

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32835

Priority: August 18, 2007

Maximum Diversion Rate: 5.00 CFS

This is to certify, that CITY OF NAMPA
411 3RD ST S
NAMPA ID 83651

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<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	SW1/4SW1/4	Sec. 1, Twp 03N, Rge 02W, B.M., CANYON County

PLACE OF USE: MUNICIPAL (See conditions 3 and 4)

CONDITIONS OF APPROVAL

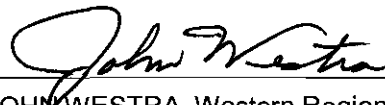
1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2014**.
2. Subject to all prior water rights.
3. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
4. Place of use is within the service area of the City of Nampa municipal water supply system as provided for under Idaho Law.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. 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.
7. This right does not grant any right-of-way or easement across the land of another.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

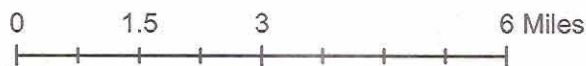
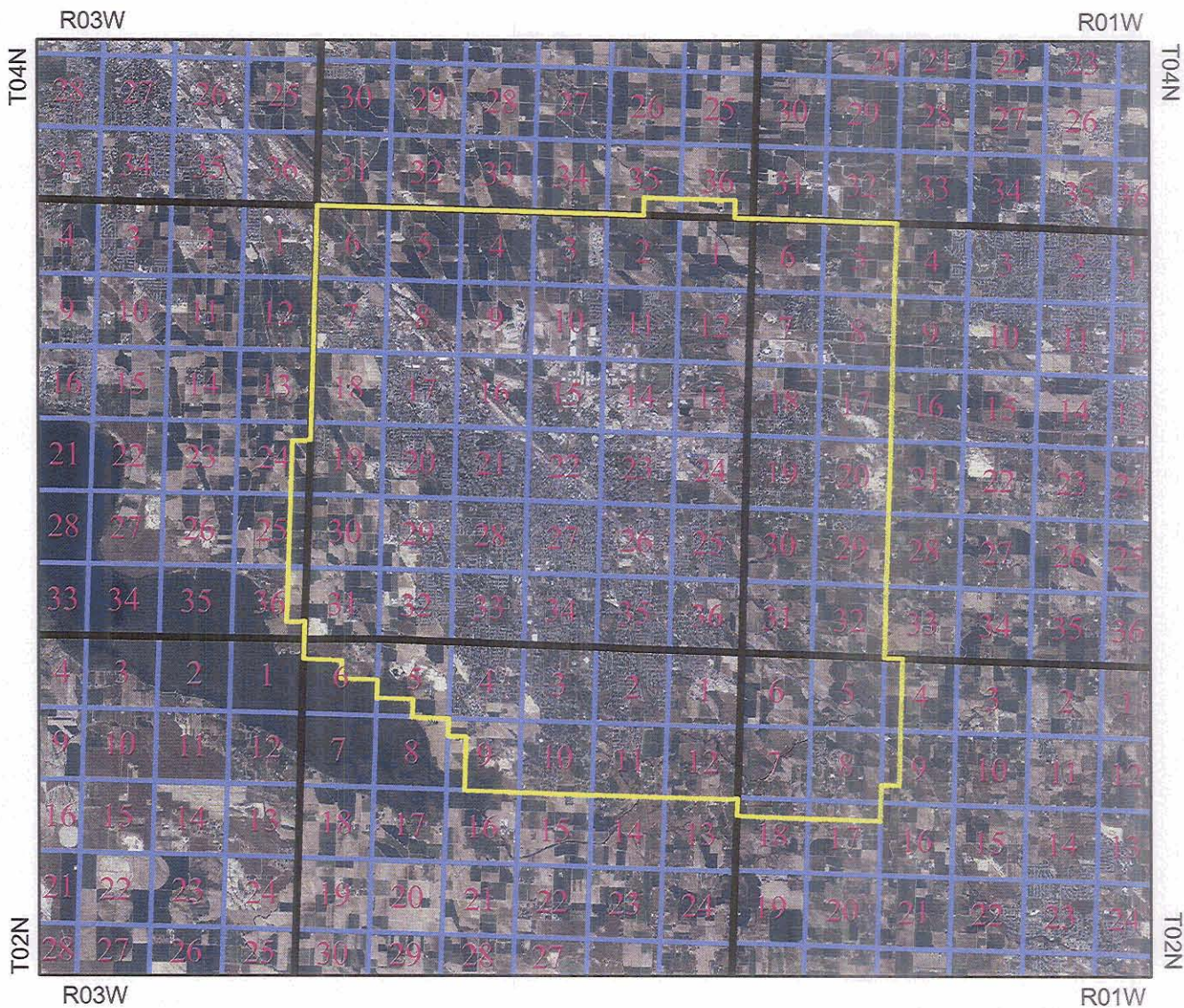
NO. 63-32835

