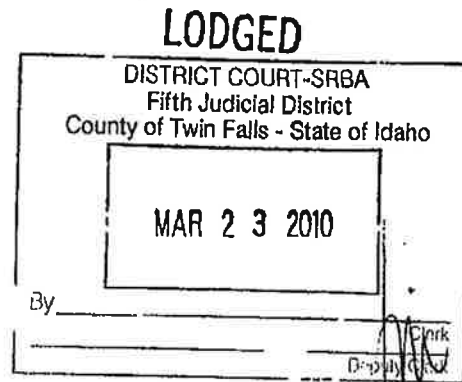


Christopher H. Meyer, [ISB No. 4461]
John M. Marshall [ISB No. 5678]
GIVENS PURSLEY LLP
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P.O. Box 2720
Boise, Idaho 83701-2720
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Attorneys for United Water Idaho Inc.



**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

Subcase Nos.: 63-2500, 63-2874, 63-7067 and 63-19456

**UNITED WATER IDAHO INC.'S
MEMORANDUM IN SUPPORT OF
OBJECTIONS**

This Memorandum addresses the objections filed by United Water Idaho Inc. to the Idaho Department of Water Resources' recommendations to the above-captioned water rights claimed by United Water. These subcases present the narrow legal issue of whether the amnesty provided by Idaho Code § 42-1425 (the "Accomplished Transfer Statute") applies to water rights that are the subject of a transfer approved by the IDWR after the commencement of the adjudication. In this memorandum United Water argues the Accomplished Transfer Statute should apply in the particular circumstances of these subcases to allow for decrees that include United Water's claimed alternate points of diversion.

BACKGROUND

United Water claimed its ground water rights in the SRBA with alternate points of diversion for each of the wells in United Water's interconnected municipal water system existing as of the November 19, 1987 adjudication commencement date. The Department recommended

all but a handful of United Water's rights with the same list of 42 alternate points of diversion that indentify the pre-commencement wells. The subcases at issue here are those rights that IDWR did not recognize as having the alternate points of diversion. United Water filed objections and has worked with IDWR to narrow the issue to the one presented above.

United Water filed application for transfer no. 4998 on December 13, 1996 seeking approval of four alternate points of diversion for each of the four water rights at issue here.¹ The Department approved the transfer on January 9, 1998 with conditions that, among others, limited the rights to a combined total of 9.8 cfs. United Water was satisfied with the transfer approval, including its conditions of approval, and therefore did not seek judicial review of the transfer approval.

In the SRBA, United Water seeks decrees for the four rights at issue with the same 42 alternate points of diversion the Court has decreed for the other United Water ground water rights pursuant to the Accomplished Transfer Statute. The Department originally recommended these four water rights with the 42 alternate points of diversion. However, following the objection and response period, the Department issued new recommendations that replaced the 42 points of diversion with only the four wells approved in the transfer. The Department believes its new recommendations are required by the *River Grove* line of SRBA decisions, which hold that the claimants in the SRBA are not permitted to collaterally attack administrative licensing decisions in the SRBA where the claimants failed to seek timely judicial review of the administrative order issuing the license.² *Memorandum Decision and Order on Challenge*;

¹ The application originally requested five wells, but United Water drilled one less well than originally proposed, so in the end, only four wells were requested.

² The Department has not identified any specifics about the rights at issue that would preclude granting the alternate points of diversion other than the collateral attack legal issue.

Order on State of Idaho's Motion to Dismiss Claimant's Notice of Challenge (River Grove Farms) (Subcases NO. 36-8099) (January 11, 2000) and *Order on Challenge (Consolidated Issues) of "Facility Volume" Issue and "Additional Evidence" Issue* (Subcases 36-02048 et al.) (December 29, 1999). The Department believes the same rationale from these cases precludes recognition of an accomplished transfer in the SRBA that is different from an administratively approved post-commencement transfer. United Water's position is that the *River Grove* line of cases is distinguishable and that its request for the 42 alternate points of diversion is not a collateral attack on transfer approval no. 4998.

ARGUMENT

1. SEEKING AN ADDITIONAL TRANSFER UNDER THE AMNESTY STATUTE IS NOT A COLLATERAL ATTACK ON A POST-COMMENCEMENT TRANSFER.

These subcases present the issue of whether River Grove and related cases broadly preclude use of the Accomplished Transfer Statute to recognize an accomplished transfer for any right that has been the subject of a post-commencement transfer approval. We argue here that there is no basis for such an expansive legal rule concerning transfers, and that a case-by-case analysis is necessary to determine whether a proposed use of the Accomplished Transfer Statute is a collateral attack.

A. THE COLLATERAL ATTACK DOCTRINE SHOULD APPLY ON A CASE-BY-CASE BASIS IN THE ACCOMPLISHED TRANSFER CONTEXT, NOT AS AN INFLEXIBLE RULE.

The application of the collateral attack doctrine in the SRBA is explained in the *River Grove* line of cases. These cases hold that claimants who failed to exhaust administrative remedies, as a general rule, should not be allowed to alter licensed water rights through the adjudication. Applying this rule, the Court rejected River Grove's attempt to amend license 36-8099 to remove a licensed condition that subordinated the hydropower purpose of use to future, non-power water rights. *River Grove Decision* at p. 21. In similar fashion, the Court rejected

requests by holders of licensed rights to remove a "facility volume" remark that existed on their licenses. *Fish Facility Decision* at p. 15. In both cases, and in several other SRBA decisions that have followed, the Court found that the changes requested in the SRBA are really belated attempts to seek judicial review by water right holders for which there is no legal authority.

These subcases present a different situation. Here there is legal authority for the requested change by way of the amnesty provided by the Accomplished Transfer Statute for right holders that had failed to follow the mandatory transfer process. By seeking the benefits of the Accomplished Transfer Statute, United Water is not seeking to collaterally attack the existing administrative transfer approval for its rights, but rather to use the amnesty provided by the statute to recognize that it accomplished a different, larger transfer prior to the commencement of the adjudication. There is no dispute that this larger transfer occurred. It is the same transfer that the Court has recognized in decreeing the 42 alternate points of diversion for over 60 other United Water ground water rights. The question is whether the law is flexible enough to allow the Court to determine whether the particular situation in this case, and others like it, are permissible uses of the Accomplished Transfer Statute without collaterally attacking an administrative decision. The alternative is a rule that the exhaustion of remedies doctrine so broadly applies that a case-by-case analysis is not allowed any time there has been a post-commencement transfer approval. We believe law and policy both favor the case-by-case approach.

