

21

T05N, R03E, S21

Deer Point

Doe Point

KBOI-TV

NWSE Towers

KIDO-TV

7032

NESE

1957 TOPO W60

63-03169

POD
T05N, R03E, S21,
SENESE

6400

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: A63-03169
Date Received: 5/19/1989
Receipt No: W002913
Received By: DE MIA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KING BROADCASTING DBA KTVB-TV 208-375-7277
Address: PO BOX 7
BOISE, ID 83707

2. Date of Priority: SEP 01, 1959

3. Source: SPRING Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	03E	21	SE	NE			BOISE

5. Description of diverting works:
2" SUB. WELL PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		
COOLING	01/01	12/31	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D\ 2 HOMES COOLING - TRANSMITTER EQUIPMENT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	03E	21	NW	SE		DOMEST	
			NW	SE		COOL	

A63-03169

Page 1

Date: 06/06/89

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AUG 18 1992

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
POINT OF DIVERSION DIFFERENT ON LICENSE, AMOUNT WATER INCREASED,
ADDITION OF 1 HOME. THE PROPERTY LISTED ABOVE - PERMIT US FOREST
SERVICE.

15. Basis of Claim: BENEFICIAL USE

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

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 _____

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 _____

Date Received _____

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NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 10 1989

Department of Water Resources
Twin Falls Regional Office

Please type or print clearly

1. Name of Claimant (s) King Broadcasting dba KTVB-TV Phone (208) 375-7277Mailing Address PO Box 7, Boise, Idaho Zip 837072. Date of Priority (Only one (1) per claim) Sept 1, 19593. Source of water supply (a) Spring
which is tributary to (b) Boise River4. a. Location of existing point of diversion is: Township 5N Range 3E Section 21,
SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Boise

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. 2 inch submersible wellpump

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.06 cfs or _____

For Cooling purposes from 1/1 to 12/31 amount 0.06 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____
0.12 cfs

7. Total quantity claimed (a) ~~0.06 cfs~~ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 0.06 cfs acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic - 2 households Cooling - transmitter equipment

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	
<u>SN</u>	<u>3E</u>	<u>21</u>														<u>D/c</u>			

Total number of acres irrigated NA

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

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

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

Permit US Forest Service

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

or None (✓)

14. Remarks:

Last Name _____ Ident No. _____

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Copies: White - State, Yellow - Claimant
AUG 18 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

