

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: A63-03002
Date Received: 8/28/1989
Receipt No: C010466
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CAPITOL SECURITIES WATER CORP. 208-375-0931
Address: 2626 ELDORADO
BOISE, ID 83704

2. Date of Priority: SEP 01, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02E	6	NE	NE	SE		ADA

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.886		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/ DOMESTIC USE FOR 1,274 HOMES AND 71 BUSINESSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	02E	6	NE	SE		MUNI	

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:

A63-03152, A63-03171, A63-03166, A63-07108

14. Remarks:

#5 CONT.

U.S. 20 HP 220V #993778 1800 RPM 50 AMPS. WESTINGHOUSE & AB
SWITCHES AND CONTROLS ON S. WALL. WELL - 10"X628', CASED FULL
DEPTH, H-=45' (EST), JOHNSON TURK 6" COL. (NO PLATE OR SPREES)
75000 GAL STEEL STORAGE TANK BURIED 12' DEEP, CONCRET FLOOR,
CONCRET BASE, 8'X16'X7' INSULATED BLDG. STEEL.

REMARKS: FIVE WELL, INCLUDING THIS WELL AND THE WELLS DESCRIBED
ABOVE IN #13, PROVIDE MUNICIPAL WATER TO 1,274 HOMES AND 71
BISUNESSES.

15. Basis of Claim: LICENSE

Water Right Number: 25145

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho

County of _____

)
) SS.
)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

138.00

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

A63-03002

Date Received

Receipt Number

C010464

**NOTICE OF CLAIM
TO A**

WATER RIGHT

ACQUIRED UNDER STATE LAW



AUG 28 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Capitol Securities Water Corporation Phone (208) 375-0931

Mailing Address 2626 Eldorado, Boise, Idaho Zip 83704

2. Date of Priority (Only one (1) per claim) September 1, 1954

3. Source of water supply (a) Ground water (well)
which is tributary to (b) N/A

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

Additional points of diversion if any: N/A

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. U.S. 20 hp 220V #993778 1800 RPM
50 amps. Westinghouse & AB Switches and controls on S. wall. Well - 10"x628' cased
full depth, h=45' (est), Johnson Turk 6" col. (No plate or sprees), 75000 gal steel
storage tank buried 12' deep, Concrete floor, concrete base, 8'x16'x7' insulated
bldg. Steel

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AUG 18 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Municipal purposes from Jan 1 to Dec 31 amount .886 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .886 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Municipal for domestic use by 1,274 homes and 71 businesses.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	6													M				

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 _____ No X
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.
63-3152, 63-3071, 63-3166, 63-7108 or None ()

14. Remarks:
Five wells, including this well and the wells described above in No. 13
provide municipal water to 1,274 homes and 71 businesses.

Last Name Cap. Sec. Water Corp. Ident No. A63-03002

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AUG 18 1982
Copies: White-State Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License x Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-3002
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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments Two

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 President

of Capitol Water Corp. Title _____, that I have signed the foregoing

document in the space below as President Title _____ of Capitol Water Corp. Organization _____

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

Signature of Authorized Agent [Signature]

Title and Organization President Capitol Water Corp. Date 8-25-89

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

Subscribed and sworn (or affirmed) before me this 25th day of August 19 89

SEAL

Notary Public M. Judith Marlow

Residing at Boise Idaho

My Commission Expires 11/20/93

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 _____

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AUG 18 1992

Last Name Cap. Sec. Water Corp. Ident. Number A63-03002

Copies White-State, Yellow-Claimant



1981

X5

CLOVERDALE QUADRANGLE
IDAHO
7.5-MINUTE SERIES (ORTHOPHOTOQUAD)



4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Capital Securities Under CLAIM IDENT. NO. Alb3-C8002
DATE RECEIVED 8/28/89 CK # C010466 AMOUNT \$ 138⁰⁰

- | | YES | NO | Required Info? |
|--|--|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | |
| (b) Is a tributary to entered? (if required) | ☒ N/A | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ N/A | ☐ | |
| Is the consumptive use correct? | ☒ N/A | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ N/A | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ N/A | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ N/A | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ Exempt | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ N/A | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: AB Date: 6/12/90

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

Claimant must be notified of modifications: (Yes) ☒ (No) ☐

Receipt Prepared by: AB Date: 6/28/89 Checked by: _____ Date: _____
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____

Comments: _____

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AUG 18 1992



Capitol Water Corp

SRBA Recommendations: 63-3002, 63-3071, 63-3152, 63-3166, 63-7108

Service Area Boundary
GIS Place of Use Illustration

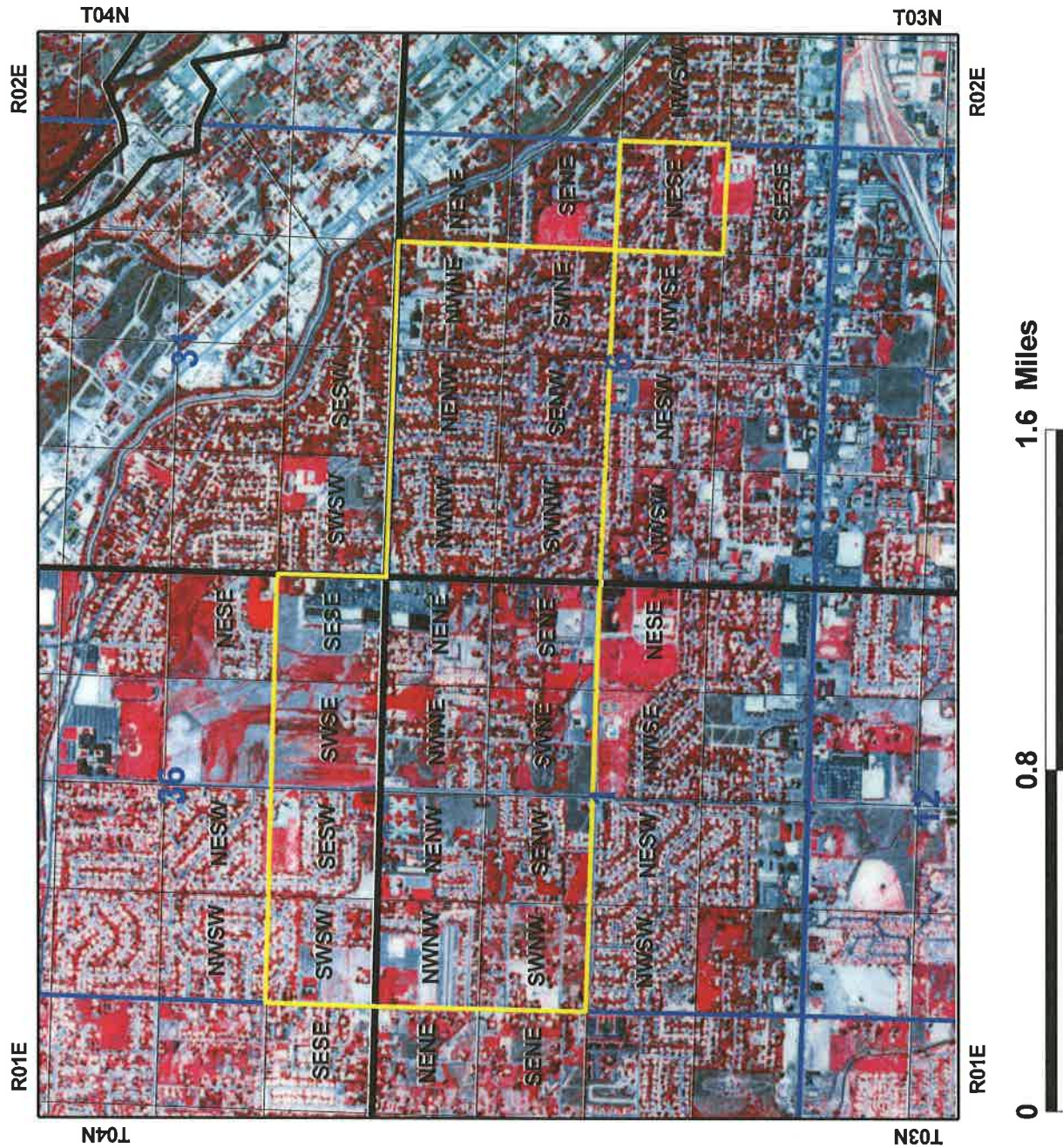
Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63

