

State of Idaho
Department of Water Resources
Water Right License

CORRECTED

WATER RIGHT NO. 63-10211

CORRECTED

Priority: March 09, 1984

Maximum Diversion Rate: 7.71 CFS

It is hereby certified that CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 9, 1984; and has submitted Proof of Beneficial Use on August 28, 1989. An examination confirms that water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

MUNICIPAL

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

7.71 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW1/4NW1/4	Sec. 3,	Twp 02N,	Rge 02W, B.M.	CANYON County
GROUND WATER	SW1/4SW1/4	Sec. 34,	Twp 03N,	Rge 02W, B.M.	CANYON County
GROUND WATER	SE1/4NE1/4	Sec. 28,	Twp 03N,	Rge 02W, B.M.	CANYON County
GROUND WATER	NW1/4SE1/4	Sec. 23,	Twp 03N,	Rge 02W, B.M.	CANYON County
GROUND WATER	NE1/4NW1/4	Sec. 28,	Twp 03N,	Rge 02W, B.M.	CANYON County
GROUND WATER	NE1/4SE1/4	Sec. 20,	Twp 03N,	Rge 02W, B.M.	CANYON County
GROUND WATER	SE1/4NE1/4	Sec. 20,	Twp 03N,	Rge 02W, B.M.	CANYON County
GROUND WATER	SE1/4SE1/4	Sec. 17,	Twp 03N,	Rge 02W, B.M.	CANYON County

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 17th day of March, 2015.

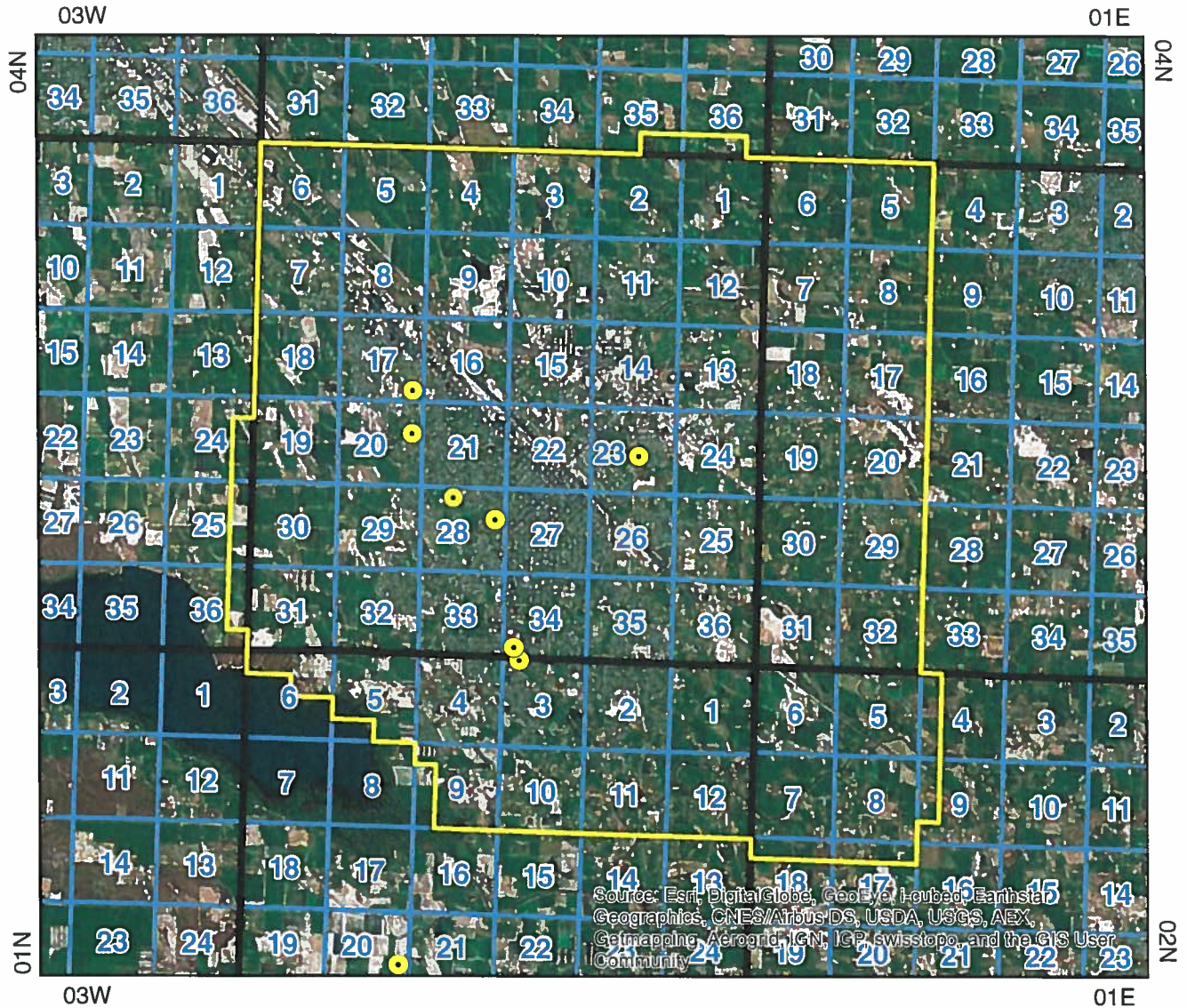
for Shelley W. Keen
GARY SPACKMAN
Director

City Of Nampa

Attachment To Water Right License

63-10211

This map depicts the MUNICIPAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



● Point of Diversion

Water Service Area Boundary

Townships

PLS Sections

0 1.25 2.5 5 Miles



BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PETITION TO	)	
CORRECT LICENSE NO. 63-10211	)	PRELIMINARY ORDER
IN THE NAME OF CITY OF NAMPA	)	CORRECTING LICENSE
_____	)	

This matter having come before the Department of Water Resources (Department) as a result of approval of water right license 63-10211, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On November 13, 2014, the Department approved water right license 63-10211 (license) pursuant to the provisions of Idaho Code § 42-219.
2. On February 19, 2015, Christopher Meyer, attorney for the City of Nampa, contacted the Department to request a technical correction to the diversion rate issued for license 63-10211. The technical correction was outlined in a memorandum issued by SPF Water Engineering as follows:

IDWR was unaware that there are two wells in the NESE, Section 20, Township 3N, Range 2W, and thus deducted the previously adjudicated diversion rate of the Morgan well (0.50 cfs) from the total diversion rate recommended by SPF's field exam report. This resulted in the licensed diversion rate of 7.21 cfs.

3. On March 2, 2015 the Department responded to Christopher Meyer in a letter which stated that the Department would consider reopening license 63-10211 if presented with conclusive evidence that the beneficial use established during the development period for permit 63-10211 was consistent with the requested change.
4. On March 2, 2015, on behalf of the City of Nampa, SPF Water Engineering provided conclusive evidence that the approved license should have been issued for 7.71 cfs.

CONCLUSIONS OF LAW

1. Pursuant to Idaho Code § 42-219, the license approvals should accurately describe the beneficial use of water established in accordance with permits to appropriate water.
2. License 63-10211 incorrectly shows a diversion rate of 7.21 cfs. Right 63-10211 should be licensed for a diversion rate of 7.71 cfs.
3. The Department should re-issue the license to show the correct diversion rate.

ORDER

IT IS FURTHER HEREBY ORDERED that a new water right license document shall be issued on this date in connection with this order.

Dated this 17th day of March, 2015.



Shelley Keen
Manager, Water Rights Section



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 18, 2015

CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

RE: Corrected License No. 63-10211

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Order Correcting License along with the Corrected Water Right License. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The order is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

cc: SPF WATER ENGINEERING LLC
GIVENS PURSLEY LLP

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Order Correcting License) to the person(s) listed below:

RE: WATER RIGHT NO.

