

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-7740
Date Received: 8/8/1989
Receipt No: C009193
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EAGLE CENTER PROPERTIES LLC
C/O ALBANY BOWL
540 SAN PABLO AVE
ALBANY CA USA 94706

Phone: (510) 526-8818

2. Date of Priority: 03/13/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	9	SE SW	ADA	

5. Description of diverting works:

2 WELLS: OLD-12", 370', 7-1/2HP; NEW-10", 211', 7-1/2 HP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	1/01	12/31	0.38	

7. Total Quantity Appropriated is:
0.38 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	9	SE	SW	DOMESTIC	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 6/25/2004

A SECOND POINT OF DIVERSION IS BEING ADDED AS A PART OF THIS CLAIM. A SECOND WELL WAS DRILLED IN 1986 TO BE USED AS BACK-UP FOR THIS SYSTEM. A SEPARATE APPLICATION FOR PERMIT HAS BEEN FILED TO COVER THE DEVELOPMENT OF AN ADDITIONAL 60+ UNITS.

***** CLAIM AMENDED 9/21/89. HLHT*****

15. Basis of Claim: License

APR 17 2002

RECEIVED

APR 15 2002

WATER RESOURCES
WESTERN REGION

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 3/20/02

LEGAL DESCRIPTION OF PROPERTY: Township 4N Range 1E
Section 9, SE 1/4 of SW 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

See attached Exhibit "A"

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☒ Water Right Number(s) 63-7740
Assigned by IDWR:
- ☒ Name and Address of Former Owner/Claimant(s)(Seller): ESCO INC.
2417 BOGUS BASIN ROAD, BOISE, ID 83702
- ☒ New Owner/Claimant (Purchaser): EAGLE CENTER PROPERTIES, LLC, a limited liability company
- ☒ New Mailing Address: C/o ALBANY BOWL, XXX 540 SAN PABLO AVENUE
ALBANY, CA 94706
- ☐ New Telephone Number: (510) 526-8818
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☒ Attach proof of ownership, describe proof attached: Deed copy attached

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) EAGLE CENTER PROPERTIES, LLC by Managing Member Date 3/20/02
- ☐ Signature of Former Owner/Claimant(s) ESCO, Inc. By: Paul E. White Date 3-20-02

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

RECEIVED

APR 18 2002

WATER RESOURCES
WESTERN REGION

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

For Office Use Only
\$25 Filing Fee
Receipt# W029032
Date 4-15-02

RECEIVED

APR 15 2002

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

RECEIVED

APR 17 2002

I, Esco, Inc., hereby assign to Eagle Center Properties, LLC
of, c/o Albany Bowl, 540 San Pablo Avenue, Albany, CA 94706
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 63-7740 to
appropriate the public waters of the State of Idaho.

Q (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. _____ to appropriate the public waters of the State of
Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 20th day of March, 19 2002

Esco, Inc. Permit Holder
by: [Signature]
Its: [Signature]

State of Idaho

County of Ada

On this 19th day of March, 19 2002, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at
Boise, Idaho



3-17-2005

209890 JB/HEH



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
821 W. State St. / Boise, Idaho 83702
(208) 373-3744

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 MR 20 PM 4:02

RECORDED - REQUEST OF

FEEL 00 DEPUTY *Ali*

102032806

PIONEER TITLE

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

ESCO, Inc., an Idaho corporation

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

Eagle Center Properties, LLC, an Idaho limited liability company

whose address is: c/o Albany Bowl, 540 San Pablo Avenue, Albany, CA 94706, grantee, the following described real estate, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

TAX PARCEL NO. S0509346846

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision, restrictions, U.S. patent reservations, easements of record and easements visible upon the said premises.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its officers this 19th day of March, 2002.

ESCO, Inc.

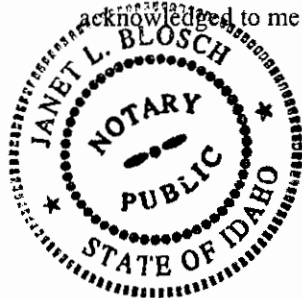
By: Paul E. White
Paul E. White, President

Richard B. Smith
Richard B. Smith, Vice-President

By: Ruth O. Warfield
Ruth O. Warfield, Secretary-Treasurer

STATE OF IDAHO, County of Ada, ss.

On this 19th day of March, in the year of 2002, before me Janet L. Bloch, a notary public, personally appeared Paul E. White, Richard B. Smith, and Ruth O. Warfield known or identified to me to be the President, Vice-President and Secretary-Treasurer (respectively) of the corporation that executed the instrument or the person/persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Janet L. Bloch
Janet L. Bloch
Notary Public of Idaho
Residing at Boise, Idaho
Commission expires: March 17, 2005

EXHIBIT A

A tract of land in the Southwest quarter of Section 9, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the section corner common to Sections 8, 9, 16 and 17, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho;

Thence North 89 degrees 55' East along the section line, 612.60 feet to a point;

Thence North 0 degree 48' East, 703.00 feet to a point;

Thence North 86 degrees 30' East, 393.00 feet to a point;

Thence North 390.47 feet to the South line of County Road;

Thence South 80 degrees 30' East along the South line of County Road, 750.00 feet to the real point of beginning;

Thence South 80 degrees 30' East, 430.84 feet to the point;

Thence South 1 degree 10' West, 890.36 feet to a point in the drain ditch;

Thence North 57 degrees 15' West along said drain ditch, 772.62 feet to a point;

Thence North 9 degrees 30' East, 284.97 feet to a point;

Thence South 80 degrees 30' East 150.00 feet to a point;

Thence North 9 degrees 30' East 291.00 feet to the real point of beginning.

