

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: **A63-03608**
Date Received: 4/30/1990
Receipt No: W012320
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

2. Date of Priority: AUG 3, 1964

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.340		863.90

7. Total Quantity Appropriated is:
1.340 C.F.S. (and/or) 863.90 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

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

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

MICROFILMED
OCT 07 1998

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

13. Other Water Rights Used:

A63-07830, A63-07665

14. Remarks:

WATER RIGHT ORIGINALLY REFERRED TO WELLS 1 & 2.
ORIGINAL USE INCORRECTLY SHOWN AS INDUSTRIAL/DOMESTIC
P/U CITY WATER CUSTOMERS (NYSSA, OR.) VIA CITY-OWNED DISTRIBUTION
SYSTEM

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

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

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

15. Basis of Claim: LICENSE

Water Right Number: 32000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

✓ Carter
✓ Roxanne
M Western AJ

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

AUG 11 1994

WATER RESOURCES
WESTERN REGION

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

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

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

SOURCE

GROUNDWATER

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

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

CONDITIONS/REMARKS:

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

MICROFILMED
OCT 07 1996

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

CONDITIONS/REMARKS:

- 109
T17
016
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
 5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
 - * 6. Five points of diversion are located within Lot 1 (NWNE), S07, T06N, R05W.

Dated this 2nd day of

June, 1994

L. Glen Saxton
Chief, Water Alloc. Bureau

MICROFILMED
OCT 07 1996

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

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

CIVIL CASE NUMBER: 39576

RECEIVED

APR 30 1990

Ident. Number: A63-03608

Date Received: 4-30-90

Receipt No: 0012320

Received By: _____

Department of Water Resources
Western Regional Office

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

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

2. Date of Priority: AUG 03, 1964

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
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7. Total Quantity Appropriated is:
1.340 C.F.S. (and/or) 863.90 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

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

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
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11. Place of use in counties:

A63-03608

Page 1

Date: 04/25/90

MICROFILMED

AUG 19 1992

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

13. Other Water Rights Used:
A63-07830, A63-07665

14. Remarks:
WATER RIGHT ORIGINALLY REFERRED TO WELLS 1 & 2.
ORIGINAL USE INCORRECTLY SHOWN AS INDUSTRIAL/DOMESTIC
P/U CITY WATER CUSTOMERS (NYSSA, OR.) VIA CITY-OWNED DISTRIBUTION
SYSTEM

