

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: A63-03166
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: AUG 25, 1959

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	SW	NW		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	3.340		

7. Total Quantity Appropriated is:
3.340 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	NW		MUNI	
			NW	NW		MUNI	
			SW	NW		MUNI	
			SE	NW		MUNI	

A63-03166

Page 1

Date: 06/28/90

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AUG 18 1992

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, A63-03071, A63-07108, A63-03002

14. Remarks:

#5 CONT.

100HP VARIABLE SPEED MOTOR, 440V, JOHNSON PUMP #JO-3512 (RATED AT 1500 GPM), 8"X87' COLUMN. 8"X4' DISCHARGE W. TO 8"X6" TEE (6" VALVE FOR CAL-VAL), 8" CHECK VALVE THEN PRATT SAND STRAINER, 8" STEEL MAIN FROM STRAINER TO WATER SYSTEM. HEALY-RUFF REMOTE CONTROL PANEL AUTOMATICALLY STARTS/STOPS PUMP ACCORDING TO MAIN PRESSURE. WELL 16"X495', Cased 492', WATER STRATA 392'.

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

15. Basis of Claim: LICENSE

Water Right Number: 28119

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 _____

384

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 A63-03166

Date Received

Receipt Number

C010466

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

RECEIVED
AUG 28 1989

Department of Water Resources

Please type or print clearly1. Name of Claimant (s) Capitol Securities Water Corporation Phone (208) 375-0931Mailing Address 2626 Eldorado, Boise, Idaho Zip 837042. Date of Priority (Only one (1) per claim) August 25, 19593. Source of water supply (a) Ground water (well)which is tributary to (b) N/A4. a. Location of existing point of diversion is: Township 3N Range 2E Section 6,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of AdaAdditional 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. 100 hp varrrable speed motor, 440V, Johnson pump #JO-3512 (rated @ 1500, GPM), 8"x87' column. 8"x4" discharge W. to 8"x6" Tee (6" valve for Cla-Val), 8" check valve then to Pratt Sand Strainer (Strainer back-flushes into 4" line that wastes into pit on N. side of bldg.) 8" steel main from strainer to water system (Sparling meter removed to install strainer). Healy-Ruff remote control panel automatically starts/stops pump according to main pressure. Well-16"x495', cased 492', water strata 392', 492' gravel pack h.2' dd2' (water flowed at L.S.D.) 12"x20' cinder block bldg. concrete floor. Bldg. attached to W. end of o;ffice bldg., pump base 2' 8"x2' 8"x1' concrete.

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

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

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

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

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

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AUG 18 1985

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 3.34 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.34 (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:

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	6					M	M	M	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, 63-7108, 63-3002 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.

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AUG 18 1992

Last Name Cap. Sec. Water Corp. Ident No. A63-03166

Copies: White -State, Yellow-Claimant

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

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

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

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

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-3166
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 One

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
Title
of CAPITOL WATER CORP , that I have signed the foregoing
Organization
document in the space below as President of CAPITOL WATER CORP
Title 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/or Idaho)
County of Ada) SS.

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

SEAL

Notary Public M. Judith Mearns

Residing at Bosco 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 _____

Last Name Cap. Sec. Water Corp. Ident. Number A63-03166

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AUG 18 1992

Copies White-State, Yellow-Claimant

Last Name Mr. J. R. Smith Case Number 443-03366

Copy to State Water Control

MICROFILMED
AUG 18 1985

Date _____

Address _____

Signature _____

should be mailed to me at the address listed below.

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

17. Notice of Appearance

Please Print Name _____

My Commission Expires 11/20/93

Residing at _____

Notary Public _____

Subscribed and sworn (affirmed) before me this _____ day of _____, 19____

County of _____

22

State of Idaho, or _____

Title and Organization _____

Signature of Authorized Agent _____

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

Title _____

of _____

that I have signed the foregoing _____

Snake River Water Corp

Organization _____

For Organizations: I do solemnly swear or affirm that I am _____

Date _____

Signature of Claimant(s) _____

and contact _____

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

Number of attachments One

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

"How you will receive notice in the Snake River Basin Adjudication." (b) I/We do _____ do not _____

