

Idaho Department of Water Resources

63-4841

T03N R02E S20



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



0 500 1000 1500 2000 Feet

IDWR
Prepared by: Sandy Egbert
Date: 11-9-05
1987 Photography



act 1958
IDAHO POWER COMPANY
ELECTRIC SERVICE AGREEMENT

DISTRICT Boise RATE SCHEDULE No. 11 ACCT. No. 0724.5555-1

Connected Load:

10 H.P. 240 Volts 3 Phase 4 Wire
H.P. Volts Phase Wire
K.W. Volts Phase Wire

Glenn Blaser
(Name)

2025 No 24th, Boise, Idaho
(Mailing Address)

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply electric service to the amount of 10 HP, in the form of three phase alternating current at approximately 60 cycles per second and 240 volts, for Customer's pumping operations, at or near Boise, in Ada County, State of Idaho for a term of ten (10) year(s) from and after June 15, 1958, in accordance with and subject to the Company's rules and regulations and Schedule No. 11, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near Blaser Subdivision Section 20 T. 3N R. 2E B.M.

All payments shall be made at Company's office at Boise, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as part of this agreement.

In consideration of the special investment to be made by the Company in extending its lines and facilities to supply the Customer's pumping power service requirements, Customer guarantees a minimum annual payment in the amount of \$180.00 to the Company during the term of this contract, such annual minimum to run with the land and pumping power service hereinabove referred to and to be payable by the Customer's successors or assigns as a condition of service during the term of this agreement.

Dated June 6, 1958

Attest
Witness

[Signature]

Attest
Witness

[Signature]

E.R. or W.O. No.

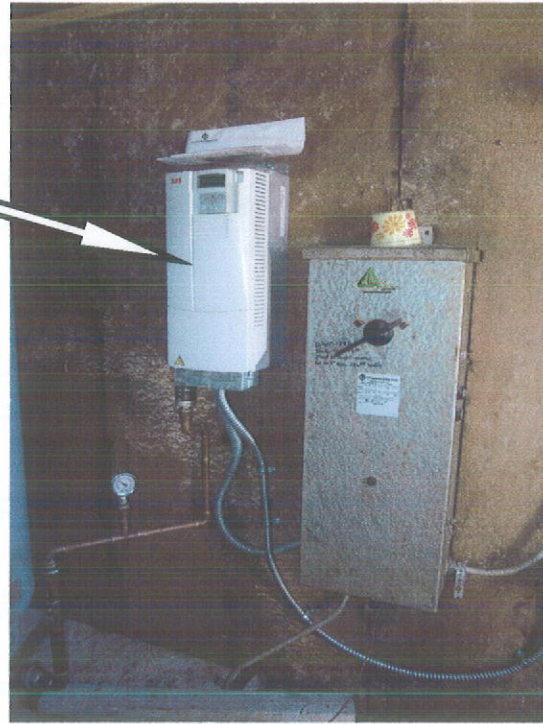
1010-EM-5-57

Glenn F. Blaser
Customer

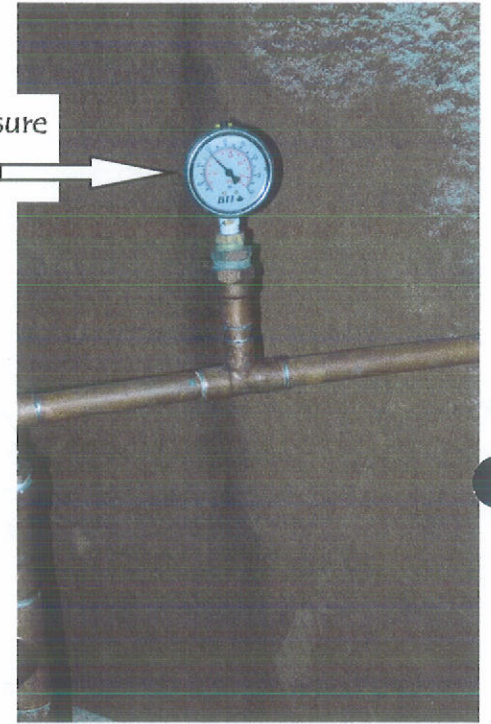
IDAHO POWER COMPANY,
By [Signature]
Asst Division Manager



VSD
Controller



Constant Pressure
60 PSI



63-4841



6" Diameter
Cased Well

Pump House
Looking Southwest





1964 Aerial Photo



H&R BLOCK

Bill Barrett
Tax Associate

1559 S. Five Mile Rd.
Boise, ID 83709
Tel: (208) 376-2789
Fax: (208) 376-5341

343.3040

1510 S Orchard
Boise, ID 83705
Tel: (208) 344-7665
Fax: (208) 344-7774

message

For Aandy
From Bill Barrett
Time 2:50 Date 6-23-05
Phone 343-3040
☐ URGENT!

Aladan Hilton Water
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sk

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 63-4841
Date Received: 5/18/1989
Receipt No: W002874
Received By:

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

1. Name of Claimant(s)

MALAD AND HILTON WATER CO INC Phone: (208)343-3040

2616 S HILTON ST
BOISE ID USA 83705

2. Date of Priority: 06/01/1962

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02E	20	SE SW	ADA	

5. Description of diverting works:

WELL 155 FT.DEEP,12"CASING,10 HP SUB PUMP,PIPELINE DISTRIBUTION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.06	
DOMESTIC	1/01	12/31	0.2	
FIRE PROTECTION		1/01 12/31	0.32	

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

8. Total consumptive use:

9. Non-irrigation uses:

DOMESTIC USE FOR 28 HOMES

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02E	20	SE	SW	IRRIGATION	2
Section Acres						2
Total Acres						2

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:

CORRECTED NAME AND ADDRESS 6/4/91 - KW.

