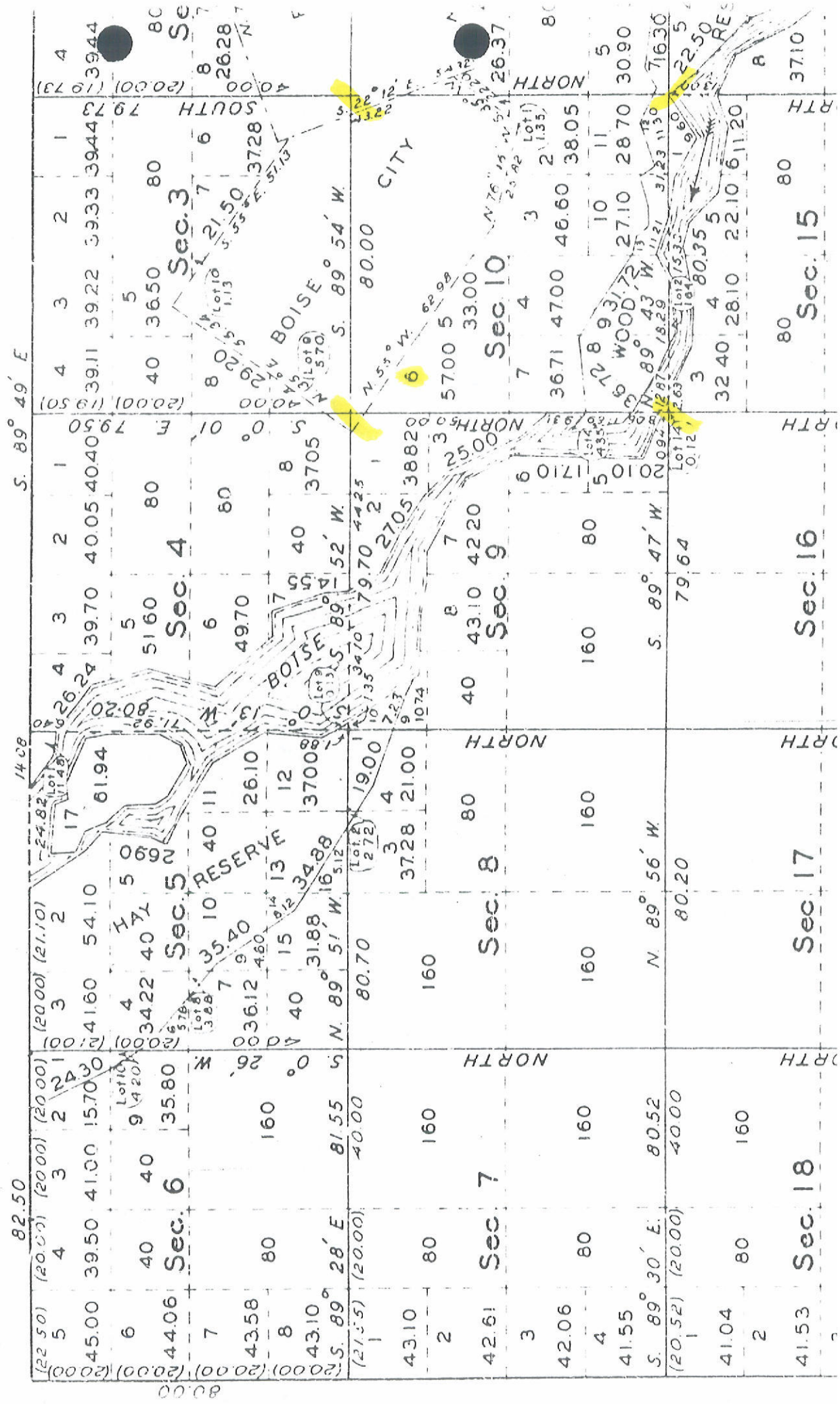
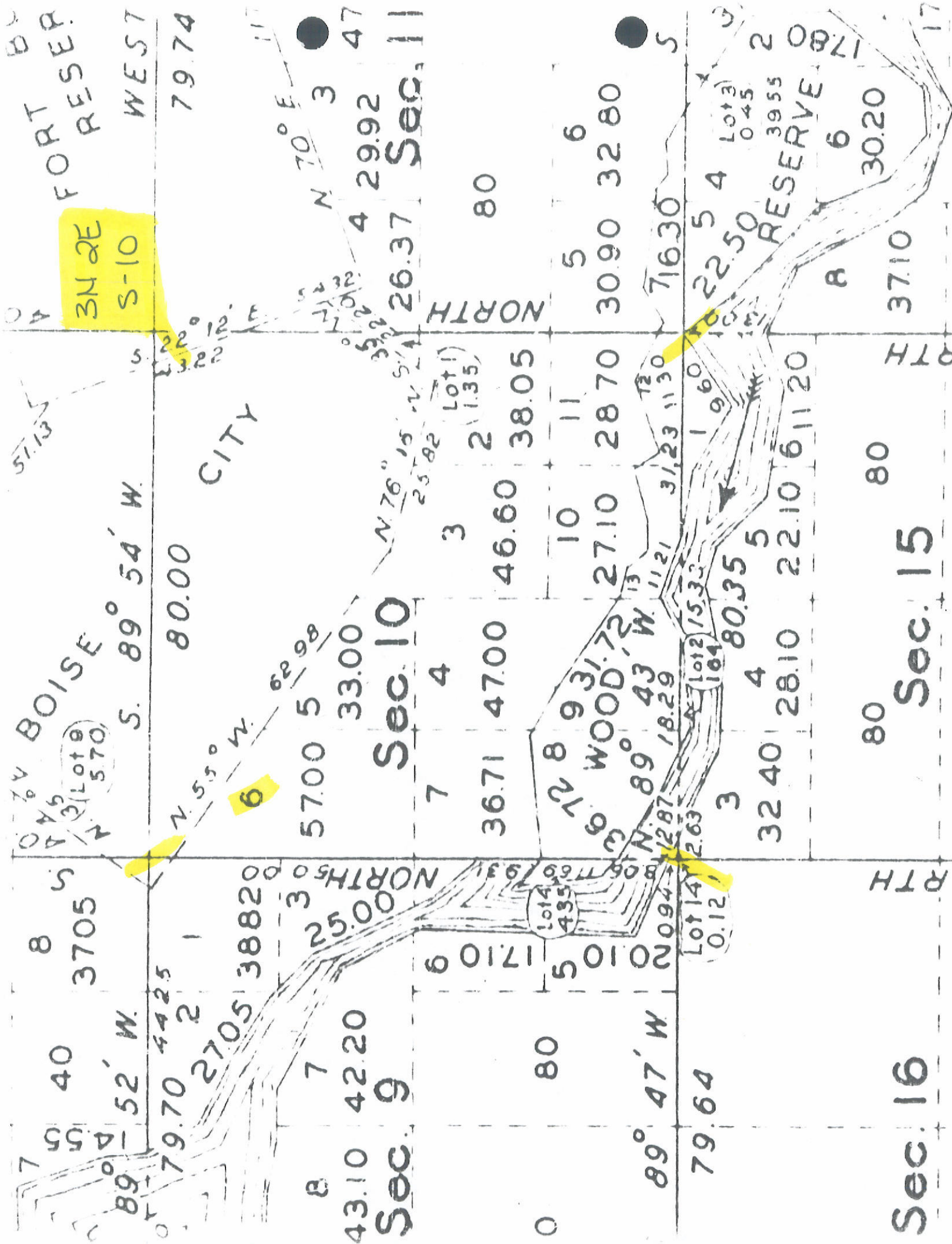