10. 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.
11. 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 October, 2009.


JOHN WESTRA, Western Regional Manager

State of Idaho
Department of Water Resources
Permit to Appropriate Water
63-32835
Water Service Area Boundary for City Of Nampa



Legend

- Water Service Area Boundary
- Townships
- PLS Sections





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
Interim Director

October 5, 2009

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

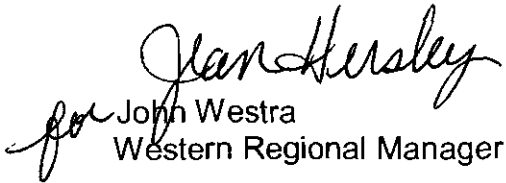
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,


John Westra
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC
GIVENS PURSLEY LLP

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2009 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

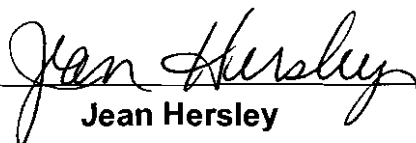
RE: WATER RIGHT NO.

63-32835

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

**SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706**

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

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

**Jean Hersley
Office Specialist II**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES

(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 issuance 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.

Westra, John

From: Christopher H Meyer [ChrisMeyer@givenspursley.com]
Sent: Thursday, October 01, 2009 9:52 AM
To: Hersley, Jean; 'rbrown@spfwater.com'; Westra, John; Lester, Steve
Subject: RE: draft copies of City of Nampa permit approvals [IWOV-GPDMS.FID388186]
Follow Up Flag: Follow up
Flag Status: Red

John,

Thanks much for working with us on this, John!

We are very excited about having the first RAFN permit issued to a municipality.

Other than Tamarack (which is not a municipality), these are the first RAFN rights, aren't they?

I assume we will need to go through a transfer proceeding to add multiple points of diversion for this permit allowing water under this right to be pumped from any well in the city's integrated system. (Which I am expecting to do on a global basis for the city's entire portfolio.) Ideally, it would be nice to add the city's other PODs into this permit, to get it done up front. But I assume doing that would require re-advertising?? We don't want to do that.

By the way, once we move forward with an application to change all PODs, what fees will the city be subject to.

As I recall, UWID paid an astronomical fee for the IMAP application.

If this is just a more-or-less ministerial change adding alternative PODs, will Nampa be subject to a huge filing fee?

And then what happens every time the city adds a new well. In order to add that well as an alternative POD for all the other water rights in the portfolio, we sure don't want to have to pay a large fee. Seems like there ought to be some way to handle this more simply. I'll look forward to your thoughts.

- Chris

(Reply from chris_meyer@givenspursley.com)

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Thursday, October 01, 2009 7:49 AM
To: Christopher H Meyer; rbrown@spfwater.com
Subject: draft copies of City of Nampa permit approvals

Attached are revised draft copies of permit approvals for the City of Nampa. Please review. We would like to get these out in the next couple of weeks.

Any questions, please call John Westra at 334-2190.

<<63-33022-DRAFT.RTF>> <<63-32835-DRAFT.RTF>>

Jean Hersley

Office Specialist II

10/5/2009

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 20, 2009 9:24 AM
To: 'chrismeyer@givenspursley.com'; 'rbrown@spfwater.com'
Cc: Westra, John
Subject: Draft copies of city of nampa permit approvals

Attachments: 63-33022-draft.RTF; 63-32835-DRAFT.RTF

Attached are draft copies of permit approvals for the City of Nampa. Please review. We would like to get these out in the next couple of weeks.