15. Basis of Claim: Statutory Claim

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

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

MALAD + HILTON WATER CO. that I have signed the foregoing
Organization

document in the space below as PRESIDENT of _____
Title

MALAD + HILTON WATER CO. and that the statements contained in the
Organization

foregoing document are true and correct.

William E. Shurtle
Signature of Authorized Agent

PRESIDENT, MALAD + HILTON WATER CO.
Title and Organization

6-23-05

Date

State of Idaho)

County of ADA)

SS.

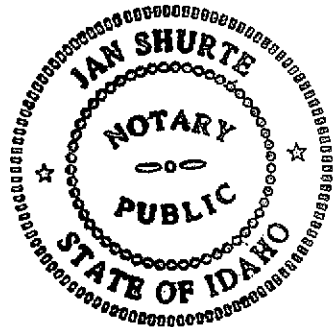
Subscribed and sworn (or affirmed) before me this 22ND DAY OF

June 2005

Jan Shurtle
Notary Public

Residing at Moscow ID

My commission Expires 9-14-2006



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: A63-04841

Date Received: 5/18/1989

Receipt No: W002874

Received By: DE-KW 6/4/91

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MALAD AND HILTON WATER COMPANY, INC. 208-343-3040
Address: 2616 S. HILTON ST.
BOISE, ID 83705

2. Date of Priority: JUN 1, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	20	SE	SW			ADA

5. Description of diverting works:
WELL 155 FT.DEEP,12"CASING,10 HP SUB PUMP,PIPELINE DISTRIBUTION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		
DOMESTIC	01/01	12/31	0.200		
FIRE PROTECTION	01/01	12/31	0.320		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/20 HOMES,IN BLOCKS 1 & 2 BLASER SUB. NO.3

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	20	SE	SW		IRR	2.0

MICROFILMED

AUG 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

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:
NONE

14. Remarks:
CORRECTED NAME AND ADDRESS 6/4/91 - KW.

15. Basis of Claim: STATUTORY CLAIM

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED

AUG 20 1992

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 20 1992

RECEIVED

MAY - 6 1991

CHANGE IN ^{NAME/} ADDRESS OF NOTICE OF CLAIM

Department of Water Resources
Western Regional Office

[] Water Right Number (s): A63-04841

✓ CORRECT NAME - MALAD AND HILTON WATER COMPANY, INC.

[] Old Mailing Address: 2645 S. HILTON ST.

BOISE, IDAHO 83705

[] New Mailing Address: 2616 S. HILTON ST.

BOISE, IDAHO 83705

New Telephone Number: (208) 343-3040

[] Signature of Claimant: William E. Barrett, PRESIDENT

Date: 4-23-91

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:

SEND TO YOUR NEAREST
REGION OFFICE:

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

Southern Region Office
222 Shoshone St. East
Twin Falls ID 83301
(208) 734-3578

State Office
1301 N. Orchard St.
Boise, ID 83720
(208) 327-7900

Eastern Region Office
150 Shoup Ave. #15
Idaho Falls ID 83402
(208) 525-7161

Northern Region Office
1910 Northwest Blvd. #210
Coeur d'Alene ID 83814
(208) 756-4639

MICROFILMED

AUG 20 1992

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: A63-04841
Date Received: ~~5/09/1989~~ 5/18/89
Receipt No: 4002874
Received By: DEMET

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MALAD HILTON WATER CORP. 208-343-7155
Address: 2645 SOUTH HILTON
BOISE, ID 83705

2. Date of Priority: JUN 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	20	SE	SW			ADA

5. Description of diverting works:
WELL 155 FT.DEEP,12"CASING,10 HP SUB PUMP,PIPELINE DISTRIBUTION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		
DOMESTIC	01/01	12/31	0.200		
FIRE PROTECTION	01/01	12/31	0.320		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/20 HOMES,IN BLOCKS 1 & 2 BLASER SUB. NO.3

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	20	SE	SW		IRR	2.0

Section Acres 2.0

A63-04841

Page 1

Date: 05/09/89

MICROFILMED

AUG 20 1992

10. Place of Use: Continued

Total Acres 2.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Malad Hilton Water Co., Inc. Date: 5/16/89

By *William E. Bevel* Date: 5-16-89
President

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of May 19 89

Diana Snowgrass
Notary Public

Seal

Residing at Bosse Idaho

My Commission Expires 6-10-94

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Malcolm Hillton Water Corp.

CL. IDENT. NO.

A63-04841

DATE RECEIVED

5/18/89

CK #

0969

AMOUNT \$

52

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
- Is the period of use included? ☒ YES ☐ NO ☐ *
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ *
- Is the consumptive use correct? ☒ YES ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO ☐ *

Claim checked by: [Signature]Date: 6/1/89Claim must be returned to claimant: ☒ (Yes) ☐ (No)Claimant must be notified of modifications: ☒ (Yes) ☐ (No)

Receipt Prepared by: MAT

Claim data entered by:

Sent to claimant by:

Date: 5/18/89

Date:

Date:

Checked by: Date:

MICROFILMED

Comments:

AUG 20 1992

9-21-02

Bill Burnett

Malcolm Heller Reuter

overstate dwellings by

1

only have 27

houses not 28

as claimed

63-4841

Copy.

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

In Re SRBA)

A. Subcase 63-4841
(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name William E. Barrett

Address: 2616 S. Hilton St.

Boise, ID. 83705

Daytime Phone: 208 343 3040

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: MALAD AND HILTON WATER COMPANY, INC.

Address: 2616 S. Hilton St.

Boise, ID. 83705

Copy

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: .25 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** 3. Quantity should be .25 cfs for
28 dwelling units
The present documentation lists the correct number of dwelling units,
28, but does not mention that 8 of them are in Blaser Subdivision #5;
20 are in Blaser Subdivision #3.