A strip of land situated in the Southeast quarter of the Southwest quarter of Section 9, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at a found brass cap monumenting the Southwest corner of said Section 9,

Thence along the Southerly line of said Section 9 North 89 degrees 55'00" East a distance of 2650.69 feet to a found brass cap monumenting the South quarter corner of said Section 9;

Thence continuing along said Southerly line South 89 degrees 55'00" West a distance of 495.44 feet to a found 5/8 steel pin, said steel pin being the point of beginning;

Thence leaving said Southerly line North 01 degree 19'01" East a distance of 903.55 feet to a found 5/8 steel pin on the Southerly right of way of Idaho State Highway 44;

Thence along said Southerly right of way South 79 degrees 57'23" East a distance of 5.06 feet to a point;

Thence leaving said Southerly right of way South 1 degree 19'01" West a distance of 902.66 feet to a point on the Southerly line of said Section 9;

Thence along said Southerly line South 89 degree 55'00" West a distance of 5.00 feet to the point of beginning.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-07740
Date Received: 9/21/1989
Receipt No: C009193
Received By: hct

* AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

* AMENDED

1. Name: ESCO INC. 208-343-5412
Address: C/O RICHARD B. SMITH AGENCY
2417 BOGUS BASIN RD.
BOISE, ID 83702

2. Date of Priority: MAR 13, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	9	SE	SW			ADA

5. Description of diverting works:
2 WELLS: OLD-12", 370', 7-1/2HP; NEW-10", 211', 7-1/2 HP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.380		

7. Total Quantity Appropriated is:
0.380 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/61 HOMES, MOBILE HOME PARK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	9	SE	SW		DOMEST	

11. Place of use in counties: ADA

A63-07740

Page 1

Date: 09/21/89

MICROFILMED

AUG 21 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

A SECOND POINT OF DIVERSION IS BEING ADDED AS A PART OF THIS CLAIM. A SECOND WELL WAS DRILLED IN 1986 TO BE USED AS BACK-UP FOR THIS SYSTEM. A SEPARATE APPLICATION FOR PERMIT HAS BEEN FILED TO COVER THE DEVELOPMENT OF AN ADDITIONAL 60+ UNITS.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am President of _____
Title

Esco Incorporated, that I have signed the foregoing
Organization

document in the space below as President of _____
Title

Esco Incorporated and that the statements contained in the
Organization

foregoing document are true and correct.

Sam N. Smith
Signature of Authorized Agent

President
Title and Organization

9-21-89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of September 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho

My Commission ~~Expires~~ My Commission Expires December 1, 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-07740
Date Received: 8/04/1989
Receipt No: C009193
Received By: Lat

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ESCO INC.
Address: C/O RICHARD B. SMITH AGENCY
2417 BOGUS BASIN RD.
BOISE, ID

83702

208-343-5412
RECEIVED
AUG 08 1989

2. Date of Priority: MAR 13, 1973

3. Source: GROUNDWATER

Trib. to: Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	9	SE	SW			ADA

5. Description of diverting works:
ARTESIAN WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.380		

7. Total Quantity Appropriated is:
0.380 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/61 HOMES, MOBILE HOME PARK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	9	SE	SW		DOMEST	

11. Place of use in counties: ADA

A63-07740

Page 1

Date: 08/04/89

MICROFILMED
AUG 21 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am President of _____

Title

Ecco Inc., that I have signed the foregoing

Organization

document in the space below as _____ of

Title

Ecco Inc. and that the statements contained in the

Organization

foregoing document are true and correct.

Sam B. Smith, Jr.
Signature of Authorized Agent

Pres. - Ecco Inc.
Title and Organization

8-7-89
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of August 19 89

Sarah L. Zuercher
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 2-11-94

2

Date: 08/04/89

A63-07740

Page

MICROFILMED

AUG 21 1992

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7740

NAME AND ADDRESS: EAGLE CENTER PROPERTIES LLC
C/O ALBANY BOWL
540 SAN PABLO AVE
ALBANY CA 94706

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.380 CFS
73.200 AFY

PRIORITY DATE: 03/13/1973

POINT OF DIVERSION:

T04N R01E S9 SESW Within ADA County

T04N R01E S9 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.380 CFS

73.20 AFY

Domestic use is for 61 mobile home units.

PLACE OF USE: DOMESTIC Within ADA County

T04N R01E S09 SESW

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

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.

EXPLANATORY MATERIAL: License

PARCEL NO: S0509346846.

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7740

NAME AND ADDRESS: ESCO INC
C/O RICHARD B SMITH AGENCY
2417 BOGUS BASIN RD
BOISE ID 83702

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.380 CFS
73.200 AFY

PRIORITY DATE: 03/13/1973

POINT OF DIVERSION:

T04N R01E S9 SESW Within ADA County

T04N R01E S9 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.380 CFS

73.20 AFY

Domestic use is for 61 mobile home units.

PLACE OF USE: DOMESTIC Within ADA County

T04N R01E S09 SESW

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

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.