15. Basis of Claim: LICENSE

Water Right Number: 32000

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

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

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of APRIL 19 90

Don Howerton
Notary Public

Seal

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

Old (D) Number - 32000

+ - - - - - Address - - - - -

State- OR Zip- 97913

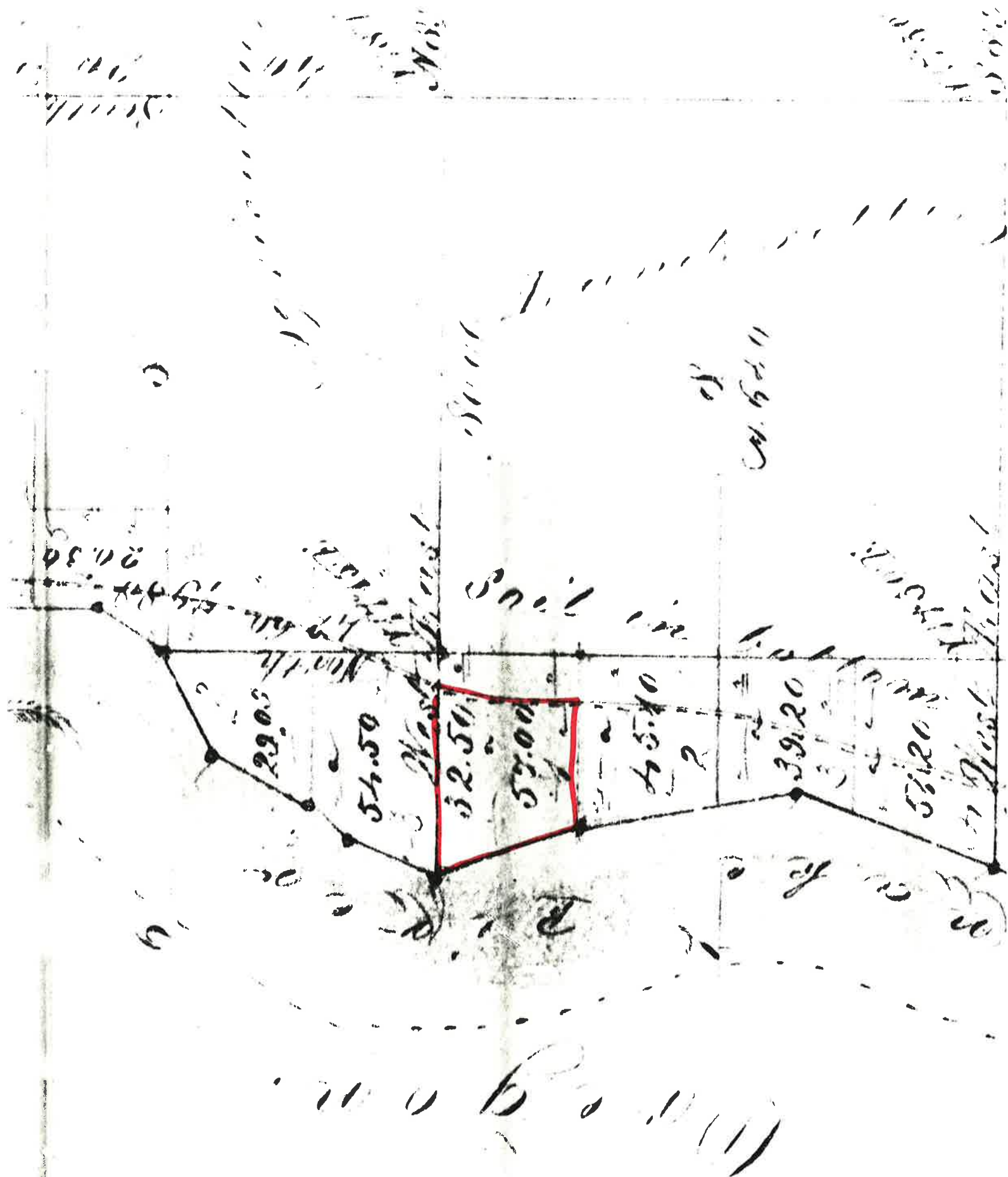
+ - - - Status - - - - +

+ - - - - - Tributary - - - - - +

MICROFILMED
AUG 19 1992

Microfilm Roll Number -

AUG 19 1992



MICROFILMED

AUG 19 1992

State of Idaho

WATER LICENSE

Water License No. G-32000/63-3608 Priority August 3, 1964 Amount 1.34 c.f.s.
(late proof)

THIS IS TO CERTIFY, that City of Nyssa, Oregon
of Nyssa, Oregon, made application for a permit to appropriate the public waters of
the State of Idaho, dated July 16, 1964; that Permit G-32000/63-3608 was issued pursuant
to said application; that the proposed works were completed on or about August 4, 1969
with a storage/or carrying capacity of #1- 0.67 c.f.s. & #2 - 0.67 c.f.s., said works consisting of
2 wells and pumps; and that on August 5, 1969
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 863.9
acre feet per season, with a maximum rate of diversion of 1.34 cubic feet per second of the waters
of ground-water, tributary of _____,
for the purpose of Domestic from January 1 to December 31;
and for Industrial from January 1 to December 31; 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 Westerly portion of Lot 1xx, Sec. 7, T. 6 N, R. 5 W, B.M., and
other additional points _____, 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 863.9 acre feet per year.

Description and location of place of use: Water is to be used for domestic and industrial purposes
within and adjacent to the City of Nyssa, Oregon

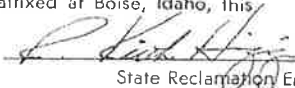
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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, this

22nd day of April, 19 70.


State Reclamation Engineer

63 3608

32000

City of Nyssa
"Home to Cultural Diversity"

RECEIVED
DEC 08 2006
DEPARTMENT OF
WATER RESOURCES

14 South 3rd Street
Nyssa, Oregon 97913

TDD: 541-372-2264
e-mail: nyssa_manager@msn.com

541 372-2264 ext. 6
FAX 372-2377

December 5, 2006

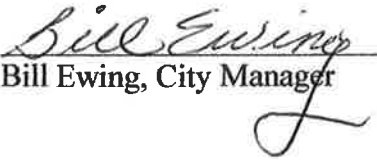
John Melanson
PO Box 2707
Twin Falls, ID 83303-2707

Dear Mr. Melanson,

We have reviewed the enclosed printouts and the information is consistent with the information on the transfer certificate No. 4362. The only question we have is on the water rights number. The transfer certificate has an additional zero (0) that is not reflected on the printout.