Any questions, please call John Westra 334-2190



63-33022-draft.RTF 63-32835-DRAFT.RTF
F (38 KB) TF (39 KB)

Jean Hersley
Office Specialist II
Idaho Dept. Water Resources
Western Region
334-2190



LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

CHRISTOPHER H. MEYER
DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: chrismeyer@givenspursley.com

Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Elizabeth M. Donick
Kristin Bjorkman Dunn
Thomas E. Dvorak
Jeffrey C. Fereday
Justin C. Fredin
Martin C. Hendrickson

Steven J. Hippler
Donald E. Knickrehm
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller

Judson B. Montgomery
Deborah E. Nelson
Kelsey J. Nunez
W. Hugh O'Riordan, LL.M.
Angela M. Read
Justin A. Steiner
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

RETIRED
Kenneth L. Pursley
James A. McClure
Raymond D. Givens (1917-2008)

July 28, 2009

John Westra
Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JUL 29 2009

WATER RESOURCES
WESTERN REGION

Re: *City of Nampa – Applications for Permits # 63-32835 and # 63-33022*
(serving RAFN)

Dear John:

This follows up on our prior correspondence in connection with the City of Nampa's above-referenced applications for permits and our meeting in your office on July 14, 2009. Prior correspondence was initiated by your letter of January 20, 2009 addressed to Roxanne Brown of SPF Water Engineering, LLC. I responded by letter of March 5, 2009. We also exchanged emails on March 9 and 11, 2009.

Quantification effort

As we explained, we held up getting back to you while Nampa's engineering and water rights consultants completed their evaluation of the City's potable system water rights portfolio and future needs. This has been a multi-year task involving considerable effort by J-U-B Engineers, CH2M Hill, SPF Water Engineering, Taylor Planning, Givens Pursley, and City staff.

We are now in a position to provide the following key pieces of information:

- (1) a quantification of the City's portfolio of rights serving its integrated potable water delivery system (currently 43.95 cfs, increasing to 53.45 cfs with the addition of Nos. 63-33022 and 63-32835).
- (2) a quantification of the City's portfolio of rights not currently serving its integrated potable water delivery system, but which might some day serve that system (2.68 cfs).

- (3) a quantification of the City's total installed capacity for its integrated potable water delivery system (currently 45.15 cfs, increasing to 54.65 cfs with the addition of the wells associated with Nos. 63-33022 and 63-32835).
- (4) a quantification of the City's reasonably anticipated future needs ("RAFN") for its integrated potable water delivery system for a planning horizon through the year 2030 (58.38 cfs).

Current portfolio

The City's current water right portfolio for its integrated potable water delivery system is summarized on the attached spreadsheet. (These numbers correspond, as well, to the numbers set out in the attached letter report from SPF.) These rights sum to 43.95 cfs for all partial decrees, post-SRBA licensed rights, and post-SRBA permits that serve its integrated system. This number assumes that licenses ultimately will be issued for the two existing permits (Nos. 63-12474 and 63-12506) at the full permitted diversion rates. This number does not include the 9.50 cfs sought under the two applications for permit (Nos. 63-33022 and 63-32835).

Arguably, three rights totaling 2.68 cfs (excluding 0.04 cfs for stockwater) owned by the City but not currently serving the City's integrated potable water system (Nos. 63-31243, 63-11339, and 63-20264) should be included within the portfolio of rights available for RAFN. In theory, the wells served by these rights could be joined to the City's integrated delivery system in the future. Without conceding that these rights should be included, we have displayed them here nonetheless for purposes of the analysis presented with this letter. The addition of these three rights brings the City's current portfolio of potable rights to 46.63 cfs (not including Nos. 63-33022 and 63-32835).

Current installed capacity

The City's current installed capacity associated with its integrated potable water delivery system is 45.15 cfs. This number is based on the sum of the individual pumping capacities for each of the wells in the system, excluding the new well known as Coyote Springs associated with No. 63-32835 and excluding the additional capacity in Well No. 16 sought by No. 63-33022. This quantification is based on summing the capacities of each individual well. It is possible that the combined system-wide pumping capacity is somewhat less. We have not calculated that.