Prepared by A. Warntjes
On Wednesday, November 22, 2006
1987/88 Aerial Photography



11/16/2006

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

RIGHT NUMBER: 63-3002

NAME AND ADDRESS: CAPITOL WATER CORP
2626 EL DORADO
BOISE ID 83704

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.890 CFS
643.000 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-3002, 63-3071, 63-3166, 63-3152, 63-7108 and 63-11528 shall not exceed 12.69 cfs, nor total combined annual volume of 7727 af.

PRIORITY DATE: 09/01/1954

POINT OF DIVERSION:

T03N R01E S1 SWNWNE Lot 2 Within ADA County
T03N R02E S6 SESWNE Within ADA County
T03N R02E S6 NESWNW Within ADA County
T03N R02E S6 NESENW Within ADA County
T03N R02E S6 NENESE Within ADA County
T04N R01E S36 SWNESE Within ADA County
T04N R01E S36 SESESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.890 CFS 643.00 AFY

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

PLACE OF USE:

Place of use is within the service area of Capitol Water Corporation as provided for under Idaho law.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

11/16/2006

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

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

11/16/2006

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

RIGHT NUMBER: 63-3002

NAME AND ADDRESS: CAPITOL WATER CORP
2626 EL DORADO
BOISE ID 83704

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.890 CFS
643.000 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-3002, 63-3071, 63-3166, 63-3152, 63-7108 and 63-11528 shall not exceed 12.69 cfs, nor total combined annual volume of 7727 af.

PRIORITY DATE: 09/01/1954

POINT OF DIVERSION:

T03N R01E S1 SWNWNE Lot 2 Within ADA County
T03N R02E S6 SESWNE Within ADA County
T03N R02E S6 NESWNW Within ADA County
T03N R02E S6 NESENW Within ADA County
T03N R02E S6 NENESE Within ADA County
T04N R01E S36 SWNESE Within ADA County
T04N R01E S36 SESESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.890 CFS 643.00 AFY

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

PLACE OF USE:

Place of use is within the service area of Capitol Water Corporation as provided for under Idaho law.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

11/16/2006

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

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

09/22/2006

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

RIGHT NUMBER: 63-3002

NAME AND ADDRESS: UNITED WATER IDAHO INC
8248 W VICTORY RD
PO BOX 190420
BOISE ID 83719-0420

??

Capitol Water Corp claimed this,
and all of the other rights in
this group. See Transfer dated
Mar 12, 2003

SOURCE: GROUND WATER

QUANTITY: 0.890 CFS
643.000 AFY

TRIBUTARY:

The total instantaneous diversion of water from all points of diversion under Rights 63-3002, 63-3071, 63-3166, 63-3152, 63-7108 and 63-11528 shall not exceed 12.69 cfs, nor total combined annual volume of 7727 af.

PRIORITY DATE: 09/01/1954

POINT OF DIVERSION:

T03N R01E S1 SWNWNE Lot 2 Within ADA County
T03N R02E S6 SESWNE Within ADA County
T03N R02E S6 NESWNW Within ADA County
T03N R02E S6 NESENW Within ADA County
T03N R02E S6 NENESE Within ADA County
T04N R01E S36 SWNESE Within ADA County
T04N R01E S36 SESESE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.890 CFS
643.00 AFY

PLACE OF USE:

Place of use is within the service area of Capitol Water Corporation as provided for under Idaho law.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

See additional conditions on the transfer

Plz make the same changes for all 5
recommendations in this group.

Thanks!

Dave

09/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 63-3002
As Modified by Transfer No. 66602

In accordance with the approval of Transfer No. 66602, Water Right No. 63-3002 is now described as follows.

Right Holder: CAPITOL WATER CORP
2626 EL DORADO
BOISE ID 83704

Priority Date: September 01, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01 to	12/31	0.89 CFS	643.0 AF
			0.89 CFS	643.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (SWNWNE)	Sec. 1 Twp 03N Rge 01E	ADA County
GROUND WATER	SESWNE	Sec. 6 Twp 03N Rge 02E	ADA County
GROUND WATER	NESWNW	Sec. 6 Twp 03N Rge 02E	ADA County
GROUND WATER	NESENW	Sec. 6 Twp 03N Rge 02E	ADA County
GROUND WATER	NENESE	Sec. 6 Twp 03N Rge 02E	ADA County
GROUND WATER	SWNESE	Sec. 36 Twp 04N Rge 01E	ADA County
GROUND WATER	SESESE	Sec. 36 Twp 04N Rge 01E	ADA County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- Exp 5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- Exp 6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Rights 63-3002, 63-3071, 63-3166, 63-3152, 63-7108 and 63-11528 shall not exceed 12.69 cfs, nor total combined annual volume of 7727 af.
- Exp 8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

Already
added
Exp

WATER RIGHT NO. 63-3002
As Modified by Transfer No. 66602

CONDITIONS OF APPROVAL

for purpose of use 9. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

10. Place of use is within the service area of Capitol Water Corporation as provided for under Idaho law.

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.

