

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-4841
Date Received: 5/18/1989
Receipt No: W002874
Received By:

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

1. Name of Claimant(s)

MALAD AND HILTON WATER CO INC Phone: (208)343-3040

2616 S HILTON ST
BOISE ID USA 83705

2. Date of Priority: 06/01/1962

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02E	20	SE SW	ADA	

5. Description of diverting works:

WELL 155 FT.DEEP,12"CASING,10 HP SUB PUMP,PIPELINE DISTRIBUTION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.06	
DOMESTIC	1/01	12/31	0.2	
FIRE PROTECTION		1/01	12/31	0.32

7. Total Quantity Appropriated is:
0.32 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

DOMESTIC USE FOR 28 HOMES

SCANNED
OCT 05 2006

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02E	20	SE	SW	IRRIGATION	2
					Section Acres	2
					Total Acres	2

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

CORRECTED NAME AND ADDRESS 6/4/91 - KW.

15. Basis of Claim: Statutory Claim

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 PRESIDENT of _____
Title

MALAD + HILTON WATER CO. that I have signed the foregoing
Organization

document in the space below as PRESIDENT of _____
Title

MALAD + HILTON WATER CO. and that the statements contained in the
Organization

foregoing document are true and correct.

William E. Bennett
Signature of Authorized Agent

PRESIDENT, MALAD + HILTON WATER CO.
Title and Organization

6-23-05

Date

State of Idaho)

County of ADA)

SS.

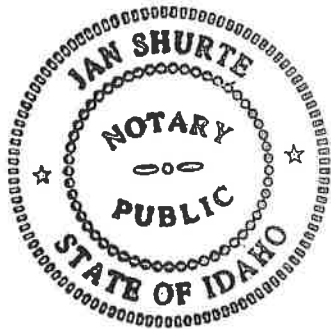
Subscribed and sworn (or affirmed) before me this 22ND DAY OF

June 2005

Jan Shurte
Notary Public

Residing at Moscow ID

My commission Expires 9-14-2006



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: A63-04841

Date Received: 5/18/1989

Receipt No: W002874

Received By: DE-KW 6/4/91

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MALAD AND HILTON WATER COMPANY, INC. 208-343-3040
Address: 2616 S. HILTON ST.
BOISE, ID 83705

2. Date of Priority: JUN 1, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	20	SE	SW			ADA

5. Description of diverting works:
WELL 155 FT.DEEP,12"CASING,10 HP SUB PUMP,PIPELINE DISTRIBUTION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		
DOMESTIC	01/01	12/31	0.200		
FIRE PROTECTION	01/01	12/31	0.320		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/20 HOMES,IN BLOCKS 1 & 2 BLASER SUB. NO.3

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	20	SE	SW		IRR	2.0

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AUG 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
CORRECTED NAME AND ADDRESS 6/4/91 - KW.

15. Basis of Claim: STATUTORY CLAIM

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

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED
AUG 20 1992

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 20 1992

RECEIVED

MAY - 6 1991

CHANGE IN ^{NAME/} ADDRESS OF NOTICE OF CLAIM

Department of Water Resources
Western Regional Office

[] Water Right Number (s): A63-04841

✓ CORRECT NAME - MAHAD AND HILTON WATER COMPANY, INC.

[] Old Mailing Address: 2645 S. HILTON ST.

BOISE, IDAHO 83705

[] New Mailing Address: 2616 S. HILTON ST.

BOISE, IDAHO 83705

New Telephone Number: (208) 343-3040

[] Signature of Claimant: William E. Barrett, President

Date: 4-23-91

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

SEND TO YOUR NEAREST
REGION OFFICE:

Western Region Office
2735 Airport Way
Boise, ID 83705
(208) 334-2190

Southern Region Office
222 Shoshone St. East
Twin Falls ID 83301
(208) 734-3578

State Office
1301 N. Orchard St.
Boise, ID 83720
(208) 327-7900

Eastern Region Office
150 Shoup Ave. #15
Idaho Falls ID 83402
(208) 525-7161

Northern Region Office
1910 Northwest Blvd. #210
Coeur d'Alene ID 83814
(208) 756-4639

MICROFILMED

AUG 20 1992

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: A63-04841

Date Received: 5/09/1989 5/18/89

Receipt No: 4002874

Received By: DE MTH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MALAD HILTON WATER CORP. 208-343-7155
Address: 2645 SOUTH HILTON
BOISE, ID 83705

2. Date of Priority: JUN 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	20	SE	SW			ADA

5. Description of diverting works:
WELL 155 FT.DEEP,12"CASING,10 HP SUB PUMP,PIPELINE DISTRIBUTION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		
DOMESTIC	01/01	12/31	0.200		
FIRE PROTECTION	01/01	12/31	0.320		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/20 HOMES,IN BLOCKS 1 & 2 BLASER SUB. NO.3

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	20	SE	SW		IRR	2.0

Section Acres 2.0

A63-04841

Page 1

Date: 05/09/89

MICROFILMED

AUG 20 1992

10. Place of Use: Continued

Total Acres 2.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Malad Hilton Water Co., Inc. Date: 5/16/89

By: *William G. Bevel* Date: 5-16-89

State of Idaho) President

) SS.