EXPLANATORY MATERIAL: License

PARCEL NO: S0509346846.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7740 V1

WATER RIGHT NUMBER: 63-7740 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ESCO INC C/O RICHARD B SMITH AGENCY 2417 BOGUS BASIN RD BOISE, ID 83702 (208)343-5412

Priority Date: 03/13/1973

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.380 CFS	73.20 AF
	<u>Total Diversion:</u>	0.380 CFS	73.20 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 9, Twp 04N, Rge 01E, B.M.
ADA County		
GROUND WATER	SE1/4SW1/4	Sec. 9, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	9												X					

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. X01 Domestic use is for 61 mobile home units.

Remarks:

1. Explanatory PARCEL NO: S0509346846.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-7740 V1

Comments:

1. kbrown 6/25/2004 Amended Claim 9/21/89

Comment: A second point of diversion was added to cover a well that was drilled in 1986 to be used as a back-up for this system.

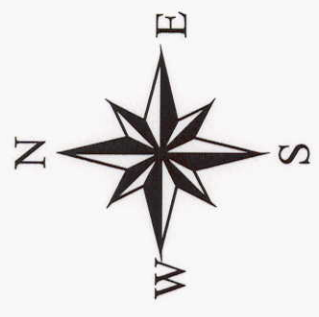
Idaho Department of Water Resources

**T04N, R01E,
S9**

Claim No: 63-07740
Prepared By: Kimberly Brown
Date: June 24, 2004



- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7740

WATER RIGHT NUMBER: 63-7740 ✓

Owner Type

Current Owner

Name and Address

ESCO INC ✓
C/O RICHARD B SMITH AGENCY
2417 BOGUS BASIN RD
BOISE, ID 83702
(208)343-5412

Current Owner:

Eagle Center Properties LLC
c/o Albany Blvd
540 San Pablo Ave.
Albany, CA 94706

Priority Date: 03/13/1973 ✓

Basis: License ✓

Status: Active

Source

GROUND WATER ✓

TributaryBeneficial Use

DOMESTIC ✓

(includes irr. of towns)

From To

1/01 to 12/31 ✓

Diversion Rate

0.380 CFS ✓

Annual Volume

73.2 AF

Total Diversion:

0.380 CFS ✓

73.2 AF

Location of Point(s) of Diversion

GROUND WATER

ADA County ✓

SE1/4SW1/4 ✓

Sec. 9, Twp 04N, Rge 01E, B.M. ✓

ADD: SE 1/4 SW 1/4Place of Use

DOMESTIC ✓

② PODs

Twp	Rge	Sec	NE				NW				SW				SE				Totals
✓ 04N	01E	9	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
														X					

Therefore, 59 of the total 120 mobile home units are not covered... (H) 1973 well this license covers

Conditions of Approval:Remarks:

1. General

#63-10971 is a lapsed permit for a 10" well drilled in 1986 to cover yards for 120 domestic sites & 24 commercial units.

A SECOND POINT OF DIVERSION IS BEING ADDED AS A PART OF THIS CLAIM. A SECOND WELL WAS DRILLED IN 1986 TO BE USED AS BACK-UP FOR THIS SYSTEM. A SEPARATE APPLICATION FOR PERMIT HAS BEEN FILED TO COVER THE DEVELOPMENT OF AN ADDITIONAL 60+ UNITS. CLAIM AMENDED 9/21/89. HLHT*****

Amended claim (filed 9/21/1989) which added the well drilled in 1986. is the only w.r. for this mobile home court.

Comments:

ADD X01 - Domestic use is for 61 mobile home units.

Parcel No: 80509346846.

* electronic back file available

Field Exam Date 6.24.04

(in office)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$88.00
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☐ Evidence of Priority - if none, talk with claimant N/A

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) A63-7740

Owner: Exco Inc. Phone No. (208) 343-5412

Current Address: 2417 Bogus Basin Rd, Boise 83702

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Eagle Center Properties LLC, c/o Albany Blvd
- ☐ No change Address
- ☒ NEW ADDRESS 540 San Pablo Ave., Albany CA 94706
- ☐ How long owned property?

Accompanied by: N/A

PRIORITY DATE

- ☒ No change - Complete evidence submitted or not necessary
- ☐ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is:

3/13/1973

(If priority date, based on your exam, seems questionable, explain below.)

Source:

Tributary to

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

2 PODs (drilled 1973 & 1986)

Amended claim added

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

*See Field Report.***OVERLAP REVIEW**

Other water rights with the same point of diversion:

*63-10971**(same well for an additional 59 units, making it a total of 120 units for the mobile home court.)*

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

*No, 63-10971 is a lapsed permit.***WATER USES***Domestic use is for 61 mobile home units.*☐ No change☐ Different Uses

Use *Domestic* From _____ To _____ Amount _____ CFS *73.2* AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

- ☒ Incomplete on claim, the total is, Amount _____ CFS *73.2* AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☒ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock # _____
- Types _____ Additional comments: _____

PLACE OF USE:

- ☒ No Change
- ☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-10971 (Lapsed Permit)

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

No. 63-10971 is a lapsed permit and covers an additional 59 mobile home units to make to total 120 domestic units.

Delivery System Narrative: See Field Report.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

Domestic use is for 61 mobile home units.