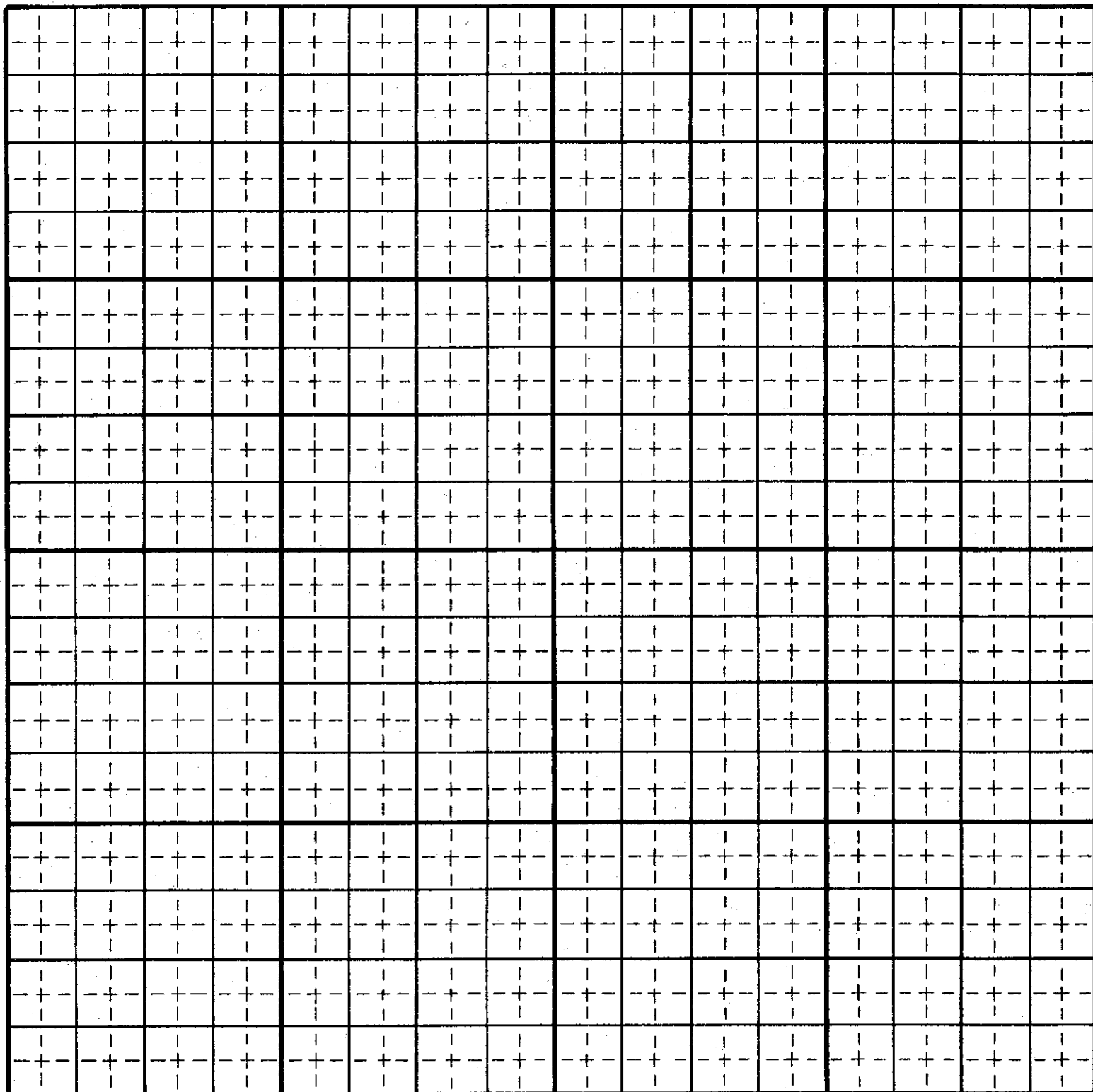
If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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

Scale: 2 inches equals 1 mile



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Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

(See attached copy)

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 20131/63-3169

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 Business Manager Title

of King Broadcasting dba KTVB-TV Organization, that I have signed the foregoing

document in the space below as Business Manager Title of King Broadcasting Organization

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

Signature of Authorized Agent Andy Antis

Title and Organization Bus Mgr King Broadcasting dba KTVB-TV Date 5-17-89

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

Subscribed and sworn (or affirmed) before me this 17th day of June 19 89

SEAL

Notary Public Sally J. Craven

Residing at Boise, Idaho

My Commission Expires July 27, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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Copies White-State, Yellow-Claimant



Sage Basin Ski Area
Chairlift No. 1

To Shafer
Butte

Lift
Terminal

WATER
PUMP

To Eagleson Summit

To Boise

DEER POINT SPECIAL USE LOTS

Boise National Forest Idaho City District
Section 21, T5N, R3E
Scale 1 Inch = 200 Feet (Approx)

Legend

- == Roads
- - - Lot Boundaries
- 5 Lot Number
- Buildings
- ⊗ T.V. Towers

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AUG 18 1992

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 28131/63-3169 Priority Sept. 1, 1959 Amount 0.06 cfs

THIS IS TO CERTIFY, that KTVB, Inc.
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 28131/63-3169 issued pursuant to Application for Permit dated September 1, 1959,
and has submitted proof to the Department of Water Administration on June 8, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.06 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed spring
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.06 cfs for domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 0.06 cfs for cooling from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.06 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21, Twp. 5 N, Rge. 3 E, B.M.

in the county of Boise; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1.8 acre feet per year or _____

0.6 acre feet per ~~acre~~ domestic unit and 41.7 acre feet for cooling use
with the maximum volume not to exceed _____

Description and location of place of use: 43.5 acre feet per year.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N	3 E	21													X	X			

Total number of acres irrigated _____

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of
February, 19 72.