County of Ada)

Subscribed and sworn (or affirmed) before me this 16th day

of May 19 89

Diana Swagensen
Notary Public

Seal

Residing at Bonne Idaho

My Commission Expires 6-10-94

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Malacatlan Water Corp.

CL.

IDENT. NO.

A63-04841

DATE RECEIVED

5/18/89

CK #

0969

AMOUNT \$

52

YES

NO

Required Info?

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

Claim checked by: [Signature]

Date: 6/1/89

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

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

Receipt Prepared by: mt
Claim data entered by: mt
Sent to claimant by: mt

Date: 5/18/89
Date: mt
Date: mt

Checked by: mt

Date: mt

MICROFILMED

AUG 20 1992

Comments: _____

RECEIVED

JAN 10 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 9 2007

By _____ Clerk
Deputy Clerk

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

In Re SRBA

ORDER OF PARTIAL DECREE

Case No. 39576

For Water Right: 63-04841

On November 29, 2006, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

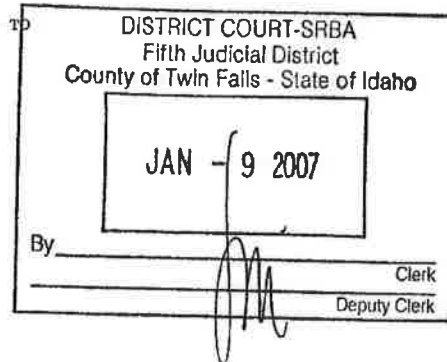
DATED January 8, 2007


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-04841



NAME AND ADDRESS: MALAD AND HILTON WATER CO INC
2616 S HILTON ST
BOISE, ID 83705

SOURCE: GROUND WATER

QUANTITY: 0.32 CFS
10.62 AFY

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION: T03N R02E S20 SESW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.06 CFS
			9.00 AFY
	Domestic	01-01 TO 12-31	0.23 CFS
			1.62 AFY
	Fire Protection	01-01 TO 12-31	0.32 CFS

Domestic use is for 27 homes.

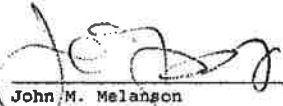
PLACE OF USE: Irrigation Within Ada County
T03N R02E S20 SESW 2.0
2.0 Acres Total

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2007 JAN 09 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-04841

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-04841 was mailed
on January 09, 2007, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MALAD AND HILTON WATER CO INC
WILLIAM E BARRETT
2616 S HILTON ST
BOISE, ID 83705
Phone: 208-343-3040

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/09/07

DISTRICT COURT - CRIM
TWIN FALLS CO., IDAHO
FILED _____
2006 NOV 22 AM 10 54

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

In Re SRBA

Subcase No. 63-4841

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(S)/OBJECTOR(S):

Malad and Hilton Water Co Inc.

William E. Barrett
President

Date _____

STANDARD FORM 5 - 63-4841

IDWR Concurrence:

Sandy Egbert 11-13-06
Sandy Egbert Date
GIS Specialist

Nick Spencer 11-13-06
Nicholas B. Spencer Date
Deputy Attorney General

STANDARD FORM 5 - 63-4841

CERTIFICATE OF MAILING

I certify that on November 21, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

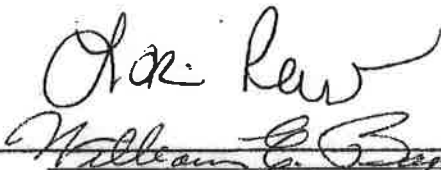
1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Malad and Hilton Water Co Inc
William E Barrett
2616 S Hilton St
Boise, ID 83705

IDWR Repository
P.O. Box 83720
Boise, ID 83720


William E. Barrett
Signature of person mailing the form



DISTRICT OF JAT-388A
TWIN FALLS CO., IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES-RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

2006 NOV 22 AM 10 54

RIGHT NUMBER: 63-4841
NAME AND ADDRESS:

MALAD AND HILTON WATER CO INC
2616 S HILTON ST
BOISE ID 83705

SOURCE: Source:
GROUND WATER

Tributary:

QUANTITY: 0.320 CFS
10.620 AFY

~~9.000 AFY~~

NBS

~~13,000 gallons~~
The quantity of water under this right for domestic use shall not exceed
per day.

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION:

T03N R02E S20 SESW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/01 11/15	0.060 CFS 9.00 AFY
DOMESTIC	01/01 12/31	<u>0.230 CFS 1.62 AFY</u> 0.200 CFS
FIRE PROTECTION	01/01 12/31	0.320 CFS

Domestic use is for 27 homes.

~~Domestic use is for 28 homes.~~

PLACE OF USE: IRRIGATION within ADA County
T03N R02E S20 SESW 2.0

Amended Director's Report: 63-4841

G

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

FIRE PROTECTION Same As IRRIGATION
2 ACRES TOTAL

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

water

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the

rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.~~

water

~~This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the~~

~~rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.~~

EXPLANATORY MATERIAL:

~~BASIS OF CLAIM — Beneficial Use~~

PROPERTY IS ALSO KNOWN AS BLK 1 & 2, BLASER SUB. NO. 3. AND BLASER SUB. NO. 5.