63-10211

**CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651**

**ROXANNE BROWN
SPF WATER ENGINEERING LLC
300 E MALLARD DR STE 350
BOISE ID 83706-6660**

**CHRIS MEYER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720**



Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

MAR 04 2015

DEPARTMENT OF
WATER RESOURCES

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

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Boise, ID 83701
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Brian J. Holleran

Don E. Knickrehm
Neal A. Koskella
Debra K. Kristensen
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
Patrick J. Miller
L. Edward Miller
Judson B. Montgomery

Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Michael O. Roe
P. Mark Thompson
Jeffrey A. Warr
Robert B. White

Angela M. Reed, of counsel

Retired:
Kenneth L. Pursley
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

March 2, 2015

Via Email and U.S. Mail

Ashley Newbry
Associate Engineer
Water Rights Section
Idaho Department of Water Resources
322 E Front St
Boise ID 83702
ashley.newbry@idwr.idaho.gov

Re: City of Nampa Water Right No. 63-10211

Dear Ms. Newbry:

Thank you very much for your letter of today's date responding to my email of February 15, 2015 and Roxanne Brown's memorandum to me of January 13, 2015.

On behalf of the City of Nampa, I thank you for agreeing to re-open the licensing of the above-captioned water right. I will now pass the baton to Roxanne Brown of SPF who I am confident can provide the documentation you need with respect to there being two wells within TA3N R2W S20 NESE. I will appreciate being kept in the loop as to any significant developments as you work to resolve this.

Your help and willingness to allow the City to provide this information is much appreciated.

Sincerely,



Christopher H. Meyer

Ashley Newbry
March 2, 2015
Page 2 of 2

cc: Roxanne Brown, Water Rights Specialist, SPF Water Engineering, LLC
Michael J. Fuss, Director, Public Works Department, City of Nampa
Steve Lester, Water Rights Supervisor, Western Regional Office, IDWR

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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 2, 2015

CHRISTOPHER H MEYER
GIVENS PURSLEY LLP
601 W BANNOCK STREET
BOISE ID 83702

Re: Water Right No. 63-10211 City of Nampa

Dear Mr. Meyer:

On February 19, 2015, you emailed me requesting a change to Water Right License 63-10211, which IDWR issued to the City of Nampa on November 13, 2014. Each water right license issued by the Department includes notification that it is a preliminary order of the Department. Preliminary orders become final without further action by the Department unless a party petitions for reconsideration or files exceptions and/or a brief within fourteen days of the service date described. Once the order becomes final, it can still be modified by the Director, or it can be appealed to district court, by the deadlines established in IDWR's Rules of Procedure (IDAPA 37.01.01). In the case of Water Right License 63-10211, the rule-based opportunities for modification or appeal have passed.

As you pointed out, when the appeal deadlines on a final order have passed, IDWR will consider reissuing an order to correct a clerical error, similar to the allowance in Rule 60(a) of the Idaho Rules of Civil Procedure. In your e-mail, you express that the licensed diversion rate of 7.21 cfs should fall into the category of "clerical error" on the part of the Department. The Department intentionally issued the license for 7.21 cfs; this was not a clerical error.

The Department has made corrections to licenses on a discretionary basis when evidence from the development time period is conclusive and other parties are not affected. The Department will consider reopening this license for correction if it is presented with conclusive evidence confirming that the beneficial use established during the development period is consistent with the requested change. In this case, IDWR needs confirmation that the City had two functioning irrigation wells within T3N R2W S20 NESE during the development period of the permit, and that one of the wells is the diversion point for Right 63-8312 while the other is one of the diversion points for this right. The memorandum from Roxanne Brown to Chris Meyer dated January 13, 2015 is a start but the Department will require additional information. If the City of Nampa can submit conclusive evidence in the form of maps, photography, drilling logs, pumping records, and/or construction records during the development period, the Department will consider reopening the licenses for correction of the diversion rate.

Sincerely,

Ashley Newberry
Associate Engineer

cc: IDWR Western Region, SPF Water Engineering, City of Nampa Public Works

The Sweetwood well was developed under permit 63-10211. The permit was issued to the City on July 30, 1984. No well log for the well was found prior to approval of the permit application and SPF has been unable to locate a driller's report for the Sweetwood well. The Sweetwood well is located in the NESE, S20, T3N, R2W (see enclosed map), just north of Sweetwood Circle. Like the Morgan well, the Sweetwood well is located on Boise Street in Nampa, but the well is south of the Phyliss Canal. SPF located the Sweetwood well in 2007 with a hand-held GPS unit and will provide the data directly to you via email. The locations of the Morgan well and Sweetwater well shown on the enclosed map are the result of the 2007 GPS data collection (although the Sweetwood well may appear to be merely a centroid location).

The Sweetwood well (No. 40) is also listed on page 4 of the 1989 "Irrigation Wells and Pump Stations" data compiled by City staff on February 1, 1990, and revised on January 11, 1991. A copy of this data was provided to IDWR in support of licensing 63-10211, and is also attached to this letter. The peak capacity for the well is noted as 0.67 cfs.

We believe this is sufficient information (coupled with GPS data to be provided separately) to confirm the existence of two functioning irrigation wells in the NESE, S20, T3N, R2W during the development period of water right 63-10211. The Morgan well was drilled to provide irrigation water for the Morgan First and Morgan Second Subdivisions under water right 63-8312. The Sweetwood well is located just north of Sweetwood Circle, south of the Morgan well. The Sweetwood well was developed under water right 63-10211.

Please contact me if you have additional questions concerning the location and development of the Morgan and Sweetwood wells.

Sincerely,



Roxanne Brown

Cc: Michael Fuss, City of Nampa
Chris Meyer, Givens Pursley

Enclosures

SPF Job No.: 270.0200

Identification No. _____

Application No. 63-8312

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant City of Nampa, Idaho Phone: 466-9221
post office address City Hall Nampa, Idaho 83651
2. Source of water supply Ground Water which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20 Township 3N
Range 2W B.M. Canyon County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into N/A at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.89 for Irrigation purpose from April 15 to October 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.89 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 12" diameter well to be equipped
with a hollow shaft vertical turbine pump capable of delivering 400 gpm.,
or equal. Pump shall discharge directly into pressure irrigation distribution
system.

b. Height of storage dam N/A feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 120 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is Five years.
b. Estimated construction cost is \$ 10,000.
8. Description of proposed uses:
a. If water is not for irrigation: N/A
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

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	
T.3N	R.2W	20			X	X									25	X			25 Acres
(An additional 20 + acres in the E 1/2 of Section 20 adjacent to the NE 1/4 SE 1/4 as same is added to the Municipal Irrigation System of the City of Nampa)																			20 Acres

Total number of acres to be irrigated 45

c. Describe any other water rights used for the same purposes as described above. This property presently has water rights from the Nampa and Meridian Irrigation District and the Pioneer Irrigation District. However, the water rights are inadequate for residential development and the lots within the area are not graded for use of a flood irrigation system.