Parcel No: 805053 4 6846.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU N/A
- ☐ GPS readings N/A
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 6.24.04 (in office)

FIELD EXAMINER: Kimberly Brown

overlap review -

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-7740**

06/25/2004

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
125K	Claim	04N	01E	9	SE	SW		IRRIGATION	7/	NEW DRY CREEK DITCH CO
126G	Claim	04N	01E	9	SE	SW		IRRIGATION	7/	NEW DRY CREEK DITCH CO
161L	Claim	04N	01E	9	SE	SW		IRRIGATION	7/2964	NEW DRY CREEK DITCH CO
-205	Claim	04N	01E	9	SE	SW		IRRIGATION	7/2964	NEW DRY CREEK DITCH CO
-206	Claim	04N	01E	9	SE	SW		IRRIGATION	7/2964	NEW DRY CREEK DITCH CO
258B	Claim	04N	01E	9	SE	SW		IRRIGATION	7/2964	NEW DRY CREEK DITCH CO
-263	Claim	04N	01E	9	SE	SW		IRRIGATION	7/2964	NEW DRY CREEK DITCH CO
-286	Claim	04N	01E	9	SE	SW		IRRIGATION	7/2964	NEW DRY CREEK DITCH CO
288B	Claim	04N	01E	9	SE	SW		IRRIGATION	7/2964	NEW DRY CREEK DITCH CO
2406	Claim	04N	01E	9	SE	SW		IRRIGATION	37/29248	DRAINAGE DIST NO 2
17468	Claim	04N	01E	9	SE	SW		IRRIGATION	7/2964	NEW DRY CREEK DITCH CO
28977	Claim	04N	01E	9	SE	SW		IRRIGATION	7/2964	NEW DRY CREEK DITCH CO
31778	Claim	04N	01E	9	SE	SW		IRRIGATION	7/14	NEW DRY CREEK DITCH CO
31806	Claim	04N	01E	9	SE	SW		IRRIGATION	7/	NEW DRY CREEK DITCH CO
258B	Water Right	04N	01E	9	SE	SW		IRRIGATION		ELIZABETH CHARTERS
-259	Water Right	04N	01E	9	SE	SW		IRRIGATION	10/10	WILLIAM HUCKBA
260B	Water Right	04N	01E	9	SE	SW		IRRIGATION		CHARLES H SCHMELZER
2406	Water Right	04N	01E	9	SE	SW		IRRIGATION	37/29248	DRAINAGE DIST NO 2
2463	Water Right	04N	01E	9	SE	SW		IRRIGATION	5/5	WILLIAM F HUCKBA
4173	Water Right	04N	01E	9	SE	SW		IRRIGATION	2/42	LEONA D HOUSE
17581	Water Right	04N	01E	9	SE	SW		STOCKWATER		CLIFFORD R STEPHENSON
7074	Claim	04N	01E	9	SE	SW		DOMESTIC <i>diff. source</i>		WILLIAM N BARNHILE
7740	Claim	04N	01E	9	SE	SW		DOMESTIC		ESCO INC
7074	Water Right	04N	01E	9	SE	SW		DOMESTIC		✓ MOBILE MANOR
7368	Water Right	04N	01E	9	SE	SW		DOMESTIC 1970 <i>Golf Course</i>		EAGLE RANCH WATER CO INC
7740	Water Right	04N	01E	9	SE	SW		DOMESTIC		✓ ESCO INC
17581	Water Right	04N	01E	9	SE	SW		DOMESTIC 1890 <i>diff. source</i>		CLIFFORD R STEPHENSON

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-7740

06/25/2004

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Dom	"Eagle Point Community"	Name
63-7074	Claim	04N	01E	9	SE	SW	diff. source	GROUND WATER	Dom		WILLIAM N BARNHILL V1
63-7740	Claim	04N	01E	9	SE	SW		GROUND WATER	Dom.		ESCO INC
63-17581	Claim	04N	01E	9	SE	SW	1890 diff.	GROUND WATER	D&S		CLIFFORD R STEPHENSON
63-2463	Water Right	04N	01E	9	SE	SW	diff. source 1931	GROUND WATER	Dom & Inv.		WILLIAM F HUCKBA
63-7074 ✓	Water Right	04N	01E	9	SE	SW		GROUND WATER		✓	MOBILE MANOR
63-7740 ✓	Water Right	04N	01E	9	SE	SW		GROUND WATER		✓	ESCO INC
63-17581 ✓	Water Right	04N	01E	9	SE	SW		GROUND WATER		✓	CLIFFORD R STEPHENSON

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-10971

WATER RIGHT NUMBER: 63-10971

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ESCO INC C/O RICHARD B SMITH AGENCY 2417 BOGUS BASIN RD BOISE, ID 83702 (208)343-5412
Current Owner	EAGLE CENTER PROPERTIES LLC C/O ALBANY BOWL 540 SAN PABLO AVE ALBANY, CA 94706

Water Appl. - Closed
Water Permit - Active

Priority Date: 01/28/1998

Basis:

Status: Active

Lapsed permit

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.600 CFS	
COMMERCIAL	1/01 to 12/31	0.600 CFS	
IRRIGATION	3/15 to 11/15	0.300 CFS	
<u>Total Diversion:</u>		1.200 CFS	

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 9, Twp 04N, Rge 01E, B.M.

ADA County

Place of Use

IRRIGATION

Filed to cover a 10" well drilled in 1986 for
120 mobile home units (w/ laurus) and 24
commercial units (laundromat, restaurant, offices, etc.)