~~PROPERTY IS ALSO KNOWN AS BLK 1 & 2, BLASER SUB. NO. 3.~~

Handwritten initials "NBS" and a large "3" in a circle.



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

November 22, 2006

via facsimile

SRBA District Court
PO Box 2707
Twin Falls, ID 83303-2707

ATTN: Julie Murphy, Deputy Court Clerk

RE: Standard Form 5 for 63-4841

Dear Julie:

Pursuant to our conversation on this date, attached please find a corrected water right description page to attach to the Standard Form 5 that was sent to the court for filing for subcase number 63-4841. As we discussed, the "Basis of Claim – Beneficial Use" portion in the Explanatory Material was inadvertently crossed out. Please attach this corrected page to the documents previously mailed to the court to correct this clerical mistake.

If you require additional information, please call me at: 287-4814. Thank you for your ongoing courtesy and cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Becky J. Harvey".

Becky J. Harvey
Paralegal

/bh
Enclosures

*ccs: Sandy Egbert via email
IDWR Repository
William E. Barrett for
Malad and Hilton Water Co Inc*

Idaho Department of Water Resources Receipt

Receipt ID W034854

Payment Amount \$20.00 Date Received 11/7/2006 3:00:07 PM Region Western Status ☐
Payment Type Check Check Number 1692

Payer MALAD AND HILTON WATER CO

Comment AMEND AJ CLAIM 63-4841 TO ADD DOMESTIC USE

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$20.00	ADJUDICATION FILING FEE	0337		42503	1155

DBughe - corrected
Signature Line (Dept. Representative)

Egbert, Sandy

From: Harvey, Becky
Sent: Monday, November 06, 2006 9:55 AM
To: Egbert, Sandy
Subject: 63-4841

Mr. Barrett's email address is: bbarrett3040@msn.com

Becky

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.

Egbert, Sandy

From: Harvey, Becky
Sent: Monday, November 06, 2006 9:19 AM
To: Shurte, Jan; Egbert, Sandy
Subject: 63-4841 - Malad and Hilton Water Co

Importance: High

Hi Jan & Sandy:

William Barrett called me this morning. He needs to get the initial hearing date changed so I told him to call Debbie Lash at the court. I guess he has already talked to Diana. Anyway, we had a lengthy conversation...could one of you pull the claim file and call me? It would be nice if we could work out a settlement for him. From the information he gave me, I don't know if we have any wiggle room - he wants .68 AF and the 13,000 gallons per day removed. Also, there are mistakes in explanatory plus he doesn't know how many acres are in the subdivision.

Anyway - so that I don't have to be too long-winded in this email, please call me. Thanks!

Becky

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.

Egbert, Sandy

From: Egbert, Sandy
Sent: Monday, November 06, 2006 11:50 AM
To: 'bbarrett3040@msn.com'
Cc: Harvey, Becky
Subject: RE: Water right 63-4841

Mr Barrett:

After reviewing your objection to the above water right with Becky Harvey and Jan Shurte (Supervisor), I have some additional information that might help settle your objections.

You asked that Blaser Subdivision #5 be listed on the recommendation and we can include that on the recommendation with no problem.

I understand that you would like the 13,000 per day limiter removed from the recommendation. When you filed the claim, you paid \$52.00 which covered the irrigation claim for \$50.00 and \$1.00 for each acre of irrigation claimed, which was 2 acres. You did not pay extra for domestic use so that is why the limiter is on the recommendation. If you would like the limiter removed an additional fee of \$20.00 for the domestic use is required. If that fee were paid, the volume (acre feet) for domestic use would be .06 af per home. In this case domestic use would be limited to internal use only since the irrigation covers the external use.

If you want to increase the cfs for domestic use, you will need to file an amended claim. If there are 27 homes, the cfs would be .23. If there are 28 homes, the cfs would be .24. Our field examiner found 28 homes but there is a note in the file saying you called and said there are only 27 homes so the number of homes will also need to be determined.

If you have any questions, please feel free to call me at 334-2190.

Sandy Egbert
GIS Specialist
Western Region

*I talked with Bill Barrett on the phone
11-7-06. He will send in the \$20.
extra for domestic use and we will
take off the 13,000 per day limiter.
He still insists there are 27 homes
not 28.*

SE

COPY

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

In Re SRBA)

A. Subcase 63-4841
(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name William E. Barrett

Address: 2616 S. Hilton St.

Boise, ID. 83705

Daytime Phone: 208-343-3040

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: MALAD AND HILTON WATER COMPANY, INC.

Address: 2616 S. Hilton St.

Boise, ID. 83705

Copy

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: .25 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** 3. Quantity should be .25 cfs for
28 dwelling units
The present documentation lists the correct number of dwelling units,
28, but does not mention that 8 of them are in Blaser Subdivision #5;
20 are in Blaser Subdivision #3.