Copy

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of ADA)

WILLIAM E. BARRETT, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

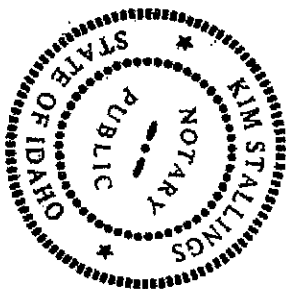
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

William E. Barrett
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

JAN 20, 2006
Kim Stallings
Notary Public for BOISE, ID
Residing at: BOISE, ID
My Commission Expires: 3/10/09



CONVERSATION MEMORANDUM

TO: CLAIM FILE NO. 63-4841

FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN REGION

SUBJECT: PHONE CALL FROM BILL BARRETT

DATE: 1/27/2006

CC:

I received an office day call from Mr. Barrett yesterday re the above recommendation that he received in the mail. Mr. Barrett stated that he had provided information to the department/ Sandy Egbert, but that nothing had gotten done and he wanted to file an objection.

Mr. Barrett was particularly adamant that the water right was also for Blaser Sub no. 5 and that was not listed on the recommendation in the explanatory information. I pulled the file from Sandy and saw that an amended claim was filed in 6/2005. The original claim was for 20 homes and Mr. Barrett signed an amended claim for 28 homes. Nowhere in the file notes or in the field exam, original statutory and SRBA claim does it state sub no 5. IT is stated in the water co. articles of incorporation. However, the recommendation for the 28 homes includes these homes in Blaser No. 5.

I explained to him that the right was for the homes in no 5 and that the explanatory info was for informational purposes – the water right clearly states that the water is for 28 homes, and how the place of use was graphically linked in our database. So, this was his greatest concern.

We also discussed the quantity and acres irrigated. He had already talked to Carter who told him the quantity seemed low. The amended claim did not reflect a change in quantity but remained at .2 cfs for 20 homes. I told him our standard was between .2 - .25 cfs for 28 homes.

The original statutory and SRBA claims were for 2 acres irrigated. He wanted to know why more weren't recommended and I explained that Mr. Moon claimed 2 and maybe there was another reason such as irrigation from a canal company. He said he thought that may have been true in the past but they could not get water from the canal now.

He thinks he will file an objection for more water. I told him he should just include everything in the objection – add the Blaser no. 5 and ask for more for irrigation as well as more water for domestic. VLM

11/09/2005

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

RIGHT NUMBER: 63-4841

NAME AND ADDRESS: MALAD AND HILTON WATER CO INC
2616 S HILTON ST
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.320 CFS
9.000 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION:

T03N R02E S20 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.060 CFS 9.00 AFY
FIRE PROTECTION	01/01 12/31	0.320 CFS
DOMESTIC	01/01 12/31	0.200 CFS

Domestic use is for 28 homes.

PLACE OF USE: IRRIGATION Within ADA County

T03N R02E S20 SESW 2.0

FIRE PROTECTION same as IRRIGATION
DOMESTIC same as IRRIGATION

2 ACRES TOTAL

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

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

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: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS BLK 1 & 2, BLASER SUB. NO. 3.

Idaho Department of Water Resources

63-4841

T03N R02E S20



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



0 500 1000 1500 2000 Feet

IDWR
Prepared by: Sandy Egbert
Date: 11-9-05
1987 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4841 V1

WATER RIGHT NUMBER: 63-4841 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MALAD AND HILTON WATER CO INC 2616 S HILTON ST BOISE, ID 83705 (208)343-3040

Priority Date: 06/01/1962

Basis: Beneficial Use

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>
IRRIGATION	03/01 to 11/15	0.060 CFS	9.00 AF
FIRE PROTECTION	01/01 to 12/31	0.320 CFS	
DOMESTIC	01/01 to 12/31	0.200 CFS	
	<u>Total Diversion:</u>	0.320 CFS	9.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 20, Twp 03N, Rge 02E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	02E	20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.0
																			2.0

Total Acres: 2

FIRE PROTECTION same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:

1. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
2. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
3. J01 PROPERTY IS ALSO KNOWN AS BLK 1 & 2, BLASER SUB. NO. 3.
4. 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.
5. X01 Domestic use is for 28 homes.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4841 V1

Remarks:Comments:

1. segbert 4/15/2005 POD
Comment: Updated shape
2. segbert 4/15/2005 POU
Comment: Updated Shape

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/15/2005 8:48:00 AM	segbert			Active
POD	4/15/2005 8:48:31 AM	segbert			Active
Source	4/15/2005 8:50:55 AM	segbert			Active
POU	4/15/2005 8:51:46 AM	segbert			Active
Use	4/15/2005 8:53:06 AM	segbert			Active
Season	4/15/2005 8:53:55 AM	segbert			Active
Quantity	4/15/2005 8:59:56 AM	segbert			Active
Summary			04/15/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4841 V1

Priority Date	4/15/2005 8:48:01 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Electric Service Agreement dated 1958 in file. Recommended 1962 as claimed
POD	4/15/2005 8:48:32 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	4/15/2005 8:50:55 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - field exam
Use	4/15/2005 8:53:07 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - field exam

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4841 V1

Season	4/15/2005 8:53:56 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	4/15/2005 8:51:47 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - field exam
Quantity	4/15/2005 8:59:57 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - see field exam Description for Question 10 - 4.5 x 2 acres
Summary	4/15/2005 9:10:32 AM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

04/15/2005

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

RIGHT NUMBER: 63-4841

NAME AND ADDRESS: MALAD AND HILTON WATER CO INC
2616 S HILTON ST
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.320 CFS
21.000 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day
per home. *error*

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION:

T03N R02E S20 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.060 CFS 9.00 AFY
FIRE PROTECTION	01/01 12/31	0.320 CFS
DOMESTIC	01/01 12/31	0.200 CFS 12.00 AFY

Domestic use is for ²⁸~~24~~ homes. *See amended claim*

PLACE OF USE: IRRIGATION Within ADA County

T03N R02E S20 SESW 2.0

FIRE PROTECTION same as IRRIGATION
DOMESTIC same as IRRIGATION

2 ACRES TOTAL

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY IS ALSO KNOWN AS BLK 1 & 2, BLASER SUB. NO. 3.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4841