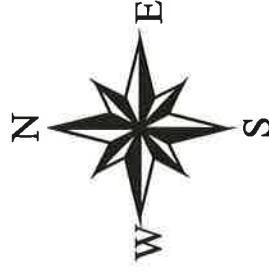
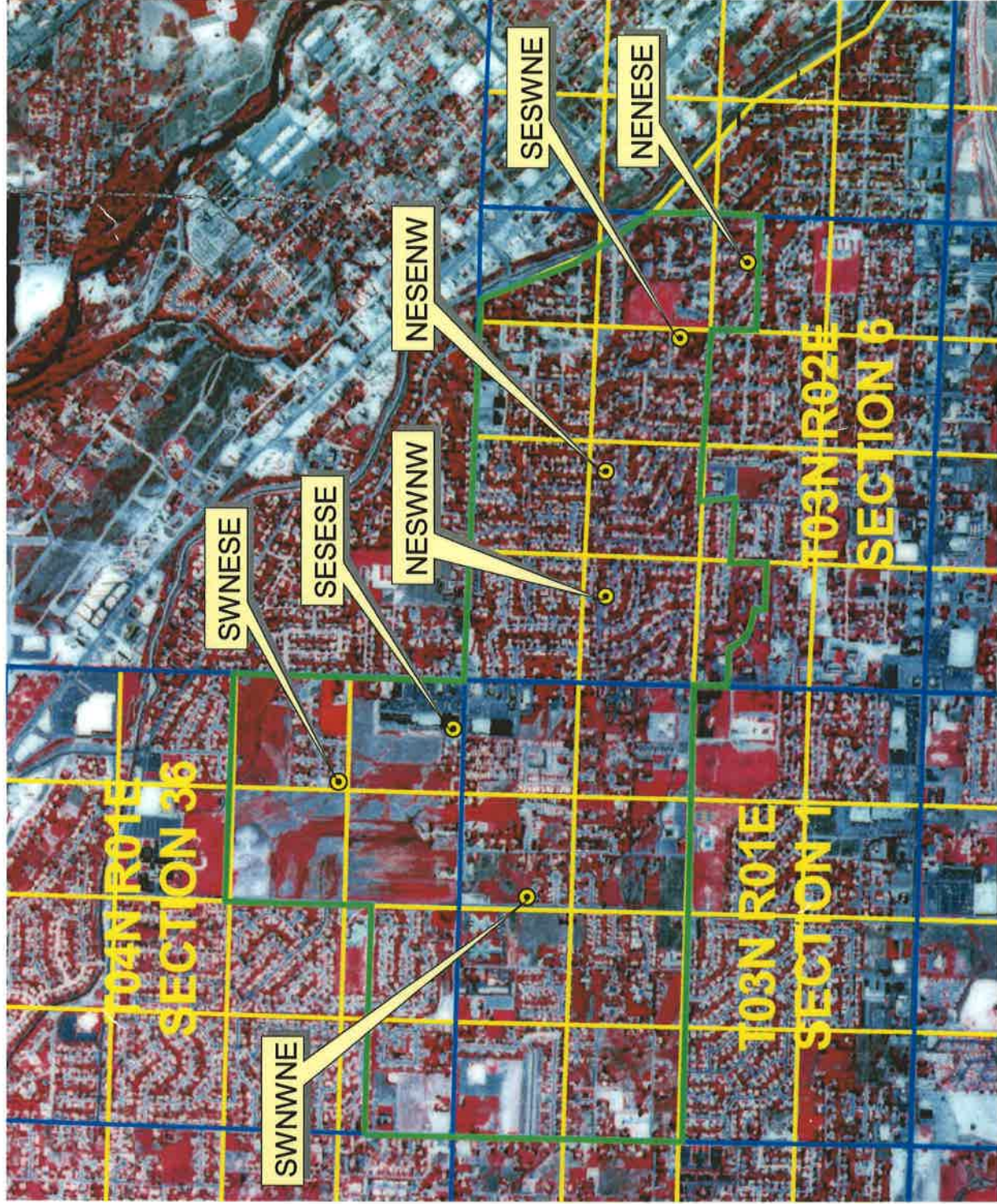
Dated this 12 day of March, 20 03

[Signature]
for Chief, Water Allocation Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-3002
Date Prepared: 09-24-03
Prepared By: Gene Gibson

T03N, R01E, S-01
T03N, R02E, S-06
T04N, R01E, S-36



Points of Diversion

Place of use

Section

1/4 1/4

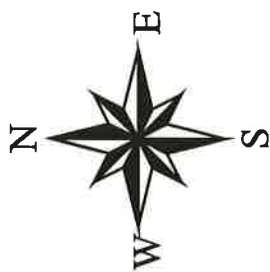
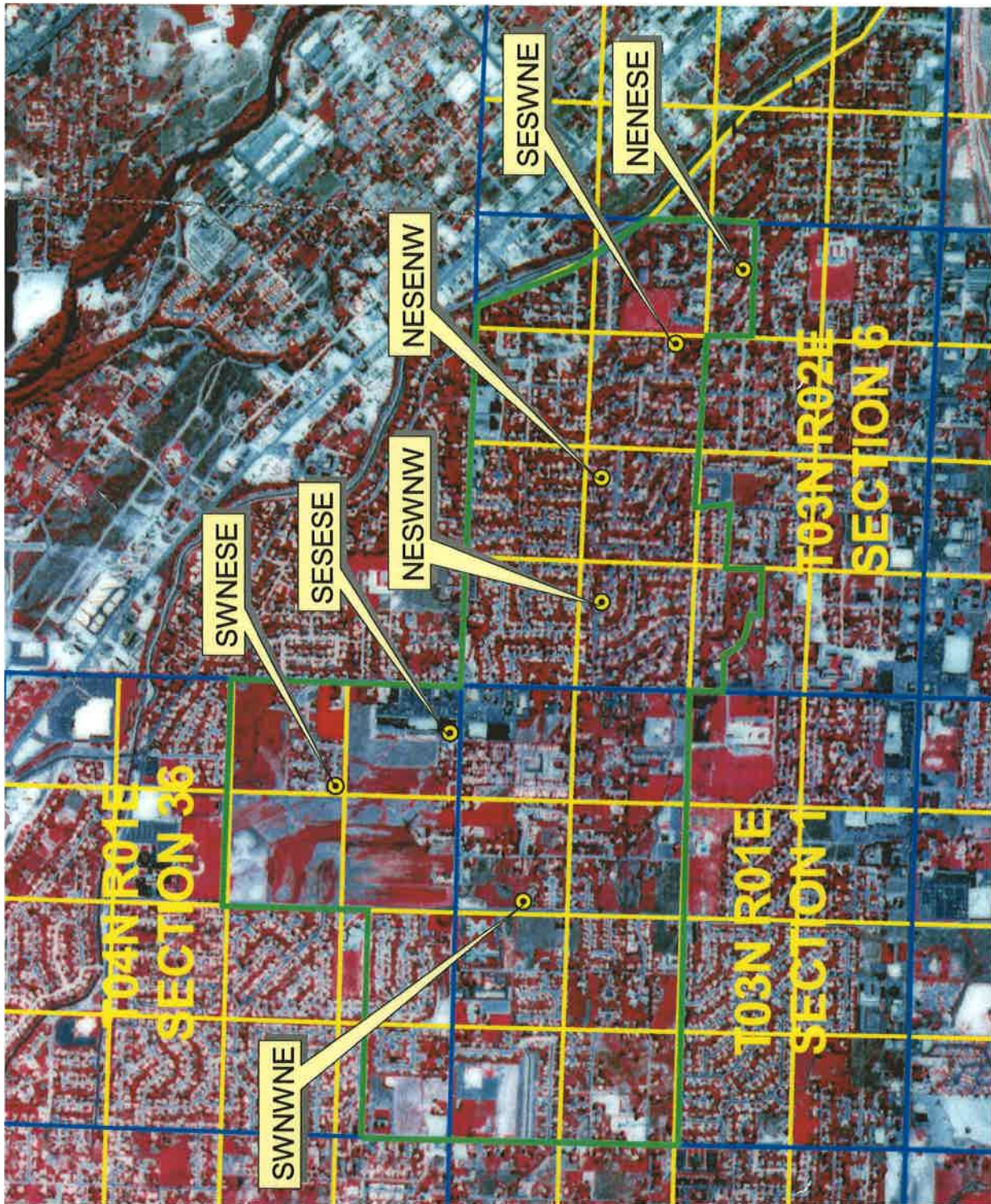
1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-3002