[Signature]
Director

A parcel of land lying between the Upper and Lower Summit roads in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 15, Twp. 4 North, Range 3 E.B.M., and adjoining the R. G. Spaulding tract, as recorded in Book 43 of Deeds at page 454, Boise County, Idaho, and described by metes and bounds as follows: Beginning at the NW corner and iron pin, on the east edge of the Upper Summit Road and situated S. 16° 50' E. 426 feet from the corner of Secs. 9, 10, 15, and 16, Twp. 4 N. R. 3 E.B.M.; thence S. 82° 30' E. 85.3 Feet to an iron pin in the Westerly edge of the Lower Summit road; thence along the Westerly edge of the Lower Summit road, S. 29° 13' W. 94.6 feet S. 20° 42' W. 140 feet, S. 31° 40' W. 86 feet, S. 5° 18' E. 130.7 feet, a total distance of 451.3 feet to an iron pin and the intersection of the Upper and Lower Summit roads, thence along the eastern edge of the Upper Summit Road N. 59° 10' W. 61 feet, N. 11° 30' W. 99 feet, N. 27° 00' E. 148 feet; N. 18° 02' E. 173 feet, a total distance of 481 feet to the place of beginning. It is hereby agreed that this property shall be used only for domestic and residence purposes.

All of the S $\frac{1}{4}$ of Sec. 10 T 4 N, R 3 E, B.M. in Boise County, consisting of 320 acres; also all right, title and interest of the sellers to all the N $\frac{1}{4}$ of Sec. 15 T4 N, R 3 E. B.M., which as of September 5, 1947, had not been sold, transferred or set aside and of record in Boise County, Idaho, comprising 250 acres, more or less; also all the right, title and interest of the Sellers in all lots in "Pineview Subdivision" being part of the W $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 15, T 4 N, R 3 E, B.M., plat of which is of record in Boise County, Idaho, that as of September 5, 1947, had not been sold, transferred or set aside and of record in said Boise County, Idaho; also all right, title and interest in a certain spring known as the "Coonan Spring", located in the northern part of the S $\frac{1}{4}$ of Sec. 10, T 4 N, R 3 E, B.M. Boise County, together with all water derived therefrom; to have and to hold to themselves, their heirs, executors and assigns forever.

The NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 14, T 4 N, R 3 E, B.M., and Tax No. 13 in Sec. 10, all in T 4 N, R 3 E, B.M. Boise County, Idaho.

The NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 15, Township 4 North, Range 3 East, Boise Meridian, Boise County, Idaho.

EXHIBIT "A"

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AUG 18 1992

WARRANTY DEED

COPY

FOR VALUE RECEIVED WILLIAM EARL HAWKINS, a married man, dealing with his sole and separate property

GRANTOR do es hereby GRANT, BARGAIN, SELL and CONVEY unto Pamela Diane Gehlken, R# 234, Summit City, CA 96089; Paula Sue Marinneau, 3979 Riverview, Redding, CA 96001; and Patsy Beth Gruber, #15, 520 Cook St., Victoria, B.C. V8V 34 Canada, as Co-Trustees of the Family Trust of William Earl Hawkins

GRANTEE whose current addresses are as above

the following described real property in Boise

County, State of Idaho,

more particularly described as follows, to wit

As Exhibit "A" attached hereto and incorporated by reference herein.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S and their heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantee that he is the owner in fee simple of said premises; that said premises are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: January 4, 1982

William Earl Hawkins
WILLIAM EARL HAWKINS

STATE OF IDAHO, COUNTY OF Ada
On this 4th day of Jan. 1982,
before me, a notary public, in and for said State, personally
appeared William Earl Hawkins

Known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

William E. Nelson
Notary Public
Idaho

Residing at: Boise
Comm Expires: 8-1-1985

STATE OF IDAHO, COUNTY OF Blaine
I hereby Certify that this instrument was filed for record at the re-
quest of *William Earl Hawkins*

at 42 minutes past 3 o'clock P.M.
this 5th day of January
1982 in my office, and duly recorded in Book 83
of Deeds at page 366