WATER RIGHT NUMBER: 63-4841

Owner Type Name and Address
Current Owner MALAD AND HILTON WATER CO INC ✓
2616 S HILTON ST
BOISE, ID 83705
(208)343-3040

Priority Date: 06/01/1962

Basis: ~~Statutory Claim~~ *BU*

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15 <i>3-11-15</i>	0.060 CFS	<i>9.0</i>
FIRE PROTECTION	1/01 to 12/31	0.320 CFS	
DOMESTIC ✓	1/01 to 12/31 ✓	0.200 CFS ✓	
<u>Total Diversion:</u>		0.320 CFS	

4.5 x 2.0 Acres

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4 ✓ Sec. 20, Twp 03N, Rge 02E, B.M.
ADA County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	20												2.0					2.0

Total Acres: 2

FIRE PROTECTION same as IRRIGATION

DOMESTIC same as IRRIGATION

Conditions of Approval:

Remarks:

- General CORRECTED NAME AND ADDRESS 6/4/91 - KW.

Comments:

Dates and Other Information:

*20 homes - 28 homes according to field exam
Blocks 1 & 2 Blower Sub No 3*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4841

Claim Received Date: 5/18/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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**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 52.00
- ☐ Well logs (if needed)
- ☒ 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

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-4841
% WILLIAM BARRETT
 Owner: MALAD & HILTON WATER CO Phone No. 208 343-3040
 Current Address: 2616 S. HILTON ST BOISE ID 83705

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: WM (BILL) BARRETT

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary SEE ATTACHED DOCUMENT POWER CONTRACT
- ☐ 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: 6/1/62 (POWER Hook-up CONTRACT 6/15/58)

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

IT APPEARS FROM POWER RECORDS THAT THE PRIORITY DATE COULD HAVE BEEN SOMEWHAT EARLIER THAN 1962.

Source: GROUNDWATER Tributary to _____

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

POINT OF DIVERSION

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

SITE TAG = E0006186 (DEPTAG)

GPS = 2318680
1377697 #3 (OVERRIDE)

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
1		NE	SE	SW	20	3N	2E	ADA	GPS + FROM 2003 NAPP AERIAL PHOTO

Description of diverting works CLAIM SHOWS THIS AS A 12" DIA (MAYBE)

WELL IS A 6" Cased well with a submersible pump using a variable speed drive to maintain 60 PSI at all times. Pipeline distribution through-out the sub division

OVERLAP REVIEW

Other water rights with the same point of diversion: NONE

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

WATER USES

☒ No change

☐ Different Uses

Use IRRIGATION From 3/15 To 11/15 Amount .06 CFS AFA

Use FIRE PROTECTION From 1/1 To 12/31 Amount 0.32 CFS AFA

Use DOMESTIC From 1/1 To 12/31 Amount 0.20 CFS AFA

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount CFS 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:

IRRIGATION 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	
3N	2E	20												2.0					2.0

Overlap with other water rights: NONE

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

Delivery System Narrative: FROM THE P.O.D. THE WATER PUMPED THROUGH -
OUT THE SUB-DIVISION THROUGH PRESSURIZED PIPE WITH CONNECTIONS
AT EACH RESIDENCE. THE ROUTING IS UNKNOWN BY MR. BARRETT.

THE PLACE OF USE IS HIGH-LIGHTED W/ GREEN ON THE AERIAL PHOTO ATTACHED

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
E0006186	FRANKLIN	10	UNKNOWN	BERKELEY	10HP 230V. 28.4 AMP 3450 RPM SER. 115
				6T-10-115	

FROM PUMP INSTALLERS DATA LEFT IN PUMP HOUSE

FLOW MEASUREMENTS: PUMP SETTING @ 126'
WELL DEPTH = 154 1/2'
Attach appropriate documents STATIC W.L. = 92'
ABB VSD @ 60 PSI
NARRATIVE/REMARKS/COMMENTS CONSTANT TDH = 254.6'

ESTIMATED FLOW MAX
LIFT = 116' (10' ABOVE PUMP)
EFF = 70%
60 PSI = 138.6' GPM = $(10 \times 70) 3960$
254.6
= 109 GPM
4
(1.24 CFS)

THERE ARE A TOTAL OF 24 HOMES IN THE SUB-DIVISION AND 8 OF
THEM ARE DUPLEXES SO THEY HAVE A TOTAL OF 28 CONNECTIONS.
(SEE PHOTO AERIAL).

THIS IS A VERY GOOD PUMPING SETUP FOR A SUBDIVISION LIKE THIS.
THE ESTIMATED PUMPING FLOW OF 109 GPM SEEMS LOW TO ME. THEY
ARE GETTING ALONG VERY WELL WITH THIS AMOUNT ACCORDING TO
MR. BARRETT. IF THE PRESSURE WAS REDUCED TO 40 PSI AND THE LIFT
WAS 100', THE PUMP WOULD BE ABLE TO PUMP THE W.R. FLOW OF 144 GPM.