18. Signature(s) _____

Plaintiff vs Defendant _____

Case Number _____

Declarer Date _____

If applicable provide DWR Water Right Number 443-3166

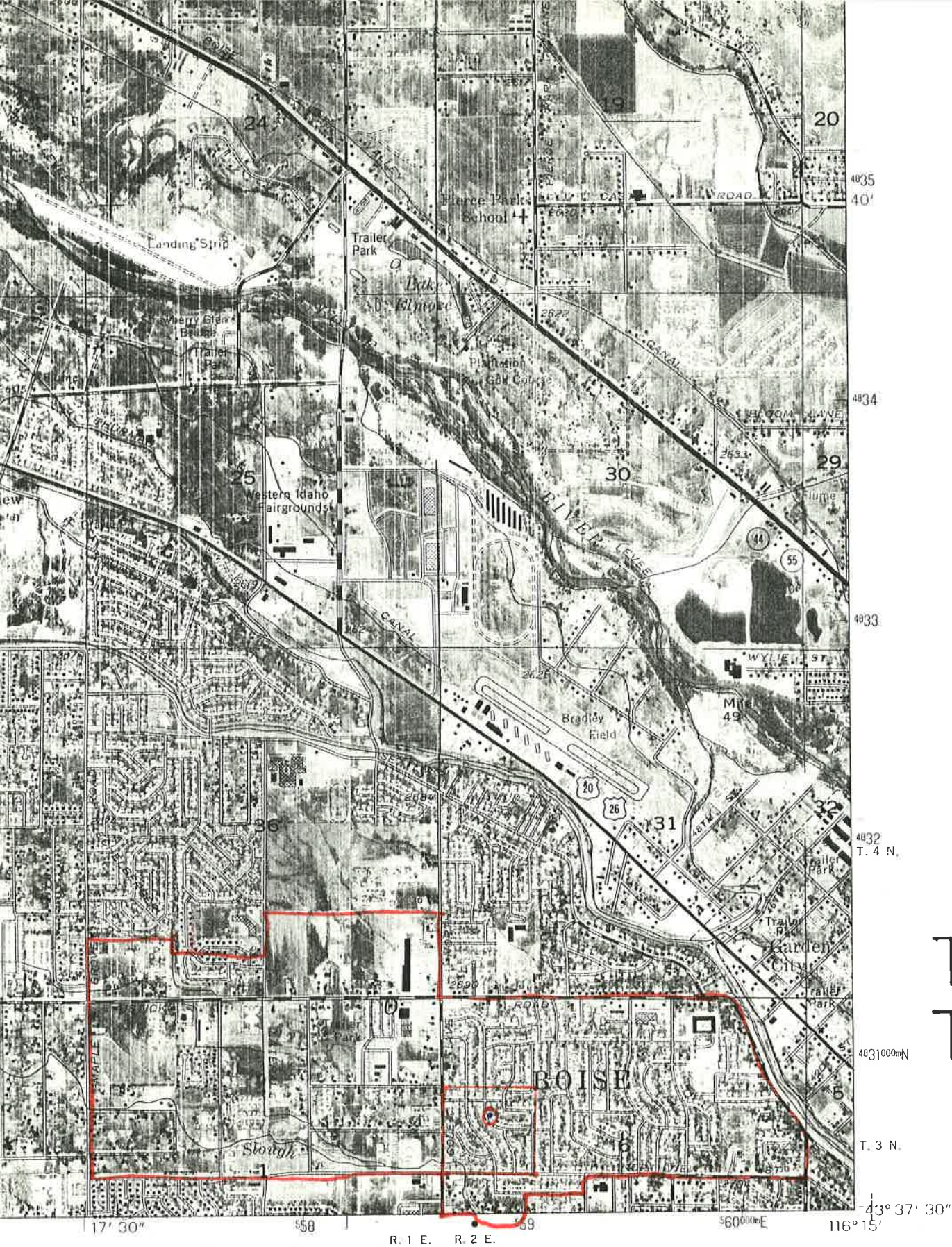
Declarer _____

19. Basis of Claim (check one) _____

Posted Notice _____

License _____

Permit _____



T4N
T3N

1 MILE
7000 FEET
METER

A63-03166 T3N R2E
SEC. 6 SWNW

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AUG 18 1992

ned
10



EAGLE, IDAHO

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Capital Securities Under

CLAIM IDENT. NO.