William E. Nelson
Ex Officio Recorder

By *James E. Nelson*
Fees \$ *7.50*
Mail to *Box 2836 - Boise 83701*

CHICAGO TITLE COMPANY OF IDAHO



MICROFILMED

AUG 18 1992

INSTRUMENT NO. 103225

**DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE**

THIS DEED, Made by Shirley Springer-Bettis, as Personal Representative of the Estate of Albert Leopold Trulemans, deceased, Grantor, to Shirley Springer-Bettis, Grantee, whose address is 2211 Southwest 1st Avenue, Number 1103, Portland, Oregon 97201.

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Probate Number 3P-9684, in Ada County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the herein-after described real property;

THEREFORE, for valuable consideration received, Grantor conveys and releases to Grantee all of the decedent's interest in and to the real property described on Exhibit "A", attached hereto and by reference made a part hereof, in Boise County, Idaho.

EXECUTED this July day of 1, 1985.

Shirley Springer-Bettis
Shirley Springer-Bettis
Personal Representative of the Estate
of Albert Leopold Trulemans, deceased

STATE OF OREGON)
) ss.
County of Multnomah)

On this 1st day of JULY, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared Shirley Springer-Bettis, known to me to be the person whose name is subscribed to the within instrument as the Personal Representative of the Estate of Albert Leopold Trulemans, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first hereinabove written.

Lisa Stehert
Notary Public for Oregon LISA STEHERT
Residing at Portland, Oregon NOTARY PUBLIC-OREGON
My Commission Expires 12-28-86

Boise County Idaho ss
Request of

Clemens Cosho
117520
8:38 AM.

Date
7/8/85

Filmed
Arlo G. Koler

By Kyrene Woods
Deputy

Fee \$ 8.00

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AUG 18 1992

Beginning at a point on the West boundary of Section 15, T. 4. N. R. 3 E.B.M. from which the Northwest corner of said Section 15 bears North 0°02' West 1173 feet; thence North 89°58' East 100.0 feet to the real place of beginning; thence 0°02' West 100.0 feet; thence North 27°47' East 173.3 feet; thence South 21°58' East 30.51 feet; thence South 4°06' West 225.59 feet; thence South 89°58' West 76.0 feet to the place of beginning, containing 0.348 acres. This tract is Lots 11 and 13 of Pineview Subdivision as shown on a certain plat hereafter to be filed for record.

Also, a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, T. 4 N. R. 3 E.B.M., described by metes and bounds as follows: From the corner of Sections 9, 10, 15 and 16, T. 4 N. R. 3 E.B.M., North 89°32' East 330.00 feet; thence South 0°02' East 986.19 feet to the real place of beginning; thence South 0°02' East 115.80 feet; thence North 84°50' West 85.60 feet; thence on a curve, whose radius is 30 feet through 91°04' of arc to the right; thence North 4°06' East 75.10 feet; thence North 89°58' East 108.20 feet to the real place of beginning. This tract is Lot 12 of Pineview Subdivision as shown by a certain plat hereafter to be filed for record.

Together with all water rights, pipe lines, and reservoir appurtenant thereto or used in connection with the above property.

Also, beginning at the Northwest corner of Section 15, Township 4 North, Range 3 East, Boise Meridian, thence South along the section line a distance of 1073 feet to the real place of beginning; thence East 100 feet; thence South 100 feet; thence West 100 feet; thence North 100 feet to the place of beginning. Together with all water rights, pipe lines and reservoir appurtenant thereto or used in connection with the above property.

Also, beginning at a point on the West boundary of Section 15, Township 4 North, Range 3 E.B.M., from which the Northwest corner of said Section 15 bears North 0°02' West 1173 feet, thence North 89°58' East 176.0 feet; thence South 4°06' West 149.34 feet; thence South 33°16' West 167.54 feet; thence South 89°58' West 73.25 feet; thence North 0°02' West 288.98 feet to the place of beginning, containing 0.967 acres. This tract is Lot 21 of Pineview Subdivision as shown on a certain plat hereafter to be filed for record.

