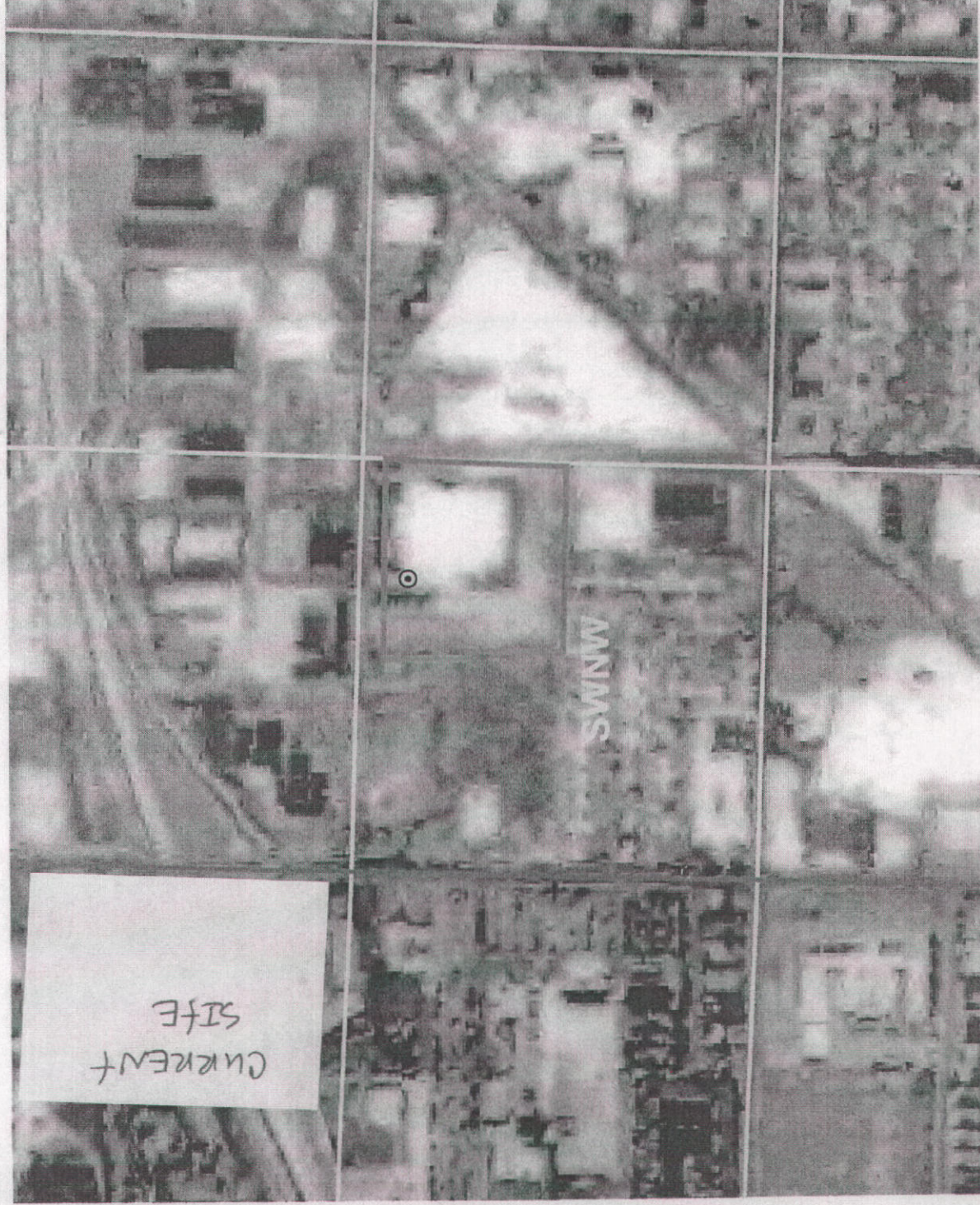


IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-7640

Date Prepared: 11-5-03

Prepared By: Gene Gibs



T03N, R02E
S8



⊙ Point of Diversion

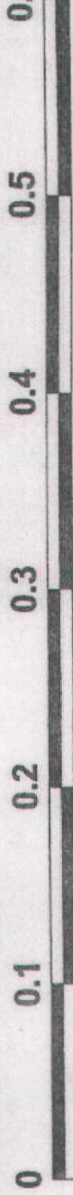
Place of use

Section

1/4 1/4

1987 NAPP

0.6 Miles



ATTACHMENT C

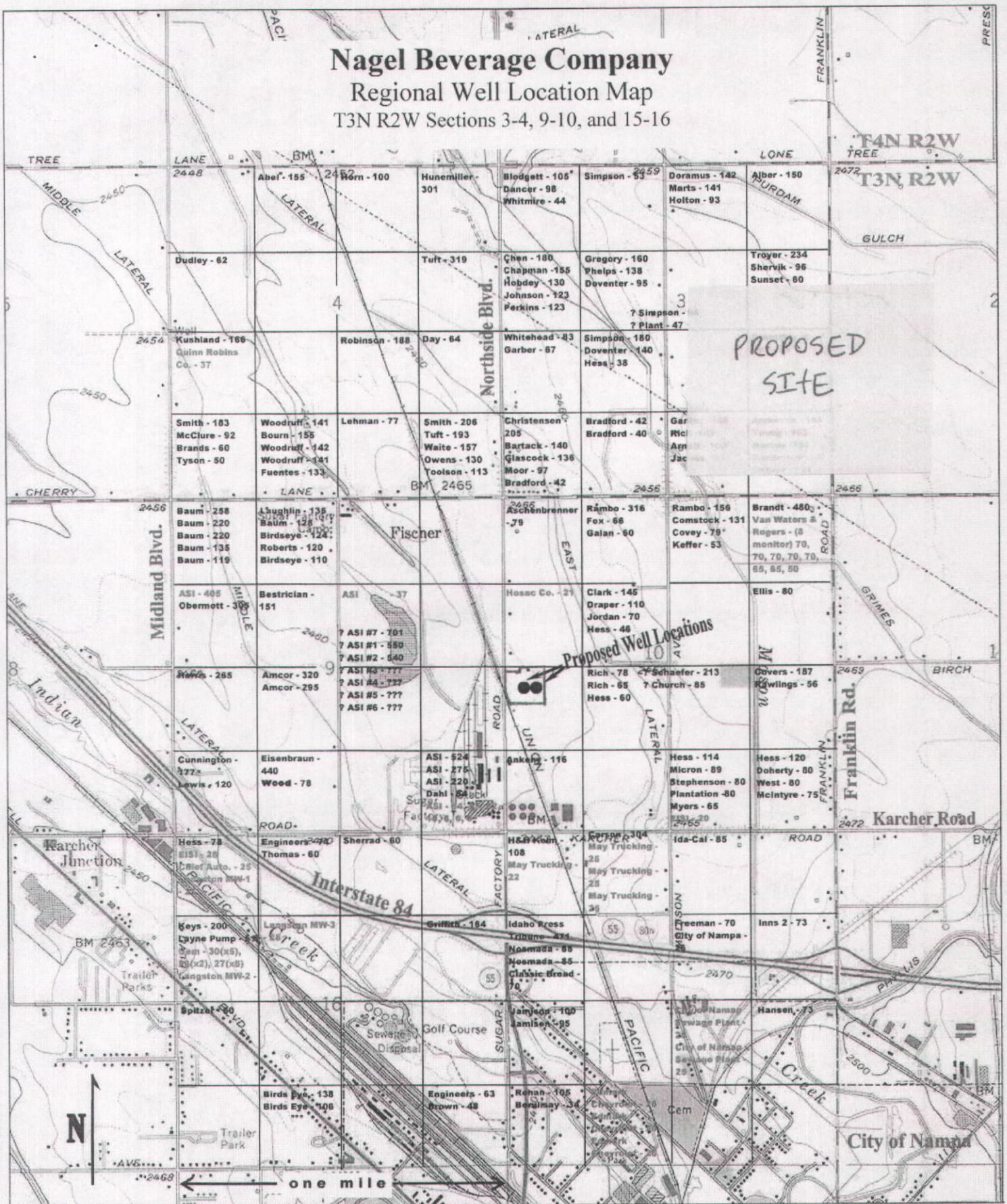


Figure 1. Location map of wells in T3N R2W Sections 3-4, 9-10, and 15-16. Wells are plotted to the nearest $\frac{1}{4}$, $\frac{1}{4}$ section by name followed by total depth of the well. Owing to space consideration, the five deepest wells are plotted in each $\frac{1}{4}$, $\frac{1}{4}$ section. If less than five wells exist in a 40-acre tract, then the wells plotted are the only wells listed. Wells in red are monitoring wells and wells in center of section are of unknown location. Some well logs may be missing and others may be mislocated on well log. Map is a 1:24,000 scale USGS 7 $\frac{1}{2}$ -

State of Idaho
Department of Water Administration
WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

[illegible]

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 63-32001
Date Received: 10/9/2003
Receipt No: X777777
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

NAGEL BEVERAGE COMPANY Phone: (208)376-2361
5465 W IRVING ST
BOISE ID USA 83706

2. Date of Priority: 07/27/1972

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	8	SW NW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.38	32.5

7. Total Quantity Appropriated is:
0.38 C.F.S. and/or 32.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: Soft drink production

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02E	8	SW	NW	INDUSTRIAL	

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:

14. Remarks:

This right is a split from former right 63-7640.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

WATER RIGHT NO. 63-32001
As Modified by Transfer No. 71581

In accordance with the approval of Transfer No. 71581, Water Right No. 63-32001 is now described as follows.

Right Holder: NAGEL BEVERAGE CO
 5465 W IRVING
 BOISE ID 83706

Priority Date: July 27, 1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	0.38 CFS	32.5 AF
			0.38 CFS	32.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNW Sec. 8 Twp 03N Rge 02E ADA County

PLACE OF USE: INDUSTRIAL

