille M. Beaubien
Notary Public
Residing at Nampa

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by mm Date 6-28-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by df Date 6/30/83 claimant by: _____
\$30.00 fee received by df Date 6/29/83 32211
Published in Press Tribune
Dates 1/26 & 2/2/84



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 3, 2002

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Water Works, Inc., to assist us with this task.

The purpose of this letter is to advise you that Water Works, Inc. might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Water Works, Inc. with access to your water diversion system so that their personnel can conduct this field examination. Water Works, Inc. will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Water Works, Inc. to ensure that the results accurately reflect your water uses.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jan Shurte', is written over a horizontal line.

Jan Shurte
Adjudication Section Supervisor
Western Regional Office