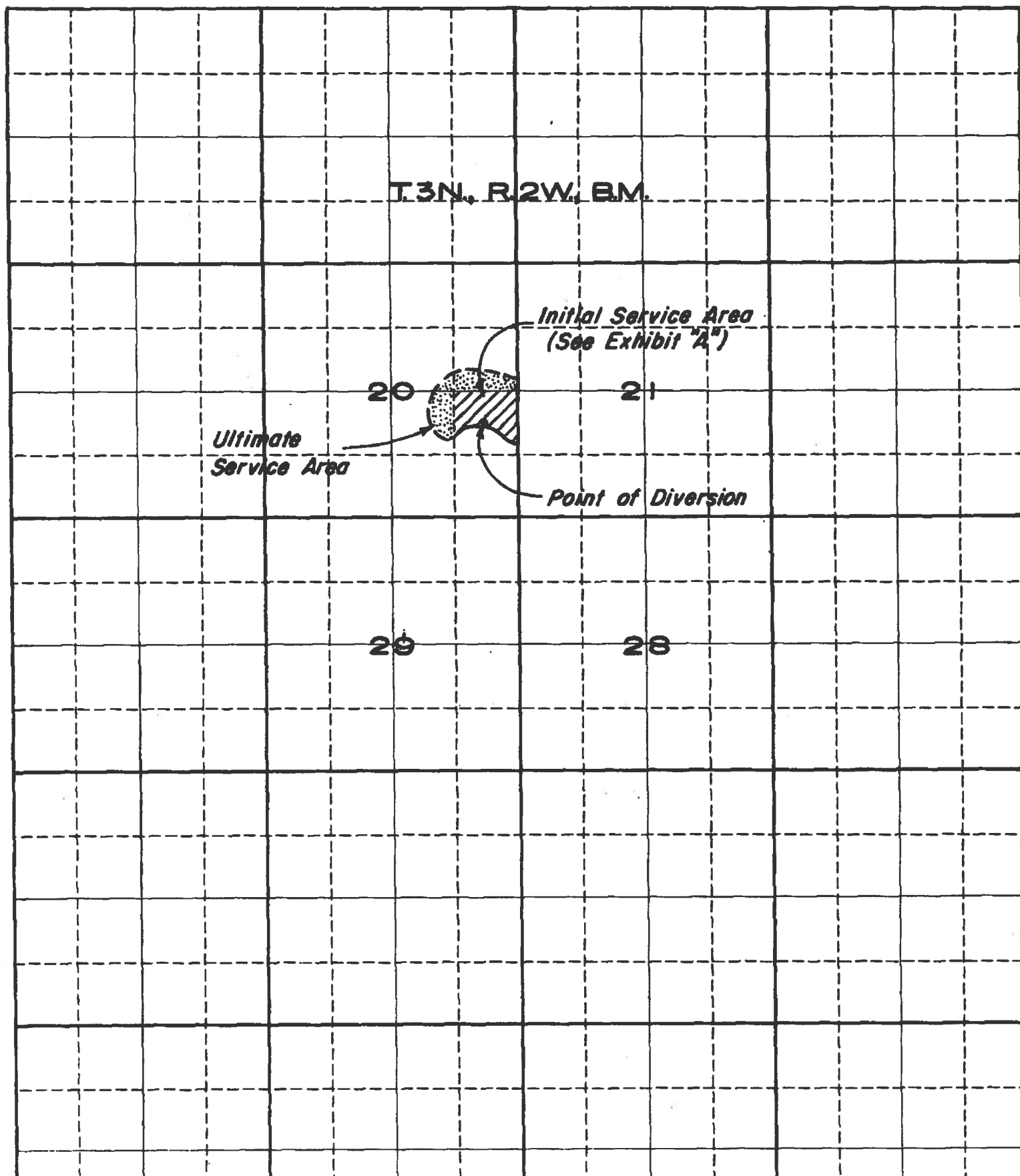
9. a. Who owns the property at the point of diversion It is within a public utility and irrigation easement within a residential lot.

b. Who owns the land to be irrigated or place of use Individual residential lot owners.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The City of Nampa is attempting to eliminate the utilization of the municipal domestic water system for lawn irrigation purposes. Therefore, in newly developed areas the City is requiring a separate irrigation system. The system will be turned over to the City of Nampa for maintenance and operation.

10. Remarks SEE EXHIBIT "A"

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



Proposed priority: 5/24/1976

Received by NRB Date 5-24-76 Time 8:25 am
Preliminary check by JH Fee \$ 25.00
Received by RB Date 5-24-76 # 5004
Publication prepared by RB Date 5-27-76
Published in Idaho Free Press
Publication dates June 3 & 10
Publication approved RB Date 6-14-76
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JH DRT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-8312, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before JUNE 1, 19 81.

c. Other: 1) A measuring device of a type approved by the Director shall be

permanently installed and maintained as part of the diverting works.

2) No more water may be diverted under this permit, when combined

with other rights appurtenant to the lands in question, than one miner's
inch for acre of land served.

2. Denial of said application is for the following reasons: _____

Witness my hand this 25 day of June 19 76.

EXHIBIT "A"

**Application for Permit
NE1/4 SE1/4, Section 20, T. 3N., R. 2W., B.M.**

The proposed well as described in this application will initially be used to supply sprinkler irrigation water to 53 residential lots within Morgan First and Morgan Second Subdivisions in Nampa, Idaho. The service area for the proposed well will ultimately be expanded by connecting the system to a major irrigation system network being formulated by the City of Nampa. It is anticipated that a total of 45 acres would be encompassed in the ultimate service area. The City of Nampa is requiring this supplemental irrigation system in order to eliminate the use of the municipal water system for lawn irrigation purposes. The present irrigation water available for this property from the Nampa and Meridian Irrigation District and the Pioneer Irrigation District is not available in sufficient quantity or at close enough intervals to properly serve the residents within the area and therefore an adequate source of supply is being made available for the irrigation system with the said well.

In reference to item 3.b of this permit, it is not anticipated that there will ever be any water supplied by this system which will not be utilized and consumed for irrigation purposes.

In reference to item 5 of this permit, the 0.89 cfs was based upon the City of Nampa requirement that for large service areas, each lot served by the pressure irrigation system shall be supplied with 5 gpm at a pressure of 45 psi. It is proposed that this system will ultimately serve 80 residential lots upon connection to the City's irrigation system network. The actual acre feet per annum which would be utilized by this sprinkler irrigation system would be difficult to determine until after the system has been placed in operation.

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 63-08312

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

MAY 20 2009

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

CITY OF NAMPA
411 3RD ST S
NAMPA, ID 83651

SOURCE:

GROUND WATER

QUANTITY:

0.50 CFS
112.50 AFY

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

PRIORITY DATE:

05/24/1976

POINT OF DIVERSION:

T03N R02W S15

NESW Within Canyon County

S17

SWSE

S20

NWSE

S21

NESE

SENE

NESE

NESE

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

Municipal

PERIOD OF USE

04-15 TO 10-15

QUANTITY

0.50 CFS

112.50 AFY

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

PLACE OF USE:

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

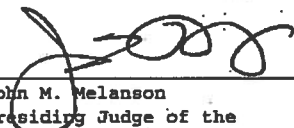
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

RULE 54(b) CERTIFICATE

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



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

RECEIVED

MAY 27 1976

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Department of Water Resources

1. WELL OWNER

Name Action Reality

Address Hamper, Idaho

Owner's Permit No. _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 12 inches Total depth 116 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>.250</u> inches	<u>12</u> inches	<u>+ 1 1/2</u> feet	<u>88</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal ☐ Cement grout

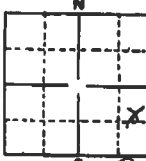
☒ Puddling clay ☐ Well cuttings

Sealing procedure used ☐ Slurry pit ☒ Temporary surface casing

☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Morgan

Lot No. A6 Block No. 4

County Canyon

NE 1/4 SE 1/4 Sec. 20 T. 3 N. 1/2, R. 2 @/W

7. WATER LEVEL

Static water level 10 feet below land surface

Flowing? ☐ Yes ☐ No G.P.M. flow _____

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailor ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

029053

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
<u>12</u>	<u>0</u>	<u>6</u>	<u>Topsoil & hard pan</u>		☒
	<u>6</u>	<u>8</u>	<u>Coarse sand</u>		☒
	<u>8</u>	<u>20</u>	<u>Sandy clay</u>		☒
	<u>20</u>	<u>26</u>	<u>Coarse sand</u>	☒	
	<u>26</u>	<u>47</u>	<u>Sandy clay</u>		☒
	<u>47</u>	<u>70</u>	<u>Coarse sand</u>	☒	
	<u>70</u>	<u>78</u>	<u>Sandy clay</u>		☒
	<u>78</u>	<u>80</u>	<u>Coarse sand</u>	☒	
	<u>80</u>	<u>83</u>	<u>Sandy clay</u>		☒
	<u>83</u>	<u>87</u>	<u>Loose lava & sand</u>	☒	
	<u>87</u>	<u>108</u>	<u>Solid lava</u>		☒
	<u>108</u>	<u>116</u>	<u>Sandy clay</u>		☒
	<u>116</u>	<u>116</u>	<u>Sand & gravel</u>	☒	

10.