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	8																	

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 1st day of February, 20 05


 Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71581

This is to certify that: NAGEL BEVERAGE CO
5465 W IRVING
BOISE ID 83706
(208)376-2361

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-7640	AJC/License	07/27/1972	0.76 cfs	65.0 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-7640	YES	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-7640	63-32002	0.38 cfs	32.5 af	N/A	N/A	63-32001	0.38 cfs	32.5 af	N/A	N/A
COMBINED										
TOTALS		0.38 cfs	32.5 af	N/A	N/A		0.38 cfs	32.5 af	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of February, 20 05



Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 63-7640

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Please direct all inquiries to Ed Squires at 342-8369

Name of applicant Nagel Beverage CompanyPhone (208) 376-2361Post Office Address 5465 W. Irving, Boise, Idaho 83706**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes: To add two new wells as points of diversion and to change the place of use of 1/2 of the water right's volume and flow rate to the location of a new bottling plant near Nampa in Canyon County, Idaho.

B. DESCRIPTION OF RIGHTS(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount Nature Period of Use
(cfs/ac-ft)
(SPUT) 07/27/1972 .38 cfs/32.5 af Industrial 1/1 to 12/31
2. Total amount of water being transferred .38 cfs cubic feet per second and/or 32.5 acre-feet per annum.
3. Source of water Groundwater tributary to N/A
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge.	County	Local name for division
		NW	SW	10	3N	2W	CANYON	Two new Nagel Beverage Wells

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2W	10										I							

Total acres N/A

6. General information:

- a. Description of diversion system Deep wells pumping from cold water aquifer.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: N/A
- d. Remarks: N/A.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2004.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED: Please see copy of Water Right License attached as Attachment B.

1. Right Evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-7640 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- c. Transfer Nos. _____ which produce these rights.