MONDAY
1:30 3/4/05

Field Exam Questions

Water Right No. 63-4841

Current Owner on Claim: Malad and Hilton Water Company

- Property Address: ✓ ²⁸ 20 homes in blocks 1 & 2 Blaser Sub No. 3
- Is the shape correct? SEE MAP
- Need evidence of priority ✓
- Need a flow measurement ✓
- Where is the well? ✓

3 DUPLS
~~25 BLDGS~~
24 AS PER
BILL

SITE TAG E0006186 27

GPS 231 86 80 003
137 76 97 #3

PUMP CENTRIFUGAL

PUMP SETTING @ 126' LIFT @ 116

WELL DEPTH = 154 1/2'

STATIC W.L. = 92'

PUMP - 6T10-115 BERKELEY

FRANKLIN MOTOR

10 HP 230V. 28.4 AMPS 32.2 MAX @ SF

3450 RPM

SF = 1.15

VARIABLE SPEED
CONTROLLER ABB

PRESSURE 60 PSI.
CONSTANT

Return to: sandy Egbert

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4841

WATER RIGHT NUMBER: 63-4841

Owner TypeName and Address

Current Owner

MALAD AND HILTON WATER CO INC
 2616 S HILTON ST
 BOISE, ID 83705
 (208)343-3040

1:30
 BILL WM
 BARRETT
 BACK DOOR
 CAR PORT

Priority Date: 06/01/1962

Basis: Statutory Claim

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

3/15 to 11/15

0.060 CFS

FIRE PROTECTION

1/01 to 12/31

0.320 CFS

DOMESTIC

1/01 to 12/31

0.200 CFS

Total Diversion: 0.320 CFSLocation of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 20, Twp 03N, Rge 02E, B.M.

ADA County

Place of Use

IRRIGATION

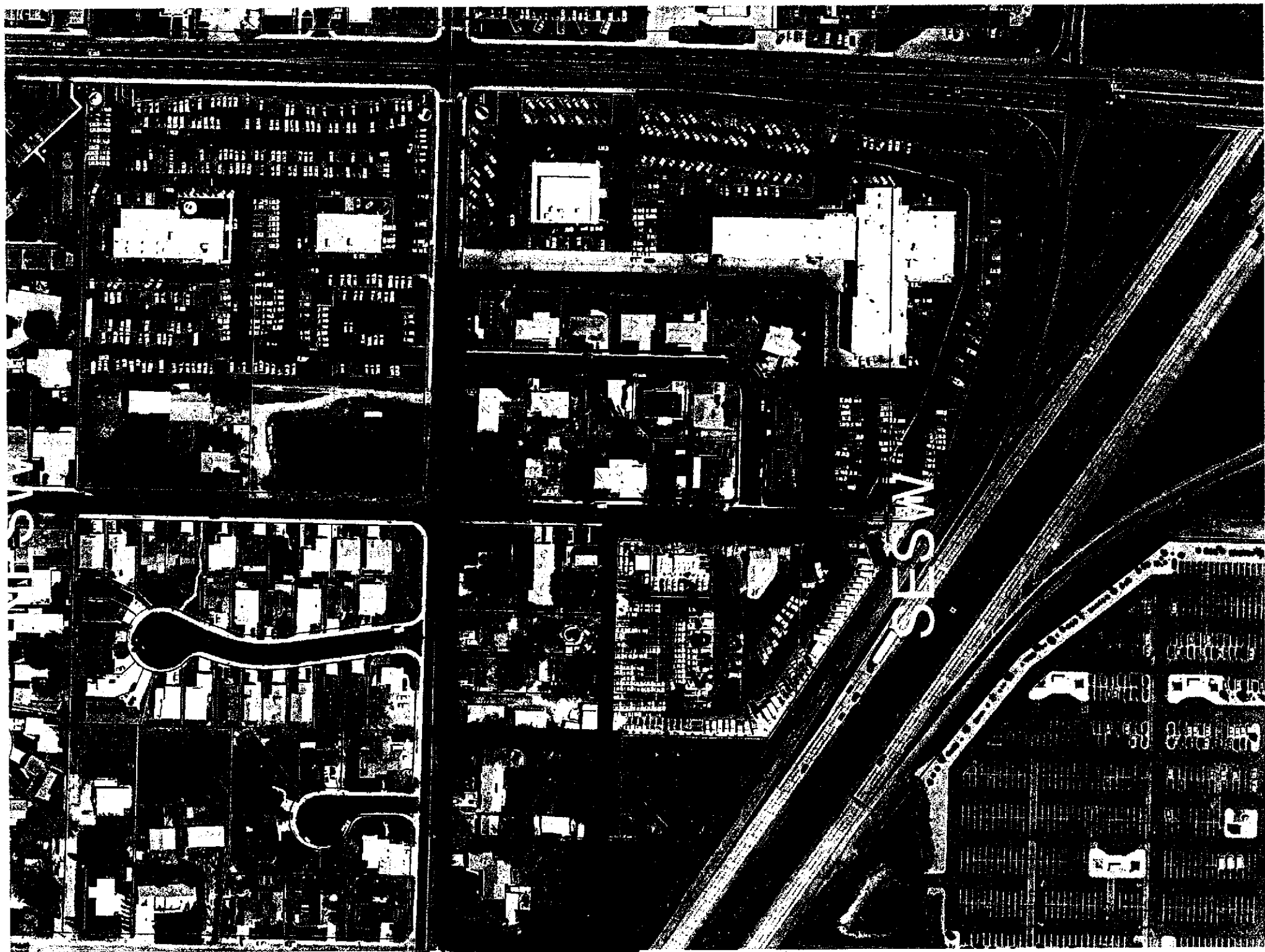
Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	02E	20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.0

Total Acres: 2

FIRE PROTECTION same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

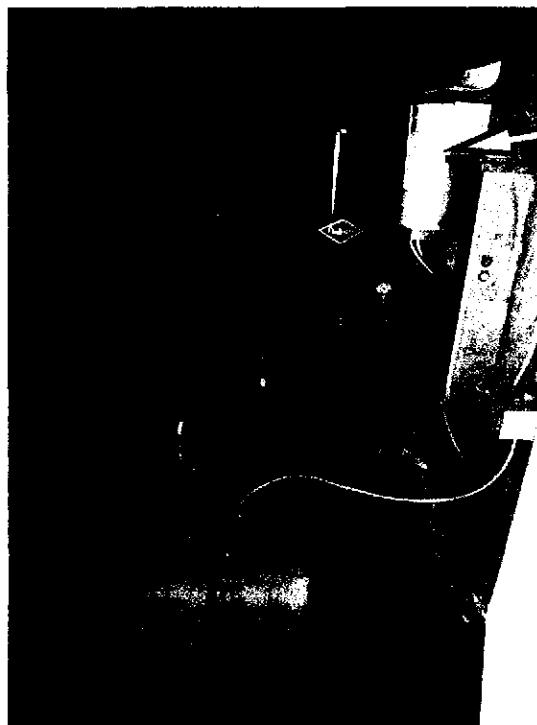
- General CORRECTED NAME AND ADDRESS 6/4/91 - KW.