A63-03166

DATE RECEIVED

8/28/89

CK # C010466

AMOUNT \$ 38400

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Required Info? *
2. Is a priority date entered? ☒ YES ☐ NO ☐ Required Info? *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ Required Info? *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ Required Info? *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ Required Info? *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO N/A ☐ Required Info? *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ Required Info? *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ Required Info? *
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. ☒ YES ☐ NO ☐ Required Info? *
- Is the period of use included? ☒ YES ☐ NO ☐ Required Info? *
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ Required Info? *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ Required Info? *
8. If required is a consumptive use entered? ☐ YES ☒ NO N/A ☐ Required Info? *
- Is the consumptive use correct? ☐ YES ☒ NO N/A ☐ Required Info? *
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. ☐ YES ☒ NO N/A ☐ Required Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ Required Info? *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ Required Info? *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ Required Info? *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ Required Info? *
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.) ☒ YES ☐ NO N/A ☐ Required Info? *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ Required Info? *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☐ Required Info? *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ Required Info? *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ Required Info? *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ Required Info? *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☐ Required Info? *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☐ Required Info? *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ Required Info? *

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:
Claim data entered by:
Sent to claimant by:

AB

Date:

6/28/90

Checked by:

Date:

Comments:

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AUG 18 1992

11/16/2006

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

RIGHT NUMBER: 63-3166
NAME AND ADDRESS: CAPITOL WATER CORP
2626 EL DORADO
BOISE ID 83704

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.340 CFS
2,418.000 AFY

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.

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: 08/25/1959

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	3.340 CFS 2,418.00 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

11/16/2006

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

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.

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.

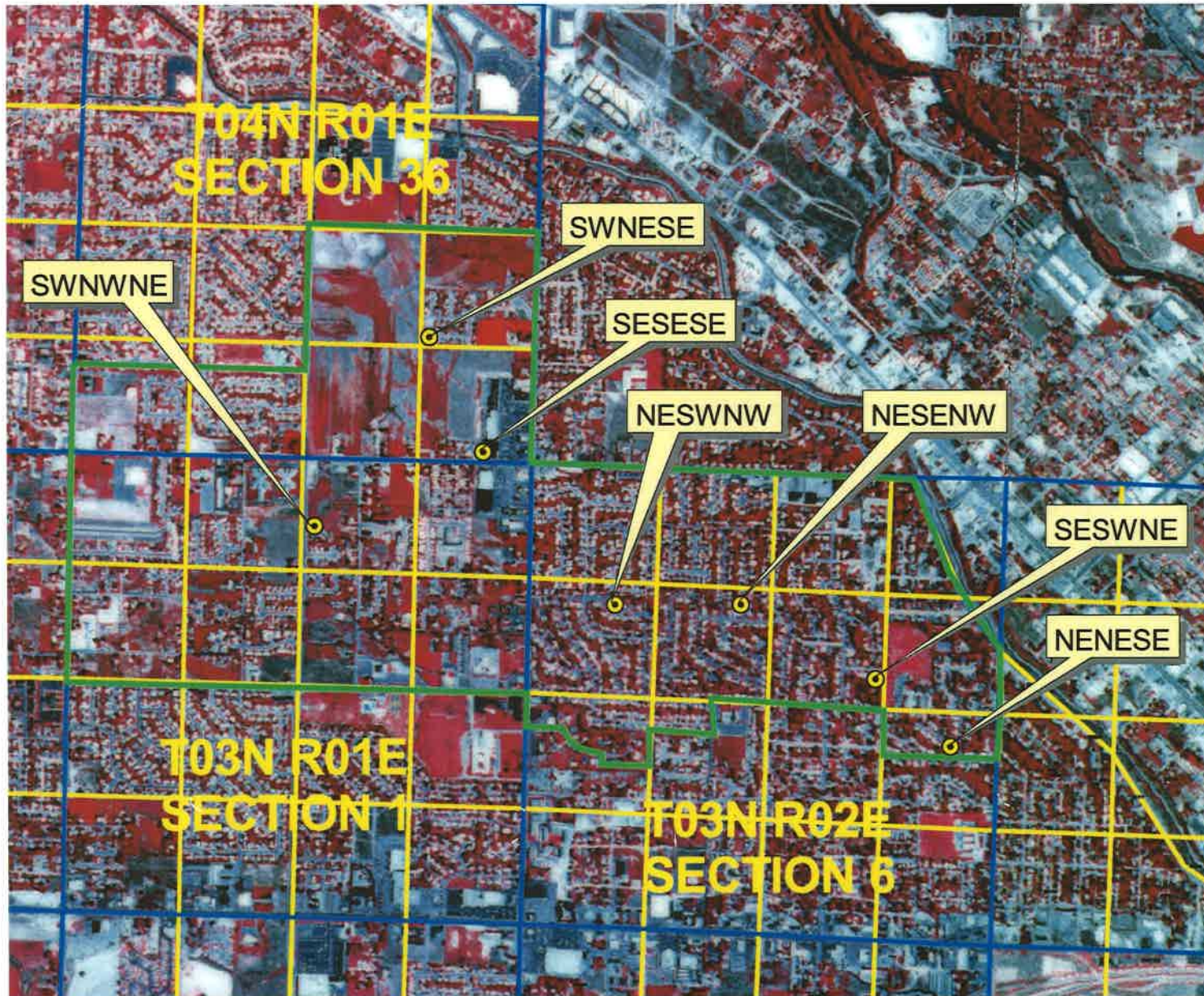
Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