2. Attach a copy of last year's tax notice of the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals

Total acres _____

9. Describe any other water rights used for the same purpose as described above.

PART 2

10. To your knowledge, has any portion of the water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount
- 38 cfs/32.5 acre-feet per annum
- for
- Industrial
- purposes from
- January 1
- to
- December 31
-
- (cfs/ac-ft)

2. Point(s) of Diversion:
- No Change**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	8						1											

Total acres N/A**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is not change)**

1. Amount 38cfs/32.5 acre-feet for Industrial purposes from January 1 to December 31
(cfs/ac-ft)
- Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge.	County	Local name for division
		NW	NW	8	3N	2E	ADA	Nagel Beverage Well

5. Lands irrigated or place of use:

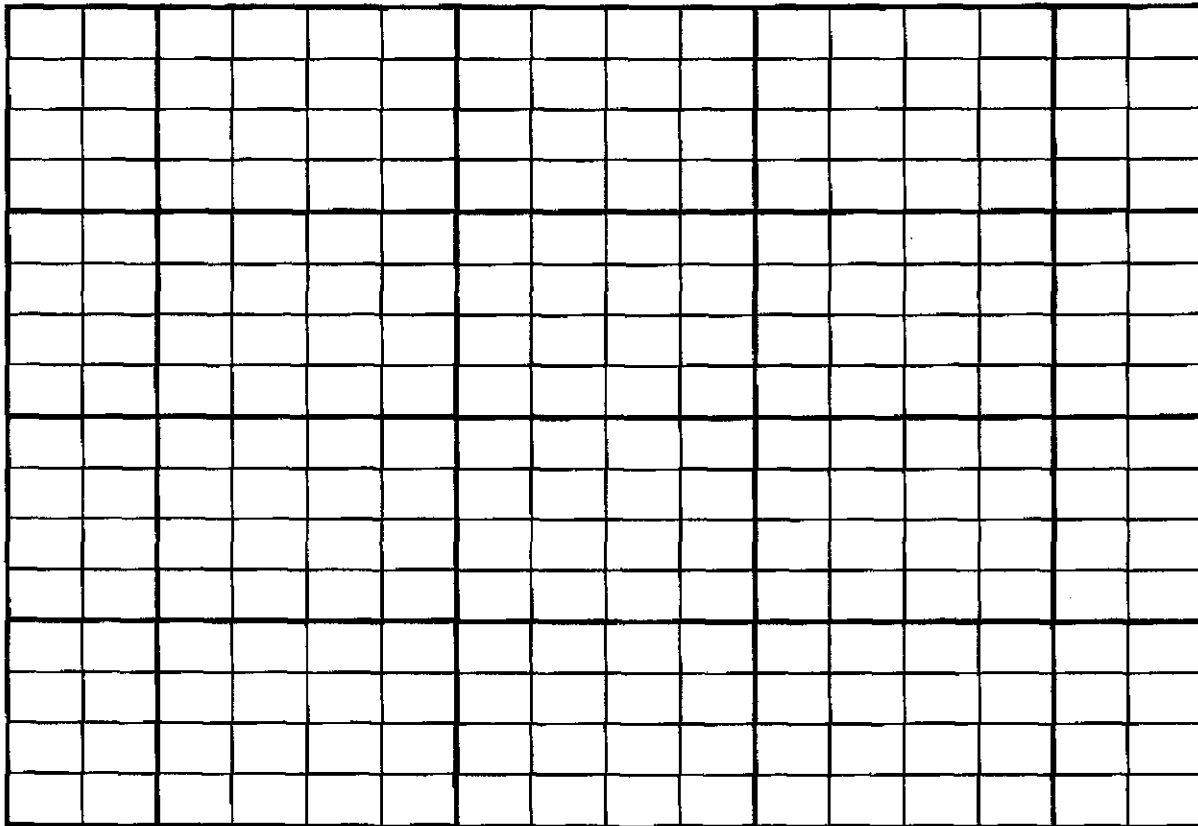
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	8						1											

Total acres N/A

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number:

Please see attached labeled copy of USGS map.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount Hours/days/year Period of Use
_____ to _____
2. Quantity and quality of return flows and location of discharge:
3. Describe effects on water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

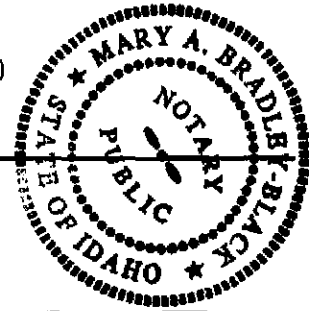
Mary A. Bradley-Black V.P.
(Signature of Applicant and Title)

Subscribed and sworn to before me this 10th day of August, 2004

Mary A. Bradley-Black

(Notary Public)

My commissions expires 1/3/07

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and _____ attachments

Received by KG Date 8/23/04 Protest filed by _____

Prelim. check by g Fee 250⁰⁰

Receipted by KG Date 8/23/04 W032142

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ re'd. _____ by _____

Copy of transfer sent to lien holder _____



NAGEL BEVERAGE CO., INC.

PHONE (208) 378-2781 • FAX (208) 378-2786 • 5465 IRVING ST. • BOISE, IDAHO 83708

September 29, 2004

To Whom It May Concern:

In accordance with the Record of Actions of Board of Directors, effective April 16, 2003
Mr. Vance Miller was elected as Vice-President of Nagel Beverage.

A handwritten signature in black ink, appearing to read "William E. Morris". The signature is fluid and cursive, with the first name "William" and last name "Morris" clearly distinguishable.

William E. Morris
Treasurer/Assistant Secretary

ATTACHMENT A

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that NAGEL BEVERAGE COMPANY

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Industrial	from January 1 to December 31	at 0.76 cfs and	65 acre feet
	from	cfs and	
	from	cfs and	

Description and location of place of use:

[illegible]

NOV 08

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of March, 19 79.

