The Following Documents Are All From The Rt. Side or Corres. Side of the Water Right File.

They Are Scanned In Reverse Chronological Order From Newest Date To Oldest Date.

They Include But Are Not Limited To:

Correspondence.

Requests For Comments.

Protests.

Hearing Information/Corres.

Exhibits.

Notice of Settlement & Motion To Vacate Hearing.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2004

Re: United Water Application for Exchange of Snake River water with Boise River Water; Conditions of Approval

Ladies and Gentlemen:

On January 6, 2004, I sent a letter to the parties suggesting amendments to the language of the Stipulation for Withdrawal of Protests filed to resolve the protests against United Water Idaho's application for exchange. I received an objection to the amendments from Scott Campbell. After receiving Scott's correspondence, I received a letter from Jeff Fereday suggesting some additional changes. His letter was carbon copied to the parties, and I assume his proposed changes have been discussed by at least some of the parties. My initial proposal was flawed because it could have been interpreted to reduce the measurement and reporting requirements the parties agreed to. I appreciate Jeff's attempt to correct my oversight, and I agree with most of his suggestions.

After reviewing Jeff's proposed language, I suggest two minor corrections. The conditions should clearly state that both controlling works and measuring devices need to be installed. I separated the controlling works language from the measurement language, and wrote it into subparagraph 7.b. As a result, paragraph 7.c more closely resembles the original measurement language in the stipulation.

I also deleted the reference to "subparagraph 7.c." in subparagraph 7.d. I am certain the paragraphs will be renumbered at the time of approval and IDWR may not properly renumber the reference. It seems safer to refer to the "preceding paragraph."

Enclosed is a copy of the conditions reflecting the changes discussed above and the changes Jeff proposed. Underscore and strikeout lines identify additions and deletions, respectively.

I ask that you review the proposed language and determine whether the changes are acceptable by February 20, 2004. I will interpret no response as confirmation that the language is acceptable. If no objections or proposals for alternative language are received, IDWR will approve the application for exchange shortly after the response deadline.

If you propose any change, and you submit the changed document to me by email or paper copy, you must also send a copy to all parties to the contested case.

Sincerely,

Gary Spackman

c. Jeff Fereday
Albert Barker
Kathleen Marion Carr
Dan Steenson
Scott Campbell
Roger Ling
Jerry R. Rigby
Shelley Keen
Western Region

7. ~~United Water's~~ The water right holder's diversion from the Boise River under the Exchange shall occur only during times when the Bureau is providing flow augmentation water from Boise River reservoirs pursuant to the NOAA Fisheries flow augmentation program. ~~United Water~~ The water right holder shall not divert from the Snake River under ~~the Snake River~~ water rights nos. 02-2341, 02-2358, and 02-2420 during ~~those times~~ any calendar year it ~~is~~ diverts~~ing~~ ~~under the Exchange~~ water from the Boise River as authorized by the Exchange;. ~~and instead shall leave in the Snake River an amount of water under the Snake River water rights equal to the amount of United Water's Boise River diversions under this Exchange. The release of an equal rate and volume~~ Leaving water in the Snake River that would have been diverted ~~of water~~ under ~~the Snake River~~ water rights nos. 02341, 02-2358, and 02-2420 ~~is to~~ replaces a like amount of water at the mouth of the Boise River that ~~United Water~~ the water right holder ~~has~~ diverted~~s~~ from the Boise River pursuant to this Exchange. ~~United Water's~~ The water right holder's Boise River diversions under this Exchange shall be:

a. used solely for irrigation purposes within ~~United Water's~~ the water right holder's service area;

b. controlled by the Boise River Watermaster. ~~for~~ The Boise River and its tributaries are currently designated as Basin 63 in the Department's records. ~~(the "Watermaster").~~ The water right holder shall install controlling works approved by IDWR and the Boise River Watermaster;

c. measured through the use of weirs and totalizing flow meters, as approved by the Department and the Boise River Watermaster, as well as through the use of any additional means of measurement that may be approved or required by the Department and the Boise River Watermaster, and records of such measurements shall accurately document: diversion rate, volume for identifiable time periods, time periods of diversion, and data to confirm that the water diverted was used solely for irrigation purposes; and

d. reported annually to IDWR and the Boise River Watermaster on or before November 1, of each year, which reports shall include, at a minimum, the measurement data and records specified in ~~subparagraph 7.c, above.~~ the preceding paragraph , and also shall include any additional data or records specified by the conditions of this permit or by a future order of the Department related to measurement and reporting.

8. ~~United Water's~~ The water right holder's diversions from the Boise River under this Exchange shall not exceed the lesser of:

a. The instantaneous rate or volume of the Bureau's Boise River reservoir releases for the NOAA Fisheries flow augmentation program, or

b. The instantaneous rate at which water is available in priority under the Snake River water rights and is being delivered in the Snake River and administered in accordance with Idaho law to the confluence of the Boise and the Snake Rivers, not to exceed 35.21 cfs.

c. A total annual diversion volume of 9,247.5 acre-feet of water.

9. At any time when the Exchange would otherwise be in effect, if measured or calculated Boise River flows at either of ~~United Water's~~ the water right holder's two alternate points of diversion from the Boise River, ~~are~~ are less than 240 cfs, or diversion at either point of diversion would reduce Boise River flows below 240 cfs ~~during~~ during the period beginning June 1 and ending February 29, then the Exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion from the Boise River are less than 1,100 cfs, or diversion at either point of diversion would reduce Boise River flows below 1,100 cfs during the period beginning March 1 and ending May 31, ~~then~~ then the Exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal. If the benchmark stream maintenance flows of 240 cfs (from June 1 to February 29) and 1,100 cfs (from March 1 to May 31) subsequently change, then ~~United Water's~~ the water right holder's diversion of Boise River flows will be limited to provide for the new benchmark flows.

10. The Bureau is not expected or required to alter its operations in any way to accommodate the Exchange. The Exchange depends upon the Bureau's release of storage water pursuant only to the Bureau's discretion in fulfilling the terms of Idaho Code § 42-1763B and the NOAA Fisheries flow augmentation program, including the delivery and accounting of such releases by the Boise River Watermaster. ~~United Water~~ The water right holder is not entitled to demand that any of these storage releases occur or that any release occur at any particular time or in any particular amount.

11. ~~United Water's~~ The water right holder's diversion and use of water from the Boise River pursuant to this Exchange shall not conflict with applicable water bank rules, including any rules governing the Boise River Rental Pool, and shall not adversely affect the ability of any irrigation entity to rent and receive storage water through the Boise River Rental Pool under such rules, including, without limitation, any irrigation entity's entitlement to benefit from the preference for irrigation uses as specified therein.

12. ~~United Water's~~ The water right holder's diversion and use of water from the Boise River pursuant to this Exchange shall be accounted for in ~~United Water's~~ the water right holder's portfolio of water rights that may be recognized now or in the future in relation to any approved planning horizon, existing water rights holdings, or future

needs volume. The Snake River water rights shall not be diverted from alternate points of diversion for ~~United Water's~~ the water right holder's ground water rights.

13. Approval of this Exchange by IDWR is not part of and does not support the NOAA Fisheries Program, and shall not be construed to be a part of or to support the NOAA Fisheries Program. However, if NOAA Fisheries or any court determines that this Exchange inhibits the Bureau's ability to comply with the flow augmentation program, then Boise River diversions under the Exchange will terminate until such time, if ever, that NOAA Fisheries or such court determines the Exchange does not inhibit the Bureau's ability to comply with the flow augmentation program.

14. Approval of this exchange by ~~IDWR~~ the Department has no bearing upon the status of claims to Boise River storage water that are or that may be filed in the Snake River Basin Adjudication and has no bearing upon any contract with the Bureau for the storage and use of water in the Boise River reservoirs.

15. The Department monitors the below-Milner Snake River reach at the Murphy gage. At any point the Department, or any future watermaster on this reach, determines all or a portion of the ~~Initial Butte~~ the exchanged Snake River water rights are out of priority (i.e. that there is an insufficient amount of flow in the Snake River to fill all or a portion of those water rights), the Department or the watermaster for the below-Milner Snake River reach will immediately notify the Boise River ~~asin 63~~ Watermaster ~~on the Boise River~~. In turn, the Boise River ~~asin 63~~ Watermaster will preclude diversion of a comparable amount of Boise River water under this Exchange as is currently unavailable to fill the ~~Initial Butte~~ exchanged Snake River water rights. ~~on the Snake River.~~

Extra Conditions

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

The following approval conditions apply to the exchange of water under Right Nos. 02-2341, 02-2358, and 02-2420 for water to be diverted from the Boise River pursuant to the provisions of Section 42-240, Idaho Code.

The water right holder must be a municipal provider under Idaho Law.

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Direct Dial: (208) 388-1217
E-Mail: jcf@givenspursley.com

RECEIVED
JAN 21 2004
Department of Water Resources

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Emily A. MacMaster
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LLM
Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LLM
Conley E. Ward
Robert B. White
Michael V. Woodhouse

James A. McClure
OF COUNSEL

Raymond D. Givens
RETIRED

January 15, 2004

VIA Fax and U.S. Mail

Mr. Gary L. Spackman
Hearing Officer
Idaho Department of Water Resources
1301 N. Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: United Water Idaho Inc.'s Application for Exchange
Our File: 30-116

Dear Gary:

Thanks for your January 6, 2004 letter. On behalf of United Water Idaho Inc., I have reviewed your suggested changes and generally find them helpful in clarifying the conditions to be included in the exchange approval. However, I do have some comments about your proposed changes to subparagraphs 7.c and 7.d, particularly upon reviewing the comments in Scott Campbell's January 9 letter focusing on these two provisions.

United Water is willing to accept the Department's proposed changes to these provisions so long as the original agreed-to provisions also are preserved. Accordingly, I propose that subparagraphs 7.c and 7.d be changed to read as set forth below. My additions, or reversions to original language, are in bold; yours are in non-bold underlining or strike-through.

c. delivered and measured through the use of weirs and totalizing flow meters, **as approved by the Department and the Boise River Watermaster, as well as through the use of any additional means of measurement that may be** ~~as~~ approved **or required** by the Department and the Boise River Watermaster, and records of such measurements shall accurately document: diversion rate, volume for identifiable time periods, time periods of

diversion, and data to confirm that the water diverted was used solely for irrigation purposes; and

d reported annually to IDWR and the Boise River Watermaster on or before November 1 of each year, which reports shall include, **at a minimum,** the measurement data and records specified **in subparagraph 7.c, above, and also shall include any additional data or records specified** by the conditions in this water right or by a future order of the Department related to measurement and reporting.

I believe these amount to minor changes in your proposal: they retain the parties' original "weirs and totalizing flow meters" language in 7.c but make it clear that the Department may impose additional measurement and data reporting requirements. United Water is willing to accept such additional conditions.

Mr. Campbell also inquired about the 9247.5 acre-foot limitation you propose to insert as subparagraph 8.c. This number is simply the combined volume limit of the three Snake River water rights as reflected on those licenses, and we agree this number can be inserted.

Sincerely,

Jeffrey C. Fereday

JCF/jf
cc: Scott Rhead
Kathleen Carr
Scott Campbell
Charlie Honsinger
Al Barker
Roger Ling
Jerry Rigby

Boise
Idaho Falls
Pocatello

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski

Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin

C. Clayton Gill
David P. Gardner
Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Jon A. Stenquist
Bradley J. Dixon
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise, Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

JAN 1 2 2004

January 9, 2004

RECEIVED
JAN 1 2 2004
Department of Water Resources

Gary Spackman
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: United Water Application for Exchange of Snake River Water with Boise River Water
MTBR&F File No. 18946.46

Dear Gary:

I am responding to your correspondence of January 6, 2004. I have reviewed the changes you indicated in the red-line, strike-through Stipulation for Withdrawal of Protests. I have the following comments and question.

First, I will not be able to consult with my client, Pioneer Irrigation District, until February 9, 2004, the next meeting of the Board of Directors. Consequently, my comments are preliminary in nature and I may have more concerns after I discuss this matter with the Board at that meeting. At this point, however, I can state that your changes to sections 7c. and 7d. are not acceptable. The specific language contained in the original draft was carefully drafted, based upon suggestions from Norm Young, Pioneer's consultant. Your changes do not provide the same level of protection and would not address the concerns expressed by my client.

Second, my question concerns the basis for your calculation of 9,247.5 acre-feet total annual diversion volume. Please explain your formula. I will reserve comment on this issue until I receive your explanation of this figure.

Thank you for your cooperation.

Very truly yours,

Scott L. Campbell

SLC/dll
cc: Jeffrey C. Fereday
Roger D. Ling
Jerry R. Rigby
John K. Simpson
Albert P. Barker
Pioneer Irrigation District
Charles L. Honsinger
Daniel V. Steenson
Pioneer Irrigation District

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 6, 2004

Re: United Water Application for Exchange Snake River water with Boise River Water; Conditions of Approval

Ladies and Gentlemen:

I reviewed the language of the Stipulation for Withdrawal of Protests filed to resolve the protests against United Water Idaho's application for exchange. The stipulation calls for inclusion of paragraphs 7 through 15 as conditions of the approval document issued by the Idaho Department of Water Resources (IDWR). I amended the conditions and added some additional conditions. The proposed changes and additions are reflected in the enclosed document. Underscore and strikeout lines identify additions and deletions, respectively. I retained the paragraph numbering of the stipulation for ease of reference.

I ask that you review the proposed language and determine whether the changes are acceptable by January 16, 2004. I will interpret no response as confirmation that the language is acceptable. If no objections or proposals for alternative language are received, IDWR will approve the application for exchange shortly after the response deadline.

The major change is within paragraph 7. I understand that United Water does not intend to divert nor does it intend to allow diversion of Snake River water under water right nos. 02-2341, 02-2358, and 02-2420 when it diverts water from the Boise River under the exchange. I've eliminated language that I think implies that water could be diverted from both sources at the same time, or could serve both places of use during an irrigation season.

Other substantive changes include the addition of volume limitations to paragraph 8, and additional language in paragraph 9 to insure that United Water cannot divert water from the Boise River if the diversion would reduce the flow below the benchmark flows.

Finally, I broadened the water measuring and control provisions of paragraph 7.c. to require both controlling works and measuring devices, but though a limitation to weirs and totalizing meters was initially too restrictive.

The proposed changes are available in electronic Microsoft Word format using "Track Changes." If you want a copy of the proposed amendments so you can suggest additional changes, please send an email to dgibson@idwr.id.state.us requesting an electronic copy, and she

will email it back to you. If you propose any change, and you submit the changed document to me by email or paper copy, you must also send a copy to all parties to the contested case.

Sincerely,

Gary Spackman

Gary Spackman

c. Jeff Fereday
Albert Barker
Kathleen Marion Carr
Dan Steenson
Scott Campbell
Roger Ling
Jerry R. Rigby
Shelley Keen
Western Region

7. ~~United Water's~~ The water right holder's diversion from the Boise River under the Exchange shall occur only during times when the Bureau is providing flow augmentation water from Boise River reservoirs pursuant to the NOAA Fisheries flow augmentation program. ~~United Water~~ The water right holder shall not divert from the Snake River under ~~the Snake River~~ water rights nos. 02-2341, 02-2358, and 02-2420 during ~~those times~~ any calendar year it ~~is~~ diverts~~ing~~ ~~under the Exchange~~ water from the Boise River as authorized by the Exchange~~,~~. ~~and instead shall leave in the Snake River an amount of water under the Snake River water rights equal to the amount of United Water's Boise River diversions under this Exchange. The release of an equal rate and volume~~ Leaving water in the Snake River that would have been diverted ~~of water~~ under ~~the Snake River~~ water rights nos. 02341, 02-2358, and 02-2420 ~~is to~~ replaces a like amount of water at the mouth of the Boise River that ~~United Water~~ the water right holder ~~has~~ diverted~~s~~ from the Boise River pursuant to this Exchange. ~~United Water's~~ The water right holder's Boise River diversions under this Exchange shall be:

a. used solely for irrigation purposes within ~~United Water's~~ the water right holder's service area;

b. controlled by the Boise River Watermaster. ~~for~~ The Boise River and its tributaries are currently designated as Basin 63 in the Department's records. ~~(the "Watermaster")~~;

c. delivered and measured through ~~the use of weirs and totalizing flow meters, as~~ controlling works and measuring devices approved by the Department and the Boise River Watermaster, and records of such measurements shall accurately document: diversion rate, volume for identifiable time periods, time periods of diversion, and data to confirm that the water diverted was used solely for irrigation purposes; and

d. reported annually to IDWR and the Boise River Watermaster on or before November 1, of each year, which reports shall include the measurement data and records specified ~~in subparagraph 7.c, above.~~ by the conditions of this water right or by a future order of the Department related to measurement and reporting.

8. ~~United Water's~~ The water right holder's diversions from the Boise River under this Exchange shall not exceed the lesser of:

a. The instantaneous rate or volume of the Bureau's Boise River reservoir releases for the NOAA Fisheries flow augmentation program, or

b. The instantaneous rate at which water is available in priority under the Snake River water rights and is being delivered in the Snake River and

administered in accordance with Idaho law to the confluence of the Boise and the Snake Rivers, not to exceed 35.21 cfs.

c. A total annual diversion volume of 9,247.5 acre-feet of water.

9. At any time when the Exchange would otherwise be in effect, if measured or calculated Boise River flows at either of ~~United Water's~~ the water right holder's two alternate points of diversion from the Boise River, ~~-~~are less than 240 cfs, or diversion at either point of diversion would reduce Boise River flows below 240 cfs ~~-~~during the period beginning June 1 and ending February 29, then the Exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion from the Boise River are less than 1,100 cfs, or diversion at either point of diversion would reduce Boise River flows below 1,100 cfs during the period beginning March 1 and ending May 31, ~~-~~then the Exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal. If the benchmark stream maintenance flows of 240 cfs (from June 1 to February 29) and 1,100 cfs (from March 1 to May 31) subsequently change, then ~~United Water's~~ the water right holder's diversion of Boise River flows will be limited to provide for the new benchmark flows.

10. The Bureau is not expected or required to alter its operations in any way to accommodate the Exchange. The Exchange depends upon the Bureau's release of storage water pursuant only to the Bureau's discretion in fulfilling the terms of Idaho Code § 42-1763B and the NOAA Fisheries flow augmentation program, including the delivery and accounting of such releases by the Boise River Watermaster. ~~United Water~~ The water right holder is not entitled to demand that any of these storage releases occur or that any release occur at any particular time or in any particular amount.

11. ~~United Water's~~ The water right holder's diversion and use of water from the Boise River pursuant to this Exchange shall not conflict with applicable water bank rules, including any rules governing the Boise River Rental Pool, and shall not adversely affect the ability of any irrigation entity to rent and receive storage water through the Boise River Rental Pool under such rules, including, without limitation, any irrigation entity's entitlement to benefit from the preference for irrigation uses as specified therein.

12. ~~United Water's~~ The water right holder's diversion and use of water from the Boise River pursuant to this Exchange shall be accounted for in ~~United Water's~~ the water right holder's portfolio of water rights that may be recognized now or in the future in relation to any approved planning horizon, existing water rights holdings, or future needs volume. The Snake River water rights shall not be diverted from alternate points of diversion for ~~United Water's~~ the water right holder's ground water rights.

13. Approval of this Exchange by IDWR is not part of and does not support the NOAA Fisheries Program, and shall not be construed to be a part of or to support the NOAA Fisheries Program. However, if NOAA Fisheries or any court determines that

this Exchange inhibits the Bureau's ability to comply with the flow augmentation program, then Boise River diversions under the Exchange will terminate until such time, if ever, that NOAA Fisheries or such court determines the Exchange does not inhibit the Bureau's ability to comply with the flow augmentation program.

14. Approval of this exchange by ~~IDWR~~ the Department has no bearing upon the status of claims to Boise River storage water that are or that may be filed in the Snake River Basin Adjudication and has no bearing upon any contract with the Bureau for the storage and use of water in the Boise River reservoirs.

15. The Department monitors the below-Milner Snake River reach at the Murphy gage. At any point the Department, or any future watermaster on this reach, determines all or a portion of the ~~Initial Butte~~ the exchanged Snake River water rights are out of priority (i.e. that there is an insufficient amount of flow in the Snake River to fill all or a portion of those water rights), the Department or the watermaster for the below-Milner Snake River reach will immediately notify the Boise River ~~asin 63~~ Watermaster ~~on the Boise River~~. In turn, the Boise River ~~asin 63~~ Watermaster will preclude diversion of a comparable amount of Boise River water under this Exchange as is currently unavailable to fill the ~~Initial Butte~~ exchanged Snake River water rights. ~~on the Snake River.~~

Extra Conditions

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

The following approval conditions apply to the exchange of water under Right Nos. 02-2341, 02-2358, and 02-2420 for water to be diverted from the Boise River pursuant to the provisions of Section 42-240, Idaho Code.

The water right holder must be a municipal provider under Idaho Law.

RECEIVED
DEC - 5 2003
Department of Water Resources

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Emily A. MacMaster
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan
Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas
Conley E. Ward
Robert B. White
Michael V. Woodhouse

James A. McClure
OF COUNSEL

Raymond D. Givens
RETIRED

John A. Miller, LL.M. *
TAX CONSULTANT
*Licensed in Kentucky only

December 5, 2003

HAND DELIVERED

Gary L. Spackman
Idaho Department of Water Resources
1301 N. Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Initial Butte Exchange
GP File No. 30-116

Dear Mr. Spackman:

Enclosed please find a copy of the Notice of Settlement and Motion to Vacate Hearing which is being filed with your office today in the above-referenced matter.

Thank you for your assistance. Please feel free to contact me if you have any questions.

Sincerely,

Heidi C. Meier

Heidi C. Meier
Assistant to Jeffrey C. Fereday

Enclosure
S:\CLIENTS\30\116\HCM to Spackman re Notice of Settlement.DOC

RECEIVED
DEC - 5 200
Department of Water Resources

Jeffrey C. Fereday [ISB No. 2719]
Deborah E. Nelson [ISB No. 5711]
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone No. (208) 388-1200
Fax No. (208) 388-1300
S:\CLIENTS\30116\Notice of Settlement and Motion to Vacate Hearing.DOC

Attorneys for United Water Idaho Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE WATER (WATER RIGHT NOS. 02-2341, 02-2358 & 02-2420) IN THE NAME OF UNITED WATER IDAHO INC.	**NOTICE OF SETTLEMENT AND MOTION TO VACATE HEARING**

Notice of Settlement

Applicant United Water Idaho Inc. ("United Water"), by and through its attorneys of record, Givens Pursley LLP, hereby notifies the Idaho Department of Water Resources ("Department") that it has reached a settlement with all parties in this matter. A copy of the settlement agreement is attached hereto as Exhibit A ("Agreement").

Motion to Vacate Hearing

In light of the settlement of this matter, United Water hereby moves for an order vacating the hearing currently scheduled to begin December 8, 2003.

United Water further requests that the Department note that, as set forth in paragraph 16 of the Agreement, full and final settlement of this matter among the parties will occur when: 1) the Department has issued an order approving the exchange which incorporates the terms in

ORIGINAL

paragraphs 7 through 15 of the Agreement; 2) all other conditions of approval are acceptable to the parties; and 3) no party files a petition for reconsideration.

Accordingly, United Water respectfully requests that the Department grant the motion to vacate the hearing and issue an order approving the exchange that incorporates, as conditions to the exchange, the provisions in paragraphs 7-15 of the Agreement. If the Department determines that some other course of action is appropriate, United Water anticipates that it would seek a status conference to determine whether further proceedings are appropriate.

Dated this 5th day of December 2003.

GIVENS PURSLEY LLP

By Jeffrey C. Fereday

Jeffrey C. Fereday
Deborah E. Nelson
Attorneys for United Water Idaho Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December 2003, I caused to be served a true and correct copy of the foregoing document by delivering it to each of the following attorneys of record, by the method indicated below and addressed as follows:

Albert P. Barker John K. Simpson BARKER, ROSHOLT & SIMPSON 205 N. 10th Street, Ste. 520 P.O. Box 2139 Boise, ID 83701-2139	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile
Daniel V. Steenson Charles L. Honsinger S. Bryce Farris RINGERT CLARK 455 S. 3rd Street P.O. Box 2773 Boise, ID 83701-2773	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile
Roger D. Ling LING & ROBINSON 615 H Street P.O. Box 396 Rupert, ID 83350	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile
Scott L. Campbell MOFFATT, THOMAS, BARRETT, ROCK & FIELDS 101 S. Capital Boulevard, 10th Floor P.O. Box 829 Boise, ID 83701-0829	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile
Jerry R. Rigby RIGBY, THATCHER, ANDRUS, RIGBY, KAM & MOELLER 25 N. 2nd E. P.O. Box 250 Rexburg, ID 83440-0250	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile

Kathleen Marion Carr
Office of the Field Solicitor
U.S. Department of the Interior
550 West Fort Street, MSC 020
Boise, ID 83724-0020

[ ] U.S. Mail
[ ] Hand Delivery
[ ] Overnight Mail
[X] Facsimile

Jeffrey C. Fereday

EXHIBIT A

AGREEMENT

This Agreement is entered into by and between Applicant United Water Idaho Inc., including its parent companies and any and all of its subsidiaries ("United Water"); Protestants Pioneer Irrigation District, the Committee of Nine, Nampa and Meridian Irrigation District, the Boise Project Board of Control, Twin Falls Canal Company, North Side Canal Company, A & B Irrigation District, City of Caldwell, Burley Irrigation District, Falls Irrigation District, Aberdeen-Springfield Canal Company, Fremont-Madison Irrigation District, Peoples Canal & Irrigation, Snake River Valley Irrigation, Idaho Irrigation District, Egin Bench Canals, Inc., North Fremont Canal Systems, Inc., Progressive Irrigation District, Enterprise Irrigation District, New Sweden Irrigation District, Harrison Canal & Irrigation Co., Burgess Canal & Irrigation (collectively, the "Protestants"); and the United States Bureau of Reclamation ("Bureau").

RECITALS

1. United Water has purchased licensed water right nos. 02-2341, 02-2358, and 02-2420 on the Snake River in south Ada County (the "Snake River water rights"). Right no. 02-2341 is a 1964-priority right to divert 12.52 cubic feet per second ("cfs") for irrigation of 626 acres of land. Right no. 02-2358 is a 1964-priority right to divert 14.5 cfs for irrigation of 725 acres of land. Right no. 02-2420 is a 1963-priority right to divert 14.08 cfs for irrigation of 704 acres of land. The Snake River water rights share a combined diversion limitation of 35.21 cfs.

2. United Water has filed with the Idaho Department of Water Resources ("IDWR") an application to exchange diversions under the Snake River water rights for diversions of water from the Boise River (the "Exchange"). The water for the Exchange currently is in the Boise River during certain periods in the late spring and summer due to storage releases to augment river flows requested by NOAA Fisheries in its biological opinion on the operation of the Federal Columbia River Power System (the "NOAA Fisheries flow augmentation program").

3. The Bureau manages the reservoirs on the Boise River and has taken steps to accommodate such storage releases, not pursuant to a water right or water right transfer, but through the Idaho Legislature's express temporary authorization of such flow releases in Idaho Code § 42-1763B. Pursuant to this State authority, the Bureau has augmented flows in the Boise and Snake Rivers for several years by releasing up to approximately 400 cubic feet per second ("cfs") of water from its Boise River reservoir system at certain times in the June-through-August period.

4. Under the Exchange, during those times when the Bureau is making flow releases to the Boise River, and provided the other conditions of this Agreement and the Exchange are met, United Water proposes to divert, for irrigation purposes within its service area, up to 35.21 cfs from the Boise River while simultaneously foregoing a like amount of diversions under the Snake River water rights. The amount of flow thus made available under the Snake River water rights would remain in the Snake River to and below the mouth of the Boise River where it would fully replace the depletion occurring, by way of United Water's Boise River diversions, to the water the Bureau releases from storage for the NOAA Fisheries flow augmentation program.

5. The NOAA Fisheries flow augmentation program pertains only to the release of certain storage water by the Bureau for flow augmentation, all pursuant to specific State legislation. The existence of such program does not affect the ability or authority of the State of Idaho to manage its water resources, to process water right, transfer, or exchange applications, or otherwise to authorize beneficial uses of water in Idaho for the benefit of Idaho citizens.

6. The parties wish to accommodate the use of water within the State of Idaho while protecting existing water rights and the prerogatives of irrigators to gain access to storage water.

Therefore, in consideration of the commitments contained herein, the parties agree as follows:

TERMS OF AGREEMENT

7. United Water's diversion from the Boise River under the Exchange shall occur only during times when the Bureau is providing flow augmentation water from Boise River reservoirs pursuant to the NOAA Fisheries flow augmentation program. United Water shall not divert from the Snake River under the Snake River water rights during those times it is diverting under the Exchange from the Boise River, and instead shall leave in the Snake River an amount of water under the Snake River water rights equal to the amount of United Water's Boise River diversions under this Exchange. The release of an equal rate and volume of water under the Snake River water rights is to replace a like amount of water at the mouth of the Boise River that United Water has diverted pursuant to this Exchange. United Water's Boise River diversions under this Exchange shall be:

a. used solely for irrigation purposes within United Water's service area;

b. controlled by the Watermaster for Basin 63 (the "Watermaster");

c. measured through the use of weirs and totalizing flow meters, as approved by the Watermaster, and records of such measurements shall accurately document: diversion rate, volume for identifiable time periods, time periods of diversion, and data to confirm that the water diverted was used solely for irrigation purposes; and

d. reported annually to IDWR and the Watermaster on or before November 1, of each year, which reports shall include the measurement data and records specified in subparagraph 7.c, above.