Copy

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of ADA)

WILLIAM E. BARRETT, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

William E. Barrett
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

JAN 20, 2006
Kim Stallings
Notary Public for BOISE, ID
Residing at: BOISE, ID
My Commission Expires: 3/10/09



CONVERSATION MEMORANDUM

TO: CLAIM FILE NO. 63-4841

FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN REGION

SUBJECT: PHONE CALL FROM BILL BARRETT

DATE: 1/27/2006

CC:

I received an office day call from Mr. Barrett yesterday re the above recommendation that he received in the mail. Mr. Barrett stated that he had provided information to the department/ Sandy Egbert, but that nothing had gotten done and he wanted to file an objection.

Mr. Barrett was particularly adamant that the water right was also for Blaser Sub no. 5 and that was not listed on the recommendation in the explanatory information. I pulled the file from Sandy and saw that an amended claim was filed in 6/2005. The original claim was for 20 homes and Mr. Barrett signed an amended claim for 28 homes. Nowhere in the file notes or in the field exam, original statutory and SRBA claim does it state sub no 5. IT is stated in the water co. articles of incorporation. However, the recommendation for the 28 homes includes these homes in Blaser No. 5.

I explained to him that the right was for the homes in no 5 and that the explanatory info was for informational purposes – the water right clearly states that the water is for 28 homes, and how the place of use was graphically linked in our database. So, this was his greatest concern.

We also discussed the quantity and acres irrigated. He had already talked to Carter who told him the quantity seemed low. The amended claim did not reflect a change in quantity but remained at .2 cfs for 20 homes. I told him our standard was between .2 - .25 cfs for 28 homes.

The original statutory and SRBA claims were for 2 acres irrigated. He wanted to know why more weren't recommended and I explained that Mr. Moon claimed 2 and maybe there was another reason such as irrigation from a canal company. He said he thought that may have been true in the past but they could not get water from the canal now.

He thinks he will file an objection for more water. I told him he should just include everything in the objection – add the Blaser no. 5 and ask for more for irrigation as well as more water for domestic. VLM

SCANNED

OCT 05 2006

11/09/2005

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

RIGHT NUMBER: 63-4841

NAME AND ADDRESS: MALAD AND HILTON WATER CO INC
2616 S HILTON ST
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.320 CFS
9.000 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION:

T03N R02E S20 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.060 CFS 9.00 AFY
FIRE PROTECTION	01/01 12/31	0.320 CFS
DOMESTIC	01/01 12/31	0.200 CFS

Domestic use is for 28 homes.

PLACE OF USE: IRRIGATION Within ADA County

T03N R02E S20 SESW 2.0

FIRE PROTECTION same as IRRIGATION
DOMESTIC same as IRRIGATION

2 ACRES TOTAL

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

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS BLK 1 & 2, BLASER SUB. NO. 3.

Water Right 63-4841

SCANNED
OCT 05 2006
1

Idaho Department of Water Resources

63-4841

T03N R02E S20



IDWR
Prepared by: Sandy Egbert
Date: 11-9-05
1987 Photography

SESW

S. Hill Top

S. Orchard St

SESW

Sub Div.
PQH

PQH



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4841 V1

WATER RIGHT NUMBER: 63-4841 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MALAD AND HILTON WATER CO INC 2616 S HILTON ST BOISE, ID 83705 (208)343-3040

Priority Date: 06/01/1962

Basis: Beneficial Use

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>
IRRIGATION	03/01 to 11/15	0.060 CFS	9.00 AF
FIRE PROTECTION	01/01 to 12/31	0.320 CFS	
DOMESTIC	01/01 to 12/31	0.200 CFS	
	<u>Total Diversion:</u>	0.320 CFS	9.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 20, Twp 03N, Rge 02E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	20												2.0					2.0

Total Acres: 2

FIRE PROTECTION same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:

1. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
2. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
3. J01 PROPERTY IS ALSO KNOWN AS BLK 1 & 2, BLASER SUB. NO. 3.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. X01 Domestic use is for 28 homes.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4841 V1

Remarks:Comments:

1. segbert 4/15/2005 POD
Comment: Updated shape
2. segbert 4/15/2005 POU
Comment: Updated Shape

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/15/2005 8:48:00 AM	segbert			Active
POD	4/15/2005 8:48:31 AM	segbert			Active
Source	4/15/2005 8:50:55 AM	segbert			Active
POU	4/15/2005 8:51:46 AM	segbert			Active
Use	4/15/2005 8:53:06 AM	segbert			Active
Season	4/15/2005 8:53:55 AM	segbert			Active
Quantity	4/15/2005 8:59:56 AM	segbert			Active
Summary			04/15/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4841 V1

Priority Date	4/15/2005 8:48:01 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Electric Service Agreement dated 1958 in file. Recommended 1962 as claimed
POD	4/15/2005 8:48:32 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	4/15/2005 8:50:55 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - field exam
Use	4/15/2005 8:53:07 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - field exam

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4841 V1

Season	4/15/2005 8:53:56 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	4/15/2005 8:51:47 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - field exam
Quantity	4/15/2005 8:59:57 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - see field exam Description for Question 10 - 4.5 x 2 acres
Summary	4/15/2005 9:10:32 AM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

