

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: **A63-07003**
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: JUN 9, 1967

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02W	15		SE	SW		CANYON
		22		NE	NW		CANYON

5. Description of diverting works:
WELLS, PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	7.680		1353.00

7. Total Quantity Appropriated is:
7.680 C.F.S. (and/or) 1353.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

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:

2 P/D IN NENW, S22 & SESW, S15, T3N, R2W.
TRANS. 3057. P/U WITHIN CITY LIMITS OF NAMPA. THE MAX. VOLUME
DIVERTED UNDER THIS TRANS. SHALL NOT EXCEED 1353.0 AF/AC.
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: _____

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: A63-07003
Date Received: ~~2/21/1990~~ 2/28/90
Receipt No: CO15984
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: JUN 09, 1967

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	15		SE	SW		CANYON
		22		NE	NW		CANYON

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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
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties: *Canyon*

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

A63-07003

Page 1

Date: 03/26/90

MICROFILMED
JUL 25 1994

13. Other Water Rights Used:

14. Remarks:

2 P/D IN NENW, S22 & SESW, S15, T3N, R2W.
TRANS. 3057. P/U WITHIN CITY LIMITS OF NAMPA. THE MAX. VOLUME
DIVERTED UNDER THIS TRANS. SHALL NOT EXCEED 1353.0 AF/AC.
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.

Lamb Blidner
Signature of Authorized Agent

City Engineer, Nampa, Idaho
Title and Organization

March 27, 1990
Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of March, 19 90

Liana Lambing
Notary Public

Seal

Residing at Nampa, Idaho
My Commission Expires 12/21/93

Attachment

Remarks:

The place of use described in Item #10 is the foundation of this water right. The actual place of use under the City of Nampa's closed loop system is within the City of Nampa Municipal Irrigation District, and within the city limits of Nampa.

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JUL 25 1994

Water Right Number - 63-07003

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
GENERAL FOODS CORP.1 - CITY OF NAMPA
2 - 411 3RD ST. S.
3 -
City- NAMPA
Phone -

State- ID Zip- 83651

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
06/09/1967 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 15 SE SW (27) CANYON
22 NE NW (27) CANYON+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
10 - COMMERCIAL 7.680 1353.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
7.680 1353.00+ - - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
2 P/D IN NENW, S22 & SESW, S15, T3N, R2W.
TRANS. 3057. P/U WITHIN CITY LIMITS OF NAMPA. THE MAX. VOLUME
DIVERTED UNDER THIS TRANS. SHALL NOT EXCEED 1353.0 AF/AC.+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - - Conditions of Approval - - - - - +
016 - See remarks for additional conditions of approval.+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

JUL 25 1994

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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	-	09/30/1985	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	
Licensed Date	-	09/12/1979	Appl Received	-	00/00/0000	Transfer/Amended	-	T
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.

A63-07003

DATE RECEIVED 3/28/90 RECEIPT # C015784 FEE PAID \$9120 FEE REQ'D \$818

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.			
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	N/A ☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	N/A ☐	☒	
Is the consumptive use correct?	N/A ☐	☒	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	☐	☐	*
If multiple domestic, is single ownership indicated?	☒	☐	
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☐	☒	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	N/A ☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed?	N/A ☒	☐	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.	☐	☐	
If no, was water right no. found?	☐	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim?	N/A ☒	☐	
(If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid?	N/A ☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct?	Exempt ☐	☐	*

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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 1/26/93
 Claim data entered by: ADD Date 7-22-93

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Presumptive Flag: C - (change N/U)

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

**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 63-7003

Date Received _____

Receipt Number _____

Department of Water Resources
Adjudication Bureau

**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) June 9, 1967
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	<u>Municipal</u>	purposes from	<u>1/1</u>	to	<u>12/31</u>	amount	<u>7.68</u>	or	<u>1353</u>
For		purposes from		to		amount		or	
For		purposes from		to		amount		or	
For		purposes from		to		amount		or	