Future needs

In any event, the City's portfolio of potable system rights (46.63 cfs) slightly exceeds the total current installed pumping capacity based on individual wells (45.15). Thus, under the Department's draft guidance on municipal water rights, non-RAFN permits for additional flow rate would not be approved. Even if approved subject to the Department's standard condition for new municipal permits (see condition #2 on Water Right No. 63-32157 owned by the City of

John Westra
July 28, 2009
Page 3

Caldwell), it is unlikely that the City would be able to prove need for additional non-RAFN water rights by time of proof.

Accordingly, as we have discussed on prior occasions, the City asks that the above-referenced applications be issued as RAFN permits. This is consistent with the City's long-term water supply objectives in seeking these and other permits.

Documentation

The required documentation to support issuance of these permits for RAFN is available, thanks to the hard work done over the last several years in evaluating the City's current system and projecting its future needs. That work is discussed and explained in detail in the enclosed letter report from SPF Water Engineering. The SPF letter report is based, in turn, on work performed by J-U-B Engineers, Taylor Planning, and CH2M Hill. The bottom line is that the City will require a peak instantaneous flow of 58.38 cfs to meet maximum domestic and fire demand by the year 2030. The addition of the above-captioned permits will bring the City's total portfolio of integrated-system and non-integrated-system potable rights to 56.13 cfs, which is still less than projected demand in 2030 (58.38 cfs). Accordingly, issuance of these permits for RAFN purposes is appropriate under the Department's draft guidance.

The enclosed letter report by SPF (which also reflects the work of J-U-B, Taylor Planning, and CH2M Hill) provides the information you outlined in our meeting on July 14, 2009. Specifically:

- It documents and explains the basis for the 2030 planning horizon.
- It documents and explains the basis for quantification of RAFN over this planning horizon.
- It describes the City's planning process and its commitment to construction of infrastructure for water diversion and delivery over the course of the planning horizon.

Planning horizon

By the way, the City recognizes that the 21 years remaining before 2030 is a relatively short planning horizon. Ultimately, the City anticipates documenting its RAFN over a longer planning horizon. The present documentation of RAFN for the year 2030, however, is sufficient to form the basis for issuance of the above-captioned water right permits as RAFN.

Conclusion

On behalf of the City, I thank you and your staff for your help in processing these applications for permit. You offered to provide a draft of the condition language that would

John Westra
July 28, 2009
Page 4

accompany these permits. It is my understanding that this condition will outline considerations regarding proof in accordance with Administrative Memorandum, Application Processing No. 63. I appreciate that offer, and will look forward to seeing your proposed language.

Sincerely,


Christopher H. Meyer

Encl: Spreadsheet summarizing City of Nampa's portfolio of water rights for its integrated potable water delivery system.
July 28, 2009 letter report from SPF Water Engineering providing documentation of 2030 planning horizon and quantification of RAFN.

ec/pc: Michael J. Fuss, Director, Public Works Department
Lenard Grady, City Engineer
Fred Snoderly, Superintendent, Waterworks Division
Roxanne Brown, SPF Water Engineering, LLC
David L. Bauer and Ken Gingrich, J-U-B Engineers
Kevin Boggs, CH2M Hill

CHM:ch

4628-1_612859_6.DOC

Nampa's Potable System Water Rights (SRBA and Post SRBA Rights)