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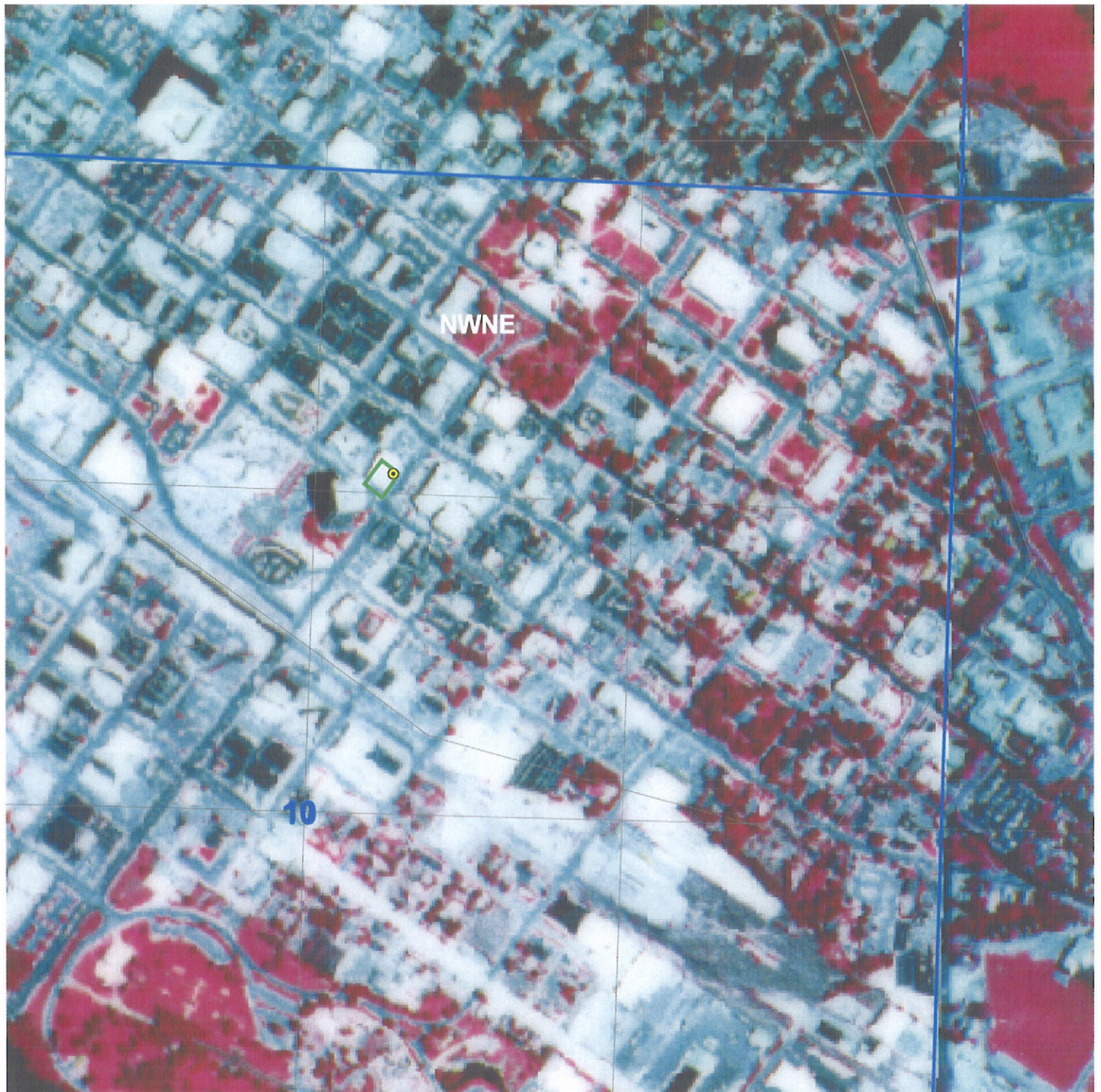
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Idaho Department of Water Resources