Deputy Director

MICROFILMED
ATTACHMENT B

IDAHO DEPARTMENT OF WATER RESOURCES

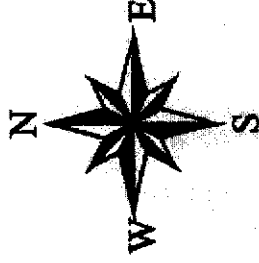
Claim: 63-7640

Date Prepared: 11-5-03

Prepared By: Gene Gibbs



T03N, R02E
S8



⊙ Point of Diverslor

Place of use

Section

1/4 1/4

1987 NAPP

0 0.1 0.2 0.3 0.4 0.5 0.6 Miles



ATTACHMENT C

Nagel Beverage Company Regional Well Location Map T3N R2W Sections 3-4, 9-10, and 15-16

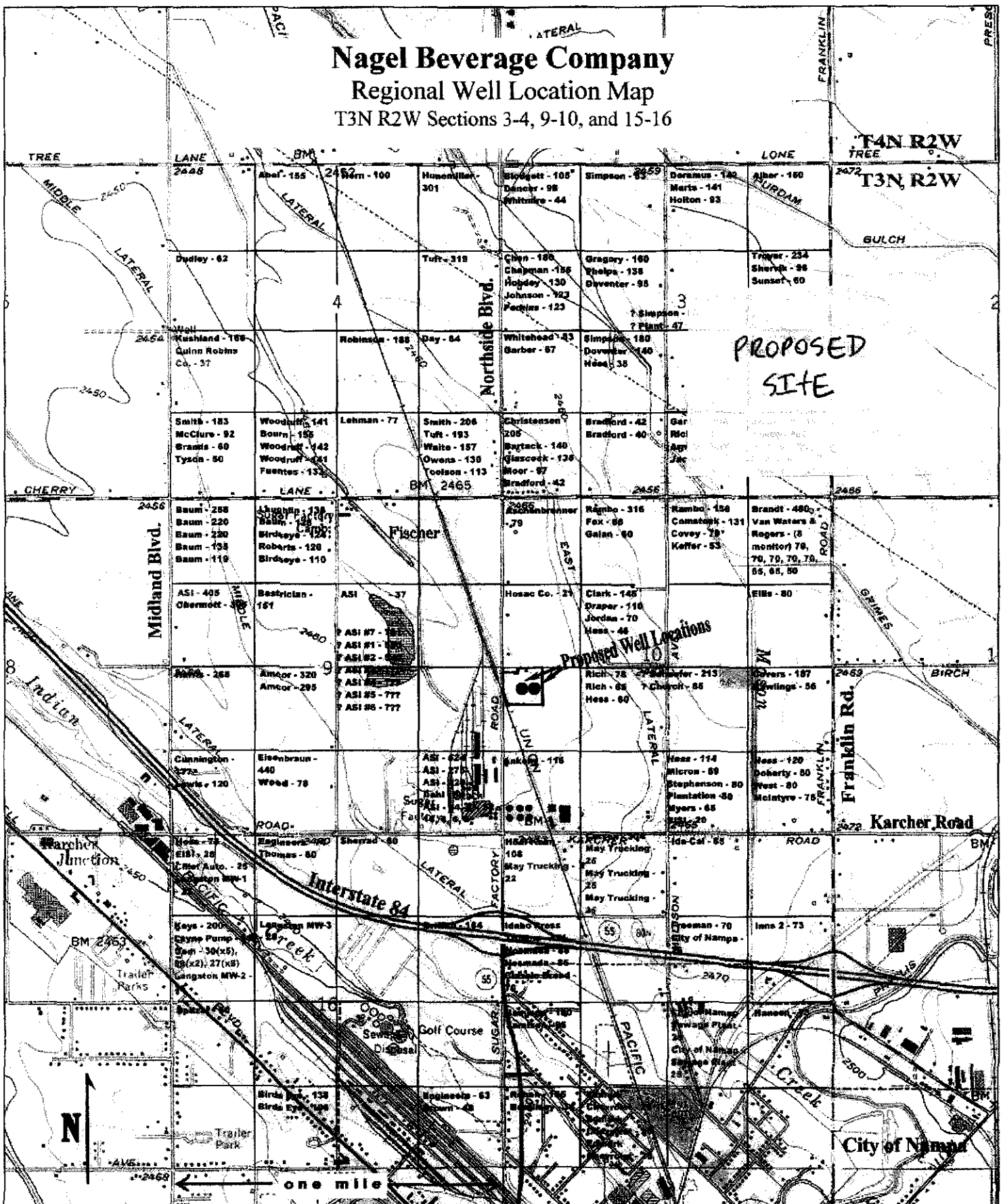


Figure 1. Location map of wells in T3N R2W Sections 3-4, 9-10, and 15-16. Wells are plotted to the nearest 1/4, 1/4 section by name followed by total depth of the well. Owing to space consideration, the five deepest wells are plotted in each 1/4, 1/4 section. If less than five wells exist in a 40-acre tract, then the wells plotted are the only wells listed. Wells in red are monitoring wells and wells in center of section are of unknown location. Some well logs may be missing and others may be mislocated on well log. Map is a 1:24,000 scale USGS 7 1/2 -

ATTACHMENT D

238004/02



A Pioneer Company
PIONEER TITLE COMPANY
 OF ADA COUNTY
 8151 W. Riffman Ave. / Boise, Idaho 83704
 (208) 377-2700

VAN AUKER INC

REQUEST PIONEER MAP
 TYPE MAP FEE 7.00

3004 JAN 15 PM 4 44
 G HOEL HALES
 CANNON CNTY RECORDER
 BY [Signature]

RECORDED

200402592

WARRANTY DEED

For Value Received Ronald W. Van Auken, a married man, as his sole and separate
 property

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Nagel Beverage Co

hereinafter referred to as Grantee, whose current address is 5465 Irving Street, Boise, ID 83706
 the following described premises, to-wit:

See exhibit "A", attached hereto and made a part thereof, by reference and which is comprised of
 four (3) pages

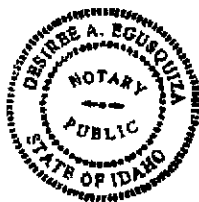
To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs
 and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor
 is the owner in fee simple of said premises; that said premises are free from all encumbrances except current
 years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record,
 and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims
 whatsoever.

