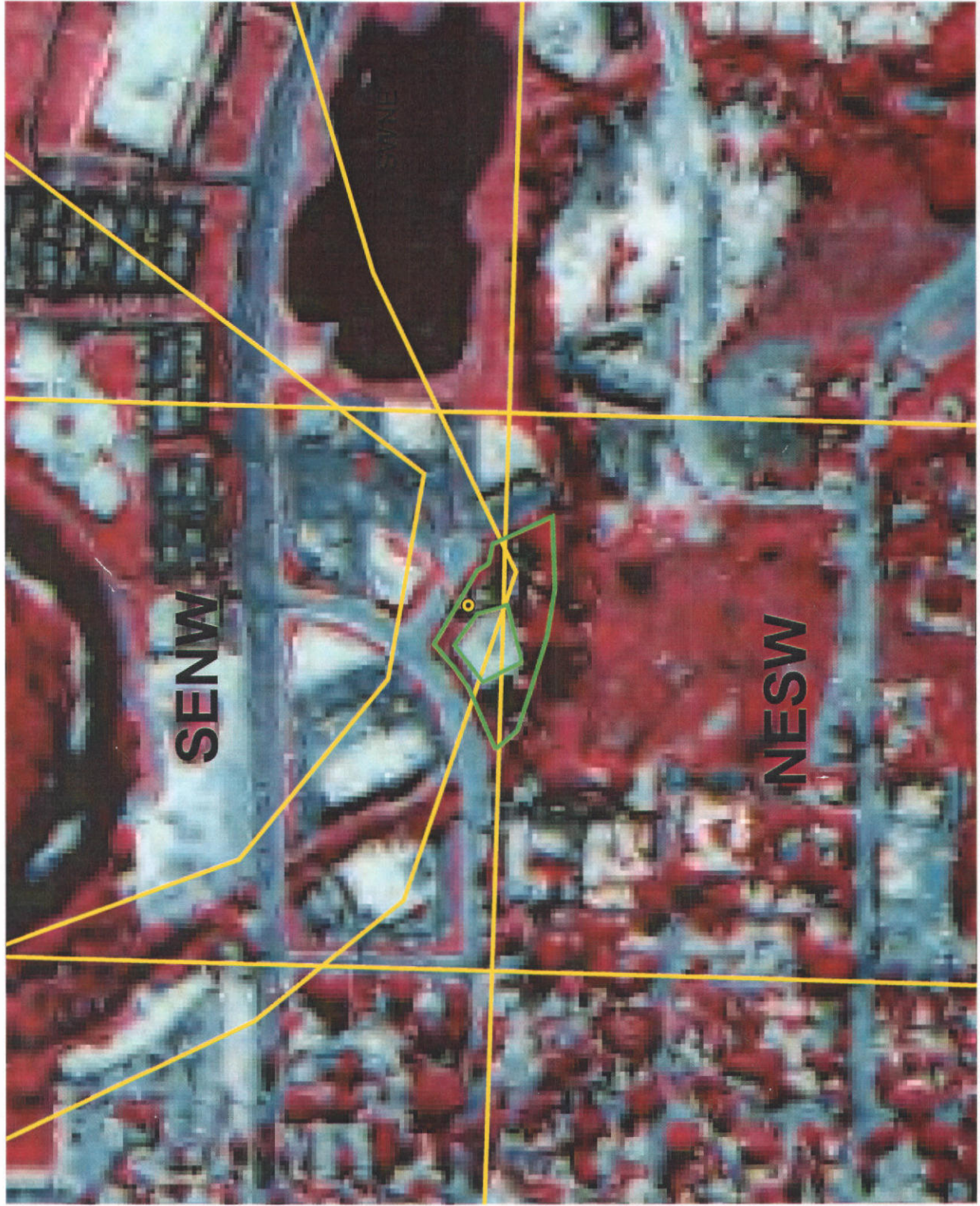
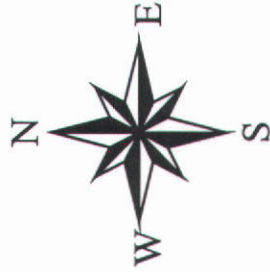


IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-8878
Date Prepared: 08-25-03
Prepared By: Gene Gibson