Work started 3/1/76 finished 3/9/76

11. DRILLERS CERTIFICATION

Firm Name Davis Well Drilling Firm No. 101

Address Rte. 6, Hamper, Idaho Date 3/15/76

Signed by (Firm Official) Charles Davis

and _____

(Operator)

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

Irrigation Wells and Pump Stations

Feb. 1, 1990

No	Name Location	Diversion Point	Place of Use	Source	Filed Cap	Peak Cap	Acres	Dist	Comments
1	Port btwn Venice & Ethel	SE1/4 NW1/4 23-3-2	SE1/4 NW1/4 23-3-2	Well	0.80		30.00		Not in use
			SW1/4 NW1/4 23-3-2				10.00		
2	Mayor's	NE1/4 SW1/4 23-3-2	SE1/4 NW1/4 15-3-2	Well	1.00	1.11	5.00		
	1500 Blk. 7th St. No.		NE1/4 SW1/4 15-3-2				20.00		
			SE1/4 SW1/4 15-3-2				10.00		
			SW1/4 SE1/4 15-3-2				10.00		
			SE1/4 NW1/4 23-3-2				5.00		
3	7th St. So. Pump	SW1/4 SW1/4 22-3-2	SW1/4 NW1/4 22-3-2	Well	1.62	1.25	5.00		
	700 Blk. 6th St. So.		NW1/4 SW1/4 22-3-2				34.00		
			SW1/4 SW1/4 22-3-2				22.00		
			SE1/4 NE1/4 21-3-2				20.00		
4	Lakeview Pump	SW1/4 NW1/4 23-3-2		Well	2.50	1.14			
	Lakeview Park (Geothermal)								
5		SW1/4 NE1/4 22-3-2		Well					#s 5-27 consolidated for 30.00 cfs
6	9th Ave. No. & Indian Crk.								Artesian flow to Indian Cr. Not in use
7	Phyllis	SE1/4 NE1/4 22-3-2		Well		1.45			#s 5-27 consolidated for 30.00 cfs
	8th Ave. & 5th St. No.								
8	Kohler Lawn Cemetery	SW1/4 SE1/4 15-3-2		Well					#s 5-27 consolidated for 30.00 cfs
		NE1/4 SW1/4 15-3-2		Well		7			#s 5-27 consolidated for 30.00 cfs
9	Kohler Lawn Cemetery			Well		7			#s 5-27 consolidated for 30.00 cfs
		SW1/4 SE1/4 23-3-2		Well		7			#s 5-27 consolidated for 30.00 cfs
10	Ea. Powerline Rd. East of Sugar Ave								
	19th Ave. No. Pump	SW1/4 SW1/4 23-3-2		Well		1.34			#s 5-27 consolidated for 30.00 cfs
	19th Ave. No. & Indian Crk.								Artesian through 8" pipe to Indian Cr.
11	15th Ave. No. Pump	NW1/4 SW1/4 23-3-2		Well		0.74			#s 5-27 consolidated for 30.00 cfs
	1500 Blk. 3rd St. No.								Artesian or pump?

Rev: January 11, 1991

Peak cap info collected in July 1989.

Irrigation Wells and Pump Stations

Feb. 1, 1990

No	Name Location	Diversion Point	Place of Use	Source	Filed Cap	Peak Cap	Acres	Dlat	Comments
12	14th Ave. & 3rd St. No.	NE 1/4 SE 1/4 22-3-2		Well					#s 5-27 consolidated for 30.00 cfs
13	Indian Crk Park Pump	SW 1/4 SW 1/4 23-3-2		Well		0.67			Artesian flow to Indian Cr. Not in use
	Indian Crk. Playground								#s 5-27 consolidated for 30.00 cfs
14		NW 1/4 NW 1/4 35-3-2		Well					Artesian flow to Indian Cr.
	East side of So. Powerline Rd. @ Kurtz Lat								#s 5-27 consolidated for 30.00 cfs
15	Meyer Pump	NW 1/4 SW 1/4 26-3-2		Well		1.46			Not in use
	Btwn. Florence & Meyer @ Nixon								#s 5-27 consolidated for 30.00 cfs
16	Chestnut Pump	NE 1/4 NE 1/4 34-3-2		Well					#s 5-27 consolidated for 30.00 cfs
	Kurtz Lat & Chestnut								
17	Kurtz Park Pump	NW 1/4 NE 1/4 34-3-2		Well		1.86			#s 5-27 consolidated for 30.00 cfs
	Kurtz Park								
18	Stone House	NE 1/4 SE 1/4 26-3-2		Well					#s 5-27 consolidated for 30.00 cfs
	12th Ave. So. & 14th St. So.								
19	Maple Pump	SW 1/4 NW 1/4 27-3-2		Well		0.89			#s 5-27 consolidated for 30.00 cfs
	Roosevelt & 13th Ave. So.								Not in use
20	Holly Pump	SE 1/4 NW 1/4 27-3-2		Well		1.67			#s 5-27 consolidated for 30.00 cfs
	Roosevelt & 16th Ave. So.								
21	Fern Pump	SW 1/4 NE 1/4 27-3-2		Well		1.23			#s 5-27 consolidated for 30.00 cfs
	Roosevelt & 8th St. So.								
22	19th Ave. So. Pump	SE 1/4 NE 1/4 27-3-2		Well		1.30			#s 5-27 consolidated for 30.00 cfs
	6th St. & 19th Ave. So.								
23	14th Ave. So. Pump	NW 1/4 NE 1/4 27-3-2		Well		1.32			#s 5-27 consolidated for 30.00 cfs
	6th St. & 14th Ave. So. (Central Sch.)								
24	High Pump	NE 1/4 SE 1/4 21-3-2		Well		1.45			#s 5-27 consolidated for 30.00 cfs
	Yale & 7th St. So.								
25	Hudson Pump	NE 1/4 SE 1/4 21-3-2		Well		1.06			#s 5-27 consolidated for 30.00 cfs
	Hudson & Yale								
26		NW 1/4 NE 1/4 21-3-2		Well					#s 5-27 consolidated for 30.00 cfs
	Gem St. north of Winther								Not in use

Peak cap info collected in July 1989.

