



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2004

JOHN MARSHALL
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

Re: Permit No. 63-10211 in the name of the City of Nampa – Proof of Beneficial Use

Dear John:

I received your letter dated October 1, 2004 accompanied by an amended Proof of Beneficial Use. The amended Proof of Beneficial Use proposes to replace a Proof of Beneficial Use filed by the City of Nampa for Permit No. 63-10211 on August 28, 1989.

In your letter, you state that the quantity of water of 1.2 cfs for which proof was filed in 1989 was incorrect, and that proof should have been filed for the entire 8.69 cfs authorized by permit no. 63-10211.

Because a license has not been issued for permit no. 63-10211, IDWR will accept the amended proof of beneficial use. Because of the long period of time between the filing of the first proof of beneficial use and amendment and the conflicting information on both proof forms, at the time of the licensing exam, the City of Nampa will be required to clearly establish diversion capacity as of 1989. The diversion capacity should be viewed in the context of entire system capacity.

I will send a copy of this letter to Western Region to place in its files for reference when the field examination is conducted.

Sincerely,


Gary Spackman

Enclosure

Cc: IDWR Western Region