63-2785

T03N R02E S10



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

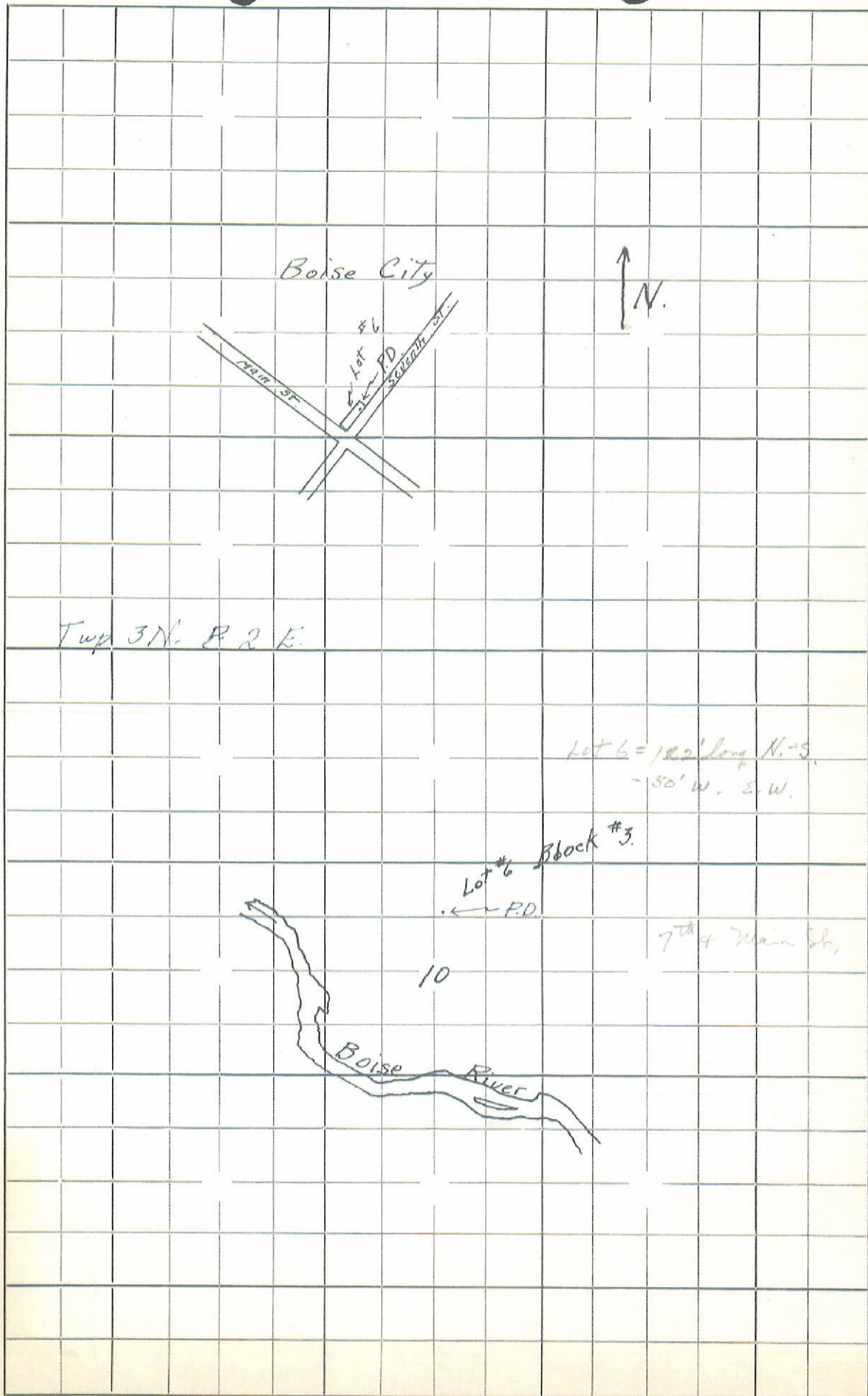


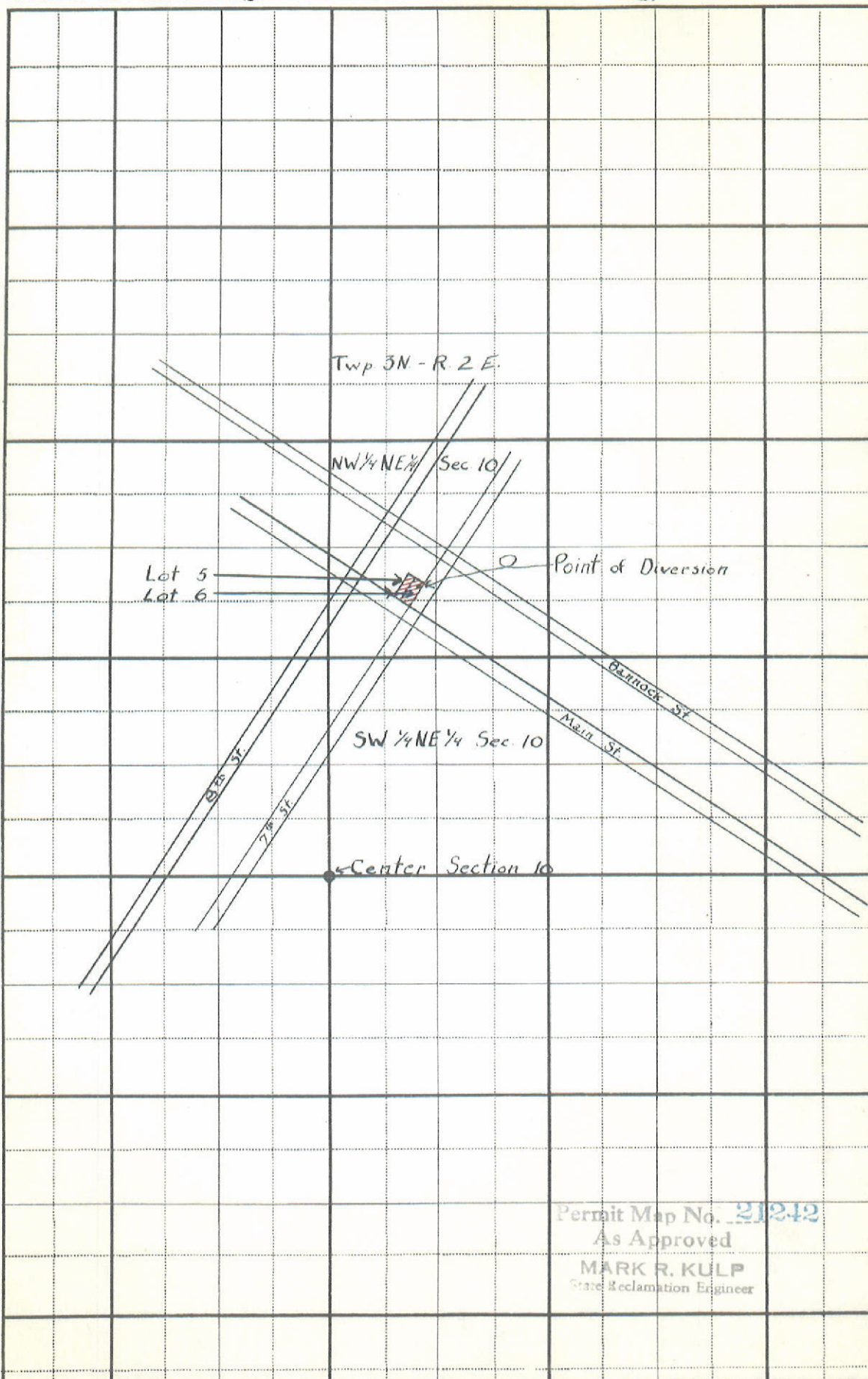
500 0 500 1000 1500 Feet

IDWR

Prepared by: Sandy Egbert

Date: 12-10-04





Permit Map No. 21242
As Approved
MARK R. KULP
State Reclamation Engineer

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 63-2785
Date Received: 7/23/2004
Receipt No: W032041 & W032044
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE HARDY FOUNDATION INC
1301 VISTA AVE
BOISE ID USA 83705

Phone: (208) 345-3506

2. Date of Priority: 10/19/1949

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	10	NW NE	ADA	

5. Description of diverting works:

Well, 52 feet deep, 10 inch casing, cased to bottom.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COOLING	01/01	12/31	0.58	

7. Total Quantity Appropriated is:
0.58 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
03N	02E	10	NW	NE	COOLING	

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:

Fees paid under receipt nos. W032041 & W032044

15. Basis of Claim: License

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 63-2785

Date Received 7-23-04

Receipt Number W032041 (\$100-)

W032044 (\$8-)

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 23 2004

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) The Hardy Foundation, Inc. Phone (208) 345-3506

Mailing Address 1301 Vista Avenue, Boise, Idaho Zip 83705

2. Date of Priority (Only one (1) per claim) October 19, 1949

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 3N Range 2E Section 10,
NW 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, 6 B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well, 52 feet deep, 10 inch casing,
cased to bottom.

SCANNED

JUL 26 2004

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For cooling purposes from Jan. 1 to Dec. 31 amount .58 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .58 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	2E	10		C															C