Comments:Dates and Other Information:

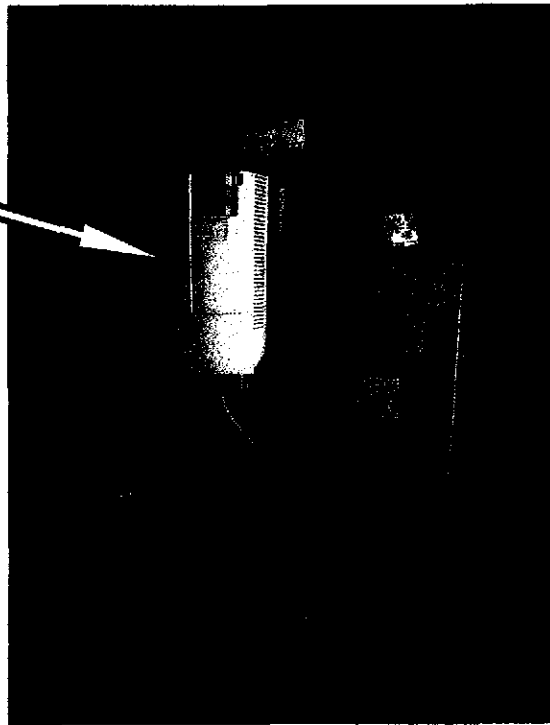


1999

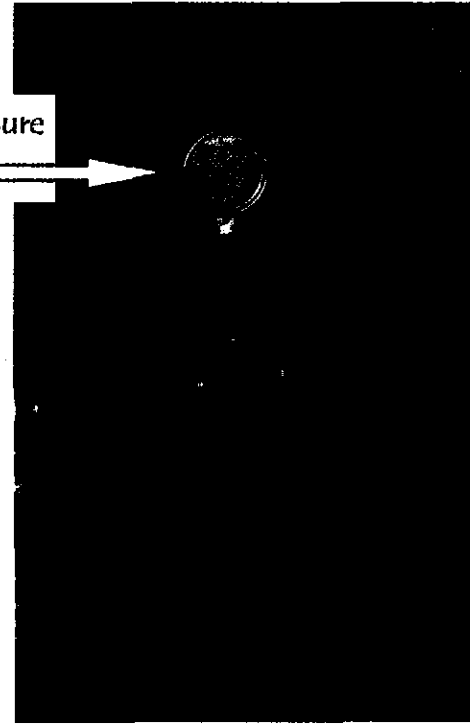
[illegible]



VSD
Controller



Constant Pressure
60 PSI

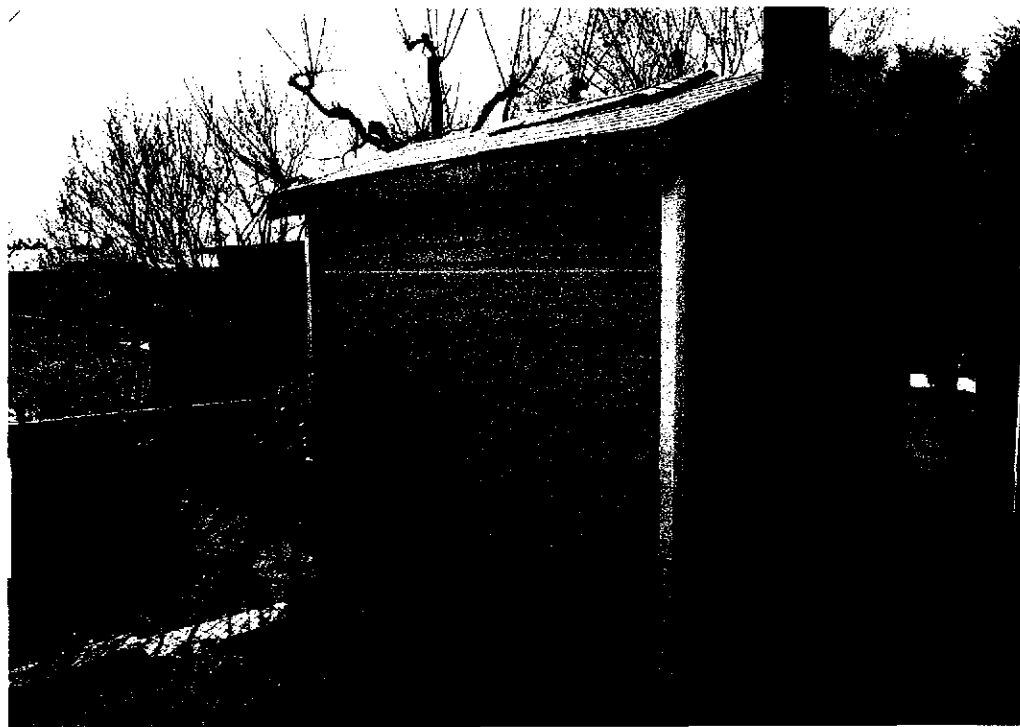


63-4841



6" Diameter
Cased Well

Pump House
Looking Southwest



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

(Name of Claimant)

(Mailing Address)

(Zip Code)

Telephone No. 343-7155

- (1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1962

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Groundwater tributary to

(cls, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)

(Mo., Day)

(Monday)