T03N, R02E
S14

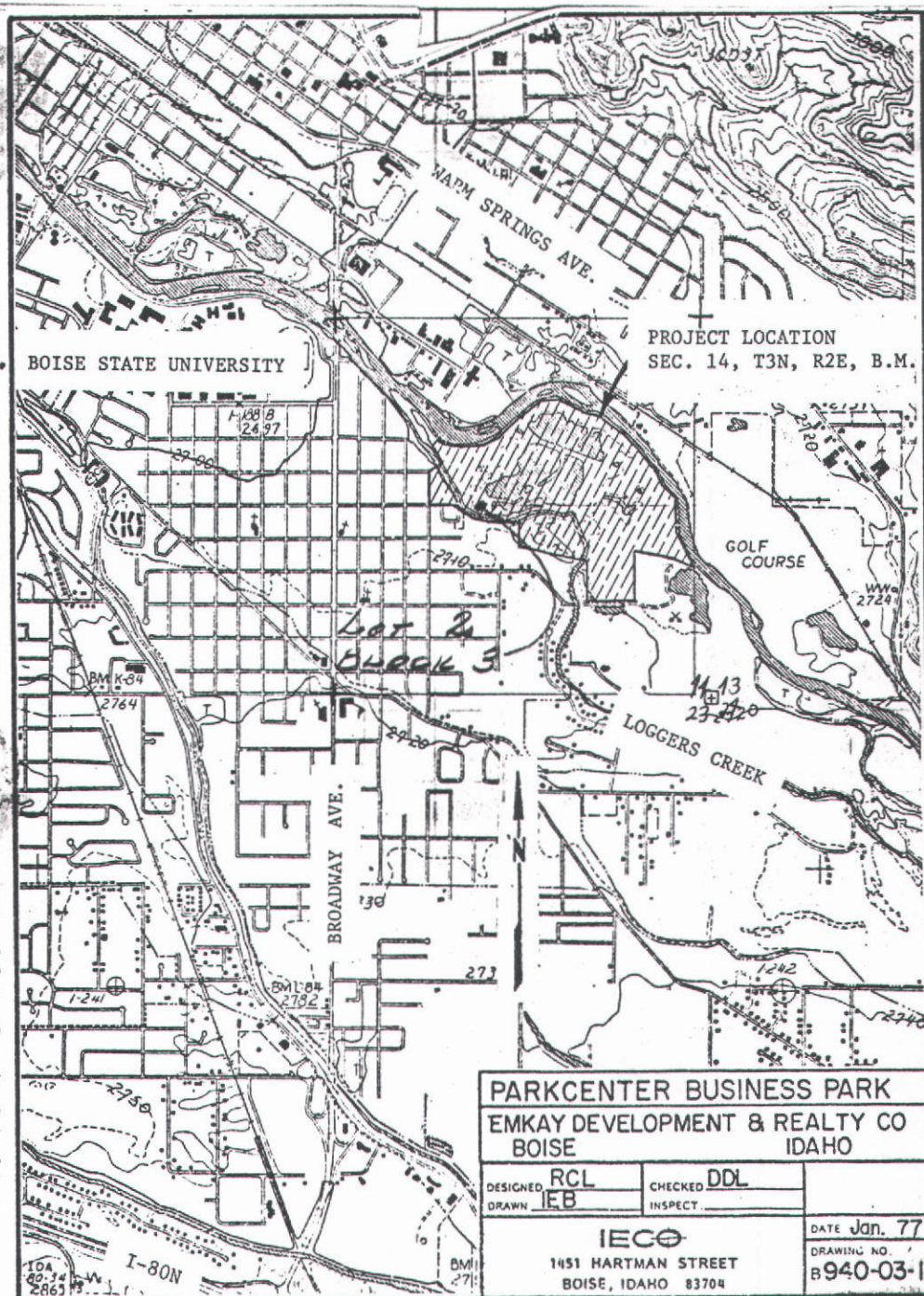


● Point of Diversion

- Place of use
- Section
- 1/4 1/4

1987 NAPP

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



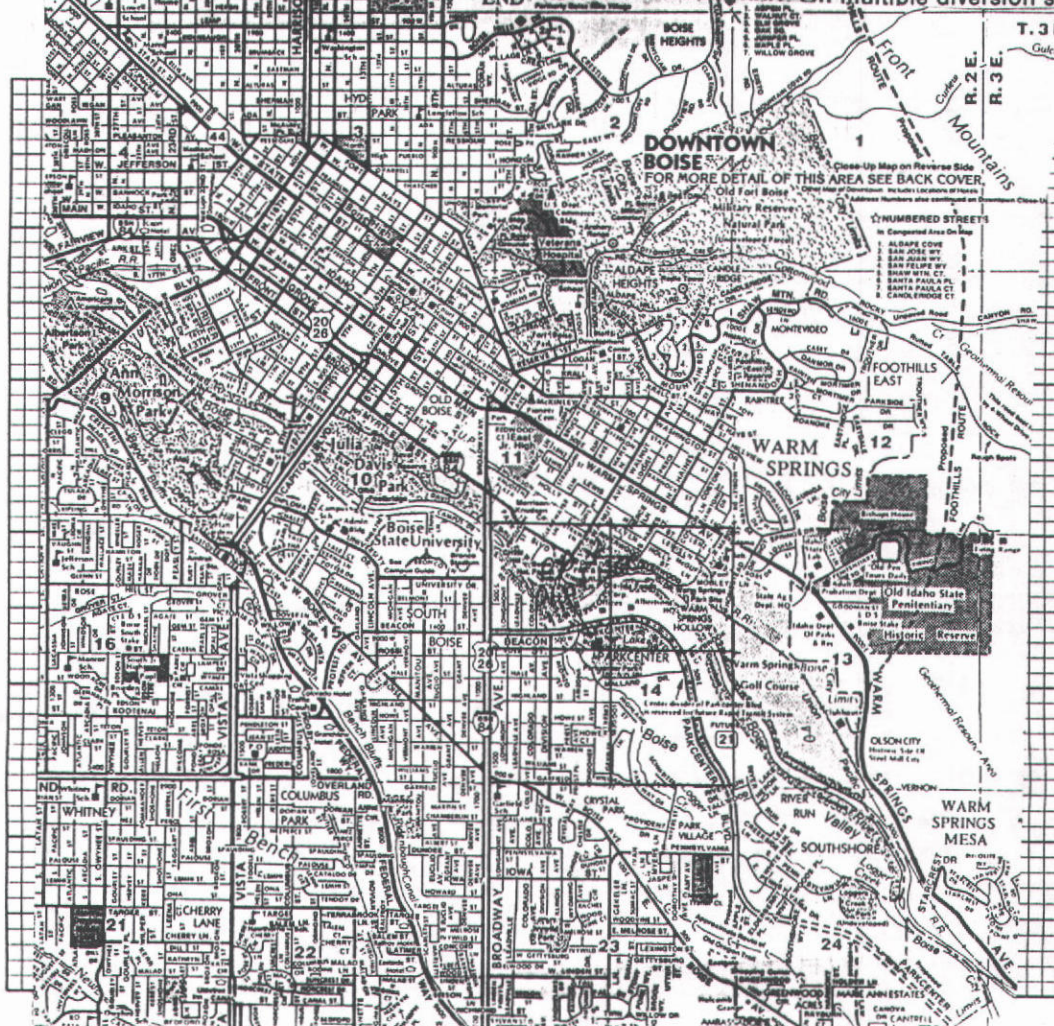
Scale: 2 inches equal 1 mile

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

C. L. Winder
(Applicant)
District Manager

10. Other water rights on these lands NONE
11. Other water right diverted from same p.d. NONE

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe I.D. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream and the inside pipe diameter and the measurement port. On multiple diversion systems



13. ☐ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Mu Porter stated well was test pumped
at 52 gpm.
Drig. is lawn area surrounding bldg.

15. Recommended Amendments
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other
16. Examiner's/Consultant's Signature Jan Grover Date 10/31/84
 Consultant's License Number 1000
 IDWR Director's Authorization to Conduct
 Beneficial Use Examination OCT 09 1987

Date

CONSULTANT SEAL

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 63-8878
Date Received: 9/8/1989
Receipt No: W005785
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

F & C CORPORATION
2700 AIRPORT WAY
BOISE ID USA 83705

Phone: (208)345-7030

2. Date of Priority: 05/28/1977

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	14	SE NW	ADA	

5. Description of diverting works:

WELL, PUMP & PIPELINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.03	4.5
HEATING	1/01	12/31	0.23	
COOLING	1/01	12/31	0.23	

7. Total Quantity Appropriated is:
0.23 C.F.S. and/or 4.5 A.F.A.

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	14	SE	NW	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 8/25/2003