Even in the license situations discussed in the *River Grove* line of cases above, where there is no authority for making changes to an existing license, the SRBA Court has found situations where it can decree language not included in a license notwithstanding the exhaustion doctrine. For example, in the 2007 *Kandler* Decision, the Court allowed objectors to pursue

inclusion of a clarifying remark on the source element of a water right even though they did not pursue the inclusion of this remark in the administrative licensing proceedings. *Memorandum Decision and Order on Motion for Summary Judgment* (Subcase 63-8447) (August 28, 2007) at p. 7. The Court found that the objectors were not required to exhaust their administrative remedies because the further clarification they sought in the SRBA was "not an issue required to be raised or decided in the administrative proceeding. Simply put, there was no problem to remedy." *Id.*

The subcases at hand present a similar situation. United Water did not seek to remedy the administrative transfer approval because there was no problem with it. The approval dealt only with the four rights and wells United Water framed by its transfer application. United Water was satisfied with the approval and still is. Indeed, United Water accepts that all of the conditions of approval of transfer 4998 should be included in the decrees for the four rights at issue. United Water does not seek to undo or alter anything the Department did in its order approving transfer 4998. United Water is simply asking the Court to recognize that United Water, as a matter of undisputed fact and pursuant to law, accomplished a separate transfer that added additional points of diversion to the same four water rights. This is not a collateral attack.

The situation would be different if United Water sought to use the Accomplished Transfer Statute to achieve something it was unable to accomplish in the administrative proceeding. For example, say United Water had applied for many alternate points of diversion in transfer no. 4998 that the Department denied on the basis of injury. If United Water sought to add those administratively rejected points of diversion in the SRBA, this would properly be viewed as an improper collateral attack. The same would be true if United Water was seeking through the Accomplished Transfer Statute to remove the 9.8 cfs combined use limit that it a

condition of approval of transfer no. 4998. But here, there is no attempt to alter the transfer conditions, or to accomplish something the Department did or should have considered. United Water framed the administrative proceeding by applying for four alternate points of diversion for four water rights. The Department considered this application and made its ruling. There is no reason to deem a request to recognize a different transfer, made pursuant to a different law, as a collateral attack on the Department's approval of transfer no. 4998.

The analysis above shows that a case-by-case approach is appropriate rather than a broad application of the exhaustion rule and is appropriate in situations where there has been a post-commencement transfer approval. Adopting a broad based rule would in practical effect eliminate the benefits of the Accomplished Transfer Statute for anyone who made an administrative transfer to their water right while waiting the processing of their right in the adjudication, which in United Water's case, has taken two decades. Public policy certainly would frown on such a result. The legislature surely did not intend to impose such a penalty on diligent water right holders.

The unfairness of this would be particularly acute in this case. United Water undeniably has been a driving force, in collaboration with the Department, for the development of municipal water law in Idaho. It is fair to say that absent the work United Water has done with the Department in helping to refine and define municipal water law policy, the theory of alternate points of diversion for municipal providers in the SRBA through accomplished transfers likely would not be available. It is also fair to say that as of the 1996 filing date of the transfer no. 4998, it was far from certain that the Department would recognize alternate points of diversion for municipal providers in its SRBA recommendations. It would be most unjust to now hold that United Water is precluded from having its alternate points of diversion recognized for some of

its most senior rights under the accomplished transfer theory that it helped pioneer because it elected to file an interim transfer while the policy was being developed.

All the above weighs in favor of this Court adopting a balanced, case-by-case approach to the collateral attack issue in analyzing the applicability of the Accomplished Transfer Statute. In United Water's case, there is no collateral attack, and the Court should decree the requested alternate points of diversion.

B. THE POCATELLO SUBCASES DID NOT ADDRESS THE COLLATERAL ATTACK ISSUE IN DEPTH AND FORM NO BINDING PRECEDENT ON THE ISSUE.

We found no SRBA Court level decisions holding that the collateral attack doctrine applies to broadly preclude use of the Accomplished Transfer Statute where there has been a post-commencement transfer. Based on the rationale described above, we believe the Court would reject such a rule and adopt the case-by-case approach.

We did find some analysis of the issue in the Pocatello subcases, but only in cursory fashion in the midst of other highly contested and complex issues. The issue was not briefed in detail; nor was the situation analyzed for whether the requested accomplished transfer actually collaterally attacked the administrative transfer order.

In the Pocatello case, the Department recommended three water rights with only 12 of 22 requested points of diversion because a 1999 transfer approval recognized only 12 wells. In its report to the Court, the Department merely stated as follows: "Because there was a post-1987 final administrative action on these three water rights, the Department recommended them as transferred." *Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights* (April 13, 2006) at p. 13. There is no further explanation or legal analysis. United Water did not find any substantive argument on the collateral attack issue in Pocatello's briefing. The State of Idaho, who advocated the Department's position in the Pocatello subcases,

addressed the issue only in cursory fashion in its briefing. The extent of the legal argument on the subject in its 35-page brief was as follows: "Simply put, if the City cannot collaterally attack a license in the SRBA, it cannot also attack a valid transfer of those rights either. The Director correctly applied Transfer No. 5454 in the definition of [the subject water rights]." *State of Idaho's Post-Trial Brief*, subcases 29-00271 et al. (April 27, 2007) at p. 27. Consistent with the limited argument on the issue, Special Master Bilyeu recited that the Department recommended the rights with 12 points of diversion because of the previous administrative transfer and then ruled that "[s]ince Transfer No. 5452 was issued in 1999 with only 12 points of diversion, Pocatello cannot meet the requirement of a pre-1987 change established by I.C. § 42-1425." *Master's Report and Recommendation and Order on Motion to Reconsider* (October 2, 2007) at p. 20. Judge Melanson did not address the issue in a subsequent challenge of Special Master Bilyeu's decision to the SRBA Court.

It appears that Special Master Bilyeu's decision on the issue, consistent with the very limited attention paid to the issue by the parties, was that the general collateral attack rule for licenses should also apply to transfers. The more detailed analysis above shows that in the transfer context, particularly given the existence of the Accomplished Transfer Statute, is distinguishable from the license context discussed in the prior SRBA decisions prohibiting collateral attacks. Moreover, and perhaps more importantly, United Water has demonstrated that under its particular circumstance it is not collaterally attacking the post-commencement transfer approval at issue in these subcases. In any event, there is no binding precedent that would prevent this Special Master from adopting a case-by-case approach to analyzing whether United Water has effectively accomplished a transfer under the Accomplished Transfer Statute.

C. UNITED WATER DOES NOT SEEK TO COLLATERALLY ATTACK A PRIOR TRANSFER APPROVAL.

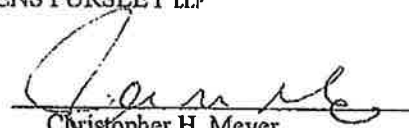
In conclusion, there is no basis for a broad-based legal rule that says use of the Accomplished Transfer Statute is per se a collateral attack on a prior transfer approval. The Court should adopt a case-by-case approach to determine whether the SRBA claimant is attempting what amounts to a belated judicial review of the administrative decision. That is not the case in these subcases. United Water makes no attempt to undermine the prior administrative approval of transfer 4998. United Water simply seeks judicial recognition under the legislatively enacted amnesty that it also accomplished a more comprehensive transfer that included additional points of diversion for the four water rights at issue. The Court has authority to decree these additional points of diversion under the Accomplished Transfer Statute and should decree rights 63-2500, 63-2874, 63-7067 and 63-19546 with the same list of 42 alternate points of diversion that it has decreed for United Water's other ground water rights.

DATED March 23, 2010.