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	9																	15.0

Total Acres: 15

DOMESTIC same as IRRIGATIONCOMMERCIAL same as IRRIGATIONConditions of Approval:

1. 01G Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
2. 026 Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
3. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 63-10971

Remarks:

Comments:

1. VAULT 10/31/1994 Extension of Time Received
Comment: Extension of Time Received
2. VAULT 11/16/1994 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd
3. VAULT 11/1/1997 Extension of Time Received
Comment: Extension of Time Received
4. JYARBROU 12/11/1997 Lapse Notice Sent
Comment: Lapse Notice Sent

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
C009193	88.00	63	7740		Claim

http://wenet/apps/appworkflow/Framebuild.asp

File Edit View Favorites Tools Help

Back Forward Stop Search Favorites History

Address http://wenet/apps/appworkflow/Framebuild.asp Go

Links Customize Links Free Hotmail Windows Media Windows

Basin	Seqno	Subs	Verio	Source Table	Basis	Status	Priority Date	Di	Source List	Water Use List	Dur
63	7740			wwAudition	License	Active	1973-03-13	0.36	GROUND WA	DOMESTIC	ESC
63	7740			wwWaterApplica		Closed	1973-03-13	0.38	GROUND WA	DOMESTIC	ESC
63	7740			wwWaterRight	License	Active	1973-03-13	0.36	GROUND WA	DOMESTIC	ESC
63	7740			wwWaterPermit		Closed	1973-03-13	0.38	GROUND WA	DOMESTIC	ESC

Show References Next Step Previous Steps: Screen ID: 446

Done Local intranet

Sally-

This one's for you. I will process the
refund with Debbie Allen that was paid
on the assignment.

☺

Lari Lynn
4.16.02

RECEIVED

APR 18 2002

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources Receipt

Receipt ID W029022

Payment Amount \$50.00 Date Received 4/15/2002 2:35:04 PM Region Western Status
 Payment Type Check Check Number 2-19364

Payer PIIONEER TITLE OF ADA COUNTY

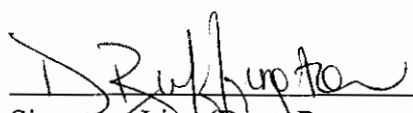
Comment ASSIGNMENT OF PERMIT: 63-7740 & 63-10971 (\$25 EA)

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ASSIGNMENTS	0229	21	62103	1155

*Sally -
FYI!*

*Kari Lynn
4.16.02*


Signature Line (Dept. Representative)

DEBBIE . . .

PLEASE ARRANGE FOR A \$25.00 REFUND TO:

PIIONEER TITLE CO OF ADA COUNTY
821 W STATE ST
BOISE ID 83702

THE FEE WAS COLLECTED IN ERROR FOR AN ASSIGNMENT OF PERMIT ON WR 63-7740.
THE OWNERSHIP CHANGE FOR WR 63-7740 WILL BE HANDLED BY AJ AND THERE IS
NO CHARGE REQUIRED.

THANK YOU,


4.16.02

FROM Helen Harrington-Thomson

DATE Sept. 21, 1989

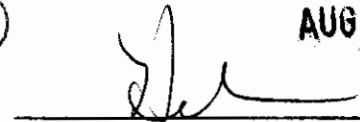
TO File AG-07740

SUBJECT Amended claim.

This claim was amended to add the second well because it is used as a back-up to the original well and 61 units. A new application for permit has been filed to deal with the new units they are developing.

MICROFILMED

AUG 21 1992



SIGNATURE



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 12, 1989

Mr. Barr Smith, Jr.
Esco Inc.
2417 Bogus Basin Road
Boise, Id. 83702

Re: Water Rights 63-07740 and 63-10971

Dear Mr. Smith:

License 63-07740 includes a 1973 twelve inch well for domestic use at 61 mobile home units. Application for Permit 63-10971 covers the same well and a 1986 ten inch well for 120 mobile home units and commercial use. Both rights are involved with the development in Section 9 near Eagle.

From the information in Application 63-10971, it appears that the ten inch well was added to the 61 unit system in 1986. The newer well needs to be added to License 63-07740 as an additional point of diversion. Two methods are available to update the license and comply with Idaho statutes.

One, an Application for Transfer may be filed to add a point of diversion to the water right. Two, an Adjudication Claim may be filed to show the right as it has existed. Adjudication Claims are required under the terms of the Snake River Basin Adjudication to maintain most water rights in a valid state. License 63-07740 is a right that requires such a Claim. Without filing a Claim, the right will be recommended as invalid by this department in its role as a technical advisor to the court in the adjudication.

Adjudication Claims may be filed to reflect differences that exist between the water right record and the actual water use practices. In other words, a Claim may be filed to add the newer well to the older license. Because a Claim should be filed as explained above and because the Claim may include the newer well for use at the 61 units, this alternative is preferable to the Transfer choice. One filing and one fee is involved with an Adjudication Claim.

Claims for Ada County should have been filed by September 8, 1989 to avoid late fees. A computer search did not reveal a claim for 63-07740, although one may have been filed but not data entered yet. If you filed a claim and identified both wells for use under the protection of the license, the record is clarified. However, if both wells were not identified or if a claim was not filed, immediate action is required to protect your water right and uses of ground water as defined by Idaho statutes.