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

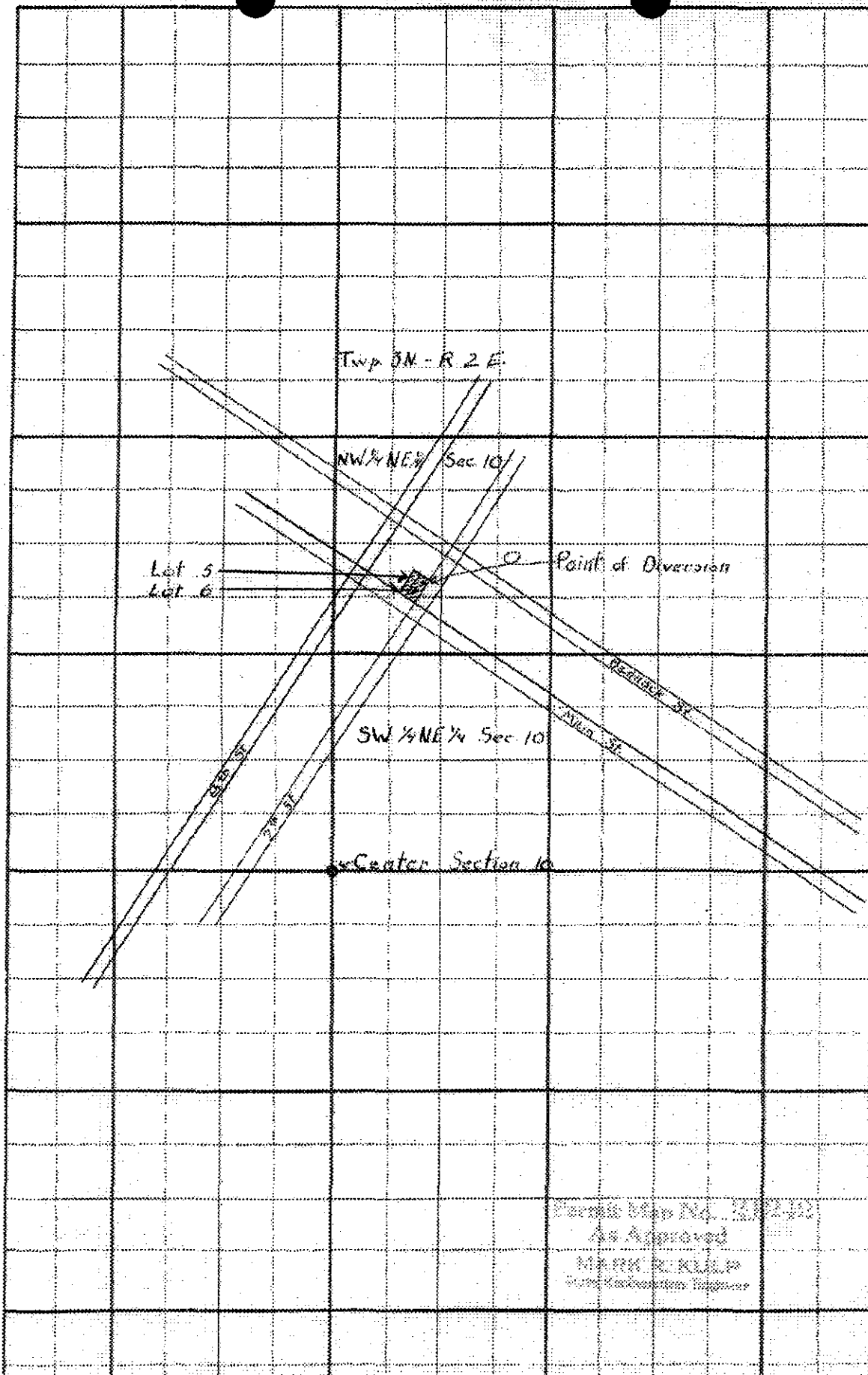
or None (X)

14. Remarks:

Last Name _____ Ident No. _____

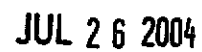
SCANNED

JUL 26 2004



SCALE: 1 INCH EQUAL 1 MILE. DRAW PLAN IN INK.

SCANNED
JUL 26 2004



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-2785
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Vice-President & Sec.
Title _____
of The Hardy Foundation, Inc. Organization _____, that I have signed the foregoing

document in the space below as Vice President Title _____ of THE Hardy Foundation Inc. Organization _____

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

Signature of Authorized Agent Gregory Kato

Title and Organization Vice-President Date July 23, 2004

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of July 2004

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Daniel V. Steenson will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Daniel Steenson

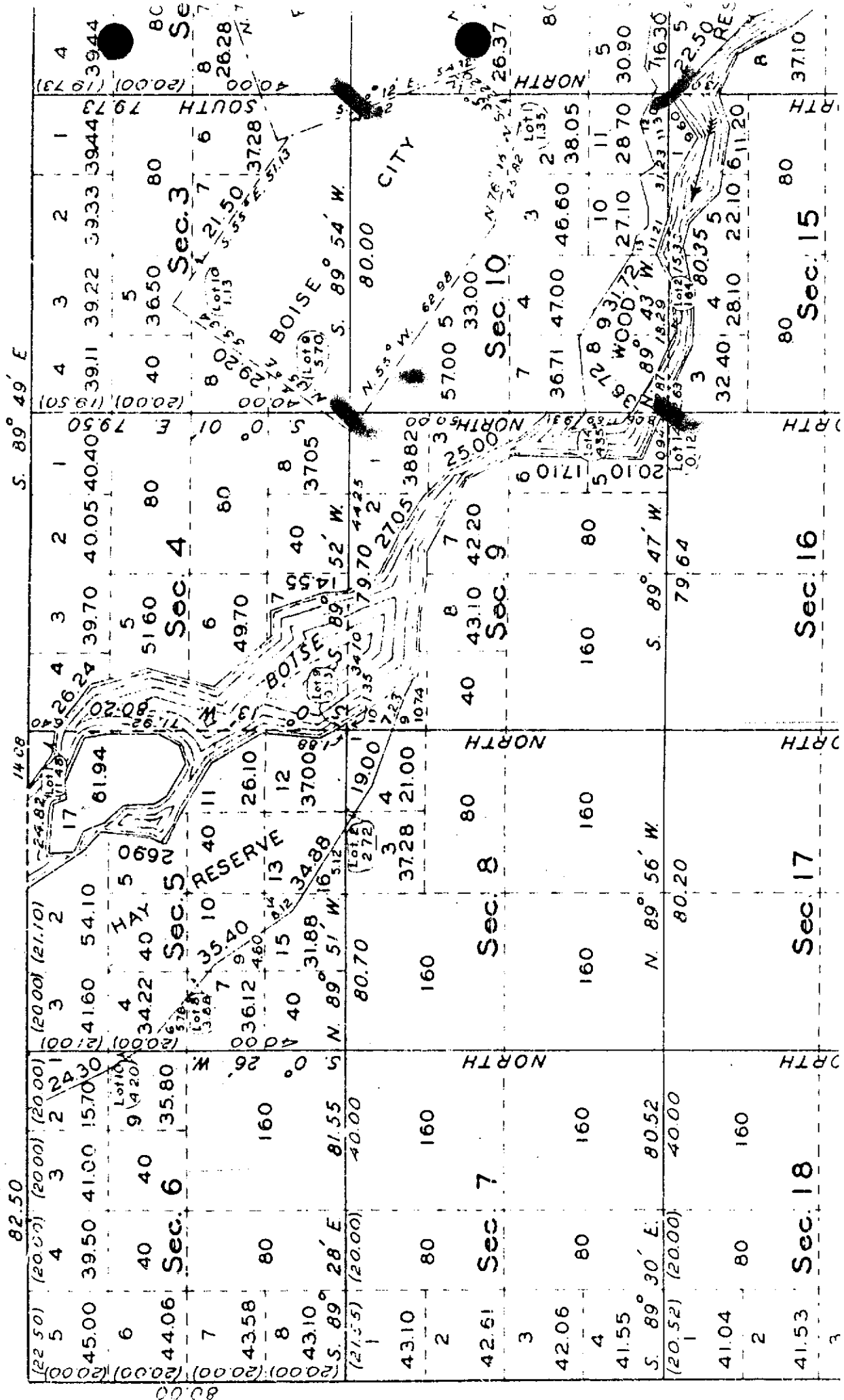
Address 455 South Third St., Boise, ID 83702