IDAHO DEPARTMENT OF WATER RESOURCES

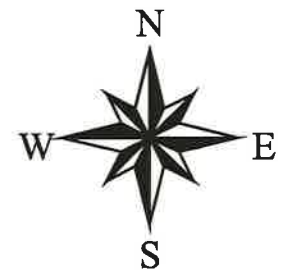
Claim: 63-3166

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



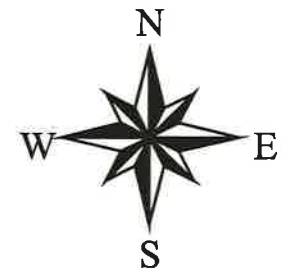
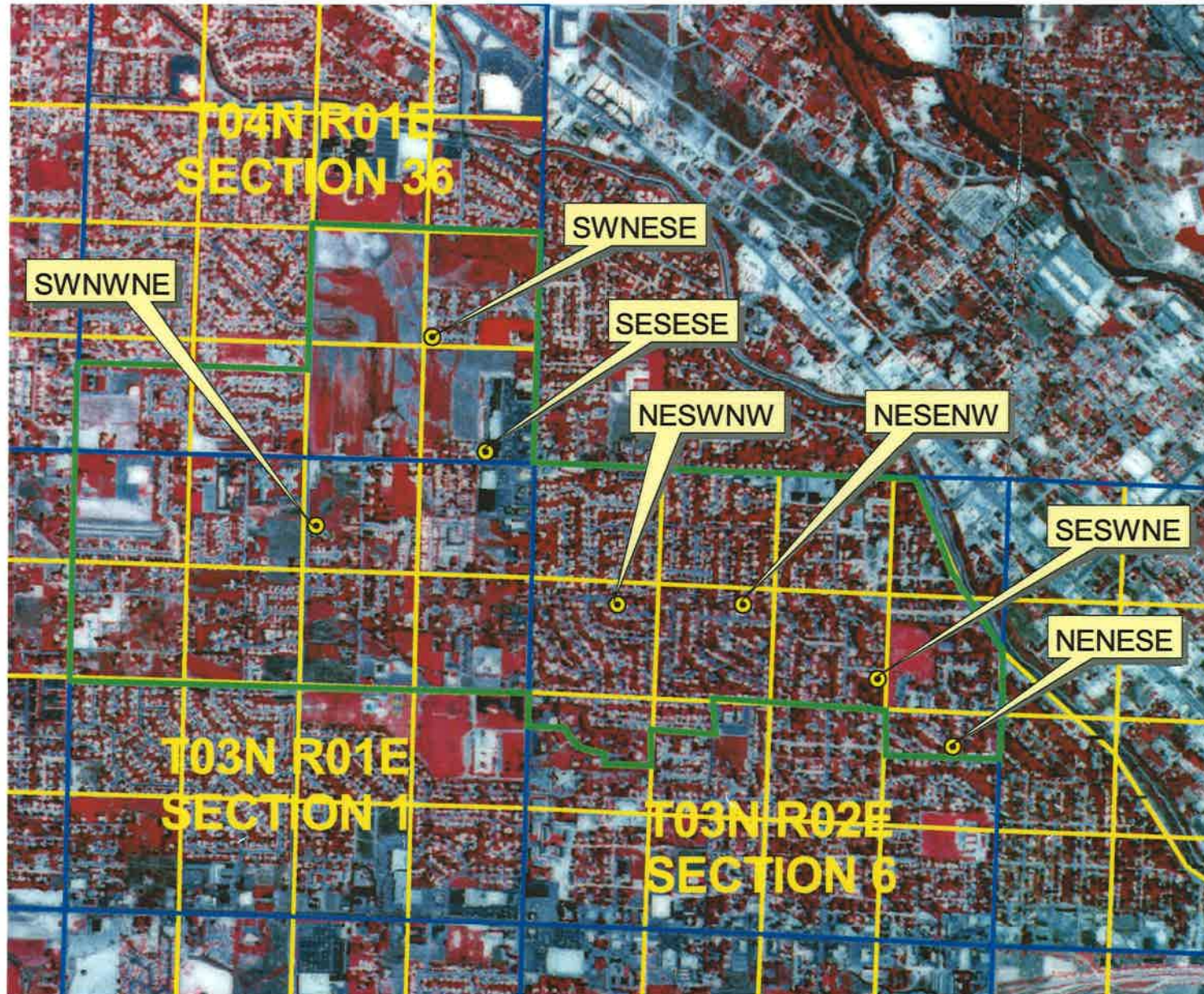
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-3166