Date Prepared: 09-24-03

Prepared By: Gene Gibson



○ Points of Diversion

Place of use

Section

1/4 1/4



1987 NAPP

2.4 Miles

2

1.6

1.2

0.8

0.4

0



Capitol Water Corp
Municipal Service Area Boundary

■ Municipal Service Area Boundary

■ Township

■ Section

■ Quarter Quarter



1987-88 NAPP Photography
Prepared by: Sandy Egbert
Date Prepared: 1-2-04
Idaho Dept. of Water Resources

0.1 0 0.1 0.2 0.3 Miles



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

CLAIM NO(s). 63-3002 63-3071 63-3152
63-3166

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.)

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 _____ CFS _____ 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

*Need to add comments to claims after
Adj & WR have come up with new conditions
for Adj claims on Transfers*

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: 9-25 & 26 - 2003

FIELD EXAMINER: _____

MGG
Print Name

[Signature]
Signature

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66602

This is to certify that: **CAPITOL WATER CORP**
2626 EL DORADO ST
BOISE ID 83704
(208)375-0931

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>
63-11528	WR/License	05/01/1991	3.4 cfs	N/A			GROUND WATER
63-3152	AJC/License	03/25/1959	0.92 cfs	N/A			GROUND WATER
63-3002	AJC/License	09/01/1954	0.886 cfs	N/A			GROUND WATER
63-3071	AJC/License	12/27/1955	0.8 cfs	N/A			GROUND WATER
63-3166	AJC/License	08/25/1959	3.34 cfs	N/A			GROUND WATER
63-7108	AJC/License	05/21/1968	4.9 cfs	960 af			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>
63-11528	NO	NO	YES	YES	NO	NO
63-3152	NO	NO	YES	YES	NO	YES
63-3002	NO	NO	YES	YES	NO	YES
63-3071	NO	NO	YES	YES	NO	NO
63-3166	NO	NO	YES	YES	NO	NO
63-7108	NO	NO	YES	YES	NO	YES

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>
63-11528	63-11528	3.4 cfs	2461 af	N/A			N/A	N/A	N/A	N/A
63-3152	63-3152	0.92 cfs	666 af	N/A			N/A	N/A	N/A	N/A
63-3002	63-3002	0.89 cfs	643 af	N/A			N/A	N/A	N/A	N/A
63-3071	63-3071	0.8 cfs	579 af	N/A			N/A	N/A	N/A	N/A
63-3166	63-3166	3.34 cfs	2418 af	N/A			N/A	N/A	N/A	N/A
63-7108	63-7108	3.34 cfs	960 af	N/A			N/A	N/A	N/A	N/A
COMBINED										
TOTALS		12.69 cfs	7727 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12 day of March, 2003

For  Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant CAPITOL WATER CORP. Phone 375-0931
Post Office address 2626 EL DORADO BOISE 83704

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 Drill a new well and describe
all existing wells used under these rights and
describe the p/u within the boundaries served
by this water organization.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-03002	9/01/1954	.88	Municipal	1/1 to 12/31
63-03071	12/27/1955	.80	"	" to "
63-03166	8/25/1959	3.34	"	" to "
63-03152	3/25/1959	.92	"	" to "
63-07108	5/21/1968	4.40	"	" to "
63-11528	5/01/1991	3.40	" + Fire Prot	" to "

2. Total amount of water being transferred 14.24 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROWND WATER tributary to _____
4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion	
✓	SE	SW	NE	6	3N	2E	ADA	existing	#1
✓	NE	SE	NW	6	3N	2E	"	"	#2
✓	NE	SW	NW	6	3N	2E	"	"	#3
✓	NE	NE	SE	6	3N	2E	"	"	#5
2 ✓	SW	NW	NE	1	3N	1E	"	"	#4
✓	SW	NE	SE	36	4N	1E	"	"	#6
✓	SE	SE	SE	36	4N	1E	"	proposed	#7

map locations

5. Lands irrigated or place of use:

[illegible]

Total acres

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3002 V1

WATER RIGHT NUMBER: 63-3002 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAPITOL WATER CORP 2626 EL DORADO BOISE, ID 83704
Original Owner	CAPITAL WATER CORP 2626 EL DORADO ST BOISE, ID 83704 (208)375-0931

Priority Date: 09/01/1954

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	0.890 CFS	643.00 AF
	<u>Total Diversion:</u>	0.890 CFS	643.00 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	L2 (SW1/4NW1/4NE1/4)	Sec. 1, Twp 03N, Rge 01E, B.M.
GROUND WATER ADA County	SE1/4SE1/4SE1/4	Sec. 36, Twp 04N, Rge 01E, B.M.
GROUND WATER ADA County	NE1/4SE1/4NW1/4	Sec. 6, Twp 03N, Rge 02E, B.M.
GROUND WATER ADA County	SW1/4NE1/4SE1/4	Sec. 36, Twp 04N, Rge 01E, B.M.
GROUND WATER ADA County	NE1/4SW1/4NW1/4	Sec. 6, Twp 03N, Rge 02E, B.M.
GROUND WATER ADA County	NE1/4NE1/4SE1/4	Sec. 6, Twp 03N, Rge 02E, B.M.
GROUND WATER ADA County	SE1/4SW1/4NE1/4	Sec. 6, Twp 03N, Rge 02E, B.M.