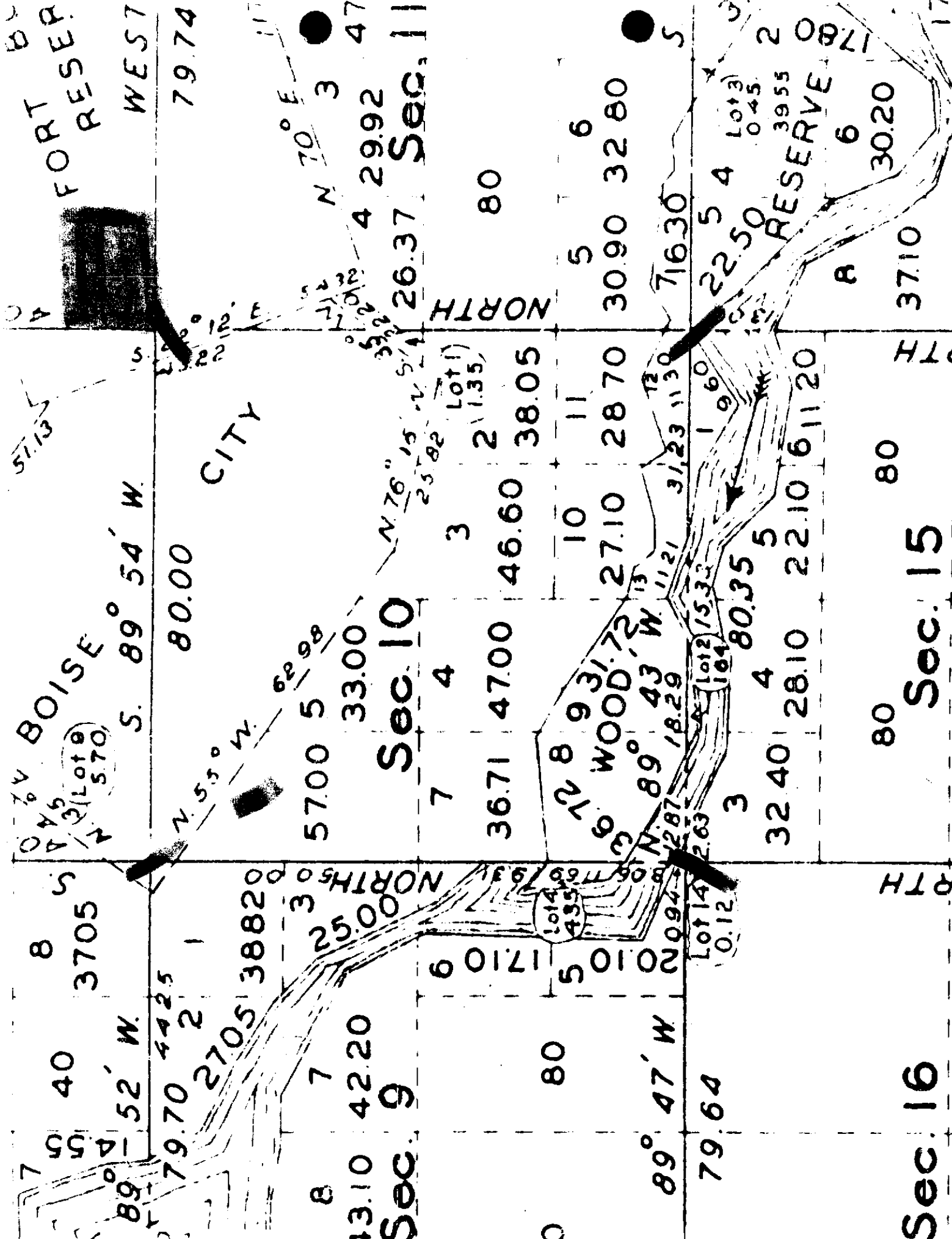
Date July 23, 2004

Last Name _____ Ident. Number _____

SCANNED
JUL 26 2004

Nº 3 NORTH, RANGE Nº 2 EAST OF THE





FORT RESE

WEST 79.74

BOISE
S. 89° 54' W.
80.00

CITY

Sec 10

NORTH

Sec 9

Sec 15

Sec 16

RESERVE

WOOD

Idaho Department of Water Resources Receipt

Receipt ID W032041

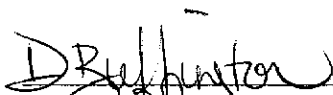
Payment Amount \$100.00 Date Received 7/23/2004 3:07:42 PM Region Western Status
Payment Type Check Check Number 26759

Payer RINGERT CLARK CHARTERED

Comment NOTICE OF CLAIM: 63-2785

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	ADJUDICATION FILING FEE	0337	42503	1155	


Signature Line (Dept. Representative)

SCANNED
JUL 26 2004

Idaho Department of Water Resources Receipt

Receipt ID W032044

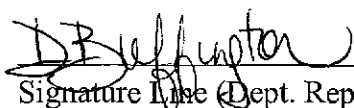
Payment Amount \$8.00 Date Received 7/26/2004 12:32:37 PM Region Western Status
Payment Type Check Check Number 26771

Payer RINGERT CLARK CHARTERED

Comment NOTICE OF CLAIM: 63-2785 (REMAINDER OF FEE)

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$8.00	ADJUDICATION FILING FEE	0337	42503	1155	



Signature Line (Dept. Representative)

SCANNED

JUL 26 2004

Note:

Claim states gov't lot 6 in
the POD, but gov't lot 6 does
not correspond w/ NWNE according
to attached gov't lot map.
lot # not entered in database.

AS 7-26-04

IMPORTANT MESSAGE

FOR

Sandy

DATE

12-21-05

TIME

9:46A.M.
P.M.**WHILE YOU WERE OUT**

M

Dan Streenson

OF

PHONE NO.

342-4591

TELEPHONED

PLEASE CALL

CAME TO SEE YOU

WILL CALL AGAIN

WANTS TO SEE YOU

RUSH



RETURNED YOUR CALL

MESSAGE

re: preliminary
report63-2785342-4657 - FAXfaxed a copy of the "cooling" form

SIGNED

Leg stating system is
used for 15 hrs
per day

OfficeMax

OM97295

* * * Memory TX Result Report (Dec. 27. 2005 11:28AM) * * *

1) Idaho Dept. of Water Resources
2)

Date/Time: Dec. 27. 2005 11:28AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
3414 Memory TX	93424657	P. 2	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

BERN KEMPTHORNE
GovernorKARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 12-27-05TO: Dan StreasonFROM: Sandy Egbert342-4657DOCUMENT DESCRIPTION: Re: water right 63-2785The Hardy FoundationTOTAL PAGES SENT: 1 + COVER SHEET

CONTACT: _____

NOTICE OF ERROR
REPLY

06/02/2005

RECEIVED

JUN 15 2005

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-2785

THE HARDY FOUNDATION INC

1301 VISTA AVE

BOISE ID 83705

Telephone Number: (208) 345-3506

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

QUANTITY : License #62-2785 is for 0.58 cfs. There is no other volume or rate associated with the License.

2. Describe the changes you wish to make in the proposed recommendation:

Please remove the reference to "264.60 AFY".

The reference does not appear in the original license.

3. Give a brief explanation as to why you disagree with these portions:

License #63-2785 is for 0.58 cfs. The License is not defined by an acre-foot measurement. Such an acre-foot designation, or definition is not necessary and its inclusion would change a 1949 license.

 I AGREE with this proposed recommendation: no changes need to be made.