7. Total quantity claimed (a) 7.68 (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.

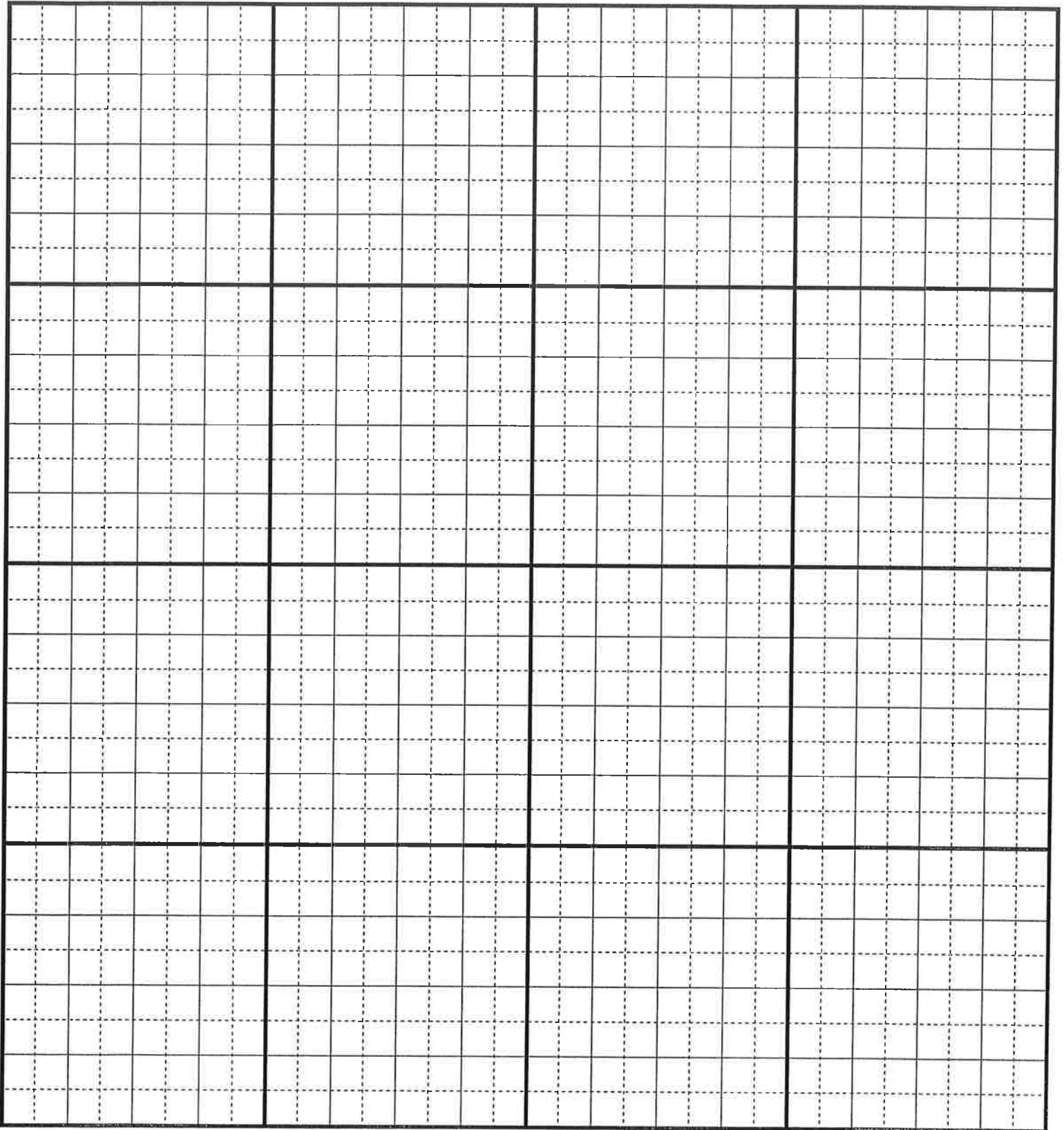
Last Name City of Nampa

Ident. Number 63-7003

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 63-7003

SCANNED
MAY 19 2004

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

(a.) by signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Paul Raymond
_____ Title _____

of the City of Nampa, that I have signed the foregoing

Organization

document in the space below as Director, Public Works Department of the City of Nampa

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Director, Public Works Dept, City of Nampa