Place of UseConditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval or by 3/12/04.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3002 V1

2. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-3002, 63-3071, 63-3166, 63-3152, 63-7108 and 63-11528 shall not exceed 12.69 cfs, nor total combined annual volume of 7727 af.
3. 125 Place of use is within the service area of Capitol Water Corporation as provided for under Idaho law.

Remarks:

1. Explanatory After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. Explanatory Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. Explanatory The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
4. Explanatory Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
5. Explanatory Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Explanatory Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Comments:

1. scurtis 3/12/2003 3:28:31 PM Transferred Right
Comment: This is now a approved transfer, transfer number = 66602

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3002

WATER RIGHT NUMBER: 63-3002

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAPITOL WATER CORP 2626 EL DORADO BOISE, ID 83704
Original Owner	CAPITOL WATER CORP 2626 EL DORADO ST BOISE, ID 83704 (208)375-0931

Priority Date: 09/01/1954

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	0.890 CFS	643.00 AF
	<u>Total Diversion:</u>	0.890 CFS	643.00 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	L2 (SW1/4NW1/4NE1/4)	Sec. 1, Twp 03N, Rge 01E, B.M.
GROUND WATER ADA County	SE1/4SE1/4SE1/4	Sec. 36, Twp 04N, Rge 01E, B.M.
GROUND WATER ADA County	NE1/4SE1/4NW1/4	Sec. 6, Twp 03N, Rge 02E, B.M.
GROUND WATER ADA County	SW1/4NE1/4SE1/4	Sec. 36, Twp 04N, Rge 01E, B.M.
GROUND WATER ADA County	NE1/4SW1/4NW1/4	Sec. 6, Twp 03N, Rge 02E, B.M.
GROUND WATER ADA County	NE1/4NE1/4SE1/4	Sec. 6, Twp 03N, Rge 02E, B.M.
GROUND WATER ADA County	SE1/4SW1/4NE1/4	Sec. 6, Twp 03N, Rge 02E, B.M.

Place of UseConditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3002

3. T09 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.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-3002, 63-3071, 63-3166, 63-3152, 63-7108 and 63-11528 shall not exceed 12.69 cfs, nor total combined annual volume of 7727 af.
8. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
9. 102 The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
10. 125 Place of use is within the service area of Capitol Water Corporation as provided for under Idaho law.

Remarks:Comments:

1. STAYLOR 12/10/1997 TRANSFER NO. 5180

Comment: This transfer was filed to add points of diversion, change place of use and change nature of use. Place of use is within Capitol Water Corp.'s integrated service area.

2. scurtis 3/12/2003 3:28:25 PM Transferred Right

Comment: This is now an approved transfer, transfer number = 66602

Dates and Other Information:

Claim Received Date: 8/28/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5180

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant

Phone 375-0931

Post Office address

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 drill a new well and describe
all existing wells used under these rights and describe
the plan within the boundaries served by this water
organization

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-03002	9/01/1954	.88	Municipal	1/1 to 12/31
63-03071	12/27/1955	.80	Municipal	1/1 to 12/31
63-03166	8/25/1959	3.34	Municipal	1/1 to 12/31
63-03152	3/25/1959	.92	~~Municipal~~ Domestic	1/1 to 12/31
63-07108	5/21/1968	4.9	~~Municipal~~ Domestic	1/1 to 12/31
63-11528	5/01/1991	3.4	Municipal-Fire Prot	1/1 to 12/31
2. Total amount of water being transferred		14.24	cubic feet per second and/or	acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

NE SW NW 6 3N 2E ADA existing #3

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	36	4N	1E	Ada	new well to be drilled # 7
2	SW	NW	NE	1	3N	1E	"	existing # 4
	NE	SE	NW	6	3N	2E	"	existing # 2
	SE	SW	NE	6	3N	2E	"	existing # 1

5. Lands irrigated or place of use.

[illegible]

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system wells, pumps & pipeline
6 existing wells, 1 proposed.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes N/A 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: NONE N/A
- d. Remarks:
No charge in delivery of water to domestic homes w/in
the service boundaries described by the place of use

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 _____, 19 _____.

page 3 of 11

WR0749NP
No. 63-03002

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/19/97
PAGE: 1

OWNER		PRIORITY		USE PERIOD	DIVERSION	DIVERSION
CODE	NAME & ADDRESS	DATE	WATER USE	FROM TO	RATE	VOLUME
C	NORTHVIEW WATER CORP.	09/01/1954	IRRIGATION	00/00 00/00	0.320 CFS	
	6109 BAY ST.		DOMESTIC	00/00 00/00		
	BOISE ID 83704		FIRE PROTECTION	00/00 00/00	0.566 CFS	
TOTAL DIVERSION:					0.886 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T03N R02E S06

NESE

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	
03N	02E	6	:				:				:				:	16.0
TOTAL ACRES																16.0

Place of use Location for DOMESTIC is the same location as described for: IRRIGATION

Place of use location for FIRE PROTECTION is the same location as described for: IRRIGATION

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-07018

Other Water Rights Listing Overlapping Place(s) of use:
63-07018

Dates: App. Received: Priority Date: 09/01/1954
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 04/23/85 05/01/88 CONVERT

PART 2

TRANS NO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03071

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
MUNICIPAL	to	0.80 CFS

SOURCE

GROUNDWATER

Priority: 12/27/1955

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 6, Township 03N, Range 02E
ADA County

PLACE OF USE: MUNICIPAL

TWN RGE SEC

03N 02E 6

NWNE
SENE

SWNE

NENW

CONDITIONS/REMARKS:

PART 2

TRANS NO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03152

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
DOMESTIC	to	0.92 CFS

SOURCE

GROUNDWATER

Priority: 03/25/1959

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 6, Township 03N, Range 02E
ADA County

PLACE OF USE: DOMESTIC

TWN RGE SEC

03N 02E 6	NWNE	SWNE	NENW
	NWNW	SWNW	SENW

CONDITIONS/REMARKS:

1. LIC. INCORRECTLY DESCRIBES USE AS IRR.

PART 2

TRANS NO. 5180

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03166

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
MUNICIPAL	to	3.34 CFS

SOURCE

GROUNDWATER

Priority: 08/25/1959

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 6, Township 03N, Range 02E
ADA County

PLACE OF USE: MUNICIPAL

TWN RGE SEC

03N 02E 6

NENW
SEnw

NWNW

SWNW

CONDITIONS/REMARKS:

1. P/D LOT 9, BLOCK 4, GRANDEE SUBD. NO. 1.

PART 2

TRANS NO. 5180

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-07108

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	4.90 CFS	960.0 AF

SOURCE

GROUNDWATER

Priority: 05/21/1968

LOCATION OF POINT(S) OF DIVERSION:NWNE , Sec. 1, Township 03N, Range 01E
ADA CountyPLACE OF USE: DOMESTICTWN RGE SEC

03N 01E 1	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SWNW	SENW	
04N 01E 36	SWSW	SESW	SWSE
	SESE		

CONDITIONS/REMARKS:

1. Domestic use is for 800 homes.

Page 8 of 11

WR0749NP
No. 63-11528

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/24/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CAPITAL WATER CORP 2676 ELDORADO ST BOISE ID 83704 (208) 375-0931	05/01/1991	MUNICIPAL FIRE PROTECTION	01/01 12/31 01/01 12/31	3.400 CFS 3.400 CFS	
TOTAL DIVERSION:					3.400 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 3.400 CFS

Point(s) of Diversion: T04N R01E S36 SWNESE ADA County

Pou County:

Other Rights: 63-3071, 63-3152, 63-3166, 63-3002, 63-7108

Conditions of Approval:

- 004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.

Remarks: Place of use is located within the city limits of Boise.

Dates: App. Received: 05/01/1991 Priority Date: 05/01/1991
Proof Due Date: 07/01/1992 Proof Made Date: 06/22/1992
Exam Made Date: 02/22/1994 Exam Sent to S.O.: 04/22/1994
Licensed Date: 08/10/1994

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 06/23/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 05/08/91 GARRETT 05/14/91 GARRETT 06/25/91 GARRETT 07/03/91 SKAGGS
07/03/91 SKAGGS 06/23/92 COMMENTS 07/13/92 GUSTAFSSON 03/24/94 TAYLOR
04/22/94 TAYLOR 07/29/94 BCHAPMAN

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

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ Issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for 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 or 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

10. To your knowledge, has any portion of this 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 _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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

2. Point(s) of Diversion:

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

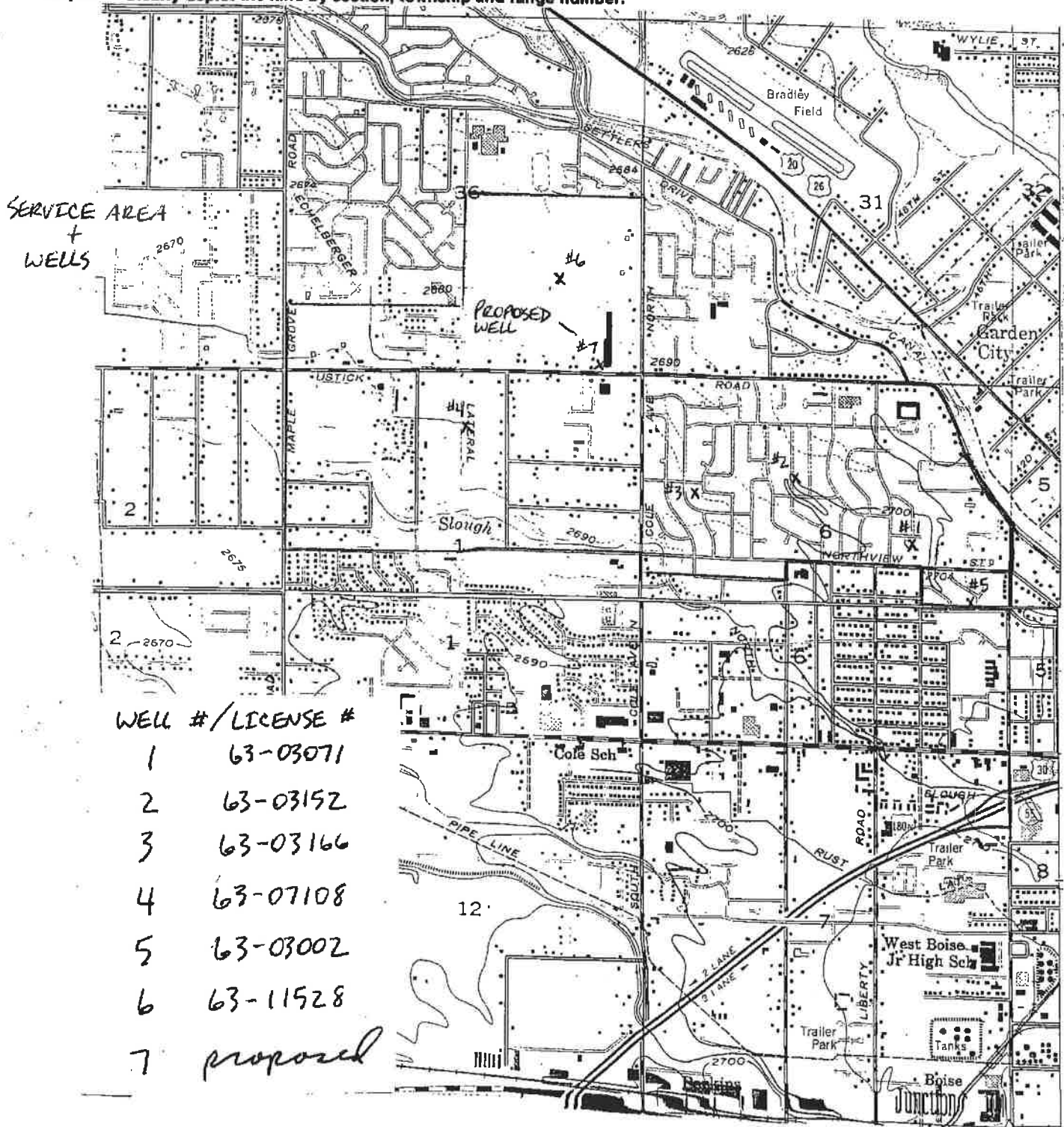
3. Lands irrigated or place of use:

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

Total acres _____

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.



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

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other 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.