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

Adjudication Recommendation Report 63-3166 V1

WATER RIGHT NUMBER: 63-3166 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: 08/25/1959

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	3.340 CFS	2,418.00 AF
	<u>Total Diversion:</u>	3.340 CFS	2,418.00 AF

Location of Point(s) of Diversion

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.
GROUND WATER ADA County	L2 (SW1/4NW1/4NE1/4)	Sec. 1, Twp 03N, Rge 01E, 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 63-3166 V1

2. 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.
3. 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.
4. 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.

Comments:

1. scurtis 3/12/2003 3:28:42 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 63-3166

WATER RIGHT NUMBER: 63-3166

<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: 08/25/1959

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	3.340 CFS	2,418.00 AF
	<u>Total Diversion:</u>	3.340 CFS	2,418.00 AF

Location of Point(s) of Diversion

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.
GROUND WATER ADA County	L2 (SW1/4NW1/4NE1/4)	Sec. 1, Twp 03N, Rge 01E, 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 63-3166

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

WATER RIGHT NO. 63-3166
As Modified by Transfer No. 66602

In accordance with the approval of Transfer No. 66602, Water Right No. 63-3166 is now described as follows.

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

Priority Date: August 25, 1959

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	3.34 CFS	2,418.0 AF
			3.34 CFS	2,418.0 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	NESENE	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.
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.
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.
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.

WATER RIGHT NO. 63-3166
As Modified by Transfer No. 66602

CONDITIONS OF APPROVAL

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


for Chief, Water Allocation Bureau

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	4.90	"	" 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 GROUND 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

Page 1 of 11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5180

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Capitol Securities 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 pluvial 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: *existing*

[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 change 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

WRO749NP
No. 63-03002

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/19/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTHVIEW WATER CORP. 6109 BAY ST. BOISE ID 83704	09/01/1954	IRRIGATION DOMESTIC FIRE PROTECTION	00/00 00/00 00/00 00/00 00/00 00/00	0.320 CFS 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													
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NENE		NWSE		SWSE		SESE			
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
03N 02E 6 :																								16	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

BENEFICIAL USE

PERIOD OF USE

DIVERSION
RATE

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

NENE

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 CountyPLACE OF USE: DOMESTICTWN RGE SEC

03N 02E 6

NWNE
NWNWSWNE
SWNWNENW
SENWCONDITIONS/REMARKS:

1. LIC. INCORRECTLY DESCRIBES USE AS IRR.

PART 2

TRANS NO. 5780

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 GUSTAFSO 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