04/15/2005

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

RIGHT NUMBER: 63-4841

NAME AND ADDRESS: MALAD AND HILTON WATER CO INC
2616 S HILTON ST
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.320 CFS
21.000 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day
per home. *21100*

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION:

T03N R02E S20 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.060 CFS 9.00 AFY
FIRE PROTECTION	01/01 12/31	0.320 CFS
DOMESTIC	01/01 12/31	0.200 CFS 12.00 AFY
Domestic use is for 20 ²⁸ homes. <i>see amended claim</i>		

PLACE OF USE: IRRIGATION Within ADA County

T03N R02E S20 SESW 2.0

FIRE PROTECTION same as IRRIGATION
DOMESTIC same as IRRIGATION

2 ACRES TOTAL

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

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY IS ALSO KNOWN AS BLK 1 & 2, BLASER SUB. NO. 3.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4841

WATER RIGHT NUMBER: 63-4841

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MALAD AND HILTON WATER CO INC ✓ 2616 S HILTON ST BOISE, ID 83705 (208)343-3040

Priority Date: 06/01/1962

Basis: Statutory Claim *BU*

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>
IRRIGATION	3/15	to 11/15	0.060 CFS	<i>9.0</i>
FIRE PROTECTION	1/01	to 12/31	0.320 CFS	
DOMESTIC ✓	1/01	to 12/31 ✓	0.200 CFS ✓	
<u>Total Diversion:</u>			0.320 CFS	

*4.5 x 2.0 Acres*Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4 ✓	Sec. 20, ✓	Twp 03N, ✓	Rge 02E, B.M. ✓
ADA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	02E	20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.0
																			2.0

Total Acres: 2

FIRE PROTECTION same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General CORRECTED NAME AND ADDRESS 6/4/91 - KW.

Comments:Dates and Other Information:

*20 homes - 28 homes according to field exam
Blocks 1 & 2 Blaser Sub No 3*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4841

Claim Received Date: 5/18/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid 52.00
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4841Owner: % WILLIAM BARRETT
MALAD & HILTON WATER CO Phone No. 208 343-3040Current Address: 2616 S. HILTON ST BOISE ID 83705

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: WM (BILL) BARRETT**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary SEE ATTACHED DOCUMENT POWER CONTRACT
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6/1/62 (POWER Hook-up CONTRACT 6/15/58)

(If priority date, based on your exam, seems questionable, explain below.)

IT APPEARS FROM POWER RECORDS THAT THE PRIORITY DATE COULD HAVE
BEEN SOMEWHAT EARLIER THAN 1962.

Source: GROUNDWATER Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

SITE TAG = E0006186 (DEPTAG)

GPS = 2318680
1377697 #3 (OVER 12.000)

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
1		NE	SE	SW	20	3N	2E	ADA	GPS + FROM 2003 NAPP AERIAL PHOTO

Description of diverting works CLAIM SHOWS THIS AS A 12" DIA (MAYBE)

WELL IS A 6" CASED WELL WITH A SUBMERSIBLE PUMP USING A VARIABLE SPEED DRIVE TO MAINTAIN 60 PSI AT ALL TIMES. PIPELINE DISTRIBUTION THROUGH-OUT THE SUB DIVISION

OVERLAP REVIEW

Other water rights with the same point of diversion:

NONE

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

☒ No change

☐ Different Uses

Use IRRIGATION From 3/15 To 11/15 Amount 1.06 CFS AFA

Use FIRE PROTECTION From 1/1 To 12/31 Amount 0.32 CFS AFA

Use DOMESTIC From 1/1 To 12/31 Amount 0.20 CFS AFA

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount CFS AFA

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

☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes Stock #

Types Additional comments:

PLACE OF USE:

☒ No Change

☐ Changes shown below:

IRRIGATION Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	20												2.0					2.0

Overlap with other water rights: NONE

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: FROM THE P.O.D. THE WATER PUMPED THROUGH OUT THE SUB-DIVISION THROUGH PRESSURIZED PIPE WITH CONNECTIONS AT EACH RESIDENCE. THE ROUTING IS UNKNOWN BY MR. BARRETT.

THE PLACE OF USE IS HIGH-LITED W/ GREEN ON THE AERIAL PHOTO ATTACHED

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
E0006186	FRANKLIN	10	UNKNOWN	BERKELEY	10HP 230V. 28.4 AMP 3450 RPM 5F1.15
				6T-10-115	

FROM PUMP INSTALLERS DATA LEFT IN PUMPHOUSE

FLOW MEASUREMENTS: Pump setting @ 126'
WELL DEPTH = 154 1/2'
Attach appropriate documents STATIC W.L. = 92'
ABB VSD @ 60 PSI
NARRATIVE/REMARKS/COMMENTS CONSTANT

ESTIMATED FLOW MAX
LIFT = 116' (10' ABOVE PUMP)
EFF = 70%
60 PSI = 138.6' $GPM = \frac{(10 \times 70) 3960}{254.6}$
TDH = 254.6' $= 109 GPM$
 $(.24 CFS)$

THERE ARE A TOTAL OF 24 HOMES IN THE SUB-DIVISION AND 8 OF THEM ARE DUPLEXES SO THEY HAVE A TOTAL OF 28 CONNECTIONS. (SEE PHOTO AERIAL).