Dated: January 6, 2004

[Signature]
 Ronald W. Van Auken

STATE OF IDAHO, County of ADA, ss.

On this 15th day of January, in the year of 2004, before me the undersigned, notary public personally
 appeared Ronald W. Van Auken known or identified to me to be the person whose name is subscribed
 to the within instrument, and acknowledged to me that he executed the same.



[Signature]
 Desiree A. Egusquiza

Desiree A. Egusquiza
 Notary Public of IDAHO
 Residing at Nampa, Idaho
 Commission expires: March 9, 2006

ATTACHMENT E1

EXHIBIT "A"

A parcel of land being Parcel A as shown on Record of Survey Instrument Number 200222457, located in the NW1/4 of the SW1/4 of Section 10, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho and described as follows:

Commencing at a brass cap monument marking the SW corner of said SW1/4, thence along the South line of said SW1/4 N89°56'06"E a distance of 1324.09 feet to a point from which a 5/8 inch rebar marking the SE corner of said SW1/4 bears N89°56'06"E a distance of 1324.08 feet, thence leaving said South line N00°13'00"W a distance of 1457.49 feet to a 5/8 inch rebar on the West line of said NW1/4 of the SW1/4, said rebar being the POINT OF BEGINNING;

Thence leaving said West line S89°56'06"W a distance of 1006.06 feet to a 5/8 inch rebar on the easterly right-of-way of Northern Pacific Rail Road;

Thence along said right-of-way N19°27'20"W a distance of 559.89 feet to a 5/8 inch rebar;

Thence leaving said right-of-way N89°54'25"E a distance of 1190.54 feet to a 5/8 inch rebar on said West line;

Thence along said West line S00°13'00"E a distance of 528.71 feet to the POINT OF BEGINNING.

Said parcel contains 13.32 acres more or less and is subject to all existing easements and rights-of-ways of record or implied.



EXHIBIT "A"

A parcel of land being Parcel A as shown on Record of Survey Instrument Number 200333829 and being located in a portion of the NW1/4 of SW1/4 of Section 10, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho and described as follows:

Commencing at a brass cap monument marking the NW corner of said NW1/4 of the SW1/4, thence along the North line of said NW1/4 of the SW1/4 N89°53'52"E a distance of 495.00 feet to a 5/8 inch rebar marking the POINT OF BEGINNING;

Thence continuing along said North line N89°53'52"E a distance of 828.30 feet to a 5/8 inch rebar marking the NE corner of said NW1/4 of the SW1/4;

Thence leaving said North line and along the East line of said NW1/4 of the SW1/4 S00°13'00"E a distance of 662.06 feet to a 5/8 inch rebar;

Thence leaving said East line S89°54'25"W a distance of 1190.54 feet to a 5/8 inch rebar on the easterly right-of-way of Northern Pacific Rail Road;

Thence along said right-of-way N19°27'20"W a distance of 403.15 feet to a 5/8 inch rebar on the West line of said NW1/4 of the SW1/4 and from which the SW corner of said S1/4 bears S00°12'00"E a distance of 2365.91 feet;

Thence leaving said right-of-way and along the said West line N00°12'00"W a distance of 61.44 feet to a 5/8 inch rebar;

Thence leaving said West line N89°53'52"E a distance of 495.00 feet to a 5/8 inch rebar;

Thence parallel with said West line N00°12'00"W a distance of 220.00 feet to the POINT OF BEGINNING.

Said parcel contains 17.03 acres more or less and is subject to all existing easements and rights-of-ways of record or implied.



PN52710

QVB
DKB

EXHIBIT "A"

A portion of the Northwest Quarter of the Southwest Quarter, Section 10, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

BEGINNING at the Northwest corner of said Northwest Quarter of the Southwest Quarter the REAL POINT OF BEGINNING, and bearing

South 220 feet along the West boundary of the aforesaid Southwest Quarter; thence East 495 feet; thence

North 220 feet to the intersection of the North boundary of the aforesaid Southwest Quarter; thence

West 495 feet along the aforesaid North boundary to the REAL POINT OF BEGINNING.

9902296

RECORDED

39 JUN 20 PM 4 21

C. NOEL MALES
CANYON COUNTY RECORDER
BY *[Signature]*

TYPE *[Signature]* PIONEER - NAMP
FEE *[Signature]*

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 63-7640
Date Received: 10/9/2003
Receipt No: W031012
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

NAGEL BEVERAGE COMPANY Phone: (208)376-2361
5465 W IRVING
BOISE ID USA 83706

2. Date of Priority: 07/27/1972

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	8	NW NW	ADA	

5. Description of diverting works:

300 ft. well w/12 inch casing.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.76	65

7. Total Quantity Appropriated is:

0.76 C.F.S. and/or 65 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: Soft drink production

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	02E	8	NW NW	INDUSTRIAL	

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:

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 ALB-7640

Date Received 10/9/03

Receipt Number W031012

RECEIVED

OCT 09 2003

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Nagel Beverage Company Phone (208) 376-2361
Mailing Address 5465 W. Irving, Boise, Idaho Zip 83706

2. Date of Priority (Only one (1) per claim) July 27, 1972

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

4. a. Location of existing point of diversion is: Township 3N Range 2E Section 8,
NW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well is 300 feet deep with
12 inch casing.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Industrial purposes from 1/1 to 12/31 amount 0.76 or 65

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.76 (cfs) and/or (b) 65 (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Water to be used for the production of soft drinks.