Date 5/11/04

State of Idaho _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

11 day of May 20 04

Notary Public

Residing at

My Commission Expires

4/20/10

17. Notice of Appearance:

Please Print Name

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

Signature

[Signature]
Christopher H. Meyer

[Signature]
John M. Marshall, Givens Pursley LLP

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

Telephone 208-388-1200

Date 5/12/04

Last Name City of Nampa Ident. Number 63-7003

SCANNED
MAY 19 2004

Exhibit A

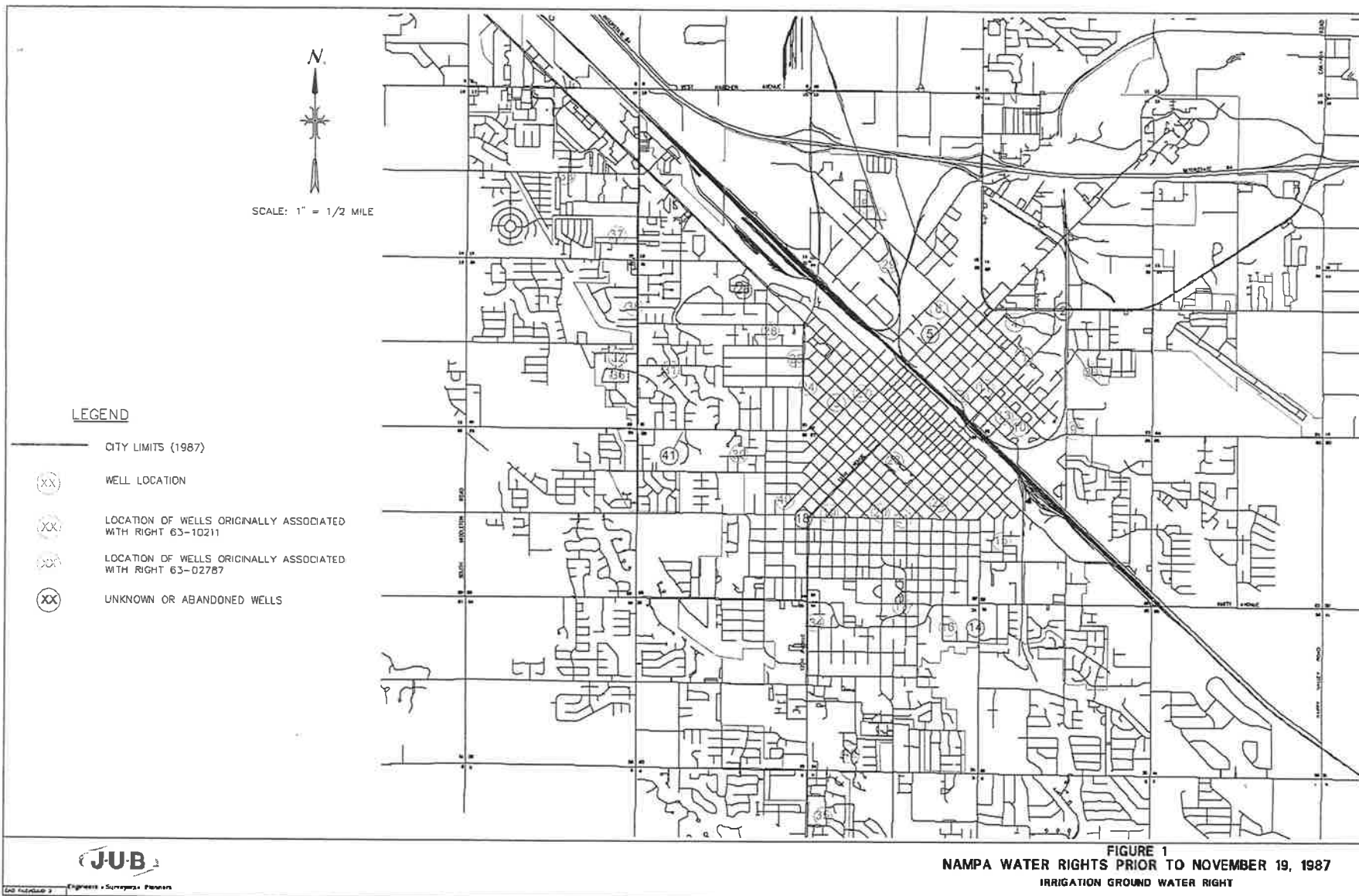
List of Alternate Points of Diversion for City of Nampa Municipal System for Non-Potable Water

Map Index	Well Name	TWN	RGE	SEC	Tract	Water right associated with well	Priority date associated with well	Diversion rate associated with well (cfs)
1	MAYORS	3N	2W	23	SENW	63-02449	8/13/1931	0.80
2	UNKNOWN	3N	2W	23	SENW	63-02450	8/13/1931	1.00
3	6TH SOUTH	3N	2W	22	SWSW	63-02484	8/22/1933	1.62
4	LAKEVIEW	3N	2W	23	SWNW	63-02780	9/2/1949	2.50
5	UNKNOWN	3N	2W	22	SWNE	63-02787	9/2/1949	30.00
6	PHYLLIS	3N	2W	22	SENE	63-02787	9/2/1949	30.00
7	KOHLER LAWN CEMETERY 1	3N	2W	15	NESW	63-02787	9/2/1949	30.00
8	KOHLER LAWN CEMETERY 2	3N	2W	15	SWSE	63-02787	9/2/1949	30.00
9	EAST POWERLINE	3N	2W	23	SWSE	63-02787	9/2/1949	30.00
10	19TH AVE. NORTH	3N	2W	23	SWSW	63-02787	9/2/1949	30.00
11	15TH AVE. NORTH	3N	2W	23	NWSW	63-02787	9/2/1949	30.00
12	14TH NORTH	3N	2W	22	NESE	63-02787	9/2/1949	30.00
13	INDIAN	3N	2W	23	SWSW	63-02787	9/2/1949	30.00
14	SOUTH POWERLINE	3N	2W	35	NWNW	63-02787	9/2/1949	30.00
15	MEYER	3N	2W	26	NWSW	63-02787	9/2/1949	30.00
16	CHESTNUT	3N	2W	34	NENE	63-02787	9/2/1949	30.00
17	KURTZ	3N	2W	34	NWNE	63-02787	9/2/1949	30.00
18	12 TH & ROOSEVELT	3N	2W	28	NESE	63-02787	9/2/1949	30.00
19	MAPLE	3N	2W	27	SWNW	63-02787	9/2/1949	30.00
20	HOLLY	3N	2W	27	SENW	63-02787	9/2/1949	30.00
21	FERN	3N	2W	27	SWNE	63-02787	9/2/1949	30.00
22	19TH SOUTH	3N	2W	27	SENE	63-02787	9/2/1949	30.00
23	14TH SOUTH	3N	2W	27	NENW	63-02787	9/2/1949	30.00
24	HIGH STREET	3N	2W	21	NESE	63-02787	9/2/1949	30.00
25	HUDSON	3N	2W	21	NESE	63-02787	9/2/1949	30.00
26	PARK LANE & ORR	3N	2W	21	NWNE	63-02787	9/2/1949	30.00
27	4TH ST. SOUTH	3N	2W	22	SESW	63-02787	9/2/1949	30.00
28	CANYON	3N	2W	21	SENE	63-02943	6/3/1953	1.74
29	BIRDSEYE	3N	2W	22	NENW	63-07003	6/9/1967	7.68
30	STATE ST.	3N	2W	28	NWNE	63-07708	2/14/1973	0.40
31								
32	MORGAN	3N	2W	20	NESE	63-08312	5/24/1976	0.50
33	GRANGE PARK	3N	2W	17	NWSE	63-09853	1/17/1982	1.00
34	COLORADO	3N	2W	34	NWNW	63-09889	3/30/1982	1.50
35	MEADOWBROOK #1	2N	2W	3	NWNW	63-10211	3/9/1984	8.69
36	SWEETWOOD	3N	2W	20	NESE	63-10211	3/9/1984	8.69
37	BOONE	3N	2W	17	SESE	63-10211	3/9/1984	8.69
38	WINTHER	3N	2W	20	SENE	63-10211	3/9/1984	8.69
39	VENICE	3N	2W	23	NWSE	63-10211	3/9/1984	8.69
40	YOUNG	3N	2W	28	SENE	63-10211	3/9/1984	8.69
41	WESTPARK	3N	2W	28	NENW	63-10211	3/9/1984	8.69
42	JUNIPER	3N	2W	34	SWSW	63-10211	3/9/1984	8.69

