

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 63-32835

Priority: August 18, 2007

Maximum Diversion Rate: 5.00 CFS

Right Holder: CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	5.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SW1/4	Sec. 1, Twp 03N, Rge 02W, B.M. CANYON County
GROUND WATER	SW1/4SW1/4	Sec. 1, Twp 03N, Rge 02W, B.M. CANYON County
GROUND WATER	SW1/4SW1/4NE1/4	Sec. 34, Twp 04N, Rge 02W, B.M. CANYON County

LOCATION OF PLACE OF USE: See conditions of approval #3 and #4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2014**.
2. Subject to all prior water rights.
3. 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.
4. Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.
5. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right authorizes the diversion and use of 5.0 cfs for reasonably anticipated future needs for municipal purposes within the City of Nampa service area for a 21-year planning horizon ending December 31, 2030, pursuant to Section 42-202(B), Idaho Code.
9. The full system capacity necessary to provide water for the reasonably anticipated future needs authorized under this right must be constructed by the end of the designated planning horizon.
10. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of December, 2013.


JOHN WESTRA, Western Regional Manager



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

December 9, 2013

CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

RE: Permit No.63-32835

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 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.

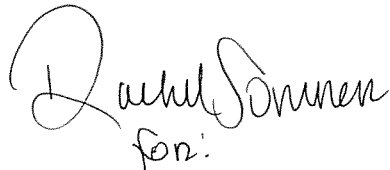
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, 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)334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Sonnen". Below the signature, the word "for:" is written in a smaller, simpler script.

John Westra
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) with a Map showing the Municipal Place of Use of Boundary to the persons listed below:

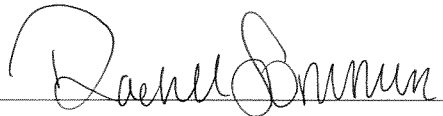
RE: WATER RIGHT NO.

63-32835

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

**GIVENS PURSLEY LLP
ATTN: CHRISTOPHER H MEYER
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701**

**SPF WATER ENGINEERING LLC
ATTN: LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

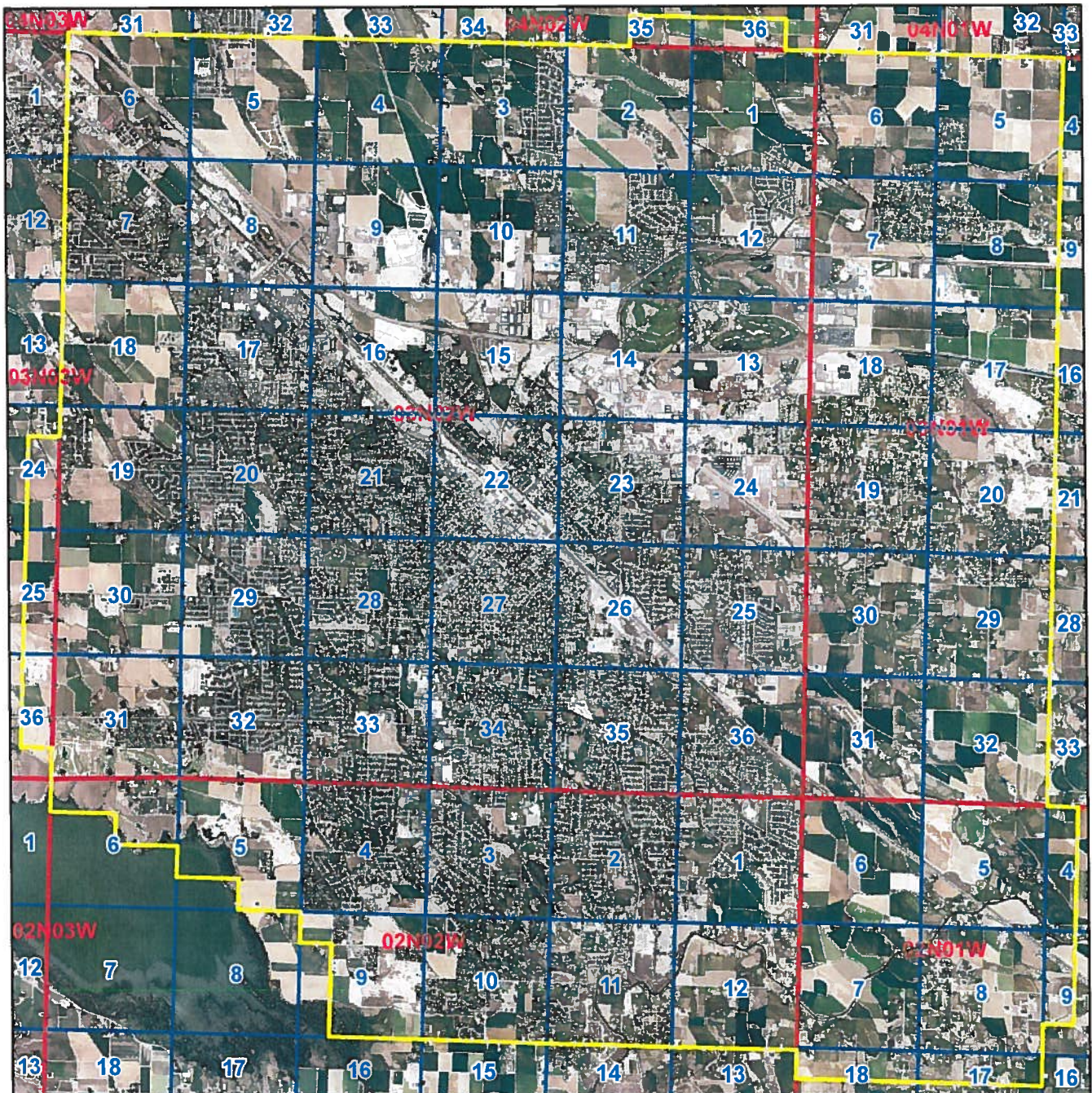
A handwritten signature in cursive script, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
Administrative Assistant I**