DATE:

JUNE 9, 2005

SIGNATURE:

GREGORY KASLO

Please print your name:

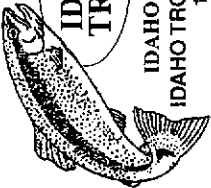
GREGORY KASLO

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

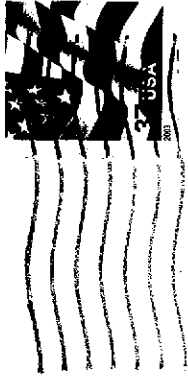
RECEIVED

JUN 07 2005

RINGERT CLARK



IDAHO TROUT COMPANY
IDAHO TROUT PROCESSORS CO.
1301 VISTA AVE.
BOISE, IDAHO 83705



IDWR Regional Office
2735 Airport Way
Boise, ID 83705

25705+3042

05/06/2005

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

RIGHT NUMBER: 63-2785

NAME AND ADDRESS: THE HARDY FOUNDATION INC
1301 VISTA AVE
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.580 CFS
264.600 AFY

PRIORITY DATE: 10/19/1949

POINT OF DIVERSION:

T03N R02E S10 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COOLING

01/01 12/31

0.580 CFS

264.60 AFY

PLACE OF USE: COOLING Within ADA County

T03N R02E S10 NWNE

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.

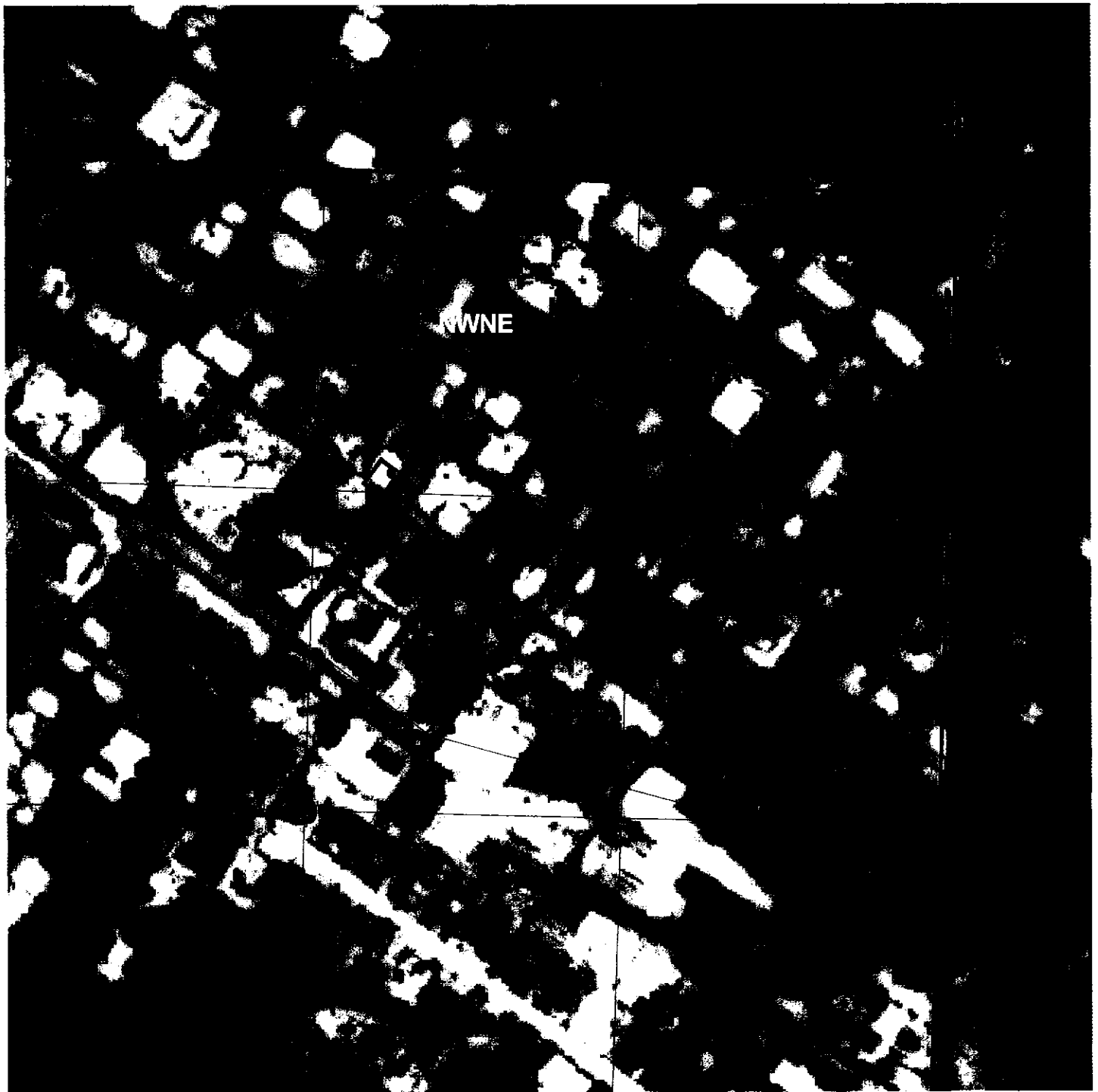
EXPLANATORY MATERIAL: License

Parcel # R1013000202

Idaho Department of Water Resources

63-2785

T03N R02E S10



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



500 0 500 1000 1500 Feet

IDWR
Prepared by: Sandy Egbert
Date: 12-10-04

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2785 V1

WATER RIGHT NUMBER: 63-2785 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MENMAR THEATER CO 52 W 2ND S SALT LAKE CITY, UT
Attorney	DANIEL V STEENSON RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701 (208)342-4591
Original Owner	E W MC GHAN , ZZ
Current Owner	THE HARDY FOUNDATION INC 1301 VISTA AVE BOISE, ID 83705 (208) 345-3506

Priority Date: 10/19/1949

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COOLING	01/01 to 12/31	0.580 CFS	264.60 AF
	<u>Total Diversion:</u>	0.580 CFS	264.60 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10, Twp 03N, Rge 02E, B.M.
ADA County		

Place of Use

COOLING

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	10		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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2785 V1

2. Parcel # R1013000202

Remarks:

Comments:

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:
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	12/10/2004 3:29:03 PM	segbert			Active
POD	12/10/2004 3:29:35 PM	segbert			Active
Source	12/10/2004 3:30:41 PM	segbert			Active
POU	12/10/2004 3:31:20 PM	segbert			Active
Use	12/10/2004 3:32:23 PM	segbert			Active
Season	12/10/2004 3:33:53 PM	segbert			Active
Quantity	12/10/2004 3:34:49 PM	segbert			Active
Summary			05/06/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/10/2004 3:29:52 PM	segbert	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2785 V1

Priority Date	12/10/2004 3:29:03 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/10/2004 3:29:36 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Season	12/10/2004 3:33:54 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - As claimed
Quantity	12/10/2004 3:34:50 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?
Source	12/10/2004 3:30:42 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2785 V1

POU	12/10/2004 3:31:21 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	12/10/2004 3:31:45 PM	segbert	Edited shape boundary
Use	12/10/2004 3:32:24 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Summary	5/6/2005 1:16:29 PM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2785

WATER RIGHT NUMBER: 63-2785

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MENMAR THEATER CO 52 W 2ND S SALT LAKE CITY, UT
Attorney	DANIEL V STEENSON RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701 (208)342-4591
Original Owner	E W MC GHAN
Current Owner	, ZZ THE HARDY FOUNDATION INC ✓ 1301 VISTA AVE BOISE, ID 83705 (208) 345-3506