Quantity .20 cfs

Use Domestic

Period of Use From

To 12/31

Quantity .06 cfs

Use Irrigation

Period of Use From

To 11/15

Quantity 32 cfs

Use Fire Protection

Period of Use From _____

To 12/31

Quantity

Use _____

Period of Use From

To _____

Quantity

Use _____

Period of Use From _____

To _____

- | | | |
|-----|-----|----------------------|
| (4) | .32 | TOTAL QUANTITY USED. |
|-----|-----|----------------------|

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ SW ¼, Sec. 20 Twp. 3N Rge. 2E B.M., County of Ada

Additional points of diversion:

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well 155 ft. depth, 12" casing, 10 HP submersible pump, with pipeline distribution system.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 2.0

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:**

Domestic culinary use for 20 homes in Blocks 1 and 2 Blaser Subdivision No. 3

- Include here the type and number of stock watered:

- (7) ~~If~~ you are claiming water as a member of an organization, list name of organization:

Malad-Hilton Water Corporation

T3N

20

Rd.
R.V.

R2E

Received by _____ Date 11/30/81 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check _____ Date 12-9-81 _____
 \$20.00 fee received by APR Date 11/30/81 # 20382 _____
 Published by Forsterman _____
 Dates 12/24 & 12/31/81 _____

MICROFILMED

Receipt Details for ID W002874

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/18/1989 2:32:13 PM	5/18/1989	Western	\$52.00	Check
Payer		MALAD & HILTON WATER INC.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
0969			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIMS FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$52.00	ADJUDICATION CLAIMS FEE	410162	9337	0	0	6490

Refund(s):

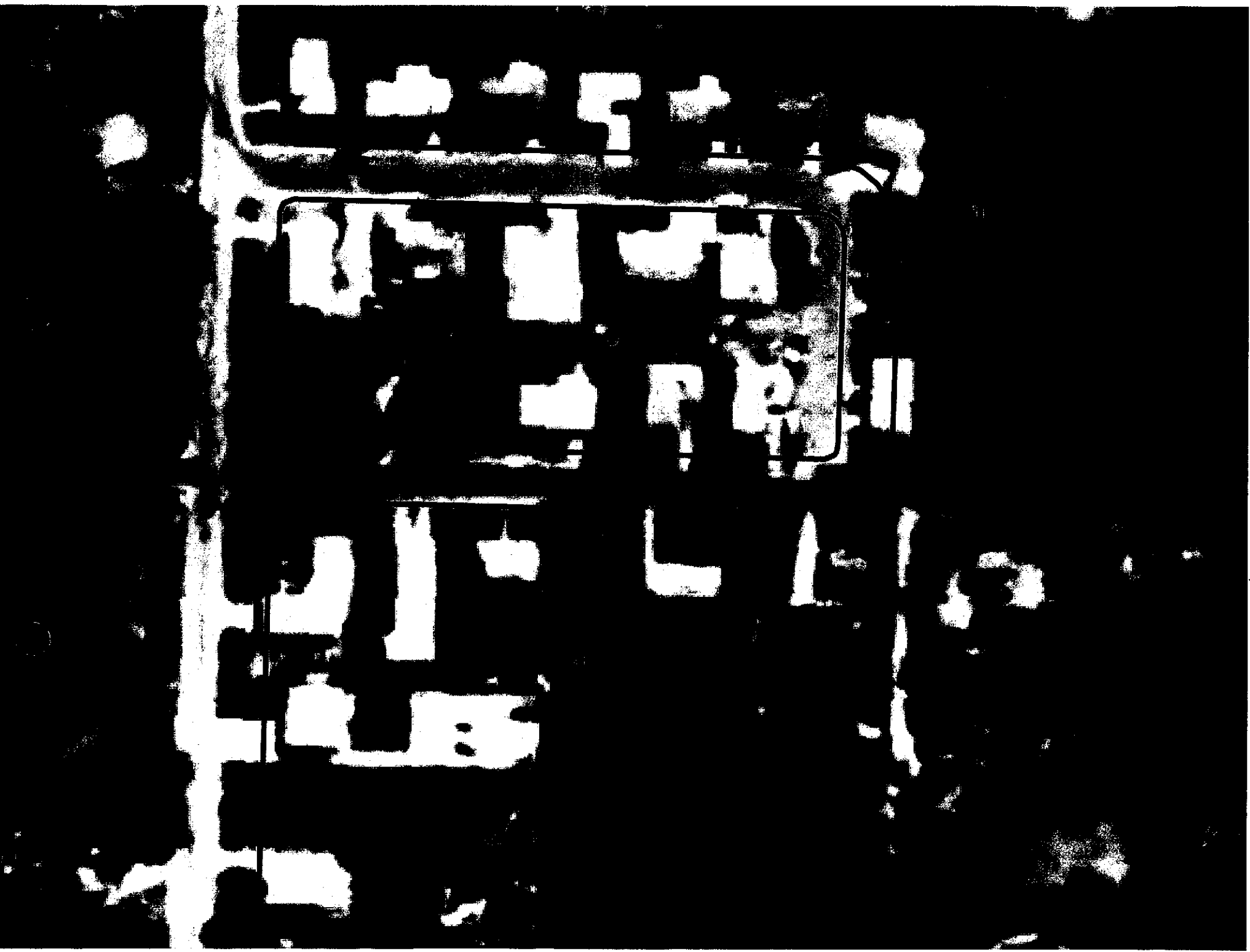
Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4841		\$52.00	Claim

[Print Report](#)

1964 Aerial PHOTO



ARTICLES OF INCORPORATION

OF

MALAD AND HILTON WATER COMPANY, INC.

KNOW ALL MEN BY THESE PRESENTS;

That we the undersigned, all being residents of the United States of America and for and of the State of Idaho, and being of full age, have this day voluntarily associated ourselves together for the purpose of forming a non-profit cooperative association under the laws of Idaho, Title 30 Section 1001-1006, to be hereinafter referred to as a corporation.