8. United Water's diversions from the Boise River under this Exchange shall not exceed the lesser of:

a. The instantaneous rate of the Bureau's Boise River reservoir releases for the NOAA Fisheries flow augmentation program, or

b. The instantaneous rate at which water is available in priority under the Snake River water rights and is being delivered in the Snake River and administered in accordance with Idaho law to the confluence of the Boise and the Snake Rivers, not to exceed 35.21 cfs.

9. At any time when the Exchange would otherwise be in effect, if measured or calculated Boise River flows at either of United Water's two alternate points of diversion are less than 240 cfs during the period beginning June 1 and ending February 29, then the Exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, then the Exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal. If the benchmark stream maintenance flows of 240 cfs (from June 1 to February 29) and 1,100 cfs (from March 1 to May 31) subsequently change, then United Water's diversion of Boise River flows will be limited to provide for the new benchmark flows.

10. The Bureau is not expected or required to alter its operations in any way to accommodate the Exchange. The Exchange depends upon the Bureau's release of storage water pursuant only to the Bureau's discretion in fulfilling the terms of Idaho Code § 42-1763B and the NOAA Fisheries flow augmentation program, including the delivery and accounting of such releases by the Boise River Watermaster. United Water is not entitled to demand that any of these storage releases occur or that any release occur at any particular time or in any particular amount.

11. United Water's diversion and use of water from the Boise River pursuant to this Exchange shall not conflict with applicable water bank rules, including any rules governing the Boise River Rental Pool, and shall not adversely affect the ability of any irrigation entity to rent and receive storage water through the Boise River Rental Pool under such rules, including, without limitation, any irrigation entity's entitlement to benefit from the preference for irrigation uses as specified therein.

12. United Water's diversion and use of water from the Boise River pursuant to this Exchange shall be accounted for in United Water's portfolio of water rights that may be recognized now or in the future in relation to any approved planning horizon, existing water rights holdings, or future needs volume. The Snake River water rights shall not be diverted from alternate points of diversion for United Water's ground water rights.

13. Approval of this Exchange by IDWR is not part of and does not support the NOAA Fisheries Program, and shall not be construed to be a part of or to support the NOAA Fisheries Program. However, if NOAA Fisheries or any court determines that this Exchange inhibits the Bureau's ability to comply with the flow augmentation program, then Boise River diversions under the Exchange will terminate until such time, if ever, that NOAA Fisheries or

such court determines the Exchange does not inhibit the Bureau's ability to comply with the flow augmentation program.

14. Approval of this exchange by IDWR has no bearing upon the status of claims to Boise River storage water that are or that may be filed in the Snake River Basin Adjudication and has no bearing upon any contract with the Bureau for the storage and use of water in the Boise River reservoirs.

15. The Department monitors the below-Milner Snake River reach at the Murphy gage. At any point the Department, or any future watermaster on this reach, determines all or a portion of the Initial Butte water rights are out of priority (i.e. that there is an insufficient amount of flow in the Snake River to fill all or a portion of those water rights), the Department or watermaster will immediately notify the Basin 63 Watermaster on the Boise River. In turn, the Basin 63 Watermaster will preclude diversion of a comparable amount of Boise River water under this Exchange as is currently unavailable to fill the Initial Butte water rights on the Snake River.

16. Once the terms specified in paragraphs 7-15, above, are incorporated by IDWR in its preliminary order for this Exchange, all other conditions of approval are acceptable to the parties, and no party files a petition for reconsideration, the Protestants shall withdraw their protests to the Exchange.

17. The Exchange is not a part of, and is not pursued to support, the NOAA Fisheries flow augmentation program or the Bureau's actions in accommodating it. No party to this Agreement shall cite or refer to this Agreement or the Exchange as precedent, rationale, or support for the continuation, extension, or renewal of the NOAA Fisheries program or any successor program pursuant to which any federal agency seeks the release of storage water for stream flow enhancement in the Boise or Snake Rivers to support anadromous fish passage in the Snake River system.

18. The parties recognize and agree that there are competing claims in the Snake River Basin Adjudication for a portion of the water that is stored in the Boise River reservoirs and is currently released as part of NOAA Fisheries flow augmentation program in the Boise or Snake Rivers. No party to this Agreement shall cite or refer to this Agreement or the Exchange as precedent, rationale, or support for the denial, existence or waiver of such claims. Nor shall any party to this Agreement cite or refer to this Agreement or the Exchange as a precedent, rationale, or support for the denial, renewal or extension of any contract with the Bureau for the storage and use of water in the Boise River reservoirs.

19. The parties agree that IDWR's approval of this Exchange is not a determination that diversion and use of water under the Exchange by United Water as a municipal provider constitutes use of the water for irrigation purposes in any other context, and no party shall cite or refer to this Exchange as precedent, rationale, or support for such a position in any other context, proceeding, or matter involving irrigation water rights. In addition, the parties agree that this

Exchange Agreement shall neither be cited nor referred to as precedent, rationale, or support for any position in any other context or proceeding except as may otherwise be required to enforce this Agreement.

20. United Water shall take no action, directly or indirectly, seeking to eliminate or reduce the preference for irrigation entities in obtaining rentals of Boise River storage water as such preference currently is expressed in the Boise River Rental Pool rules.

21. The above recitals are hereby incorporated into the Terms of this Agreement.

22. Those provisions of this Agreement not incorporated into the IDWR order approving this Exchange shall be enforceable, pursuant to the terms hereof, as a binding contract under the laws of Idaho, and shall bind the parties, their successors and assigns so long as the Exchange remains in effect; provided, that if the Exchange is terminated or becomes ineffective, the provisions of paragraph 19, above, shall survive such termination or ineffectiveness.

23. If the parties to this Agreement proceed to enforce its terms in court, the prevailing party shall receive an award of costs of suit and attorney fees actually incurred, which amount shall be paid by the non-prevailing party.

24. This Agreement may be executed in counterparts.

GIVENS PURSLEY LLP

December 2, 2003

By Jeffrey C. Fereday
Jeffrey C. Fereday
Attorneys for United Water Idaho Inc.

BARKER, ROSHOLT & SIMPSON

December____, 2003

By _____
Albert P. Barker
Attorneys for Boise Project Board of Control

BARKER, ROSHOLT & SIMPSON

December____, 2003

By _____
John K. Simpson
Attorneys for Twin Falls Canal Company and
North Side Canal Company

Exchange Agreement shall neither be cited nor referred to as precedent, rationale, or support for any position in any other context or proceeding except as may otherwise be required to enforce this Agreement.

20. United Water shall take no action, directly or indirectly, seeking to eliminate or reduce the preference for irrigation entities in obtaining rentals of Boise River storage water as such preference currently is expressed in the Boise River Rental Pool rules.

21. The above recitals are hereby incorporated into the Terms of this Agreement.

22. Those provisions of this Agreement not incorporated into the IDWR order approving this Exchange shall be enforceable, pursuant to the terms hereof, as a binding contract under the laws of Idaho, and shall bind the parties, their successors and assigns so long as the Exchange remains in effect; provided, that if the Exchange is terminated or becomes ineffective, the provisions of paragraph 19, above, shall survive such termination or ineffectiveness.

23. If the parties to this Agreement proceed to enforce its terms in court, the prevailing party shall receive an award of costs of suit and attorney fees actually incurred, which amount shall be paid by the non-prevailing party.

24. This Agreement may be executed in counterparts.

GIVENS PURSLEY LLP

December ___, 2003

By _____
Jeffrey C. Fereday
Attorneys for United Water Idaho Inc.

BARKER, ROSHOLT & SIMPSON

December 3, 2003

By _____
Albert P. Barker
Attorneys for Boise Project Board of Control

BARKER, ROSHOLT & SIMPSON

December 3, 2003

By _____
John K. Simpson
Attorneys for Twin Falls Canal Company and North Side Canal Company

and North Side Canal Company

RINGERT CLARK CHTD.

December 2, 2003

By Charles L. Honsinger
Charles L. Honsinger
Attorneys for the City of Caldwell and Nampa & Meridian Irrigation District

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS

December____, 2003

By _____
Scott L. Campbell
Attorneys for Pioneer Irrigation District

LING & ROBINSON

November____, 2003

By _____
Roger D. Ling
Attorneys for A&B Irrigation District, Burley Irrigation District, Falls Irrigation District, and Aberdeen-Springfield Canal Company

UNITED STATES BUREAU OF RECLAMATION

December____, 2003

By _____
E. Gail McGarry

RIGBY, THATCHER, ANDRUS, RIGBY, KAM & MOELLER

November ___, 2003

By _____
Jerry R. Rigby
Attorneys for Fremont-Madison Irrigation District, Peoples Canal & Irrigation Co., Snake River Valley Irrigation, Idaho Irrigation District, Egin Bench Canals Inc., North Fremont Canal

RINGERT CLARK CHTD.

December____, 2003

By _____
Charles L. Honsinger
Attorneys for the City of Caldwell and
Nampa & Meridian Irrigation District

MOFFATT, THOMAS, BARRETT, ROCK
& FIELDS

December 2, 2003

By _____
Scott L. Campbell
Attorneys for Pioneer Irrigation District

LING & ROBINSON

November____, 2003

By _____
Roger D. Ling
Attorneys for A&B Irrigation District, Burley
Irrigation District, Falls Irrigation District, and
Aberdeen-Springfield Canal Company

UNITED STATES BUREAU OF
RECLAMATION

December____, 2003

By _____
E. Gail McGarry

RINGERT CLARK CHTD.

November____, 2003

By _____
Charles L. Honsinger
Attorneys for the City of Caldwell and
Nampa & Meridian Irrigation District

MOFFATT, THOMAS, BARRETT, ROCK
& FIELDS

November____, 2003

By _____
Scott L. Campbell
Attorneys for Pioneer Irrigation District

LING & ROBINSON

November 21, 2003

By _____
Roger D. Ling
Attorneys for A&B Irrigation District, Burley
Irrigation District, Falls Irrigation District, and
Aberdeen-Springfield Canal Company

UNITED STATES BUREAU OF
RECLAMATION

November____, 2003

By _____
E. Gail McGarry

RINGERT CLARK CHTD.

December____, 2003

By _____
Charles L. Honsinger
Attorneys for the City of Caldwell and
Nampa & Meridian Irrigation District

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS

December 2, 2003

By _____
Scott L. Campbell
Attorneys for Pioneer Irrigation District

LING & ROBINSON

November____, 2003

By _____
Roger D. Ling
Attorneys for A&B Irrigation District, Burley Irrigation District, Falls Irrigation District, and Aberdeen-Springfield Canal Company

UNITED STATES BUREAU OF RECLAMATION

December 5, 2003

By E. Gail McGarry
E. Gail McGarry

RIGBY, THATCHER, ANDRUS, RIGBY, KAM & MOELLER

November 24, 2003

By _____
Jerry R. Rigby
Attorneys for Fremont-Madison Irrigation District, Peoples Canal & Irrigation Co., Snake River Valley Irrigation, Idaho Irrigation District, Egin Bench Canals Inc., North Fremont Canal Systems Inc., Progressive Irrigation District, Enterprise Irrigation District, New Sweden Irrigation District, Harrison Canal & Irrigation Company, Burgess Canal & Irrigation, and the Committee of Nine

RECEIVED
DEC - 5 2003
Department of Water Resources

Jeffrey C. Fereday [ISB No. 2719]
Deborah E. Nelson [ISB No. 5711]
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone No. (208) 388-1200
Fax No. (208) 388-1300
S:\CLIENTS\30\116\Notice of Settlement and Motion to Vacate Hearing.DOC

Attorneys for United Water Idaho Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE WATER (WATER RIGHT NOS. 02-2341, 02-2358 & 02-2420) IN THE NAME OF UNITED WATER IDAHO INC.	**NOTICE OF SETTLEMENT AND MOTION TO VACATE HEARING**

Notice of Settlement

Applicant United Water Idaho Inc. ("United Water"), by and through its attorneys of record, Givens Pursley LLP, hereby notifies the Idaho Department of Water Resources ("Department") that it has reached a settlement with all parties in this matter. A copy of the settlement agreement is attached hereto as Exhibit A ("Agreement").

Motion to Vacate Hearing

In light of the settlement of this matter, United Water hereby moves for an order vacating the hearing currently scheduled to begin December 8, 2003.

United Water further requests that the Department note that, as set forth in paragraph 16 of the Agreement, full and final settlement of this matter among the parties will occur when: 1) the Department has issued an order approving the exchange which incorporates the terms in

COPY

paragraphs 7 through 15 of the Agreement; 2) all other conditions of approval are acceptable to the parties; and 3) no party files a petition for reconsideration.

Accordingly, United Water respectfully requests that the Department grant the motion to vacate the hearing and issue an order approving the exchange that incorporates, as conditions to the exchange, the provisions in paragraphs 7-15 of the Agreement. If the Department determines that some other course of action is appropriate, United Water anticipates that it would seek a status conference to determine whether further proceedings are appropriate.

Dated this 5th day of December 2003.

GIVENS PURSLEY LLP

By Jeffrey C. Fereday

Jeffrey C. Fereday
Deborah E. Nelson
Attorneys for United Water Idaho Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December 2003, I caused to be served a true and correct copy of the foregoing document by delivering it to each of the following attorneys of record, by the method indicated below and addressed as follows:

Albert P. Barker John K. Simpson BARKER, ROSHOLT & SIMPSON 205 N. 10th Street, Ste. 520 P.O. Box 2139 Boise, ID 83701-2139	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile
Daniel V. Steenson Charles L. Honsinger S. Bryce Farris RINGERT CLARK 455 S. 3rd Street P.O. Box 2773 Boise, ID 83701-2773	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile
Roger D. Ling LING & ROBINSON 615 H Street P.O. Box 396 Rupert, ID 83350	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile
Scott L. Campbell MOFFATT, THOMAS, BARRETT, ROCK & FIELDS 101 S. Capital Boulevard, 10th Floor P.O. Box 829 Boise, ID 83701-0829	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile
Jerry R. Rigby RIGBY, THATCHER, ANDRUS, RIGBY, KAM & MOELLER 25 N. 2nd E. P.O. Box 250 Rexburg, ID 83440-0250	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile

Kathleen Marion Carr
Office of the Field Solicitor
U.S. Department of the Interior
550 West Fort Street, MSC 020
Boise, ID 83724-0020

[ ] U.S. Mail
[ ] Hand Delivery
[ ] Overnight Mail
[X] Facsimile

Jeffrey C. Fereday

EXHIBIT A

AGREEMENT

This Agreement is entered into by and between Applicant United Water Idaho Inc., including its parent companies and any and all of its subsidiaries ("United Water"); Protestants Pioneer Irrigation District, the Committee of Nine, Nampa and Meridian Irrigation District, the Boise Project Board of Control, Twin Falls Canal Company, North Side Canal Company, A & B Irrigation District, City of Caldwell, Burley Irrigation District, Falls Irrigation District, Aberdeen-Springfield Canal Company, Fremont-Madison Irrigation District, Peoples Canal & Irrigation, Snake River Valley Irrigation, Idaho Irrigation District, Egin Bench Canals, Inc., North Fremont Canal Systems, Inc., Progressive Irrigation District, Enterprise Irrigation District, New Sweden Irrigation District, Harrison Canal & Irrigation Co., Burgess Canal & Irrigation (collectively, the "Protestants"); and the United States Bureau of Reclamation ("Bureau").

RECITALS

1. United Water has purchased licensed water right nos. 02-2341, 02-2358, and 02-2420 on the Snake River in south Ada County (the "Snake River water rights"). Right no. 02-2341 is a 1964-priority right to divert 12.52 cubic feet per second ("cfs") for irrigation of 626 acres of land. Right no. 02-2358 is a 1964-priority right to divert 14.5 cfs for irrigation of 725 acres of land. Right no. 02-2420 is a 1963-priority right to divert 14.08 cfs for irrigation of 704 acres of land. The Snake River water rights share a combined diversion limitation of 35.21 cfs.

2. United Water has filed with the Idaho Department of Water Resources ("IDWR") an application to exchange diversions under the Snake River water rights for diversions of water from the Boise River (the "Exchange"). The water for the Exchange currently is in the Boise River during certain periods in the late spring and summer due to storage releases to augment river flows requested by NOAA Fisheries in its biological opinion on the operation of the Federal Columbia River Power System (the "NOAA Fisheries flow augmentation program").

3. The Bureau manages the reservoirs on the Boise River and has taken steps to accommodate such storage releases, not pursuant to a water right or water right transfer, but through the Idaho Legislature's express temporary authorization of such flow releases in Idaho Code § 42-1763B. Pursuant to this State authority, the Bureau has augmented flows in the Boise and Snake Rivers for several years by releasing up to approximately 400 cubic feet per second ("cfs") of water from its Boise River reservoir system at certain times in the June-through-August period.

4. Under the Exchange, during those times when the Bureau is making flow releases to the Boise River, and provided the other conditions of this Agreement and the Exchange are met, United Water proposes to divert, for irrigation purposes within its service area, up to 35.21 cfs from the Boise River while simultaneously foregoing a like amount of diversions under the Snake River water rights. The amount of flow thus made available under the Snake River water rights would remain in the Snake River to and below the mouth of the Boise River where it would fully replace the depletion occurring, by way of United Water's Boise River diversions, to the water the Bureau releases from storage for the NOAA Fisheries flow augmentation program.

5. The NOAA Fisheries flow augmentation program pertains only to the release of certain storage water by the Bureau for flow augmentation, all pursuant to specific State legislation. The existence of such program does not affect the ability or authority of the State of Idaho to manage its water resources, to process water right, transfer, or exchange applications, or otherwise to authorize beneficial uses of water in Idaho for the benefit of Idaho citizens.

6. The parties wish to accommodate the use of water within the State of Idaho while protecting existing water rights and the prerogatives of irrigators to gain access to storage water.

Therefore, in consideration of the commitments contained herein, the parties agree as follows:

TERMS OF AGREEMENT

7. United Water's diversion from the Boise River under the Exchange shall occur only during times when the Bureau is providing flow augmentation water from Boise River reservoirs pursuant to the NOAA Fisheries flow augmentation program. United Water shall not divert from the Snake River under the Snake River water rights during those times it is diverting under the Exchange from the Boise River, and instead shall leave in the Snake River an amount of water under the Snake River water rights equal to the amount of United Water's Boise River diversions under this Exchange. The release of an equal rate and volume of water under the Snake River water rights is to replace a like amount of water at the mouth of the Boise River that United Water has diverted pursuant to this Exchange. United Water's Boise River diversions under this Exchange shall be:

a. used solely for irrigation purposes within United Water's service area;

b. controlled by the Watermaster for Basin 63 (the "Watermaster");

c. measured through the use of weirs and totalizing flow meters, as approved by the Watermaster, and records of such measurements shall accurately document: diversion rate, volume for identifiable time periods, time periods of diversion, and data to confirm that the water diverted was used solely for irrigation purposes; and

d. reported annually to IDWR and the Watermaster on or before November 1, of each year, which reports shall include the measurement data and records specified in subparagraph 7.c, above.

8. United Water's diversions from the Boise River under this Exchange shall not exceed the lesser of:

a. The instantaneous rate of the Bureau's Boise River reservoir releases for the NOAA Fisheries flow augmentation program, or

b. The instantaneous rate at which water is available in priority under the Snake River water rights and is being delivered in the Snake River and administered in accordance with Idaho law to the confluence of the Boise and the Snake Rivers, not to exceed 35.21 cfs.

9. At any time when the Exchange would otherwise be in effect, if measured or calculated Boise River flows at either of United Water's two alternate points of diversion are less than 240 cfs during the period beginning June 1 and ending February 29, then the Exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, then the Exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal. If the benchmark stream maintenance flows of 240 cfs (from June 1 to February 29) and 1,100 cfs (from March 1 to May 31) subsequently change, then United Water's diversion of Boise River flows will be limited to provide for the new benchmark flows.

10. The Bureau is not expected or required to alter its operations in any way to accommodate the Exchange. The Exchange depends upon the Bureau's release of storage water pursuant only to the Bureau's discretion in fulfilling the terms of Idaho Code § 42-1763B and the NOAA Fisheries flow augmentation program, including the delivery and accounting of such releases by the Boise River Watermaster. United Water is not entitled to demand that any of these storage releases occur or that any release occur at any particular time or in any particular amount.

11. United Water's diversion and use of water from the Boise River pursuant to this Exchange shall not conflict with applicable water bank rules, including any rules governing the Boise River Rental Pool, and shall not adversely affect the ability of any irrigation entity to rent and receive storage water through the Boise River Rental Pool under such rules, including, without limitation, any irrigation entity's entitlement to benefit from the preference for irrigation uses as specified therein.

12. United Water's diversion and use of water from the Boise River pursuant to this Exchange shall be accounted for in United Water's portfolio of water rights that may be recognized now or in the future in relation to any approved planning horizon, existing water rights holdings, or future needs volume. The Snake River water rights shall not be diverted from alternate points of diversion for United Water's ground water rights.

13. Approval of this Exchange by IDWR is not part of and does not support the NOAA Fisheries Program, and shall not be construed to be a part of or to support the NOAA Fisheries Program. However, if NOAA Fisheries or any court determines that this Exchange inhibits the Bureau's ability to comply with the flow augmentation program, then Boise River diversions under the Exchange will terminate until such time, if ever, that NOAA Fisheries or

such court determines the Exchange does not inhibit the Bureau's ability to comply with the flow augmentation program.

14. Approval of this exchange by IDWR has no bearing upon the status of claims to Boise River storage water that are or that may be filed in the Snake River Basin Adjudication and has no bearing upon any contract with the Bureau for the storage and use of water in the Boise River reservoirs.

15. The Department monitors the below-Milner Snake River reach at the Murphy gage. At any point the Department, or any future watermaster on this reach, determines all or a portion of the Initial Butte water rights are out of priority (i.e. that there is an insufficient amount of flow in the Snake River to fill all or a portion of those water rights), the Department or watermaster will immediately notify the Basin 63 Watermaster on the Boise River. In turn, the Basin 63 Watermaster will preclude diversion of a comparable amount of Boise River water under this Exchange as is currently unavailable to fill the Initial Butte water rights on the Snake River.

16. Once the terms specified in paragraphs 7-15, above, are incorporated by IDWR in its preliminary order for this Exchange, all other conditions of approval are acceptable to the parties, and no party files a petition for reconsideration, the Protestants shall withdraw their protests to the Exchange.

17. The Exchange is not a part of, and is not pursued to support, the NOAA Fisheries flow augmentation program or the Bureau's actions in accommodating it. No party to this Agreement shall cite or refer to this Agreement or the Exchange as precedent, rationale, or support for the continuation, extension, or renewal of the NOAA Fisheries program or any successor program pursuant to which any federal agency seeks the release of storage water for stream flow enhancement in the Boise or Snake Rivers to support anadromous fish passage in the Snake River system.

18. The parties recognize and agree that there are competing claims in the Snake River Basin Adjudication for a portion of the water that is stored in the Boise River reservoirs and is currently released as part of NOAA Fisheries flow augmentation program in the Boise or Snake Rivers. No party to this Agreement shall cite or refer to this Agreement or the Exchange as precedent, rationale, or support for the denial, existence or waiver of such claims. Nor shall any party to this Agreement cite or refer to this Agreement or the Exchange as a precedent, rationale, or support for the denial, renewal or extension of any contract with the Bureau for the storage and use of water in the Boise River reservoirs.

19. The parties agree that IDWR's approval of this Exchange is not a determination that diversion and use of water under the Exchange by United Water as a municipal provider constitutes use of the water for irrigation purposes in any other context, and no party shall cite or refer to this Exchange as precedent, rationale, or support for such a position in any other context, proceeding, or matter involving irrigation water rights. In addition, the parties agree that this

Exchange Agreement shall neither be cited nor referred to as precedent, rationale, or support for any position in any other context or proceeding except as may otherwise be required to enforce this Agreement.

20. United Water shall take no action, directly or indirectly, seeking to eliminate or reduce the preference for irrigation entities in obtaining rentals of Boise River storage water as such preference currently is expressed in the Boise River Rental Pool rules.

21. The above recitals are hereby incorporated into the Terms of this Agreement.

22. Those provisions of this Agreement not incorporated into the IDWR order approving this Exchange shall be enforceable, pursuant to the terms hereof, as a binding contract under the laws of Idaho, and shall bind the parties, their successors and assigns so long as the Exchange remains in effect; provided, that if the Exchange is terminated or becomes ineffective, the provisions of paragraph 19, above, shall survive such termination or ineffectiveness.

23. If the parties to this Agreement proceed to enforce its terms in court, the prevailing party shall receive an award of costs of suit and attorney fees actually incurred, which amount shall be paid by the non-prevailing party.

24. This Agreement may be executed in counterparts.

GIVENS PURSLEY LLP

December 2, 2003

By Jeffrey C. Fereday
Jeffrey C. Fereday
Attorneys for United Water Idaho Inc.

BARKER, ROSHOLT & SIMPSON

December____, 2003

By _____
Albert P. Barker
Attorneys for Boise Project Board of Control

BARKER, ROSHOLT & SIMPSON

December____, 2003

By _____
John K. Simpson
Attorneys for Twin Falls Canal Company and
North Side Canal Company

Exchange Agreement shall neither be cited nor referred to as precedent, rationale, or support for any position in any other context or proceeding except as may otherwise be required to enforce this Agreement.

20. United Water shall take no action, directly or indirectly, seeking to eliminate or reduce the preference for irrigation entities in obtaining rentals of Boise River storage water as such preference currently is expressed in the Boise River Rental Pool rules.

21. The above recitals are hereby incorporated into the Terms of this Agreement.

22. Those provisions of this Agreement not incorporated into the IDWR order approving this Exchange shall be enforceable, pursuant to the terms hereof, as a binding contract under the laws of Idaho, and shall bind the parties, their successors and assigns so long as the Exchange remains in effect; provided, that if the Exchange is terminated or becomes ineffective, the provisions of paragraph 19, above, shall survive such termination or ineffectiveness.

23. If the parties to this Agreement proceed to enforce its terms in court, the prevailing party shall receive an award of costs of suit and attorney fees actually incurred, which amount shall be paid by the non-prevailing party.

24. This Agreement may be executed in counterparts.

GIVENS PURSLEY LLP

December ___, 2003

By _____
Jeffrey C. Fereday
Attorneys for United Water Idaho Inc.

BARKER, ROSHOLT & SIMPSON

December 3, 2003

By _____
Albert P. Barker
Attorneys for Boise Project Board of Control

BARKER, ROSHOLT & SIMPSON

December 3, 2003

By _____
John K. Simpson
Attorneys for Twin Falls Canal Company and North Side Canal Company

and North Side Canal Company

RINGERT CLARK CHTD.

December 2, 2003

By Charles L. Honsinger
Charles L. Honsinger
Attorneys for the City of Caldwell and Nampa & Meridian Irrigation District

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS

December____, 2003

By _____
Scott L. Campbell
Attorneys for Pioneer Irrigation District

LING & ROBINSON

November____, 2003

By _____
Roger D. Ling
Attorneys for A&B Irrigation District, Burley Irrigation District, Falls Irrigation District, and Aberdeen-Springfield Canal Company

UNITED STATES BUREAU OF RECLAMATION

December____, 2003

By _____
E. Gail McGarry

RIGBY, THATCHER, ANDRUS, RIGBY, KAM & MOELLER

November ___, 2003

By _____
Jerry R. Rigby
Attorneys for Fremont-Madison Irrigation District, Peoples Canal & Irrigation Co., Snake River Valley Irrigation, Idaho Irrigation District, Egin Bench Canals Inc., North Fremont Canal

RINGERT CLARK CHTD.

December____, 2003

By _____
Charles L. Honsinger
Attorneys for the City of Caldwell and
Nampa & Meridian Irrigation District

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS

December 2, 2003

By _____
Scott L. Campbell
Attorneys for Pioneer Irrigation District

LING & ROBINSON

November____, 2003

By _____
Roger D. Ling
Attorneys for A&B Irrigation District, Burley Irrigation District, Falls Irrigation District, and Aberdeen-Springfield Canal Company

UNITED STATES BUREAU OF RECLAMATION

December____, 2003

By _____
E. Gail McGarry

RINGERT CLARK CHTD.

November____, 2003

By _____
Charles L. Honsinger
Attorneys for the City of Caldwell and
Nampa & Meridian Irrigation District

MOFFATT, THOMAS, BARRETT, ROCK
& FIELDS

November____, 2003

By _____
Scott L. Campbell
Attorneys for Pioneer Irrigation District

LING & ROBINSON

November 24, 2003

By _____
Roger D. Ling
Attorneys for A&B Irrigation District, Burley
Irrigation District, Falls Irrigation District, and
Aberdeen-Springfield Canal Company

UNITED STATES BUREAU OF
RECLAMATION

November____, 2003

By _____
E. Gail McGarry

RINGERT CLARK CHTD.