City of Nampa

Municipal Place of Use Boundary

Amendment of Permit 63-32835



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.

LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

✓ **63-33131**

FARM DEVELOPMENT CORP

PO BOX 1201

BOISE, ID 83701

Points of Diversion L3(NENW) NWSW NESE S4 T01N R03W

CANYON County Source GROUND WATER

Points of Diversion L1(NENE) NESE S5 T01N R03W

CANYON County Source GROUND WATER

Points of Diversion NWNE NENW NESW SESW NWSE S9

T01N R03W CANYON County Source GROUND WATER

Points of Diversion SENW SESW S15 T01N R03W CANYON

County Source GROUND WATER

Points of Diversion NENE S16 T01N R03W CANYON County

Source GROUND WATER

Points of Diversion SWSW SWSE S28 T02N R03W CANYON

County Source GROUND WATER

Points of Diversion SWNW SWSW SESE S29 T02N R03W

CANYON County Source GROUND WATER

Points of Diversion NWSE S30 T02N R03W CANYON County

Source GROUND WATER

Points of Diversion NENE S31 T02N R03W CANYON County

Source GROUND WATER

Points of Diversion NWNE SENW SESE S32 T02N R03W

CANYON County Source GROUND WATER

Points of Diversion NENW NESW S33 T02N R03W CANYON

County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 55.48 CFS

Total Diversion: 55.48 CFS

Date Filed: 12/5/2008

Place of Use: IRRIGATION

T01N R03W S4 L3(NENW) L4(NWNW) SWNW SENW3

SW(ALL) SE(ALL)

T01N R03W S5 L1(NENE) SENE NESE

T01N R03W S9 NWNE SWNE NENW NWNW SENW

NESW SESW SE(ALL)

T01N R03W S10 SWSW SESW

T01N R03W S15 NW(ALL) SW(ALL)

T01N R03W S16 NE(ALL) NENW NESE

T02N R03W S28 SW(ALL) SWSE

T02N R03W S29 SWNE SENE NW(ALL) SW(ALL)

SE(ALL)

T02N R03W S30 SENE SE(ALL)

T02N R03W S31 NENE NWNE SENE

T02N R03W S32 NE(ALL) NW(ALL) NESW SE(ALL)