Beginning at the Northwest corner of Section 15, Township 4 North, Range 3 East, B.M., thence South along the section line a distance of 751 feet to the place of beginning, thence South along the section line a distance of 222 feet; thence 20° North of East a distance of 145 feet to the Crooked Summit Road, thence along the West side of the Crooked Summit Road a distance of 203 feet to the place of beginning.

Together with all water rights, pipe lines and reservoir appurtenant thereto or used in connection with the above property.

Permit No. 17965, issued in favor of Claude R. High, covering 0.1 cubic ft. per second from a spring on SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 4 North, Range 3 East; reservoir pipeline used in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, Township 4 North, Range 3 E. also License No. 15568 for 0.1 second ft. from a spring in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 4 North, Range 3 E. used on NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, Township 4 North, Range 3

E, cement tank and pipeline, said license issued in the name of
Jno. F. Coonan. - *deceased*

All of the above described property being together with all and
singular the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining.

EXHIBIT "A", Page 2

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AUG 18 1992

06/16/2003

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

RIGHT NUMBER: 63-3169
NAME AND ADDRESS: KING BROADCASTING
PO BOX 7
BOISE ID 83707
SOURCE: SPRING TRIBUTARY: NORTH FORK CLEAR CREEK
QUANTITY: 0.060 CFS
42.900 AFY
PRIORITY DATE: 09/01/1959
POINT OF DIVERSION:
T05N R03E S21 SENESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COOLING	01/01 12/31	0.060 CFS 41.70 AFY
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY

Domestic use is for 2 homes.

PLACE OF USE: COOLING Within BOISE County
T05N R03E S21 NESE T05N R03E S21 NWSE
DOMESTIC Within BOISE County
T05N R03E S21 NESE T05N R03E S21 NWSE

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

Cooling use is for KBOI TV towers

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Completed

**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
- ☐ 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) 63-3169

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ 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 *RECOMMEND SAME AS LICENSE, VERIFIED BY MAP WITH CLAIM AND LICENSE PK.*
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

*THE CLAIMANT DID NOT CLAIM THE
CORRECT LEGAL BUT PROVIDED
CORRECT LOCATION ON MAP
CLARIFIED TO 10 ACRE TRACT FOR SPRING*

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

SEE ATTACHED REPORT OF EXAMINER

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

LICENSED RIGHT ALLOWED .06 AF
PER DOMESTIC UNIT X 3. = 2 X CLAIMED
= 1.2 AFA - SEE WR REPORT ATTACHMENT

Use COOLING From _____ To _____ Amount .06 CFS 41.7 AFA
Use Dom From _____ To _____ Amount .04 CFS 1.2 AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

KOR
SPECIFIC
CHANGES

CLAIMANT CLAIMED INCORRECT
RATE - SEE LICENSE.

TOTAL VOLUME - Groundwater only

- ☒ Incomplete on claim, the total is, Amount 0.06 CFS 42.9 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: DOMESTIC, 2 HOMES

PLACE OF USE:

- ☐ No Change
- ☒ Changes shown below:

ACCOMPLISH POW TRANSFER - 1957
TOPO SHOWS LOCATION OF TOWERS
AND DOMESTIC UNITS

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	
5N	3E	21													C	C			
															D	D			

Overlap with other water rights: NONE

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

Delivery System Narrative: SEE ATTACHED REPORT OF EXAMINER

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

FLOW MEASUREMENTS: NA - LICENSED

Attach appropriate documents SEE REPORT OF FIELD EXAMINER

NARRATIVE/REMARKS/COMMENTS

THE CHANGE IN POW IS PROBABLY NOT A PHYSICAL CHANGE. DUE TO BETTER MAPPING. SEE ATTACHED 1957 TOPS.

SEE ATTACHED ATTACHMENT OF WATER RIGHT REPORT FOR SPECIFICS.