December___, 2003

By _____
Charles L. Honsinger
Attorneys for the City of Caldwell and
Nampa & Meridian Irrigation District

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS

December 2, 2003

By _____
Scott L. Campbell
Attorneys for Pioneer Irrigation District

LING & ROBINSON

November___, 2003

By _____
Roger D. Ling
Attorneys for A&B Irrigation District, Burley Irrigation District, Falls Irrigation District, and Aberdeen-Springfield Canal Company

UNITED STATES BUREAU OF RECLAMATION

December 5, 2003

By E. Gail McGarry
E. Gail McGarry

RIGBY, THATCHER, ANDRUS, RIGBY, KAM & MOELLER

November 24, 2003

By _____
Jerry R. Rigby
Attorneys for Fremont-Madison Irrigation District, Peoples Canal & Irrigation Co., Snake River Valley Irrigation, Idaho Irrigation District, Egin Bench Canals Inc., North Fremont Canal Systems Inc., Progressive Irrigation District, Enterprise Irrigation District, New Sweden Irrigation District, Harrison Canal & Irrigation Company, Burgess Canal & Irrigation, and the Committee of Nine

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 20, 2003

E. Gail McGarry
Program Manager
Water Rights and Acquisition
U. S. Dept. of Interior
Bureau of Reclamation
PN-3100
1150 North Curtis Rd., Ste 100
Boise, ID 83706-1234

Re: United Water Idaho Application to Exchange Water Right nos. 02-2341, 02-2358 and 02-2420

Dear Ms. McGarry:

You sent a letter to me in June 2003 inquiring whether conditions contained in a settlement agreement resulting in a withdrawal of the Bureau's protest to the United Water Exchange would be acceptable to IDWR. The agreement provided that the following language would be included in a department approval of the application for permit.

> At any time when the exchange would otherwise be in effect, if measured or calculated Boise River flows at either of the two alternate points of diversion are less than 240 cfs during the period beginning June 16 and ending February 29, then the exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, then the exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal.

IDWR reviewed the above language. It is similar to language included in similar earlier approvals. The language will be included in its entirety in any subsequent approval issued by IDWR if the application for exchange is approved.

Sincerely,

Gary Spackman

Cc: Region
Service List

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of November 2003, the above and foregoing **Letter to E. Gail McGarry** was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

JEFFREY C FEREDAY
DEBORAH E NELSON
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

SCOTT L CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829

ALBERT P BARKER
JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139

DANIEL V STEENSON
CHARLES H HONSINGER
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

JOHN K SIMPSON
TRAVIS L THOMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139

JERRY RIGBY
RIGBY THATCHER ANDRUS RIGBY
KAM & MOELLER CHTD
PO BOX 250
REXBURG ID 83440-0250

ROGER D LING
LING & ROBINSON
PO BOX 396
RUPERT ID 83350

KATHLEEN MARION CARR
OFFICE OF THE FIELD SOLICITOR
US DEPT OF INTERIOR
550 W FORT ST MSC-020
BOISE ID 83724

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

IN AND FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 IN THE NAME OF UNITED WATER IDAHO, INC.	))))))	**SECOND NOTICE OF HEARING**

On July 31, 2003, the Idaho Department of Water Resources (IDWR) issued a Notice of Hearing scheduling the above-referenced matter presently before the department as a protested matter for hearing for October 15th & 16th, 2003.

On October 14, 2003 the IDWR received a Notice of Settlement Progress and Unopposed Motion to Reschedule Hearing filed by the applicant, United Water Idaho, Inc., filed by their counsel of record. The parties are in the process of settlement negotiations and request that additional time be granted for continuation of settlement related to the protested application. The IDWR accepted the parties' postponement and responded by emailing a response to counsel of record for interested parties on October 14, 2003, hereby vacating the hearing set for October 15 & 16, 2003.

The Order Denying Motion for Order Authorizing Discovery and Prehearing Order issued on September 30, 2003, required an exchange of information prior to the hearing. Because the hearing is rescheduled as set forth below, each party shall provide to the other parties and hearing officer on or before **December 1, 2003** the following:

1. A list of witnesses the party intends to call at the hearing. Please specifically identify any person who will testify as an expert witness.

2. Copies of exhibits that will be offered at the hearing. If the exhibit is difficult to copy or fax, a general description of the exhibit will suffice.

SECOND NOTICE OF HEARING

PLEASE TAKE NOTICE that the hearing in this matter has been rescheduled for **December 8th & 9th, 2003, beginning at 9:00 a.m.,** at the offices of the Idaho Department of Water Resources, State Office in Conference Rooms A&B, located at 1301 N. Orchard St., Boise, Idaho.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the department. IDAPA 37.01.01. A copy of the rules may be obtained from the department upon request.

The hearing will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within twenty-four hours prior to the hearing. Inquires about scheduling, hearing facilities, etc., should be directed to Deborah Gibson, Administrative Assistant, Idaho Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706-2237, telephone: (208) 327-7953, fax: (208) 327-7866.

Dated this 7th day of November, 2003.

Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2003, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

JEFFREY C FEREDAY
DEBORAH E NELSON
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

SCOTT L CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829

ALBERT P BARKER
JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139

DANIEL V STEENSON
CHARLES H HONSINGER
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

cc'd Western 11/10/03 dg

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

JUN 0 9 2003

RECEIVED
JUN 1 0 2003
WATER RESOURCES
WESTERN REGION

IN REPLY
REFER TO:

PN-3100
WTR-1.10

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: United Water Idaho, Inc. – Initial Butte Exchange

Dear Mr. Spackman:

As you know, United Water and the Bureau of Reclamation have reached a settlement (enclosed) of the subject exchange provided certain conditions were included in the approved exchange by the Idaho Department of Water Resources. It has come to our attention, through other settlements of protests, that IDWR may have changed its policy regarding the inclusion of certain conditions that have been agreed to in stipulations to water right contested cases in the water right permits and licenses. Therefore, we would like to know the views of IDWR with regards to including in the water right the stipulated provisions that United Water and Reclamation have negotiated in this case.

It is our belief that these conditions should be acceptable to IDWR, because they are similar to conditions that IDWR has found acceptable for other water right approvals. Specifically, the condition covered by paragraph 6 of the stipulation is similar to one Mr. Glen Saxton recently indicated was acceptable for Permit No. 63-31409. The conditions covered in paragraph 2 of the stipulation are similar to those issued in a previously approved exchange signed by Mr. Saxton in July 22, 1999 (Exchange of Permit 63-12055 and Water Right 02-02339).

However, if the negotiated provisions are not acceptable to IDWR, then it is our view that Reclamation's protest would not be legally effectuated and Reclamation will have our attorney participate in the contested case proceedings currently underway to protect its legal interest to the extent identified and provided for through the negotiated Stipulation.

Sincerely,

E. Gail McGarry
Program Manager
Water Rights and Acquisition

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June 2003, I served a true and correct copy of the foregoing **Letter by the Bureau of Reclamation,** dated June 9, 2003, by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

Albert P. Barker, Esq.
Barker, Rosholt & Simpson
205 North 10th, Suite 520
P.O. Box 2139
Boise, ID 83701-2139

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Daniel V. Steenson, Esq.
Charles L. Honsinger, Esq.
S. Bryce Farris, Esq.
Ringert Clark, Chartered
455 S. Third Street
P.O. Box 2773
Boise, ID 83701-2773

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

John K. Simpson, Esq.
Travis L. Thompson, Esq.
Barker, Rosholt & Simpson
205 North 10th, Suite 520
P.O. Box 2139
Boise, ID 83701-2139

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Scott L. Campbell, Esq.
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Jerry Rigby, Esq.
Rigby, Thatcher, Andrus, Rigby, Kam & Moeller, Chtd.
25 N. 2nd E, P.O. Box 250
Rexburg, ID 83440-0250

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Roger D. Ling, Esq.
Ling & Robinson
615 H St.
P.O. Box 396
Rupert, ID 83350

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Jeffrey Fereday, Esq.
Debora Nelson, Esq.
Givens Pursely LLP
P.O. Box 2720
Boise, ID 83701

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

RECEIVED
FEB 14 2003
WATER RESOURCES
WESTERN REGION

Jeffrey C. Fereday ISB #2719
Deborah E. Nelson ISB #5711
GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
S:\CLIENTS\30\116\Stipulation and Withdrawal of Protest (Bureau).DOC

COPY

Attorneys for United Water Idaho Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420	**STIPULATION AND WITHDRAWAL OF PROTEST**

RECITALS

1. This agreement is entered into by United Water Idaho Inc. ("United Water") and the United States Department of Interior, acting through the Bureau of Reclamation ("Bureau").

2. On December 19, 2002, United Water filed an Application for Exchange of Water ("Application") with regard to Water Right Nos. 02-2341, 02-2358, and 02-2420 ("Snake River Water Rights") with the Idaho Department of Water Resources ("Department"). The purpose of the Application is to exchange deliveries under the Snake River water rights for fish augmentation flows released by the Bureau in the Boise River. The Application is accompanied by an Attachment A, which sets forth several conditions that are hereby incorporated by reference into this Stipulation.

3. On January 27, 2003, United Water filed an Amended Application for Exchange of Water ("Amended Application") with the Department. The Amended Application is identical to the Application, except that an alternate point of diversion is added. The description and

conditions set forth in Attachment A to the Amended Application are the same as in the Application and are hereby incorporated by reference into this Stipulation.

4. On February 3, 2003, the Bureau filed a protest to the Application.

5. To resolve the Bureau's protest, the parties have negotiated an additional condition to those set forth in Attachment A to the Amended Application to be included in any approval by the Department of the Amended Application. The additional condition is set forth in paragraph 6 below.

STIPULATION AND WITHDRAWAL OF PROTEST

6. In consideration of the above recitals and with the understanding that the following condition shall become part of any approval of United Water's Amended Application, the Bureau hereby withdraws its protest to the Application and agrees not to file any protest to the Amended Application:

> At any time when the exchange would otherwise be in effect, if measured or calculated Boise River flows at either of the two alternate points of diversion are less than 240 cfs during the period beginning June 16 and ending February 29, then the exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, then the exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal.

7. United Water agrees and requests this condition be incorporated into any approval of its Amended Application.

DATED this 14th day of February 2003.

Counsel for United Water Idaho Inc.

E. Gail McGarry,
Program Manager, Water Rights and Acquisition,
Pacific Northwest Region, Bureau of Reclamation.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February 2003, I served a true and correct copy of the foregoing STIPULATION AND WITHDRAWAL OF PROTEST by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

Scott L. Campbell, Esq.
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capital Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829

X U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

E. Gail McGarry, P.E.
Program Manager
Water Rights & Acquisitions
Pacific Northwest Region
U.S. Bureau of Reclamation
1150 N. Curtis Road
Boise, ID 83706-1234

X U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Deborah E. Nelson

Gibson, Deborah

From: Spackman, Gary
Sent: Tuesday, October 14, 2003 3:32 PM
To: Gibson, Deborah
Subject: FW: United Water Exchange Hearing

-----Original Message-----
From: Spackman, Gary
Sent: Tuesday, October 14, 2003 3:29 PM
To: 'Jeffrey C. Fereday'; Albert Barker; John Simpson; Scott Campbell; Charles Honsinger; Bryce Farris; Rigby, Jerry (IWRB Member); Roger Ling
Subject: United Water Exchange Hearing

Gentlemen,

Jeff Fereday represents that all the parties to the contested case for the United Water Exchange application have agreed to vacate the hearing scheduled for tomorrow, October 15 and the next day, October 16. I believe the motion to vacate the hearing has been filed or will be filed shortly.

As a result of Jeff's statements to me, I am not planning to conduct the hearing tomorrow, and I do not expect you to be here for the hearing. I hope the parties can settle the dispute.

Jeff asked that I reschedule the hearing in late November or December. I propose rescheduling the hearing for the week of December 8, 2003. If final negotiations collapse, please inform me whether these days are acceptable.

Gary Spackman

-----Original Message-----
From: Jeffrey C. Fereday [mailto:JeffFereday@givenspursley.com]
Sent: Tuesday, October 14, 2003 2:32 PM
To: Gary Spackman
Cc: Albert Barker; John Simpson; Scott Campbell; Charles Honsinger; Bryce Farris; Jerry R. Rigby; Roger Ling
Subject: Email addresses

Gary:

As promised, I am sending the email addresses of the counsel to protestants in the United Water exchange matter (all listed here as cc's). You will be receiving our motion this afternoon.

Jeff Fereday

RECEIVED
OCT 14 2003
Department of Water Resources

Jeffrey C. Fereday [ISB No. 2719]
Deborah E. Nelson [ISB No. 5711]
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone No. (208) 388-1200
Fax No. (208) 388-1300

Attorneys for United Water Idaho Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE WATER (WATER RIGHT NOS. 02-2341, 02-2358 & 02-2420) IN THE NAME OF UNITED WATER IDAHO INC.	**NOTICE OF SETTLEMENT PROGRESS AND UNOPPOSED MOTION TO RESCHEDULE HEARING**

Notice and Motion

Applicant United Water Idaho Inc. ("United Water"), by and through its counsel, hereby notifies the Idaho Department of Water Resources ("Department") that it has reached verbal agreement on terms to settle the protests in this matter with all but one of the Protestants, that this one Protestant is currently considering the settlement, and that United Water reasonably anticipates reaching formal written agreement with all parties soon. United Water therefore moves for an order rescheduling the hearing currently scheduled for October 15, 2003 to a date within 30 days after November 15. Counsel for the Protestants have given the undersigned authority to file this as an unopposed motion.

Statement of Points

The proposed settlement still is being reviewed by the only Protestant who has not yet provided verbal agreement to its terms. Furthermore, the current agreement obligates United

ORIGINAL

Water to obtain the signature of a non-party (the Bureau of Reclamation) and will be effective only if the Department's order approving United Water's exchange application includes certain conditions. Therefore, much progress has been made, but there is still some work to do. United Water is confident the parties will make every effort to complete these steps in the coming days. Nevertheless, United Water believes it is appropriate to reschedule the hearing for a date in the near future so the parties are spared the expense of a hearing while these presumably final steps are taken toward settlement.

At the same time, rescheduling the hearing will allow this case to move forward efficiently if a full settlement is not achieved. Accordingly, United Water respectfully requests that the October 15, 2003 hearing be vacated and rescheduled to occur, if necessary, on a date between November 15 and December 12, 2003.

In the meantime, United Water will keep the Department informed of progress toward full settlement and will meet with the Department as necessary regarding acceptance of the settlement conditions.

DATED this 14th day of October 2003.

GIVENS PURSLEY LLP

By Jeffrey C. Fereday

Jeffrey C. Fereday
Deborah E. Nelson
Attorneys for United Water Idaho Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of October 2003, I caused to be served a true and correct copy of the foregoing document by delivering the same to each of the following attorneys of record, by the method indicated below and addressed as follows:

Albert P. Barker
John K. Simpson
BARKER, ROSHOLT & SIMPSON
205 N. 10th Street, Ste. 520
P.O. Box 2139
Boise, ID 83701-2139

[ ] U.S. Mail
[X] Hand Delivery
[ ] Overnight Mail
[ ] Facsimile

Daniel V. Steenson
Charles L. Honsinger
S. Bryce Farris
RINGERT CLARK
455 S. 3rd Street
P.O. Box 2773
Boise, ID 83701-2773

[ ] U.S. Mail
[X] Hand Delivery
[ ] Overnight Mail
[ ] Facsimile

Roger D. Ling
LING & ROBINSON
615 H Street
P.O. Box 396
Rupert, ID 83350

[ ] U.S. Mail
[ ] Hand Delivery
[ ] Overnight Mail
[X] Facsimile

Scott L. Campbell
MOFFATT, THOMAS, BARRETT,
ROCK & FIELDS
101 S. Capital Boulevard, 10th Floor
P.O. Box 829
Boise, ID 83701-0829

[ ] U.S. Mail
[X] Hand Delivery
[ ] Overnight Mail
[ ] Facsimile

Jerry R. Rigby
RIGBY, THATCHER, ANDRUS, RIGBY,
KAM & MOELLER
25 N. 2nd E.
P.O. Box 250
Rexburg, ID 83440-0250

[ ] U.S. Mail
[ ] Hand Delivery
[ ] Overnight Mail
[X] Facsimile

Jeffrey C. Fereday

Jeffrey C. Fereday

FAX COVER SHEET

DATE: October 14, 2003

PAGES (INCLUDING COVER): 4

ORIGINAL TO FOLLOW: Yes

RE: UWID – Initial Butte Exchange
Client/Matter No. 30-116

JEFFREY C. FEREDAY
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1217
Fax: (208) 388-1300
Email: jcf@givenspursley.com
Website: www.givenspursley.com

TO: Gary Spackman
Idaho Department of Water Resources

Phone: 327-7900
Fax: 327-7866

RECEIVED
OCT 14 2003
Department of Water Resources

MESSAGE:

If this fax does not transmit fully or is difficult to read, please contact Heidi Meier at (208) 388-1234.

CONFIDENTIALITY NOTICE

This facsimile may contain confidential information that is protected by the attorney-client or work product privilege. It is intended only for the use of the individual(s) named above. If you are not a named recipient or an employee responsible for delivering the facsimile, you are instructed not to deliver, distribute or copy this facsimile, nor should you disclose its contents or take any action in reliance on the information it contains. If you have received this facsimile in error, please notify us immediately by telephone to arrange for the return of the transmitted documents to us. Thank you.

S:\CLIENTS\30\116\JCF to Spackman.DOC

Jeffrey C. Fereday [ISB No. 2719]
Deborah E. Nelson [ISB No. 5711]
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone No. (208) 388-1200
Fax No. (208) 388-1300

Attorneys for United Water Idaho Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE WATER (WATER RIGHT NOS. 02-2341, 02-2358 & 02-2420) IN THE NAME OF UNITED WATER IDAHO INC.	**NOTICE OF SETTLEMENT PROGRESS AND UNOPPOSED MOTION TO RESCHEDULE HEARING**

Notice and Motion

Applicant United Water Idaho Inc. ("United Water"), by and through its counsel, hereby notifies the Idaho Department of Water Resources ("Department") that it has reached verbal agreement on terms to settle the protests in this matter with all but one of the Protestants, that this one Protestant is currently considering the settlement, and that United Water reasonably anticipates reaching formal written agreement with all parties soon. United Water therefore moves for an order rescheduling the hearing currently scheduled for October 15, 2003 to a date within 30 days after November 15. Counsel for the Protestants have given the undersigned authority to file this as an unopposed motion.

Statement of Points

The proposed settlement still is being reviewed by the only Protestant who has not yet provided verbal agreement to its terms. Furthermore, the current agreement obligates United

Water to obtain the signature of a non-party (the Bureau of Reclamation) and will be effective only if the Department's order approving United Water's exchange application includes certain conditions. Therefore, much progress has been made, but there is still some work to do. United Water is confident the parties will make every effort to complete these steps in the coming days. Nevertheless, United Water believes it is appropriate to reschedule the hearing for a date in the near future so the parties are spared the expense of a hearing while these presumably final steps are taken toward settlement.

At the same time, rescheduling the hearing will allow this case to move forward efficiently if a full settlement is not achieved. Accordingly, United Water respectfully requests that the October 15, 2003 hearing be vacated and rescheduled to occur, if necessary, on a date between November 15 and December 12, 2003.

In the meantime, United Water will keep the Department informed of progress toward full settlement and will meet with the Department as necessary regarding acceptance of the settlement conditions.

DATED this 14th day of October 2003.

GIVENS PURSLEY LLP

By Jeffrey C. Fereday

Jeffrey C. Fereday
Deborah E. Nelson
Attorneys for United Water Idaho Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of October 2003, I caused to be served a true and correct copy of the foregoing document by delivering the same to each of the following attorneys of record, by the method indicated below and addressed as follows:

Albert P. Barker John K. Simpson BARKER, ROSHOLT & SIMPSON 205 N. 10th Street, Ste. 520 P.O. Box 2139 Boise, ID 83701-2139	[ ] U.S. Mail [X] Hand Delivery [ ] Overnight Mail [ ] Facsimile
Daniel V. Steenson Charles L. Honsinger S. Bryce Farris RINGERT CLARK 455 S. 3rd Street P.O. Box 2773 Boise, ID 83701-2773	[ ] U.S. Mail [X] Hand Delivery [ ] Overnight Mail [ ] Facsimile
Roger D. Ling LING & ROBINSON 615 H Street P.O. Box 396 Rupert, ID 83350	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile
Scott L. Campbell MOFFATT, THOMAS, BARRETT, ROCK & FIELDS 101 S. Capital Boulevard, 10th Floor P.O. Box 829 Boise, ID 83701-0829	[ ] U.S. Mail [X] Hand Delivery [ ] Overnight Mail [ ] Facsimile
Jerry R. Rigby RIGBY, THATCHER, ANDRUS, RIGBY, KAM & MOELLER 25 N. 2nd E. P.O. Box 250 Rexburg, ID 83440-0250	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [X] Facsimile

Jeffrey C. Fereday

RECEIVED
OCT 10 2003
Department of Water Resources

Jeffrey C. Fereday [ISB No. 2719]
Deborah E. Nelson [ISB No. 5711]
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone No. (208) 388-1200
Fax No. (208) 388-1300
S:\CLIENTS\30\116\UWID Exhibit & Witness Lists.DOC

Attorneys for United Water Idaho Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE WATER (WATER RIGHT NOS. 02-2341, 02-2358 & 02-2420) IN THE NAME OF UNITED WATER IDAHO INC.	**APPLICANT UNITED WATER IDAHO INC.'S EXHIBIT AND WITNESS LISTS**

Pursuant to the Hearing Officer's Order dated September 30, 2003, Applicant United Water, by and through its counsel of record, Givens Pursley LLP, hereby submits its exhibit and witness lists to IDWR and all parties to the above-captioned matter.

United Water reserves the right to supplement its exhibit and witness lists prior to or at the time of the hearing currently scheduled for October 15, 2003.

DATED this 10th day of October 2003.

GIVENS PURSLEY LLP

By Jeffrey C. Fereday
Jeffrey C. Fereday
Attorneys for United Water Idaho Inc.

ORIGINAL

APPLICANT UNITED WATER IDAHO INC.'S EXHIBIT LIST

No.	Description
1	01/27/03 Amended Application for Exchange of Water (re Initial Butte)
2	12/27/02 Memorandum from Steve Lester to File (re Initial Butte Exchange)
3	1987 NAPP photos (re water use at Initial Butte Farms)
4	06/26/02 Deed of Conservation Easement (for Initial Butte Farms)
5	02/14/03 Stipulation and Withdrawal of Protest by Bureau (re Initial Butte Exchange)
6	04/07/98 Letter from Karl Dreher to Mike Creamer (re Municipal Water Use)
7	07/22/99 IDWR Order (re Wilson Exchange)
8	01/08/99 Letter from Bureau of Reclamation to Jeff Fereday (re Wilson Exchange)

APPLICANT UNITED WATER IDAHO INC.'S WITNESS LIST

No.	Name and Address
1	Scott Rhead United Water Idaho Inc. 8248 W. Victory Road Boise, ID 83719
2	Steve Lester Idaho Department of Water Resources 2735 Airport Way Boise, ID 83705

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October 2003, I caused to be served a true and correct copy of the foregoing document by delivering the same to each of the following attorneys of record, by the method indicated below and addressed as follows:

Albert P. Barker John K. Simpson BARKER, ROSHOLT & SIMPSON 205 N. 10th Street, Ste. 520 P.O. Box 2139 Boise, ID 83701-2139	[ ] U.S. Mail [✓] Hand Delivery [ ] Overnight Mail [ ] Facsimile
Daniel V. Steenson Charles L. Honsinger S. Bryce Farris RINGERT CLARK 455 S. 3rd Street P.O. Box 2773 Boise, ID 83701-2773	[ ] U.S. Mail [✓] Hand Delivery [ ] Overnight Mail [ ] Facsimile
Roger D. Ling LING & ROBINSON 615 H Street P.O. Box 396 Rupert, ID 83350	[ ] U.S. Mail [✓] Hand Delivery [ ] Overnight Mail [✓] Facsimile
Scott L. Campbell MOFFATT, THOMAS, BARRETT, ROCK & FIELDS 101 S. Capital Boulevard, 10th Floor P.O. Box 829 Boise, ID 83701-0829	[ ] U.S. Mail [✓] Hand Delivery [ ] Overnight Mail [ ] Facsimile
Jerry R. Rigby RIGBY, THATCHER, ANDRUS, RIGBY, KAM & MOELLER 25 N. 2nd E. P.O. Box 250 Rexburg, ID 83440-0250	[ ] U.S. Mail [ ] Hand Delivery [ ] Overnight Mail [✓] Facsimile

Jeffrey C. Fereday

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE WATER (WATER RIGHT NOS. 02-2341, 02-2358, & 02-2420) IN THE NAME OF UNITED WATER IDAHO INC.	)))))	**ORDER DENYING MOTION FOR ORDER AUTHORIZING DISCOVERY AND PREHEARING ORDER**

The Idaho Department of Water Resources (IDWR) scheduled a hearing to be conducted on October 15 & 16, 2003 for the contested case created by protests filed against the above listed applications.

On September 8, 2003, the applicant filed a motion for an order authorizing discovery with IDWR.

IDWR's Rules of Procedure allow 14 days for a nonmoving party to answer a motion. Answers from the nonmoving parties were due on or before September 22, 2003.

Because of the short time remaining before the hearing, it is inappropriate for IDWR to issue a general order authorizing discovery or an order that will only allow one party to begin discovery. Nonetheless, IDWR often requires that the parties disclose some information before the hearing. As a result, IDWR issues the following order related to the motion for an order authorizing discovery and hearing preparation.

ORDER

IT IS HEREBY ORDERED that the applicant's Motion for an Order Authorizing Discovery is **DENIED.**

IT IS FURTHER ORDERED that, in order to prepare for the upcoming hearing, **each party shall provide to the other parties and the hearing officer on or before October 13, 2003:**

1. A list of witnesses the party intends to call at the hearing. Please specifically identify any person who will testify as an expert witness.
2. Copies of exhibits that will be offered at the hearing. If the exhibit is difficult to copy or fax, a general description of the exhibit will suffice.

The parties shall make a good faith effort to provide the information listed above. Because of the short deadlines, comprehensive and complete submittal may not be possible. Failure to submit all information will not result in limitations or sanctions at the hearing unless the hearing officer finds that a party did not make a good faith effort to submit the information.

Dated this 30th day of September, 2003.

Gary Spackman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of Sept., 2003, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

JEFFREY C FEREDAY
DEBORAH E NELSON
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

ALBERT P BARKER
JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139

DANIEL V STEENSON
CHARLES HONSINGER
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

SCOTT L CAMPBELL
MOFFAT THOMAS
PO BOX 829
BOISE ID 83701

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 12, 2003

Re: Application for Exchange of Water Right numbers 02-02341, 02-02358, & 02-0248 in the name of United Water Idaho, Inc.

Dear interested parties:

On June 27, 2003, the Idaho Department of Water Resources ("IDWR") conducted a prehearing conference for the contested case created by protests filed against the United Water Exchange referenced above. At the prehearing conference, we discussed conducting a hearing on October 15 & 16, 2003. To facilitate preparation for hearing, the parties agreed to conduct another prehearing conference the end of July. If negotiations were not complete, the parties agreed they would determine a schedule for preparation of the hearing in October.

I received a telephone call during mid-July from Jeff Fereday, attorney for United Water, who stated he had a conflict with the prearranged time for the prehearing conference, and asked that I delay the scheduling of a prehearing conference to allow time for additional negotiations.

On September 8, 2003, I received a Motion for Order Authorizing Discovery from United Water. With approximately one (1) month remaining before the beginning of the hearing, I question whether there is sufficient time for service and return of responses to discovery requests as well as the digestion of those requests prior to the hearing. It may be that the parties will require additional time in follow-up discovery or even depositions of witnesses prior to the conduct of the hearing. Furthermore, the IDWR's rules of procedure grant a non-moving party 14-days to respond to a motion. Unless the parties stipulate to a short period of discovery, I do not believe the petition for discovery can be approved without vacating the hearing.

If I hear nothing further from the parties regarding a different plan, I will wait 14-days from September 8, 2003 for a response to the motion. Following the expiration of 14-days, I will issue an order related to discovery. If I grant the motion for discovery, I will vacate the hearing scheduled for October 15 & 16, 2003 and send out calendars seeking available dates approximately three to four months from the date of the order.

In addition, IDWR staff forwarded me an email sent by Deborah Nelson asking for review of a proposed condition for settlement. A copy of the email exchange is enclosed. I view this forwarding of email as exparte communication, and am distributing

the document to all of you. I have not spoken to department staff about the document nor have I discussed it with any of the parties. Nonetheless, I have some reservations about the proposed condition.