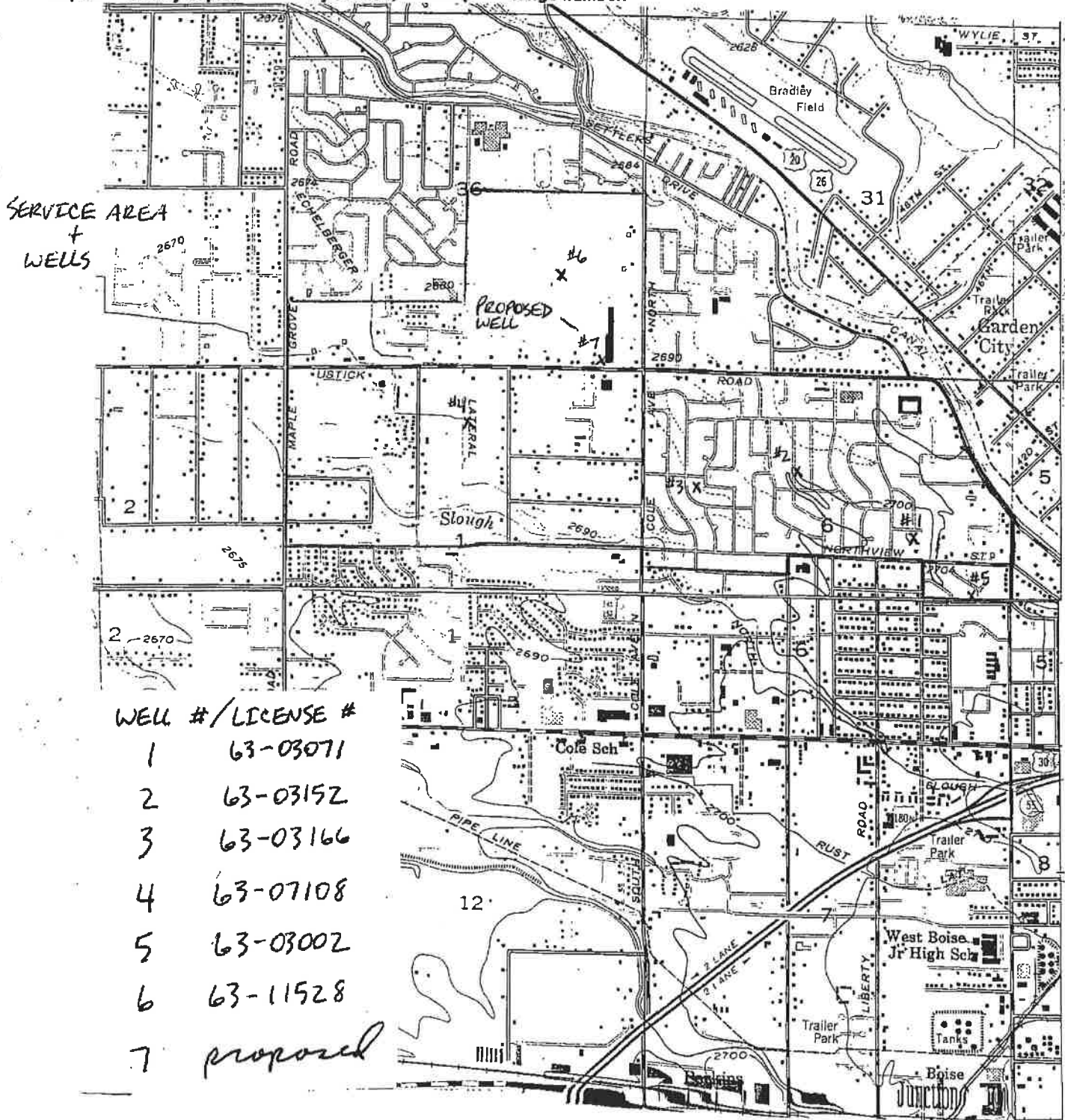
3. Lands irrigated or place of use:

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.