DOMESTIC, 2 HOMES

COOLING USE IS FOR KBOZ TV TOWERS

ACCOMPLISHED CHANGE IN POW PER 1957
TOP.

CLAIMANT INCORRECTLY CLAIMED AS BEN. USE
WHEN RIGHT IS LICENSED. - SEE ATTACHED.

SEE ATTACHED COMMENT

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 6-16-03

FIELD EXAMINER: Ron Howerton
Sr Water Agent

Attachment comment sheet

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. X01 Domestic use is for 2 homes.

Remarks:

1. Explanatory Cooling use is for KBOI TV towers

Comments:

1. rhowerto 6/16/2003 Accomplished POU transfer

Comment: Location of KBOI towers are clearly show on 1957 TOPO W60. Thus, not a physical change, better mapping data now.

2. rhowerto 6/16/2003 POD

Comment: Claimant incorrectly claimed the wrong POD location, however, I recommend same as licensed because claimant attached map with POD location that matched the licensed location.

3. rhowerto 6/16/2003 Basis of claim wrong

Comment: Claimant incorrectly claimed license as beneficial use

4. rhowerto 6/16/2003 Domestic

Comment: License allowed 3 homes, reduced to 2 homes as claimed and prorated AFA according to licensed remarks and standard CFS per home as shown on license, verified locations with 1957 TOPO W60.

5. rhowerto 6/16/2003 CFS Total

Comment: Claimant incorrectly claimed CFS total, recommended the licensed total of 0.08 CFS.

6. rhowerto 6/16/2003 Tributary

Comment: Claimant incorrectly claimed wrong tributary as Boise River, recommended correct tributary as North Fork Clear Creek.

T05N, R03E, S21

Doe Point

7032

WSE

WSE Towers

KIDO-TV

1957 TOPO W60

63-03169

POD
T05N, R03E, S21,
SENESE

6400

ATTACHMENT

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3169

WATER RIGHT NUMBER: 63-3169

OF

Owner TypeName and Address

Current Owner

KTVB INC
5407 FAIRVIEW AVE
BOISE, ID 83706

Priority Date: 09/01/1959

Basis: License

Status: Active

Source

SPRING

Tributary

NORTH FORK CLEAR CREEK

Beneficial Use

COOLING

DOMESTIC

From To

1/01 to 12/31

1/01 to 12/31

Diversion Rate

OK 0.060 CFS

0.060 CFS

0.060 CFS

Total Diversion:

NE1/4SE1/4

Annual Volume

41.70 AF

1.80 AF

43.50 AF

Location of Point(s) of Diversion

SPRING

BOISE County

Place of Use

COOLING

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	03E	21																	

DOMESTIC same as COOLING

Conditions of Approval:Remarks:VOL
LICENSED

ADD:

NOT ON
CLAIM1.2
for 2 homes41.7
+ 1.2
42.9 AFA

Sec. 21, Twp 05N, Rge 03E, B.M.

CLARIFIED TO 10 ACRE TRACT
SENESE FIELD EXAMINER GOT IT,
CORRECT - CLAIMANT DIDN'T
NOT AN ACCOMPLISHED
TRANSFER.

POD
RECOMMEND
SAME AS
LICENSE
WITH 10 AC
TRACT
CLARIFIED.

TRACT
NOT ON
LIC
ACCOMPLISHED
CHANGE IN POL
PER VERIFICATION
OF 1957 TOPO

LICENSED DOMESTIC

FX ALLOWED 3 HOMES - CLAIMED 2

OK

*
HOWEVER ONLY
ALLOWED 0.6
AFA PER HM. =
1.2 AFA

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 28131/63-3169 Priority Sept. 1, 1959 Amount 0.06 cfs

THIS IS TO CERTIFY, that KTVB, Inc.
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 28131/63-3169 issued pursuant to Application for Permit dated September 1, 1959,
and has submitted proof to the Department of Water Administration on June 8, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.06 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed spring
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.06 cfs for domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 0.06 cfs for cooling from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.06 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE 1/4 Sec. 21, Twp. 5 N, Rge. 3 E, B.M.