Respectfully submitted,

GIVENS PURSLEY LLP

By


Christopher H. Meyer
John M. Marshall

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 23, 2010, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

SERVICE

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

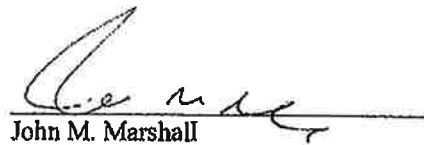
☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


John M. Marshall

06/12/2009

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

RIGHT NUMBER: 63-2500

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS

The total instantaneous diversion of water from all points of diversion under Transfer No. 4998 shall not exceed 9.24 cfs.

PRIORITY DATE: 08/30/1934

POINT OF
DIVERSION:

T03N R02E S4 SWSW Within ADA County
T03N R02E S9 NENW Within ADA County
T03N R02E S9 NENW Within ADA County
T03N R02E S9 SENW Within ADA County
T03N R02E S10 NWNW Within ADA County

~~The point of diversion for this right and Right Nos. , 63-2500, 63-2506, 63-2576, 63-2595, 63-2605, 63-2668, 63-2703, 63-2808, 63-2874, 63-2892, 63-2915, 63-2954, 63-2956, 63-2989, 63-3064, 63-3073, 63-3105, 63-3112, 63-3128, 63-3164, 63-3172, 63-3202, 63-3239, 63-3291, 63-3292, 63-3293, 63-3295, 63-3411, 63-3448, 63-3494, 63-3562, 63-4015, 63-4414, 63-4424, 63-4752, 63-7066, 63-7067, 63-7204, 63-7282, 63-7348, 63-7479, 63-7577, 63-7589, 63-7658, 63-8059, 63-8236, 63-8432, 63-8990, 63-9147, 63-9204, 63-9205, 63-9219, 63-9223, 63-9671, 63-9855, 63-10386, 63-10405, 63-10533, 63-19456, 63-31797, 63-31798, 63-31856, 63-31857, and 63-31879 are also diverted through the forty three (43) points of diversion described in Right No. 63-10386.~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	1/01 12/31	0.800 CFS

PLACE OF USE:

Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

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.

~~To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at the 13th St. Well located in T3N, R2E, Sec. 10, NWNW.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

Approval of Transfer 4998 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

~~The total instantaneous diversion of water from all points of diversion under Transfer 4998 shall not exceed 9.24 cfs.~~

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10/12/2006

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

RIGHT NUMBER: 63-2500

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS

PRIORITY DATE: 08/30/1934

POINT OF DIVERSION:

T03N R02E S4 SWSW Within ADA County
T03N R02E S9 NENW Within ADA County
T03N R02E S9 SENW Within ADA County
T03N R02E S10 NWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	1/01 12/31	0.800 CFS

PLACE OF USE:

Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Draft

09/07/2005

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

RIGHT NUMBER: 63-2500

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS

PRIORITY DATE: 08/30/1934

POINT OF DIVERSION:

T03N R02E S4 SWSW Within ADA County
T03N R02E S9 NENW Within ADA County
T03N R02E S9 SENW Within ADA County
T03N R02E S10 NWNW Within ADA County

?

Set 1

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
1/01 12/31

QUANTITY
0.800 CFS

PLACE OF USE:

Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

63-2500
11-14-03

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

Please type or print clearly

1. Name of Claimant(s) United Water Idaho (UWID) Phone (208) 362-1300
Mailing Address 8248 W. Victory Road, P.O. Box 190420, Boise, ID Zip 83719-0420
2. Date of Priority (only one (1) per claim) August 30, 1934
3. Source of water supply (a) Ground water
which is tributary to (b) (not applicable)
4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____
Additional points of diversion if any: See Exhibit A for list of points of diversion
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 enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. The wells listed in Exhibit A are all connected to
UWID's integrated water delivery system.

SCANNED

NOV 18 2003

- | Water is claimed for the following purposes: | | (both dates are inclusive) | | (cfs) | (acre feet) | | | | |
|--|---|----------------------------|-------------------------|----------------------|--------------|--------|-------------|----|-------|
| For | Municipal | purposes from | 1/1 | to | 12/31 | amount | _____ | or | _____ |
| For | _____ | purposes from | _____ | to | _____ | amount | _____ | or | _____ |
| For | _____ | purposes from | _____ | to | _____ | amount | _____ | or | _____ |
| For | _____ | purposes from | _____ | to | _____ | amount | _____ | or | _____ |
| 7. | Total quantity claimed (a) | | 0.80 | (cfs) and/or (b) | | _____ | (acre feet) | | |
| 8. | Total consumptive use claimed is | | (not applicable) | 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 uses within municipal service area | | | | | | | | |
| 10. | Description of place of use: | | | | | | | | |

[illegible]

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

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

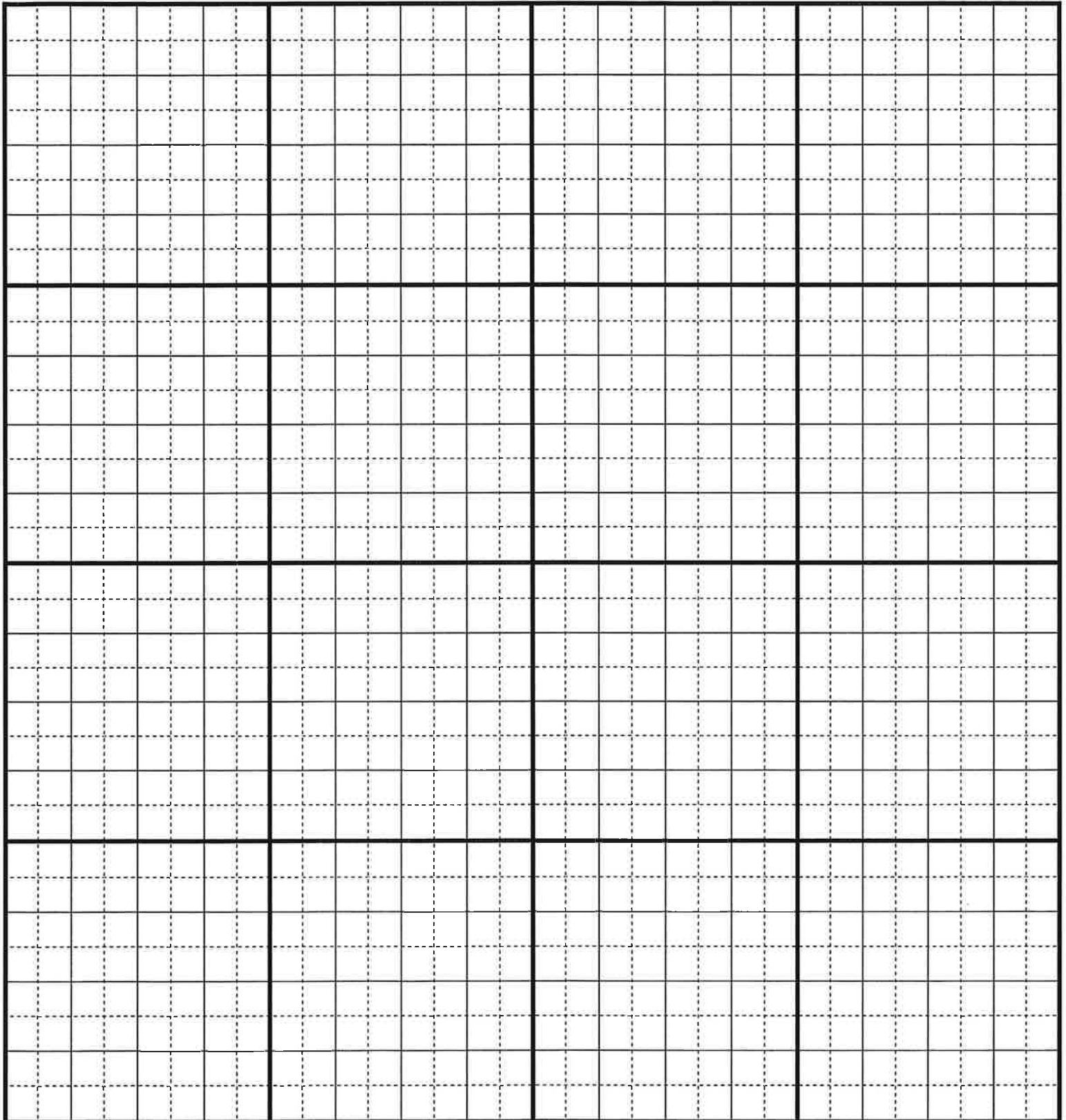
13. Describe any other water rights used at the same place and for the same purposes as describe above.
See "Remarks" section or None ()