Sincerely,

Gary Spackman
Bureau Chief
Water Allocation Bureau

Enclosure

Cc: Deborah Nelson, Givens Pursley
Albert Barker, Boise Board of Control
S. Bryce Farris, Nampa-Meridian Irrig. Dist.
Charles H. Honsinger, City of Caldwell
Scott Campbell, Pioneer Irrigation Dist.
John K. Simpson, Twin Falls Canal Co.
Phil Rassier, AG - IDWR
IDWR - Western Region

Spackman, Gary

From: Rassier, Phil
Sent: Tuesday, September 02, 2003 5:37 PM
To: Spackman, Gary; Westra, John; Peppersack, Jeff
Cc: Saxton, Glen
Subject: FW: draft administration language

Deb Nelson representing United Water would like our reaction to the language in the third paragraph below as a proposed condition for the Butte Exchange, which would exchange water under a natural flow right on the Snake with storage water on the Boise. Deb would like to hear back this week if possible.

Thanks,
Phil

-----Original Message-----
From: Deborah E. Nelson [mailto:den@givenspursley.com]
Sent: Tuesday, September 02, 2003 3:46 PM
To: Phillip Rassier
Subject: draft administration language

Phil, thanks again for your thoughts on this issue. The language I am proposing is in the last paragraph below; the other text is simply provided for context of how this language would be portrayed to the Protestants. Thanks.
~ Deb

2. IDWR Administration

IDWR has the authority to "shepherd" or otherwise assure that the amount of water available under the Initial Butte rights, free from diversion by others, will be delivered to the mouth of the Boise River. IDWR is continually monitoring flows on the below-Milner Snake River reach at the Murphy gage. Additionally, IDWR is obligated to respond to any allegation of an illegal or out-of-priority diversion in this reach.

To accommodate the Protestants' ongoing concern that the Boise River watermaster be notified if IDWR determines the Initial Butte water rights are out of priority, United Water proposes the following conditional language, which is included in paragraph __ of the Agreement:

"The Department monitors the below-Milner Snake River reach at the Murphy gage. At any point the Department, or any future watermaster on this reach, determines all or a portion of the Initial Butte water rights are out of priority (i.e. that there is an insufficient amount of flow in the Snake River to fill all or a portion of those water rights), the Department or watermaster will immediately notify the Basin 63 watermaster on the Boise River. In turn, the Basin 63 watermaster will preclude diversion of a comparable amount of Boise River water under this Exchange as is currently unavailable to fill the Initial Butte water rights on the Snake River."

Deborah E. Nelson
Givens Pursley LLP
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83702
phone: (208) 388-1200
fax: (208) 388-1300
website: www.givenspursley.com

CONFIDENTIALITY NOTICE: This e-mail contains confidential information that is protected by the attorney-client and/or work product privilege. It is intended only for the use of the individual(s) named as recipients. If you are not the intended recipient of this e-mail, please notify the sender,

and please do not deliver, distribute or copy this e-mail, or disclose its contents or take any action in reliance on the information it contains.

RECEIVED
SEP - 8 2003
Department of Water Resources

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Deborah E. Nelson
Direct Dial: (208) 388.1215
Email: DEN@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Emily A. MacMaster
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan
Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL

John A. Miller, LL.M. *
TAX CONSULTANT

*Licensed in Kentucky only

Via U.S. Mail

September 8, 2003

Mr. Gary Spackman
Hearing Officer
State Office
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83705-5082

Re: United Water Idaho Inc.—Initial Butte Exchange
Our File No. 30-116

Dear Steve:

Enclosed for filing, please find the MOTION TO ALLOW DISCOVERY in the above-entitled matter. Please conform the copy return it to our office in the enclosed self-addressed, stamped envelope.

Thank you for your assistance with this matter. If you have any questions or require any additional information please call.

Sincerely,

Deborah E. Nelson

Deborah E. Nelson

Enclosures
cc: Scott Rhead
DEN/lp
S:\CLIENTS\30\116\DEN ltr to Lester filing Motion to Allow Discovery.DOC

RECEIVED
SEP - 8 2003
Department of Water Resources

Jeffrey C. Fereday ISB #2719
Deborah E. Nelson ISB #5711
GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
S:\CLIENTS\30\116\Motion to Allow Discovery.DOC

Attorneys for United Water Idaho Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420	**MOTION TO ALLOW DISCOVERY**

Applicant United Water Idaho Inc. ("Applicant") hereby moves the Hearing Officer for an order allowing discovery in this matter pursuant to IDAPA 37.01.01.521. Applicant seeks discovery in this case to identify the factual basis behind the protests and to prepare for the hearing on the protests, scheduled for October 15 and 16, 2003.

Respectfully submitted this 8th day of September 2003.

GIVENS PURSLEY LLP

Deborah E. Nelson

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of September 2003, I served a true and correct copy of the foregoing MOTION TO ALLOW DISCOVERY by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

Scott L. Campbell, Esq.
MOFFATT THOMAS BARRETT ROCK & FIELDS, CHARTERED
101 S. Capital Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829
Attorney for Pioneer Irrigation District

__x__ U.S. Mail
_____ Facsimile
_____ Hand Delivery
_____ Overnight Mail
_____ E-mail

Albert P. Barker
John K.Simpson
BARKER ROSHOLT & SIMPSON
P.O. Box 2139
Boise, Idaho 83701-2139
Attorneys for Boise Project Board of Control & Twin Falls Canal Co. et al

__x__ U.S. Mail
_____ Hand Delivery
_____ Overnight Mail
_____ E-mail

Daniel V. Steenson
Charles H. Honsinger
S. Bryce Farris
RINGERT CLARK
P.O. Box 2773
Boise, Idaho 83701-2773
Attorneys for Nampa & Meridian Irrigation District & City of Caldwell

__x__ U.S. Mail
_____ Facsimile
_____ Hand Delivery
_____ Overnight Mail
_____ E-mail

~~Charles L. Honsinger~~
~~RINGERT CLARK~~
~~P.O. Box 2773~~
~~Boise, Idaho 83701-2773~~
~~*Attorney for the City of Caldwell*~~

__x__ U.S. Mail
_____ Facsimile
_____ Hand Delivery
_____ Overnight Mail
_____ E-mail

Deborah E. Nelson

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

7099 3220 0006 2264 1953

CITY OF CALDWELL
CHARLES L HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

7099 3220 0006 2264 1946

TWIN FALLS CANAL CO ETAL
JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-6034

Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

7099 3220 0006 2264 1991

UNITED WATER ID INC
C/O DEBORAH E NELSON
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

7099 3220 0006 2264 1977

PIONEER IRRIG DIST
SCOTT CAMPBELL
MOFFAT THOMAS
PO BOX 829
BOISE ID 83701

for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

7099 3220 0006 2264 1960

BOISE PROJECT BOARD OF CONTROL
C/O ALBERT BARKER
PO BOX 2139
BOISE ID 83701-2139

for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

7099 3220 0006 2264 1984

NAMPA & MERIDIAN IRRIG DIST
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PIONEER IRRIG DIST
SCOTT CAMPBELL
MOFFAT THOMAS
PO BOX 829
BOISE ID 83701

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery: 8-1

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 1977 02 5

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TWIN FALLS CANAL CO ETAL
JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-6034

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X BKnight ☐ Agent ☐ Addressee

B. Received by (Printed Name) BKnight | C. Date of Delivery: 8/11/03

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 1946 02 5

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BOISE PROJECT BOARD OF CONTROL
C/O ALBERT BARKER
PO BOX 2139
BOISE ID 83701-2139

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X BKnight ☐ Agent ☐ Addressee

B. Received by (Printed Name) BKnight | C. Date of Delivery: 8/11/03

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 1960 02 5

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF CALDWELL
CHARLES L HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Jake Huntington | C. Date of Delivery: 8-1

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 1953 02 5

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

UNITED WATER ID INC
C/O DEBORAH E NELSON
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) JC Son Shotfut | C. Date of Delivery: 8-10

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 1991 02 5

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NAMPA & MERIDIAN IRRIG DIST
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Jake Huntington | C. Date of Delivery: 8-1

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 1984 VW 02 5

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

AUG 0 4 2003

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

AUG 0 4 2003

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

AUG 0 4 2003

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

AUG 0 4 2003

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR RIGHT TO EXCHANGE WATER (WATER RIGHT NOS. 02-2341 02-2358 AND 02-2420) IN THE NAME UNITED WATER ID INC.	**NOTICE OF HEARING**

On January 27, 2003 United Water ID Inc. filed with the Idaho Department of Water Resources (IDWR) an application for water right to exchange water of the State of Idaho. The application was protested by Boise Project Board of Control, the Bureau of Reclamation, Nampa Meridian Irrigation District, the City of Caldwell, the Pioneer Irrigation District, and Twin Falls Canal Co., Etal. The conferences held on May 29 and June 27, 2003 did not resolve the matter of protest.

IDWR has scheduled a hearing for the protest to be held on **Wednesday, October 15 and Thursday, October 16, 2003. The hearing will commence at 9:00 a.m. in conference rooms A & B, at the Idaho Department of Water Resources Resources, 1301 N. Orchard, Boise, Idaho 83702.** The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the Department. A copy of the rules may be obtained from IDWR upon request. The presiding officer at the hearing will be Gary Spackman.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department at least ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 31st day of July 2003.

Gary Spackman

GARY SPACKMAN

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of July 2003, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference Status Conference to those listed:

Sue Taylor
Senior Secretary

UNITED WATER ID INC
C/O DEBORAH E NELSON
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

BOISE PROJECT BOARD OF CONTROL
C/O ALBERT BARKER
PO BOX 2139
BOISE ID 83701-2139

NAMPA & MERIDIAN IRRIG DIST
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

CITY OF CALDWELL
CHARLES L HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

PIONEER IRRIG DIST
SCOTT CAMPBELL
MOFFAT THOMAS
PO BOX 829
BOISE ID 83701

TWIN FALLS CANAL CO ETAL
JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-6034

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR EXCHANGE OF WATER

Section 42-240, Idaho Code, requires the department to consider the following issues in connection with an application for extension of time to avoid forfeiture:

1. Will the proposed exchange injure other water rights?
2. Will the proposed exchange constitute an enlargement of use of the original right or rights?
3. Is the proposed exchange in the local public interest?
4. Is the proposed exchange consistent with conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant bears the initial burden of proof for issues 1 and 2 above and must provide evidence for the department to evaluate these criteria. The applicant must also establish that the water right is valid. Forfeiture must be established by clear and convincing evidence.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

Protestant's

Exhibits & Witness

List.

Received October of 2003.

RECEIVED
OCT 14 2003
Department of Water Resources

Scott L. Campbell, ISB No. 2251
MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18946.46

Attorneys for Pioneer Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER re WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGED WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION

PIONEER IRRIGATION DISTRICT'S WITNESS AND EXHIBIT LIST

Pioneer Irrigation District, by and through its counsel of record, Moffatt, Thomas, Barrett, Rock & Fields, Chtd., hereby submits the following Exhibit and Witness List in the above-captioned proceeding, pursuant to the Hearing Officer's PreHearing Order entered September 30, 2003:

List of Exhibits (in chronological order)

NO.	DATE	DESCRIPTION
1.	October 2, 1883	Agreement between Franklin Ditch Company and Idaho & Oregon Land Improvement Company
2.	January 18, 1906	"Stewart" *Decree*, Farmers' Cooperative Ditch Company v. Riverside Irrigation District, Ltd. et al.
3.	October 15, 1909	Water Right License for water right no. 63-02114

NO.	DATE	DESCRIPTION
4.	July 15, 1918	Certificate of Water Right, Transferred Right No. 219, for water right no. 63-02114
5.	September 14, 1923	License and Certificate of Water Right for water right no. 63-02275
6.	September 14, 1923	License and Certificate of Water Right for water right no. 63-02276
7.	September 14, 1923	License and Certificate of Water Right for water right no. 63-02294
8.	January 30, 1932	"Bryan" *Decree*, Pioneer Irrigation District v. American Ditch Association, et al.
9.	February 5, 1943	License and Certificate of Water Right for water right no. 63-02529
10.	December 11, 1953	License and Certificate of Water Right for water right no. 63-02891
11.	January 25, 1978	Water Right License for water right no. 63-09109
12.	March 14, 1990	Notice of Claim to a Water Right, water right no. 63-00179
13.	March 14, 1990	Notice of Claim to a Water Right, water right no. 63-21706
14.	March 14, 1990	Notice of Claim to a Water Right, water right no. 63-21713
15.	March 14, 1990	Notice of Claim to a Water Right, water right no. 63-21714
16.	March 28, 1997	Water District #63 - Rental Pool Procedures
17.	January 28, 1998	Deed for Water Right, for water right no. 63-04249A
18.	April 7, 1998	Correspondence from Karl J. Dreher, Director, Idaho Department of Water Resources, to Michael C. Creamer, re "Irrigation Water Right Use by a Municipal Provider"
19.	January 8, 1999	Correspondence from Jerrold D. Gregg, Area Manager, Bureau of Reclamation to Jeffrey C. Fereday, re "United Water Idaho-Water Right Exchange Proposal"
20.	April 27, 1999	United Water Idaho's Application for Exchange of Water Right re water right nos. 63-10255 and 02-2339
21.	July 22, 1999	Correspondence from L. Glen Saxton, Chief, Water Allocations Bureau, Idaho Department of Water Resources, to William C. Linam, United Water Idaho, Inc., re "Permit 63-12055 & Water Right 02-02339"
22.	July 22, 1999	*Preliminary Order* in the Matter of Application for Exchange of Water in the Name of United Water Idaho, Inc.

NO.	DATE	DESCRIPTION
23.	December 6, 1999	Deed for Water Right, for water right no. 63-08436, recorded with the Canyon County Recorder on December 6, 1999, as Instrument No. 9947626
24.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-05199
25.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-05200
26.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-05219
27.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-05237
28.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-05255
29.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 67[sic]-21731
30.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-21739
31.	June 26, 2002	Deed of Conservation Easement, Birds of Prey – Duane and Laura Pancheri, Idaho, IDI-33595, recorded with the Ada County Recorder on June 26, 2002, as Instrument No. 102071814
32.	June 26, 2002	Deed of Conservation Easement, Birds of Prey – Southwest, Inc., Idaho, IDI-33083, recorded with the Ada County Recorder on June 26, 2002, as Instrument No. 102071815
33.	September 27, 2002	Water Right License for water right no. 63-03618
34.	December 17, 2002	United Water Idaho's Application for Exchange of Water Right re water right nos. 02-02341, 02-02358, and 02-02420
35.	December 19, 2002	Correspondence from Deborah E. Nelson to Steve Lester, Water Rights Supervisor, Western Regional Office, Idaho Department of Water Resources, re "United Water Idaho Inc. – Application for Exchange of Water"
36.	December 27, 2002	Memorandum from Steve Lester to File re "United Water Idaho Inc. Application for Exchange"
37.	January 23, 2003	United Water Idaho's Application for Exchange of Water Right re water right nos. 02-02341, 02-02358, and 02-02420, *Amended*
38.	February 14, 2003	*Stipulation and Withdrawal of Protest* in the Matter of Application for Exchange of Water Right Nos. 02-02341, 02-02358, and 02-02420, entered into between United Water Idaho, Inc., and United States Department of Interior, acting through the Bureau of Reclamation

List of Witnesses

NO.	NAME AND ADDRESS
1.	L. Glen Saxton Chief, Water Allocations Bureau Idaho Department of Water Resources 1301 North Orchard Boise, Idaho 83706
2.	Norman Young ERO Resources Corp. 1106 N. Cole Road, Suite C Boise, Idaho 83704

Pioneer Irrigation District hereby expressly reserves its right to amend or supplement its Exhibit and Witness List.

DATED this 14th day of October 2003.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By _____
Scott L. Campbell – Of the Firm

By _____
Angela Schaer Kaufmann – Of the Firm
Attorneys for Pioneer Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of October 2003, I caused a true and correct copy of the foregoing **PIONEER IRRIGATION DISTRICT'S WITNESS AND EXHIBIT LIST** to be served by the method indicated below, and addressed to the following:

Director Idaho Department of Water Resources Post Office Box 83720 Boise, Idaho 83720	( ) U.S. Mail, Postage Prepaid (X) Hand Delivered ( ) Overnight Mail ( ) Facsimile
United Water Idaho Inc. Jeffrey Fereday Givens Pursley, LLP PO Box 2720 Boise, ID 83701 Fax: 388-1300	( ) U.S. Mail, Postage Prepaid (X) Hand Delivered ( ) Overnight Mail ( ) Facsimile
John K. Simpson Barker Rosholt & Simpson PO Box 2139 Boise, ID 83701 Fax: 344-6034	(X) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
Roger D. Ling Ling & Robinson PO Box 396 Rupert, ID 83350 Fax: 208-436-6804	(X) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
Jerry R. Rigby Rigby Thatcher PO Box 250 Rexburg, ID 83440-0250 Fax: 208-356-0768	(X) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile

Scott L. Campbell

1350 inches

Franklin Ditch Co.

To

Idaho & Oregon Land Imp. Co.

This agreement made this second day of October A. D. 1883, by and between the Franklin Ditch Company a corporation, organized under the laws of Idaho Territory the party of the first part and the Idaho & Oregon Land Improvement Company, a corporation organized under the laws of the State of Colorado, the party of the second part,

Witnesseth: Whereas the party of the first part is the claimant of and in possession of a certain Water Right and irrigating ditch taking water out of Boise River or its Sloughs, on the south side of the River, on the farm of William Frost, about Seven or Eight miles above the town of Middleton in Ada County, Idaho Territory by means of a ditch and through the sloughs of said River for the irrigation of the lands of the Shareholders of said company: and whereas said party of the second part desires to acquire said Water right and ditch and to enlarge and extend the same for the irrigation of lands below those now covered by it.

Now, therefore, said party of the first part acting by and through its board of Trustees, for and inconsideration of the conveyance of thirteen hundred and fifty inches of Water by said party of the second part, to said party of the first part, or to such persons being its shareholders, as it may designate, in such several shares as it may designate, covenants and agrees to convey to said party of the second part all its said Water Right and ditches at any time on or before the first day of May 1884, upon the performance by said party of the second part, of its covenants and agreements as herein after contained and the execution and delivery of the deeds as hereinafter mentioned.

It is understood and agreed that said conveyance or conveyances shall be sufficient to vest the first thirteen hundred and fifty inches of water carried by said ditch and to convey the same, appurtenant to said lands in such severall interests as may be designated by the party of the first part, free and clear of all expenses costs and charges for the construction, repair, and maintenance of said ditch forever. That said water ditch/shall only be appurtenant to and shall only be used upon the lands now owned, entered, occupied or claimed by the shareholders of the party of the first part, but may be taken at any time or place by said shareholders, their successors or assigns for that purpose, but when not desired for that purpose, shall not be taken from said ditch.

The party of the second part is to have the necessary right of way for said ditch over the lands of the shareholders of the party of the first part, without charge therefor.

The party of the second part is to have immediate possession of the premises, but if this agreement is not duly executed and delivered by the party of the second part, on or before the first day of November next, such possession shall be surrendered and all work and improvements forfeited.

The Expense of all conveyances shall be bourne equally by the parties hereto.

Time is the essence of this agreement and if said party of the second part shall fail or omit to enlarge said ditch or to convey said water as aforesaid, on or before said first day of May next, or shall be unable on said day to furnish and supply said thirteen hundred and fifty inches of water on said day or when required thereafter, there and in that case the party of the first part shall be released from all obligations to make its said conveyance and the said party of the second part shall forfeit

And in consideration of the foregoing agreement said party of the second part, acting by and through its corporate officers thereunto duly authorized by its Board of Trustees, Covenants and agrees to and with said party of the first part that it will, before the first day of May next, enlarge said ditch from the point where the water is taken from Boise River to where the lin e of the ditch crosses what is known as Mason Creek, and will on or before said day convey by good and sufficient deed of conveyance, to the said party of the first part, or at the option of the said party of the first part, to such persons as the party of the first part may designate, they being shareholders of the party of the first part, and as appurtenant to the lands now owned, entered occupied or claimed by the said shareholders, one thousand three hundred and fifty (1350) Statutory inches of Water, to be taken by the party of the first part, or its said shareholders or their grantees from the ditch of the party of the second part, or from any slough along the line of said ditch, at such point or points, as said party of the first part or said shareholders, or their grantees, may from time to time prefer, and said party of the second part further covenants and agrees, to leave at all times at least three hundred and fifty (350) inches of water in what is known as the outside or South Slough, into which the ditch of the party of the first part now empties near the Bluff, and not less than Eight hundred (800) inches of water in what is known as the Back Slough that leaves the main slough about twenty feet above the head gate of the party of the first part, said slough water being for the use of said shareholders and their grantees, over and above thirteen hundred and fifty inches to be taken from the ditch as aforesaid. Said party of the second part further agrees to bridge all public roads crossed by said ditch and to bridge at least three private roads or trails, sufficient to cross cattle and stock at points to be designated by the party of the first part.

all rights under this agreement and all work and improvements on said premises and all claim thereto shall upon demand quit and surrender the premises to the party of the first part or its assigns.

In Witness Whereof, said party of the first part has by resolution of its board of Trustees, caused this agreement to be signed by its Trustees and sealed with their private seals said company having no corporate seal, and said party of the second part has by resolution of its Board of Trustees caused this agreement to be subscribed by its President and Secretary and its corporate seal to be hereunto affixed.

In Duplicate

Thomas Wheatley (Seal)

G. W. Wootan (Seal)

his
Robert X White (Seal)
mark

Trustees Franklin Ditch Company
A. Caldwell, Pres. I & O.L.I.Co.

Attest (Seal)

H. C. Wallace, Secretary

Territory of Idaho)
) ss
County of Ada)

On this 2nd day of October A. D. 1883, personally appeared, before me M. R. Jenkins, a Justice of the Peace, in and for said Ada County, Thomas Wheatley, G. W. Wootan and RobertWhite, whose names are subscribed to the annexed instrument as parties thereto, personally known to me to be the same persons described in and who executed the said annexed instrument as parties thereto, who each of them acknowledged to me that they each of them respectively, executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Franklin Ditch Co.

To

Idaho & Oregon Land Imp Co.

This agreement made this second day of October A.D. 1883, by and between the Franklin Ditch Company, a corporation, organized under the laws of Idaho Territory the party of the first part and the Idaho & Oregon Land Improvement Company, a corporation organized under the laws of the State of Colorado, the party of the second part,

WITNESSETH: Whereas the party of the first part is the claimant of and in possession of a certain Water Right and irrigating ditch taking water out of Boise River or its sloughs, on the south side of the River, on the farm of William Frost, about Seven or Eight miles above the town of Middleton in Ada County, Idaho Territory by means of a ditch and through the sloughs of said River for the irrigation of the lands of the Shareholders of said Company; and whereas said party of the second part desires to acquire said water right and ditch and to enlarge and extend the same for the irrigation of lands below those now covered by it.

Now therefore, said party of the first part acting by and through its Board of Trustees, for and in consideration of the conveyance of thirteen hundred and fifty inches of water by said party of the second part, to said party of the first part, or to such persons being its shareholders, as it may designate, in such several shares as it may designate, covenants and agrees to convey to said party of the second part all its said Water Right and ditches at any time on or before the first day of May, 1884, upon the performance by said second party, of its covenants and agreements as herein after contained and the execution and delivery of the deeds as hereinafter mentioned.

And in consideration of the foregoing agreement said party of the second part, acting by and through its corporate officers thereunto duly authorized by its Board of Trustees, Covenants and agrees toand with said party of the first part that it will, before the first day of May next, enlarge said ditch from the point where the water is taken from Boise River to where the line of the ditch crosses what is known as Mason Creek, and will on or before said day convey by good and sufficient deed of conveyance, to the said party of the first part, or at the option of the said party of the first part, to such persons as the party of the first part may designate, they being shareholders of the party of the first part, and as appurtenant to the lands now owned, entered occupied or claimed by the said shareholders, one thousand three hundred and fifty (1350) Statutory inches of Water to be taken by the party of the first part, or its said shareholders or their grantees from the ditch of the party of the second part, or from any slough along the line of said ditch, at such point or points, as said party of the first part or said shareholders, or their grantees, may from time to time prefer, and said party of the second part further covenants and agrees to leave at all times at least three hundred and fifty (350) inches of water in what is known as the outside or South Slough, into which the ditch of the party of the first part now empties near the Bluff, and not less than Eight Hundred (800) inches of water in what is known as the Back Slough that leaves the main slough about twenty feet above the head gate of the party of the first part, said slough water being for the use of said shareholders and their grantees, over and above the thirteen hundred and fifty inches to be taken from the ditch as aforesaid. Said party of the second part further agrees to bridge all public roads crossed by said ditch and to bridge at least three private roads or trails, sufficient to cross cattle and stock at points to be designated by the party of the first part.

It is understood and agreed that said conveyance or conveyances shall be sufficient to vest the first thirteen hundred and fifty inches of water carried by said ditch and to convey the same, appurtenant to said lands in such severall interests as may be designated by the party of the first part, free and clear of all expenses costs and charges, for theconstruction, repair, and maintenance of said ditch forever. That said ditch water shall only be appurtenant to and shall only be used upon the lands now owned, entered, occupied or claimed by the shareholders of the party of the first part, but may be taken at any time or place by said shareholders, their successors or assigns for that purpose, but when not desired for that purpose shall not be taken from said ditch.

The party of the second part is to have the necessary right of way for said ditch over the lands of the shareholders of the party of the first part, without charge therefor.

The party of the second part is to have immediate possession of the premises, but if this agreement is not duly executed and delivered by the party of the second part, on or before the first day of November next, such possession shall be surrendered and all work and improvements forfeited.

The expense of all conveyances shall be bourne equally by by the parties hereto.

Time is the essence of this agreement and if said party of the second part shall fail or omit to enlarge said ditch or convey said water as aforesaid, on or before said first day of May next, or shall be unable on said day to furnish and supply said thirteen hundred and fifty inches of water on said day or when required thereafter, there and in that case the party of the first part shall be released from all obligations to make its said conveyance and the said party of the second part shall forfeit all rights under this agreement and all work and improvements on said premises and all claim thereto shall upon demand quit and surrender the premises to the party of the first part or its assigns.

In Witness Whereof, said party of the first part has by resolution of its board of Trustees caused this agreement to be signed by its Trustees and sealed with their private seals said company having no corporate seal, and said party of the second part has by resolution of its Board of Trustees caused this agreement to be subscribed by its President and Secretary and its corporate seal to be hereunto affixed.

In Duplicate

Thomas Wheatley (Seal)

G. W. Wootan (Seal)

Robert X White (Seal)
his
mark

Trustees Franklin Ditch Company,

A Caldwell,

Pres. I & O L I Co.

Attest (Seal)

H C Wallace, Secretary.

Territory of Idaho)
County of Ada) ss

On this 2nd day of October A.D.1883, personally appeared before me M R Henkins, a Justice of the Peace, in and for said Ada County, Thomas Wheatley, G W Wootan and Robert White, whose names are subscried to the annexed instrument as parties thereto, personally known to me to be the same persons described in and who executed the said annexed instrument as parties thereto, who each of them acknowledged to me that they each of them respectively, executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

M R Jenkins,

Justice of the Peace.

Territory Of Idaho }
County of Alturas } ss

On the 27th day of October one thousand eight hundred and eighty three, personally appeared before me, C B Fox a Notary Public in and for the County of Alturas, A. Caldwell, President and H. C. Wallace, Secretary of the Idaho & Oregon Land Improvement Company, a corporation and whose names --- subscribed to the annexed instrument as parties thereto personally known to me to be the same persons described in and who executed the said annexed instrument as parties thereto as President and Secretary of said Company, who duly acknowledged to me that they executed the same freely and voluntarily and for the purposes and uses therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

C. B. Fox,

(Seal) Notary Public

C and B

B1 P296 Recorded at the request of Thomas Wheatley Dec.3rd 1883 at 10 o'clock A.M.

Compared

Indexed.

B. S. Prickett,

Recorder

May 29, 1940

STATEMENT BY TURNER AND WELSH

Franklin Ditch Company contract

Agreement between that company and Idaho and Oregon Land Improvement Company, dated October 2, 1883, covers 1350 inches of water, but Turner thinks there are now 2150 inches involved.

In the Stewart decree the Franklin Ditch Company has the following rights:

Right No. 34, 6/1/66 770 inches
Right No. 77, 10/29/80 1380 inches.

We should investigate as to how the water above the 1350 inches was taken over by P. I. D.

The majority of Franklin water is all taken out of Highline canal north of Franklin road. Nine points of diversion above Franklin road to the headgate and six below.

John says Franklin rights are cut the same as other rights, except that when the latest Franklin right would be entitled to be cut entirely off P.I.D. continues to deliver to Franklinthe same percentage as to its other users. This has been the practice for a number of years. But he is not sure P.I.D. would be required to do that under its Franklin contract.

Welsh says there is a possibility that when this agreement was made the Franklin water was the only water in the ditch and the only water referred to.

At the time P.I.D. transferred right No. 90 from Highline to Phyllis there was a hearing before the State Engineer. Walter GRiffiths represented Highline users and Welsh thinks there is considerable testimony in that file as to these rights. Right No. 90 was decreed to P.I.D. for Highline canal and that right was later than the date of this contract and had a priority of 1884.