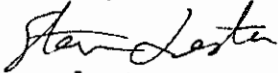
MICROFILMED

AUG 21 1992

Letter to Esco, Inc.
page 2

Please check your records and respond within thirty (30) days to avoid complications related to license 63-07740. Meanwhile, the application for expanded use at the site will be advertised and processed. Let me know if I may provide additional help.

Sincerely,



Steve Lester
Sr. Water Resource Agent

SL: sl

MICROFILMED
AUG 21 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

September 12, 1989

Mr. Barr Smith, Jr.
Esco Inc.
2417 Bogus Basin Road
Boise, Id. 83702

RECEIVED
SEP 12 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Department of Water Resources

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U. Smith
for file
63.07740

Letter to Esco, Inc.
page 2

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Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: sl

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 163-7740
 Old No. _____ New No. _____

Record

1. Original Owner: Esco Inc.

Present Owner: _____

2. Address: c/o Richard B. Smith Agency, 2417 Bogus
Basin Rd.

3. City: Boise State: Id Zip: 83702

4. A. Source of Water: gr

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): P

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 3-13-1973

D. County: 01

E. Total Diversion Rate: 2.25

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SESW</u>	<u>9</u>	<u>4N</u>	<u>1E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for D purposes. Amount 2.25
 (cfs or AC-Ft/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

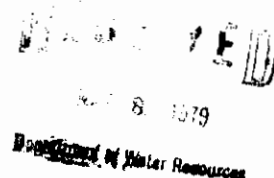
from _____ to _____ for _____ purposes. Amount _____

8. Use Code: D

14. Diversion Means (brief narrative):

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE**



1. a) Name of permit holder ESCO INC.
- b) Post office address 2417 BOGUS BASIN ROAD BOISE, IDAHO 83702 % Richard B. Smith Real Estate Inc.
2. Permit number 63-7740
3. Date of priority that you are prepared to establish 4/9/73
4. a) Source from which water was appropriated GROUNDWATER
- b) Location of the point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9
Township 4N, Range 1E Boise Meridian. Other points of diversion: NONE
5. a) The amount of water and use to which the water has been applied:

Amount <u>2.25 CFS</u> (cfs &/or acre-feet per annum)	for <u>DOMESTIC</u>	purposes from <u>JAN 1</u> (month-day)	to <u>DEC 1</u> (month-day)	incl.
Amount _____ (cfs &/or acre-feet per annum)	for _____	purposes from _____ (month-day)	to _____ (month-day)	incl.
Amount _____ (cfs &/or acre-feet per annum)	for _____	purposes from _____ (month-day)	to _____ (month-day)	incl.
- b) Total amount appropriated 2.25 cfs and/or acre-feet per annum.
- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:
METER
6. If the means of diversion and conveyance are owned by someone other than the permit holder:
 - a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

 - b) Describe the agreement of understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):
7.5 HP PUMP WITH 3,000 GALLONS STORAGE TANK 12 INC WELL DIAMETER 370 FEET DEPTH
- b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)
CUMULATIVE TOTAL METER AND CONTROL

c) Give well driller's name and address and the date the well was completed: PHIPPS WELL DRILLING
MAY 1973

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

DOMESTIC WATER - MOBILE HOME COURT AND COMMERCIAL BUILDINGS

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1 ERM	9																	

Total number of acres irrigated 10

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

MAY 1, 1979

(Date)

ESCO, INC.

BY:

BARR N. SMITH, JR.

(Signature)

PRESIDENT

State of

County of

ADA

ss.

On this 4th day of MAY, 19 79, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Rosemary Carney
Notary Public

Residing at BOYSE, IDAHO

My commission expires

3/13/83

Director

C

Permit No. 63-7740
Examination for 6/14/79 @ 11:00 AM
County _____
County _____
County _____