- | | |
|-----|--|
| 14. | Remarks: |
| 1. | UWID is a municipal water provider and claims this right as a municipal right under the Municipal Water Rights Act of 1996 and/or the common law. |
| 2. | UWID operates and integrated water supply network involving numerous ground water rights . throughout its service area |

SCANNED

NOV 13 2003

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.
Scale: 2 inches equals 1 mile **Please see Exhibit B**



Last Name UWID Ident. No. 63- 02500

SCANNED

NOV 18 2003

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____

If applicable provide IDWR Water Right Number 63-02500
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 _____

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 Roger D. Dittus, P.G.

of United Water Idaho Inc. _____, that I have signed the foregoing
Organization

document in the space below as A representative of United Water Idaho Inc.
Title Organization

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

Signature of Authorized Agent Roger D. Dittus
Title and Organization Hydrogeologist, United Water Idaho Date 9-29-03

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

Subscribed and sworn (or affirmed) before me this 29th day of September 2003
SEAL Notary Public Jarmila M. Cary
Residing at Boise, IDAHO
My Commission Expires 07/14/2005

17. Notice of Appearance: Please Print Name
Notice is hereby given that I, Christopher H. Meyer 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 Christopher H. Meyer
Christopher H. Meyer, Esq.
Givens Pursley, LLP
277 N. 6th St., Ste. 200
Boise, ID 83702

Address (208) 388-1200
Date Nov. 10, 2003



Last Name UWID Ident. Number 63-02500

SCANNED
NOV 18 2003

EXHIBIT A: CLAIMED POINTS OF DIVERSION

- ① United Water Integrated System
- ② Barber int system
- ③ South County System
- ④ Warm Springs Mesa System

WELL NAME	TWN	RGE	SEC	TRACT	OWNER AS OF NOV. 19, 1987	WELL EXISTING AS OF NOV. 19, 1987?	PART OF UWID'S INTEGRATED SYSTEM AS OF NOV. 19, 1987?	
Amity	3N	1E	36	NW,NW,NE	United Water	Yes	Yes	①
Arctic #1	3N	2E	8	NE,NE,NE	United Water	Yes	Yes	1
B.I.F.	3N	2E	27	SE,NW,SE	United Water	Yes	Yes	1
Barber #1(Durham)	3N	3E	29	SE,NE	Barber	Yes	No, but integrated in Barber system	②
Barber #2 (Licorice)	3N	3E	28	SW,NW	Barber	Yes	No, but integrated in Barber system	2
Bali Hai #1	3N	1E	3	SW,SE,NE	United Water	Yes	Yes	1
Beacon	3N	2E	14	NW,SE,NW	United Water	Yes	Yes	1
Bergeson	3N	2E	26	NW,NE,SE	United Water	No	No	X
Bethel	3N	2E	7	NE,SW,SW	United Water	Yes	Yes	1
Broadway	3N	2E	22	SE,SE,SE	United Water	Yes	Yes	1
Brookhollow No. 1	3N	1E	15	SE,NE	South County	Yes	No, but integrated in South County system	③
Byrd	3N	2E	33	SW,NE,NW	United Water	Yes	Yes	1
Cassia	3N	2E	16	NE,NE,SE	United Water	No	No	X
Cassia #2	3N	2E	16	NE,NE,SE	United Water	No	No	X
Centennial	3N	2E	25	NW,NW,SE	United Water	Yes	Yes	1
Central Park	3N	2E	2	NW,NE,NW	United Water	Yes	Yes	1
Chamberlin #1	3N	2E	22	SE,NW,NE	United Water	Yes	Yes	1
Chamberlin #2	3N	2E	22	SE,NW,NE	United Water	Yes	Yes	1
Cliffside	3N	2E	15	SW,NW,NW	United Water	Yes	Yes	1
Clinton	3N	2E	8	SW,NE,SW	United Water	No	No	X
Cole	3N	1E	24	NE,NE,SE	United Water	Yes	Yes	1
Country Club	3N	2E	28	SE,NW,NW	United Water	Yes	Yes	1
Country Square	3N	1E	23	NW,NW	South County	Yes	No, but integrated in South County system	3
Countryman Estates	3N	1E	23	SE,NW	South County	Yes	No, but integrated in South County system	3
Edgeview	3N	1E	16	SE,NE	South County	No	No	X
Fisk	3N	2E	6	SW,SE,SE	United Water	No	No	X
Five Mile Estates W. #2	3N	1E	27	SE,NE	South County	Yes	No, but integrated in South County system	+