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	2E	8					X												

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

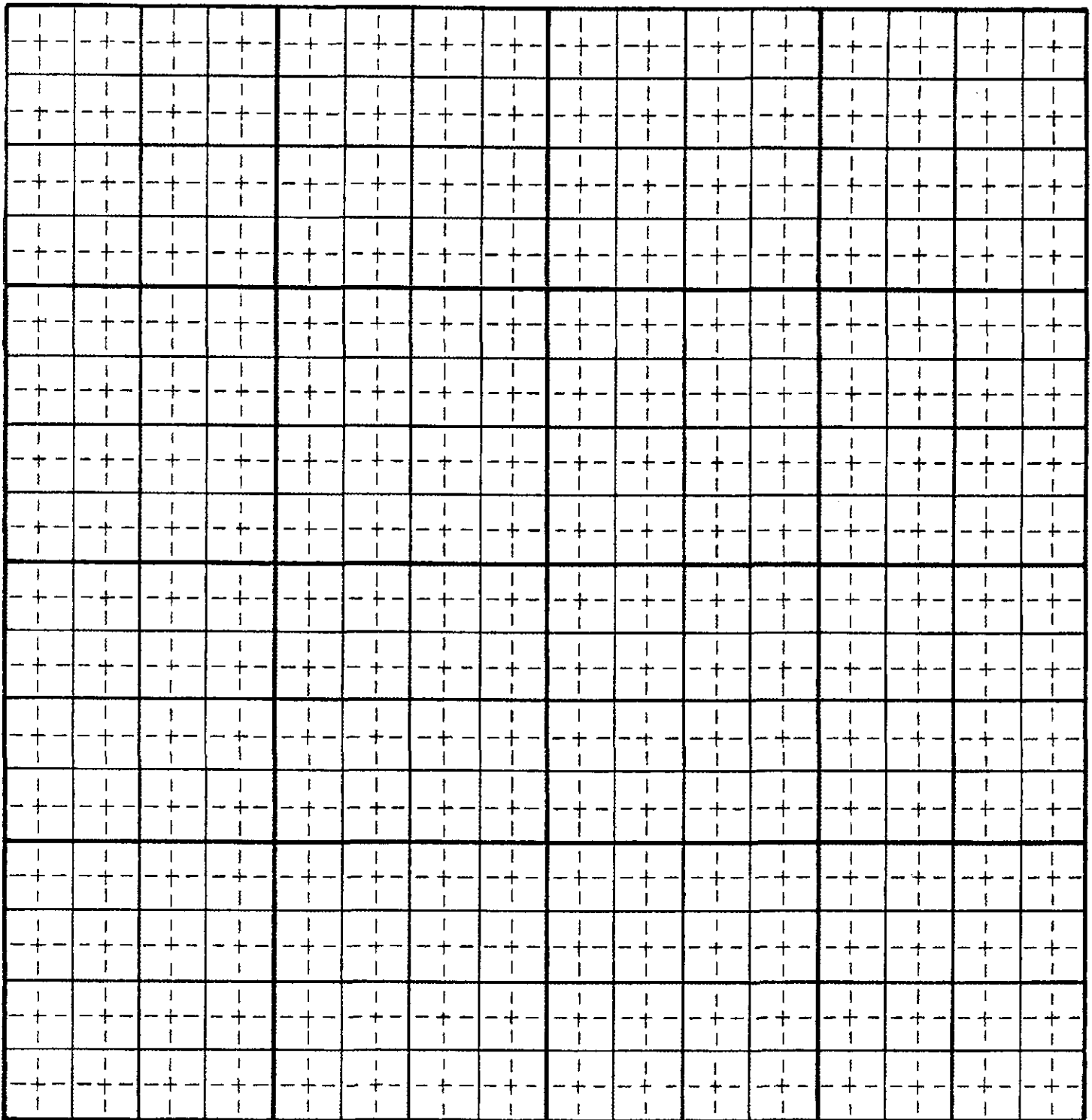
13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

Last Name Nagel Beverage Ident No. 63-7640

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

Scale: 2 inches equals 1 mile



Last Name Nagel Beverage Ident No. 63-7640

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-7640
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

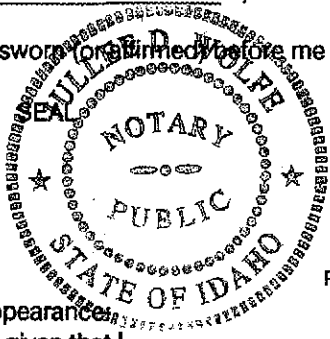
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Vice President
Title
of NAGEL BEVERAGE Co. INC. that I have signed the foregoing
Organization
document in the space below as Vice President of NAGEL BEVERAGE Co. INC.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization V.P. NAGEL BEVERAGE Co. INC. Date 9/24/03

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

Subscribed and sworn (or affirmed) before me this 24th day of September 2003



Notary Public [Signature]
Residing at Nampa
My Commission Expires 7-21-04

Please Print Name

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

Signature _____
Address _____
Date _____

Last Name Nagel Beverage Ident. Number 63-7640

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that NAGEL BEVERAGE COMPANY

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Industrial</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.76</u> cfs and	<u>65</u> acre feet
	from _____ to _____	_____ cfs and	_____
	from _____ to _____	_____ cfs and	_____

(both dates inclusive)

Description and location of place of use:

[illegible]

Total number of acres irrigated _____

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

Deputy Director

WILSON LIVES

RECEIVED

Identification No. 63-7640 91 1977
 Permit No. 63-7640
 Department of Water Resources