** Shaded row indicates an abandoned well

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

SCANNED
MAY 19 2004



SCANNED

MAY 19 2004

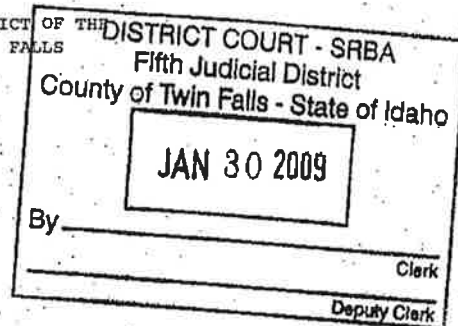
Exhibit B

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

In Re SRBA
Case No. 39576

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

Water Right 63-07003



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

SOURCE: GROUND WATER

QUANTITY: 7.68 CFS
1353.00 AFY

PRIORITY DATE: 06/09/1967

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
SENW
NWSW
SWSW
SWSW
SWSE
S26 NWSW
S27 SWNE
SENE
NENW
SWNW
SENW
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	01-01 TO 12-31	7.68 CFS 1353.00 AFY

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

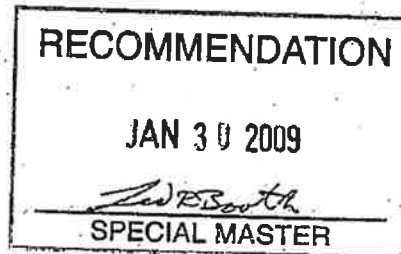
water was first diverted under this right at the Birds Eye Well located in T3N, R2W, Sec. 22, NENW.

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

RULE 54(b) CERTIFICATE

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

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



08/11/2008

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

RIGHT NUMBER: 63-7003

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 7.680 CFS
1,353.000 AFY

PRIORITY DATE: 06/09/1967

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	01/01 12/31	7.680 CFS 1,353.00 AFY

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 the Birds Eye Well located in T3N, R2W, Sec. 22, NENW.

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)
Case No. 39576) FOR INITIAL HEARING
) SUBCASE NOS: SEE ATTACHED EXHIBIT A

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

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

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

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

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

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

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

CERTIFICATE OF MAILING

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

CITY OF NAMPA

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

NAMPA & MERIDIAN IRR DIST

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

USDI BUREAU OF RECLAMATION

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

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

CITY OF NAMPA

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

Exhibit A

Subcase Nos:

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

MAR 04 2008

CHRISTOPHER H. MEYER
DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: 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	Jeremy G. Ladle	G. Andrew Page
Peter G. Barton	Michael P. Lawrence	Angela M. Reed
Christopher J. Beeson	Franklin G. Lee	Scott A. Tschirgi, LL.M.
Clint R. Bolinder	David R. Lombardi	J. Will Varin
Erik J. Bolinder	John M. Marshall	Conley E. Ward
William C. Cole	Kenneth R. McClure	Robert B. White
Michael C. Creamer	Kelly Greene McConnell	Terri R. Yost
Amber N. Dina	Cynthia A. Melillo	
Kristin Bjorkman Dunn	Christopher H. Meyer	RETIRED
Thomas E. Dvorak	L. Edward Miller	Kenneth L. Pursley
Jeffrey C. Fereday	Patrick J. Miller	Raymond D. Givens
Martin C. Hendrickson	Judson B. Montgomery	James A. McClure
Steven J. Hippler	Deborah E. Nelson	
Debora K. Kristensen	W. Hugh O'Riordan, LL.M.	
Anne C. Kunkel		

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:

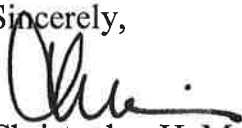
I am writing on behalf of my client, the City of Nampa, to confirm our telephone conversation the other day. As you know, the City of Nampa has pending various objections to the Director's Recommendations on its water rights. For each of its municipal water rights, the City requested that the Department 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 63-7003
(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

63-7003

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **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: _____
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 14th Ave. N. well.