Prepared by Chris Meyer, Givens Pursley

Row	Water Right No.	Original Well	Authorized Diversion Rate (cfs)	Current or Projected Well Capacity (cfs)	Priority	Authorized Purpose	Period of Use	Status
The following water rights and permits are part of the City's integrated potable water delivery system:								
1	63-28219	Wells #1 & #2	1.22	0.00	12/24/1937	Municipal	1/1 to 12/31	Partial decree 6-3-2009
2	63-02779	Well #3	2.00	1.56	9/2/1949	Municipal	1/1 to 12/31	Partial decree 6-3-2009
3	63-02781	Well #4	3.00	1.78	9/2/1949	Municipal	1/1 to 12/31	Partial decree 6-3-2009
4	63-28220	Well #5	1.93	1.45	12/1/1949	Municipal	1/1 to 12/31	Partial decree 6-3-2009
5	63-05258	Well #6	2.10	2.23	7/20/1954	Municipal	1/1 to 12/31	Partial decree 6-3-2009
6	63-10212	Well #7	2.23	2.23	6/28/1983	Municipal	1/1 to 12/31	Partial decree 6-3-2009
7	63-07567	Well #8	2.79	2.23	3/6/1972	Municipal	1/1 to 12/31	Partial decree 6-3-2009
8	63-08324	Well #9 (1st right)	3.00	4.46	6/1/1976	Municipal	1/1 to 12/31	Partial decree 6-3-2009
9	63-11511	Well #9 (2nd right)	1.50		3/28/1990	Municipal	1/1 to 12/31	Licensed 4-30-1994
10	63-09180	Well #10	4.00	6.69	9/27/1978	Municipal	1/1 to 12/31	Partial decree 6-3-2009
11	63-12474	Well #11	3.50	5.26	10/11/1998	Municipal	1/1 to 12/31	Permit 1-12-1999. Field exam completed by IDWR on 2-9-2000. No license yet (in backlog).
12	63-11729	Well #12	2.68	2.68	3/6/1992	Municipal	1/1 to 12/31	Licensed 4-30-1994
13	63-12591	Well #14	3.50	3.35	8/21/2000	Municipal	1/1 to 12/31	Licensed 7-28-2008
14	63-12543	Well #16 (1st right)	4.00	4.00	7/30/1999	Municipal	1/1 to 12/31	Licensed 2-1-2008
15	63-12463	Well #17	3.00	2.68	6/25/1998	Municipal	1/1 to 12/31	Licensed 8-12-2008
16	63-12506	Coventry Place	3.50	4.55	2/2/1999	Municipal	1/1 to 12/31	Permit reinstated 6-3-2009. Field exam completed by SPF but not yet submitted.
The following applications for permit will be used for the City's integrated potable water delivery system:								
17	63-33022	Well #16 (2nd right)	4.50	4.50	3/31/2008	Municipal	1/1 to 12/31	Application for permit pending.
18	63-32835	Coyote Springs	5.00	5.00	8/18/2007	Municipal	1/1 to 12/31	Application for permit pending.
The following rights were disallowed:								
19	63-2533	Wells # 1 & 2	0.00	0.00				
20	63-2782	Wells # 1 & 2	0.00	0.00				
The following water rights are not part of the City's integrated potable water delivery system:								
21	63-31243	Belmont Heights	2.60		5/14/2001	Municipal	1/1 to 12/31	Permitted 9-24-01. Field exam completed by SPF but not yet submitted.
22	63-11339	Model Airplane Club	0.04		3/26/1990	Domestic	1/1 to 12/31	Licensed 12-19-1995.
23	63-20264	Unnamed well	0.04		6/3/1925	Domestic	1/1 to 12/31	Licensed.
			0.02			Stockwater	1/1 to 12/31	
INTEGRATED SYSTEM TOTALS:								
		SRBA partial decrees	22.27					
		Licensed	14.68					
		Permits	7.00					
	Subtotal:	(SRBA+license+permit)	43.95	45.15				
		Applications for permit	9.50	9.50				
	Grand Total:	(All right, permits & apps)	53.45	54.65				
NON-INTEGRATED-SYSTEM TOTALS:								
		Potable only	2.68					
		Stockwater	0.02					
INTEGRATED AND NON-INTEGRATED TOTALS:								
	Subtotal:	(SRBA+license+permit)	46.63					
	Grand Total:	(All right, permits & apps)	56.13					



July 28, 2009

Christopher H. Meyer
Givens Pursley
Via email

Re: City of Nampa Potable Water Supply, Water Rights and Future Demands

Dear Chris,

What follows is a summary of data reviewed by SPF during the preparation of the "Potable Domestic System Water Rights Master Plan" for the City of Nampa (May 2008). We also include a summary of our analysis.

The SPF report was limited to the investigation of domestic water rights only, and did not include physical water system components such as wells, pumping facilities, or distribution piping. A separate water system master plan was prepared by CH2M Hill to evaluate the City of Nampa's water infrastructure for the municipal potable system.¹ The CH2M Hill water system master plan also documented current water demands (as of 2007), and predicted future water demands (2015 and 2030). This information was analyzed by SPF and the CH2M Hill findings were incorporated into the water rights master plan.