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder NAGEL BEV CO.
 b) Post Office Address 5465 IRVING
2. Permit Number 63-7640
3. Date of Priority that you are prepared to establish 7-27-72
4. a) Source from which water was appropriated Groundwater
 b) Location of the point of diversion: N 1/2 XX NW 1/4, Section 8
 Township 3N, Range 2E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
 Amount 1cfs/50 Ac-Ft. for Industrial purposes from Jan. 1 to Dec. 31 incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated _____ cfs and/or acre-feet per annum
 c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Meter readings taken
Ralph A. Kangas, P.E., Consultant
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N/A
 b) Describe the agreement or understanding by which you take water from the works:
N/A
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) The well is 300' deep with a 12" Ø casing 281' deep and a 10" Ø screen to 295'. The pump is a "Jacuzzi" Model 2556x6-T2, 25 HP, 3450 RPM, 240 Volts, 3 Ø, 60 cycle with a 4" Ø standard pipe outlet.
 b) Describe the type and size of measuring device which you have installed at your point of diversion: The flow meter is a "BADGER" 4" Ø MDIM meter installed inside the Mechanical Room upstream from the 2000 Gal. pressure tank.
 c) Give well driller's name and address and the date the well was completed: Russel Cowe (#62)
completed the well October 10, 1972.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
The production of soft drinks.

11/8/77

Approved by _____ Date _____

Identification No. _____
Application No. 63-1640

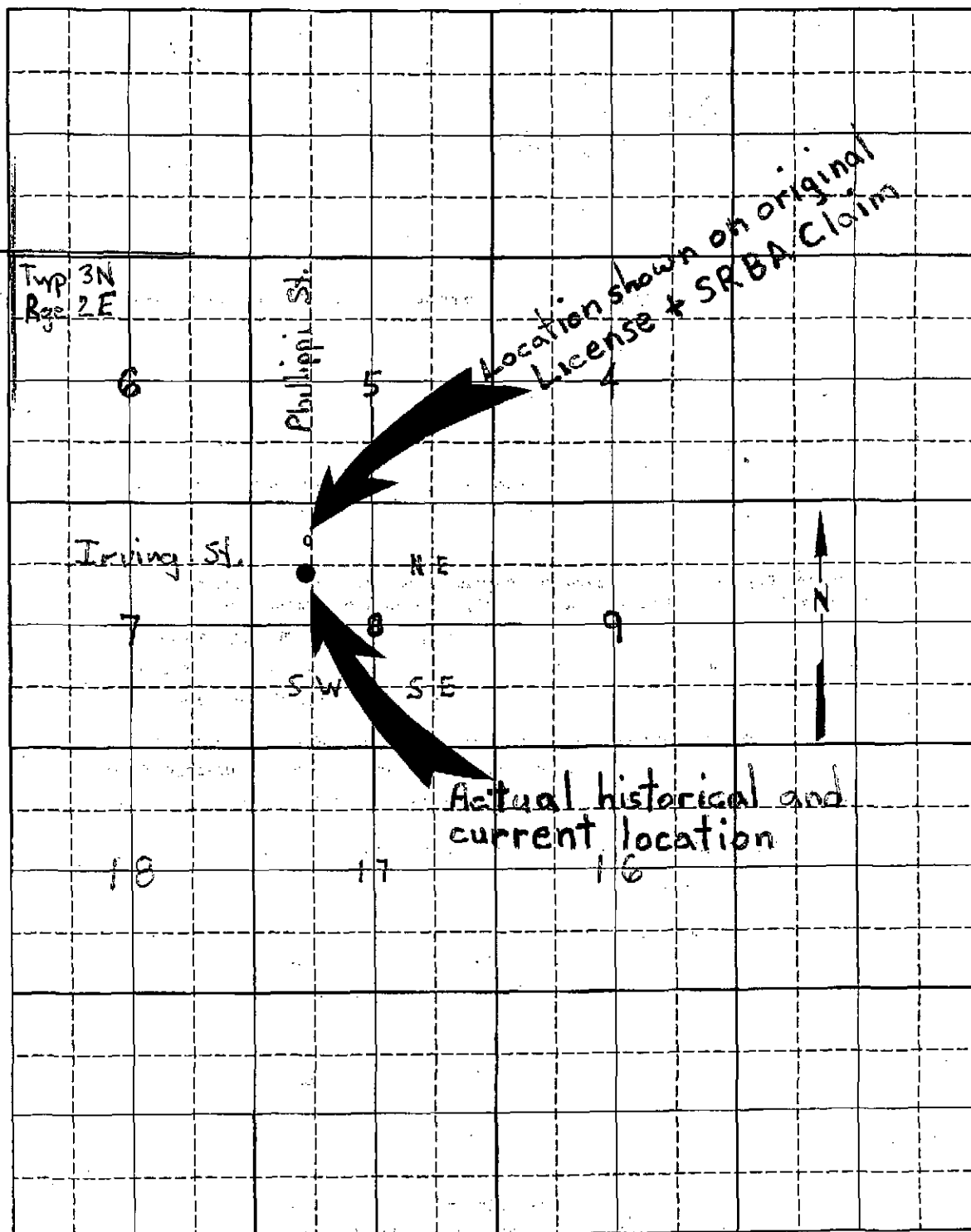
APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

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

1. Name of applicant HAGEL BEVERAGE COMPANY
post office address 1302 Main - Boise, Idaho
2. Source of water supply Ground water which is a tributary of _____
3. a. Location of point of diversion is SW 1/4 of NW 1/4 of Section 8 Township 31N
Range 2E B.M. Ada County; additional points of diversion if any: _____
b. If water is not consumed, it will be discharged into City Sewer at a point in _____
of _____ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1 for drinking purpose from January 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated
a. 1 cubic feet per second and or
b. _____ acre feet per annum
6. Proposed diverting works
a. Description of ditches, flumes, pumps, headgates, etc. Well & pump
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
c. Proposed well diameter is 12 inches, proposed depth of well is 200 feet
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
5 years
b. Estimated construction cost is \$ 10,000.00
8. Description of beneficial use:
a. If water is not for irrigation:
(1) Give the character of use of water for drinking _____ Township 31N
Range 2E B.M. Ada
(2) Amount of power to be generated _____ horsepower _____ amount of fuel _____
(3) List number of units and kind of livestock to be watered _____
(4) Name of man capable to be served _____ or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe Water to be used for production of soft drinks.