SCANNED

NOV 18 2003

EXHIBIT A: CLAIMED POINTS OF DIVERSION

WELL NAME	TWN	RGE	SEC	TRACT	OWNER AS OF NOV. 19, 1987	WELL EXISTING AS OF NOV. 19, 1987?	PART OF UWID'S INTEGRATED SYSTEM AS OF NOV. 19, 1987?
Five Mile West #12	3N	1E	27	NW,SW	South County	Yes	No, but integrated in South County system
Floating Feather	4N	1E	5	SE,SW	United Water	No	No
Foxtail	4N	1W	24	SE,SW,SE	United Water	No	No
Franklin Park	3N	2E	18	SW,NW,NE	United Water	Yes	Yes
Frontier	4N	1E	34	SE,NE,SW	United Water	Yes	Yes
Goddard	4N	1E	36	SW,NE,NW	United Water	Yes	Yes
H.P.	4N	1E	27	SW,SE,NE	United Water	No	No
Hidden Valley Estates #1	2N	1E	3	SE,SE	South County	Yes	No, but integrated in South County system
Hidden Valley Estates #2	2N	1E	3	NE,SW	South County	Yes	No, but integrated in South County system
Hillcrest	3N	2E	20	SE,SE,NE	United Water	Yes	Yes
Hilton	3N	2E	17	SE,NE,SW	United Water	Yes	Yes
Hope	3N	1E	9	NE,SE,NE	United Water	No	No
Hummel	3N	2E	18	SW,NE,SW	United Water	Yes	Yes
Idaho	3N	2E	4	NE,SW,SW	United Water	Yes	Yes
Island Woods #1	4N	1E	16	NE,NW,SW (lot 5)	United Water	No	No
Island Woods #2	4N	1E	21	NW,NW,NW	United Water	No	No
J.R. Flat	2N	2E	2	SW,NW,NW	United Water	No	No
Joplin	4N	1E	27	NW,NW,SW	United Water	Yes	Yes
Kirkwood	3N	2E	19	SW,NE,NE	United Water	Yes	Yes
La Grange	3N	1E	34	NE,SW	South County	Yes	No, but integrated in South County system
Lizaso Well	3N	1E	15	SE,SW	South County	Yes	No, but integrated in South County system
Logger	3N	2E	24	NW,SW,NW	United Water	Yes	Yes
Longmeadow	3N	2E	13	NW,SW,NW	United Water	Yes	Yes
Mac	3N	2E	32	SW,NW,NW	United Water	No	No
Maple Hills #1	3N	1E	14	SW,NE,NE	United Water	Yes	Yes
Maple Hills #2	3N	1E	14	SE,NE,NE	United Water	No	No
Market	3N	2E	35	NE,NE,NW	United Water	No	No
McMillan	4N	1E	28	SE,SW,SW	United Water	No	No

SCANNED
NOV 18 2003

EXHIBIT A: CLAIMED POINTS OF DIVERSION

WELL NAME	TWN	RGE	SEC	TRACT	OWNER AS OF NOV. 19, 1987	WELL EXISTING AS OF NOV. 19, 1987?	PART OF UWID'S INTEGRATED SYSTEM AS OF NOV. 19, 1987?
Mesa #1 (Warm Springs)	3N	2E	24	NE,SW,NE	Warm Springs Mesa	Yes	No, but integrated in Warm Springs Mesa system
Mesa #2 (Warm Springs)	3N	2E	24	NE,SW,NE	Warm Springs Mesa	Yes	No, but integrated in Warm Springs Mesa system
Mesa #3 (Warm Springs)	3N	2E	24	NE,SW,NE	Warm Springs Mesa	Yes	No, but integrated in Warm Springs Mesa system
Overland #6	3N	2E	19	NW,NE,NW	United Water	Yes	Yes
Paradise	3N	1E	15	NE,SE	South County	Yes	No, but integrated in South County system
Pioneer	2N	2E	22	NE,NW,NE	United Water	No	No
Pleasant Valley	2N	2E	21	NW,NE,NW	United Water	No	No
Raptor	2N	2E	17	NW,NW,NW	United Water	No	No
Redwood Creek	4N	1E	7	SWNW (lot 2)	United Water	No	No
River Run	3N	2E	24	NE,SW,SE	United Water	Yes	Yes
Roosevelt #1	3N	2E	16	SW,NW,NW	United Water	Yes	Yes
Roosevelt #3	3N	2E	16	SW,NW,NW	United Water	Yes	Yes
Settlers	4N	1E	35	NW,NE,NW	United Water	Yes	Yes
Sherman Oaks	3N	1E	23	SE, SE	South County	Yes	No, but integrated in South County system
Sixteenth St.	3N	2E	9	SW,SE,NW	United Water	Yes	Yes
Spurwing	4N	1W	23	NE,SW	United Water	No	No
Sunset West #1	3N	1E	36	SE,NE,SE	United Water	Yes	Yes
Swift #1	3N	2E	30	SE,SW,SE	United Water	Yes	Yes
Swift #2	4N	2E	31	SE,SW,SE	United Water	No	No
Taggart #1	3N	2E	21	SW,NE,NE	United Water	Yes	Yes
Taggart #2	3N	2E	21	SW,NE,NE	United Water	No	No
Tenmile	2N	2E	17	NE,SE,NE	United Water	No	No
Terteling	3N	2E	36	NE,SW,NE	United Water	Yes	Yes
Twenty-seventh	3N	2E	4	SW,SW	United Water	Yes	Yes
Veterans	4N	2E	32	SW,SE,SE	United Water	No	No
Victory	3N	1E	27	NE,NE	South County	Yes	No, but integrated in South County system
Vista	3N	2E	28	NE,NE,NE	United Water	Yes	Yes
Westmoreland	4N	2E	31	NE,NW,SW	United Water	Yes	Yes

SCANNED

NOV 18 2003

EXHIBIT A: CLAIMED POINTS OF DIVERSION

WELL NAME	TWN	RGE	SEC	TRACT	OWNER AS OF NOV. 19, 1987	WELL EXISTING AS OF NOV. 19, 1987?	PART OF UWID'S INTEGRATED SYSTEM AS OF NOV. 19, 1987?
Willow Lane #1	4N	2E	32	NW,NW,NW	United Water	Yes	Yes
Willow Lane #2	4N	2E	32	NW,SW,NW	United Water	Yes	Yes
Willow Lane #3	4N	2E	32	NW,SW,NW	United Water	Yes	Yes

Notes:

(1) The following claimed rights are associated with the South County System: 63-7641, 63-7896, 63-7979, 63-7998, 63-8011, 63-8248, 63-8265, 63-8405, 63-8635, 63-9087, 63-9106, 63-9198, 63-9199, 63-9384, 63-10391.

(2) The following claimed rights are associated with the Barber System: 63-4395, 63-8385 and 63-10150.

(3) The following claimed right is associated with the Warm Springs Mesa System: 63-3457.

SCANNED
NOV 18 2003

 UWID Wells
 Pre 1987, Nov. 19th
 UWID Certificated
 Area
 Ada County
 Section Lines



THIS DRAWING IS TO BE USED ONLY FOR REFERENCE PURPOSES AND UNPUBLISHED WATER IS NOT A FURNISHING DRAWING. INFORMATION HEREIN CONTAINED

2N2E0934

NOV 8 2 2003

Revised Date: Oct. 10-27-2003



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: **A63-02500**
Date Received: 6/19/1989
Receipt No: W003284
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: UNITED WATER IDAHO 208-362-7332
Address: 8248 W VICTORY RD
BOISE ID 83709

2. Date of Priority: AUG 30, 1934

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	4		SW	SW		ADA
		9		NE	NW		ADA
				SE	NW		ADA
		10		NW	NW		ADA

5. Description of diverting works:
SEE #6 ON TRANSFER APP (PG 2 OF 14)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 4998 SHALL NOT EXCEED 9.24 CFS.

PLACE OF USE IS LOCATED WITHIN THE CITY OF BOISE AND
SURROUNDING SERVICE AREA.