CH2M Hill relied on a demographics forecast prepared by J-U-B Engineers and Taylor Planning when predicting future water demands.²

The City of Nampa (the City) has gone to significant time and expense to update their water system planning for their potable municipal supply system. The CH2M Hill master plan gives specific recommendations for the construction of infrastructure over the course of the planning horizon detailed in their report (2030). SPF makes further recommendations in its water right master plan concerning the City's water right portfolio.

Water Right Analysis

The current water right portfolio for the City of Nampa integrated potable water supply includes the wells and water rights summarized in Table 1. The City of Nampa also operates several isolated wells for domestic potable use; those additional water rights are shown in Table 2.

¹ "Water Master Plan", CH2M Hill, 2008

² "Demographics Forecast and Land Use Analysis for the Nampa Study Area and South Study Area", J-U-B et al., 2008

Water Right No.	Original Well No.	Priority Date	Authorized Diversion Rate (cfs)	Water Right Status
63-28219	1,2	12/24/1937	1.22	Partial Decree issued 6-3-2009
63-02779	3	9/2/1949	2.00	Partial Decree issued 6-3-2009
63-02781	4	9/2/1949	3.00	Partial Decree issued 6-3-2009
63-28220	5	12/1/1949	1.93	Partial Decree issued 6-3-2009
63-05258	6	7/20/1954	2.10	Partial Decree issued 6-3-2009
63-10212	7	6/28/1983	2.23	Partial Decree issued 6-3-2009
63-07567	8	3/6/1972	2.79	Partial Decree issued 6-3-2009
63-08324	9	6/1/1976	3.00	Partial Decree issued 6-3-2009
63-09180	10	9/27/1978	4.00	Partial Decree issued 6-3-2009
63-11511	9	3/28/1990	1.50	License issued 4-30-1994
63-12474	11	10/1/1998	3.50	Permit issued 1-12-1999
63-11729	12	3/6/1992	2.68	License issued 4-30-1994
63-12591	14	8/21/2000	3.50	License issued 7-28-2008
63-12543	16	7/30/1999	4.00	License issued 2-1-2008
63-12463	17	6/25/1998	3.00	License issued 8-12-2008
63-12506	Coventry Place	2/2/1999	3.50	Permit reinstated 6-3-2009
		Total	43.95	

Table 1: Current Water Rights for Integrated Wells

Two permits have not been licensed to date (63-12474 and 63-12506). A field examination report was submitted in 2000 for 63-12474, and SPF will submit a report for 63-12506 on or before August 1, 2009. Authorized diversion rates shown in Table 1 for these permits are assumed to be correct based on data collected during the field examinations.

Water Right No.	Well Name	Priority Date	Authorized Diversion Rate (cfs)	Water Right Status
63-11339	Model Airplane Club	3/26/1990	0.04	Licensed 12-19-1995
63-20264	Unnamed domestic	6/3/1925	0.04 ¹	Partial Decree issued 4-3-2009
63-31243	Belmont Heights	5/14/2001	2.60	Permit issued 9-24-2001
		Total	2.68	

Table 2: Current Water Rights for Isolated Wells

¹ The partial decree was issued for domestic and stock water uses totaling 0.06 cfs. We assume that only the diversion rate for the domestic use portion of this water right can rightly be considered here.

SPF has conducted a field examination for 63-31243. The authorized diversion rate for this permit is assumed to be correct based on data collected by SPF.

Pumping Capacity

The current installed pumping capacity of the City's integrated potable supply wells is 45.15 cfs, based on the data summarized in Table 3.

Well Number	Authorized Diversion Rate (cfs)	Current Well Capacity (gpm) ¹	Current Well Capacity (cfs)
1,2	1.22	0	0
3	2.00	700	1.56
4	3.00	800	1.78
5	1.93	650	1.45
6	2.10	1,000	2.23
7	2.23	1,000	2.23
8	2.79	1,000	2.23
9	4.50	2,000	4.46
10	4.00	3,000 ²	6.69
11	3.50	2,359	5.26 ³
12	2.68	1,200	2.68
14	3.50	1,500	3.35
16	4.00	1,800	4.00
17	3.00	1,200	2.68
Coventry Place	3.50	2,045	4.55 ⁴
System Total	43.95	20,254	45.15

Notes:

¹ Estimated by CH2M Hill, unless specified otherwise.

² Estimated capacity after SPF rehabilitation of well in 2009.

³ Determined by IDWR during preparation of the "Beneficial Use Field Report".