in the county of Boise; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1.8 acre feet per year or _____

0.6 acre feet per ~~xxxx~~ domestic unit and 41.7 acre feet for cooling use

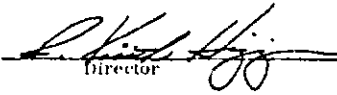
Description and location of place of use: with the maximum volume not to exceed
43.5 acre feet per year.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/8	NW 1/8	SW 1/8	SE 1/8	NE 1/8	NW 1/8	SW 1/8	SE 1/8	NE 1/8	NW 1/8	SW 1/8	SE 1/8	NE 1/8	NW 1/8	SW 1/8	SE 1/8	
5 N	3 E	21														N			

Total number of acres irrigated _____

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of
February, 19 72.


Director

28131/63-3169

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

Permit No. 28131/63-3169

This proof is for E/I

In Water District No.

1. Name of applicant KTVB, Inc., P.O. Box 390, 709 Idaho St., Boise, Idaho 83701

2. Source of water supply: unnamed spring

3. Location of point of diversion: Is in the NWSEK of Section 21

T. 5N R. 3E County of Boise

4. Describe works as they exist, giving dimensions and capacities of same:

storage tank, piping and pump

5. Water is used for: cooling during tests and also as domestic use for 3 homes

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

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):

T. 5 N., R. 3 E., Sec. 21, NWSEK

Unnamed spring located in Sec 21 EN 3E

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

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

Remarks:

Insured. Sec. 21, T. 5 N., R. 3 E., Sec. 21, NWSEK. 28131/63-3169-87
Furnish. 1/2 in. dia.
3/4 in. dia. CCC 100 X 5 F
2 1/2 in. dia. 1 ft.
Pump into 40 gal tank. 1" pipe leads from
tank up to KTVB tank in Ha and 13 hours.
No way to measure.

This examination was made on the 5 day of June, 1970

(Signed)

John H.

Examiner.

63 3169



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 12, 1988

KTVB
c/o A. B. Artis
P.O. Box 7
Boise, ID 83707

Dear Mr. Artis:

Per our conversation on 10/7/88 after reviewing your claim, I am returning the claim because it lies within the Boise River Basin which has not yet been determined if those water rights will be incurred in the Snake River Basin Adjudication Decree. If it is included, a commencement notice will be mailed to you in April 1989.

If a notice is sent to you, it will then be necessary to file on a long form rather than the short form you used. For your information and possible filing, I am enclosing the instructions and a long form. The reason you would need to file on this form is because on your original license it indicates cooling as a commercial use, which is the correct use. The domestic part can be put on the same form. Please use your license to help fill out the new claim. Check your legal descriptions against the ones used on the license (63-3169). You had indicated they were different on your original claim.

If you have any questions regarding the filing, please feel free to contact me.

Sincerely,


Ronald D. Howerton
Sr. Water Resource Agent
Adjudication Section

RH:lh
Enclosures

MICROFILMED
AUG 18 1992

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

KTUB

TV

CLAIM IDENT. NO.

63-3169

DATE RECEIVED

5-19-89

CK #

13515

AMOUNT \$

56

YES

NO

Requ:
Int *

1. Is the name and address complete with zip code?

2. Is a priority date entered?

Is the priority date acceptable in view of mandatory filing dates?

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

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.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

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.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

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.)

N/A

15. Is the basis of the claim indicated?

16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.)

17. Is the claim signed by the claimant, and is the signature appropriate?

18. Has the claim been signed, sealed, and dated by a notary?

19. Was this claim filed on time, or was an extension granted?

20. Is the fee enclosed correct? Exempt

21. If this claim is based on an existing water right, has the identification number been entered?

N/A

22. Should this claim be receipted and data entered?

Claim checked by:

Date:

Claim must be returned to claimant: (Yes) (No)

Claimant must be sent a copy of amended claim for approval: (Yes) (No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Checked by:

Date:

Sent to claimant by:

Date:

Comments:

P/D diff. on L. amt. water increased, addition

of 1 home.

MICROFILMED

AUG 18 1992