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

AKA LOT 2, BLOCK 3, PARKCENTER BUSINESS PARK.

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: A63-08878
Date Received: 9/08/1989
Receipt No: W005785
Received By: DE JON

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J.A. ALBERTSON ENTERPRISES
Address: 380 E. PARKCENTER BLVD.
BOISE, ID 83706

2. Date of Priority: MAY 28, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	14	SE	NW			ADA

5. Description of diverting works:
WELL, PUMP & PIPELINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.030		4.50
HEATING	01/01	12/31	0.230		
COOLING	01/01	12/31	0.230		

7. Total Quantity Appropriated is:
0.230 C.F.S. (and/or) 4.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	14	SE	NW		IRR	1.0
Section Acres							1.0

10. Place of Use: Continued

Total Acres 1.0

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:

14. Remarks:

AKA LOT 2, BLOCK 3, PARKCENTER BUSINESS PARK.

15. Basis of Claim: LICENSE

MICROFILMED
AUG 24 1992

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): _____ Date: _____

_____ 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: A63-08878
Date Received: ~~8/24/1989~~ 9/8/89
Receipt No: W005785
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J.A. ALBERTSON ENTERPRISES
Address: 380 E. PARKCENTER BLVD.
BOISE, ID 83706

2. Date of Priority: MAY 28, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	14	SE	NW			ADA

5. Description of diverting works:
WELL, PUMP & PIPELINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.030		4.50
HEATING	01/01	12/31	0.230		
COOLING	01/01	12/31	0.230		

7. Total Quantity Appropriated is:
0.230 C.F.S. (and/or) 4.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	14	SE	NW		IRR	1.0
Section Acres							1.0

10. Place of Use: Continued

Total Acres 1.0

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:

14. Remarks:

AKA LOT 2, BLOCK 3, PARKCENTER BUSINESS PARK.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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 _____ Owner _____ Title _____ of

J. A. Albertson Enterprises _____, that I have signed the foregoing
Organization
document in the space below as _____ Owner _____ Title _____ of

J. A. Albertson Enterprises _____ and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Owner, J. A. Albertson Enterprises
Title and Organization

09/06/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of September 19 89

Elizabeth L. Dippi
Notary Public

Seal

Residing at Paise, Idaho
My Commission Expires 1-11-95

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

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
63-0078					

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) JA Albertson Enterprises
380 E. Parkcenter Blvd, Boise
4. New Owner/Claimant(s) F + C
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2700 Airport Way,
 City, State and ZIP Code Boise ID 83705
- New Telephone Number (208) 345-7030
5. Date you acquired the property 12/23/93

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) _____
(include title if applicable) President / CEO

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 <u>GG</u>	Date <u>8-25-03</u>	Fee <u>0</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

93109255

THIS FORM FURNISHED COURTESY OF:

STEWART TITLE OF IDAHO, INC.

READ & APPROVED BY GRANTEE(S):

(4080)

ADA CO. RECORDER

J. DAVID HAVARRO

BOISE ID

1654000034

STEWART TITLE

'93 DEC 23 AM 9 05

FEE \$1.50 DEP *Jan*
RECORDED AT THE REQUEST OF

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: STE-93042922 KS

QUITCLAIM DEED

FOR VALUE RECEIVED F & C CORPORATION, an Idaho corporation

do(es) hereby CONVEY, RELEASE, REMISE and FOREVER QUIT CLAIM unto GRANTOR(S)
an Idaho limited liability company INNS L.L.C.,

GRANTEE(S)

whose current mailing address is: 2700 W. AIRPORT WAY BOISE, ID 83715

the following described property located in
more particularly described as follows, to wit:

ADA

County, State of Idaho,

As set forth on the attached EXHIBIT "A", which by reference
becomes a part hereof.

together with their appurtenances.

Dated: December 22, 1993

F & C CORPORATION, an Idaho corporation

By: *[Signature]*
Its: *[Signature]*By: *[Signature]*
Its: *[Signature]*

1654000035

STATE OF IDAHO, COUNTY OF ADA, ss.

On this 22nd day of December in the year 1993, before me, the undersigned, a Notary Public in and for said State personally appeared CRANE A. MARR and MARION A. GAY known to me to be the PRESIDENT and VICE PRESIDENT of the corporation that executed this instrument and the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

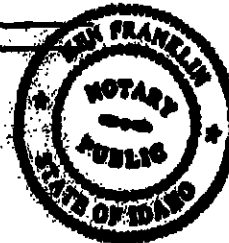
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Signature: _____
Name: _____

Continued on next page

(Type or Print)

Residing At: Boise
My Commission expires: 12-31



ORDER NO. 93042922 KB

1654000036

EXHIBIT "A"

Lot 2 of that certain Record of Survey filed in Book 7 of Surveys at Page 611 and recorded May 1, 1984, as Instrument No. 8421147, said lot being more particularly described as follows:

Part of Section 27, Township 3 North, Range 2 East, Boise-Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Quarter corner common to Sections 27 and 28, Township 3 North, Range 2 East, Boise-Meridian; thence South 89 degrees 36'00" East 942.80 feet to a point; thence North 00 degrees 00'00" East 30.00 feet to the POINT OF

BEGINNING; thence

North 00 degrees 00'00" East 469.35 feet to a point on the South right-of-way of Airport Way; thence

South 72 degrees 55'08" East along said right-of-way 138.77 feet to a point; thence

South 71 degrees 59'49" East 112.01 feet to a point; thence leaving said right-of-way

South 00 degrees 00'00" West 395.64 feet to a point; thence

North 89 degrees 36'00" West 239.18 feet to the POINT OF BEGINNING.

96078918

THIS FORM FURNISHED COURTESY OF:

ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID

ALLIANCE TITLE & ESCROW CORP.

ALLIANCE TITLE

'96 SEP 20 PM 4 45

FEE 12.00 DEP *J. Navarro*
RECORDED AT THE REQUEST OF

READ & APPROVED BY GRANTEE(S):

{0230}

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 96062620 JH

WARRANTY DEED

FOR VALUE RECEIVED ALSCOTT REAL ESTATE, LLC., an Idaho limited liability company

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto F & C CORPORATION, an Idaho corporation

GRANTEE(S), whose current address is: 2700 AIRPORT WAY, BOISE, ID 83705

the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: September 05, 1996

ALSCOTT REAL ESTATE, LLC, an Idaho limited liability company
By: ALSCOTT, INC., a corporation
ManagerBy: *[Signature]*Its: *[Signature]*

STATE OF IDAHO
COUNTY OF ADA, ss.

On this 17th day of September, in the year of 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared THOMAS J. WILSON, known or identified to me to be the SEC - TREASURER of the corporation which executed the within instrument as Manager of ALSCOTT REAL ESTATE, LLC, the Limited Liability Company that executed the instrument and acknowledged to me that such corporation executed the same as such manager and that such Limited Liability Company executed the same.



Signature: Caron Donnelly
Name: CARON DONNELLY
(typed or printed)
Residing at: BOASE, IDAHO
Commission expires: AUGUST 29, 2001

... ORDER NO. 96062620 JR

EXHIBIT "A"

PARCEL 1

Lot 2 in Block 3 of PARKCENTER SUBDIVISION NO 1, according to the Official Plat thereof, filed in Book 43 of Plats at Page(s) 3521, records of Ada County, Idaho.

PARCEL 2

COMMENCING at the quarter corner common to Sections 13 and 14, Township 3 North, Range 2 East, Boise Meridian, Ada County, Boise City, Idaho; thence

South 87 degrees 35'42" West for distance of 2850.15 feet to the South corner common to Lots 2 and 3, Block 2, PARKCENTER SUBDIVISION NO. 1 as filed in Book 43, at Page 3521 of the Ada County Records, and the POINT OF BEGINNING; thence along the South line of said Lot 2 for the next three courses:

North 87 degrees 24'30" West for a distance of 277.00 feet; thence

North 75 degrees 48' West for a distance of 259.67 feet; thence

North 44 degrees 22'30" West for a distance of 107.55 feet; thence

South 64 degrees 35'56" West for a distance of 24.61 feet; thence along the North high water line of Logger Creek for the next six courses;

South 16 degrees 46'46" East for a distance of 15.00 feet; thence

South 46 degrees 35' East for a distance of 106.00 feet; thence

South 56 degrees 15' East for a distance of 71.50 feet; thence

North 88 degrees 30' East for a distance of 104.00 feet; thence

South 74 degrees 55'24" East for a distance of 101.95 feet; thence

South 87 degrees 07'39" East for a distance of 295.26 feet; thence

North 27 degrees 54'32" West for a distance of 26.01 feet to the POINT OF BEGINNING

PARCEL 3

A parcel of land located in Section 14, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at the quarter corner common to Sections 13 and 14, Township 3 North, Range 2 East, Boise Meridian; thence

Continuation of Exhibit A

Order No.:96062620 JH

South 87 degrees 35'42" West a distance of 2,850.15 feet to the South corner common to Lots 2 and 3, Block 3 of PARKCENTER SUBDIVISION NO. 1, as filed in Book 43 of Plats at Page 3521, records of Ada County, Idaho; thence along the Southerly boundary of said Lot 2

North 87 degrees 24'30" West a distance of 277.00 feet; thence

North 75 degrees 48'00" West a distance of 259.67 feet; thence

North 44 degrees 22'30" West a distance of 107.55 feet to a point, said point being the REAL POINT OF BEGINNING; thence

South 44 degrees 22'30" East a distance of 20.00 feet; thence

South 14 degrees 40'24" West a distance of 33.80 feet to a point on the right bank of Loggers Creek at the high water line; thence along high water line

North 46 degrees 35'00" West a distance of 32.11 feet; thence continuing along said high water line

North 16 degrees 46'46" West to a point on the Northerly extension of the West line of Lots 2 and 5, LONDONERS SECOND SUBDIVISION, according to the Plat thereof filed in Book 2 of Plats, at Page 77, records of Ada County, Idaho; thence

North 00 degrees 12'24" East along the said Northerly extension of the West line of Lots 2 and 5 to the South line of Rossi Street; thence easterly along the South line of Rossi Street to the REAL POINT OF BEGINNING.

05/24/2005

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

RIGHT NUMBER: 63-8878

NAME AND ADDRESS: F & C CORP
2700 AIRPORT WAY
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.230 CFS
4.500 AFY

PRIORITY DATE: 05/28/1977

POINT OF DIVERSION:

T03N R02E S14 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	1/01 12/31	0.230 CFS
IRRIGATION	3/15 11/15	0.030 CFS 4.50 AFY
COOLING	1/01 12/31	0.230 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T03N R02E S14 SENW 1.0

HEATING same as IRRIGATION
COOLING same as IRRIGATION

1 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.

EXPLANATORY MATERIAL: License

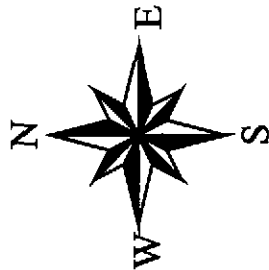
Property is also known as Lot 2, Blk 3, Parkcenter Sub. No. 1.

IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-8878
Date Prepared: 08-25-03
Prepared By: Gene Gibson



T03N, R02E
S14



④ Point of Diversion

Place of use

Section

1/4 1/4

1987 NAPP

0 0.07 0.14 0.21 0.28 0.35 0.42 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8878 V1

WATER RIGHT NUMBER: 63-8878 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EMKAY DEVELOPMENT & REALTY CO
	BOISE, ID
Current Owner	F & C CORP
	2700 AIRPORT WAY
	BOISE, ID 83705
	(208)345-7030
Original Owner	J A ALBERTSON ENTERPRISES
	380 E PARKCENTER BLVD
	BOISE, ID 83706
	(208)342-2712

Priority Date: 05/28/1977

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>
HEATING	1/01 to 12/31	0.230 CFS	
IRRIGATION	3/15 to 11/15	0.030 CFS	4.50 AF
COOLING	1/01 to 12/31	0.230 CFS	
	<u>Total Diversion:</u>	0.230 CFS	4.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 14, 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	14								1.0									1.0

Total Acres: 1

HEATING same as IRRIGATIONCOOLING same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8878 V1

1. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. J01 Property is also known as Lot 2, Blk 3, Parkcenter Sub. No. 1.
3. 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.

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: 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>
Contacts	8/25/2003 1:23:23 PM	ggibson			Active
Priority Date	8/25/2003 1:24:02 PM	ggibson			Active
POD	8/25/2003 1:27:30 PM	ggibson			Active
Source	8/25/2003 1:27:53 PM	ggibson			Active
POU	8/25/2003 1:37:33 PM	ggibson			Active
Use	8/25/2003 1:37:55 PM	ggibson			Active
Season	8/25/2003 1:38:43 PM	ggibson			Active
Quantity	8/25/2003 1:40:04 PM	ggibson			Active
Summary			08/25/2003	ggibson	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 63-8878 V1

POD	8/25/2003 1:26:45 PM	ggibson	Edited point location
POU	8/25/2003 1:37:35 PM	ggibson	(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?
Use	8/25/2003 1:37:56 PM	ggibson	(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?
Season	8/25/2003 1:38:44 PM	ggibson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
POD	8/25/2003 1:27:32 PM	ggibson	(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?
Source	8/25/2003 1:27:54 PM	ggibson	(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?
Contacts	8/25/2003 1:23:25 PM	ggibson	(No) 1. Do you want to schedule an appointment?

Comment for 1: Sufficient information contained in file to make recommendation.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8878 V1

Priority Date	8/25/2003 1:24:04 PM	ggibson	(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 <i>Priority Date</i> ? (Yes) 6. Did the Claimant claim the decreed or licensed <i>Priority Date</i> ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a <i>Priority Date</i> remark and/or condition required?
POU	8/25/2003 1:34:51 PM	ggibson	Edited shape boundary
Quantity	8/25/2003 1:40:06 PM	ggibson	(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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition <i>required</i> ? Description for Question 10 - Calculations taken from field examination conducted during licensing.
Summary	8/25/2003 1:44:22 PM	ggibson	(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 <i>attach or link to the file</i> ? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:



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

August 25, 2003

F & C CORPORATION
2700 AIRPORT WAY
BOISE ID 83705

Re: Notice of Claim to a Water Right No. 63-8878

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and 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. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield". The signature is written in dark ink and is positioned above the typed name and title.

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

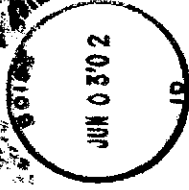
Return Service Requested

603-8878

501 Baybrook Ct
Boise 83706

Sent again 6/14/02

PRESORTED
FIRST CLASS



PB METER
7110094

0255

U.S. POSTAGE



RETURNED TO SENDER
UNDELIVERABLE AS ADDRESSED—
NO FORWARDING ORDER ON FILE

JA ALBERTSON ENTERPRISES
380 E PARKCENTER BLVD
BOISE ID 83706

RECEIVED

JUN 07 2002

WATER RESOURCES
WESTERN REGION

06342613043706





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

August 21, 2003

F & C Corporation
2700 Airportway
Boise, Idaho 83705

RE: CHANGE IN OWNERSHIP FOR 63-8878

To Whom It May Concern:

It has come to our attention that you may have recently purchased a tract of land in Ada County. According to our records, the property to which I am referring to was most recently owned by J.A. Albertson Enterprises. The legal description is as follows:

T03N R02E S14 SE ¼ NW ¼

This property was filed on in the Snake River Basin Adjudication (SRBA). IDWR is currently in the processing of reviewing the Adjudication claims in basin 63. We recommend that if, in fact, you now own the property in question, and do use the water for the purposes claimed, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have any questions regarding this matter, please call 334-2190.

Respectfully submitted,

M. Gene Gibson
Sr. Water Resource Agent
Enclosure(s)

WATER RIGHT LICENSE

WATER RIGHT NO. 63-8878

Priority: May 28, 1977

Amount: .23 CFS

4.5 AFA

This is to certify, that J.A. ALBERTSON ENTERPRISES

380 E. PARKCENTER BLVD.

BOISE, ID 83706

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 16, 1977, and has submitted proof to the Department of Water Resources on July 13, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .23 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.03 cfs	4.5 afa
Heating	01/01 to 12/31	.23 cfs	
Cooling	01/01 to 12/31	.23 cfs	
Totals		.23 CFS	4.5 AFA

LOCATION OF POINT OF DIVERSION(S):

SENW , Sec. 14, Township 3N, Range 2E
Ada County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
3N	2E	14	SENW	1			1

Total number of acres irrigated: 1

PLACE OF USE: Heating, same as Irrigation use

PLACE OF USE: Cooling, same as Irrigation use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

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WATER RIGHT LICENSE

WATER RIGHT NO. 63-8878

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 24th day
of SEPTEMBER, 1987.

Acting for the Director



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OCT 09 1987

Identification No. _____

Application No. 63-8878

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

APPROVAL

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

1. Name of applicant EMKAY Development & Realty Co. Phone: 345-5000
post office address M-K Plaza 1, Boise, Idaho 83706
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14 Township T3N
Range R2E B.M. Ada County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into Logger Creek or Injection Well at a point in SE $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 14 Township 3N Range 2E B.M. _____
4. Water will be used for the following purposes:
Amount .04-10 for Irrigation purpose from April 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .82 for cooling & heating purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .82 .84 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pumped well

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 10 inches; proposed depth of well is 40-600 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 5,000-50,000.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14 Township 3N
Range 2E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

RECORDED

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
T3N	R2E	14								.9	1.1								2.0

Total number of acres to be irrigated 2.0

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

9. a. Who owns the property at the point of diversion EMKAY DEVELOPMENT & REALTY CO.

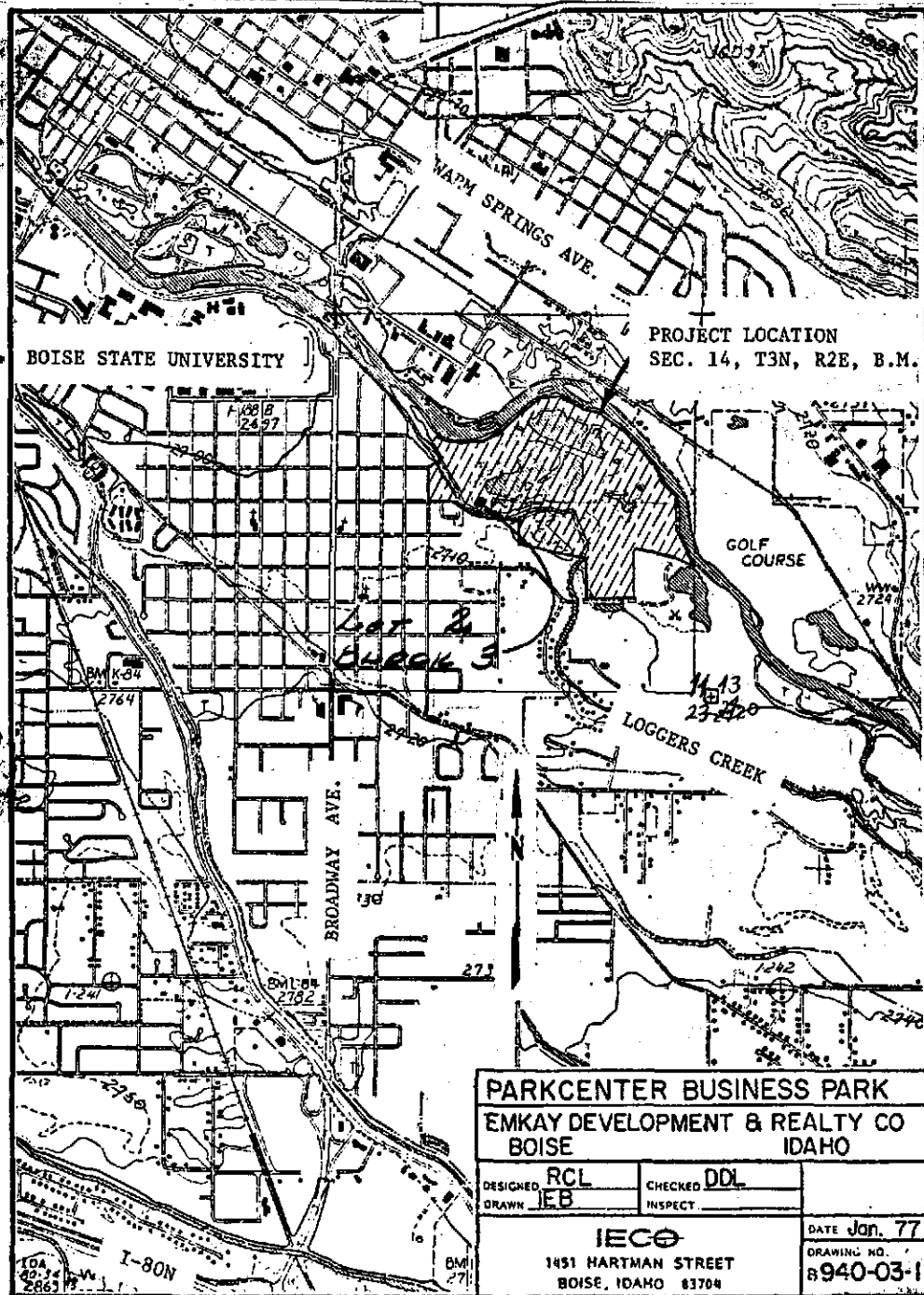
b. Who owns the land to be irrigated or place of use EMKAY DEVELOPMENT & REALTY CO.

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

10. Remarks

Lot 2 Block 3 Parkcenter Business Park.

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



Scale: 2 inches equal 1 mile

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

C.L. Weider
(Applicant)

District Manager

Proposed Priority 5/23/77

Received by if Date 5-16-77 Time 10:34
5-10-77 Time 10:33

Preliminary check by WMM Fee \$ 25.00

Received by if Date 5-23-77 # 8008

Publication prepared by PP Date May 26, 1977

Published in The Idaho Statesman

Publication dates June 2, 1977 & June 9, 1977

Publication approved by if Date 6-20-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by WMM

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-8878, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1982.

c. Other: _____

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

Witness my hand this 15 day of July, 1977.

[Signature]
Deputy Director

10 days

7. Point(s) of Diversion: ✓

8. Place(s) of Use ☒

9. Recommended Conditions/Remarks:

10. Recommended Amendments

11. Examiner's Signature _____ Date 1 _____

Checked in Regional Office by _____ Date _____
Approved in State Office by R. Walker OCT 04 1987 Date 7/29/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{4.5 =} \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}} \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}} \end{aligned}$$

- c) Volume Calculations for Other Uses:

Volume amounts were not req'd on heating & cooling uses at the time this exam was conducted (prior to adoption of B/U Rules & Regl.).

2. Overlap Review

- a) Other water rights with same place of use: 63-01238, 63-0185 - both
from Boise River - use R32
- b) Other water rights with same point of diversion: 63-8861, 63-3448-Boise
Water Corp. municipal use - no overlap
- c) Analysis: 63-8861 - also being licensed, different
system.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

63-8878
Permit No.

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$\frac{27 \text{ HP} \times 8.8 \times .80}{21' + (30 \text{ psi} \div .4333)} = \frac{21.12}{90.2} = 0.23 \text{ cfs}$$

b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{i,r} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{4.5 \text{ afa}} \\ V_{d,r} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{12.7 \text{ afa}} \\ V &= \text{Smaller of } V_{i,r} \text{ and } V_{d,r} = \underline{4.5 \text{ afa}} \end{aligned}$$

c) Volume Calculations for Other Uses:

Cooling + heating have no afa amount.

2. Overlap Review

a) Other water rights with same place of use: NONE

b) Other water rights with same point of diversion: NONE

c) Analysis:

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RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity

4. Permit Holder: Same as form 219a

Address: _____

5. Source: _____ tributary to _____

[illegible]

Irrigation	Apr. 1	Oct 31	0.03 cfs	4.5 afa
Cooling	1-1	12-31	0.23 cfs	N/A
Heating	1-1	12-31	0.23 cfs	N/A

Allowable Maximums: 0.23 cfs 4.5 cfs

7. Point(s) of Diversion: *for migration*

[illegible]

8. Place(s) of Use *Same as item 2/9A*

[illegible]

9. Recommended Conditions/Remarks: _____

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10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature Jan Grover Date 10/21/84

Checked in Regional Office by 1/625 Date 2/25/85

Approved in State Office by _____ Date _____

Department of Water Resources

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	3E	14	MICROFILMED								X (ROLLING & HEFTING)								1
			OCT 09 1987																
																Total Acres	1		

10. Other water rights on these lands NONE
11. Other water right diverted from same p.d. NONE

12. Diversion and Delivery System Diagram: Indicate all major components and distances between components. Indicate ditch size/pipe I.D. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream and the inside pipe diameter of the measurement port. On multiple diversion systems



13. ☐ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks
Mr. Porter stated well was test pumped
at 52 gpm.
Drig. is lawn area surrounding bldg.

15. Recommended Amendments
- | | | |
|---|--|--|
| ☐ Change P.D. as reflected above | ☐ Add P.D. as reflected above | ☒ None |
| ☐ Change P.U. as reflected above | ☐ Add P.U. as reflected above | ☐ Other |

16. Examiner's/Consultant's Signature Jan Grover Date 10/31/84

Consultant's License Number _____

IDWR Director's Authorization to Conduct Beneficial Use Examination _____

Date OCT 09 1987

CONSULTANT SEAL

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