THIS IS A VERY GOOD PUMPING SETUP FOR A SUBDIVISION LIKE THIS. THE ESTIMATED PUMPING FLOW OF 109 GPM SEEMS LOW TO ME. THEY ARE GETTING ALONG VERY WELL WITH THIS AMOUNT ACCORDING TO MR. BARRETT. IF THE PRESSURE WAS REDUCED TO 40 PSI AND THE LIFT WAS 100', THE PUMP WOULD BE ABLE TO PUMP THE W.R. FLOW OF 144 GPM.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 3/4/05 IN FIELD COMPLETED W/REVIEW: 4/5/05

FIELD EXAMINER: Burke H. Schenck

MONDAY
1:30 3/4/05

Field Exam Questions

Water Right No. 63-4841

Current Owner on Claim: Malad and Hilton Water Company

- Property Address: ✓ ²⁸ 20 homes in blocks 1 & 2 Blaser Sub No. 3
- Is the ~~shape~~ correct? SEE MAP
- Need evidence of priority ✓
- Need a flow measurement ✓
- Where is the well? ✓

3 DUPLICATES
~~25 BLDGS~~
24 AS PER
BILL

SITE TAG E 0004186 27

GPS 231 86 80 003
137 76 97 #3

PUMP CENTRIFUGAL

PUMP SETTING @ 126' LIFT @ 116

WELL DEPTH = 154 1/2'

STATIC W.L. = 92'

PUMP - 6T10-115 BERKELEY

FRANKLIN MOTOR

10 HP 230V. 28.4 AMPS 32.2 MAX @ SF

3450 RPM

SF = 1.15

VARIABLE SPEED
CONTROLLER ABB

PRESSURE 60 PSI
CONSTANT

Return to: Sandy Egbert

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4841

WATER RIGHT NUMBER: 63-4841

Owner Type Name and Address
 Current Owner MALAD AND HILTON WATER CO INC
 2616 S HILTON ST ✓
 BOISE, ID 83705
 (208)343-3040

1:30
 BILL WM
 BARRETT
 BACK DOOR
 CAR PORT

Priority Date: 06/01/1962
 Basis: Statutory Claim
 Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.060 CFS	
FIRE PROTECTION	1/01 to 12/31	0.320 CFS	
DOMESTIC	1/01 to 12/31	0.200 CFS	
<u>Total Diversion:</u>		0.320 CFS	

Location of Point(s) of Diversion

GROUND WATER
 ADA County

SE1/4SW1/4

Sec. 20, Twp 03N, Rge 02E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	20												2.0					2.0

Total Acres: 2

FIRE PROTECTION same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General CORRECTED NAME AND ADDRESS 6/4/91 - KW.

Comments:Dates and Other Information:

act 1958
724.5555-1
IDAHO POWER COMPANY
ELECTRIC SERVICE AGREEMENT

DISTRICT Boise RATE SCHEDULE No. 11 ACCT. No. _____

Connected Load:

10 H.P. 240 Volts 3 Phase 4 Wire
H.P. Volts Phase Wire
K.W. Volts Phase Wire

Glenn Blaser
(Name)

2025 No 24th, Boise, Idaho
(Mailing Address)

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply electric service to the amount of 10 HP, in the form of three phase alternating current at approximately 60 cycles per second and 240 volts, for Customer's pumping operations, at or near Boise, in Ada County, State of Idaho for a term of ten (10) year(s) from and after June 15, 1958, in accordance with and subject to the Company's rules and regulations and Schedule No. 11, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near Blaser Subdivision of Section 20 T. 3N R. 2E B.M.

All payments shall be made at Company's office at Boise, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as part of this agreement.

In consideration of the special investment to be made by the Company in extending its lines and facilities to supply the Customer's pumping power service requirements, Customer guarantees a minimum annual payment in the amount of \$180.00 to the Company during the term of this contract, such annual minimum to run with the load and pumping power service hereinabove referred to and to be payable by the Customer's successors or assigns as a condition of service during the term of this agreement.

Dated June 6, 1958

Attest
Witness [Signature]

Attest
Witness [Signature]

E.R. or W.O. No. _____

1030-2M-5-57

Glenn F. Blaser
Customer

IDAHO POWER COMPANY,
By [Signature]
Asst Division Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that MALAD-HILTON WATER CORPORATION

(Name of Claimant)

2645 So. Hilton, Boise, ID 83705

(Mailing Address)

Telephone No. 343-7155

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1962

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Groundwater tributary to _____

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.20 cfs</u>	Use <u>Domestic</u>	Period of Use From	<u>1/1</u>	To	<u>12/31</u>
Quantity <u>.06 cfs</u>	Use <u>Irrigation</u>	Period of Use From	<u>3/15</u>	To	<u>11/15</u>
Quantity <u>.32 cfs</u>	Use <u>Fire Protection</u>	Period of Use From	<u>1/1</u>	To	<u>12/31</u>
Quantity _____	Use _____	Period of Use From	_____	To	_____
Quantity _____	Use _____	Period of Use From	_____	To	_____

- (4) .32 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ SW ¼, Sec. 20 Twp. 3N Rge. 2E B.M., County of Ada