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.

State of Idaho)
) ss.
County of Ada)

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.

(Attorney signing in representative capacity)

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: May 22, 2012



INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 19, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

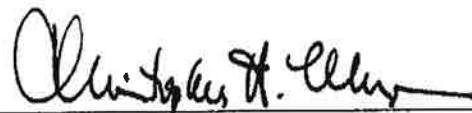
Name: City of Nampa
Attention Michael Fuss
Public Works Director
Address: 411 3rd Street South
Nampa, ID 83651

3. Copies to:

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

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

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



Christopher H. Meyer, Attorney for City of Nampa

Appendix B to City of Nampa's Objections - List of PODs for Integrated Non-Potable Water System and Miscellaneous Rights (SRBA Rights Only)

Count	Well Name	Location	Water Right Associated with Well	Priority Date Associated with Well	Diversion Rate (cfs)
Irrigation Wells Currently in Use - Integrated Non-potable Delivery System					
1	Mayors	T3N R2W §23 SENW	63-2449	8/13/1931	0.80
2	6th Street South	T3N R2W §22 SWSW	63-2484	8/22/1933	1.62
3	Lakeview	T3N R2W §23 SWNW	63-2780	9/2/1949	2.50
4	Phyllis	T3N R2W §22 SENE	63-2787	9/2/1949	30.00
5	Kohler Lawn Cemetery 1	T3N R2W §15 NESW			
6	Kohler Lawn Cemetery 2	T3N R2W §15 SWSE			
7	East Powerline	T3N R2W §23 SWSE			
8	19th Ave. North	T3N R2W §23 SWSW			
9	15th Ave. North	T3N R2W §23 NWSW			
10	14th Ave. North	T3N R2W §22 NESE			
11	Indian	T3N R2W §23 SWSW			
12	Meyer	T3N R2W §26 NWSW			
13	Chestnut	T3N R2W §34 NENE			
14	Kurtz	T3N R2W §34 NWNE			
15	Maple	T3N R2W §27 SWNW			
16	Holly	T3N R2W §27 SENW			
17	Fern	T3N R2W §27 SWNE			
18	19th South	T3N R2W §27 SENE			
19	14th South	T3N R2W §27 NENW			
20	High Street	T3N R2W §21 NESE			
21	Hudson	T3N R2W §21 NESE			
22	4th St. South	T3N R2W §22 SESW			
23	Canyon	T3N R2W §21 SENE	63-2943	6/3/1953	1.74
24	Birds Eye	T3N R2W §22 NENW	63-7003	6/9/1967	7.68
25	State St	T3N R2W §28 NWNE	63-7708	2/14/1973	0.40
26	Morgan	T3N R2W §20 NESE	63-8312	5/24/1976	0.50
27	Grange Park	T3N R2W §17 NWSE	63-9853	1/17/1982	1.00
28	Colorado	T3N R2W §34 NWNW	63-9889	3/30/1982	1.50
29	13th Ave. North	T3N R2W §22 NESE	63-5257	1/1/1905	0.30
Abandoned Irrigation Wells (water rights remain valid)					
1	Unnamed well near Mayor's Well	T3N R2W §23 SENW or NESW	63-2450	8/13/1931	1.00
2	Unnamed Well	T3N R2W §22 SWNE	63-2780	9/2/1949	
3	South Powerline	T3N R2W §35 NWNW			
4	12th & Roosevelt	T3N R2W §28 NESE			
5	Park Lane & Orr	T3N R2W §21 NWNE			
All SRBA ground water irrigation wells - TOTAL cfs:					49.04
Drain Pump (wastewater right)					
1	Elijah Drain	T3N R2W §21 NWSW	63-7954	3/20/1974	4.00
Domestic & Stockwater Right					
1	Airport Well	T3N R2W §24 NWSE	63-20264	6/3/1925	0.06

11/21/2006

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

RIGHT NUMBER: 63-7003
NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE:

QUANTITY: 7.680 CFS
1,353.00 AFY

PRIORITY DATE: 06/09/1967

POINT OF DIVERSION:

The points of diversion for this right and Right Nos. 63-2450, 63-2484, 63-2780, 63-2787, 63-2943, 63-7708, 63-8312, 63-9853, 63-9889, are diverted through the points of diversion described in Right No. 63-2449.