Rev. January 11, 1991

Irrigation Wells and Pump Stations

Feb. 1, 1990

No	Name Location	Diversion Point	Place of Use	Source	Filed Cap	Peak Cap	Acres	Dist	Comments
27	4th St So. Pump 800 Blk. 4th St. So.	SE1/4 SW1/4 22-3-2		Well		1.00			#s 5-27 consolidated for 30.00 cfs
28	Canyon Pump Canyon & Davis	SE1/4 NE1/4 21-3-2	SW1/4 NE1/4 21-3-2	Well	1.74	2.46	40.00		
			SE1/4 NE1/4 21-3-2				12.00		
			NE1/4 NW1/4 21-3-2				15.00		
			SE1/4 NW1/4 21-3-2				20.00		
29		NE1/4 NE1/4 28-3-2		Well	1.50				Not in use
30	Mid blk btwn Fairview/Canyon, Owyhee/Shoshone Young Pump Young & 10th Ave. So.	SE1/4 NE1/4-28-3-2		Well		0.91			Consolidated 6-83 w/#s 35, 36, 40, 48, 50, 53.55 for 8.69 cfs
31		SE1/4 SW1/4 23-3-2		Pump				N&M	Not in use
32	North Nampa Lat & 20th Ave. No.	NE1/4 SE1/4 22-3-2		Well	0.30				Not in use.
33	1300 Blk. 3rd St. No.	SW1/4 NE1/4 22-3-2		Pump				P	Not in use
34	1st St. No. & Phyllis Canal 14th Ave. No. Pump 1st St & 14th Ave. No.	SE1/4 SE1/4 22-3-2		Well		0.74			UPRR; Lease agreement
35	Boone Pump Boise St. Nor. of Boone Ave.	SE1/4 SE1/4 17-3-2		Well					Consolidated 6-83 w/#s 30, 36, 40, 48, 50, 53.55 for 8.69 cfs
36	Winther Pump Winther & Midland Blvd.	SE1/4 NE1/4-20-3-2		Well		1.00			Consolidated 6-83 w/#s 30, 35, 40, 48, 50, 53.55 for 8.69 cfs
37	Horton Pump Horton & Phyllis Canal	SW1/4 NW1/4 21-3-2		Pump		4.90		P	Pioneer Irr.
38	Davis & Rowena	SW1/4 NE1/4 21-3-2		Pump				N&M	Not in use

Irrigation Wells and Pump Stations

Feb. 1, 1990

No	Name Location	Diversion Point	Place of Use	Source	Filed Cap	Peak Cap	Acres	Dist	Comments
39	Sunnylane Pump Sunnylane @ Elijah Drain	NW1/4 SW1/4 21-3-2	SW1/4 NW1/4 21-3-2	Pump	4.00	1.88	20.00	P	
			SE1/4 NW1/4 21-3-2				20.00		
			NE1/4 SW1/4 21-3-2				40.00		
			NW1/4 SW1/4 21-3-2				40.00		
			SW1/4 SW1/4 21-3-2				40.00		
			SE1/4 SW1/4 21-3-2				40.00		
40	Sweetwood Boise St. south of Phyllis Canal	NE1/4 SE1/4 20-3-2		Well		0.67			Consolidated 6-83 w/#'s 30,35,36,48, 50,53,55 for 8.89 cfs
41	State Street Pump Gem St @ Elijah Drain	NW1/4 NE1/4 28-3-2	NW1/4 NE1/4 28-3-2	Well	0.40	0.56	30.00		
42	Kurtz Lat. east of Florence	NW1/4 NW1/4 35-3-2		Pump				N&M	Abandoned
43	Novis Pump Colorado & So. Nampa Lat (Novis Sub.)	NE1/4 NW1/4 35-3-2		Pump		0.67		N&M	
44	Morgan Pump Boise St. north of Phyllis Canal	NE1/4 SE1/4 20-3-2	SW1/4 NE1/4 20-3-2	Well	0.50	0.71	1.00		
			SE1/4 NE1/4 20-3-2				5.00		
			NE1/4 SE1/4 20-3-2				15.00		
			NW1/4 SE1/4 20-3-2				4.00		
45	Bonnie Brae Pump Midland north of Roosevelt (Bonnie Brae)	SW1/4 NW1/4 28-3-2		Pump		0.89		N&M	
46	So. Powerline Rd. south of Amity	NE1/4 NE1/4 34-3-2		Pump				N&M	Abandoned
47	Wildflower Pump Chicago & Wildflower	NW1/4 NE1/4 35-3-2		Pump		1.00		N&M	
48	Juniper Sq. Pump Michigan & So. Juniper (Juniper Sq. Sub.)	SW1/4 SW1/4 34-3-2		Well		0.45			Consolidated 6-83 w/#'s 30,35,36,40, 50,53,55 for 8.89 cfs
49	Dufer @ So. Nampa Lat.	SW1/4 SW1/4 26-3-2		Pump				N&M	Abandoned

Rev. January 11, 1991

Peak cap info collected in July 1989.

Feb. 1, 1990

Irrigation Wells and Pump Stations

No	Name Location	Diversion Point	Place of Use	Source	Filled Cap	Peak Cap	Acres	Dist	Comments
50	Venice Pump Denver & Mason Crt. (Venice 2nd Sub.)	NW1/4 SE1/4 29-3-2		Well		1.58			Consolidated 6-83 w/w's 30,35,36,40; 48,53,55 for 8.69 cfs
51	Grange Park Pump Grange Park; Cassia & Eldoran	NW1/4 SE1/4 17-3-2	NW1/4 SE1/4 17-3-2	Well	1.10	0.28	5.00		
			SW1/4 SE1/4 17-3-2				25.00		
			SE1/4 SE1/4 17-3-2				25.00		
52	Colorado Pump Colorado & Nectarine	NW1/4 NW1/4 34-3-2	NE1/4 NW1/4 34-3-2	Well	1.50	1.89	40.00		
			NW1/4 NW1/4 34-3-2				40.00		
			SW1/4 NW1/4 34-3-2				40.00		
			SE1/4 NW1/4 34-3-2				40.00		
53	Meadowbrook Pump Sunnybrook Dr. & Cottonwood Dr.	NW1/4 NW1/4 3-2-2		Well		0.78			Consolidated 6-83 w/w's 30,35,36,40; 48,50,55 for 8.69 cfs
54	5th Rd. & Indian Crt	SW1/4 SW1/4 15-3-2		Pump				P	Not in use
55	Westpark Pump Westpark & Lone Star Rd	NE1/4 NW1/4 28-3-2		Well		1.34			Consolidated 6-83 w/w's 30,35,36,40; 48,50,53 for 8.69 cfs
56	Birdseye Pump Birds Eye	SE1/4 SW1/4 15-3-2		Well		2.21			Transfer #3057, 6-83
57	Centennial Golf Course Bottom nine & Phyllis Canal	SW1/4 SE1/4 11-3-2	SW1/4 SE1/4 11-3-2	Well	3.20		40.00		
			SE1/4 SE1/4 11-3-2				40.00		
			NE1/4 NE1/4 14-3-2				40.00		
			NW1/4 NE1/4 14-3-2				40.00		
58	So. Pwrline Pump West side of So. Powerline Rd. @ Kurtz Lai.	NE1/4 NE1/4 34-3-2		Pump		4.12		N&M	
59	Glenview Pump E. Greenhurst Rd. @ Conley Lai (Glen View Estis.)	SE1/4 SE1/4 34-3-2		Pump		0.78		N&M	