TOTAL ACREAGE _____

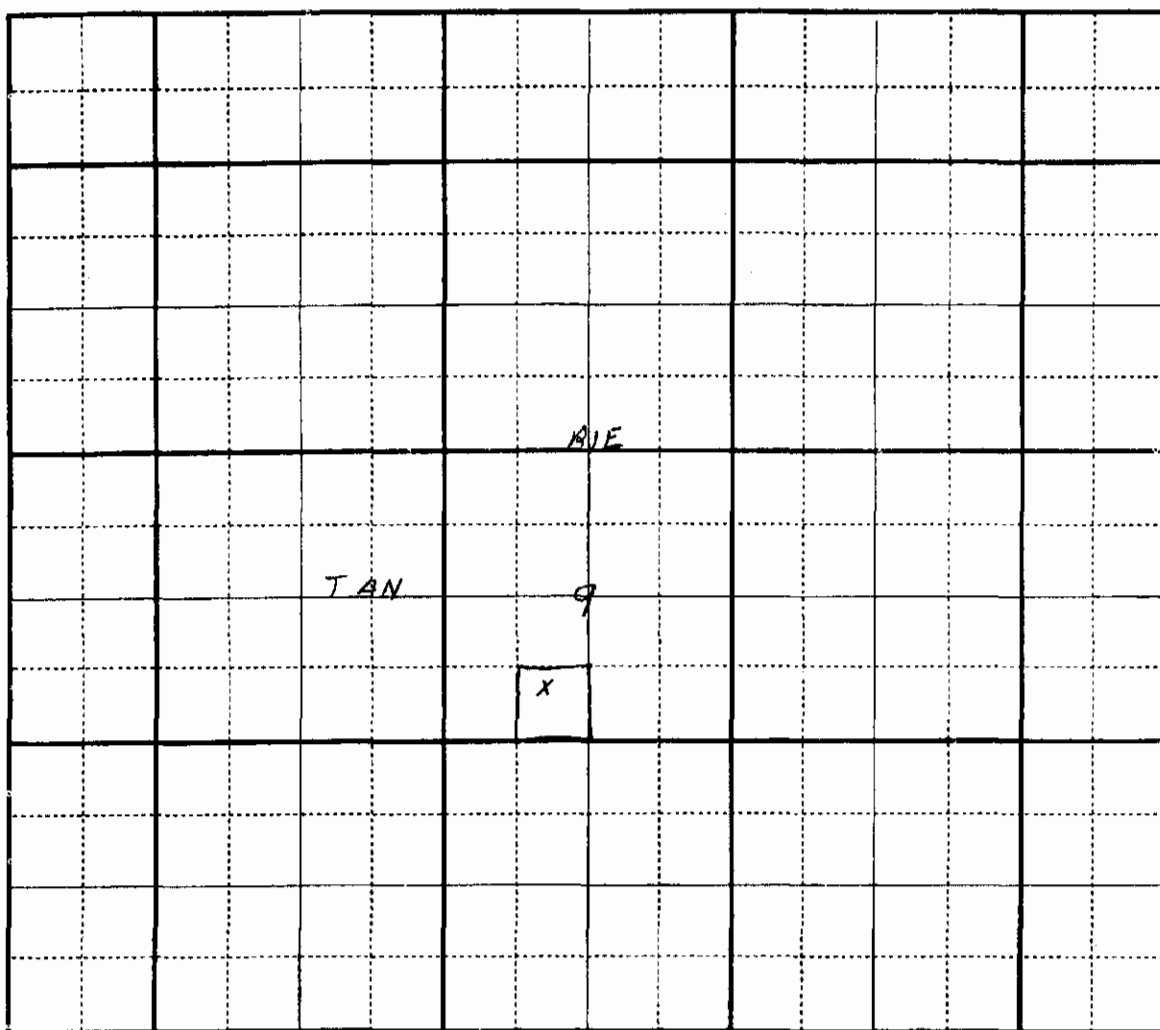
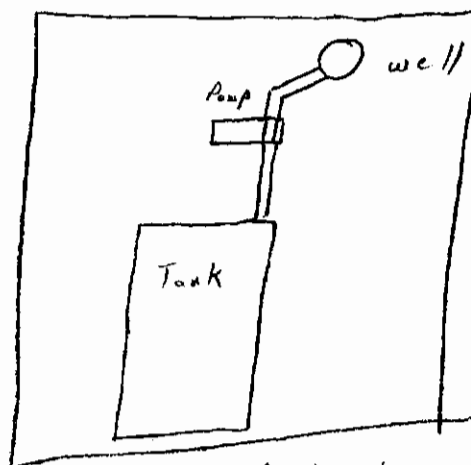


Diagram of System



well located at south east
corner of trailer park in
well house

Approved by _____ Date _____

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-7740)

IN THE NAME OF ESCO, INCORPORATED)

ORDER OF REINSTATEMENT

WHEREAS, on March 6, 1973, ESCO, INCORPORATED filed with the Department of Water Resources an application for permit to appropriate 2.25 cubic feet per second of water from a groundwater source, to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 4N, Rge. 1E, B.M., Ada County, to be used for domestic purposes; and,

WHEREAS, on April 9, 1973, the Department approved said application and issued Permit No. 63-7740 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before May 1, 1974; and,

WHEREAS, on April 11, 1974, said permit holder requested and was granted an extension of time until May 1, 1979; and,

WHEREAS, on February 28, 1979, the Department notified the permit holders by certified mail that proof of beneficial use was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on May 1, 1979, Permit No. 63-7740 automatically lapsed for failure to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on May 8, 1979;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-7740 be REINSTATED and the priority advanced to March 13, 1973.

Dated this 13th day of July, 1979.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 63-7740 }

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

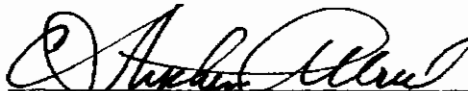
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

RECEIVED
APR 11 1974
Department of Water Administration

State of Idaho)
County of ADA)

Permit No. 63-7740

ESCO, INC. of 2417 BOBUS BASIN RD.
(name) (address)

State of IDAHO, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 63-7740.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before MAY 1, 1974.

That he has heretofore performed the following work described under said permit:

installed well with casing, pump, pressure
system, and distribution system

Costing \$ 22,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: not all the units have hooked
on and won't for some time

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to MAY 1, 1979.

ESCO, INC. BY:
Clifford B. Smith, TREAS.
(signature) *

Subscribed and sworn before me this 9th day of April, 1974.

seal

My commission expires 5/13/76

Barry M. Smith, Jr.
(notary public)

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 63-7740 to May 1, 1979.

Witness my hand this 12 day of April, 19 74.