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	1/01 12/31	7.680 CFS 1,353.00 AFY

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 the Birdseye Well located in T3N, R2W, Sec. 22, NENW.

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: 63-7003
NAME AND ADDRESS: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 7.680 CFS
1,353.000 AFY

PRIORITY DATE: 06/09/1967

POINT OF DIVERSION:

PODS (T03N R02W S15 SESW Within CANYON County
T03N R02W S22 NENW 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	1/01 12/31	7.680 CFS 1,353.00 AFY

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 - License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant CITY OF NAMPA Phone 466-9221
 Post Office address 411 - 3rd. Street South, Nampa, ID 83651

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

a. Decree No. _____ Decreed to _____
 (Name)
 in case of _____ vs _____
 dated in _____ in _____ county of _____
 (Name of court)

b. License No. 63-7003 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water groundwater tributary to _____

4. Date of priority 6/9/1967

5. Water is used for the following purposes:

amount 7.68 for food processing purposes from 1/1 to 12/31
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)

6. Total amount of water under right: a. 7.68 cubic feet per second
 &/or
 b. 1353 acre feet per annum
2 points

7. Location of original point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22
 Township 3N Range 2W, B.M., in _____ Canyon _____ County
 Additional points of diversion, if any SESW (2 points), Sec. 15, T. 3N, R. 2W

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	2W	22					X												
		15												X					

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____ If yes, describe in item D, REMARKS.

OCT 30 2002

SCANNED

omit part B).

1. Amount of water: a. _____ cubic feet per second

b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____

Range _____, B.M., _____ County _____

Additional points

3. Place of use:

[illegible]

Total number of acres to be irrigated -

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information Change in Nature of use (see attachment)

a. Amount of water to be diverted $\frac{1353}{\text{c.f.s. &/or}} \div .68$ acre feet

b. Description of diverting works — 4 wells with pumps and pipelines

c. Describe the reasons for the proposed changes _____ The City has been deeded the property

~~and there has been a change in the nature of use of the water~~

2.	Change in point of diversion	NO CHANGE

Point of diversion _____ ¼ _____ ¼, Section _____ Township _____

Range _____, B.M., _____ County _____

Additional points

3. Change in place or use used within the city limits of Nampa, ID

1. The proposed changes to the rules of the House of Representatives are not in the public interest.

המחיר המלא של המוצר הוא 100 ש"ח. המחיר המיוחד הוא 80 ש"ח. המחיר המיוחד הוא 80 ש"ח.

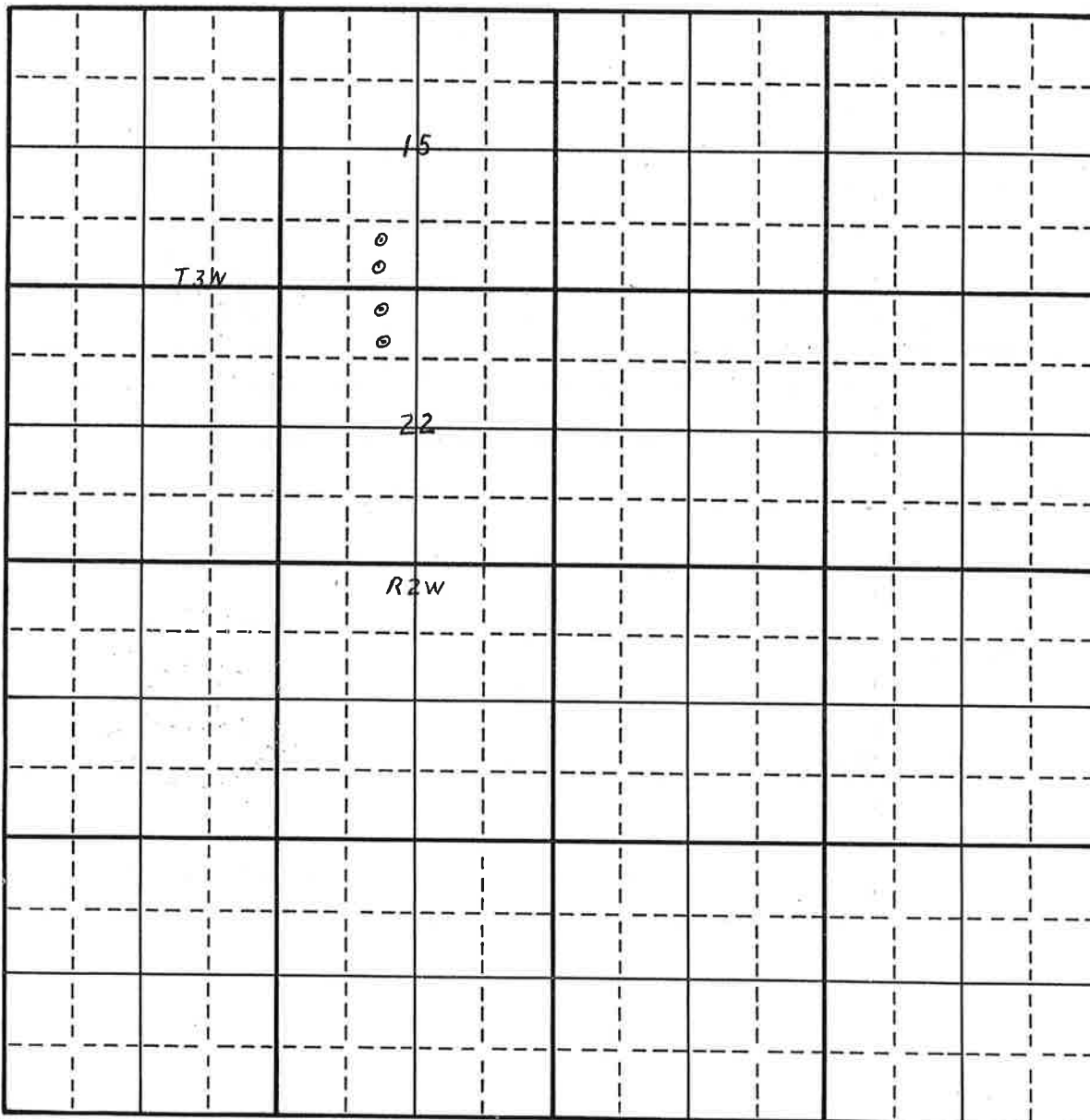
a statement agreeing to the proposed change from the holder of the relevant mortgage or contract.