If you should have any questions, please do not hesitate to call me at the above phone number. Thank you.

Sincerely,


Bill Ewing, City Manager

SCANNED
DEC 09 2006

11/21/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 08 2006
DEPARTMENT OF
WATER RESOURCES

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

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

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

Water right number: 63-3608 (63-03608)

CITY OF NYSSA

14 S 3RD ST

NYSSA OR 97913

Telephone Number: (503)372-2264

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 12-5-06

SIGNATURE:

Bill Ewing

Please print your name:

BILL EWING

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

SCANNED
DEC 09 2006

11/17/2006

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

RIGHT NUMBER: 63-3608
NAME AND ADDRESS: CITY OF NYSSA
14 S 3RD ST
NYSSA OR 97913

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.340 CFS
863.900 AFY

PRIORITY DATE: 08/03/1964

POINT OF DIVERSION:

T06N R05W S7 NWNE Lot 1 Within CANYON County

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

1/01 12/31

1.340 CFS
863.90 AFY

PLACE OF USE:

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Draft

10/03/2005

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

RIGHT NUMBER: 63-3608

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.340 CFS
863.900 AFY

PRIORITY DATE: 08/03/1964

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T06N R05W S7 NWNE Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
1/01 12/31

QUANTITY
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863.90 AFY

PLACE OF USE:

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

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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.

~~WATER RIGHT ORIGINALLY REFERRED TO WELLS 1 & 2.
ORIGINAL USE INCORRECTLY SHOWN AS INDUSTRIAL/DOMESTIC P/U
CITY WATER CUSTOMERS (NYSSA, OR.) VIA CITY-OWNED
DISTRIBUTION SYSTEM CLAIM AMENDED PER TRANSFER NO. 4362
APPROVED 06/02/1994.~~

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

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

Not needed

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3608 V1

WATER RIGHT NUMBER: 63-3608 V1

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

Priority Date: 08/03/1964

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	1.340 CFS	863.90 AF
	<u>Total Diversion:</u>	1.340 CFS	863.90 AF

Location of Point(s) of Diversion

GROUND WATER	L1 (NW1/4NE1/4)	Sec. 7, Twp 06N, Rge 05W, 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. WATER RIGHT ORIGINALLY REFERRED TO WELLS 1 & 2.
ORIGINAL USE INCORRECTLY SHOWN AS INDUSTRIAL/DOMESTIC P/U CITY WATER CUSTOMERS (NYSSA, OR.) VIA CITY-OWNED DISTRIBUTION SYSTEM CLAIM AMENDED PER TRANSFER NO. 4362 APPROVED 06/02/1994.
FIVE POINTS OF DIVERSION ARE LOCATED WITHIN LOT 1 (NWNE), S07, T06N, R05W.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 4362 IN FILE.
3. 124 Place of use is within the service area of the City of Nyssa municipal water supply system as provided for under Idaho Law.

Remarks:

Comments:

1. awarntje 10/3/2005 POU
Comment: No POU. No city boundary.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3608 V1

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/3/2005 1:46:25 PM	awarntje			Active
Priority Date	10/3/2005 1:53:49 PM	awarntje			Active
POD	10/3/2005 1:54:40 PM	awarntje			Active
Source	10/3/2005 1:55:09 PM	awarntje			Active
Use	10/3/2005 2:02:30 PM	awarntje			Active
Season	10/3/2005 2:02:59 PM	awarntje			Active
Quantity	10/3/2005 2:03:41 PM	awarntje			Active
Summary			10/03/2005	awarntje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	10/3/2005 1:53:49 PM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Use	10/3/2005 2:02:31 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3608 V1

Quantity	10/3/2005 2:03:41 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - 863.9
Contacts	10/3/2005 1:46:25 PM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
POD	10/3/2005 1:54:40 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	10/3/2005 1:55:09 PM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Season	10/3/2005 2:03:00 PM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	10/3/2005 2:18:30 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-3608 V1

Water Supply Bank: