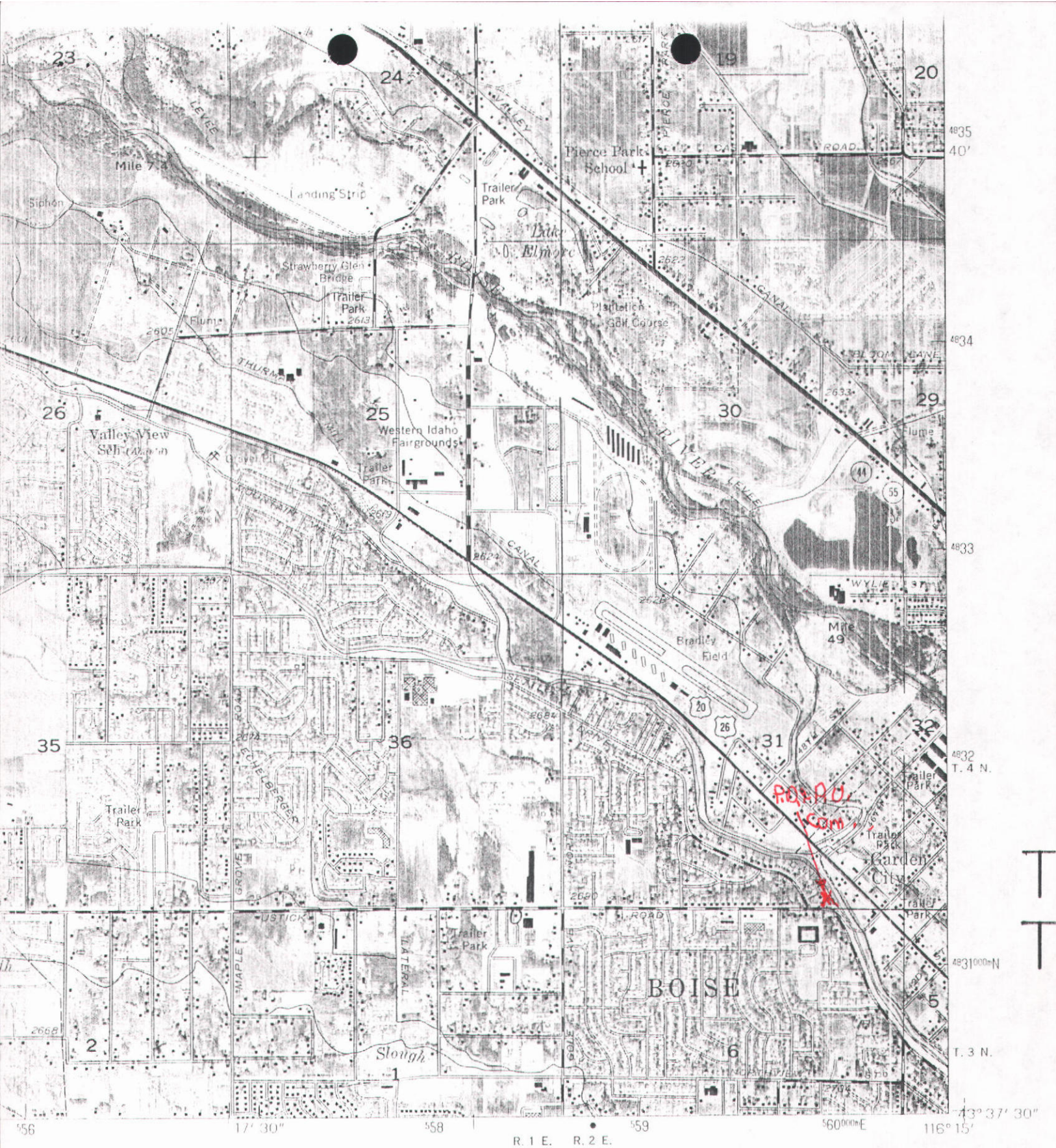




Can Be Obtained
Boise Idaho

CURACY STANDARDS
NLO PARK, CALIF. 94025

T4N, R2E
SEC 31



QUADRANGLE LOCATION

MICROFILMED
AUG 26 1992

EAGLE, IDAHO
N4337.5—W11615/7.5

1981

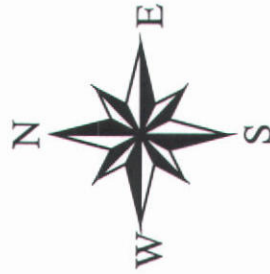
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-17059

Date Prepared: 12-1-03

Prepared By: Gene Gibson

T03N, R02E S-6
T04N, R02E S-31



● Point of Diversion

Place of use

Section

1/4 1/4

1987 NAPP



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: A63-17059
Date Received: 8/08/1989
Receipt No: C0090574 C009053
Received By: ESL

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BENCH SEWER DISTRICT
Address: 4828 EMERALD ST.
BOISE, ID 83706
2. Date of Priority: JUN 30, 1960
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	6	NW	NE	NE		ADA
5. Description of diverting works:
DRILLED WELL, 83' DEPTH, 6" CAS. W/PUMP & PIPE TO PRETREAT PLANT.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
WATER IS USED FOR WASH DOWN OF EQUIPMENT AT PRETREAT PLANT.
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	02E	31	SE	SE		COMMER	
11. Place of use in counties: ADA

A63-17059

Page 1

Date: 08/21/89

MICROFILMED
AUG 26 1992

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

13. Other Water Rights Used:

WELL FOR SAME PURPOSES AT ANOTHER LOCATION.

14. Remarks:

POINT OF DIVERSION AND PLACE OF USE ARE USED BY DISTRICT UNDER A PERPETUAL EASEMENT.

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 X 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 the GENERAL MANAGER of

the BENCH SEWER DISTRICT, that I have signed the foregoing

document in the space below as the GENERAL MANAGER of

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

[Signature]
Signature of Authorized Agent
GENERAL MANAGER
BENCH SEWER DISTRICT
Title and Organization

AUGUST 21, 1989
Date

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 21st day
of AUGUST 19 89 Shirley E. Lally
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-17059
Date Received: 8/08/1989
Receipt No: C009053 & C009057
Received By: ESJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BENCH SEWER DISTRICT
Address: 4828 EMERALD ST.
BOISE, ID

83706

2. Date of Priority: JUN 30, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	31	SW	SE	SE		ADA

5. Description of diverting works:
DRILLED WELL, 83' DEPTH, 6" CAS. W/PUMP & PIPE TO PRETREAT PLANT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
WATER IS USED FOR WASH DOWN OF EQUIPMENT AT PRETREAT PLANT.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	31	SE	SE		COMMER	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

WELL FOR SAME PURPOSES AT ANOTHER LOCATION.

14. Remarks:

POINT OF DIVERSION AND PLACE OF USE ARE USED BY DISTRICT UNDER A PERPETUAL EASEMENT.

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am GENERAL MANAGER of
Title
BENCH SEWER DISTRICT, that I have signed the foregoing
Organization
document in the space below as GENERAL MANAGER of
Title
BENCH SEWER DISTRICT and that the statements contained in the
Organization
foregoing document are true and correct.

Donny L. Rubins
Signature of Authorized Agent
GENERAL MANAGER
BENCH SEWER DISTRICT
Title and Organization
AUGUST 8, 1989
Date

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 8th day
of August 19 89

Donald E. Sully
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

12/02/2003

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

RIGHT NUMBER: 63-17059

NAME AND ADDRESS: BENCH SEWER DIST
4828 EMERALD ST
BOISE ID 83706

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
14.400 AFY

PRIORITY DATE: 06/30/1960

POINT OF DIVERSION:

T03N R02E S6 NWNENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.020 CFS

14.40 AFY

PLACE OF USE: COMMERCIAL Within ADA County

T03N R02E S06

NENE

T04n R02e S31

SESE

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

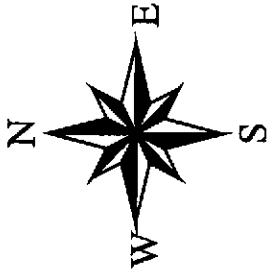
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-17059
Date Prepared: 12-1-03
Prepared By: Gene Gibson

T03N, R02E S-6
T04N, R02E S-31



- ☉ Point of Diversion
- ☐ Place of use
- ☐ Section
- 1/4 1/4

1987 NAPP



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-17059

1. No Change NAME IS SAME

NEW OWNER: _____

No Change ADDRESS _____

NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

Asked for additional proof of priority date, Doug R. sent additional information to document the date

3. No Change - SAME SOURCE

Source is different than that claimed:

Source found: _____

4. No Change - POINT OF DIVERSION

Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

6. No Change WATER USES
Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount .02 CFS 14.4 AFA

Changes found, the new total is, Amount _____ CFS _____ AFA

8. No Change NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

The POD was corrected by amended claim, but an additional
POU should have been also updated. POD & POU is on
section line ∴ POD is in Section 6 POU is in Section 6
and Section 31

SYSTEM DIAGRAM INCLUDED NA

Shown on GIS Layout

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: 12-1-03

FIELD EXAMINER: GG
Print Name

GG
Signature

Bench Sewer District

BOARD OF DIRECTORS

LEWIS C. DUVALL, CHAIRMAN
ROBERT M. NELSON, VICE-CHAIRMAN
HAL K. DAVIS, DIRECTOR
JACK G. WOODS, DIRECTOR
DENNIS K. ROBINSON, DIRECTOR

4828 EMERALD STREET
BOISE, IDAHO 83706
TELEPHONE (208) 345-5363
FAX (208) 368-0425

MARY ELLEN KAZIAN
Administrative Manager
Secretary/Treasurer
DOUGLAS C. RHINEHART
Maintenance Supervisor
Inspector

December 2, 2003

RECEIVED

DEC 05 2003

WATER RESOURCES
WESTERN REGION

Gene Gibson
IDWR
2735 Airport Way
Boise, ID 83705

Mr. Gibson,

I am enclosing what little documentation I could find, dating back to 1958, in order to assist you in researching our Priority Date as discussed in our telephone conversation.

Please find enclosed:

- A copy of the Judges order creating the Bench Sewer District in 1958
- A copy of the Notice of Completion/Acceptance for the Pretreatment Station (which uses the well) dated December 1960.
- A cover letter to a bill dated March 13, 1961 for repair of the domestic water supply at the Pretreatment Station (the well).

Based on what we have been able to piece together I think the Priority date that your records reflect (1960) is accurate. It appears that the District was created in 1958 with construction of the system to follow. The Pretreatment Station was complete in 1960. The well would have been installed during this period.

The well is used as an equipment wash down in the facility and although used minimally, is an important part of our system.

Should you have any more questions please do not hesitate to call me at 345-5363.

Sincerely,



Doug Rhinehart
Bench Sewer District

Cc; Mary Kazian

CORNELL, HOWLAND, HAYES & MERRYFIELD

Consulting Engineers

IDAHO BUILDING BOISE, IDAHO TELEPHONE 4-8361

Earl C. Reynolds, Jr.
Resident Partner
Idaho Office

OTHER OFFICES:
CORVALLIS, OREGON
SEATTLE, WASHINGTON

In Reply Please Refer To:

March 13, 1961

Morrison-Knudsen Company, Inc.
Post Office Box 450
Boise, Idaho

Record B-1568.2

Attention: Mr. Leon Stoddard

Gentlemen: Pre-treatment Station

Enclosed, herewith, please find a bill submitted to the Bench Sewer District Office from the Lukehart Drilling & Pump Company in the amount of \$47.50.

Although the billing does not outline what these charges are submitted for, it is presumed that this cost is for repair of the domestic water supply pump at the pre-treatment station.

Very truly yours,

CORNELL, HOWLAND, HAYES & MERRYFIELD

John L. Eskelin, Jr.
Project Engineer

JLE:llc

Encl. 1

cc: Bench Sewer District ✓

NOTICE OF ACCEPTANCE

Copy *ack*
Moffatt

Notice is hereby given that the Bench Sewer District, Ada County, Idaho, did, on the 29th day of December, 1960, accept the work as completed and fully performed, under and pursuant to that certain Contract Documents made and entered into by Morrison-Knudsen Company, Inc., of Boise, Idaho for the construction of the Pre-treatment Station in compliance to the Contract Documents.

Notice is further given that under and pursuant to the provisions of Section 45-502 of the Idaho Code, any person, company or corporation who has furnished labor or material or supplies used in said work by the above contractor upon or in connection with the performance of said contract, payment for which has not been made, shall within ninety days from and after said 29th day of December, 1960, the date of completion and acceptance of said work, file with the Bench Sewer District, Ada County, Idaho, at 409 North Orchard Avenue, Boise, Idaho, an itemized statement of his claim for all amounts due and unpaid by such contractor.

Notice is further given that failure on the part of any claimant to file such claim within the prescribed ninety days from and after December 29, 1960, shall constitute a waiver of his right to recover the contractor's surety.

Dated at Boise, Idaho, this 30th day of December, 1960.

BENCH SEWER DISTRICT

By *Ray E. Kernen*

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

In the Matter of the Organization)

of)

BENCH SEWER DISTRICT, ADA
COUNTY, IDAHO

) No. 28037

) ORDER DECLARING THE CREATION
) OF BENCH SEWER DISTRICT, ADA
) COUNTY, IDAHO

COPY
28037 No. FILED
MAR 10 1957
CLERK OF DISTRICT COURT
THOMAS J. Sells
Deputy

The certificates of the Judges of Election of the election held on the 25th day of February, 1958, upon the question of the creation of Bench Sewer District, Ada County, Idaho, and for election of directors for said district, held pursuant to and in accordance with the order of this Court made and entered on the 31st day of January, 1958, and the affidavits of the publishers of the Idaho Daily Statesman and of The Recorder, both being newspapers of general circulation within the said district and Ada County, Idaho, having been filed with the Court, and the Court having examined said documents, makes the following findings:

1. That an election upon the question of creating the Bench Sewer District, Ada County, Idaho, was held on February 25, 1958, at the three polling places within said district as prescribed by order of this Court; that the polls at said election opened at 8:00 A. M. and closed at 8:00 P. M. of said day; that three qualified judges were sworn to their duties according to law and conducted said election; that each voter was required to execute an oath before said judges that he possessed the legal qualifications of a voter; that only qualified voters voted at said election and that at the closing of the

polls the judges canvassed the vote in their respective polling places and executed the said certificates under oath, now filed with the Court in this matter. That said election was conducted, in every respect, in accordance with the order of this Court providing for said election and in accordance with the provisions of the statutes of the State of Idaho relating to such elections.

2. That due and lawful notice of said election was given by publication of notice of election, as prescribed by Section 42-3207 Idaho Code, in the Idaho Daily Statesman and The Recorder, each printed and being a legal newspaper/published in Ada County, Idaho.

3. That the judges of election have, in the certificates filed herein as aforesaid, certified the results of said election; that the ballots on the question of the creation of Bench Sewer District, Ada County, Idaho, were cast as follows:

FOR organization of Bench Sewer District	3,235
AGAINST organization of Bench Sewer District	400
Void ballots not counted	3

That ballots were cast for election of directors as follows:

V. Scott Brown	3,131
Martin A. Hanson	3,087
Roy E. Herrick	3,085
Harry W. Poulson	3,111
Theo H. Wegener	3,077

Allen Mullar	1
George Sherrill	1
C. W. Compton	1
Lynn Rogers	1
J. A. Redman	1
Chet Shawner	1
Johnny Horn	1
Sam Artis	1
Roy Allumbaugh	1
Glen Shaffer	1
Bob Jewel	1
Julio Andulza	1
Amos Belnap	1
Russell Relyea	1
Keith Ricks	1
Mrs. Julio Andulza	4
Harold Judy	1
Alan Dean	1
Don Howard	1
C. W. Gray	1
Albert W. Smith	1
J. Edwin Thamdert	1
Harry Burningham	1
George Kanizar	2
E. E. Rutledge	1
Albert Transue	1
Ernest Stark	1
Robert Hill	1
Warren Lane	1
Everett Annin	2
Warren Cate	2
Harry Bryson	1
Webb Cox	1
Jack Raymond	1
W. O. Rudolph	1
H. F. Reed	2
Jennings Welbye	1
Charles Hazlett	1
Marion Obenchain	1
Lester Alter	1
James Christie	1
M. Clayton	1
Jack Redman	1
Jack Ford	1
Ralph Boal	1
Paul Parks	1
C. S. Hetten	1
Andy Wahl	1
Wm. Irvin	1
Bill Amyx	1
A. G. Kerr	1

Patrick King	1
Norman Thompson	1
Oliver Hamilton	1
Harold Taylor	1
Dean Thompson	1
John Thompson	1
Lynn Rogers	5
Harvey Johnson	1
Fay L. Messenger	2
Earl L. Eller	1
Walter Rowlette	1
S. L. Hibbard	1
R. B. Arnold	2
Tom Kurdy	1
Donald Cushing	2
Dean L. Thompson	1
Marvin Wright	1
Earl Hardy	2
Eldon Larson	1
Ray Archibald	1
Roscoe Ward M.D.	1
Ed Roth	1
C. L. (Chuck) Balding	1
Dr. Lowell Privett	1
Jack Haymond	1
Bill Duvall	1
Floyd Copeland	1
John Jensen	1
Colby Wheeler	1

4. That a majority of said votes were cast in favor of organization of the proposed district.

5. That V. Scott Brown, Martin A. Hanson, Roy E. Herrick, Harry W. Poulson and Theo H. Wegener received the highest number and a majority of the votes cast for directors.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the said Bench Sewer District, Ada County, Idaho, be and the same hereby is ordered and declared duly organized under the laws of the State of Idaho.

2. That the corporate name of said district is, and it shall hereafter be known as, BENCH SEWER DISTRICT, ADA COUNTY, IDAHO.

3. That said Bench Sewer District, Ada County, Idaho, shall have and exercise, through its proper officers, all of the powers and authority conferred upon sewer districts under and by virtue of Chapter 32, Title 42, Idaho Code as Amended, and all laws thereunto enabling, and all such power and authority as may hereafter be conferred by law.

4. That the following are, pursuant to vote at said election and by order of this Court, duly designated as the first Board of Directors of Bench Sewer District, Ada County, Idaho:

V. Scott Brown

Martin A. Hanson

Roy E. Herrick

Harry W. Poulson

Theo H. Wegener

5. That said district be, and the same hereby is, declared, created and established as a governmental subdivision of the State of Idaho, and as a body corporate, with all powers of a public or quasi-municipal corporation; that said Board of Directors herein named shall have, and they are hereby vested with, all the powers, duties and obligations of directors of said Bench Sewer District, Ada County, Idaho, as conferred and provided by Chapter 32, Title 42 Idaho Code and all amendatory laws thereof and supplemental thereto, and as may by law hereafter be provided.

6. That the boundaries of said Bench Sewer District, Ada County, Idaho, and the territory to be included therein, is as follows, to-wit:

The following described property, all being in Ada County, State of Idaho, to-wit:

Beginning at the Section corner common to Sections 20, 21, 28 and 29, T3N, R2E, BM; thence North along the Section line to a point described as being South 25 feet from the E 1/4 Corner of Section 20; thence West along a line 25 feet South and parallel to the 1/4 Section line of Section 20, said line also being the South line of Targee Street to the West line of Curtis Road; thence North along the West line of Curtis Road to the South line of Overland Street; thence West along the South line of Overland Street to the intersection with the West line of Brentwood Drive; thence Northerly across Overland Street and along the Western line of Brentwood Drive to the most Westerly corner of Randolph-Robertson Sub. No. 5; thence North-easterly along the Western boundary of Block 1 of said subdivision to a point described as being the North corner of Lot 1, Block 2 of said subdivision, said point also being on the Southwestern boundary of Randolph-Robertson Sub. No. 3; thence Northwesterly along the Southwestern boundary of Randolph-Robertson Sub. No. 3 to the most Westerly corner of Lot 33, Block 2, of said subdivision; thence East along the North boundary of said subdivision to a point described as being on the North boundary and 42.3 feet from the Northeast corner of Lot 8, Block 3 of said subdivision, said point also being on the center 1/4 Section line of Section 18; thence East along the center 1/4 Section line to the center 1/4 corner of Section 18; thence North along the 1/4 Section line to the Southwest corner of the Franklin Park Sub.; thence North along the West boundary of said subdivision to the North line of Franklin Road; thence Easterly along the North line of Franklin Road to the West line of Liberty Street; thence North along the West line of Liberty Street to the South line of U.S. Highway 30; thence West along the South line of U.S. Highway 30 to the West line of Raymond Street; thence North along the West line of Raymond Street to the Northeast corner of Lot 1, Ora Dell Sub.; thence in a Northerly direction to the Southwest corner of Willow Lane Sub. No. 3; thence North along the West boundary of said subdivision to a point on the South boundary line of Lot 12 Block 4 of said subdivision, said point being 61.39 feet from the Southwest corner of said Lot 12; thence West along the South boundary of said Lot 12 to the Southwest corner of said Lot 12; thence North along the West boundary of said Lot 12 to the Northwest corner of said Lot 12; thence in a Northwesterly direction across Newman Street and along the West boundaries of Lots 9 and 10, Block 5, Willow Lane Sub. No. 2 to a point described as being the Northwest corner of said Lot 9, said point also being on the South boundary of Lot 8, Block 5 of said subdivision; thence Westerly along the South boundary of said Lot 8 to the Southwest corner of said Lot 8; thence Northerly along the West boundary of Block 5, Willow Lane Sub. No. 2 to the Northwest corner of Lot 1, Block 5 of said subdivision; thence East along the North boundary of said Lot 1 to the West line of Alamo Road; thence North along the West line of Alamo Road to the South line of Ustick Road; thence West along the South line of Ustick Road to a point described as being South 50 feet from the Southwest

corner of Lot 11, Block 2 of Morton's Sub.; thence North across Ustick Road and along the West boundary of Lot 11, Block 2 and Lot 9, Block 3 of Morton's Sub. to the South line of Morton Drive; thence in a Northerly direction across Morton Drive to the Southwest corner of Lot 12, Block 1, in Morton's Second Sub.; thence Northerly along the West boundary of Lot 12, Block 1, and Lot 2, Block 4 of Morton's Second Sub. to the South line of Mountain View Drive; thence Northeasterly across Mountain View Drive to the Southwest corner of Lot 15, Block 1 of Morton's Sub.; thence Northerly along the Western boundary of said Lot 15 to the Northwest corner of said Lot 15; thence in a Southeasterly direction along the boundary of Morton's Sub. to the Southeast corner of Lot 1-A, Block 1 of said subdivision, said corner also being on the North line of Mountain View Drive; thence Southeasterly along the Northern line of Mountain View Drive to the intersection of the extension of the North line of Cruzen Street; thence in a Southeasterly direction along the top of the bluff to the Northwest corner of Lot 1, Amended Plat of Lots 6 and 7, Block G of Amended Cruzen Mountain View Addition to Boise; thence Easterly along the Northern boundary of said Block G to the Northeast corner of Lot 5, Block G, Amended Cruzen Mountain View Addition; thence Southerly along the Southeastern boundary of said Lot 5 to the South corner of said Lot 5, thence in a Southeasterly direction to the East line of the alley in Block 1 of Amended Cruzen Mountain View Addition; thence South along the East line of said alley to the Southwest corner of Lot 16, Block 1, Amended Cruzen Mountain View Addition; thence in a Southwesterly direction across U.S. Highway 30 to the Northwest corner of Lot 1, Block 34 of Scott's Third Sub.; thence East along the North line of said Lot 1 333.65 feet to a property line; thence South along the said property line to the intersection with the North right-of-way line of the Oregon Short Line railroad; thence in a Southeasterly direction across the said right-of-way to the intersection of the West line of Garden Street and the Southern right-of-way line of the Oregon Short Line railroad; thence Easterly along the Southern right-of-way line of said railroad to the most Easterly corner of Lot 8 of City View Sub.; thence Southerly along the East boundary of said Lot 8 to the Southeast corner of said Lot 8; thence in a Southerly direction to a point described as being the intersection of the South line of Kendall Street and the West line of Manville Street; thence Southerly along the West line of Manville Street to a point which is West 50 feet from the Southwest corner of Lot 9, Block 2, City View Sub. No. 2; thence East across Manville Street and along the South boundary of said Lot 9, to the Southeast corner of said Lot 9; thence North along the East boundary of Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 2, City View Sub. No. 2 to the South line of Edgemont Street; thence in a Northerly direction across Edgemont Street to the Southeast corner of Lot 7, Block 1 of City View Sub. No. 2; thence Northwesterly along the South line of said Lot 7 and Lot 8 to the Southwest corner of Lot 8, Block 1, City View Sub. 2; thence Northerly along the Western boundary of said Lot 8 to the Northwest corner of said Lot 8, said corner also being on the Southern right-of-way line of the Oregon Short Line Railroad; thence Southeasterly along the Southern right-of-way line of said railroad to the intersection with the top of the bluff, said intersection being near the Northeast corner of Lot 12, Pioneer Terrace Addition; thence in a Southeasterly direction along the top of the bluff

to a point on the top of the bluff, said point being an angle point in the North line of Lot 10, Pioneer Terrace Addition; thence in a Southeasterly direction along the top of the bluff through Lots 10 and 9 of Pioneer Terrace Addition and through Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Crestview Park Sub. to the intersection with the Southern boundary of Lot 12 of Crestview Park Sub.; thence Southwesterly along the South boundary of said Lot 12 to the Northeasterly line of Houston Road; thence in a Southerly direction across Americana Boulevard to the intersection of the North line of Crescent Rim Drive with the East line of Latah Street; thence Southeasterly along the Northern line of Crescent Rim Drive to the North corner of Lot 1, Crescent Park Sub.; thence Southeasterly along the Northeasterly boundary of Crescent Park Sub. to a point on the top of the bluff in Lot 4 of said subdivision; thence in a Southeasterly direction along the top of the bluff across Lots 4, 5, 6, 7, 8, 9, 10, 11 of said subdivision to the Northeast corner of Lot 12 of said subdivision; thence Southerly along the East boundary of said Lot 12 to the Northerly line of Crescent Rim Drive; thence Southeasterly along the Northerly boundary of Crescent Rim Drive to the intersection of a Northerly extension of the East line of Block 2, Rose Hill Sub.; thence Southerly across Crescent Rim Drive and along the East line of said Block 2 to the intersection with the Southern line of Capitol Blvd.; thence Southeasterly along the Southern line of Capitol Boulevard to the intersection with a Northerly extension of the East boundary of Boise View Sub.; thence South along the extended East boundary of said subdivision to the Southern right-of-way line of the Union Pacific Railroad; thence Southeasterly along the Southern right-of-way line of the said railroad to the point of Curvature of the West right-of-way line of the North Y branch of the Union Pacific Railroad; thence along the Western right-of-way line of the said Y branch following a curve to the right to the point of tangency with the said right-of-way line; thence Southwesterly along the said right-of-way line to the east line of Vista Street; thence South along the East line of Vista Street to the Southern right-of-way line of the said Y branch; thence Northeasterly along the Southern right-of-way line to the point of curvature for the South Y branch of the Union Pacific Railroad; thence along the Southern right-of-way line of the said Y branch following a curve to the right, to the point of tangency with the Western right-of-way line of the Main Trunk of the Union Pacific Railroad; thence Southeasterly along the Western right-of-way line of the said railroad to the intersection with the West line of Annette Street; thence South along the West line of Annette Street to the South boundary of the Columbus Park Sub.; thence West along the South boundary of the Columbus Park Sub. to the East line of Columbus Street; thence South along the East line of Columbus Street to the South line of Targee Street; thence West along the South line of Targee Street to the Northeast corner of the Hawthorne School property; thence South along the East boundary of the said school property to the Southeast corner of said school property; thence West along the South boundary of the said school property to the Southwest corner of the said school property; thence North along the West boundary of said

school property to the South line of Targee Street; thence West along the South line of Targee Street to the East line of Vista Street; thence South along the East line of Vista Street to the South line of Malad Street; thence West along the South line of Malad Street to the West line of Shoshone Street; thence North along the West line of Shoshone Street to the South line of Cherry Lane; thence West along the South line of Cherry Lane to the East line of Owyhee Street; thence South along the East line of Owyhee Street to the South line of Hillcrest Drive; thence Northeasterly along the Southern line of Hillcrest Drive to the Northeast corner of Lot 10, Block 4, Rutledge Heights No. 2; thence Southerly along the Eastern boundary of said Lot 10 to the Southeast corner of said Lot 10; thence Northwesterly along the Southern boundary of Rutledge Heights No. 2 to a point on the Southern boundary of Lot 2, Block 4, Rutledge Heights No. 2, said point also being the Northeast corner of Lot 1, Block 6, Country Club Manor; thence Southwesterly along the Eastern boundary of said Lot 1 to the center line of Greenbrier Street; thence Southwesterly along the Southeastern boundary of Lots 1 and 2, Block 7, Country Club Manor to a point on the Southeastern boundary of said Lot 2, said point also being the Northeast corner of Country Club Manor No. 2; thence South along the East boundary of Country Club Manor No. 2 to the Southeast corner of said subdivision, said corner also being on the Section line common to Sections 21 and 28; thence West along the said Section line to the Section corner common to Sections 20, 21, 28, 29, Township 3 North, Range 2 East, Boise Meridian, and the point of beginning.

EXCEPTING, HOWEVER, FROM THE AFOREMENTIONED AREA THE FOLLOWING TRACTS OR PARCELS:

Property of the Oregon Short Line Railroad Company
in Ada County, Idaho;

Beginning at the point of intersection of the South Line of Section 9, T. 3 N., R. 2 E., B. M., with the center line of the Main Track of the Boise Main Line, as now constructed and operated, which point is designated as Railroad Survey Station 1362-457.9; thence West along the South line of said Section 9 a distance of 130 feet more or less to a point that is 25.0 feet radially distant southwesterly from the center line of said Main Track; thence westerly along a line that is 25.0 feet distant from, and parallel to the center line of said Main Track to a point in the North-South center line of said Section 9; thence South along said center line of said Section 9 a distance of 25.0 feet to the 8 1/4 corner of said Section 9; thence West along the South Lines of said Section 9 and Section 8, said Township and Range, to a point of curvature; thence along a curve to the left, tangent to the last described course and having a radius of 3769.83 feet, a distance of 592.15 feet to a point of tangency;

Thence southwesterly, tangent to the last described curve, 50.0 feet distant from, and parallel to said center line of Main Track a distance of 637.1 feet to a point of curvature; thence southwesterly along a curve to the right tangent to the last described course and having a radius of 3869.83 feet a distance of 525 feet more or less to a point of curvature;

Thence southwesterly along a curve to the right having a radius of 1246.28 feet a distance of 424 feet more or less to a point of tangency which is 100.0 feet perpendicularly distant southerly from the center line of said Main Track at Railroad Survey Station 1465+59.2; thence northwesterly, 100.0 feet distant from and parallel to the center line of said Main Track to the point of intersection with the West line of Liberty Street; thence North along said West Line of Liberty Street a distance of 200.56 feet to a point that is 100.0 feet perpendicularly distant northerly from the center line of said Main Track; thence easterly along a line 100.0 feet distant northerly from, and parallel to the center line of said Main Track, a distance of 742 feet more or less to a point of curvature;

Thence along a curve to the left having a radius of 1113.28 feet a distance of 661 feet more or less to a point of tangency; thence tangent to the last described curve and northeasterly along a line that is 33.0 feet distant northwesterly from the Main Track of the Boise Branch of the Oregon Short Line Railroad Company a distance of 5954.0 feet to a point; thence at right angles northwesterly a distance of 33.0 feet; thence along a curve to the right having a radius of 1212.28 feet to the point of intersection with a property line running South from a point in the North line of Lot 1, Block 34 of Scott's Third Subdivision then 333.65 feet distant easterly from the NW corner of said Lot 1; thence in a southeasterly direction across the Right of Way of said Railroad Company to a point in the West line of Garden Street 66.0 feet radially distant from the center line of said Main Track at Railroad Survey Station 945+99.5; thence southwesterly along a curve to the Left having a radius of 1080.28 feet a distance of 930.6 feet more or less; thence northwesterly and radially to the last described curve a distance of 33.0 feet; thence at right angles southwesterly, 33.0 feet distant from and parallel to, the center line of said Main Track of the Boise Branch a distance of 5954.0 feet to a point of curvature;

Thence southwesterly along a curve to the right, tangent to the last described curve and having a radius of 1179.28 feet a distance of 542 feet more or less; thence along a line bearing S 84 degrees 47 minutes E a distance of 65 feet more or less to a point of curvature;

Thence along a curve to the left having a radius of 3769.83 feet a distance of 310 feet more or less to a point of tangency which is 50.0 feet perpendicularly distant northwesterly from the center line of the Main Track of the Boise Main Line of the Oregon Short Line Railroad Survey Station 1456+32.5; thence northeasterly 50.0 feet distant northwesterly and parallel to the center line of said Main Track a distance of 637.1 feet to a point of curvature;

Thence along a curve to the right, tangent to the last described course and having a radius of 3869.83 feet a distance of 607.85 feet to a point of tangency which is 100.0 feet North of the South

line of Section 8, T. 3 N., R. 2 E., B. M., at Railroad Survey Station 1443-495.4; thence East along a line running 100.0 feet distant northerly from, and parallel to the South Lines of said Section 8 and Section 9, said Township and Range, a distance of 9705.8 feet to a point of curvature; thence southeasterly along a curve to the right having a radius of 1960.08 feet to the intersection with the South Line of said Section 9; thence West along said South Line of Section 9 a distance of 185 feet more or less to the point of beginning.

Property of Hillcrest Country Club, Inc. in
Ada County, Idaho:

AREA NO. 1

Beginning at the Southwest corner of the intersection of Overland and Roosevelt Avenue, which point bears South 36.00 feet and West 30.00 feet from the corner common to Sections 16, 17, 20 and 21, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho; Thence along the West side of Roosevelt Avenue South 0°06' East 1809.9 feet; Thence on a curve to the right with a radius of 130.00 feet and central angle of 112°57'; Thence North 67°09' West 398.50 feet along the Northerly line of the Country Club Drive; Thence on a curve to the right with a radius of 1402.7 feet and a central angle of 9°35' along the Northerly line of Country Club Drive; Thence North 57°34' West 444.60 feet along the Northerly line of the Country Club Drive; Thence on a curve to the left with a radius of 130.00 feet and a central angle of 122°28' along the Northerly line of the Country Club Drive; Thence on a curve to the right with a radius of 70.00 feet and central angle of 121°16' along the Northerly line of the Country Club Drive; Thence North 58°48' West 588.1 feet along the Northerly line of the Country Club Drive; Thence North 29°19' East parallel to and 9 feet Westerly from the center line of a ditch to the edge of the bluff and thence down the slope a total distance of 509.50 feet; Thence North 58°00' West 357.50 feet; Thence North 74°50' West 357.00 feet; Thence North 52°30' West 200.00 feet; Thence North 179.40 feet; Thence East 70.00 feet; Thence North 0°02' East 264.00 feet; Thence North 89°58' East 2421.00 feet along the Southerly line of Overland Avenue to the place of beginning.

EXCEPT

A part of the Hillcrest Country Club located in the NW 1/4 NE 1/4, Section 20, Township 3 North, Range 2 East, Boise Meridian, described more particularly as follows:

Beginning at a point which is North 89°58' East 200 feet and South 0°02' West 36.00 feet from the Quarter corner common to Sections 17 and 20, Township 3 North, Range 2 East, Boise Meridian; Thence North 89°58' East 166.00 feet along the South edge of Overland Street to a point; Thence South 2°37' West 110.00 feet to a point; Thence South 38°08' West 42.00 feet to a point; Thence South 69°08' West 59.00 feet to a point; Thence South 89°50' West 80.04 feet to a point; Thence North 0°02' East 164.00 feet to the point of beginning.

ALSO EXCEPT

A portion of the Hillcrest Country Club more particularly described as follows:

Beginning at the Section corner common to Sections 16, 17, 20 and 21, Township 3 North, Range 2 East, Boise Meridian; Thence South $0^{\circ}06'$ East a distance of 963.10 feet along the Section line; Thence South $89^{\circ}54'$ West a distance of 30.00 feet to the West side of Roosevelt Avenue, the real place of beginning; Thence South $0^{\circ}06'$ East a distance of 882.80 feet along the West side of Roosevelt Avenue to a point of curvature; Thence Southwesterly around a curve of 130.00 foot radius and $112^{\circ}57'$ central angle a distance of 256.28 feet; Thence North $67^{\circ}09'$ West a distance of 129.81 feet along the North side of Foote Street; Thence North $22^{\circ}51'$ East a distance of 110.00 feet; Thence South $67^{\circ}09'$ East a distance of 160.00 feet; Thence North $0^{\circ}06'$ West a distance of 912.99 feet; Thence North $89^{\circ}54'$ East a distance of 110.00 feet to the real point of beginning.

ALSO EXCEPT

Commencing at the Section corner common to Sections 16, 17, 20 and 21, Township 3 North, Range 2 East, Boise Meridian; Thence South along the center line of Roosevelt Street 30.00 feet to a point; Thence North $89^{\circ}57'$ West 30.00 feet parallel to the center line of Overland Street and Section line to the real point of beginning; Thence North $89^{\circ}57'$ West parallel to the center line of Overland Street 160.00 feet to a point; Thence South $25^{\circ}38'$ East 138.70 feet to a point; Thence South $89^{\circ}57'$ East parallel to the center line of Overland Street 100.00 feet to a point; Thence North parallel to the center line of Roosevelt Street 125.00 feet to the real point of beginning.

AREA NO. 2

Sub 5
Lot 5 in Block 1 and Lots 1 to 11, both inclusive, in Block 4 and Lots 1 and 2 in Block 5 of Hillcrest Terrace Subdivision, according to the Amended Plat thereof, including the reversionary interest of the grantors in and to that portion of Clayton Street, Hillcrest Circle and Freeman Street adjacent to said Lots, to be abandoned by the vacation thereof, which said property is more particularly described as follows, to-wit:

Commencing at the Southeast corner of Lot 5, Block 1, of the Amended Plat of Hillcrest Terrace Subdivision, the real point of beginning; Thence North $50^{\circ}21'$ West 667.35 feet to a point; Thence North $52^{\circ}41'$ West 120.00 feet to a point; Thence South $37^{\circ}19'$ West 290.00 feet to a point; Thence South $52^{\circ}41'$ East 120.00 feet to a point; Thence South $37^{\circ}19'$ West 54.50 feet to a point; Thence South $0^{\circ}05'$ East 145.13 feet to a point; Thence South $89^{\circ}28'$ East 722.48 feet to the real point of beginning.

AREA NO. 3

✓ Lot 22 and Lots 28 to 33, both inclusive, in Block 2; Lots 1 to 8,

both inclusive, in Block 3; Lots 2, 4 and all but the West 20 feet of Lot 5 in Block 5, all in Hillcrest Terrace Subdivision, as the same are numbered and designated on the Amended Plat of said Subdivision on file and of record in the office of the County Recorder of Ada County, Idaho; together with parts of Freeman Street, Hillcrest Circle, and Clayton Street in Hillcrest Terrace Subdivision, which have been vacated, all of which said property is more particularly described as follows, to-wit:

Beginning at the 1/16 corner of the South Boundary of the Amended Plat of Hillcrest Terrace Subdivision which point of beginning is the Southeast corner of Lot 4, Block 5 of the Amended Plat of Hillcrest Terrace Subdivision; Thence North $89^{\circ}51'$ West a distance of 199.32 feet along the South boundary of said Amended Plat of Hillcrest Terrace Subdivision; Thence North $0^{\circ}03'$ West a distance of 108.43 feet to a point of curvature; Thence Northwesterly around a curve of 60.00 foot radius and $90^{\circ}00'$ central angle a distance of 94.25 feet; Thence South $89^{\circ}57'$ West a distance of 80.00 feet along the North side of Hillcrest Circle to a point of curvature; Thence in a Westerly direction around a curve to the right of 73.47 foot radius and $44^{\circ}50'$ central angle a distance of 57.47 feet to a point of reversed curvature; Thence in a Northwesterly direction on a curve to the left of 153.47 foot radius and $44^{\circ}50'$ central angle a distance of 120.05 feet; Thence North $0^{\circ}05'$ West 147.85 feet along the center line of Block 2 of the Amended Plat of Hillcrest Terrace Subdivision; Thence North $12^{\circ}35'$ East 84.35 feet; Thence North $50^{\circ}32'$ West 144.90 feet to the Southwest side of Pond Street; Thence North $54^{\circ}25'$ East 99.53 feet along the Southwest side of Pond Street; Thence South $35^{\circ}35'$ East 140.00 feet to the midline of said Block 2; Thence along the midline of said Block 2, North $54^{\circ}25'$ East 330.00 feet to the North corner of Lot 33; Thence South $35^{\circ}35'$ East a distance of 140.00 feet along the line between Lots 33 and 34 of Block 2 of said Amended Plat of Hillcrest Terrace Subdivision to the centerline of Freeman Street; Thence North $54^{\circ}25'$ East a distance of 20.92 feet to a point of curvature; Thence Easterly around a curve of 40.00 foot radius and $72^{\circ}54'$ central angle a distance of 51.02 feet; Thence South $52^{\circ}41'$ East a distance of 162.91 feet along the centerline of Freeman Street to the intersection with the centerline of Hillcrest Circle; Thence South $37^{\circ}19'$ West a distance of 220.00 feet along the center line of Hillcrest Circle to the intersection with the centerline of Clayton Street; Thence South $52^{\circ}41'$ East a distance of 120.00 feet along the centerline of Clayton Street; Thence South $37^{\circ}19'$ West a distance of 54.50 feet along the line between Lots 2 and 3, Block 5 of said Amended Plat of Hillcrest Terrace Subdivision; Thence South $0^{\circ}05'$ East a distance of 145.13 feet along the line between Lots 2 and 3, Block 5 of said Amended Plat of Hillcrest Terrace Subdivision to the point of beginning.

EXCEPT that portion of the above described property which lies within portions of the streets which have not been vacated.

AREA NO. 4

The East one-half of the Southeast Quarter of Section 20 in Township 3 North, Range 2 East of the Boise Meridian, Ada County, Idaho;

EXCEPT part of the Southeast Quarter of the Southeast Quarter of Section 20, more particularly bounded and described as follows:

Beginning at the 1/16 corner at the Southwest corner of the SE 1/4 SE 1/4, Section 20, Township 3 North, Range 2 East, Boise Meridian, and running thence North 0°09' West along the 1/16 Section line a distance of 281.18 feet; Thence East a distance of 270.35 feet to the Westerly boundary of the New York Canal Right of Way; Thence South 28°10' West along said Westerly boundary of the New York Canal Right of Way to the Section line, a distance of 318.98 feet; Thence West along the Section line common to Sections 20 and 29, a distance of 119.00 feet to the point of beginning.

EXCEPT

Commencing at the Southeast corner of the SW 1/4 of the NE 1/4, Section 20, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho; Thence South 0°05' East 241.3 feet to a steel pin which is the real point of beginning; Thence South 25°05' East 284.8 feet to a steel pin; Thence South 54°18' West 148.0 feet to a steel pin; Thence North 0°05' West 340.4 feet to the real point of beginning; excepting the County Road Right of Way.

AREA NO. 5

Commencing at the Southeast corner of the SW 1/4 of the NE 1/4, Section 20, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, which is the real point of beginning; Thence North 89°51' West 199.32 feet to a point; Thence South 0°05' East 74.6 feet to a point on the bank of the Penninger Lateral; Thence Southeasterly along the right of way of the Penninger Lateral to a point South 0°05' East 130.1 feet from the real point of beginning; Thence North 0°05' West 130.1 feet to the real point of beginning.

AREA NO. 6

A part of Lot 14, all of Lot 34 and a part of Lot 35 in Block 2 of Hillcrest Terrace Subdivision, according to the Amended Plat thereof, more particularly described as follows, to-wit:

Beginning at the Northeast corner of Lot 14, Block 2 of the Amended Plat of Hillcrest Terrace Subdivision, according to the plat thereof filed in Book 13 of Plats at page 858, Records of Ada County, Idaho; (1) running thence on the arc of a 15 foot radius curve to the left, the long chord of which bears South 9°25' West

21. 21 feet, a distance of 23.56 feet; Thence (2) South 32° 53' East 125.14 feet to a point of intersection of the lot lines common to Lots 12, 14, 34 and 35; Thence (3) South 2° 25 1/2' West a distance of 82.50 feet along the line between Lots 34 and 35, Block 2 of said Amended Plat of Hillcrest Terrace Subdivision; Thence (4) South 27° 14 1/2' East a distance of 180.00 feet to the center line of Freeman Street; Thence (5) North 52° 41' West a distance of 108.24 feet along the center line of Freeman Street to an angle point; Thence (6) South 54° 25' West a distance of 80.46 feet along the center line of Freeman Street; Thence (7) North 35° 35' West a distance of 140.00 feet along the line between Lots 33 and 34, Block 2 of said Amended Plat of Hillcrest Terrace Subdivision; Thence (8) North 54° 25' East a distance of 120.00 feet along the center line of Block 2 of said Amended Plat of Hillcrest Terrace Subdivision; Thence (9) North 35° 35' West a distance of 140.00 feet along the line between Lots 14 and 15, Block 2 of the Amended Plat of Hillcrest Terrace Subdivision; Thence (10) North 54° 25' East a distance of 80.00 feet along the Southeastly side of Pond Street to the point of beginning.

Property of James E. and Margaret A. Shroyer:

W. 5.5 Acres of S. 8.5 Acres of N. 1/2 of Lot 9, Sec. 6 T 3 N., R. 2 E., Boise Meridian, Ada County, Idaho.

Property of Marion B. Simpson:

N.E. 9.33 Acres of NE 1/4 of SW 1/4 of Sec. (21) T. 3 N., R. 2 E., Boise Meridian, Ada County, Idaho.

Property of Maurice A. and Lucille E. Nelson:

N 1/2 of NE 1/4 of SE 1/4, Sec. 21, T. 3 N., R. 2 E., Boise Meridian, Ada County, Idaho.

Property of R. G. Patterson:

Lots 43 and 44, N. of Ditch and Lots 45 and 46, Brose 1st Sub- division, Ada County, Idaho.

Property of H. A. and Rose Carter:

W 1/2 of Lot 54, State Subdivision, except r/w Sec. (16), T. 3 N., R. 2 E., Boise Meridian, Ada County, Idaho.

Property of Winnifred L. Bissell:

6 Lots 1 and 4, Block 28, Scott's Subdivision, Ada County, Idaho.

Property of Dependable Wholesale Co., Inc.:

7 S. and E. of RR in Lots 2 and 3, Scott's Subdivision, Block 31, Ada County, Idaho.

Property of George Helwig:

4 Lots 1 and 2, Block 16; Lots 3 and 4, Block 17, Lambach's Hillboro Subdivision, Ada County, Idaho.

Property of Edward W. and Mollie Brandel:

9 Lots 23 to 26, Block 2, Country Club Subdivision No. 1, Ada County, Idaho.

Property of E. J. Green:

Lots 21, 22 and North of Ditch Lots 27 and 28 except W. 148' in Brose First Subdivision, Ada County, Idaho.

7. That the certificates of said judges of election heretofore filed herein be and the same hereby are in all respects approved and confirmed.

8. That the form of bond hereto attached as Exhibit "A" be and the same hereby is fixed and approved as the form of bond to be executed by the directors of said district in qualifying for their offices.

9. That the members of the Board of Directors of said district as hereinabove specified shall qualify for office as provided in Section 42-3208 Idaho Code.

10. That after taking the oath and filing bonds as by the statute provided, the Board shall meet and determine among themselves or, in the event of their inability to determine by agreement they shall determine by lot, the term for which each director elected shall serve, one director to act until the first biennial election, two directors to act until the second biennial election, and two directors to act until the third biennial election; that thereafter the Board shall choose one of its members as chairman of the Board and president of the district, and shall elect a secretary and treasurer of the Board and of the District, who may or may not be members of the Board. The secretary and the treasurer may be one person. Such Board shall adopt a seal and the secretary shall keep, in a well bound book, a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts, which shall be open to inspection of all owners of real property in the district, as well as to all other interested parties. The officers

of the district shall perform the duties and receive compensation therefor as may be specified by Chapter 32, Title 42 Idaho Code and all acts amendatory thereof or supplemental thereto or which may hereafter be enacted.

11. That the Clerk of this Court is hereby ordered to return and exonerate the bond filed by petitioners in this matter, said bond to be returned to the attorney for petitioners upon the giving of proper receipt therefor.

DATED this 10th day of March, 1958.

M. OLIVER KOELSCH

DISTRICT JUDGE

STATE OF IDAHO,
County of Ada ss.

I, VERN THOMAS, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 11th

day of March 1958

VERN THOMAS, Clerk

Ches B. Bennett
By Ches B. Bennett Deputy

CONVERSATION MEMORANDUM

Date: 8-22-03

Employee Initials: 

File #: 63-17059

Name of Party: MARY Kazian 345-5363

She thinks both the well & plant are north of Ustick Road (if they are both are in section 6) They were laying line in 1959 thought they went on line in 1960 will check this out.

Sending Proof of Priority Date & request to determine location of well & plant.

11-5-03 Doug Rhinehart will find out when well was drilled & put to use will also send map. Use .02 x 1.9835 x 365 days for volume as may be used at any and all time for washing equipment.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 22, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Mary Kazian
Bench Sewer District
4828 Emerald Street
Boise, Idaho 83706

Re: Claim No.63-17059

Dear Ms. Kazian:

On August 8, 1989, the Bench Sewer District submitted the above referenced claim in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right was based on a Beneficial Use of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out.

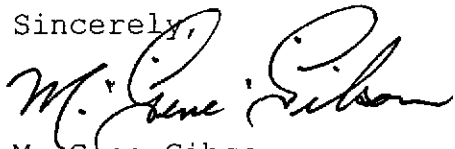
Your claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right, if water availability problems arise in the future. It is our goal to

decree the historical water rights within the Snake River Basin as accurately as possible. I have also enclosed a map of the area could you please mark the location of the well and Pretreat Plant so I can confirm the legal land discription.

The required evidence supporting the priority date must be submitted by **September 30, 2003**, reference all documents with the corresponding claim number. If you have any questions, please contact this office or me at 334-2190.

Sincerely,

A handwritten signature in cursive script, reading "M. Gene Gibson". The signature is written in dark ink and is positioned above the typed name.

M. Gene Gibson
Water Right Senior Agent
Western Regional Office

MGG:g

Enclosures



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 63



RIGHT ID 63 17059
POD ID 170270
Quad Eagle 7
Claim Type Small
Easting 319220
Northing 281525
GPSID A0013273

Diversion Description

DRILLED WELL, 83' DEPTH, 6" CAS. W/ PUMP & PIPE TO PRETREAT PLANT. Bench Sewer District 4828 Emerald. Well located behind building (North of).

Assumptions

Invoice #

2000-055-01

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missing)
Phase-III (Complete w/ issues)
Phase-IV (Total Complete)

Linked

a Photos\170270a.JPG

Photos

EPE (ft)

17 LH

Date (M/D/Y)

12/4/01

Time

8.45

Flow Rate (CFS)

0.00

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

0

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

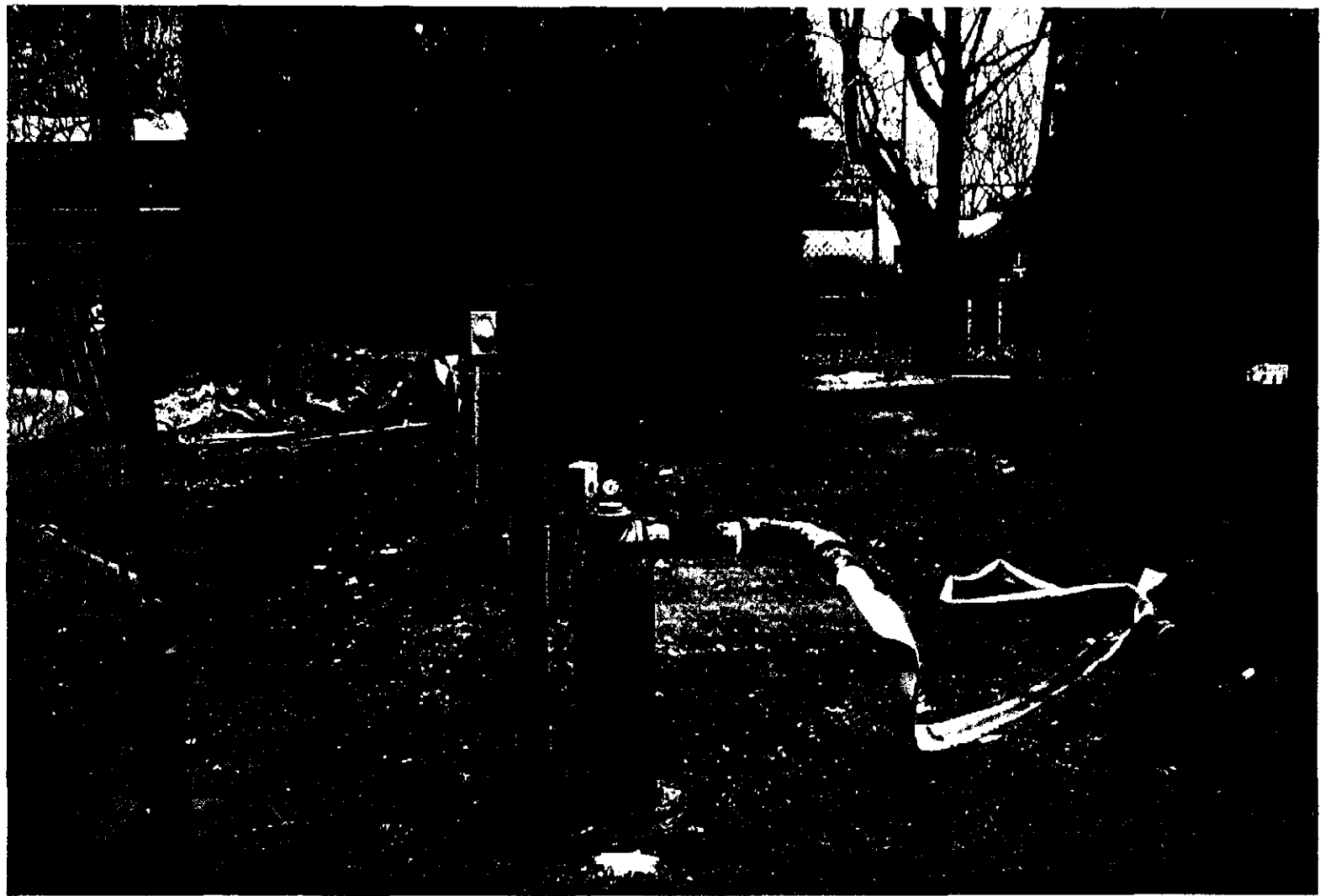
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INTREPID
Engineering Services, Inc. (IES)
Enabling People and Solutions

RIGHT ID

63 17059





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

November 9, 2001

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist us with this task.

The purpose of this letter is to advise you that Intrepid might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Intrepid to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte
Adjudication Section Supervisor
Western Regional Office