APPROVAL OF TRANSFER 4998 DOES NOT GRANT ANY RIGHT-OF-WAY OR
EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER
THAN THE RIGHT OWNER.

TWO (2) POINTS OF DIVERSION ARE LOCATED WITHIN NENW, S09,
T03N, R02E.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 4998 IN FILE.

CLAIM AMENDED PER TRANSFER NO. 4998 APPROVED 01/09/1998.

15. Basis of Claim: LICENSE

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

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 _____

Western AJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

JAN 12 1998

WATER RESOURCES
WESTERN REGION

TRANSFER NO. 4998
WATER RIGHT NO(S). 63-02500/63-02874/63-07067/A63-19456

This is to certify that: **UNITED WATER IDAHO**
8248 W VICTORY RD
BOISE ID 83709

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 63-02500 :		
MUNICIPAL	01/01 to 12/31	0.80 CFS
Priority: 08/30/1934		
Right No. 63-02874 :		
MUNICIPAL	01/01 to 12/31	4.00 CFS
Priority: 08/18/1951		
Right No. 63-07067 :		
MUNICIPAL	01/01 to 12/31	2.84 CFS
Priority: 02/28/1968		
Right No. A63-19456 :		
MUNICIPAL	01/01 to 12/31	1.60 CFS
Priority: 03/31/1953		
TOTAL:		* 9.24 CFS

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 4, Township 03N, Range 02E
NENW , Sec. 9, Township 03N, Range 02E
SENW , Sec. 9, Township 03N, Range 02E
NWNW , Sec. 10, Township 03N, Range 02E
ADA County

PLACE OF USE: See Remarks **

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

TRANSFER NO. 4998
WATER RIGHT NO(S). 63-02500/63-02874/63-07067/A63-19456

CONDITIONS OF APPROVAL AND REMARKS

- T07 3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T12 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.
- Gen * 7. The total instantaneous diversion of water from all points of diversion under Transfer 4998 shall not exceed 9.24 cfs.
- Gen ** 8. Place of use is located within the City of Boise and surrounding service area.
9. Approval of Transfer 4998 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. Approval of Transfer 4998 does not confirm Claimed Right A63-19456.
11. Two (2) points of diversion are located within NENW, S09, T03N, R02E.

Dated this 9th day of

January, 1998.

J. Blue Suptor
Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 4998

DATE: January 7, 1998

=====

Transfer 4998 adds points of diversion and identifies the municipal place of use under Rights 63-02500, 63-02874, 63-07067 & A63-19456. The nature of use under 63-07067 is also changed from domestic to reflect historical municipal use.

The transfer combines these rights in a common system diverted from three (3) existing and two (2) proposed wells that provide municipal use within Boise and the surrounding service area. The rights are changed to reflect their common municipal use, year long season of use and the standard common municipal place of use described in remarks only.

Recommended conditions include drilling permit requirements, future annual reporting, multiple points of diversion/measuring devices, non-confirmation of claim and standard transfer conditions.

Page 1 of 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4998

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant United Water Idaho (UWI) Phone 362-7332

Post Office address 8248 W. Victory Road, Boise, ID 83709

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 change 1) To bring water rights into accord with the expanding service area provision of Idaho's new Water Rights Act, 2) To provide additional points of diversion for aging wells with declining yield, and 3) To allow the wells subject to this Application to be used as alternate points of diversion for each other, and thus retain the water rights associated with these wells by diverting them from new points of diversion in the same aquifer.

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 |
|-----------------|----------------|--------------------|------------------|------------------------|
| <u>63-7067</u> | <u>2/28/68</u> | <u>2.23</u> | <u>Municipal</u> | <u>Jan 1 to Dec 31</u> |
| <u>63-2500</u> | <u>8/30/34</u> | <u>0.80</u> | <u>Municipal</u> | <u>Jan 1 to Dec 31</u> |
| <u>63-19456</u> | <u>3/31/53</u> | <u>1.60</u> | <u>Municipal</u> | <u>Jan 1 to Dec 31</u> |
| <u>63-02874</u> | <u>8/18/51</u> | <u>4.00</u> | <u>Municipal</u> | <u>Jan 1 to Dec 31</u> |
2. Total amount of water being transferred 8.63 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to N/A
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	4	3N	2E	Ada	Existing UWI Idaho Street Well
	NW	NW	NW	10	3N	2E	Ada	Existing UWI 13th Street Well
	NE	NE	NW	9	3N	2E	Ada	Proposed new UWI 27th Street Well #1
	NE	NE	NW	9	3N	2E	Ada	Proposed new UWI 27th Street Well #2
	SW	SE	NW	9	3N	2E	Ada	Existing UWI 16th Street Well

5. Lands irrigated or place of use:

The place of use in this application is United Water Idaho's service area, including future changes in such area. This service area is established, and changed from time to time, by order of the Idaho Public Utilities Commission ("IPUC") after opportunity for hearing and a factual showing demonstrating need. As the community and surrounding areas grow, and demand for municipal water supplies increases, United Water will make additional changes to its service boundary.

United Water Idaho is a "municipal provider" as defined in the Idaho Code, and is entitled to hold water rights whose place of use is a changing service area. I.C. § 42-202B(2) and 42-219.

United Water Idaho's service boundary as of the date of this Application is shown on the attached map titled "United Water Idaho's changing service boundary as certified by the Idaho Public Utilities Commission." This map also depicts the service area of Boise Water Company (United Water Idaho's predecessor) as certified by the IPUC in July 1958. This map demonstrates the amount of growth in United Water Idaho's service area in the 38 years since 1958, and it indicates the extent of change that might be expected in upcoming years.

PART 1

6. General Information:

- a. Description of diversion system Idaho St. well is 24-inch diameter and 653 feet deep. 13th St. well is 24-inch diameter and 347 feet deep. 16th St. well is 20-inch diameter and 532 feet deep, and two 27th St. wells will be 18-inch diameter and #1 will be 565 feet deep and #2 will be 417 feet deep. All 5 wells will discharge into UWI's integrated distribution system.
- 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 matter.
N/A
- d. Remarks:
The purpose of this application is to add two additional points of diversion - the wells denoted as 27th Street wells #1 and #2 - to the permissible points of diversion for the four water rights subject to this transfer and to list all five wells as points of diversion for each of the four water rights subject to this transfer, without increasing the overall rate of diversion under these rights. After the transfer, each of the five wells will serve as an alternate point of diversion for the other four. The addition of these points of diversion is necessary because the 13th, 16th, and Idaho Street wells are aging and are beginning to decline in productivity. After the transfer is approved, UWI expects that within the five-year "prove up" period under Idaho Code sections 42-204, 42-218, and 42-128(a), it will produce and beneficially use the full rate of diversion from the 27th Street wells in lieu of pumping from the 13th, and Idaho Street wells. Consequently, the Application does not assert any claim for a "future need" component to these rights under the Municipal Water Rights Act, Idaho Code sections 42-202, 42-202B, 42-217, 42-219, and 42-222. Ultimately, UWI may elect to cap and otherwise abandon these older wells and rely entirely on the 27th Street wells, but for the meantime, it needs these wells as part of its supply.