R. Keith Higginson
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

63 7740

Identification No. _____

Application No. 63-7740

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant ESCO, INCORPORATED
c/o Richard B. Smith Agency, 2417 Bogus Basin Road
post office address Boise, Idaho 83702 Ph. 344-8634
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9 Township 4 N.
Range 1 E. B.M. Ada County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ 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 2.25 cfs for Domestic purpose from Jan. 1 to Dec. 31 (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. 2.25 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. A 7.5 HP pump with 3000 gal.
storage tank with a cumulative total meter and controls.

b. Height of storage dam _____ 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 370 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 0.25 ~~allow 1 year~~ years.
b. Estimated construction cost is \$ 10,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9 Township 4 N.
Range 1 E. B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 120.
(5) If water is to be used for other purposes describe: _____

63 7740

63 2732

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

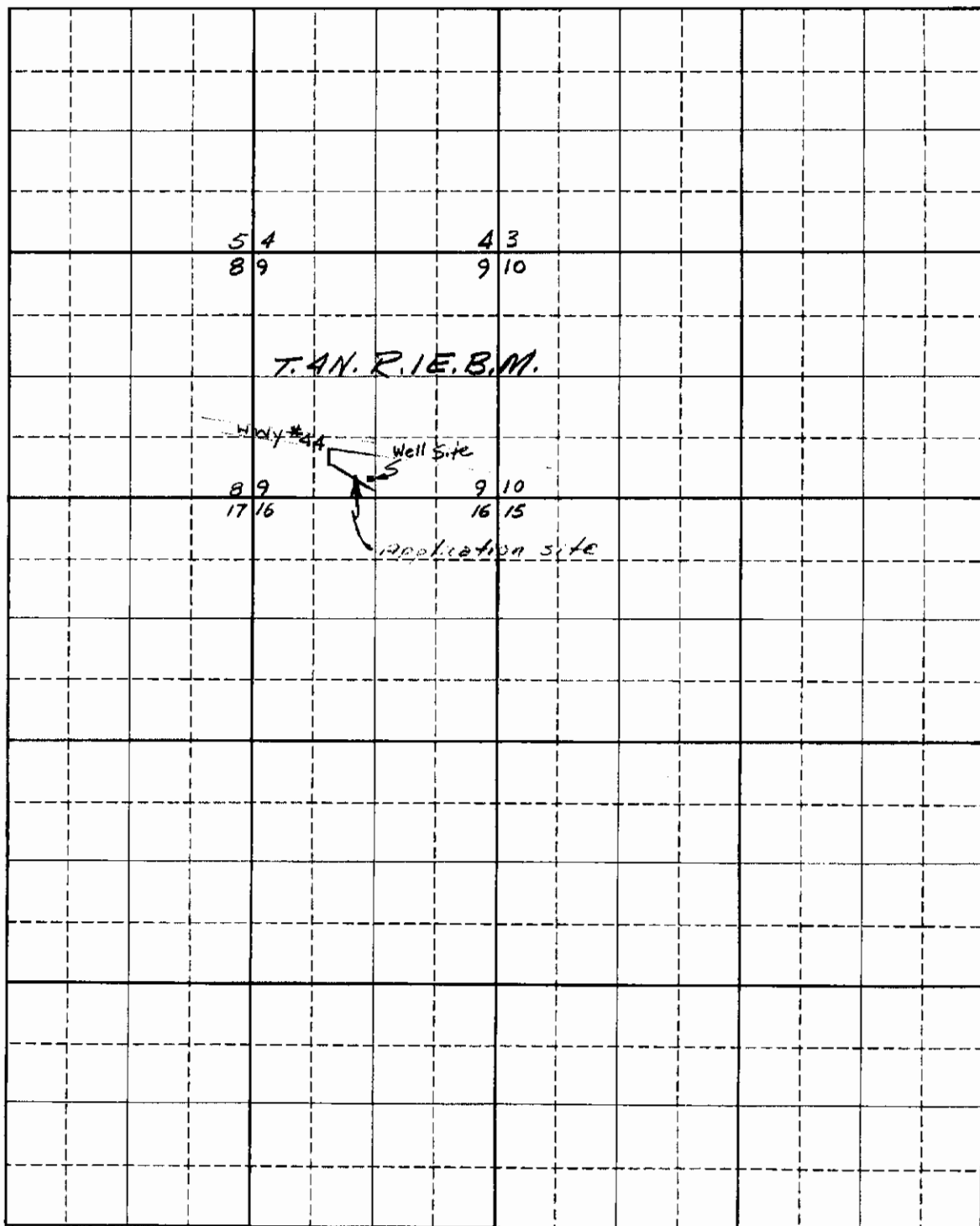
9. a. Who owns the property at the point of diversion ESCO, INC.

b. Who owns the land to be irrigated or place of use ESCO, INC.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

G. Lee Rose - President
(Applicant)

FOR: ESCO INCORPORATED

63 7759

Proposed Priority 3-6-1973

Received by hjp Date 3-6-73 Time 2:30 PM
Preliminary check by RMH Fee \$ 45.00
Receipted by hjp Date 3-6-73 # 10,002
Publication prepared by dy Date 3-8-73
Published in Idaho Statesman
Publication dates 3-15 & 3-22-73
Publication approved dy Date 4-2-73
Priority ~~reduced~~ to 3-6-73 Reason _____

63-7740

Protests filed by: _____

Copies of protests forwarded by: _____

Hearing held by: _____ Date: _____

Recommended for approval denial by YHK JDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7740, 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 May 1, 19 74.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 9th day of April, 19 73.

L. Karl Higgin
Director