Subscribed and sworn to before me this

4th

(Signature of Applicant)

day of

November, 19 97Sharla R. Curtis

(Notary Public)

My commission expires

10-6-2006**FOR DEPARTMENT USE ONLY**Transfer contains 11 pages and 2 attachments

Received by

SC

Date

11/4/97

Protest filed by

Prelim. check by

SC

Fee

\$109.00 C040565

Receipted by

KS

Date

11/4/97

Published in

Ed. Statesman

Copies of protest forwarded by

Pub. dates

12-18+25-97

Hearing held by

Date

Watermaster recommendation requested on

Recommended for

☐

approval

☐

denial

rec'd.

by

Copy of transfer sent to lien holder

ORDINANCE NO. 5296

BY THE COUNCIL:

BAKER, BRENNAN, COLES,
FORNEY, WEBB AND WETHERELL

AN ORDINANCE GRANTING TO CAPITOL WATER CORPORATION, AN IDAHO CORPORATION, ITS SUCCESSORS AND ASSIGNEES, A FRANCHISE AND AUTHORITY TO OPERATE AND MAINTAIN A WATER UTILITY SYSTEM IN THE CITY AND THE RIGHT TO CONSTRUCT, EXTEND, MAINTAIN, REPAIR AND OPERATE A WATER UTILITY SYSTEM IN, UNDER, OVER, ALONG, ACROSS AND UPON THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES IN THE CITY FOR THE COLLECTION, TRANSMISSION, DISTRIBUTION AND SALE OF POTABLE WATER; PROVIDING FOR CONSIDERATION FOR SAID RIGHT TO PROVIDE SERVICE; PRESCRIBING CERTAIN OTHER DUTIES, RIGHTS AND OBLIGATIONS OF THE FRANCHISEE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. Grant of Nonexclusive Authority.

(a) There is hereby granted by Boise City, hereinafter referred to as "CITY", to Capitol Water Corporation, an Idaho corporation, its successors and assigns, hereinafter called "GRANTEE", the franchise, right and authority to construct, extend, improve, maintain and operate a water utility system for the collection, transmission, distribution and sale of potable water for all purposes for which water may be used by the CITY and the inhabitants thereof. The GRANTEE may construct, extend, improve, maintain, operate, remove and replace all necessary plants, works, mains, services, conduits, pipes, tanks and apparatus and equipment necessary or convenient for such water utility system in, upon, over, across, along and under each and all of the streets, roads, alleys, bridges, public ways and places at and within the CITY as such may at any time exist, subject to the conditions and

1
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JAN 22 1998

WATER RESOURCES
WESTERN REGION

0-9-91

Attachment B
(11 pgs)

regulations hereinafter set forth.

(b) The right to so use and occupy said streets, roads, alleys, bridges and other public ways and places within the CITY for the purposes herein set forth shall not be exclusive. The CITY reserves the right to grant noncompeting use of said streets, roads, alleys, bridges and public ways and places to any other person or firm at any time during the period of the Franchise.

Section 2. Compliance with Applicable Laws and Ordinances.
The GRANTEE shall, at all times during the life of this Franchise, be subject to the lawful exercise of the police power by the CITY and to such reasonable regulations as the CITY shall hereafter provide.

Section 3. Conditions of Street Occupancy.

(a) All structures, mains, pipes, equipment and apparatus for the collection, transmission and distribution of water constructed, maintained and operated under this Franchise by the GRANTEE shall be so located so as not to interfere with the proper use of streets, roads, alleys, bridges and other public ways and places as well as not to interfere with existing public utility installations or sanitary sewers, street lights and street light conduit and drainage facilities.

(b) The said collection, transmission and distribution system of GRANTEE shall be so constructed, maintained, operated and located so as not to injure or damage any drains, storm sewers, catch basins or other drainage facilities, sanitary sewers, street lights and street light conduits or other like improvements or the

subsurface or surface of streets, roads, alleys, sidewalks, bridges and other public ways and places, but should any of the aforesaid be damaged, whether by act or omission to act on the part of the GRANTEE, its officers, employees or agents, or proximately damaged by any property or instrumentality under the care, custody or control of the GRANTEE, its officers, employees or agents, the GRANTEE shall forthwith, at its own expense, repair the damage and restore the aforesaid to as good a condition as existed prior to the time of the said injury or damage. All of the aforesaid work done for the construction, maintenance, operation and location, and the repair and restoration of any damage or injury, shall be done in accordance with the provisions of any and all general ordinances or regulations governing the excavation in and repair of said streets, roads, alleys, bridges, sidewalks and other public ways and places.

(c) The GRANTEE shall file with the CITY in February of each year a current map and a plat disclosing the location and character of structures and facilities of its collection, transmission and distribution system constructed and maintained in, upon, across and under the streets, alleys and public places or ways within the CITY.

Section 4. Insurance for Liability and Property Damage and Faithful Performance.

(a) The GRANTEE shall indemnify and save and hold harmless the CITY from any and all losses, claims, actions or judgments for damages or injury to persons or property and losses and expenses

caused or incurred by the GRANTEE, its officers, employees and agents.

(b) GRANTEE shall maintain, and by its acceptance of this Franchise specifically agrees that it will maintain throughout the term of this Franchise, liability insurance in which the CITY shall be named as a named insured in an amount equal to the minimum coverage required by the Idaho Tort Claims Act. The limits of insurance shall not be deemed a limitation of the GRANTEE'S covenant to indemnify and save and hold harmless the CITY, and if the CITY becomes liable for an amount in excess of the insurance limits herein provided, the GRANTEE covenants and agrees to indemnify and save and hold harmless the CITY from any and all such losses, claims, actions, judgments or expenses for damages or injury to persons or property.

(c) The insurance policy obtained by the GRANTEE in compliance with this section must be approved by the City Council and such insurance policy, along with written evidence of payments of required premiums, shall be filed and maintained with the City Clerk during the term of this Franchise; or in lieu of an insurance policy, the GRANTEE may submit, and keep on file with the City Clerk during the term of this Franchise, a current certificate of insurance showing compliance with this section, but said certificate of insurance must disclose that Boise City is a named insured, the policy period, and that the premium has been paid for the policy period.

Section 5. Operation and Maintenance of System.

(a) The GRANTEE shall render efficient and continuous service and make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by reasonable notice and be made during periods of minimum use of the system. GRANTEE shall not interrupt service for any reason, other than to make necessary repairs, maintenance or improvements without notice to the CITY.

(b) The quality of water distributed by GRANTEE shall be of such standard as to conform to the water quality and monitoring standards fixed by all Federal, state and local authorities having jurisdiction in the premises.

(c) GRANTEE will maintain the required water fire flow, apparatus and equipment for a Class III fire rating as determined by the Insurance Services Offices, and if upon proper rating inspection, the GRANTEE'S system is found to be deficient, GRANTEE will make the necessary improvements to satisfy the requirements of said Class III fire rating classification.