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

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				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 day of November, 19 97

(Signature of Applicant)

Sharla R. Curtis

(Notary Public)

My commission expires 10-6-2006**FOR DEPARTMENT USE ONLY**Transfer contains 11 pages and 2 attachmentsReceived by SCDate 11/4/97

Protest filed by

Prelim. check by SC

Fee

\$100.00 C040565Receipted by KS

Date

11/4/97

Published in

Ed. Stateman

Copies of protest forwarded by

Pub. dates

12-18+25-97

Hearing held by

Date

Watermaster recommendation requested on

Recommended for

☐

approval

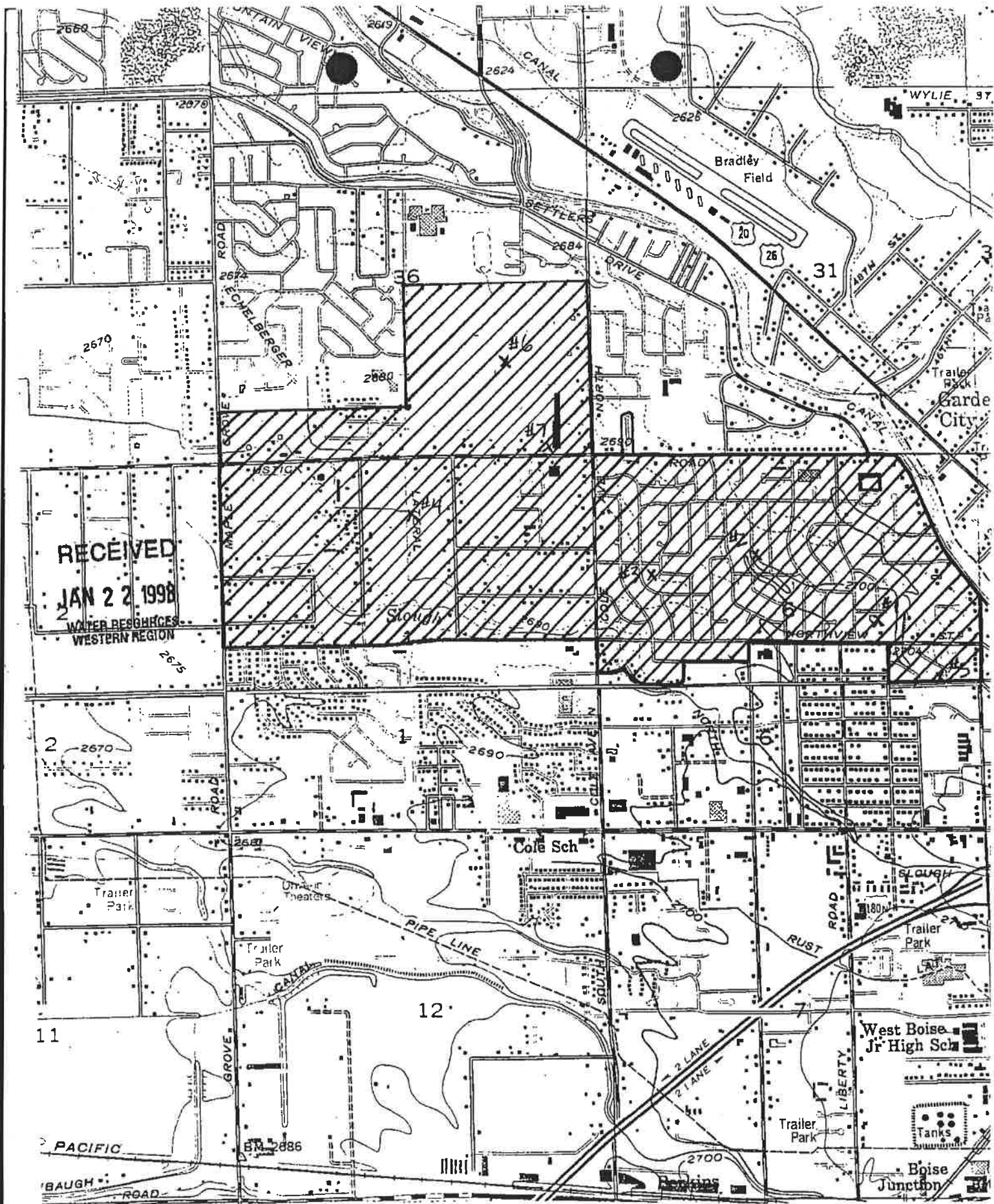
☐

denial

rec'd.

by

Copy of transfer sent to lien holder



Stripped area denotes CAPITOL WATER'S franchised area.
ATTACHMENT A

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

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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. Mooney
CITY CLERK

DATED this 22nd day of March, 1991.

CAPITOL WATER CORPORATION

BY

Robert Price
PRESIDENT