T. C. EGLESTON, Pres.
W. T. CALLAWAY
R. A. COWDEN
WILLIAM S. FLORA
S. L. BALL
A. K. STEUNENBERG, Treasurer

The Pioneer Irrigation District
Canyon and Ada Counties. Principal Office, Caldwell, Idaho
H. M. HEDGES, - - SECRETARY AND SUPERINTENDENT

Phyllis Canal, 35 miles long, covering 23,400 Acres
Caldwell High Line Canal, 18 miles long, covering 11,000 Acres
Cost of System, $265,000. Owned and operated by Farmers.

Office of the Pionneer Irrigati on District

Caldwell Ida Apr 26th 1905

We the undersigned constituting a majority of the Board of Directors of the Pioneer Irrigation District do hereby call a special meeting of the Board of Directors for the purpose of considering the advisability of bearing a part of the expense of defending the water right of the Frankli -n Ditch Co.

The time of special meeting is set for 4 P.M.

April ~~26~~ 25th 1905.

N. S. Dils
W. T. Callaway
L. E. Greenslet

Aug 7, 1926

We the directors of the Franklin Ditch company agree to assume the responsibility for damages that may be incurred by the requested number of inches of water turned from the High Line Ditch into the south slough under the contract of the Franklin Ditch company with Idaho and Oregon Land Imp. Co.

Robt. M. Wicks (Poes)

J. T. Bales.

Walter Thomas

Stewart Decree

The foregoing is a true and certified copy of document on file in the department of Reclamation

Signed this 10 day of May 1996

David B. Shaw
Adjudication Bureau Chief

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON.

Farmers' Cooperative Ditch Company (a corporation)

Plaintiff,

vs.

DECREE

Riverside Irrigating District, Limited, (a corporation), The Siebenberg Cooperative Ditch Company, Limited (a corporation), Frank Gilbert, T. W. Doone, Prior Burnett, Thomas Andrews, H. Ray Boudinot, I. N. Tucker, C. F. J. Peterson, William McKnett, Fred J. Kissel, Neil McCarren, Michael Gilbride, Lower Boise Ditch Company, (a corporation), R. W. Stockton, H. F. Vanderpool, D. D. Campbell, William Foss, Smith Stockton, John Atkins, Ben Foss, John Foss, D. F. McConnol, John Lemp, John Kammon, Bird Bowman, (substituted for M. B. Bowman Jr.), D. Mumford, T. T. Johnson, H. Carlyle, Charles Allen, J. Bowman, Robert McGuire, Frederick Ode, Eureka Ditch Company, (a corporation), J. Roland, Thomas J. Palmer and Noah W. Palmer (substituted for Lillian Potter, Administratrix of the Estate of L. D. Potter, deceased, Susan E. Potter, Thad. S. Potter, Elisha Potter, Lillian Potter, Ida Potter, James Baker), C. W. Cooper, Pioneer Dixie Ditch Company (a corporation), William C. Young, Lizzie Young, Estella C. Young, E. M. Kirkpatrick, S. H. Mitchell, L. F. Cook, Triphenia Jobe, administratrix of the estate of J. H. Jobe, deceased, Triphenia Jobe, Charlotte Coonrod,_____Coonrod, her husband, Minta Lund and Frank Lund, her husband, William Jobe and Alice Jobe, Edith Jobe and Corrinna Jobe, minors, A. Holcomb, George Milner, George Hess, John Thomas, H. H. Whitney, Emma S. Lee, Edwin Curtis, Eureka Water Company, (a corporation), William Simpson, William Lewis, Huston Frost, Elijah Frost, George Goodrich, B. M. Brannan, William Frost, Adam Schindler, Pioneer Irrigation District, (a corporation), Franklin Ditch Company, (a corporation), Canyon County Water Company, (an association) Francis A. Phelps and Frances Phelps husband and wife, John D. Rutledge, James Hartley, Joseph Wilson, Daniel Masterson, Perry Stoffle, H. McGill, H. C. Foote, J. E. Smith, John Lemp, M. F. Fowler, Thomas

Morris, James Harvey, Jacob Alchenberger, Peter Watkins, A. J. Breshears, C. G. Myers, John Langford, F. M. Ryals, Frank Hart, Mrs A. Moudy, A. Blessinger, Dan Shuee, S. H. Mitchell, T. Chenoworth, W. F. Foster, Mrs Perkel, Milt McIntyre, Perry Glafer, Hiram Payne, Jacob Fowler, (sub. for John Steele), J. C. Baldwin, Charles Palmer, B. F. Swalley, S. McDowell, Mrs E. J. McDowell, J. W. Dickson, Amos Prosser, William Snodgrass, (sub. for Thomas P. Martin), D. D. Shaw, (sub. for A. T. Thornton), Frank Hart (sub. for Joseph E. Weeks), James M. Stewart, Elza Everett, (sub. for Phelps Everett), W. A. Fowler, State of Idaho, Snyder & McDowell, William Spielman, T. C. Creason, Ed. Bullock J. H. McGrath, Middleton Mill Ditch Company, (a corporation), Middleton Canal Company, (a corporation), Middleton Water Company, (a corporation), Levi Smith, Charlotte Calhoun and David Calhoun her husband, Lizzie Everett and P. H. Everett her husband, Mrs E. J. Linder and A. V. Linder her husband, Jesse Wilson, New Union Ditch Company, (a corporation), New Dry Creek Ditch Company, (a corporation), Farmers' Union Ditch Company, (a corporation), Boise Valley Irrigation Ditch Company, (a corporation), John Utter, Stephen Utter, Josephine E. Gallagher, administratrix of the estate of J. H. Gallagher, (sub. for J. H. Gallagher), Charles Rein, William Bubb, Barber Lumber Company, (sub. for I. N. Coston), The Nampa & Meridian Irrigation District, (sub. for The Boise City Irrigation & Land Company), Settlers' Canal Company, Limited, (a corporation), New York Canal Company, Limited, (a corporation), A. Rossi, W. H. Ridenbaugh, R. Z. Johnson, Kate Perrault and Joseph Perrault her husband, Boise City Canal Company, (a corporation), Jacobs Canal Company, Limited, (a corporation), (sub. for Boise Rapid Transit Company), The Canyon County Irrigation Company Limited, (a corporation), Denver & Idaho Land Company, (a corporation) Thomas Davis, T. C. Catlin, Polette Mace, C. C. Havird, Draper & Wells, James L. Graham, Frank N. Graham, William Gilbert, Martha Bowman, G. W. Gess, Allen V. Webster, William P. Kennedy, Frank L. Leonard, Edna E. Leonard, J. S. D. Manville, Estate of Albert Sherwin, Martha E. McCarthy, H. D. Goodman and Dora Goodman, C. B. Ross,

C. P. Allen, Edgar Dilley, W. F. Ross, Isaac Bedal, Julia Emmon, Kacon Creek Ditch Company, (a corporation), T. J. Fanning, Peter Heuvas, Mary G. Davis, Edward H. Hart, C. H. Gray, Heirs of Edward and Mary Clark, John Cecil, Thomas H. Aikens, W. H. Conway, Isham Joplin, Geneva Joplin, Andrew J. Joplin, Francis M. Joplin, Joseph Goble, Susie Campbell, J. T. Barber, (sub. for James Barber), S. W. Hutchinson, Johnson, W. A. Black, (sub. for Ira B. Arney), American Ditch Association, (a corporation) Charles H. Miller, L. F. Graham, F. C. Cobb, O. F. Short, Loomis L. Moseley, C. B. Taylor, South Boise Mutual Irrigation Company, (sub. for William Bubb, Alexander McPherson and L. Carrie McPherson, Annie H. Fogarty, (sub. for Gardner Adams and Mildred Adams), Grace Call, Samuel F. Canfield, Charles Bain and Jane Koch, Mathew Coney, Jacob Bingman, Canyon Ditch Company, (a corporation), (sub. for W. H. Campbell and Fred Sundman), J. F. Taryan,

Defendants.

In the above entitled cause the default of the non-answering defendants having been duly entered, to-wit;

Frank Gilbert, William McKnett, Neil McCarron, Michael Gilbride, Lower Boise Ditch Company, H. F. Vanderpool, John Atkins, Ben Ross, John Ross, D. K. McConnel, H. Carlyle, J. Bowman, E. M. Kirkpatrick, S. H. Mitchell, L. F. Cook, Triphenia Jobe, administratrix of the estate of J. H. Jobe; William Jobe, Alice Jobe, Edith Jobe and Corrinna Jobe, (minors) A. Holcomb, George Milner, George Hess, John Thomas, H. N. Whitney, Edwin Curtis, Kate Perrault, Henry Ott and John Doe et al, L. F. Graham, M. S. Cobb and O. F. Short;

and said cause having been regularly tried and submitted to the court for its decision, and the court having considered the evidence and being fully advised in the premises, makes and files its findings of fact and conclusions of law and directs judgment to be entered in accordance therewith.

Whereupon it is ordered, adjudged and decreed as follows;

1. That each and every of the tracts of land described in the complaint, answers and cross-complaints in this action as belonging to the several parties, or tributary to the canals of certain parties plaintiff and defendant herein, are arid in character and require the artificial application of water to render them valuable for agricultural purposes.

2. That the quantity of water required for the successful irrigation and cultivation of said lands, measured at the intake of the respective ditches under a four inch pressure, is oneinch per acre for bench lands, and one and one-tenth inch per acre for bottom lands.

3. That the quantity of water to which each of the parties to this action is entitled under this decree, shall be measured atthe point or points of diversion thereof.

4. It is further ordered, adjudged and decreed that none of the parties hereto, or their successors in interest, shall have a right to the use of the waters of Boise River herein awarded, except for a beneficial purpose; and that whenever the beneficial use has ceased, such party or parties shall cease to divert and have no right to divert the said waters; that each and every of the parties hereto, their servants, attorneys, employees, privies and successors in interest, are hereby enjoined and restrained from any and all interfer-

ence with or diversion or use of the waters of said Boise River, except as provided in this decree, whenever such interference, diversion or use would in any manner interfere with the quantity of water awarded by this decree to any of the other parties to this action.

5. It is further ordered, adjudged and decreed that the complaint, answers and cross-complaints and allpleadings filed in this cause be and the same are hereby amended to conform to the facts as found by the court herein.

6. That each of the parties to this action or their predecessors in interest, whose rights are adjudicated by this action, did respectively appropriate and divert from the Boise River the quantities of water hereinafter stated, and on the dates respectively as hereinafter stated, such water being estimated and measured under a four inch pressure and did respectively appropriate and divert such quantities of water for a beneficial use, and that ever since said dates of the several appropriations such water has been by said parties and their grantors and predecessors in interest so diverted and used.

7. That the following named parties, parties to this action, are entitled to the use of the waters of Boise River upon the lands mentioned and described in the complaint and cross-complaints and answers herein, in the following amounts and from the following dates, to-wit;

I.

That the defendant THOMAS DAVIS be and is hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about one mile east of the east line of the original townsite of Boise City, Idaho, through what is commonly known as the Jacobs Canal, for use upon lands lying in Secs. 10 and 11, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0120 110 inches, from June 1, 1864; and hereby designated as Right No. 1.
T 512, 513, 530, 575

That the defendant Thomas Davis be and is hereby awarded the use of said waters diverted from a point on the south side of said river in NW ¼ of NW ¼ of Sec. 9, T. 3 N. R. 2 E. B.M., through what is known as the Davis Canal, for use upon lands in Secs. 5, 6, 31 and 32, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0121 670 inches, from June 1, 1866, and hereby designated as Right No. 94.

That the defendant Thomas Davis be and is hereby awarded the use of said waters diverted from said river at a point in NW ¼ of Sec. 9, T. 3 N. R. 2 E B.M., through what is known as the Davis private ditch, for use upon SE ¼ of Sec. 5 and SE ¼ of Secs 8 and 9, all in T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0122 27 inches, from June 1, 1891; And hereby designated as Right No. 119
T P.L. 32

And adjudged to pay $56.49 costs, in addition to the costs incurred by him.

II.

JACOBS CANAL COMPANY, Limited, a corporation.

That the defendant the JacobsCanal Company, Limited, be and it is hereby awarded the use of the waters of Boise River, diverted from a point on the north side of said river about one mile east of the east boundary line of the original townsite of Boise City, Idaho, through what is commonly known as the Jacobs Canal, for use upon the town lots and lands lying under said canal in Secs. 4, 9, 10, 11, 13, 14, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0123 1000 inches, from June 1, 1864; and hereby designated as Right No. 2
T 542, 136

And adjudged to pay $70.00 costs, in addition to the costs incurred by it.

III.

That the defendant THE MIDDLETON MILL DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the farm of Davis & Hart, Sec 13, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amounts from the following dates;

63 0124 640 inches, from June 1, 1864; and hereby designated as Right No. 3
63 0125 1685 inches, from June 1, 1871; and hereby designated as Right No. 54.
63 0126 850 inches, from June 1, 1891; and hereby designated as Right No.120.

And adjudged to pay $222.25 costs, in addition to the costs incurred by it.

IV.

That the defendant THOMAS ANDREWS be and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE ¼ of Sec. 25 and in SW ¼ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SE ¼ of SE ¼, SW ¼ of NW ¼, Sec. 23, E. ½ of SE ¼, NW ¼ of SE ¼, NE ¼ of NE ¼ of SW ¼, E. ½ of NW ¼, and lot 2, Sec. 22, all in T. 5 N. R. 5 W. B.M., in the following amounts from the following dates;

63 0127 165 inches, from June 1, 1864; and hereby designated as Right No. 4.
63 0128 300 inches, from June 1, 1865; and hereby designated as Right No. 29.
63 0129 65 inches, from June 1. 1870; and hereby designated as Right No. 31.
63 0130 45 inches, from June 1, 1889; and hereby designated as Right No. 104.
63 0131 175 inches, from June 1, 1891; and hereby designated as Right No. 121.

And adjudged to pay $52.50 costs, in addition to the costs incurred by him.

V.

That the defendants T. C. CATLIN and ROLETTE MACE be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, on Lot 5, Sec. 17, T. 4 N. R. 1 E. B.M., for use on their lands on Eagle Island, Ada County, Idaho, in the following amounts from the following dates;

63 0132 143 inches, from June 1, 1864; and hereby designated as Right NO. 5.
63 0133 383 inches, from June 1, 1871; and hereby designated as Right No. 52.

And adjudged to pay $37.52 costs, in addition to the costs incurred by them.

VI.

That the defendant T. C. CATLIN be and he is hereby awarded the use of the waters of Boise River, diverted near the center of the NE ¼ of Sec. 18, T. 4 N. R. 1 E. B.M., through what is known as the Davis & Hart ditch, for use upon lands lying under said ditch on Eagle Island, Ada County, Idaho, in the following amount from the following date;

63 0134 165 inches, from June 1, 1864.

And adjudged to pay $11.55 costs, in addition to the costs incurred by him.

VII.

That the defendant C. C. HAVIRD be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E., B.M., through the Thurman Mill Slough or ditch, for use upon 160 acres of land situated in sections 23 and 26, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63. 0135 165 inches, from June 1, 1864. and hereby designated as Right No. 7.
And be adjudged to pay $11.55 costs, inaddition to the costs incurred by him

VIII.

That the defendant, the PIONEER DIXIE DITCH COMPANY, a corporation be, and it is hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river near the center of NE 1/4 of NW 1/4 of Sec. 20, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amounts from the following dates;

63 0136 1000 inches, from Sept. 1, 1864. And hereby designated as Right No. 8.
T-111, 794 P.D 9, P.D. 35

63 0137 1772 inches, from June 1, 1869. And hereby designated as Right No. 45.
T-111, 794 p.d. 9 P.D. 35 And be adjudged to pay $194.04 costs in addition to the costs incurred by it

~~VIII~~. IX

That the defendant the SIEBENBERG COOPERATIVE DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river near the center of the NW 1/4 of Sec. 15, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

63 0138 671 inches, from June 1, 1865. And hereby designated as Right No. 9.
T-105, 717 P.D. 12 And be adjudged to pay $46.97 costs, in addition to the costs incurred by it.

X.

That the defendant ALLEN V. WEBSTER be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE ¼ of NE ¼ of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon lots 5, 6, 7 and 11, and NE ¼ of SW ¼, Sec. 22, T. 4 N. R. 1 E. B.M., excepting therefrom a piece of land commencing at the SE corner of NW ¼ of SE ¼ and running thence west 12.32 chains, thence north 28 chains, thence south 42¾ degrees east 10.92 chains, thence east 5 chains, thence south 20 chains to place of beginning, in the following amounts and from the following dates;

63 0139

60 inches, from June 1, 1865; and hereby designated as Right No. 10.
45 inches, from June 1, 1882; and hereby designated asRight No. 78.

63 0140

And be adjudged to pay $7.55 costs, in addition to the costs incurred by him.

XI.

That the defendant J. F. YARYAN be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE ¼ of NE ¼, Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon lot 8, Sec. 23, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0141

33 inches, from June 1, 1865; and hereby designated as Right No. 11.

For use upon the following described tract of land; commencing at SE corner of NW ¼ of SE ¼ of Sec. 22, T. 4 N. R. 1 E. B.M., running thence west 12.32 chains, thence north 28 chains, thence south 42¾ degrees east 10.91 chains, thence east 5 chains, thence south 20 chains to place of beginning, in the following amount from the following date;

63 0142

35 inches, from June 1, 1872; and hereby designated as Right No. 55.

For use upon the SE ¼ and lot 10 of Sec. 22, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0143

70 inches, from June 1, 1872; and hereby designated as Right No. 56.

And be adjudged to pay $9.66 costs, in addition to the costs incurred by him.

XII.

That the defendants JAMES L. GRAHAM, FRANK N. GRAHAM and WILLIAM GILBERT, be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river near the SE corner of NW 1/4 of NE 1/4, Sec. 21, T. 4 N. R. 1 E. B.M., for use upon Lots 2 and 3 in NW 1/4 NE 1/4 and NE 1/4 NW 1/4, and lot 1 in NE 1/4 of NE 1/4, Sec. 20, and lots 3 and 4 in N. 1/2 NW 1/4, Sec. 21, all in T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0144

220 inches, from June 1, 1865; and hereby designated as Right No. 12. And be adjudged to pay $15.40 costs, in addition to the costs incurred by them.

XIII.

That the defendant the EUREKA WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river easterly of what is now the farm of William Simpson in Sec. 23, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;

63 0145 T 997, 998, 1064

1666 inches, from June 1, 1865; and hereby designated as Right No. 13. And be adjudged to pay $116.62 costs, in addition to the costs incurred by it.

XIV.

That the defendant the NEW UNION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river on Lot 2, Sec. 23, T. 4 N. R. 1 E. B. M., for use upon the lands lying under its canal system, in the following amount and from the following date;

63 0146

688 inches, from June 1, 1865; and hereby designated as Right No. 14. And be adjudged to pay $48.16 costs, in addition to the costs incurred by it.

~~XIV.~~ XV.

That the defendant the BOISE VALLEY IRRIGATION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at the head of the canal of defendant the Farmers' Union Ditch Company, and taken through said canal to the point of use, for use upon the lands lying under its canal system, in the following amount and from the following date;

2729 inches, from June 1, 1865; and hereby designated as Right No. 15. And be adjudged to pay $191.03 costs, in addition to the costs incurred by it.

63 0147

T 1982
1983

XVI

That the defendants W. H. RIDENBAUGH and A. ROSSI be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Sec. 24, T. 3 N. R. 2 E. B. M., for use upon lands situated in T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0148

469 inches, from June 1, 1865; and hereby designated as Right No. 16.

For use for manufacturing and general power purposes, in the following amount from the following date;

13290 inches, from June 1, 1865; and hereby designated as Right No. 17.

63 0149

And it is hereby ordered that said quantity of water so awarded for manufacturing and general power purposes shall be used for such purposes only, and after such use shall be returned to Boise River.

And be adjudged to pay $962.50 costs in addition to the costs incurred by them.

XVII

That the defendant THE DENVER & IDAHO LAND COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river near the head of what is known as the Ridenbaugh Mill Ditch, in Sec. 13, T. 3 N. R. 2 E. B.M., for use upon the E. 1/2 of SW 1/4 of Sec. 15, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0150

40 inches, from June 1, 1865; and Hereby designated as Right No. 18.

And be adjudged to pay $2.80 costs in addition to the costs incurred by it.

XVIII

That the defendant MARTHA BOWMAN be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4, Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B M, through what is known as the Center Point Ditch, for use upon lots 2, 3 and 6 and NE 1/4 of SW 1/4, Sec. 31, T. 5 N. R. 4 W. B.M., in the following amount and from the following date;

144 inches, from June 1, 1865; and hereby designated as Right No. 19.

63 0151

And be adjudged to pay $10.08 costs in addition to the costs incurred by her.

T P.D.50

~~XVIII~~. XIX.

That the defendant BIRD BOWMAN be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4 , Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon lots 5, 6 and 7, NW 1/4 SE 1/4, Sec. 32, T. 5 N. R. 4 W. B.M., and lots 4 and 5 and N. 1/2 of SE 1/4, Sec. 31, T. 5 N. R. 4 W. B. M., in the following amount from the following date;

63 0152 T. AD. 61, P.D. 127

320 inches, from June 1, 1865; and hereby designated as Right No. 20 And be adjudged to pay $22.40 costs in addition to the costs incurred by her.

~~XIX~~. XX.

That the defendant G. W. GESS be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4, Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the NE 1/4 of SE 1/4, Sec. 32, and lots 6 and 7 in Sec. 33, T. 5 N. R. 4 W. B.M., in the following amount from the following date;

63 0153

145 inches, from June 1, 1865; and hereby designated as Right No. 21. And be adjudged to pay $10.15 costs in addition to the costs incurred by him.

XXI.

That the defendant ROBERT McGUIRE be; and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4 of Sec. 12, andSE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the S. 1/2 of SE 1/4, S. 1/2 SW 1/4, NE 1/4 SE 1/4, Sec. 32, Lots 6 and 7 and SW 1/4 of SW 1/4 of Sec. 33, and lot 4, Sec. 4, T. 6 N. R. 4 W. B.M., and lot 1 in Sec. 5, T. 4 N. R. 4 W. B. M. in the following amount,from the following date;

63 0154

160 inches, from June 1, 1865. and hereby designated as Right No. 22. And be adjudged to pay $11.20 costs in addition to the costs incurred by him.

XXII.

That the defendant C. W. COOPER be, and he is hereby awarded, the use of the waters of Boise River, diverted from said river at a point in NW 1/4 of SE 1/4 of Sec. 12, and SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the SE 1/4, Sec. 11, T. 4 N. R. 4 W. B.M., and lots 6, 7 and 8, and SW 1/4 of NW 1/4 of Sec. 12, T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0155 T P.D. 172

160 inches, from June 1, 1865; and hereby designated as Right No. 23.

And be adjudged to pay $11.20 costs in addition to the costs incurred by him.

XXIII.

That the defendant J. D. ROLAND be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the S. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 3 W. B. M., through what is known as the Center Point Ditch, for use upon the S. 1/4 of NE 1/4 and SE 1/4 of NW 1/4 of Sec. 11, T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0156 T 71, P.D. 85, P.D. 172

120 inches, from June 1, 1865; and hereby designated as Right No. 24.

And be adjudged to pay $8.40 costs in addition to the costs incurred by him.

XXIV.

That the defendants DRAPER & WELLS be, and they are hereby awarded the use of the waters of Boise River, diverted from said river at a point

for use upon the

in the following amount and from the following date;

63 0157 T P.D. 172

197 inches, from June 1, 1865; and hereby designated as Right No. 25.

And be adjudged to pay $13.79 costs in addition to the costs incurred by them.

~~XXIV~~. XXV.

That the defendant THOMAS J. PALMER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center of S. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 3 W. B.M., through what is known as the Center Point Ditch, for use upon lands situated in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0158 T P.D. 172

80 inches, from June 1, 1865; and hereby designated as Right No. 26. And be adjudged to pay $6.60 costs in addition to the costs incurred by him.

XXVI.

That the defendant NOAH W. PALMER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center of the S. 1/2 of SW 1/4 of sec. 7, T. 4 N. R. 3 W. B.M., through what is known as the Center point Ditch, for use upon lands situated in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0159 T P.D. 172

79 inches, from June 1, 1865; and hereby designated as Right No. 27. And be adjudged to pay $6.53 costs in addition to the costs incurred by him.

XXVII.

That the defendant J. N. TUCKER be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SE 1/4 of Sec. 25, and SW 1/4 of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SW 1/4 of Sec. 24, NE 1/4 of NW 1/4 and lots 4, 5 and 6 of sec. 25, T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

63 0160

350 inches, from June 1, 1865; and hereby designated as Right No. 28. And be adjudged to pay $24.50 costs in addition to the costs incurred by him.

XXVIII.

That the defendants JOSEPH PERRAULT and RICHARD Z. JOHNSON be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about four miles above Boise City, through what is known as the Walling, or Boise Valley Water Ditch, for use upon the town lots and lands lying under said ditch for irrigating and domestic purposes, in the following amount and from the following date;

63 0161 2500 inches, from May 1, 1866; and hereby designated as Right No 30.

T 654 694 701 702 712 713 720 737 739 753 754 823 829 873 890 906 917 918 940 976 977 979 980 989 990 991 1010 1011 1007 1017 1035 1038 1074

And that said defendants be awarded, for power purposes only, the use of said waters in the following amount from the following date, and it is hereby ordered that the quantity of water so awarded for power purposes shall be used for such purposes only, and after such use shall be returned to Boise River;

63 0162 10000 inches, from July 1, 1877; and hereby designated as Right No 66

And be adjudged to pay $875.00 costs in addition to the costs incurred by them.

~~XXXX~~. XXIX.

That the defendant WILLIAM P. KENNEDY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW 1/4 of Sec. 17, T. 4 N. R. 1 W. B.M., for use upon the E. 1/2 of NE 1/4 and lot 1 of Sec. 13, and SE 1/4 of SE 1/4 of Sec. 13, T. 4 N. R. 2 W. B.M., in the following amount and from the following date;

63 0163 130 inches, from June 1, 1866; and hereby designated as Right No31

T AD 59 And be adjudged to pay $9.10 costs in addition to the costs incurred by him.

~~XXXX~~. XXX.

That the defendants FRANK L. LEONARD, EDNA E. LEONARD, J. S. D. MANVILLE and ESTATE OF ALBERT SHERWIN, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river in Sec. 15, T. 3 N. R. 2 E. B.M., at a point a short distance east of the NW corner of said section; also at a point on Sec. 9, a short distance west of said section corner, and also a short distance below on said Section 9, all in T. 3 N. R. 2 E. B.M., for use upon an irregular shaped tract of land in Lot 6, and W. 1/2 of SE 1/4 of Sec. 9, T. 3 N. R. 2 E. B.M., and an irregular tract in the N. 1/2 and the SE 1/4 of Sec. 9, T. 3 N. R. 1 E. B.M., in the following amount and from the following date;

63 0164 175 inches, from June 1, 1866. and hereby designated as Right No39.

T-1879 relinquished 1906 1855

And be adjudged to pay $12.25 costs in addition to the costs incurred by them.

XXXI.

That the defendant, THE BOISE CITY CANAL COMPANYa corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on said river above the city of Boisefor use on the lands lying under its canal system, in the following amount from the following date;

63 0165 T 370; 373, 1048, 1059

1903 inches, from June 1, 1866; and hereby designated as Right No. 33. And be adjudged to pay $133.21 costs in addition to the costs incurred by it.

XXXII

That the defendant THE FRANKLIN DITCH COMPANY, acorporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the William Frost farm in Sec. 18, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amountsfrom the following dates;

63 0166

770 inches, from July 3, 1866; and hereby designatddas Right No. 34.

63 0167

1380 inches, from Oct. 29, 1880; and hereby designated as Right No. 77. And be adjudged to pay $150.50 costs in addition to the costs incurred by it.

XXXIII.

That the defendant THE CANYON COUNTY WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river near where the east line of Canyon County intersects said north bank, for use upon the lands lying under its canal system, in the following amount from the following date;

63 0168

3790 inches, from June 1, 1867; and hereby designated as Right No. 35. And be adjudged to pay $265.30 costs in addition to the costs incurred byit.

T P.D 4
P.D 36
P.D 54
P.D 149

XXXIV.

That the defendant MARTHA E. McCARTHY be, and she is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river on SE 1/4 of NE 1/4, Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough or ditch, for use upon lands lying under said ditch, in the following amount from the following date;

63 0169

705 inches, from June 1, 1868; and hereby designated as Right No. 36. And be adjudged to pay $49.35 costs in addition to the costs incurred by her.

T 871
872

XXXV.

That the defendants H. D. GOODMAN and DORA GOODMAN be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE ¼ of NE ¼ of Sec. 5, T. 3 N.R. 2 E. B.M., through what is known as the Thurman Mill Ditch or slough, for use upon lands situated in Secs. 31 and 32, T. 4 N. R. 2 E. B.M., in the following amount and from the following date;

63 0170 T-936 185 inches, from June 1, 1868; and hereby designated as Right No. 37

And be adjudged to pay $12.95 costs in addition to the costs incurred by them.

XXXVI.