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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4998

APPLICATION FOR TRANSFER OF WATER RIGHTS

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 Ada
 - b. License No. 63-7067 issued by the Idaho Department of Water Resources.
 - c. Claim No. A63-07067 (see #9 below) 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 N/A
3. Source of water groundwater tributary to N/A
4. Date or priority 2/28/1968
5. Water is used for the following purpose:
 amount 2.84 for Municipal purpose from Jan 1 to Dec 31
 (cfs/ac-ft)
 amount _____ for _____ purpose from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purpose from _____ to _____
 (cfs/ac-ft)
6. Total amount of water under right 2.84 cubic feet per second and/or _____ acres-feet per annum.
7. Point (s) of Diversion: _____

Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	4	3N	2E	Ada	UWI Idaho Street Well

8. Lands irrigated or place of use: "City of Boise & Vicinity"

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

Total acres _____

9. Describe any other water rights used for the same purpose as described above: All of UWI's water rights serving the company's service area as described in item 5, page 1 of this Application. Further comments: This 2.84 cfs right was filed as a claim in the Snake River Basin Adjudication for 2.23 cfs. This is the amount currently produced from the well.

PART 2

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 application, omit part B and C.)

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

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
Twp.	Rge.	Sec.	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 _____ purpose from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purpose from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purpose 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:

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

Total

acres

APPLICATION FOR TRANSFER OF WATER RIGHTS

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of Ada
 - License No. 63-2500 (originally 18015) issued by the Idaho Department of Water Resources.
 - Claim No. A63-02500 (see #9 below) on file with the Idaho Department of Water Resources.
 - 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 N/A
3. Source of water groundwater tributary to N/A
4. Date or priority 8/30/1934
5. Water is used for the following purpose:
- amount 0.80 for Municipal purpose from Jan 1 to Dec 31
(cfs/ac-ft)
- amount _____ for _____ purpose from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purpose from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 0.80 cubic feet per second and/or _____ acres-feet per annum.
7. Point (s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NW	10	3N	2E	Ada	UWI Thirteenth Street Well

8. Lands irrigated or place of use: None specified.

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
Twp.	Rge.	Sec.	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: All of UWI's water rights serving the company's service area as described in item 5, page 1 of this Application. Further comments: This 0.80 cfs right was filed as a claim in the Snake River Basin Adjudication for 0.80 cfs and represents only part of the production from this well.

Page 7 of 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHTS

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 Ada
 - b. License No. _____ issued by the Idaho Department of Water Resources.
 - c. Claim No. A63-19456 (beneficial use claim) 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 N/A
3. Source of water groundwater tributary to N/A
4. Date or priority 3/31/1953
5. Water is used for the following purpose:
 amount 1.60 for Municipal purpose from Jan 1 to Dec 31
 (cfs/ac-ft)
 amount _____ for _____ purpose from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purpose from _____ to _____
 (cfs/ac-ft)
6. Total amount of water under right 1.60 cubic feet per second and/or _____ acres-feet per annum.
7. Point (s) of Diversion: _____

Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NW	10	3N	2E	Ada	UWI 13th St. Well

8. Lands irrigated or place of use: "WITHIN BOISE CITY LIMITS AND AS LISTED ON "LAND LIST ATTACHMENT"

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
Twp.	Rge.	Sec.	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: All of UWI's water rights serving the company's service area as described in item 5, page 1 of this Application. Further comments: This 1.60 cfs right was filed as a beneficial use claim in the Snake River Basin Adjudication because the use, which commenced in 1953 through the 13th Street well, was in addition to the 0.80 cfs under right 63-2500 that had previously been licensed for the well. Both currently are being diverted from this well.

4

- B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

- [illegible]

- [illegible]

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

2. Point (s) of Diversion:

[illegible]

- [illegible]

acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHTS

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 Ada
 - b. License No. G-22315 issued by the Idaho Department of Water Resources.
 - c. Claim No. A63-02874 (see #9 below) 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 N/A
3. Source of water groundwater tributary to N/A
4. Date or priority 8/18/1951
5. Water is used for the following purpose:
 amount 4.00 for Municipal purpose from Jan 1 to Dec 31
 (cfs/ac-ft)
 amount _____ for _____ purpose from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purpose from _____ to _____
 (cfs/ac-ft)
6. Total amount of water under right 4.00 cubic feet per second and/or _____ acres-feet per annum.
7. Point (s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	NW	9	3N	2E	Ada	UWI 16th Street Well

8. Lands irrigated or place of use: "City of Boise"

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
Twp.	Rge.	Sec.	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: All of UWI's water rights serving the company's service area as described in item 5, page 1 of this Application. Further comments: When this 4.00 cfs right was claimed in the Snake River Basin Adjudication, it was assigned its current claim number instead of its license number.

2

No If yes, describe _____

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

2. Point (s) of Diversion:

3. Lands irrigated or place of use:[illegible]

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

3.Lands irrigated or place of use:

Total _____ acres

PART 3

B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

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

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.

James Jeff Allred - Geologist
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of Jan, 1997

Kari Harris
(Notary Public)

My commission expires 12-8-2000

FOR DEPARTMENT USE ONLY

Transfer contains 14 pages and 0 attachments
Received by SL Date 1/22/97 Protest filed by _____
Prelim. Check by SL Fee \$100
Receipted by SL Date 1/22/97 W021899 & W021900 (2 \$50 checks)
Published in Idaho Statesman Copies of protest forwarded by _____
Pub. Dates 2-6+13, 1997 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for ☐ Approval ☐ Denial
_____ rec'd _____ by _____
Copy of transfer sent to lien holder _____

Re: United Water Idaho's officers/partners

To Whom This May Concern:

Please find below a list of the officers and/or partners of United Water Idaho as required by Water Allocation Rule 035.03.b.i.

President	Wayne L. Booe	8248 W. Victory Rd Boise, Idaho 83709
Vice President	William C. Linam John J. Turner	200 Old Hook Rd. Harrington Park, NJ 07640
	Benjamin M. Hepler	8248 W. Victory Rd. Boise, Idaho 83709
Treasurer	John J. Turner	200 Old Hook Rd. Harrington Park, NJ 07640
Secretary	Allen D. Shakley	200 Old Hook Rd. Harrington Park, NJ 07640
Assist. Secretary	Winifred L. Humes	200 Old Hook Rd. Harrington Park, NJ 07640
	Carl W. Castleberry	8248 W. Victory Rd. Boise, Idaho 83709

If you have any more questions, or need any further information, please do not hesitate to contact me at: 208-362-7332.

