

FEE \$100.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

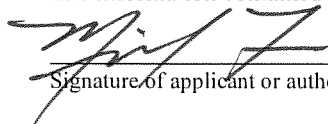
JUN 06 2014

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHTWATER RESOURCES
WESTERN REGION

Section 42-222(4), Idaho Code, provides that a water right holder may apply to protect a valid water right from forfeiture. Upon a showing of reasonable cause, the Director may grant one (1) extension of five (5) years in which to resume use.

- Water Right No. 63-7954 (one right per application)
☒ Attach a copy of the water right record, available at <http://www.idwr.idaho.gov>, *Water Right Transfers, Step 1*, or by contacting any Department office.
- Applicant City of Nampa Phone (208) 466-7861
- Are you the current water right holder of record? Yes ☒ No ☐
☐ If no, provide documentation of your authority to sign on behalf of the right holder -- OR -- attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee.
- Mailing address ☒ Same as water right record -- OR -- complete the following information:
 Address _____ City _____
 State _____ Zip code _____ Email _____
- Give the last date water was beneficially used 2/2010
- Explain your reasons for non-use of the water right and your reasons for requesting an extension of time.
 Attach additional documentation if needed.
Water Right No. 63-7954 authorizes diversion from the Elijah Drain. Water supplies in the Elijah Drain have been reduced and pump maintenance has been difficult due to variable water supply. The applicant needs additional time to either replace or move the pump facility.

The information contained in this application is true to the best of my knowledge.

	<u>Michael Fuss Public Works Dir</u>	<u>5/5/14</u>
Signature of applicant or authorized agent	Print name (and title, if applicable)	Date
_____ Signature of applicant or authorized agent	_____ Print name (and title, if applicable)	_____ Date

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE _____ said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before JUNE 1, 2019.

Signed this 15th day of SEPTEMBER, 2014. John Westra
 Title: WESTERN REGIONAL MANAGER

Stamped received ☒ Fee receipted by CAWTE Date 6/6/14 Receipt # W042204

SCANNED

JUL 31 2014

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-7954

Current Owner: CITY OF NAMPA
Priority Date: 3/20/1974
Origin: Water Right
Status: Active
Basis: Decreed

Source

ELIJAH DRAIN

Tributary

WILSON DRAIN

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

1.78 CFS

1.78 CFS

Annual Volume

770 AF

770 AF

Location of Point(s) of Diversion

ELIJAH DRAIN

CANYON County

NW1/4SW1/4

Sec. 21, Twp 03N, Rge 02W B.M.

Place of Use

IRRIGATION Within CANYON County

T03N R02W S21	SWNW	17.00	T03N R02W S21	SENW	18.00
T03N R02W S21	NESW	33.00	T03N R02W S21	NWSW	33.00
T03N R02W S21	SWSW	34.00	T03N R02W S21	SESW	36.00

Total Acres: 171

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. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. This water right is part of the non-potable water delivery system for the City of Nampa.
4. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

Decreed Date: 5/18/2009

SCANNED
JUL 31 2014



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 22, 2014

CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

RE: Water Right No. 63-7954

Extension to Avoid Forfeiture of Water Right Approval Letter

Dear Water Right Holders:

Enclosed is a copy of an approved Application for Extension of Time to Avoid Forfeiture for the above referenced water right. Please note that resumption of beneficial use for this right shall occur on or before **JUNE 1, 2019**.

Please notify the Department as soon as you resume use of water under this right. If you have not notified the Department sixty (60) days prior to the resumption deadline, the Department will send you a Resumption of Use Notice by certified mail.

Section 42-248, *Idaho Code*, requires water right owners to maintain current ownership and address records on file with the Department. Please refer to www.idwr.idaho.gov or contact any office of the Department for the proper form to file a change of ownership of water right and/or a change in address of the owner.

Please contact this office at 208-334-2190 if you have any questions concerning this matter.

Sincerely,


For:

John Westra
Western Regional Manager

Enclosures

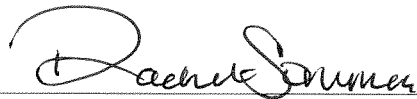
CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing EXTENSION OF TIME TO AVOID FORFEITURE to the persons listed below:

RE: WATER RIGHT NO.

63-7954

CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

A handwritten signature in cursive script, reading "Rachel Sommer", is written over a horizontal line.

Rachel Sommer
Administrative Assistant I

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.