c. Describe the lands place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. City of Nampa
has approx. 17 other water rights for municipal use.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

D. REMARKS

MICROFILMED

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 10 day of January, 19 84

Larry Bledsoe
(Signature of Applicant)
Nampa City Engineer

Nancy M. Northway
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-7003 and said application is hereby APPROVED, subject to the following limitations and conditions:

The maximum volume diverted under this transfer shall not exceed 1353.0 acre feet per acre.

Witness my hand this 17th day of August, 19 84

J. Glen Sayton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by GLS Date 11/10/84 Protest filed by _____
Prelim. check by JG Fee \$50.00 _____
Receipted by JP Date 6/28/83 #32211 _____
Published in Press - Tribune Copies of protest forwarded by _____
Pub. dates 6/21 & 6/28/84 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
rec'd. _____ by DJS

WATER LICENSE

Water License No. 63-7003 Priority June 9, 1967 Amount 7.68 c.f.s.

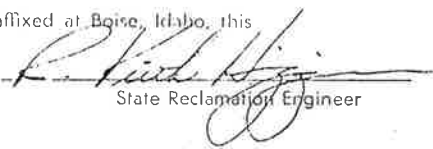
THIS IS TO CERTIFY, that General Foods Corporation, Birds Eye Division
of Nampa, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated June 9, 1967; that Permit 63-7003 was issued pursuant
to said application; that the proposed works were completed on or about June 1967,
with a storage/or carrying capacity of 7.68 c.f.s., said works consisting of 4 wells,
4 pumps, and 4 motors and that on April 23, 1968,
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1353
acre feet per season, with a maximum rate of diversion of 7.68 cubic feet per second of the waters
of ground water, tributary of _____,
for the purpose of Food Processing from January 1 to December 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in 2 wells in NE 1/4 NW 1/4 Sec. 22, T. 3 N, R. 2 W, B.M., and
other additional points 2 wells in SE 1/4 SW 1/4 Sec. 15, T. 3 N, R. 2 W, B.M., in the County of
Canyon; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 1353 acre feet per year.

Description and location of place of use:

TWP.	RANGE	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	
<u>3 N</u>	<u>2 W</u>	<u>22</u>					X												
		<u>15</u>												X					

Total number of acres irrigated _____

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this16th day of July, 19 69.

State Reclamation Engineer

63 7003

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7003 V1

WATER RIGHT NUMBER: 63-7003 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: 06/09/1967

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	7.680 CFS	1,353.00 AF
	<u>Total Diversion:</u>	7.680 CFS	1,353.00 AF

Location of Point(s) of Diversion

GROUND WATER CANYON County	SE1/4SW1/4	Sec. 15, Twp 03N, Rge 02W, B.M.
GROUND WATER CANYON County	NE1/4NW1/4	Sec. 22, Twp 03N, Rge 02W, B.M.

Place of Use

Conditions of Approval:

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

Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7003 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>
Priority Date	1/13/2004 4:18:27 PM	lpew			Active
Source	1/13/2004 4:18:37 PM	lpew			Active
Contacts	9/30/2005 9:23:02 AM	awarntje			Active
POD	9/30/2005 9:23:51 AM	awarntje			Active
Source	9/30/2005 9:24:14 AM	awarntje			Active
POU	9/30/2005 9:25:23 AM	awarntje			Active
Use	9/30/2005 9:27:33 AM	awarntje			Active
Season	9/30/2005 9:28:02 AM	awarntje			Active
Quantity	9/30/2005 9:28:49 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>
Contacts	9/30/2005 9:23:03 AM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
POD	9/30/2005 9:23:52 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7003 V1