That the defendant T. T. JOHNSON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the NW ¼ of SE ¼ of Sec. 12, and SE ¼ of Sec. 2, T. 4 N. R. 4 W. B.M., for use upon the NW ¼ of the SE ¼, NE ¼ of SW ¼, SW ¼ of NE ¼, SE ¼ of NW ¼, and lots 2 and 3 in Sec. 3, T. 4 N. R. 4 W. B.M., in the following amount from the following date;

63 0171 T A.D. 3 160 inches, from June 1, 1868; and hereby designated as Right No. 38.

And be adjudged to pay $11.20 costs in addition to the costs incurred by him.

XXXVII.

That the defendants C. B. ROSS, C. H. ALLEN, EDGAR DILLEY and W. H. ROSS, be and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the NE corner of Sec. 21, through what is known as the Haas canal, for use upon lands in Secs. 13, 17, 20 and 21, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0172 427 inches, from June 1, 1868; and hereby designated as Right No. 39.

And be adjudged to pay $29.89 costs in addition to the costs incurred bythem.

XXXVIII.

That the defendant S. S. GRAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the head of the Middleton Mill ditch, on NE ¼ of NW ¼, Sec. 13, T. 4 N. R. 1 W. B.M., for use upon the N.½ of SE ¼ of Sec. 10, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0173 70 inches, from June 1, 1868; and hereby designated as Right No. 40.

And be adjudged to pay $4.90 costs in addition to the costs incurred by him.

XXXIX

That the defendant JOHN MAMMON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Sec. 25, T. 5 N. R. 5 W. B.M., for use upon the N. ½ of SE ¼ and lots 8 and 9 in Sec. 26, and lots 7 and 8 in Sec. 25, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0174 90 inches, from June 1, 1869. and hereby designated as Right No. 41
T-III

That said defendant John Mammon is also hereby awarded the use of the waters of said river, diverted at a point in the NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon the SW ¼ of SW ¼ and lots 5 and 6 in Sec. 26, and lots 1, 2 and 3 in Sec. 27, and lots 7 and 8 in Sec. 25, and N. ½ of SE ¼ and lots 8 and 9 in Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

63 0175 210 inches, from June 1, 1878; and hereby designated as Right No. 68
T-III

And be adjudged to pay $21.00 costs in addition to the costs incurred byhim.

XL.

That the defendant Isaac BEDAL be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on the south side thereof in SE ¼ of NE ¼, Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill slough or ditch, for use upon lands lying under said ditch, in the following amount and from the following date;

63 0176 80 inches, from June 1, 1869; and hereby designated as Right No. 42

And be adjudged to pay $5.60 costs in addition to the costs incurred by him.

XLI.

That the defendant FREDERICK ODE be, and he is hereby awarded the use of the waters of Boise River, diverted from a point in NW ¼ of SE ¼ of Sec. 12 and SE ¼ of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon lots 8 and 9, Sec. 33 and lots 5, 6 and 7, Sec. 34, T. 5 N. R. 4 W. B.M., and lot 1, Sec. 4, T. 4 N. R. 4 W. B.M. in the following amount from the following date;

63 0177 180 inches, from June 1, 1869 and hereby designated as Right No. 43

And be adjudged to pay $12.60 costs in addition to the costs incurred byhim.

XLII.

That the defendant PRIOR BURNETT be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the SE ¼ of Sec. 25, and SW ¼ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SW ¼ and W. ½ of SE ¼ Sec. 23, and NE ¼ of NW ¼, and lots 1, 2, 3 and 4,

Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0178 425 inches, from June 1, 1869; and hereby designated as Right No. 44.

And be adjudged to pay $20.75 costs, in addition to the costs incurred by him.

XLIII.

That the defendant the MASON CREEK DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank thereof near the center of the east line of Sec. 16, T. 4 N. R. 2 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date:

63 0179 1680 inches, from June 1, 1869; and hereby designated as Right No. 46

T-P.D. 29

And be adjudged to pay $130.20 costs in addition to the costs incurred by it.

XLIV.

That the defendant T. W. Boone be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the SE ¼ of Sec. 25, and SW ¼ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the NE ¼, NW ¼ of SE ¼, and lots 1, 2 and 3, Sec. 25, T. 5 N. R. 5 W. B.M., in the following amounts and from the following dates;

63 0180 125 inches, from June 1, 1869; and hereby designated as Right No. 47.
63 0181 110 inches, from June 1, 1874; and hereby designated as Right No. 59.

And be adjudged to pay $10.95 costs in addition to the costs incurred by him.

XLV.

That the defendant W. J. HAMMING be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the middle of the east line of Sec. 17, T. 4 N. R. 1 E. B.M., by a canal running through a part of Secs. 17 and 18, T. 4 N. R. 1 E. B.M., for use upon lands lying under said canal, and situated on Eagle Island, Ada County Idaho, in the following amount and from the following date;

63 0182 130 inches, from June 1, 1870; and hereby designatedas Right No. 48.

And be adjudged to pay $9.10 costs in addition to the costs incurred by him.

XLVI.

That the defendants Frank Hart, B. F. Swalley, James M. Stewart, W. A. Fowler, J. C. Baldwin, Charles Palmer, J. H. McGrath, Eliza J. McDowell, S. McDowell, Amos Prosser, Elsa Everett, D. D. Shaw, J. W. Dickson, Jacob Fowler, William Snodgrass, State of Idaho, Snyder & McDowell, William Spielman, T. C. Creason and Ed Bullock, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank thereof near the SE corner of NE ¼ of NW ¼, Sec. 14, T. 4 N. R. 1 W. B.M., through what is known as the Pioneer canal, for use upon agricultural lands situated in Secs, 15, 16, 17, 18, 8, 9 and 10, all in T. 4 N. R. 1 W. B.M., in the following amount from the following date;

63 0183 1286 inches, from June 1, 1870; and hereby designated as Right No. 49.

And be adjudged to pay $90.02 costs in addition to the costs incurred bythem.

XLVII.

63 0184 That the defendant the BARBER LUMBER COMPANY, a corporation, be, T-46 Trans. 2.24 and it is hereby awarded the use of the waters of Boise River, diverted at a point on the SE ¼ of Lot 9, Sec. 33, T. 3 N. R. 3 E. B.M., for use upon lots 7, 8and 9, and SW ¼ of NW ¼ of Sec. 33, lots 5 and 6 of Sec. 33, lot 1 of Sec. 32, also 10 acres in lot 2 of Sec. 32, and NW ¼ of SW ¼ of Sec. 3, all in T. 3 N. R. 3 E. B.M., in the following amount and from the following date;

112 inches, from June 1, 1869; and hereby designated as Right No. 50.

And be adjudged to pay $7.34 costs in addition to the costs incurred by it.

XLVIII.

That the defendant PETER MEEVES be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the NW ¼ of SE ¼ of Sec. 24, T. 3 N. R. 2 E. B.M., for use upon lands in parts of Secs. 14 and 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0185 T-P.O. 305 90 inches, from June 1, 1871; and hereby designated as Right No. 53.

And be adjudged to pay $6.30 costs in addition to the costs incurred by him.

XLIX.

That the defendant MARY G. DAVIS be, and she is hereby awarded the use of the waters of Boise River, diverted at a point about the center of the NE ¼ of Sec. 18, T. 4 N. R. 1 E. B.M., for use upon lots 3 and 4 and the SW ¼ of Sec. 13, and lots 3 and 4 of Sec. 24, all in T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0186 220 inches, from June 1, 1872; and hereby designated as Right No. 57.
T-P.D. 39
And be adjudged to pay $15.40 costs in addition to the costs incurred by her.

L.

That the defendant EDWARD N. HART be, and he is hereby awarded the use of the waters of Boise River, diverted at a point about the center of the NE ¼ of Sec. 18, T. 4 N. R. 1 E. B.M., for use upon the following described lands; beginning at SW corner of Sec. 13, T. 4 N. R. 1 W. B.M., and running thence east 517 feet, thence north 3960 feet, thence west 517 feet, thence south to place of beginning; also lots 9, 10, 11 and 12, and E ½ of SE ¼, Sec. 13, all in T. 4 N. R. 1 W. B.M in the following amount and from the following date;

63 0187 165 inches, from June 1, 1872; hereby designated as Right No. 58.
T-P.D. 39
And be adjudged to pay $11.55 costs in addition to the costs incurred by him.

LI.

That the plaintiff, the FARMERS' COOPERATIVE DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north side of said river, near what is known as the Caldwell bridge in Canyon County, Idaho, for use upon the lands lying under its canal system, in the following amounts from the following dates;

63 0188 500 inches, from June 1, 1875; and hereby designated as Right No. 60.
63 0189 1000 inches, from June 1, 1883; and hereby designaed as Right No. 86.
63 0190 2500 inches, from July 1, 1888; and hereby designated as Right No.105.
63 0191 4175 inches, from July 1, 1896; and hereby designated as Right No.129.

And be adjudged to pay $572.25 costs in addition to the costs incurred by it.

LII.

That the defendants the heirs of EDWARD AND MARY CLARK, be and they are hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island ~~xxx~~ through what is known as the Thurman Mill Slough, for use upon the NE ¼ of SE ¼ and lots 7 and 8, Sec. 20, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0192 115 inches, from June 1, 1876; and hereby designated as Right No. 61.

And be adjudged to pay $8.05 costs in addition to the costs incurred by them.

LIII.

That the defendant JOHN CECIL be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island, through what is known as the Thurman Mill Slough, for use upon the following described land; commencing at a point 1/4 mile west of the NE corner of NE ¼ of Sec. 27, T. 4 N. R. 1 E. B.M., thence west 120 rods, thence south 249 feet, thence southeast along the brow of the hill 120 rods, thence north 660 feet to place of beginning, in the following amount and from the following date;

63 0193 22 inches, from June 1, 1876; and hereby designated as Right No. 62;

And be adjudged to pay $1.54 costs in addition to the costs incurred by him.

LIV.

That the defendant THOMAS H. AIKENS be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in said river on Sec. 16, T. 4 N. R. 1 E. B.M., about 60 rods from the west line of said section and on or near the south line thereof, for use upon the south half of SE ¼, Sec. 17, T. 4 N. R. 1 E B.M., and lots 6, 7, and 8 in said section, also an irregular shaped piece of ground in the SE ¼ of said Sec. 17, containing about 10 acres, in the following amount and from the following date;

63 0194 260 inches, from June 1, 1877; and hereby designated as Right No 63.

That said defendant THOMAS H. AIKENS is also, and he is hereby awarded the use of the waters of said river, diverted at a point near the center of NW ¼ of SW ¼ of Sec. 13, T. 4 N. R. 1 E. B.M., for use upon the NW ¼ of NW ¼ of Sec. 16, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0195 40 inches, from June 1, 1891; and hereby designated as Right No. 123.

And be adjudged to pay $21.00 costs in addition to the costs incurred by him

LV.

That the defendant W. H. CONWAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW corner of SW ¼ of SE ¼ of Sec. 13, T. 4 N. R. 1 E. B.M., for use upon lots 5 and 6 and SW ¼ of SW ¼ of Sec. 16, T. 4 N. R. 1 E. B. M., in the following amounts and from the following dates;

63 0196 45 inches, from June 1, 1877; and hereby designated as Right No. 64.

63 0197 110 inches, from June 1, 1891; and hereby designated as Right No. 118.

And be adjudged to pay $10.85 costs in addition to the costs incurred by him.

LVI.

That the defendant the MIDDLETON WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river in SW ¼ of SE ¼ of Sec. 12, T. 4 N. R. 1 W. B.M., for use on the lands lying under its canal system, in the following amount and from the following date;

63 0198

T-359 430
374 468
375 1864
384 P.D. 57
385 P.D. 75
386 P.D. 84
387
392
395

370¼ inches, from June 1, 1877; and hereby designated as Right No. 65.

And be adjudged to pay $399.25 costs in addition to the costs incurred by it.

LVII

That the defendant the NAMPA & MERIDIAN IRRIGATION DISTRICT, (substituted for defendant the Boise City Irrigation & Land Company) a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Lot 3, Sec. 29, T. 3 N. R. 3 E. B.M., for use upon the lands lying under its canal system, in the following amounts, from the following dates;

63 0199 T-1711 3500 inches, from May 1, 1878; and hereby designated as Right No. 67.

63 0200 T-464 18542 inches, from August 20, 1888; and hereby designatddas Right No 106

And be adjudged to pay $1092.94 costs in addition to the costs incurred by it.

LVIII.

That the defendant JULIA MAMMON be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point in NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon the SE ¼ of SW ¼, and S. ½ of SE ¼, and lot 7 in Sec. 26, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0201 T-111 133 inches, from June 1, 1878; and hereby designated as Right No. 68.

And be adjudged to pay $11.74 costs in addition to the costs incurred by her.

LIX.

That the defendant CHARLES ALLEN be, and he is hereby awarded the use of the waters of Boise River, diverted at a point at the NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon lots 3 and 4 and NW 1/4 of NW 1/4 of Sec. 22, and lots 3, 4, 6, 7, 8 and 9 in NW 1/4 of SE 1/4 of Sec. 21, and lot 10 in Sec. 21, lot 5 in Sec. 22, lot 4 in Sec. 27, and NE 1/4 of NW 1/4 of Sec. 28, all in T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

63 0202
T.P.D. 104 440 inches, from June 1, 1878; and hereby designated as Right No. 70.

And be adjudged to pay $30.80 costs in addition to the costs incurred by him

LX.

That the defendant R. H. STOCKTON be, and he is hereby awarded the use of the waters of Boise river, diverted from said river at a point in the SE 1/4 of Sec. 16, T. 5 N. R. 5 W. B.M., for use upon the E. 1/2 of NW 1/4 of Sec. 16, NE 1/4 of NE 1/4 of Sec. 17, S. 1/2 of SE 1/4, SE 1/4 of SW 1/4, NE 1/4 of SE 1/4 of Sec. 8, all in T/ 5 N. R. 5 W. B.M., in the following amounts and from the following dates;

63 0203
T. P.D. 103 220 inches, from June 1, 1878.; and hereby designated as Right No. 71.

63 0204
T. P.D. 103 25 inches, from June 1, 1894.; and hereby designated as Right No. 125.

And be adjudged to pay $21.56 costs in addition to the costs incurred by him.

LXI.

That the defendant the NEW DRY CREEK DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise river, diverted from a point on the north bank of said river in SW 1/4 of SE 1/4 of Sec. 24, T. 4 N. R. 1 E. B.M., for use upon the lands lying under its canal system, in the following amounts, from the following dates;

63 0205
1566 inches, from June 1, 1879; and hereby designated as Right No. 72.

63 0206
761 inches, from June 1, 1886; and hereby designated as Right No. 93.

63 0207
393 inches, from June 1, 1888; and hereby designated as Right No. 97.

And be adjudged to pay $190.40 costs in addition to the costs incurred by it.

LXII.

That the defendant D. MUNFORD be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in Nw 1/4 of SE 1/4 of Sec. 12, and in SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the SW 1/4 of SE 1/4, NE 1/4 of SE 1/4 , SE 1/4 of NE 1/4, and lot 1, Sec. 3, and NW 1/4 of SW 1/4, and lot 8, Sec. 2, all in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0208
200 inches, from June 1, 1879; and hereby designated as Right No. 73.

And be adjudged to pay $14.00 costs in addition to the costs incurred by him.

LXIII.

That the defendant SMITH STOCKTON be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in the SE ¼ of Sec. 18, T. 5 N. R. 5 W. B.M., for use upon the SE ¼ of NW ¼, NE ¼ of SW ¼, NW ¼ of SE ¼ and SW ¼ of NE ¼ of Sec. 8, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0209
T. P. D. 1038 inches, from June 1, 1880; and hereby designated as Right No. 74.

And be adjudged to pay $6.16 costs in addition to the costs incurred by him.

RECEIVED
MAR 13 1969
Department of Reclamation

LXIV.

That the defendant Isham Joplin be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the E. 1/2 of SE 1/4 of Sec. 21, and SW 1/4 of SW 1/4 of Sec. 22, all in T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0210

120 inches, from June 1, 1880; and hereby designated as Right No. 75.

And be adjudged to pay $8.40 costs in addition to the costs incurred by him.

LXV.

That the defendant JOSEPH GOBLE be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., thrrough what is known as the Thurman Mill Slough, for use upon the SW 1/4 of SE 1/4 of Sec. 22, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0211

45 inches, from Oct. 20, 1880; and hereby designated as Right No. 76.

And be adjudged to pay $3.15 costs in addition to the costs incurred by him.

LXVI.

That the defendant SUSIE CAMPBELL be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE 1/4 of NE 1/4 of Sec. 5, T/ 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the following described tract of land; commencing at the NE corner of Sec. 27, T. 3 N. R. 1 E. B.M., and running thence south along the section line between sections 26 and 27 in said township and range to the bottom of the foot of the bluff that runs east and west through the NE 1/4 of NE 1/4 of said section 27, running thence in a westerly direction, following the bottom or foot of said bluff to the west line of said NE 1/4 of NE 1/4 of said section 27, thence north along said line to the NW corner of said NE 1/4 of NE 1/4 of section 27, thence east along the north line of said Sec. 27 to place of beginning, in the following amount and from the following date;

63 0212

30 inches, from June 1, 1882; and hereby designated as Right No. 79.

And be adjudged to pay $2.10 costs in addition to the costs incurred by her,

LXVII.

That the defendant J. T. BARBER be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon lands lying under said ditch in Sec. 19, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0213
T-1649 80 inches, from June 1, 1882; and hereby designated as Right No. 80.

And be adjudged to pay $5.60 costs in addition to the costs incurrddby him.

LXVIII.

That the defendant SONORA JOPLIN is entitled to the use of the waters of Boise River, diverted from said river at a point in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the NW 1/4 of SW 1/4, and S. 1/2 of S. W. 1/4, and SW 1/4 of SE 1/4 of Sec. 21, T. 4 N. R. 1 E. B.M. in the following amount from the following date;

63 0214
T-412 170 inches, from June 1, 1882; and hereby designated as Right No. 81.

For use upon the following described tract; commencing at a point 30 feet south of the corral fence, thence south 69 degrees 30 minutes west 500.3 feet, thence south 315 feet to edge of bluff, thence south 76 degrees east 562 feet along the edge of bluff, thence north 29 degrees 30 minutes east 162 feet, thence north 29 degrees 45 minutes west 409 feet to place of beginning, in lot 3 of Sec. 15, T. 3 N. R. 2 E. B.M., in the following amount from the following date;

63 0215
3 inches, from June 1, 1889; and hereby designated as Right No. 115.

For use upon lots 5 and 6, Sec. 21, T. 4 N. R. 1 E. B. M., in the following amount from the following date;

63 0216
60 inches, from June 1, 1889; and hereby designated as Right No. 116.

And be adjudged to pay $16.31 costs in addition to the costs incurred by her.

LXIX.

That the defendant S. W. HUTCHINSON be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon 20 acres of land situated in Sec. 14, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0217

22 inches, from June 1, 1882.; and hereby designated as Right No. 82. And be adjudged to pay $1.54 costs in addition to the costs incurred by him.

LXX.

That the defendant JOHNSON be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon 20 acres of land situated in Sec. 14, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0218

22 inches, from June 1, 1882; and hereby designated as Right No. 83. And be adjudged to pay $1.54 costs in addition to the costs incurred by him.

LXXI.

That the defendant ANDREW J. JOPLIN be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the NE 1/4 of SW 1/4, and NW 1/4 of SE 1/4, and lots 7 and 8, Sec. 21, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0219

143 inches, from June 1, 1883; and hereby designated as Right No. 84.

And be adjudged to pay $10.01 costs in addition to the costs incurred by him.

LXXII.

That the defendant JAMES L. GRAHAM be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river on Lot 6, Sec. 22, T. 4 N. R. 1 E. B.M., for use upon the S. 1/2 of NW 1/4 and lot 5 of Sec. 20, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0220

110 inches, from June 1, 1882; and hereby designated as Right No. 85. And be adjudged to pay $7.70 costs in addition to the costs incurred by him.

LXXIII.

That the defendant FRANCIS M. JOPLIN be, and she is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 8, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the SE 1/4 of SW 1/4 of Sec. 22, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0221

45 inches, from June 1, 1883; and hereby designated asRight No. 87. And be adjudged to pay $3.15 costs in addition to the costs incurred by her.

LXXIV.

That the defendant W. A. BLACK be, and he is hereby awarded the use of the waters of Boise River, diverted from said river through the canal now owned by the Riverside Irrigation District, Limited, Canyon County, Idaho, for use upon the E. 1/2 of Sec. 8 and all of Sec. 9, T. 4 N. R. 4 W. B.M., in the following amount and from the following date; and hereby designated as Right No. 88.

63 0222 T-603,660,644, P.D. 175

600 inches, from June 1, 1883. And be adjudged to pay $42.00 costs in addition to the costs incurred by him.

LXXV.

That the defendant the EUREKA DITCH COMPANY NO. 2 be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the SE corner of Sec. 12, T. 4 N. R. 4 W. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;

63 0223

1085 inches, from Nov. 9, 1883.; and hereby designated as Right No. 89. And be adjudged to pay $75.95 costs in addition to the costs incurred by it.

T- P.D. 85 287-
P.D. 131
P.D. 171
P.D. 224
P.D. 245
P.D. 287-

LXXVI.

That the defendant the PIONEER IRRIGATION DISTRICT, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point on the farm known as the William Frost farm in Sec. 18, T. 4 N. R. 1 W. B.M., through what is known as the Caldwell canal, for use upon the lands lying under its canal system, in the following amount and from the following date;

63-0221 2655 inches, from June 1, 1884; and hereby designated as Right No. 90.

Also, diverted at a point on the south bank of said river opposite the lower part of Eagle Island, in Sec. 24, T. 4 N. R. 1 W. B.M., through what is known as the Phyllis canal, for use upon the lands lying under its canal system, in the following amounts, from the following dates;

63 0224
10000 inches, from Sept. 1, 1890.; and hereby designated as Right No. 117.

63 0225
2817 inches, from April 1, 1904.; and hereby designated as Right No. 135.

And be adjudged to pay $1063.04 costs in addition to the costs incurred byit.

LXXVII.

That the defendant the RIVERSIDE IRRIGATION DISTRICT, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the center line of Sec. 20, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amounts, from the following dates;

63 0226
1000 inches, from June 1, 1884. and hereby designated as Right No. 91.

63 0227
4000 inches, from May 1, 1893. and hereby designated asRight No. 124.

63 0228
1000 inches, from Oct. 1, 1899. and hereby designated as Right No. 130.

63 0229
3500 inches, from June 1, 1901. and hereby designated as Right No. 133.

And be adjudged to pay $665.00 costs in addition to the costs incurred by it.

LXXVIII.

That the defendant the SETTLERS' CANAL COMPANY, Limited, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river at the head of the Government Hay Reservation, in Sec. 9, T. 3 N. R. 2 E. B.M., for use on the lands lying under its canal system, in the following amounts from the following dates;

63 0230 Trans. .30 Trans. .40 T. 34, 35, 50, 477, 483

4953 inches, from Oct. 17, 1884. and hereby designated as Right No. 92.

63 0231 T 45, 50, 34

3672 inches, from June 1, 1891; and hereby designated as Right No. 122.

And be adjudged to pay $303.75 costs in addition to the costs incurred by it.

LXXIX.

That the defendants WILLIAM C. YOUNG, LIZZIE YOUNG and ESTELLA YOUNG be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE 1/4 of SW 1/4 of Sec. 10, T. 4 N. R. 3 W. B.M., through what is known as the Young ditch, for use upon lands lying under said ditch in sections 15 and 21, T. 4 N. R. 3 W. B.M., in the following amount from the following date;

63 0232

200 inches, from Jan. 25, 1887. and hereby designated as Right No. 95.

And be adjudged to pay $14.00 costs in addition to the costs incurred by them.

LXXX.

That the defendant the AMERICAN DITCH ASSOCIATION, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE corner of SW 1/4 of Sec. 16, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

63 0233 Trans. 2.0 P.D. Trans. 1475' 210'

2390 inches, from Oct. 1, 1887. and hereby designated asRight No. 96.

And be adjudged to pay $167.30 costs in addition to the costs incurred by it.

T- 62 P.D. 3
36 P.D. 36-A
47 P.D. 48
48 P.D. 148
111 P.D. 166
790 P.D. 172
38 P.D. 224
P.D. 171

LXXXI.

That the defendant A. V. LINDER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the center of SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, NE 1/4 of SW 1/4, NW 1/4 of SE 1/4, and lot 2, all in Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount from the following date;

63 0234

200 inches, from June 1, 1888. Hereby designated as Right No. 98.

And be adjudged to pay $14.00 costs in addition to the costs incurred by him.

LXXXII.

That the defendant LEVI SMITH be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the E. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0235

65 inches, from June 1, 1888. hereby designated as Right No. 99.

And be adjudged to pay $4.55 costs in addition to the costs incurred by him.

LXXXIII.

That the defendant CHARLOTTE CALHOUN be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the W. 1/2 of the SW 1/4, otherwise described as lots 3 and 4, Sec. 7, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0236

70 inches, from June 1, 1888. hereby designated as Right No. 100.

And be adjudged to pay $4.90 costs in addition to the costs incurred by her.

LXXXIV.

That the defendant E. J. LINDER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use on the E. 1/2 of SE 1/4 of Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0237

73 inches, from June 1, 1888. hereby designated as Right No. 101.

And be adjudged to pay $5.11 costs in addition to the costs incurred by him.

LXXXV.

That the defendant LIZZIE EVERETT be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M for use upon the E. ½ of NE 1/4 of Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0238 T. P.D. 64

60 inches, from June 1, 1888. hereby designated as Right No. 102.

And be adjudged to pay $4.20 costs in addition to the costs incurred by her.

LXXXVI.

That the defendant JESSE WILSON be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the N. 1/2 of NW 1/4 and NW 1/4 of NE 1/4 of sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0239 T. P.D. 91, P.D. 164, P.D. 174

70 inches, from June 1, 1888. hereby designated as Right No. 103.

And be adjudged to pay $4.90 costs in addition to the costs incurred by him.

LXXXVII.

That the defendant CHARLES H. MILLER be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon three acres of land situated in the NW 1/4 of sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0240

3 inches, from May 1, 1889. hereby designated as Right No. 107.

And be adjudged to pay $0.21 costs in addition to the costs incurred by him.

LXXXVIII.

That the defendant LOOMIS L. HOSELEY be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon one acre of land situated in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0241

1 inch, from May 1, 1889. hereby designated as Right No. 108.

And be adjudged to pay $0.07 costs in addition to the costs incurred by him.

LXXXIX.

That the defendants STEVE UTTER, JOHN UTTER and C. B. TAYLOR be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the SE 1/4 of NE 1/4, and NE 1/4 of SE 1/4, Sec. 23, and S. 1/2 of NW 1/4 and lots 7 and 8 in Sec. 24, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0242

120 inches, from May 1, 1889, hereby designated as Right No. 109.

And be adjudged to pay $8.40 costs in addition to the costs incurred by them.

XC.

That the defendant the SOUTH BOISE MUTUAL IRRIGATION COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the NE 1/4 of SW 1/4 and lots 5 and 6 in Sec. 24, also all that portion of the SE 1/4 of Sec. 15 lying south of what is known as the Ridenbaugh Mill Ditch, and all that portion of the NE 1/4 of Sec. 22 lying north of what is known as the Big Bluff or Ridenbaugh canal, all in T. 3 N. R 2 E. B. M., in the following amount and from the following date;

300 inches, from May 1, 1889; hereby designated as Right No. 110.

And be adjudged to pay $21.00 costs in addition to the costs incurred by it.

63 0243

XCI.

That the defendant ESTATE OF J. H. GALLAGHER be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by th the line between township 3 north, 2 east, and township 3 north, 3 east through what is known as the Bubb canal, for use upon the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0244

147 inches, from May 1, 1889; hereby designated as Right 111.
And be adjudged to pay $10.29 costs in addition to the costs incurred by it.

XCII.

That [illegible] Annie H. Fogarty) be, and she is hereby awarded the use of the waters of Boise river, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon two and one-half acres of land situated in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0245

2-1/2 inches, from May 1, 1889. hereby designated as Right No. 112.
And be adjudged to pay $0.18 costs in addition to the costs incurred by him.

XCIII.

That the defendant GRACE CALL be, and she is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon 5 acres of land, situated in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0246

5 inches, from May 1, 1889. hereby designated as Right No. 113.
And be adjudged to pay $0.35 costs in addition to the costs incurred by her.

XCIV.

That the defendant SAMUEL H. CANFIELD be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon 2 acres of land in the NW 1/4 of Sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0247

1-1/2 inches, from May 1, 1889. Hereby designated as Right No. 114. And be adjudged to pay $0.11 costs in addition to the costs incurred by him.

XCV.

That the defendant the FARMERS' UNION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point where the east line of the Soldiers' Home land intersects Boise River, in Sec. 32, T. 4 N. R. 2 E. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;

63 0248

5500 inches, from July 2, 1894. Hereby designated as Right No. 126. And be adjudged to pay $385.00 costs in addition to the costs incurred by it."

XCVI.