Sincerely,

UNITED WATER IDAHO

Ed Squires
Company Hydrogeologist

ES:kmr
r:\ed\idwr\uwofcrs.doc

pg 13 of 14

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: A63-02500
Date Received: 6/19/1989
Receipt No: W003284
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOISE WATER CORP. 208-362-1300
Address: P.O. BOX 7488
BOISE, ID 83707

2. Date of Priority: AUG 30, 1934

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	10	NW	NW			ADA

5. Description of diverting works:
341' WELL W/12" AND 16" CASING. 125 HP PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01E	1	NE	NE		MUNI	
	02E	1	NE	NE		MUNI	
			NW	NE		MUNI	
			SE	NE		MUNI	
			NE	SW		MUNI	

A63-02500

Page 1

Date: 05/01/90

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	02E	1	NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		2	SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
03N	01E	2	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
		3	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
		10	SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
			NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	01E	10	SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
		11	SE		SE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
		13	SE		SE		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
		14	NW		SW		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
		24	SE		SE		MUNI	
			NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	01E	24	NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		25	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		35	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		36	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
	02E	2	NE		NE		MUNI	
			SE		NE		MUNI	
		5	NE		NE		MUNI	
			NW		NE		MUNI	
			SE		NE		MUNI	
		12	NE		NE		MUNI	
			NW		NE		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	02E	12	SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SE		SE		MUNI	
		13	SW		NE		MUNI	
			SE		NE		MUNI	
			SW		NW		MUNI	
			NE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		19	NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
		20	SW		SW		MUNI	
			SE		SW		MUNI	
		24	SE		SE		MUNI	
		25	NE		NE		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			NE		SE		MUNI	
		26	SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		27	NE		SE		MUNI	
		29	SW		NW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
		30	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	02E	30	SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
		31	SE		SE		MUNI	
			NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
		32	SE		SE		MUNI	
			SW		NE		MUNI	
			NW		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
		33	SE		SE		MUNI	
			SW		SW		MUNI	
		35	SE		SW		MUNI	
			NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NE		SE		MUNI	
		36	NE		NE		MUNI	
			NW		NE		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	02E	36	SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
	03E	7	NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
		19	SW		SW		MUNI	
		30	SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		31	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	03E	31	SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
		32	SE		SE		MUNI	
			NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		25	NW		NE		MUNI	
			SW		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SE		SW		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
04N	01E	26	SE		NW		MUNI	
			NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SE		SW		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SE		NW		MUNI	
			NE		SE		MUNI	
			SE		SE		MUNI	
		27	SW		SW		MUNI	
			SE		SW		MUNI	
			SW		SE		MUNI	
		33	NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		34	SW		NE		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01E	34	NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
	02E	19	NE		NE		MUNI	
			NW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			SE		NW		MUNI	
		20	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		26	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			SW		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		27	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	02E	27	NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
		28	NE		NE		MUNI	
			SE		NE		MUNI	
			NE		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		29	NE		NE		MUNI	
			NW		NE		MUNI	
		30	SW		NE		MUNI	
			NE		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SE		MUNI	
		32	SW		SE		MUNI	
			SE		SE		MUNI	
		33	NE		NE		MUNI	
		34	NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
		35	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		SW		MUNI	
			SE		SW		MUNI	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/U WITHIN CITY LIMITS OF BOISE AND ADJACENT TERRITORY.
CERTIFICATED AREA AS APPROVED BY THE IDAHO PUBLIC UTILITY

14. Remarks: Continued

COMMISSION. ORDER #20942 SIXTEENTH AMENDED CERTIFICATE #143.

15. Basis of Claim: LICENSE

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): _____ Date: _____

_____ 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 _____

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
13TH ST.

CIVIL CASE NUMBER:

Ident. Number Ala3-02500
Date Received 6-19-89
Receipt Number W0003284

RECEIVED
JUN 19 1989

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Western Regional Office

1. Name of Claimant(s) BOISE WATER CORPORATION Phone (208) 362-1300
Mailing Address PO Box 7488, BOISE, IDAHO Zip 83707
2. Date of Priority (Only one (1) per claim) AUG.30, 1934
3. Source of water supply (a) GROUND WATER
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 03N Range 02E Section 10,
NW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of ADA
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____,
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 construction
and as enlarged and the depth of each well.

WELL DRILLED:-341'DEEP

DESIGNED CAP.OF PUMP:1050 G.P.M.

16" -0 TO 144'

MOTOR: 125 H.P.

12" -144' TO 341'

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AUG 18 1992

6. Water is claimed for the following purposes:
(both dates are inclusive)

For MUNICIPAL purposes from JAN 1 to DEC 31 amount 0.8 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.8 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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 instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			WATER USED FOR MUNICIPAL PURPOSE WITHIN BOISE CITY LIMITS AND																
			AREAS OUTSIDE OF THE CITY LIMITS AS LISTED ON "LAND LIST ATTACHMENT"																

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.
ALL OF BOISE WATER CORP. WATER RIGHTS or None ()

14. Remarks:

CERTIFICATED AREA AS APPROVED BY THE IDAHO PUBLIC UTILITY COMMISSION

ORDER #: 20942

SIXTEENTH AMENDED CERTIFICATE #: 143

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AUG 18 1992

Last Name BOISE WATER CORPORATION Ident No. 63-02500

13th Street
219 S. 13th St.

[illegible]

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Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____

If applicable provide IDWR Water Right Number 63-02500

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 understatnd the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For 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 MANAGER

of BOISE WATER CORPORATION, that I have signed the foregoing document in the space below as MANAGER of BOISE WATER CORPORATION

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

Signature of Authorized Agent Benjamin M. Hepler

Title and Organization Manager, Boise Water Corp. Date 5/30/89

State of Idaho/or _____)

) SS.

County of Ada)

Subscribed and sworn (or affirmed) before me this 30th day of May 19 89

SEAL

Notary Public Selen J. Wood

Residing at Boise, Idaho

My Commission Expires 9-14-94

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 BOISE WATER CORPORATION Ident. Number 63-02500

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AUG 18 1992

State of Idaho

Water License No. 18015

Amount 0.8 second foot

THIS IS TO CERTIFY that BOISE WATER CORPORATION
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 30, 1934; that Permit No. 18015
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
Two (2) second feet, was issued thereunder on January 4, 1939, showing that said works
were completed on the 16th day of May, 1938; and that on the 25th
day of September, 1939,

BOISE WATER CORPORATION

of Boise, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of subterranean waters, a tributary of, for the purpose of municipal water supply, under Use Permit No. 18015 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3965, on the 6th day of December, 1939;

The right hereby confirmed dates from August 30, 1934;

The Point of Diversion is located 763.53 feet distant from the Northwest corner of Sec. 10, in the NW 1/4 NW 1/4 Sec. 10, Tp. 3 N., R. 2 E., B. M. Ada County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.8 cubic feet per second.

Description and location of use:-

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated--

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 6th day of December, 1939

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

MICROFILM

AUG 18 1992

68 2500

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Boise Water Corp. CLAIM IDENT. NO. A103 - 02500DATE RECEIVED 6-19-89 CK # 117988 AMOUNT \$ 18,131.00 (this claim 1,30.00)

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

Claim checked by: HA Date: 8-24-89Claim must be returned to claimant: (Yes) ☒ (No) ☐Claimant must be notified of modifications: (Yes) ☒ (No) ☐Receipt Prepared by: _____ Date: _____
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____
Checked by: _____ Date: _____

Comments: _____

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AUG 18 1992