And we hereby certify in writing:

I.

That the name of said corporation shall be:

"MALAD AND HILTON WATER COMPANY, INC."

II.

That the purposes for which said corporation is formed are:

1. To encourage the conservation of water by members of the Corporation; to furnish and supply water service to members of the Corporation by means of the cooperative efforts of the members of the Corporation; and to promote the efficiency of use of water by the members.

2. To provide for the members of this corporation a stable and continuing supply of water for the domestic and other use and uses of the members thereof.

And for these purposes, the Corporation shall have authority:

a. To lease and use real and personal property incidental and necessary to the operation of the water system and to enter into any and all contracts that may become necessary to the carrying out of the purposes aforesaid.

b. To buy, sell, own, lease and improve real estate incidental and necessary to the operation of the water system, which may be required or determined necessary and convenient for the purpose of carrying on any of the objects of the Corporation.

c. To buy, sell, and deliver all goods, wares, merchandise, and own all kinds of equipment, apparatus, and appliances.

d. To contract debts and issue bills, notes, mortgages, bonds and debentures.

III.

The Corporation is not organized for pecuniary profit nor shall have any power to issue certificates or stocks or declare dividends and no part of its net earnings shall inure to the benefit of any member, director, or individual. The balance if any, of all monies received by the corporation from its operations after the payment in full of all debts and obligations of the Corporation of whatsoever kind and nature shall be used in the exercise of the purposes above set forth.

IV.

The rights of membership will extend to all owners of improved properties in Blaser's Sub. #3 and Blaser's Sub. #5, County of Ada, State of Idaho; such membership to depend solely upon ownership of said improved properties, and such membership shall be identified with the ownership of said improved properties, and shall not be subject to the approval of the Board of Directors or other members.

V.

Each member hereof shall receive and hold a certificate for each improved property which he holds in Blaser's Sub. #3 and Blaser's Sub. #5, Ada County, State of Idaho, and such members' voting rights shall depend on the number of improved properties or certificates owned by him; each member is entitled to one vote for each certificate which he owns.

VI.

A member entitled to vote in a meeting may assign his proxy to a specific member entitled to vote at such meeting, and may also name an alternate. In advance of voting proxies shall be submitted to the secretary and a committee may be appointed by said secretary to determine the validity of proxies.

VII.

Voting rights shall be restricted only to owners of property within within the said Blaser's Sub. #3 and Blaser's Sub. #5, which said property shall have improvements thereon; no member shall be restricted to any number of improved properties.

VIII.

No member hereof shall be expelled from the Corporation or have his voting rights cancelled except by transfer of his improved properties; however, the corporation shall have power to suspend either the membership or the voting rights, or both, of any member hereof for such periods of time as his dues are not paid; and the corporation shall have power to attach liens for non-payment of said dues; and the service of the water system may be suspended and shut off only when said dues are not paid, and said service shall be restored promptly upon payment of said dues.

IX.

The system for providing water to the members hereof shall be owned by the Corporation and not held by any other means.

X.

The existence of this Corporation shall be perpetual.

XI.

The registered office of this Corporation shall be 2616 Hilton Street, Boise, Idaho.

XII.

The meetings of the members of this corporation shall be held within the territorial boundaries of the State of Idaho.

XIII.

The number of directors of the Corporation shall be three.

XIV.

The directors of this Corporation shall not have the power to amend the by-laws or these articles in any way, which will broaden or restrict the powers of the Board of Directors as stipulated in the said by-laws.

Any amendment to these articles may be made by a vote of a two-thirds majority of all the eligible voters, restricted, however, to the condition that these articles shall not be amended or changed during or within the first year of their existence, said existence to commence from the date of its certificate. Said condition to apply with only one exception, said exception being that if the corporation shall receive the approval of the Federal Housing Administration for a particular change, then such change may be made within the first year.

XVI.

The incorporators of this Corporation are:

~~CARROLL H. MOON~~ *Carroll H Moon* ~~ADDRESS~~ Fontaine St., Boise, Idaho

Charles A. Rowe

CHARLES A. ROWE

5107 Malad St., Boise, Idaho

John Martin

JOHN MARTIN

2611 Fontaine St., Boise, Idaho

William E. Barrett
WILLIAM E. BARRETT

ROBERT W. EVERHEART

2616 Hilton St., Boise, Idaho

Robert W. Everheart
2614 Fontaine, Boise, Idaho

STATE OF IDAHO
County of Ada

On this Tenth day of June, 1961, before me, a notary public in and for said State, personally appeared CHARLES A. ROWE, JOHN MARTIN, and WILLIAM E. BARRETT, known to me to be the persons whose CARROLL H. MOON AND ROBERT W. EVERHEART names are subscribed to the within instrument, and acknowledged to me that they have executed the same.

Don H. Hill
Notary Public
Residing at Boise, Idaho

THIS CERTIFICATE IS NOT VALID UNLESS IT IS SIGNED BY THE SECRETARY OF STATE AND
RECORDED IN THE OFFICE OF THE SECRETARY OF STATE. IT IS THE DUTY OF THE SECRETARY OF STATE
TO INSURE THAT ALL SUCH CERTIFICATES ARE SIGNED BY THE SECRETARY OF STATE AND
RECORDED IN THE OFFICE OF THE SECRETARY OF STATE.

32771

Articles of Incorporation
of

MALAD AND HILTON WATER
COMPANY, INC.

Place of business... Boise.....
Existence..... Perpetual.....
Capital Stock..... None.....

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the
records of Articles of Incorporation
of the State of Idaho and certificate
issued this 14th
day of June 19 61
at 8:00 o'clock A.M.

FEES PAID

Filing \$ 15.00
Recording 3.60
Cert. Copy 1.00
Certificate
License Tax

TOTAL \$ 19.60

ARNOLD WILLIAMS

Secretary of State

By

Edna H. Peterson
Corporation Clerk