That the defendants CHARLES REIN and JANE KROH be, and they are hereby awarded the use of the waters of Boise River, diverted from the south side of said river at a point about 75 yyards below what is known as the Ridenbaugh main head-gate, for use upon the NE 1/4 of SE 1/4 of sec. 25, T. 3 N. R. 2 E. B.M., also lot 7, Sec. 30, T. 3 N. R. 3 E. B.M., in the following amount and from the following date;

63 0249 T- A.D. 153

50 inches, from May 1, 1895. Hereby designated as Right No. 127. And be adjudged to pay $3.50 costs in addition to the costs incurred by them.

XCVII.

That the defendant MATHEW CASEY be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the W. 1/2 of NE 1/4 and E. 1/2 of NW 1/4 Sec. 27, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0250

33 inches, from July 1, 1895, hereby designated as Right No. 126.

And be adjudged to pay $2.31 costs in addition to the costs incurred by him.

XCVIII.

That the defendant the NEW YORK CANAL COMPANY, Limited, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river about 11 miles above Boise City, for use upon the lands lying under its canal system, in the following amount and from the following date;

63 0251

10955 inches, from March 23, 1900. hereby designated as Right No. 131.

And be adjudged to pay $766.85 costs in addition to the costs incurred by it.

XCIX.

That the defendant the CANYON DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the SE corner of NE 1/4 of Sec. 16, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

63-0369 Trim 105

500 inches, from May 17, 1900. hereby designated as Right No. 132.

Also, diverted from said river at a point on its right bank, at the head of the slough immediately south of the head-gate of the so-called Sobree canal, and immediately west of the so-called Caldwell wagon ~~brig~~ bridge across said river, in Canyon County, Idaho, for use upon the ~~land~~ lands lying under its canal system, in the following amount and from the following date;

63 0252

277 inches, from Oct. 25, 1901. hereby designated as Right No. 134.

And be adjudged to pay $54.39 costs in addition to the costs incurred by it.

C.

That the defendants ADA COUNTY FARMERS' IRRIGATION COMPANY, A. H. EAGLESON & SONS, Limited, and ESTHER HALE, and neither of them, be awarded the use of any portion of the waters of Boise River, separate or apart from the appropriation thereof by the defendant the New York Canal Company, Limited, as found and decreed herein, but that whatever rights said defendants may have to the use of said waters be adjudged to be included in the right to the use of said waters herein allotted to said New York Canal Company, Limited.

It is further ordered, adjudged and decreed that the costs and disbursements of each party herein be paid by the party by whom such costs and disbursements were incurred, and that the costs of the State Engineer's examination, to-wit, the sum of $10,504.60, be apportioned to the parties to this action who are allotted water herein, in the same proportion as water is allotted to them, that is to say, $0.06709 for each inch so allotted, and that execution issue for said State Engineer's costs.

It is further ordered, adjudged and decreed that the expense incurred in preparing findings and decree herein and in filing and recording the same, to-wit, the sum of $488.66, be apportioned to the parties to this action who are allotted water herein in the same proportion as water is allotted to them, that is to say, $0.00291 for each inch so allotted.

Date January 18" 1906

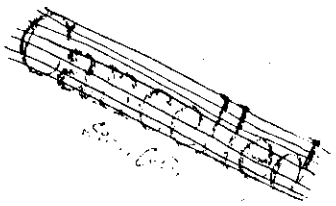
Geo H Stewart
Judge

State of Idaho
County of Canyon
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.
DATED
May [illegible], 1969
Walter [illegible] District Court
and Ex Officio
By [illegible] Deputy

The foregoing is a true and certified copy of the document on file at the department of Water Resources.
Signed this 10 day of May, 1996
David B. Shaw
Adjudication Supervisor

County: Canyon
Stream: India eek
Amount: 8.64
Use: Irrigation and Domestic
Priority: October 15, 1909

STATE OF IDAHO



Water License No. 5515

WHEREAS, On the 15th day of October, A. D. 1909,

J.P. Hall and E.C. Apperson
of Caldwell, County of Canyon State of Idaho, duly made application (No. 7714) to me for a permit to use 16.5 cubic feet per second of the waters of Indian Creek, in Water District No. 12-A

County of Canyon, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 3rd day of December, A. D. 1909, Permit No. 5515 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 3rd day of December, A. D. 1910, and for the application to beneficial use of said water on or before the 3rd day of December, A. D. 1913, and,

WHEREAS, On the 10th day of May, A.D. 1910, J.P. Hall and E.C. Apperson, the holders of said permit, transferred all their right, title and interest in and to said permit to the Canyon Hill Development Company, Limited, and

WHEREAS, On the 3rd day of December, A. D. 1910,

Canyon Hill Development Company, Limited,
the holder of said permit, duly made proof of the completion of adequate works for the diversion of 16.5 cubic feet per second of said waters, as evidenced by my Certificate No. 5515 dated January 14, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 16.5 cubic feet per second of said water, with date of priority of October 15, 1909,, and

WHEREAS, On the 9th day of November, A.D., 1912, Canyon Hill Development Company, Limited, the holder of said permit, transferred all its right, title and interest in and to said permit to the Canyon Hill Irrigation Company, and

WHEREAS, On the 5th day of November, A.D. 1915, the time for beneficial use of water under said permit was extended to the 3rd day of December, A.D. 1916, and

WHEREAS, On the 29th day of January, A. D. 1916,
Canyon Hill Irrigation Company
the holder of said permit, duly made proof of the application to beneficial use of 8.64 cubic feet per second of said water. ***

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Caldwell Irrigation District

of Caldwell, County of Canyon, State of Idaho, the holder and owner of said Permit No. 5515, a perpetual right, dating from October 15, 1909 to the use of 8.64 cubic feet per second of the waters of Indian Creek

in the County of Canyon and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point N. 16°08' W. 733.3 feet. from the S.W. Cor. of Sec.26, Tp. 4 N., R. 3 W., B.M., and con

and conducted to and upon 432 acres as follows:- T.4 N.R. 3 W., B.M.- Sec.10 4 acres in SE¼SW¼ and 5 acres in SW¼SE¼; Sec.15- 40 acres in NW¼NE¼, 30 Acres in NE¼NE¼, 20 acres in SW¼NE¼; 40 acres in NE¼NE¼ and 35 acres in SE¼SE¼; Sec.14 - 40 acres in NW¼SW¼, 40 acres in SW¼SW¼, 3 acres in SE¼SW¼ and 10 acres in SW¼NW¼; Sec.23- 40 acres in NW¼NW¼, 25 acres in SW¼NW¼, 40 acres in SE¼NW¼, 10 acres in SE¼SW¼ and 40 acres in SW¼SE¼;

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 14th day of October A. D. nineteen hundred and sixteen

J.H. SMITH
State Engineer.

(Seal)

63 2114

*** WHEREAS, On the 29th day of September, A.D. 1916, the Canyon Hill Irrigation Company, the holder of said permit, transferred all its right, title and interest in and to said permit to the Caldwell Irrigation District;

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 5515

ORDER

WHEREAS, The Pioneer Irrigation District, postoffice address, Caldwell, Idaho, through mesne conveyances, is the record owner of Water Permit No. 5515 and Water License No. 5515, issued thereunder by the State Engineer of Idaho on October 14, 1916, said Water Permit and Water License being recorded at Page 5515 of Volume 16 of Permits and Page 2072 of Volume 4 of Licenses, respectively, in the office of the Department of Reclamation at the Capitol Building, Boise, Idaho, and granting and confirming a perpetual right to the use of 8.64 cubic feet per second of the waters of Indian Creek, Canyon County, Idaho, the right to the use thereof being at all times subject to the terms and provisions of said License; and,

WHEREAS, Subsequently, and on July 15, 1918, the State Engineer of Idaho, upon proper application by Pioneer Irrigation District, granted Certificate of Transferred Water Right No. 219, said Certificate being recorded at Page 219 of Volume 1 of Transfers in the office of the Department of Reclamation at the Capitol Building, Boise, Idaho, which Certificate in fact and effect changed the authorized place of use of said water from lands to which it was originally appurtenant by reason of said License No. 5515 to other lands, all as set out in the said Certificate of Transferred Water Right No. 219; and,

WHEREAS, The State Engineer in issuing said Certificate of Transferred Water Right No.219 cancelled said License No. 5515, the reason for such cancellation not appearing in the record of the proceedings; and,

WHEREAS, There is no statute known to be written in the laws of Idaho which authorizes the cancellation of a water license by the State Engineer for any reason whatever, and furthermore, the granting of a certificate of transferred water right not seeming to have the effect of cancellation of the original water license, but rather in fact amending such a water license in part only:

NOW, THEREFORE, IT IS HEREBY ORDERED, That the endorsement of cancellation appearing on said Water License No. 5515 in the records of the office of Department of Reclamation be struck out and said License restored to its original condition of validity and effect and that this order be recorded thereon, and also a true copy of said Certificate of Transferred Water Right No. 219 be recorded upon said License, and that a true copy of this order be attached to the Licensee's copy of said Water License No. 5515, which likewise bears the endorsement of the State Engineer, "Cancelled".

WITNESS, The hand and seal of the Commissioner of Reclamation, this 23d day of March, 1928.

(SEAL)

GEO. N. CARTER,
Commissioner of Reclamation.

63

STATE OF IDAHO
Office of the State Engineer
CERTIFICATE OF WATER RIGHT
Transferred Right No. 219.

THIS IS TO CERTIFY that the PIONEER IRRIGATION DISTRICT, organized and existing under the laws of the State of Idaho, with its principal place of business at Caldwell, Canyon County, Idaho, has a right to the use of the waters of Indian Creek, a tributary of Boise River, for irrigation and domestic purposes, and that said right has been confirmed by a Water License issued by the State Engineer of the State of Idaho, Number 5515, wherein 8.64 second feet of the waters of Indian Creek, in District Number 12A, were dedicated to the following lands: All in Tp. 4 N., R. 3 W. B. M.; Sec. 10--$SE\frac{1}{4}SW\frac{1}{4}$, 4 acres; $SW\frac{1}{4}SE\frac{1}{4}$, 5 acres: Sec. 15--$NW\frac{1}{4}NE\frac{1}{4}$, 40 acres; $NE\frac{1}{4}NE\frac{1}{4}$, 30 acres; $SW\frac{1}{4}NE\frac{1}{4}$, 20 acres; $NE\frac{1}{4}SE\frac{1}{4}$, 40 acres; $SE\frac{1}{4}SE\frac{1}{4}$ 35 acres: Sec. 14--$NW\frac{1}{4}SW\frac{1}{4}$, 40 acres; $SW\frac{1}{4}SW\frac{1}{4}$, 40 acres; $SE\frac{1}{4}SW\frac{1}{4}$, 3 acres; $SW\frac{1}{4}NW\frac{1}{4}$, 10 acres: Sec.23--$NW\frac{1}{4}NW\frac{1}{4}$, 40 acres; $SW\frac{1}{4}NW\frac{1}{4}$, 25 acres; $SE\frac{1}{4}NW\frac{1}{4}$, 40 acres; $SE\frac{1}{4}SW\frac{1}{4}$, 10 acres; $SW\frac{1}{4}SE\frac{1}{4}$, 40 acres; said License being entered at Boise, Idaho, in the records of the State Engineer in Volume 4 of Water Licenses, page 2072; that upon application of the Caldwell Irrigation District for a transfer of water right made before the State Engineer of the State of Idaho, and after due investigation, said application having been granted by the State Engineer, the right to use said water upon the lands above described is hereby abandoned, and a description of the lands to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, limited at any given time to an amount actually needed and beneficially used for said purposes, and which shall not exceed 8.64 second feet, dated October 15, 1909, is shown in the following table:

Twp	Rge	Sec:	$NE\frac{1}{4}$	$NW\frac{1}{4}$	$SW\frac{1}{4}$	$SE\frac{1}{4}$	$NE\frac{1}{4}$	$NW\frac{1}{4}$	$SW\frac{1}{4}$	$SE\frac{1}{4}$	$NE\frac{1}{4}$	$NW\frac{1}{4}$	$SW\frac{1}{4}$	$SE\frac{1}{4}$	$NE\frac{1}{4}$	$NW\frac{1}{4}$	$SW\frac{1}{4}$	$SE\frac{1}{4}$	Total
			$NE\frac{1}{4}$				$NW\frac{1}{4}$				$SW\frac{1}{4}$				$SE\frac{1}{4}$				
4 N	3 W	26:						35			35	40	40	40		10	40	20	260
		27:		40	40	40									40	40	40	40	280
		35:	40	40	20	40	30								30				200
		36:					20	40	20		40	40	40	20		20	20		260

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 State Engineer of the State of Idaho, affixed at Boise, Idaho, this 15th day of July, A. D. 1918.

(SEAL)

FRED A. WILKIE
State Engineer

03 2111

State of Idaho

License and Certificate of Water Right

Water License No. 11896 — Amount 60 sec. ft.

Water District No. 12-A — Priority 9-8-15

THIS IS TO CERTIFY that The Pioneer Irrigation District of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 8, 1915; that Permit No. 11896 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 60 second feet, was issued thereunder on September 14, 1923, showing that said works were completed on the 20th day of July, 1922; and that on the 20th day of July, 1922,

The Pioneer Irrigation District

of Caldwell, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Wilson Slough Drainage System, a tributary of Boise River, for the purpose of irrigation and domestic use, under Use Permit No. 11896 of the State Engineer 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 6 of Licenses, at page 3082, on the 14th day of September, 1923;

The right hereby confirmed dates from September 8, 1915;

The Point of Diversion is located in the SE ¼ SW ¼, Sec. 12, Tp. 3 N., R. 3 W., B. M. County of Canyon.

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 60 cubic feet per second.

Description and location of use: 3000 acres, in the following legal subdivisions:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	3 W.	1	W½ NW¼	4 N. 3 W. 34	N½
		2	E½ NE¼	35	SE¼
4 N.	3 W.	21	E½ SE¼		N½
			NW¼ SE¼		
		22	S½		
		23	W2/4 S½SW¼		
		26	W½ NE¼ NW¼		
			W½ NW¼		
			NE¼ SE¼		
			NW¼ SW¼		
			S½ S½		
		27	All		
		28	E½ NE¼		
			S½		
		33	N½ N½		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 14th day of September, 1923.

W. G. SWENDSEN
Commissioner of Reclamation.

(SEAL)

63 2275

63-2276

State of Idaho

License and Certificate of Water Right

Water License No. 11897 — Amount 43 sec. ft.
Water District No. 12-A — Priority 9-8-1916

THIS IS TO CERTIFY that The Pioneer Irrigation District of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 8, 1915; that Permit No. 11897 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 43 second feet, was issued thereunder on September 14, 1923, showing that said works were completed on the 20th day of July, 1922; and that on the 20th day of July, 1922,

The Pioneer Irrigation District of Caldwell, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Mason Creek Drainage System, a tributary of Boise River, for the purpose of irrigation & domestic under Use Permit No. 11897 of the State Engineer 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 6 of Licenses, at page 3083, on the 14th day of September, 1923;

The right hereby confirmed dates from September 8, 1915;

The Point of Diversion is located in the SE ¼ SE ¼, Sec. 33, Tp. 4 N., R. 2 W., B. M. County of Canyon.

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 43.0 cubic feet per second.

Description and location of use: 4389.34 acres, in the following legal subdivisions:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	3 W.	10	SE¼ SW¼	4 N. 3 W. 25	All
			SW¼ SE¼	26	NE¼, NE¼ NW¼
		15	NE¼		NE¼ SE¼
			E½ NW¼	36	NE¼, N½ NW¼
			N½ SE¼		SE¼ NW¼
			SE¼ SE¼		SE¼ SW¼, SE¼
		14	SW¼ NW¼	3 N. 3 W. 1	NE¼, E½ NW¼
			SW¼		
		22	E½ NE¼	3 N. 2 W. 6	NW¼
			NE¼ SE¼	4 N. 2 W. 19	SW¼ SW¼
		23	All	30	All
		24	W½ NE¼	31	W½ NE¼
			SE¼ NE¼		NW¼
			NW¼		SW¼
			SW¼		

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 14th day of September, 1923.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

63-2276

63-2244

State of Idaho

License and Certificate of Water Right

Water License No. 12311
Water District No. 12-A

Amount 50 sec. ft.
Priority 4-3-1916

THIS IS TO CERTIFY that The Pioneer Irrigation District of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 3, 1916; that Permit No. 12311 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 50 second feet, was issued thereunder on September 14, 1923, showing that said works were completed on the 20th day of July, 1922; and that on the 20th day of July, 1922,

The Pioneer Irrigation District of Caldwell, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Five Mile Creek Drain, a tributary of Boise River, for the purpose of irrigation and domestic use, under Use Permit No. 12311 of the State Engineer 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 6 of Licenses, at page 3081, on the 14th day of September, 1923;

The right hereby confirmed dates from April 3, 1916;

The Point of Diversion is located in the SE ¼ SE ¼, Sec. 27, Tp. 4 N., R. 2 W., B. M. County of Canyon.

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 50 cubic feet per second.

Description and location of use: 3905 acres, in the following legal subdivisions:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	3 W.	23	NE¼	4 N. 2 W. 20	NW¼
			NE¼ NW¼		SW¼
			N½ SE¼		SE¼
			SE¼ SE¼	21	S½ SW¼
		24	W½ NE¼	28	NE¼ NW¼
			SE¼ NE¼	29	NE¼
			NW¼		NW¼
			SW¼		SW¼
			SE¼		NW¼ SE¼
		25	All	30	All
4 N.	2 W.	19	S½ NE¼	31	N½ NE¼
			S½ NW¼		SW¼ NE¼
			SW¼		NW¼
			SE¼		N½ SW¼
					SW¼ SW¼

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 14th day of September, 1923.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

63 2244

Bryan Dec

Decree F. c No. 457

(39)

637

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR CANYON COUNTY

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 10 day of May, 1996

David E. Shaw
Adjudication Bureau Chief

PIONEER IRRIGATION DISTRICT,
An Irrigation District,

Plaintiff

vs

AMERICAN DITCH ASSOCIATION,
a corporation,

BOISE CITY CANAL COMPANY,
a corporation,

BOISE RAPID TRANSIT COMPANY
a Corporation

BOISE VALLEY IRRIGATING DITCH
COMPANY, a Corporation,

BARBER LUMBER COMPANY, a
Corporation,

CANYON DITCH COMPANY, a
Corporation,

CANYON COUUNTY CANAL COMPANY,
a Corporation,

CANYON COUNTY WATER COMPANY,
A Corporation,

CANYON COUNTY IRRIGATION COMPANY,
a Corporation,

CANYON IRRIGATION COMPANY, a
Corporation,

DRY CREEK DITCH COMPANY, a
Corporation,

EUREKA DITCH COMPANY, A
Corporation,

EUREKA DITCH COMPANY NO. 2,
a Corporation,

EUREKA WATER COMPANY, a
Corporation,

DECREE

IN THE DISTRICT CO. [illegible] JUDICIAL [illegible]

134

FARMERS' CO OPERATIVE DITCH COMPANY, LTD. a corporation,

FARMERS' UNION DITCH COMPANY, a corporation,

FRANKLIN DITCH COMPANY, a Corporation

HILL CREST IRRIGATION DISTRICT, An Irrigation District,

JACOBS' CANAL COMPANY a Corporation,

LOWER BOISE DITCH COMPANY a corporation,

LOWER CENTER POINT DITCH COMPANY, a Corporation,

MIDDLETON CANAL COMPANY, a corporation,

MIDDLETON MILL DITCH COMPANY, a Corporation,

MIDDLETON WATER COMPANY, a Corporation,

MASON CREEK DITCH COMPANY a Corporation,

NAMPA MERIDIAN IRRIGATION DISTRICT, An Irrigation District,

NEW YORK CANAL COMPANY, A Corporation,

NEW DRY CREEK DITCH COMPANY A corporation,

PIONEER DIXIE DITCH COMPANY a Corporation,

RIVERSIDE IRRIGATION DISTRICT, LTD., a Corporation,

SETTLERS' CANAL COMPANY, a corporation,

SETTLERS' IRRIGATION DISTRICT an Irrigation District,

SIEBENBERG CO-OPERATIVE DITCH COMPANY a Corporation

SOUTH BOISE MUTUAL IRRIGATION COMPANY a Corporation,

UPPER CENTER POINT DITCH COMPANY , a corporation,

UNION DITCH COMPANY,
a corporation,

PAYETTE-BOISE WATER USERS' ASSOCIATION,
a Corporation,

C. H. ALLEN, THOS. AIKEN, THOS ANDREWS, J. T. BARBER, ISAAC BEDAL, JAS. B. BELL, BERT BLACK, W. A. BLACK BERT BOWMAN, Heirs of EDWARD AND MARY CLARK, (Mary J. Clark, Daniel Clark, Annie D. Clark, Lewis D. Clark) CUDDY & PERKINS, JOHN COFFEY, JOHN CECIL, D. D. CAMPBELL, T. C. CATLIN, GRACE CALL, SAMUEL H. CANFIELD, W. U. CONWAY, EDGAR DILLEY, THOMAS DAVIS, MARY G. DAVIS, ANNA H. FOGARTY, WALTER GRIFFITHS, H.A. GRIFFITHS, H. D. GOODMAN, AND DORA GOODMAN, JAS L. GRAHAM, LEWIS T. GRAHAM, FRANK N. GRAHAM, WM. GILBERT, Est. of JAMES H. GALLAGHER, JOSEPH GOBLE, W. J. HAMMING, LOOMIS M. HOSELEY, EDWARD N. HART, ANDREW J. JOPLIN, SONORA JOPLIN, ISHAM JOPLIN, J. M. JOHNSON, RICHARD JOHNSON, WILLIAM KENNEDY, JANE KEOGH, FRANK LEONARD, A.V. LINDER , et al, CHARLES S. MILLER, MRS. A. MILLER, JOHN MAMMON, JULIA MAMMON, J.D.S. MANVILLE, MARTHA E. McCARTHY, CHARLES OAKES, JOSEPH PERRAULT, PERRY PARISH, W. H. ROSS, O. B. ROSS, MARY ROE, OLLIE RIFE, CHARLES REIN, PETER MEVES, W. H. RIDENBAUGH, A. R. ROSSI, ____ RICE, Estate of ALBERT SHERWIN, MARTHA

GILGAN SARCHET, SMITH STOCKTON, R.H. STOCKTON, JOHN TUCKER, Adm. Estate of J.N. TUCKER, deceased, C.B. TAYLOR, STEPHEN UTTER, JOHN UTTER, ALLEN WEBSTER, ____ WILSON, J. R. YARYAN, ESTELLA YOUNG, LIZZIE YOUNG WILLIAM C. YOUNG

DEFENDANTS

This cause heretofore came regularly on for trial before the Court sitting without a jury. J. M. Thompson and Frank T. Wyman appeared as attorneys for the plaintiff, Pioneer Irrigation District; Fremont Wood and Scatterday & Stone appeared for the Farmers' Co-Operative Ditch Company; Rice & Bicknell for the defendant, Riverside Irrigation District; Oppenheim & Lampert and Charles P. McCarthy, for the defendant, New York Irrigation District; G. W. Grebe, for the defendant, Boise-Kuna Irrigation District; T. L. Martin for the defendants, South Boise Mutual Irrigation Company, Stephen Utter, John Utter, and C. B. Taylor and Farmers' Union Ditch Company, Limited, and B. E. Stoutemyer, H. E. Ray, John C. Rice and G. W. Grebe for the intervenor, United States of America. It appearing to the Court that all of the other defendants to this action have been duly and regularly served within the State of Idaho with summons issued out of this Court in this cause and have been duly and regularly served with the cross-complaints of the several defendants and of the intervenor, and that none of said

defendants has filed any answer to any of them, and that the time for such answer had heretofore expired, the default of each and every of said defendants, both as to the complaint, the cross-complaints and the complaint in intervention was duly and regularly entered.

Whereupon, the parties to this cause not in default being present in Court and represented by counsel, evidence was offered on behalf of each of said parties on the issues in the said cause and certain stipulations appearing in the Reporter's Transcript and upon the minutes of the Court were duly entered into, and the taking of evidence was duly closed and, after argument of counsel, the cause was submitted to the Court for decision; that it was stipulated upon the trial of this cause, by and between counsel for the respective parties, that the complaint, answers, cross-complaints and complaints in intervention and all pleadings filed in this cause should be deemed to be amended to conform to the proof offered by the respective parties, and, based upon said stipulation, it was so ordered by the Court;

And the Court having considered the evidence and being fully advised in the premises, made and filed its Findings of Fact and Conclusions of Law herein and directed that decree should be entered in accordance therewith.

WHEREFORE, In consideration of the premises, it is ORDERED, ADJUDGED AND DECREED as follows:-

1-

That all of the lands affected by this

litigation under the several canals and ditches of the parties to this action are arid in character, and require water artificially applied for their successful reclamation and irrigation and the raising of crops thereon, and that the only source of water for the irrigation of said lands is from the Boise River.

11-

That the several parties to this suit are the owners of the respective ditches and canals, headgates, diversion works, reservoirs, including their entire irrigation system claimed by them, as shown by their respective pleadings and the evidence in this cause; that corporations or associations which are parties to this action are, and each of them is, a unit, or as a single claimant, and that the findings, conclusions and decree in this case shall run to such corporation or association rather than to the individuals who take or receive water under the same.

111-

That this suit was brought and prosecuted to this decree for the purpose of determining the rights of the several parties to such waters of Boise River as remained after satisfying the awards made in that certain decree rendered on January 18, 1906, in this Court in the suit brought by Farmers' Co-Operative Ditch Company, vs Riverside Irrigation District, Ltd., et al, known and hereinafter referred to as the Stewart Decree; and all rights and amounts of water herein awarded are and are hereby decreed to be subject, subsequent and inferior to all the rights and priorities established

by and awarded in said Stewart Decree.

IV-

That the quantity of water to which each of the parties of this action is awarded under this decree shall be measured at the points of diversion thereof in each instance, except that in the case of water to be impounded in Arrowrock Reservoir, the same shall be measured at the head, or where the water flows into the same. That the duty of water (being the amount of water required successfully to irrigate said lands) under this decree is hereby decreed to be as follows:-

That, so long as the natural flow of the Boise River is sufficient to supply the waters decreed in this case and the rights heretofore decreed from the Boise River at the rate of one miner's inch per acre, measured at the respective points of diversion, the duty of water shall be determined and decreed to be one miner's inch per acre, measured at the points of diversion of the parties hereto;

That, as the season advances and the flow of the river drops, and on account of the longer nights and cooler weather, rising water table and other conditions, a higher duty of water is pratical, and when the natural flow of the Boise River becomes insufficiant to supply the waters herein decreed, and the rights p prior thereto, at the rate of one miner's inch per acre at the points of diversion, the Court decrees that the amount of water required for the irrigation of the said lands is and the amount delivered to each appropriator

under this decree in this action shall be cut to the basis of .75 of a miner's inch per acre at the points of diversion, beginning at the latest right, and then cutting, in succession, each right to the earliest right involved herein;

That, thereafter, when the natural flow of the Boise River becomes insufficient to supply the rights involved in this case, and the rights prior thereto, at the rate of .75 of a miner's inch, measured at the points of diversion, another cut shall be made to and the Court decrees that the amount of water required for the irrigation of said lands is .6 of a miner's inch per acre, measured at the points of diversion, said cut to begin with the latest right, and then cutting, in succession, each right to the earliest right involved herein, and that the distribution of water to supply the rights involved in this case shall be continued on a basis of .6 of a miner's inch per acre, measured at the points of diversion, so long as the natural flow of the Boise River is sufficient in volume to supply water to any of the rights involved in this case.

And the Court further decrees with respect to the duty of water as herein established and decreed that the Arrowrock Reservoir right, under License No. 7180, shall not be subject to cut until the flow of the Boise River is insufficient to supply the said right and all rights prior thereto, and that, after the flow of the Boise River becomes insufficient to supply the said right, under License No. 7180, and all rights prior thereto, then the said right, under License

No. 7180, shall be cut in its entirety, before any right prior thereto shall be cut.

That in making the respective cuts to seventy-five per cent and to sixty per cent, it is meant that the reasonable amount of water so required for the irrigation of lands involved herein is such that when the cut to seventy-five per cent is made, the amount of water so required and to be delivered, respectively, shall be seventy-five per cent of the amount to which each claimant is decreed to be entitled herein; and, further, that when the cut to sixty per cent is made, the amount of water so required and to be delivered shall be sixty per cent of the respective amounts to which each claimant is decreed to be entitled herein, regardless of the number of acres upon which the said waters may be spread or used by each claimant.

V-

It is further ORDERED, ADJUDGED AND DECREED that none of the parties hereto, or their successors in interest, shall have the right to the use of the waters of Boise River herein awarded, except for a beneficial purpose; and that whenever the beneficial use has ceased, such party or parties shall cease to divert and have no right to divert the said waters; that each and every of the parties hereto, their servants, attorneys, employees, privies and successors in interest, are hereby enjoined and restrained from any and all interference with or diversion or use of the waters of said Boise River which are herein decreed except as provided in the said Stewart Decree,

whenever such interference, diversion or use would in any manner interfere with with the quantity of water awarded by this decree to any of the other parties to this suit.

VI-

That each of the parties to this suit or their predecessors in interest, whose rights are adjudicated hereby, did by actual appropriation and diversion from Boise River or by compliance with the statutes of this State become entitled to the quantities of water hereinafter decreed and used such waters for a beneficial purpose and such parties are now entitled to the same as hereinafter set forth.