Priority Date: 10/19/1949 ✓

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>
COOLING ✓	01/01 to 12/31	0.580 CFS ✓	264.6
	<u>Total Diversion:</u>	0.580 CFS ✓	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4 ✓	Sec. 10, ✓	Twp 03N, ✓	Rge 02E, B.M. ✓
ADA County				

Place of Use

COOLING

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	02E	10		X															

Conditions of Approval:Remarks:

Parcel # R1013000202

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2785

1. General Fees paid under receipt nos. W032041 & W032044

Comments:Dates and Other Information:

Claim Received Date: 7/23/2004
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
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 \$108.00
- ☐ 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 completeClaim No(s) 63-2785

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER New owners filed a new claim on 7-23-04
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

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: _____

(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

- ☒ 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

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

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 _____ From _____ To _____ Amount _____ CFS _____ 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 _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet) $1.58 \times 1.9835 \times 230 \text{ days} = 264.6$
 $(15 \text{ hrs/day} \times 365 = 230 \text{ days})$ **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: _____

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

Delivery System Narrative: _____

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

The license describes the POW as Lts 5 & 6 Block 3 Boise City Original townsite. That description is not used in the GCDTB nor the tax lot data so it was left off the recommendation.

(A)	Area of floor space
(Ti)	Inside design temperature
(To)	Average outside temperature
(S)	Source temperature
(D)	Heating/cooling days per season
(H)	Hours per day system operates
(e)	Building efficiency factor



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2004

THE HARDY FOUNDATION INC
1301 VISTA AVE
BOISE ID 83705

Re: Notice of Claim to a Water Right No. 63-2785

Dear Claimant(s):

Enclosed is your copy of the above referenced claim(s), in which you recently filed with the Department.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DB: db

Enclosure

cc: Daniel Steenson @ Ringert Clark Chartered

SCANNED
JUL 26 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2785

WATER RIGHT NUMBER: 63-2785

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	E W MC GHAN
	, ZZ
Current Owner	MENMAR THEATER CO 52 W 2ND S SALT LAKE CITY, UT

Priority Date: 10/19/1949

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>
COOLING	/ to /	0.580 CFS	
	<u>Total Diversion:</u>	0.580 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseConditions of Approval:Remarks:

1. General P/D LOT 6, BLK. 3, BOISE CITY ORIGINAL TOWNSITE.
P/U LOTS 5 & 6, BLK. 3, BOISE CITY ORIGINAL TOWNSITE.

Comments:

~~3-12-1591~~

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-2785

Dates and Other Information:

Licensed Date: 8/28/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
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
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUL 23 2004

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
-----------------------	------------------------------	-------	-----------------------	------------------------------	-------

63-2785

This was submitted with

2. The following:

A. The appro

the new claim. Probably

B. A copy of ownership

C. Either of the

PLAT OF

your water

If your wa

Service A

AERIAL I

3. Name and Address of Former Owner/Claimant(s)

Menmar Theater Co.

4. New Owner/Claimant(s)

The Hardy Foundation, Inc.

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

1301 Vista Avenue

City, State and ZIP Code

Boise, ID 83705

New Telephone Number

208 345-3506

5. Date you acquired the property

December 30, 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUL 23 2004

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-2785					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Menmar Theater Co.
4. New Owner/Claimant(s) The Hardy Foundation, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1301 Vista Avenue
- City, State and ZIP Code Boise, ID 83705
- New Telephone Number 208 345-3506
5. Date you acquired the property December 30, 1997

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Gregory K. Hardy ; THE Hardy Foundation Inc.
(include title if applicable) Vice President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESINSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1.** Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3.**
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

State of Idaho

License and Certificate of Water Right

Water License No. 21242 Amount 0.58 second foot
 Water District No. _____ Priority October 19, 1949

THIS IS TO CERTIFY that E. W. McGHAN
 of Salt Lake City, Utah, made application for a permit to appropriate the
 public waters of the State of Idaho, dated September 19, 19 49; that Permit No. 21242
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.75 second foot, was issued thereunder on January 4, 19 50, showing that said works
 were completed on the 21st day of December, 19 49; and that on the 6th
 day of February, 19 50,

E. W. McGHAN, THROUGH TOM D. McELDONNEY, his authorized agent,
 of Boise, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well
subterranean (subterranean flow), for the purpose of commercial cooling Ada
Theatre, under Use Permit No. 21242 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4874, on the 4th day of January, 19 52;

The right hereby confirmed dates from October 19, 19 49;

The Point of Diversion is located in Lot 6, Block 3, Boise City Original Townsite, located
 in the NW 1/4 NE 1/4 Sec. 10, Twp. 3 N., R. 2 E., B.M. Ada County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 0.58 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			At the <u>Ada Theatre</u> , Boise, Idaho, located in <u>Lots 5 and 6</u> , Block <u>3</u> , Boise City Original Townsite.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
 of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of January, 19 1952

MARK R. KULP
 State Reclamation Engineer

(SEAL)

63 2785

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21242

This proof is for Beneficial use In Water District No. _____
1. Name of applicant E. W. McGhan, C/o Intermountain Theatres, 52 W. 2nd So. Salt Lake City, Utah.

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10
T. 3 N. R. 2 E. County of Ada (Lot 6, Block 3, B. C. O. T.)

4. Describe works as they exist, giving dimensions and capacities of same: Well is 52 feet deep, 10 inch casing, cased to the bottom. H. equals 18 feet, drawdown is 8 feet. Well and pump are located in the basement of the Ada Theatre under the sidewalk on 7th. Street. Point of diversion is 10 feet from the building, and 21 feet from the center of the alley to the North. The motor is a 5 h.p. U. S. Motor, Serial No. 825281, 60 cy., 3 ph., 1800 r.p.m. 220/440 volts, 14/7 amps.

5. Water is used for: Cooling for Ada Theatre.

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Lots 5 & 6, Block 3, B. C. O. T., in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, Twp. 3 N., Range 2 E., B.M.

The Ada Theatre on the Northwest corner of 7th. and Main. Boise, Idaho

(Submit map on attached plat, showing location and details of above description.)