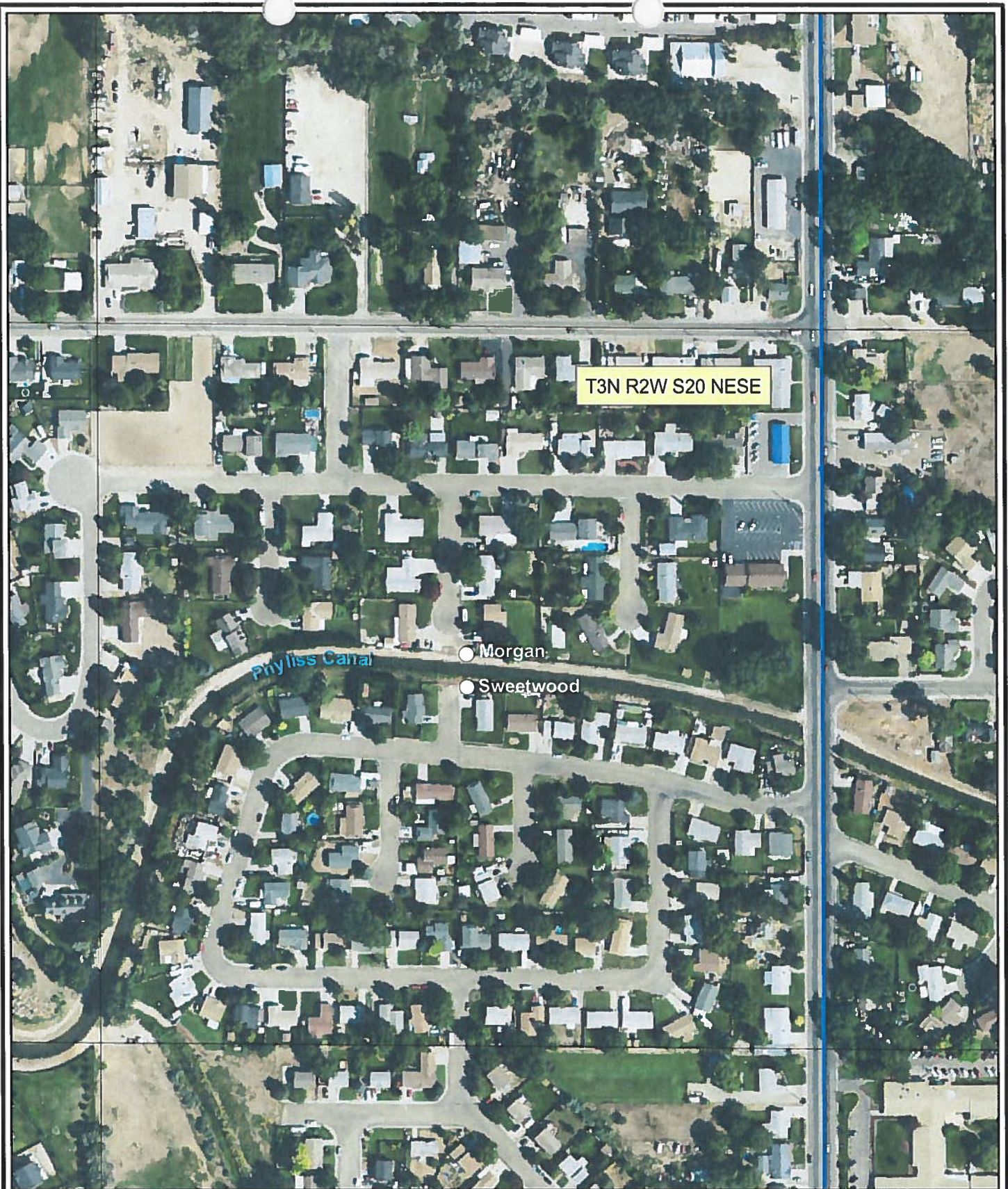
Rev. January 11, 1991

Peak cap info collected in July 1989.

Irrigation Wells and Pump Stations

Feb. 1, 1990

No	Name Location	Diversion Point	Place of Use	Source	Filed Cap	Peak Cap	Acres	Dist	Comments
60	Karcher Ests. Pump Aries Dr. east of Flam Cr. (Karcher Ests.)	NW1/4 NW1/4 17-3-2		Pump		0.78		P	
61	Pleasant's Pump W. Roosevelt @ Pleasants Lat.	NW1/4 SE1/4 28-3-2		Pump				N&M	Not in use
62	Hospital Pump Hwy. 45 @ Pleasants Lat. (Mercy Med)	NW1/4 SW1/4 34-3-2		Pump		0.78		N&M	
63	South Valley Lambert & Wilson Drain	SE SE 33-3-2		Well					Drilled as part of Sub. development. To be under 0.5 control when completed
64									
65									
66									
67	~~South Valley~~								
68	Mini Airport Nap East of ISSH on Rm	SE SW 13-3-2		Well					Model Airplane Club. Recent # 63-11339 March 80
69	~~South Valley~~								
70									



Legend

○ Well

Morgan and Sweetwood Wells
City of Nampa



250

Feet



Newbry, Ashley

From: Christopher H Meyer [ChrisMeyer@givenspursley.com]
Sent: Thursday, February 19, 2015 3:22 PM
To: Newbry, Ashley
Cc: 'Roxanne Brown (RBrown@spfwater.com)'
Subject: Water Right No. 63-10211 (City of Nampa) [IWOV-GPDMS.FID388186]
Attachments: Memo from Ashley Newbry re 63-10211 (11-12-2014).PDF; Memo from Roxanne Brown to CHM - No. 63-10211 (1-13-2015).PDF

Ashley,

I am writing with regard to my client, the City of Nampa, and its recently licensed water right No. 63-10211. I am attaching a memorandum from Roxanne Brown of SPF dated 1-13-2015 together with your memo of 11-12-2014 which is referenced in Roxanne's memo.

For reasons discussed in Roxanne's memo, we ask that the Department make a technical correction to the authorized diversion rate, changing it from 7.21 cfs to 7.71 cfs.

It appears to me that this falls into the category of "clerical error."

I looked into the Department's authority to correct a clerical error after a license is issued.

All I could find was the following brief discussion in section 11(A)(12) of the Idaho Water Law Handbook:

"The Department does not have express general statutory authority to correct errors discovered in permits, licenses, and other documents. The Department's practice, however, it to correct such errors without instituting special proceedings therefore, where the error is manifest and other parties are not affected thereby. Typically, the Department simply will issue a preliminary order to the water right holder explaining how the error occurred, accompanied by a corrected permit, license, or other document."

By the way, if you are aware of some other rule, guidance, or policy addressing the Department's authority for error correction, I would very much appreciate your calling it to my attention so that I may make an appropriate update to the Handbook.

Feel free to take this up directly with Roxanne. There is no need to go through me, particularly on the technical issues addressed in Roxanne's memo. I would appreciate, however, being kept in the loop as decisions are made.

On a broader subject, I would like to hear your thoughts on what steps we may take to ensure that both Roxanne and I are included on any official communications from the Department regarding the City of Nampa's water rights. In this case, the Certificate of Service included only a generic mailing to the City of Nampa which, alas, was not brought immediately to our attention. Indeed, it was only discovered when Roxanne was reviewing the Department's website listing for this right. Would it be helpful for me to send a letter to the Department addressing this request?

My best to you,

-Chris

CHRISTOPHER H. MEYER

GIVENS PURSLEY LLP

601 W Bannock St, Boise, ID 83702 / PO Box 2720, Boise, ID 83701
direct 208-388-1236 / cell 208-407-2792 / assistant 208-388-1227 (Lisa Hughes)
chrismeyer@givenspursley.com / www.givenspursley.com

CONFIDENTIALITY NOTICE: This communication is confidential and may contain privileged information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.



SPF WATER
ENGINEERING

RECEIVED

MAR 02 2015

DEPARTMENT OF
WATER RESOURCES

March 2, 2015

Ashley Newbry
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Subject: Location of Morgan and Sweetwood Wells – City of Nampa
Water Right Nos. 63-8312 and 63-10211

Dear Ms. Newbry,

We are submitting the additional information contained in this letter to clarify the difference between the Morgan and Sweetwood wells operated by the City of Nampa (the City). The following information is provided in response to your letter dated March 2, 2015. We intend to confirm the existence of two wells in the NESE, S20, T3N, R2W, and confirm that separate water rights were developed for each well. Both of the wells are operated by the City to produce water for the City's pressurized irrigation system.