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

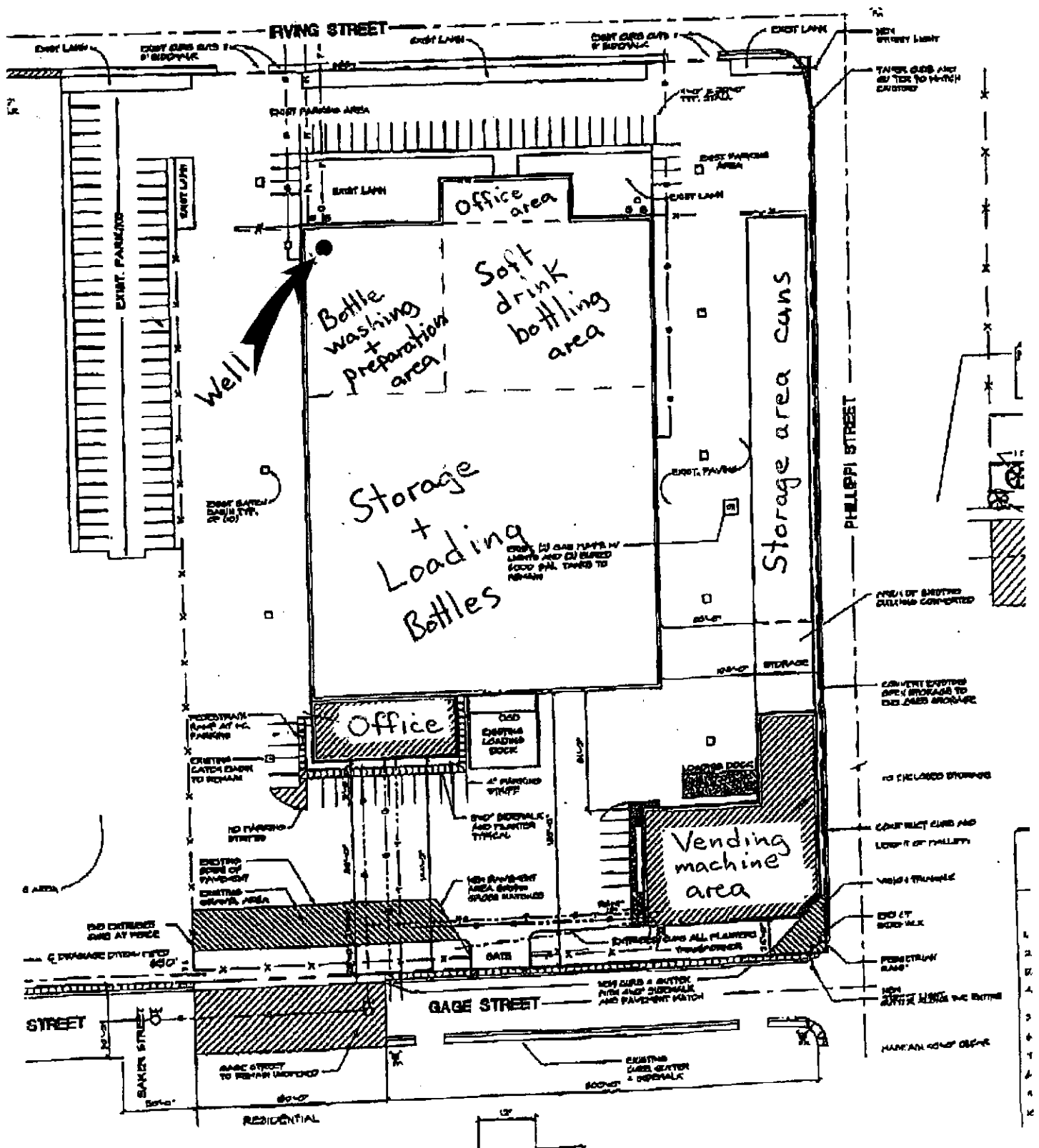


Scale: 2 inches equal 1 mile

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.

By:

NAGEL BEVERAGE COMPANY
[Signature]
By: *[Signature]*
(Applicant) Ralph A. Kangas, P.E.
SMITH & MONROE ENGINEERS, INC.
For: NAGEL BEVERAGE COMPANY



USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name Nagel Beverage

Address _____

Owner's Permit No. 63-7640

7. WATER LEVEL

Static water level 11 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☐ Pump ☐ Bailor ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
<u>500</u>	<u>112</u>	<u>8</u>

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test

☐ Municipal ☒ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 12 inches Total depth 300 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>3.75</u> inches	<u>12</u> inches	<u>±1</u> feet	<u>300</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was a packer or seal used? ☒ Yes ☐ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☒ Yes ☐ No

Manufacturer's name Johnson

Type _____ Model No. _____

Diameter 10 Slot size 4/16 Set from 251 feet to 295 feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

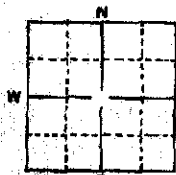
Placed from _____ feet to _____ feet

Surface seal? ☒ Yes ☐ No To what depth 20 feet

Material used in seal ☒ Cement grout ☐ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



County Idaho
T. 3 N. 3 R. 2 E. W

10.

Work started Aug 2, 72 finished Oct 10, 72

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

Driller's or Firm's Name _____

Number _____

Address _____

Signed By _____

Date _____

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

04/29/2005

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

RIGHT NUMBER: 63-32001

NAME AND ADDRESS: NAGEL BEVERAGE COMPANY
5465 W IRVING ST
BOISE ID 83706

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.380 CFS
32.500 AFY

PRIORITY DATE: 07/27/1972

POINT OF DIVERSION:

T03N R02E S8 SWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

0.380 CFS

32.50 AFY

PLACE OF USE: INDUSTRIAL Within ADA County

T03N R02E S08 SWNW

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