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well 155 ft. depth, 12" casing, 10 HP submersible pump, with pipeline distribution system.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	2E	20												2.0					2.0

No. of acres 2.0

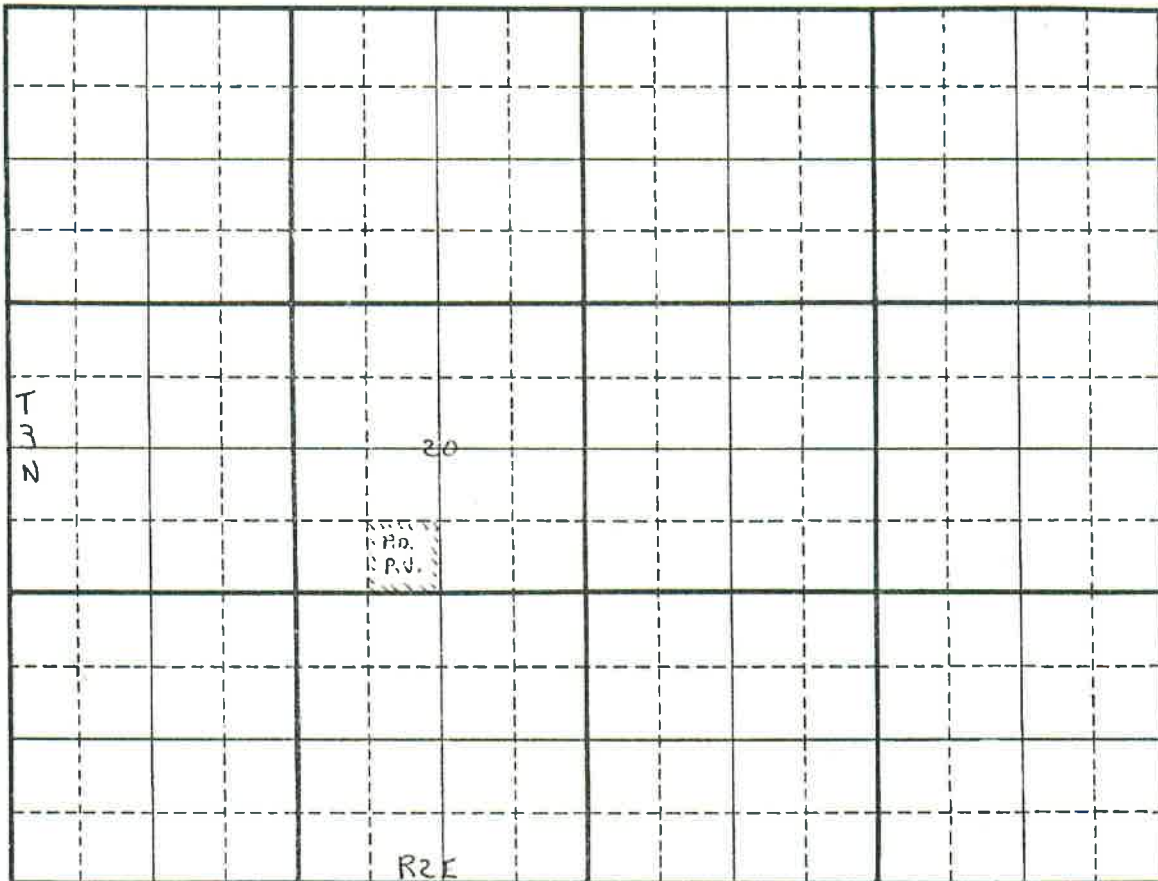
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Domestic culinary use for 20 homes in Blocks 1 and 2 Blaser Subdivision No. 3

Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: Malad-Hilton Water Corporation

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of

Ada

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

MALAD-HILTON WATER CORP.

Carroll H. Moon
Carroll H. Moon, (Claimant) Pres.

Sworn to before me this 30 day of November, 1981.

Nancy M. Hathway
Notary Public
Residing at Boise

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by

Date

Exception filed by:

Forwarded to

Date

Prelim. check by

Date

Date

claimant by:

Published in

Date

Date

Dates

11/30/81
12/12/81
11/30/81 # 20382
12/24 & 12/31/81

Receipt Details for ID W002874

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/18/1989 2:32:13 PM	5/18/1989	Western	\$52.00	Check
Payer		MALAD & HILTON WATER INC.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
0969			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIMS FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$52.00	ADJUDICATION CLAIMS FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4841		\$52.00	Claim

[Print Report](#)



VSD
Controller



Constant Pressure
60 PSI



63-4841



6" Diameter
Cased Well

Pump House
Looking Southwest





1964 AERIAL PHOTO

ARTICLES OF INCORPORATION

OF

MALAD AND HILTON WATER COMPANY, INC.

KNOW ALL MEN BY THESE PRESENTS,

That we the undersigned, all being residents of the United States of America and for and of the State of Idaho, and being of full age, have this day voluntarily associated ourselves together for the purpose of forming a non-profit cooperative association under the laws of Idaho, Title 30 Section 1001-1006, to be hereinafter referred to as a corporation.