The Morgan well was developed under water right 63-8312 (copy of approved permit and SRBA decree enclosed). The permit was issued to the City of Nampa on June 25, 1976. According to Exhibit A attached to the permit application, the water right was to be developed to provide irrigation water to residential lots in the Morgan First and Morgan Second subdivisions. The Morgan well was drilled in March 1976. The driller's report (copy enclosed) confirms the well was drilled for "City" irrigation in the NESE, S20, T3N, R2W. The Morgan well is located on Boise Street in Nampa, north of the Phylliss Canal (see enclosed map). SPF located the Morgan well in 2007 with a hand-held GPS unit and will provide the data directly to you via email.

The Morgan well (No. 44) is listed on page 4 of the 1989 "Irrigation Wells and Pump Stations" data compiled by City staff on February 1, 1990, and revised on January 11, 1991. A copy of this data was provided to IDWR with the Beneficial Use Field Report for permit 63-10211, and is also attached to this letter. The peak capacity for the well is noted as 0.71 cfs.

MEMORANDUM

DATE: January 13, 2015

TO: Christopher Meyer, Attorney, Givens Pursley

FROM: Roxanne Brown

CC: Michael Fuss, Public Works Director, City of Nampa

SUBJECT: Water Right License 63-10211

Background

The City of Nampa submitted an *Application for Permit* in 1984 to authorize use of eight (8) additional wells in the City's existing municipal irrigation supply system. The application was approved, and a permit was issued on July 30, 1984. The permit authorized a combined diversion rate of 8.69 cfs (3,900 gpm) from the eight wells described in the application.

A *Proof of Beneficial Use* form was filed by the City in 1989 which described a diversion rate of 1.2 cfs. An amended form was submitted on behalf of the City in 2004 by John Marshall (then an attorney with Givens Pursley). The amended *Proof* described development of 8.69 cfs from eight wells as authorized by the permit.

SPF Water Engineering conducted a beneficial use field examination for the permit and filed its report with the Idaho Department of Water Resources (IDWR) in August 2014. IDWR staff found additional information in their water right files during review of the field examination report, which resulted in an amended report filed by SPF in October 2014. SPF's amended report described the eight wells authorized by the permit (known by the City as Meadowbrook I, West Park, Boone, Winther, Sweetwood, Venice, Young and Juniper), and a total diversion rate of 7.71 cfs (3,460 gpm). The diversion rate recommended in SPF's report was based on a 1989 City record of pump capacities.

Review of Water Right License 63-10211

IDWR issued a license for water right 63-10211 on November 13, 2014. Unfortunately, SPF did not have an opportunity to review the license document at the time it was issued and the license appears to contain an error as to the diversion rate. Although SPF's field examination report recommended a total diversion rate of 7.71 cfs, the license was issued authorizing a diversion rate of only 7.21 cfs.

SPF reviewed IDWR's online files in an effort to understand the discrepancy between the field report recommendation and the subsequent license. It is apparent in a memo dated November 12, 2014 (copy attached) that IDWR assumed the well described in the beneficial use field examination report as "Sweetwood" was identical to a well previously authorized by water right 63-8312 and known in City records as the "Morgan" well. IDWR was unaware there are two wells in the NESE, Section 20, Township 3N, Range 2W, and thus deducted the previously adjudicated diversion rate of the Morgan well (0.50 cfs) from the total diversion rate recommended by SPF's field exam report. This resulted in the licensed diversion rate of 7.21 cfs.

SPF maintains GPS data points for each of the City's points of diversion and can easily demonstrate the separate locations of the Sweetwood and Morgan wells.

MEMORANDUM

DATE: November 12, 2014

TO: File 63-10211

FROM: Ashley Newbry

RE: City of Nampa – Municipal Pressure Irrigation (WR Permit 63-10211)

Shelley has requested additional information on this document before issuing a license.

1. Conditions 01M, 102, and 103 were not on the permit, so we would not add them to the license.
 - A. Condition 01C was on the permit, and it has been modified to 01M for licensure. Conditions 102 and 103 do not need to appear on the license.
2. The 2013 report by SPF refers to 10 "pumps" for standalone systems. Are these 8 wells any of the 10? I don't want to allow Nampa to do something that we've told North Kootenai we can't.
 - A. No, none of these wells are standalone systems. They are all part of the interconnected system.
3. Just to be sure, let's check, if you haven't already, whether these wells are listed as PODs on other water rights.
 - A. See below.

Point of Diversion Legal Description:

Meadowbrook I GROUND WATER NWNW Sec. 03, Twp 02N, Rge 02W, CANYON County

Shared by:

Basin	Sequence	Process	Basis	Status	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner
63	2779	Water Right	Decreed	Active	9/2/1949	2.000	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	2781	Water Right	Decreed	Active	9/2/1949	3.000	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	5258	Water Right	Decreed	Active	7/20/1954	2.100	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	7567	Water Right	Decreed	Active	3/6/1972	2.790	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	8324	Water Right	Decreed	Active	6/1/1976	3.000	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	9180	Water Right	Decreed	Active	9/27/1978	4.000	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	10212	Water Right	Decreed	Active	6/28/1983	2.230	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	28219	Water Right	Decreed	Active	12/24/1937	1.220	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	28220	Water Right	Decreed	Active	12/1/1949	1.930	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	10211	Water Permit		Active	3/9/1984	8.690	GROUND WATER	MUNICIPAL	CITY OF NAMPA

Comments: 63-10211 is the only water right at this POD. City of Nampa owns another well within the QQ. All of the above rights in gray correspond to a different POD than 63-10211. (POD was not claimed in SRBA.)

Point of Diversion Legal Description:

Sweetwood Circle GROUND WATER NESE Sec. 20, Twp 03N, Rge 02W, CANYON County

Shared by:

Basin	Sequence	Process	Basis	Status	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner
63	2449	Water Right	Decreed	Active	8/13/1931	0.800	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	2450	Water Right	Decreed	Active	8/13/1931	1.000	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	2484	Water Right	Decreed	Active	8/22/1933	1.620	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	2780	Water Right	Decreed	Active	9/2/1949	2.500	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	2787	Water Right	Decreed	Active	9/2/1949	30.000	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	2943	Water Right	Decreed	Active	6/3/1953	1.740	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	4264	Water Right	Decreed	Active	6/1/1964	0.160	GROUND WATER	DOMESTIC	BINGHAM, MARALYN; BINGHAM, MARRINER F
63	4376	Water Right	Statutory Claim	Active	6/1/1964	0.040	GROUND WATER	DOMESTIC	COOKE, CONNIE L; COOKE, RAYMOND M
63	4380	Water Right	Statutory Claim	Active	7/27/1962	0.040	GROUND WATER	DOMESTIC	SMITH, LEONA FAYE; SMITH, VIOLET MAE
63	4381	Water Right	Decreed	Active	5/20/1962	0.040	GROUND WATER	DOMESTIC	HARKER, DALE W; HARKER, VERLA W
63	5257	Water Right	Decreed	Active	1/1/1905	0.300	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	7003	Water Right	Decreed	Active	6/9/1967	7.680	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	7708	Water Right	Decreed	Active	2/14/1973	0.400	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	8312	Water Right	Decreed	Active	5/24/1976	0.500	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	8482	Water Right	License	Active	2/22/1977	0.080	GROUND WATER	DOMESTIC	HARRISON, ALICE J; HARRISON, DEAN R
63	9853	Water Right	Decreed	Active	1/17/1982	1.000	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	9889	Water Right	Decreed	Active	3/30/1982	1.500	GROUND WATER	MUNICIPAL	CITY OF NAMPA
63	20356	Water Right	Decreed	Active	11/1/1986	0.040	GROUND WATER	DOMESTIC, STOCKWATER	BINGHAM, MARALYN; BINGHAM, MARRINER F
63	20819	Water Right	Decreed	Active	4/15/1973	0.040	GROUND WATER	DOMESTIC	HARRISON, ALICE J; HARRISON, DEAN R
63	20820	Water Right	Decreed	Active	4/15/1973	0.040	GROUND WATER	DOMESTIC	PEIRSOL, GEORGE R; PEIRSOL, LINDA
63	10211	Water Permit		Active	3/9/1984	8.690	GROUND WATER	MUNICIPAL	CITY OF NAMPA

Comments: Unfortunately, this POD actually lies in the very center of the QQ. Many City of Nampa water rights utilize this POD because of the SRBA (accomplished transfer). It is unlikely that the privately held rights above are also accessed through this POD. (This POD was claimed in the SRBA via WR 63-8312.)