⁴ Determined by SPF during preparation of the "Beneficial Use Field Report".

Table 3: Current Pumping Capacities

Current and Future Demands

Current and future water demands were calculated by CH2M Hill and are summarized in Table 4.

J-U-B and Taylor Planning developed population and growth estimates for the City based on regional population forecasts and historic building permit data. CH2M Hill used those estimates to calculate future water demands.

According to CH2M Hill, the population of the City in 2007 reached 81,354. As reported by J-U-B, the population is expected to reach 184,000 by 2030.¹ CH2M Hill applied a per-capita average day demand (ADD) value and peaking factor to arrive at the projections summarized in Table 4.

Year	MDD (mgd)	MDD (cfs)	MDD plus fire flow (cfs)	PHD (mgd)	PHD (cfs)
2007	11.6	17.92	27.92	16.2	25.02
2015	18.2	28.11	38.11	25.5	39.38
2030	27.0	41.70	51.70	37.8	58.38
Notes: cfs - cubic feet per second mgd - million gallons per day MDD - maximum day demand PHD - peak hour demand					

Table 4: Current and Future Water Demands

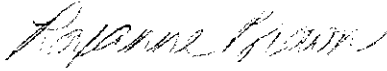
The *Idaho Rules for Public Drinking Water Systems* require the City to supply maximum day demands from well capacity. Therefore, the City must have adequate water rights and well capacity to meet the projected maximum day demand. Peak hour demands (or maximum day demands plus fire flow) can be supplied using a combination of pump capacity and storage. In other words, the City can have less water right and pump capacity than the peak hour demand, if it develops adequate storage capacity. Historically, the City has supplied peak hour demands almost entirely from well capacity.

¹ Based on "Economic and Population Forecasts for Ada and Canyon Counties in Idaho, 2007-2040", prepared for COMPASS by John Church, Idaho Economics, 2007

Summary

Whether to supply peak hour demands from developed storage capacity or the amount of well capacity (and the water right portfolio) is a decision that must be made by the City. In other words, it may be more cost effective to construct additional wells to meet peak hour demand than to construct storage reservoirs and booster pumps. For this reason, the City's water right portfolio should be maintained and enhanced to provide future peak hour demands. CH2M Hill estimates the City will require approximately 58 cfs to meet peak hour demands in 2030.

Best Regards,

A handwritten signature in cursive script, appearing to read "Roxanne Brown".

Roxanne Brown
Sr. Water Rights Specialist

SPF Job No. 270.0070

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

CHRISTOPHER H. MEYER
DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: chris_meyer@givenspursley.com

Gary G. Allen	Steven J. Hippler	Deborah E. Nelson
Peter G. Barton	Debra K. Kristensen	Kelsey J. Nunez
Christopher J. Beeson	Anne C. Kunkel	W. Hugh O'Riordan, LL.M.
Clint R. Bolinder	Jeremy G. Ladle	Angela M. Reed
Erik J. Bolinder	Michael P. Lawrence	Justin A. Steiner
Jeremy C. Chou	Franklin G. Lee	Scott A. Tschirgi, LL.M.
William C. Cole	David R. Lombardi	J. Will Varin
Michael C. Creamer	John M. Marshall	Conley E. Ward
Amber N. Dina	Kenneth R. McClure	Robert B. White
Elizabeth M. Donick	Kelly Greene McConnell	
Kristin Bjorkman Dunn	Cynthia A. Meillo	RETIRED
Thomas E. Dyorak	Christopher H. Meyer	Kenneth L. Pursley
Jeffrey C. Fereday	L. Edward Miller	James A. McClure
Justin C. Fredin	Patrick J. Miller	Raymond D. Givens (1917-2008)
Martin C. Hendrickson	Judson B. Montgomery	

March 5, 2009

John Westra
Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: *City of Nampa – Applications for Permit # 63-32835 and # 63-33022*

Dear John:

I am writing in response to your letter of January 20, 2009 addressed to Roxanne Brown of SPF Water Engineering, LLC in connection with the City of Nampa's above-referenced applications for permits.