And we hereby certify in writing:

I.

That the name of said corporation shall be;

"MALAD AND HILTON WATER COMPANY, INC."

II.

That the purposes for which said corporation is formed are:

1. To encourage the conservation of water by members of the Corporation; to furnish and supply water service to members of the Corporation by means of the cooperative efforts of the members of the Corporation; and to promote the efficiency of use of water by the members.

2. To provide for the members of this corporation a stable and continuing supply of water for the domestic and other use and uses of the members thereof.

And for these purposes, the Corporation shall have authority:

a. To lease and use real and personal property incidental and necessary to the operation of the water system and to enter into any and all contracts that may become necessary to the carrying out of the purposes aforesaid.

c. To buy, sell, and deliver all goods, wares, merchandise, and own all kinds of equipment, apparatus, and appliances.

d. To contract debts and issue bills, notes, mortgages, bonds and debentures.

III.

The Corporation is not organized for pecuniary profit nor shall have any power to issue certificates or stocks or declare dividends and no part of its net earnings shall inure to the benefit of any member, director, or individual. The balance if any, of all monies received by the corporation from its operations after the payment in full of all debts and obligations of the Corporation of whatsoever kind and nature shall be used in the exercise of the purposes above set forth.

IV.

The rights of membership will extend to all owners of improved properties in Blaser's Sub. #3 and Blaser's Sub. #5, County of Ada, State of Idaho; such membership to depend solely upon ownership of said improved properties, and such membership shall be identified with the ownership of said improved properties, and shall not be subject to the approval of the Board of Directors or other members.

V.

Each member hereof shall receive and hold a certificate for each improved property which he holds in Blaser's Sub. #3 and Blaser's Sub. #5, Ada County, State of Idaho, and such members' voting rights shall depend on the number of improved properties or certificates owned by him; each member is entitled to one vote for each certificate which he owns.

VI.

A member entitled to vote in a meeting may assign his proxy to a specific member entitled to vote at such meeting, and may also name an alternate. In advance of voting proxies shall be submitted to the

VII.

Voting rights shall be restricted only to owners of property within within the said Blaser's Sub. #3 and Blaser's Sub. #5, which said property shall have improvements thereon; no member shall be restricted to any number of improved properties.

VIII.

No member hereof shall be expelled from the Corporation or have his voting rights cancelled except by transfer of his improved properties; however, the corporation shall have power to suspend either the membership or the voting rights, or both, of any member hereof for such periods of time as his dues are not paid; and the corporation shall have power to attach liens for non-payment of said dues; and the service of the water system may be suspended and shut off only when said dues are not paid, and said service shall be restored promptly upon payment of said dues.

IX.

The system for providing water to the members hereof shall be owned by the Corporation and not held by any other means.

X.

The existence of this Corporation shall be perpetual.

XI.

The registered office of this Corporation shall be 2616 Hilton Street, Boise, Idaho.

XII.

The meetings of the members of this corporation shall be held within the territorial boundaries of the State of Idaho.

XIII.

The number of directors of the Corporation shall be three.

XIV.

The directors of this Corporation shall not have the power to amend the by-laws or these articles in any way, which will broaden or restrict

Any amendment to these articles may be made by a vote of a two-thirds majority of all the eligible voters, restricted, however, to the condition that these articles shall not be amended or changed during or within the first year of their existence, said existence to commence from the date of its certificate. Said condition to apply with only one exception, said exception being that if the corporation shall receive the approval of the Federal Housing Administration for a particular change, then such change may be made within the first year.

XVI.

The incorporators of this Corporation are:

EMERSON H. MOON	<i>Carroll H Moon</i>	ADDRESS Fontaine St., Boise, Idaho
<i>Charles A. Rowe</i>		
CHARLES A. ROWE		5107 Malad St., Boise, Idaho
<i>John Martin</i>		
JOHN MARTIN		2611 Fontaine St., Boise, Idaho
<i>William E. Barrett</i>		
WILLIAM E. BARRETT		2616 Hilton St., Boise, Idaho
ROBERT W. EVERHEART	<i>Robert W. Everheart</i>	2614 Fontaine, Boise, Idaho

STATE OF IDAHO
County of Ada

On this Tenth day of June, 1961, before me, a notary public in and for said State, personally appeared CHARLES A. ROWE, JOHN MARTIN, AND WILLIAM E. BARRETT, known to me to be the persons whose CARROLL H. MOON AND ROBERT W. EVERHEART names are subscribed to the within instrument, and acknowledged to me that they have executed the same.

Don Hill
Notary Public
Residing at Boise, Idaho

any person who is not a resident of the State of Idaho at the time of filing this certificate of incorporation shall be liable to the payment of a fine of not more than \$100 and to the costs of the proceedings for the recovery of such fine.

32771

Articles of Incorporation
of

MALAD AND HILTON WATER
COMPANY, INC.

Place of business...Boise.....
Existence.....Perpetual.....
Capital Stock.....None.....

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the
records of Articles of Incorporation
of the State of Idaho and certificate
issued this 14th
day of June 19 61
at 8:00 o'clock A.M.

FEES PAID

Filing \$ 15.00
Recording 3.60
1.00