(d) The GRANTEE, where possible, will cooperate with the Ada/Boise Civil Preparedness Office in implementation of the Local Emergency Operations Plans.

(e) The GRANTEE shall construct, maintain and operate its plants, works, mains, services, conduits, pipes, tanks and other apparatus and equipment necessary or convenient for such water utility system in such manner that such apparatus, equipment and fixtures will not interfere with any installations of the CITY.

(f) All necessary plants, works, mains, services, conduits,

pipes, tanks and apparatus and equipment necessary or convenient for such water utility system, in, upon, over, across, along and under each and all of the streets, roads, avenues, bridges, and other public ways and places, wherever situated or located, and whether now existing or not, shall be kept and maintained in a safe, suitable, substantial condition and in good order and repair.

(g) The GRANTEE shall maintain an office in the CITY, which shall be open during all usual business hours and have a listed telephone so that complaints and requests for repairs or adjustments may be received at any time.

(h) The GRANTEE shall retain its membership in the Utility Coordinating Council (UCC) and the Ada County One Call Utility marking organization ("Digline) to facilitate contractor and private party excavations and shall mark its utility facilities in the field at the design stage of any project of the CITY.

(i) GRANTEE shall be responsible for all water line relocation costs in the event that a water line location conflicts with sewer rehabilitation activities or in the event the location of the water line is such that it cannot be reasonably avoided when constructing a sewer line extension.

Section 6. Rights of City in Franchise.

(a) The right is hereby reserved by the CITY to adopt, in addition to the provisions contained herein and existing applicable ordinances, such additional regulations as it shall find necessary; provided, that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted

and not in conflict with the laws, rules and regulations of other governmental regulatory agencies having jurisdiction over GRANTEE'S water utility operations.

(b) GRANTEE shall comply with all applicable rules and regulation which, from time to time, may be promulgated by the Idaho Public Utilities Commission, or any other governmental authority properly promulgating such rules and regulations.

(c) The CITY shall have the right to inspect and copy the maps, plats, plans and other records of the locations and character of the structures and facilities of the collection, transmission and distribution system maintained and operated by the GRANTEE at any time during normal business hours.

(d) The CITY shall have the right to regulate the location and installation of all plants, works, mains, services, conduits, pipes, tanks, and apparatus and equipment of the said water system as the CITY shall find necessary to insure compliance with the terms of this Franchise.

(e) Nothing herein contained in this Ordinance shall be construed as preventing, diminishing or restricting GRANTEE from using for public utility purposes any easement shown on any plat or plats of any portion of the CITY heretofore or hereafter platted or recorded or any easement which has been or may hereafter be created, granted or dedicated for public utility purposes by any person, firm or corporation, provided that the subsurface and surface thereof shall be restored to as good condition as existed prior to the said use for public utility purposes.

Section 7. Consideration for Franchise. As consideration for this Franchise, the GRANTEE shall pay to the CITY during each year of this Franchise an amount equal to three percent (3%) of the gross operating revenues received from the sale of water and water service within the corporate limits of the CITY. For the purposes of this Franchise, a "Franchise year" is hereby defined to mean a period of twelve (12) calendar months commencing January 1, 1991. Payments shall be made quarterly on the first day of May, August, November and February of each year for the previous calendar quarter. Such payments will be based upon actual revenues as recorded on Grantee Records. This payment shall be in addition to any other fee, tax or payment owed to the CITY; and shall be in addition to any other permit fee or charges which the GRANTEE is obligated to pay, pursuant to the provisions of ordinances and statutes now in existence or hereinafter enacted.

The CITY shall have the right at reasonable times to examine and copy the books and records of the GRANTEE for the purpose of verifying the statements of the gross operating revenues hereinbefore mentioned.

Section 8. Duration and Acceptance of Franchise. This Franchise and the rights, privileges and authority hereby granted will take effect and be in force from and after final passage hereof, as provided by law, and shall continue in force and effect for a term of twenty-five (25) years, which twenty-five year period of time shall, in the event of the passage and approval of this Ordinance, be deemed to have commenced January 1, 1991,

provided that within thirty (30) days after the date of the passage of this Ordinance the GRANTEE shall file with the City Clerk its unconditional acceptance of this Franchise and promise to comply with and abide by its provisions, terms and conditions.

Section 9. Acquisition of Water System. Nothing contained in this Franchise Agreement shall be deemed to negate the CITY'S right or option to negotiate with GRANTEE during the term of the Franchise for purchase by the CITY of the company's property in whole or in part. Nor is anything contained herein intended to effect the right of the respective parties hereto as conferred by law in the event of the lawful condemnation of the Company's property in whole or in part. Further, it is specifically understood and agreed that in the event the CITY acquires the Company's properties by condemnation no value shall be attributable to any unexpired term of this Franchise.

Section 10. Transfer of Franchise. This Franchise shall not be assigned, transferred, or sold without the consent of the CITY; provided, however, that consent of the CITY shall not be required in connection with the execution of mortgages or trust indentures or pledges of its rights under this Franchise as may be necessary for the procuring of capital.

Section 11. Forfeiture of Franchise. This Franchise may be terminated and canceled at any time for failure of the GRANTEE to comply with the terms and conditions hereof. The CITY shall give written notice of the matters and facts which GRANTEE is claimed to be in default or noncompliance. Should GRANTEE fail to correct and

remedy such default or noncompliance within a reasonable time from the date of receipt of said notice, the CITY may forthwith give GRANTEE notice of its intent to terminate and cancel this Franchise and Grant. Such notice of intent to terminate and cancel shall be served upon GRANTEE by certified mail or personal service and shall provide for a public hearing before the Boise City Council at which the GRANTEE shall be given an opportunity to be heard. After ninety (90) days from the date of said hearing, the CITY may, by ordinance duly adopted by the Boise City Council, terminate and cancel this Franchise and Grant.

Section 12. Separability. The provisions of this Ordinance are hereby declared separable and if any section, clause or phrase hereof is hereafter declared invalid or unconstitutional, the same shall not affect the validity of the remained portions of this Ordinance.

Section 13. This Ordinance shall be in full force and effect on the thirty-first (31st) day after its passage, approval and publication.

PASSED by the Council of the City of Boise, Idaho, this 12th day of March, 1991.

APPROVED by the Mayor of the City of Boise, Idaho, this 12th day of March, 1991.

APPROVED:


MAYOR

ATTEST:

Annette P. Rooney
CITY CLERK

DATED this 22nd day of March, 1991.

CAPITOL WATER CORPORATION

BY

Robert Price
PRESIDENT