SPF remains the City's lead consultant for water rights matters. I have also been retained by the City to work with the Public Works Department and its consultants to provide strategic and legal advice on water rights issues. Feel free to continue to communicate directly with SPF on this and other matters. However, I would very much appreciate your copying me in the future on written water rights communications involving the City. I assure you that SPF, the City, and I will do our best to coordinate our communications with each other and with the Department, so that you won't be hearing different things from us.

In any event, I am responding to your letter because it raises important questions about how the City should proceed.

The City's SRBA claims were recommended for approval by the Special Master on January 30, 2009; we anticipate partial decrees shortly. These rights were recommended with alternative points of diversion, but they include only those wells (and water rights) in place as of 1987. Meanwhile, the City has a number of post-SRBA permits and licenses, in addition to pending applications for permits, as referenced above.

John Westra
March 5, 2009
Page 2

At this time, the City has three principal objectives. First, it wishes to establish alternative points of diversion for all its SRBA and post-SRBA water rights that are part of an integrated delivery system. This could be accomplished by a simple transfer application. Second, the City wishes to bring all of its water rights within the protection of the 1996 Municipal Water Supply Act by establishing a planning horizon ("PH") and quantifying its reasonably anticipated future needs ("RAFN"). Third, the City wishes to construct additional wells and to acquire additional water rights as needed to meet its RAFN.

The quick answer to the question posed in your letter is that the City does intend to seek additional appropriations under these applications to serve RAFN. The question that we cannot answer at this time is how most efficiently to approach this. Should there be an "Integrated Municipal Application Package" that addresses all SRBA and post-SRBA water rights? Should there be separate application packages for the potable and non-potable systems? Should there be separate PHs and RAFNs for the two systems? Can the planning area and PH be established first, so that the City may then know for what time period and anticipated service area to quantify its RAFN? Should there be separate application(s) (distinct from either the pending permit applications or the alternative points of diversion transfer application) aimed at establishing the planning area, PH(s), and RAFN(s)? Can the pending permit applications be approved in advance of final resolution of the RAFN in another proceeding, subject to a condition that within some reasonable time the rights must be shown to be consistent with and justified by the City's RAFN?

We met yesterday with the Director, Jeff Peppersack, Phil Rassier, and Garrick Baxter to discuss some of these questions. Additional meetings are anticipated. I will follow up with you as our understanding of these issues becomes more clear. In the meantime, please don't hesitate to call me.

On behalf of Michael Fuss and the City of Nampa, I thank you for your attention to these applications and for your assistance in helping us think through these important questions.

Sincerely,


Christopher H. Meyer

cc: Michael J. Fuss, Director, Public Works Department
Lenard Grady, City Engineer
Fred Snoderly, Superintendent, Waterworks Division
Roxanne Brown and Stuart Hurley, SPF Water Engineering, LLC

CHM:ch

RECEIVED

FEB 13 2009

WATER RESOURCES
WESTERN REGION

e0100285 06560632
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Marissa McNeal
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

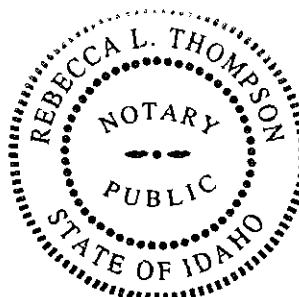
1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, 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 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:

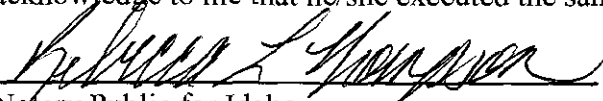
02/05/2009, 02/12/2009



STATE OF IDAHO)
County of Canyon)

On the 12th day of February in the year of 2009
before me, a Notary Public, personally appeared
Marissa McNeal,
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 Nampa

My commission expires April 19, 2014

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-32835

CITY OF NAMPA

414 3RD ST S

NAMPA ID 83651

Point(s) of Diversion SWSW S1 T03N R02W CANYON County Source GROUND WATER

Point(s) of Diversion SWSW S1 T03N R02W CANYON County Source GROUND WATER

Point(s) of Diversion SWSW S1 T03N R02W CANYON County Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 5 CFS

Total Diversion: 5 CFS

Date Filed: 08/18/2007

Remark: Water bearing zone to be appropriated is from 100 to 1000 feet.
Municipal use is for applicants service area.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/23/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

February 5 & 12, 2009

66560632

✓ EK DB 2/27/09