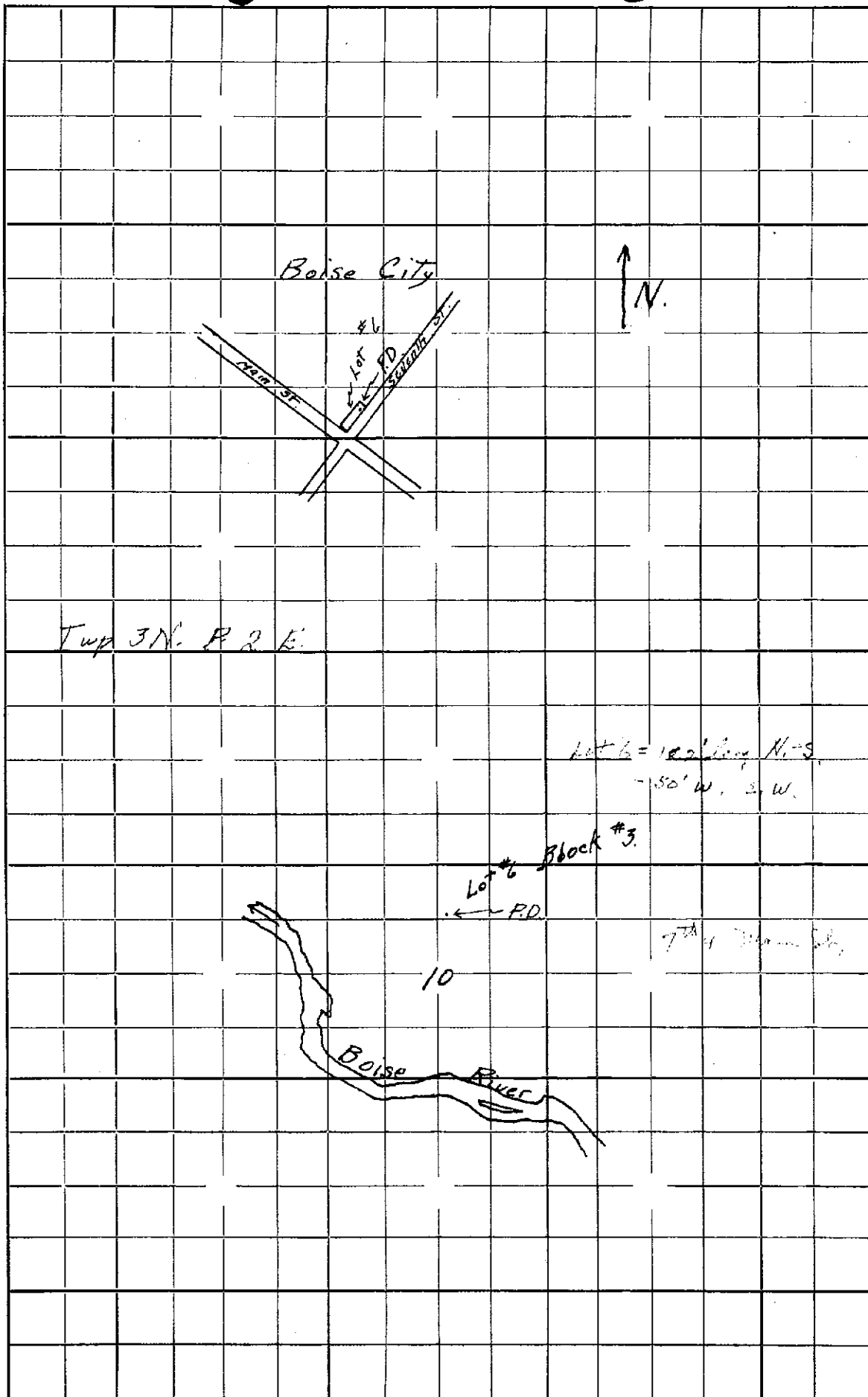
8. What large stream would the water here appropriated finally reach? _____

Remarks: The pump is a Berkley Pump, Serial No. 5010215, 1750 r.p.m., Model #1803L. The pump has a 5 inch outlet. Pump capacity is 200 gallons per minute as used. Open discharge delivery is 500 g.p.m. The discharge pipe is covered with asbestos and is about 30 yards long, leading to the air cooler unit. The main air cooler unit is a very large radiator approximately 6' x 6' square x 9" thick. There is also a small pipe leading to 4 large air wash units (FARR Air Rotary Coolers). Water wells on each is 4' long x 1 $\frac{1}{2}$ ' deep x 14" across. Each rotor is 4' in diameter. This cooler system cools the air, washes it and then dries it before introducing it to the theatre auditorium. The water in this system passes through the cooler units and is dumped back into the sewer system of Boise. This system is a closed system. There is no pressure gage.

This examination was made on the 16th day of July, 19 51

(Signed) E. A. Humphrey Examiner.

21242



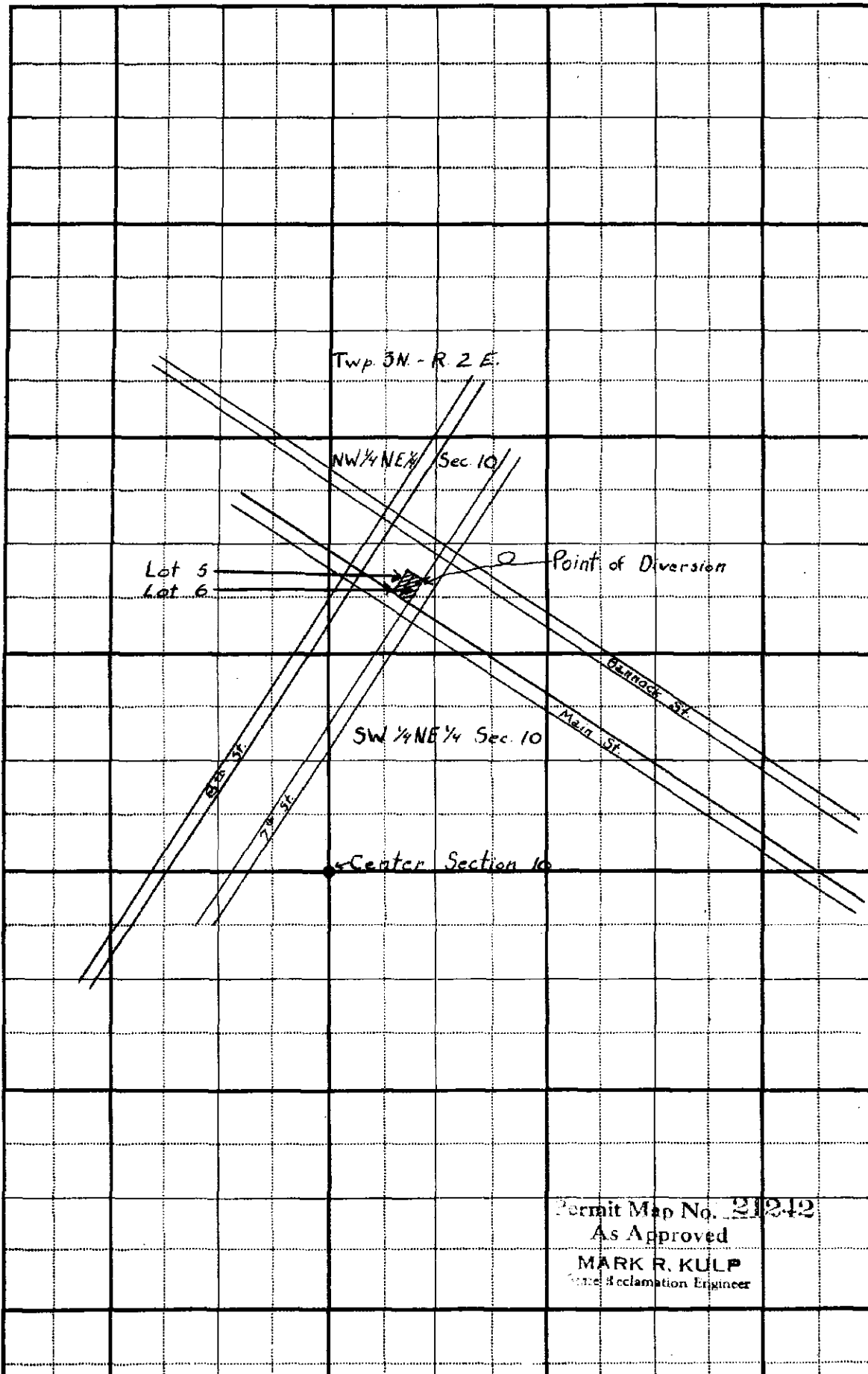
Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

21242

NAME OF APPLICANT

E. J. McGhan

FORM No. 0



SCALE: 8 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

21242