Point of Diversion Legal Description:

Juniper Square GROUND WATER SWSW Sec. 34, Twp 03N, Rge 02W, CANYON County

Shared by:

Basin	Sequence	Process	Basis	Status	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner
63	20862	Water Right	Decreed	Active	6/1/1890	0.070	GROUND WATER	DOMESTIC, STOCKWATER	MARK, REBECCA
63	10211	Water Permit		Active	3/9/1984	8.690	GROUND WATER	MUNICIPAL	CITY OF NAMPA

Comments: 63-10211 is the only water right at this POD. Another well lies within the same QQ, but it appears as a centroid in GIS. (This POD was not claimed in the SRBA.)

Point of Diversion Legal Description:

Winther GROUND WATER SENE Sec. 20, Twp 03N, Rge 02W, CANYON County

Shared by:

Basin	Sequence	Process	Basis	Status	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner
63	7648	Water Right	Decreed	Active	8/11/1972	0.360	GROUND WATER	DOMESTIC	CAMELOT WATER CORP
63	10497	Water Right	License	Active	6/4/1987	0.480	GROUND WATER	IRRIGATION	CAMELOT WATER CORP
63	11239	Water Right	License	Active	2/7/1990	0.040	GROUND WATER	DOMESTIC, IRRIGATION	SCHNEIDER, ALTHEA; SCHNEIDER, THAYNE C
63	11727	Water Right	License	Active	2/4/1994	0.120	GROUND WATER	DOMESTIC IRRIGATION, STOCKWATER	ADAMSON SR, DAVID K; ADAMSON, MIRIAM
63	17223	Water Right	Decreed	Active	12/31/1964	0.040	GROUND WATER	DOMESTIC	GREELEY, MICHAEL; GREELEY, THERESA
63	23376	Water Right	Decreed	Active	12/23/1906	0.060	GROUND WATER	DOMESTIC, STOCKWATER	GREER, A GLYDENE; GREER, TEDDY A
63	27199	Water Right	Decreed	Active	1/1/1940	0.060	GROUND WATER	DOMESTIC, STOCKWATER	HAZEN, GENE
63	27201	Water Right	Decreed	Active	1/1/1979	0.060	GROUND WATER	DOMESTIC, STOCKWATER	DIMLER, LEONE M; HAZEN, GENE
63	28446	Water Right	Decreed	Active	3/21/1969	0.040	GROUND WATER	DOMESTIC	FRETZ, ELLEN; FRETZ, MAX
63	10211	Water Permit		Active	3/9/1984	8.690	GROUND WATER	MUNICIPAL	CITY OF NAMPA

Comments: 63-10211 is the only water right at this POD. The other wells lie within the same QQ. (This POD was not claimed in the SRBA.)

Point of Diversion Legal Description:

Boone GROUND WATER SESE Sec. 17, Twp 03N, Rge 02W, CANYON County

Shared by:

Basin	Sequence	Process	Basis	Status	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner
63	4958	Water Right	Decreed	Active	1/1/1953	0.090	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	GIVENS, JACK A; GIVENS, L MURIEL
63	21294	Water Right	Decreed	Active	1/1/1963	0.110	GROUND WATER	DOMESTIC	GIVENS, JACK A; GIVENS, L MURIEL
63	27988	Water Right	Decreed	Active	5/1/1957	0.040	GROUND WATER	DOMESTIC	EMERSON, LOIS M; EMERSON, WALDO W
63	28327	Water Right	Decreed	Active	12/31/1956	0.040	GROUND WATER	DOMESTIC	ZENOR, JUDITH K
63	10211	Water Permit		Active	3/9/1984	8.690	GROUND WATER	MUNICIPAL	CITY OF NAMPA

Comments: Unfortunately, this POD actually lies in the very center of the QQ. It is unlikely that the privately held right 63-28327 above is also accessed through this POD. In this case, both 63-10211 and 63-28327 are shown at the center of the QQ. Nevertheless, 63-10211 is the only water right at this POD. (This POD was not claimed in the SRBA.)

Point of Diversion Legal Description:

Young GROUND WATER SENE Sec. 28, Twp 03N, Rge 02W, CANYON County

Shared by:

Basin	Sequence	Process	Basis	Status	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner
63	23885	Water Right	Decreed	Active	5/23/1905	0.040	GROUND WATER	DOMESTIC	DILLON, DEBBIE;
63	10211	Water Permit		Active	3/9/1984	8.690	GROUND WATER	MUNICIPAL	CITY OF NAMPA

Comments: 63-10211 is the only water right at this POD. 63-23885 lies within the same QQ, but it is not near the location of City of Nampa's POD.

Point of Diversion Legal Description:

Venice GROUND WATER NWSE Sec. 23, Twp 03N, Rge 02W, CANYON County

Shared by:

Basin	Sequence	Process	Basis	Status	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner
63	20873	Water Right	Decreed	Active	2/12/1942	0.040	GROUND WATER	DOMESTIC	ZESIGER, MAYTHEL; ZESIGER, MELVIN C
63	22461	Water Right	Decreed	Active	1/1/1940	0.040	GROUND WATER	DOMESTIC	HURLEY, RHONDA D; KORN, EDITH
63	27044	Water Right	Decreed	Active	1/1/1900	0.040	GROUND WATER	DOMESTIC	UHLKOTT, RICKY DALE
63	29444	Water Right	Decreed	Active	6/1/1928	0.040	GROUND WATER	DOMESTIC	DORAN, JAMES M
63	10211	Water Permit		Active	3/9/1984	8.690	GROUND WATER	MUNICIPAL	CITY OF NAMPA

Comments: 63-10211 is the only water right at this POD. The other wells lie within the same QQ.

Point of Diversion Legal Description:

West Park GROUND WATER NENW Sec. 28, Twp 03N, Rge 02W, CANYON County

Shared by:

Basin	Sequence	Process	Basis	Status	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner
63	21739	Water Right	Decreed	Active	5/1/1957	9.640	ELIJAH DRAIN	IRRIGATION	PIONEER IRRIGATION DISTRICT
63	10211	Water Permit		Active	3/9/1984	8.690	GROUND WATER	MUNICIPAL	CITY OF NAMPA

Comments: 63-10211 is the only water right at this POD. Pioneer Irrigation District has a diversion on the canal which runs through this QQ.

Because 0.50 CFS of Water Permit 63-10211 is already covered by SRBA decreed water right 63-8312, the diversion rate recommended by SPF Water Engineering must be reduced by 0.50 cfs. $7.71 \text{ CFS} - 0.50 \text{ CFS} = 7.21 \text{ CFS}$