NESW

T02N R03W S33 NWNE SWNE NW(ALL) NESW NWSW

SWSW

Total Acres: 2774

✓ **63-33132**

A D CATTLE CO INC

PO BOX 1582

BOISE, ID 83701

Points of Diversion SESE NENE S14 T01N R03W CANYON

County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 6.4 CFS

Total Diversion: 6.4 CFS

Date Filed: 12/5/2008

Place of Use: IRRIGATION

T01N R03W S14 NE(ALL) SE(ALL)

Total Acres: 320

✓ **63-33133**

ALLEN NOBLE FARMS INC

PO BOX 1582

BOISE, ID 83701

Points of Diversion SWNW SWSW S11 T01N R03W CANYON

County Source GROUND WATER

Points of Diversion NWNW SWSW S14 T01N R03W

CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 12.8 CFS

Total Diversion: 12.8 CFS

Date Filed: 12/5/2008

Place of Use: IRRIGATION

T01N R03W S11 NW(ALL) SW(ALL)

T01N R03W S14 NW(ALL) SW(ALL)

Total Acres: 640

✓ **63-33134**

ALLEN NOBLE FARMS INC

PO BOX 1582

BOISE, ID 83701

Point of Diversion NWNW S10 T01N R03W CANYON County

Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 3.2 CFS

Total Diversion: 3.2 CFS

Date Filed: 12/5/2008

Place of Use: IRRIGATION

T01N R03W S9 NENE SENE

T01N R03W S10 NWNW SWNW

Total Acres: 160

✓ **63-33135**

ALLEN NOBLE FARMS INC

PO BOX 1582

BOISE, ID 83701

Points of Diversion NENW NWSW NESE NWNE S23 T01N

R03W CANYON County Source GROUND WATER

Points of Diversion NWNE NWSW NESW 24 T01N R03W

CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 19.72 CFS

Total Diversion: 19.72 CFS

Date Filed: 12/5/2008

Place of Use: IRRIGATION

T01N R03W S23 NE(ALL) NW(ALL) SW(ALL) SE(ALL)

T01N R03W S24 NWNE SWNE NW(ALL) SW(ALL)

SE(ALL)

Total Acres: 986

Applications 63-33131 thru 63-33135 collectively propose numerous new wells to provide about 100 cfs for supplemental irrigation in a large area north of the Snake River & west of Hwy 45 in southern Canyon County. Proposed water bearing zone for all wells is from 500 to 900 feet.

PROPOSED AMENDMENT OF WATER PERMIT

City of Nampa of 411 3rd St.S., Nampa, ID 83651 filed Application No. **78863** to amend a water permit with a 2007 priority from ground water totaling 5.0 cfs for municipal use within the service area of the City of Nampa. The applicant proposes to change one of the three currently described points of diversion to a new well to be drilled at the Vallivue High School No. 2 site located in the SWSWNE, Section34, T4N, R2W.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 11/04/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

October 17, 24, 2013

982485



OK
11-12-13
125.

RECEIVED

OCT 28 2013

WATER RESOURCES
WESTERN REGION

29512 982485

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

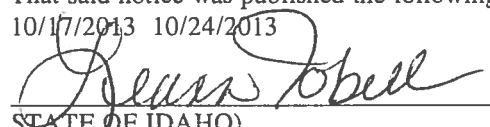
)SS.

Leann Nobella
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:

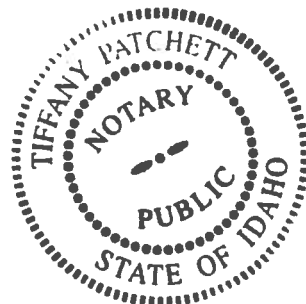
10/17/2013 10/24/2013

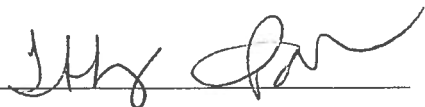

STATE OF IDAHO)

County of Canyon)

On this 24th day of October in the year of
2013 before me a Notary Public, personally appeared.

Leann Nobella, known or identified
to me to be the person whose name is subscribed
to the within instrument, and being by me first
duly sworn, declared that the statements therein
are true, and acknowledge to me that he/she
executed the same.




Notary Public for Idaho
Residing at Canyon County
My Commission expires 09/12/2018