POU	9/30/2005 9:25:24 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
Season	9/30/2005 9:28:02 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Source	9/30/2005 9:24:14 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	9/30/2005 9:27:34 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Quantity	9/30/2005 9:28:49 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - 1353 afa
Summary	9/30/2005 9:29:55 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7003 V1

Priority Date	1/13/2004 4:18:28 PM	lpew	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	1/13/2004 4:18:38 PM	lpew	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2002

CITY OF NAMPA
C/O DOUGLAS COX
411 THIRD ST SOUTH
NAMPA ID 83651

RECEIVED

AUG 28 2002

WATER RESOURCES
WESTERN REGION

RE: Application for Permit No. 63-31504

Dear Mr. Cox:

The Department of Water Resources (IDWR) is reviewing Application 63-31504, which you submitted for a diversion from ground water for supplemental irrigation within the City of Nampa. Your application proposes a diversion of 4.0 cfs in addition to the 95.51 cfs of existing water rights already held by the City of Nampa. Counting beneficial use claims filed in the Snake River Basin Adjudication, the City of Nampa's existing water rights may total as much as 111.45 cfs. Please see the enclosed list for a summary of the City of Nampa's water rights.

Diverting 95.51 cfs at a constant rate will produce more than 61 million gallons per day. According to figures published on the Department of Commerce community profile for the City of Nampa, however, your actual maximum daily usage is 4.8 million gallons per day. According to the same community profile, your plant capacity is about 13 million gallons per day. These figures suggest that the City of Nampa's water rights on paper exceed actual usage. If there is, in fact, a discrepancy between "paper" water rights and actual use, it may have arisen through filing for and receiving a new water right permit each time you drilled a new well, regardless of whether the well was needed to meet increased demand or was simply a replacement for a well that was failing or had failed. IDWR is concerned that approving another permit could simply perpetuate a practice that is not in the city's best interest because the senior priority date of an existing water right may be foregone in lieu of a new right with a much junior priority.

Under the provisions of §42-222, *Idaho Code*, a water right holder may seek and obtain approval to change the point of diversion or add an additional point of diversion for an existing water right. Such a change is termed a "transfer." When a water right is transferred, it retains its original priority date, but the amount of the water right is limited to the amount of the original right. For ground water rights, the transfer provision is useful when replacing a well that has diminished in productivity or for adding a well for more efficient distribution of water.

Rather than file for a new water right that may not be needed, it could be worthwhile to review your water rights to see if a transfer would better accomplish your objective. I recommend first

determining if your peak demand is in the 95 cfs range. If so, the application you filed is probably appropriate. If not, I recommend matching the points of diversion descriptions for your recorded water rights with your active wells to determine if you hold any water rights for wells that are no longer in use. If so, you could file an application to transfer those water rights to a new well at the location proposed in your application.

While you are reviewing your water rights, another item to consider is how the City of Nampa's claims will be addressed in the Snake River Basin Adjudication. Section 42-222, *Idaho Code*, also provides for the forfeiture of a water right after five years of non-use. If the city's existing use is, in fact, far less than what has been claimed in the adjudication, water rights in excess of actual historical beneficial use may be found to have been forfeited. In addition, if a change to a water right occurred prior to November 19, 1987, the change may be claimed and decreed in the SRBA process without having to file an application for transfer.

Also, under recent legislation a municipal water provider may file an application to appropriate water for reasonably anticipated future needs. Under §42-202B, *Idaho Code*, reasonably anticipated future needs means "future uses of water by a municipal provider for municipal purposes within a service area which, on the basis of population and other planning data, are reasonably expected to be required within the planning horizon of each municipality within the service area not inconsistent with comprehensive land use plans approved by each municipality." Water appropriated for reasonably anticipated future needs is not required to be diverted and used immediately, as is the case for most new water rights. Instead, the water right can be held over a "planning horizon" in anticipation that the water will be needed to meet the municipality's needs in the future. While an application for transfer may be a better choice than an application for permit to meet your immediate needs, with additional information your existing application could possibly be converted to an application for reasonably anticipated future needs.

I will hold your application for permit for 30 days to give you time to explore this issue. Please respond by either (a) describing your diversion and distribution system(s) to show why the new water right is needed now, or (b) providing sufficient information to establish that the application is for reasonably anticipated future needs, or (c) withdrawing your application for permit. In connection with options (b) and (c), you may also wish to file an application for transfer to cover your plans to divert from the new well to meet existing needs. I have enclosed an application for transfer form for you. If I have not received a response from you within 30 days, I will recommend that your application be denied.

Normally IDWR will not issue a well drilling permit authorizing well construction until the associated water right filing is processed and approved. However, to avoid delaying your project while you are reviewing your options, IDWR will consider issuing a well drilling permit now if you accept the risk that approval to divert and use water from the well may not be granted. If this

City of Nampa
August 14, 2002
Page 3

is how you want to proceed, please submit your application for drilling permit and a request for expedited approval of the drilling permit. I have enclosed forms for you to use.

If you have any questions or need more information, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

A handwritten signature in black ink, reading "Shelley Walter Keen". The signature is 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