VII-

That each party hereto shall pay his own costs and disbursements.

VIII-

That subject to the duty of water and the limitations upon its use as provided in paragraph IV hereof, each of the parties to this suit is entitled to the use of the said waters of the said Boise River (subject to the awards made in the Stewart Decree) in the quantity and of the date of each appropriation or right as follows, to-wit:

PIONEER IRRIGATION DISTRICT.

That, subject to the awards made in the said Stewart Decree, the plaintiff Pioneer Irrigation District is entitled to and is hereby awarded the said use of the waters of the Boise River diverted through its canals commonly known as the Phyllis and Caldwell Highline

Canals for domestic purposes and for use upon lands lying under the same in the following amounts from the following dates:

63 02594 306.56 second feet from April 1, 1905
63 02595 54.5 " " " " 1, 1908

FARMERS' CO-OPERATIVE DITCH COMPANY

That, subject to the awards made in the Stewart Decree, the defendant Farmers' Co-Operative Ditch Company is entitled to and is hereby awarded the said use of the waters of the Boise River diverted through its canal commonly known as the FarmersI Co-Operative Canal for domestic purposes and for use upon lands lying under the same in the following amount from the following date:

63 02597 154.455 second feet from April 1,1905.

NEW YORK IRRIGATION DISTRICT
BOISE-KUNA IRRIGATION DISTRICT.

That neither the defendant New York Irrigation District nor the defendant Boise-Kuna Irrigation District is entitled to any waters whatsoever (in addition to that awarded thereunder in the Stewart Decree) under or by virtue of the water filing of W.C. Annett made on March 23, 1900.

FARMERS' UNION DITCH COMPANY

That, subject to the awards made in the said Stewart Decree, the defendant Farmers' Union Ditch Company is entitled to and is hereby awarded the said use of the waters of the Boise River diverted through its canal commonly known as the Farmers' Union Canal for domestic purposes and for use upon lands lying

under the same in the following amount from the following date;

54.46 second feet from July 2, 1894.

685 0297

?SOUTH BOISE MUTUAL DITCH COMPANY

That, subject to the awards made in the said Stewart Decree, the defendant South Boise Mutual Ditch Company is entitled to and is hereby awarded the said use of the waters of the Boise River diverted through its canal commonly known as the South Boise Mutual Canal for domestic purposes and for use of lands lying below the same in the following amount from the following date:

685 0298 5.4 second feet from April 1,,1905

RIVERSIDE IRRIGATION DISTRICT,LIMITED.

That, subject to the awards made in the said Stewart Decree, the defendant Riverside Irrigation District. Limited, is entitled to and is hereby awarded the said use of the waters of the Boise River diverted through its canal commonly known as the Riverside Canal for domestic purposes and for use upon lands lying under the same in the following amounts from the following dates;

685 0299
685 0300 63.78 second feet from April 1, 1910
17.70 " " " " 1, 1914

UNITED STATES OF AMERICA

That the intervenor United States of America is not entitled to any waters whatsoever (in addition to that awarded thereunder in the Stewart Decree) under or by virtue of the water filing of W.C.

Annett made on March 23, 1900, but subject to the awards made in the said Stewart Decree it is entitled to the use of the waters of said Boise River diverted through what is commonly known as the New York Canal for domestic purposes and (except as herein specifically limited) for use of lands lying under the same in the following amounts from the following dates:

[illegible] 1062.08 second feet from Dec 14,1903] ← Superseded by Sutton Order dated 1-30-1932, and subsequent continuation by Eunistead filed June 23, 1933. Watermaster records indicate that 1254.58 cfs are delivered under this cl, as defined in the Sutton Order
[illegible] 634.00 " " " June 16 1909

That subject to the awards made in said Decree it is entitled to (1500.00 second feet from June 16,1909 for power purposes only at the Government power plant at its diversion dam at the head of the New York Canal; and to

63-036)

[illegible] 8000.00 second feet from January 13, 1911, for storage in Arrowrock Reservoir during the flood water season only and thereafter to be drawn out and used in the irrigation of lands of the Boise Project, and other lands entitled to the same.

DKT 1-27-83

Dated February 14th,1929

Ed L. Bryan
District Judge

Entered and Filed
9:30 A.M. Feb 16,1929
Myrtle Bernard, Clerk
Rose Edwards, Deputy

11-529
Compared

STATE OF IDAHO,
County of Canyon, } ss.

I, Myrtle Bernard, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Decree has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original Decree as the same appears recorded in Book 11 Judgments Pages 329 in my office

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 26th day of Feb, 1929

Myrtle Bernard
Clerk of the District Court and Ex-officio Recorder.
By Rose Edwards Deputy.

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 10 day of May 1926

David B. Shaw

State of Idaho

License and Certificate of Water Right

Water License No. 18448

Water District No.

Amount 87.1 second feet

Priority December 21, 1936

THIS IS TO CERTIFY that PIONEER IRRIGATION DISTRICT of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 21, 1936; that Permit No. 18448 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 87.1 second feet, was issued thereunder on February 6, 1943, showing that said works were completed on the 27th day of May, 1942; and that on the 27th day of May, 1942,

PIONEER IRRIGATION DISTRICT of Caldwell, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use ~~the waters of~~ said subterranean waters, ~~a tributary of~~ x, for the purpose of irrigation and domestic use, under Use Permit No. 18448 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 4146, on the 6th day of February, 1943;

The right hereby confirmed dates from December 21, 1936;

The Points of Diversion are located as follows:

[illegible] Sec. , Tp. [illegible]

Name of Pump	No.	Sub-division	Section	Twp.	Range	Amount Sec.Ft.
Street	26	SE¼ SE¼	22	4 N	4 W	2.1
Shelp	23	SE¼ NW¼	25	4 N	4 W	2.6
Maple Grove	21	NE¼ SE¼	11	3 N	3 W	4.3
Tiege	11	NW¼ NW¼	7	3 N	1 W	2.4
Orchard Ave.	20	[illegible]	21	3 N	2 W	4.7
Mason Creek	14	SW¼ SW¼	14	3 N	2 W	6.3
Coloman	16	NW¼ NE¼	10	3 N	2 W	2.8
Wing	13	SE¼ SW¼	11	3 N	2 W	3.3
Christenson	7	NW¼ NE¼	33	4 N	2 W	1.9
Miller	3	SW¼ SE¼	27	4 N	2 W	1.8
Old Frost	9	SE¼ SW¼	35	4 N	2 W	2.5
Ferguson	10	NE¼ SW¼	36	4 N	2 W	1.4
Indian Creek	18	SW¼ NE¼	22	3 N	2 W	10.00
Stevens	24	SE¼ NE¼	26	4 N	4 W	1.5
Horton	27	NE¼ SE¼	25	4 N	3 W	3.6
Sandy	1	SE¼ SW¼	30	4 N	1 W	1.2
Stephens Orchard	19	NE¼ NE¼	19	3 N	2 W	3.0
Peterson	15	NW¼ SW¼	4	3 N	2 W	2.2
Franklin Pond	12	SW¼ SW¼	2	3 N	2 W	4.4
Cemetery	17	SW¼ SE¼	15	3 N	2 W	5.0
New Frost	4	SE¼ SW¼	34	4 N	2 W	2.3
Gwinn	25	NE¼ NW¼	27	4 N	2 W	2.2
Dickens	2	NE¼ SW¼	26	4 N	2 W	2.7
J. Betts	6	SW¼ NW¼	36	4 N	2 W	2.8
A. Betts	5	SE¼ NE¼	35	4 N	2 W	3.0
Steelman	22	NW¼ NW¼	3	3 N	3 W	4.3
Stoner	8	SW¼ SW¼	1	3 N	2 W	2.8

6.2

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
The lands under the irrigation system of said Pioneer Irrigation District, as more particularly described in said Permit No. 18448, and in the records in the office of the State Department of Reclamation					
					Acres Irrigated are 34,253.5

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 February, 1943

JAMES SPOFFORD
Commissioner of Reclamation

(SEAL)

63 2529

Poor Quality Original-

63-2871

License and Certificate of Water Right

Water License No. 22568

Amount 10 second feet

Water District No.

Priority January 23, 1952

THIS IS TO CERTIFY that PIONEER IRRIGATION DISTRICT

of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 23, 1952; that Permit No. 22568 was issued under said application; that Certificate of Completion of works, with a carrying capacity of Ten second feet, was issued thereunder on December 11, 1952, showing that said works were completed on the 28th day of April, 1952; and that on the 30th day of April, 1952,

Pioneer Irrigation District

of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Wilson Slough Drain, ~~tributary of~~, for the purpose of irrigation, under Use Permit No. 22568 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 5031, on the 11th day of December, 1952;

The right hereby confirmed dates from January 23, 1952;

The Point of Diversion is located

in the SE ¼ SE ¼, Sec. 19, Tp. 03 N, R. 2 W, B. M. Canyon 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 ten (10) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Lands within the boundary of the Pioneer Irrigation District, in the following townships; and includes all the lands lying within the district on the West side of the Wilson Drain and South of the Caldwell Low-line Canal and North of the Phyllis Canal.					
		Twp. 4 North, Ranges 1, 2, 3, 4 West, B.M.			
		Twp. 3 North, Ranges 1, 2, 3 West B.M.			

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 State Reclamation Engineer, affixed at Boise, Idaho, this 11th day of December, 1952.

Mark R. Kulp

State Reclamation Engineer

(SEAL)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-9109

Priority: January 25, 1978 **Amount:** 5.04 CFS 2449.2 AF

This is to certify, that PIONEER IRR. DIST.
P.O. BOX 426
CALDWELL, ID 83605 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated January 25, 1978, and has submitted proof to the Department of Water Resources on January 28, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 5.04 cfs of water from a **GROUNDWATER** source and that a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	VOLUME
Irrigation	03/15 to 11/15	5.04 cfs	2449.2 af

LOCATION OF POINT OF DIVERSION(S): SENW , Sec. 7, Township 3N, Range 1W
Canyon County

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
5. Place of use within boundaries of Pioneer Irrigation District.

MICROFILMED
AUG 2 4 1992

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 5TH day of MARCH, 1982.

Acting for the Director

MICROFILMED
MAR 09 1987

870206

EXHIBIT "A"

Form No. 42-1409 (2) a 1/88

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 _____
Date Received _____
Receipt Number _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) June 1, 1869

3. Source of water supply (a) Boise River
   which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 4 N. Range 1 W. Section 24 ,

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

   Additional points of diversion if any: See Attachment One

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. concrete diversion dam in Boise River to headgate and Caldwell Highline Canal to lateral ditches

6. Water is claimed for the following purposes:

		(both dates are inclusive)			(cfs)		(acre feet)
For	irrigation	purposes from	3/15	to 11/15	amount	37.20	or
For		purposes from		to	amount		or
For		purposes from		to	amount		or
For		purposes from		to	amount		or

7. Total quantity claimed (a) 37.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 118,973.43 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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Lands within the boundaries of the Pioneer Irrigation District																

Total number of acres irrigated 33,992.41

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

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.
    _____ or None ( )

14. Remarks: Pioneer Irrigation District provides water delivery to the privately owned lands within its service area. Claim to this water right is based upon historic use and practice and the attached documents (Exhibit "A").

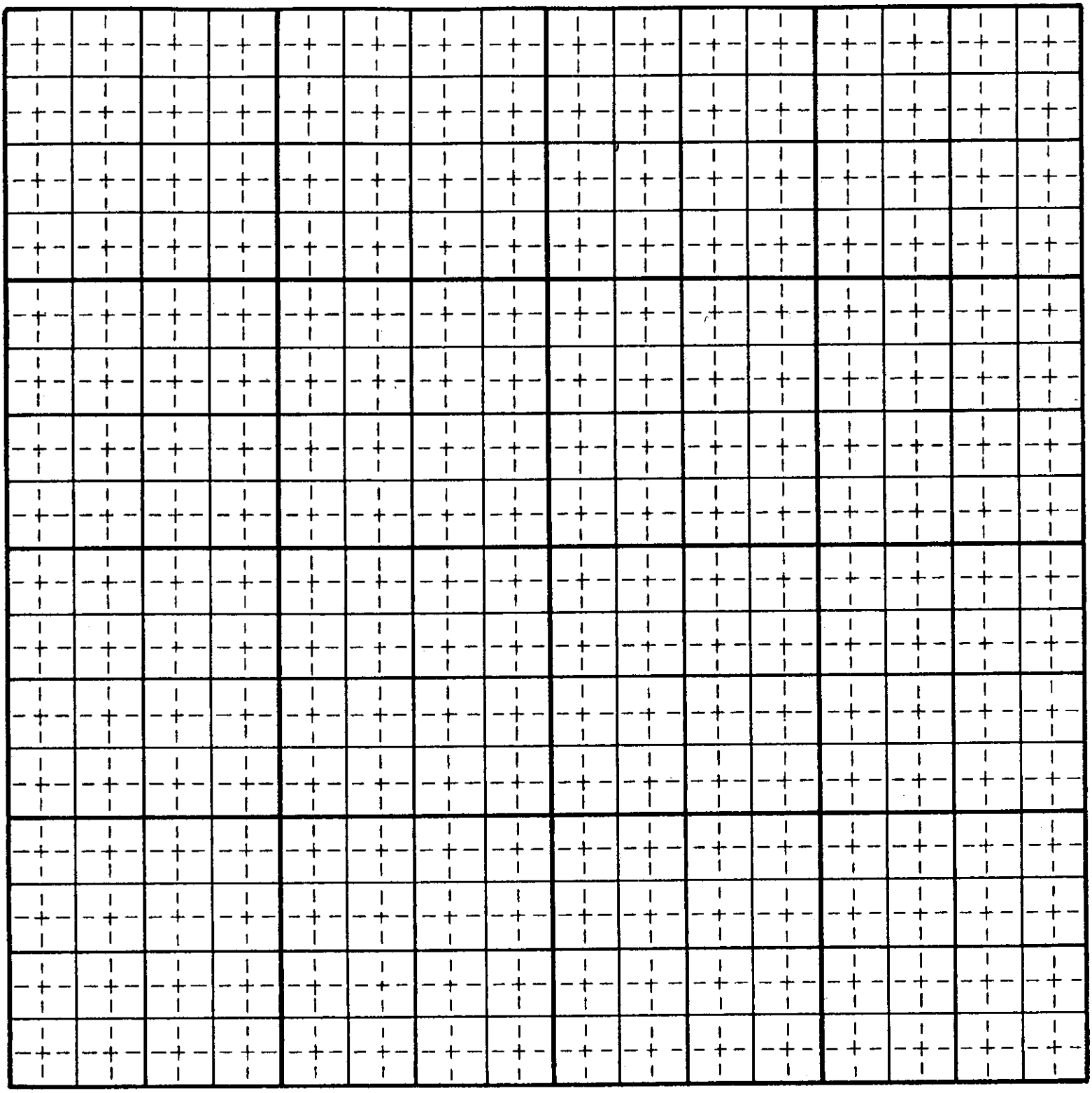
Last Name Pioneer Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

See Exhibits A, A(1), A(2) and A(3) to Claim No. A63-0224



Last Name Pioneer Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number No. 63-00179
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Kenneth Brush

Title and Organization President, Pioneer Irrigation District Date 3/14/90

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

Subscribed and sworn (or affirmed) before me this 14 day of March 19 90

SEAL

Notary Public Carole D. Ford

Residing at Boise, Idaho

My Commission Expires 6/27/93

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L. Campbell

Address P.O. Box 1539, Boise, ID 83701-1539

Date 3/14/90

Last Name Pioneer Ident. Number _____

Copies White-State, Yellow-Claimant

ATTACHMENT ONE

T. 3 N., R. 1 E., Section 23,
S.W. 1/4 of N.W. 1/4.

This "point of diversion" is a concrete diversion structure with flashboards which regulates the flow of the south and north channels of the Boise River. It is located at the east end of Eagle Island and permits diversion of sufficient amounts of water down the south channel of the Boise River to permit Pioneer Irrigation District to divert its water into the Phyllis and Caldwell Highline canals.

FIVE MILE--MASON CREEK--HIGHLINE

May 9, 1938

Years ago when Pioneer Irrigation District took over the Mason Creek Ditch Company and Franklin Ditch Company it enlarged the ditch those companies had been using and called it the Caldwell Highline. In return for rights-of-way of Franklin Ditch Company and Mason Creek Ditch Company, P.I.D. agreed to carry their decreed water from the river through the Highline ditch which P.I.D. had enlarged and make no assessments against the lands of those two ditch companies. Turner thinks there is a contract covering this. The Highline probably had no water until P.I.D. made this trade with the Franklin and Mason Creek Companies.

The Highline picks up Five Mile Drain water at a point about one mile South and East of the Franklin school, and picks up the Mason Creek Drain water at a point approximately two miles West of where the Five Mile water is picked up. P.I.D.'s contract with Canyon Hill Irrigation District covers this Mason Creek pickup.

Pioneer dries Five Mile Drain, dumps water into the Highline, and when there isn't sufficient water below for the Franklin and Mason Creek rights P.I.D. diverts over its canal sufficient water to supply the shortage.

These Franklin and Mason Creek rights comprise about 750 to 800 acres.

Mason Creek Ditch Company picks up the water diverted over the Highline at a point about 1½ miles below the point where Highline crosses Five Mile Drain.

The Mason Creek Company and Mrs. J. P. Wells use the same diversion structure.

As to Highline water, P.I.D. has nothing decreed in its name. Its Highline water is decreed as follows:

To Franklin Ditch Company (Rights Nos. 34 and 77).

To Mason Creek Ditch Company (Right No. 46).

EXHIBIT "A"

Form No. 42-1409 (2) a 1/88

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 - 21706
Date Received 2/15/98
Receipt Number C014726

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) May 1, 1958

3. Source of water supply (a) Boise River
   which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 4 N. Range 1 W. Section 24,
   ____ 1/4 of N.E. 1/4 of N.W. 1/4, Govt. Lot, ____ B.M., County of Ada

   Additional points of diversion if any: See Attachment One

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 1-1/2 h.p. pump draws water from Boise River and discharges, via 6-inch diameter pipeline, to irrigate approximately six acres.

MICROFILMED

SEP 0 4 1998

6. Water is claimed for the following purposes:

		(both dates are inclusive)			(cfs)		(acre feet)
For	irrigation	purposes from	March 15	to Nov. 15	amount	1.0	or
For		purposes from		to	amount		or
For		purposes from		to	amount		or
For		purposes from		to	amount		or

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 21.0 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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4 N.	1 W.	24					6												6

Total number of acres irrigated 6

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

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

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

14. Remarks:

Last Name Pioneer Ident No. _____

Copies: White -State, Yellow-Claimant

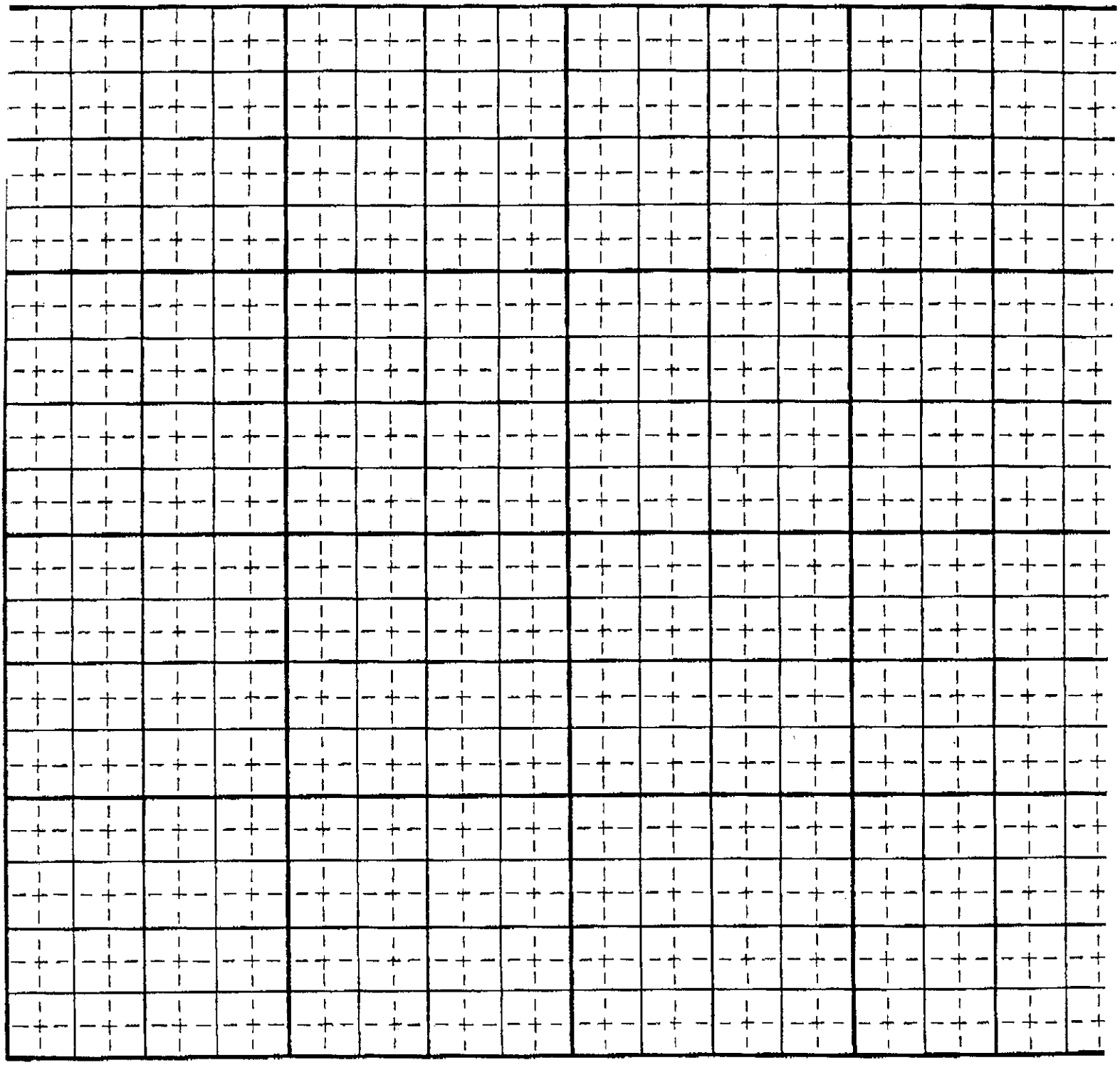
FILMED

SEP 0 4 1992

Map of Project: show clearly the po... diversion, place of use, section numbe ...nship, and range number.

Scale: 2 inches equals 1 mile

See Exhibit "A"



...ME

Last Name Pioneer Ident No. _____

Copies: White-State, Yellow-Applicant

SEP 04 1992

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

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Kenneth Brush

Title and Organization President, Pioneer Irrigation District Date 3/14/90

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

Subscribed and sworn (or affirmed) before me this 14 day of March 19 90

SEAL

Notary Public Carole D. Ford

Residing at Boise, Idaho

My Commission Expires 6/27/93

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L. Campbell

Address P.O. Box 1539, Boise, Idaho 83701-1539

Date 3/14/90

MICROFILMED

SEP 04 1992

Last Name Pioneer Ident. Number _____

Copies White-State, Yellow-Claimant

Form No. 42-1409 (2) a 1/88

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 A63-21713
Date Received 2/15/90
Receipt Number C 014726

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) June 1, 1904

3. Source of water supply (a) Pipe Gulch Draw
   which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4 N. Range 4 W. Section 27 ,
   ____ 1/4 of N.W. 1/4 of N.W. 1/4 , Govt. Lot, ____ B.M., County of Canyon

   Additional points of diversion if any: ____

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

   Township ____ Range ____ Section ____ , ____ 1/4 of ____ 1/4 of ____ 1/4,
   Govt. Lot ____ B.M., County of ____

   ending point is: Township ____ Range ____ Section ____ , ____ 1/4 of ____ 1/4 of
   ____ 1/4, Govt. Lot ____ B.M., County of ____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. concrete control structure to earthen ditches.

FILMED

SEP 0 4 1992

6. Water is claimed for the following purposes:

		(both dates are inclusive)			(cfs)		(acre feet)
For	irrigation	purposes from	3/15	to 11/15	amount 15.0	or	
For		purposes from		to	amount	or	
For		purposes from		to	amount	or	
For		purposes from		to	amount	or	

7. Total quantity claimed (a) 15.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 765.9 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: See Exhibit "A"
    a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
    b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 218.83

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

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.
    _____ or None (X)

14. Remarks:
    The lands are located outside of the Pioneer Irrigation District, but the water delivery has been provided by the District to those lands.

Last Name Pioneer Ident No. _____

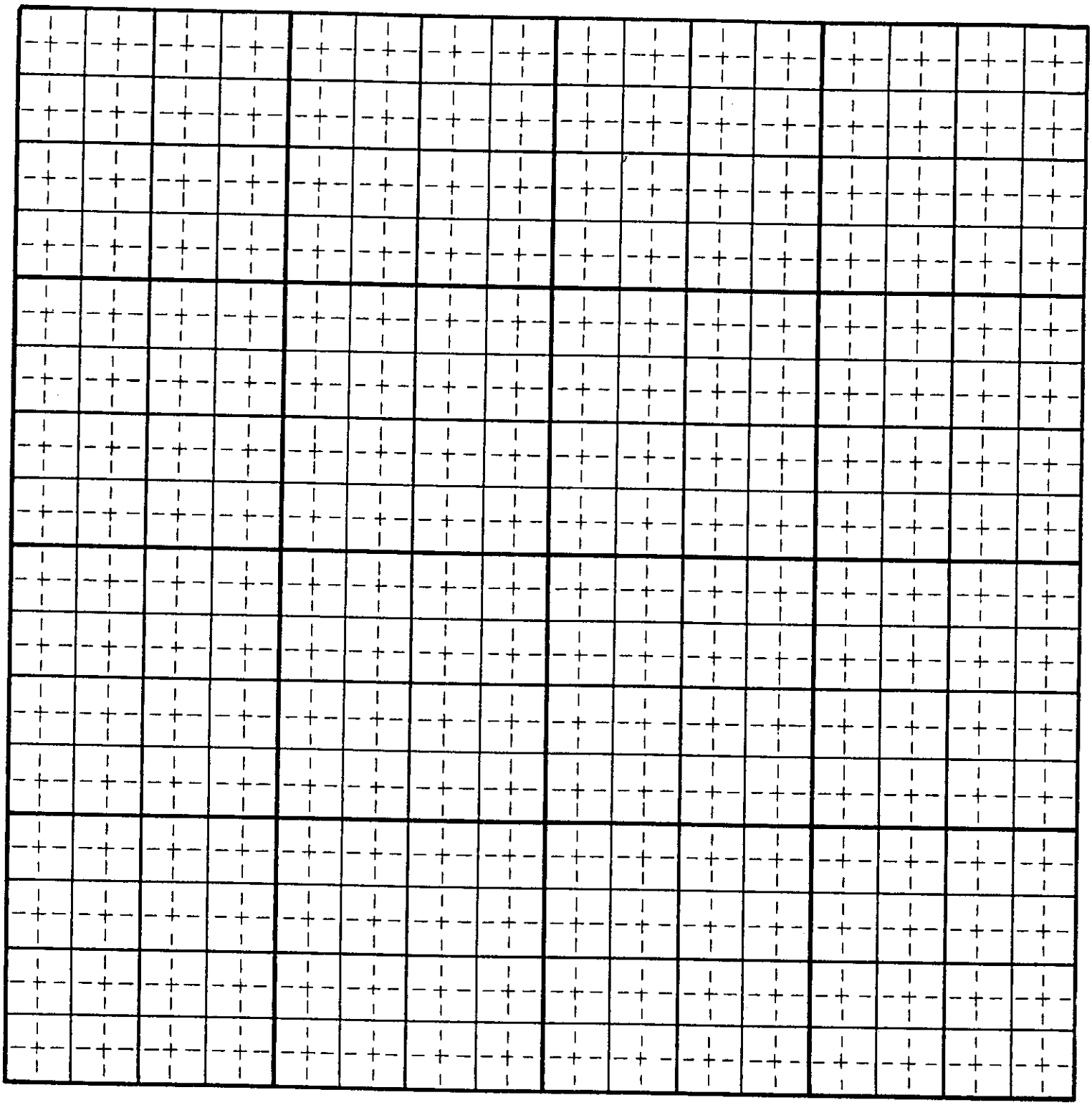
MICROFILMED
SEP 04 1992

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

See Exhibits A, A(1), A(2), and A(3) to Claim No. A63-0224



Last Name Pioneer Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
SEP 04 1992

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 ~~2~~ 1

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Kenneth Brush

Title and Organization President, Pioneer Irrigation District Date 3/14/90

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

Subscribed and sworn (or affirmed) before me this 14th day of March 19 90

SEAL

Notary Public Carole D. Ford

Residing at Boise, Idaho

My Commission Expires 6/27/93

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L. Campbell

Address P.O. Box 1539, Boise, ID 83701-1539

Date 3/14/90

FILMED

SEP 0 4 1992

Last Name Pioneer Ident. Number _____

Copies White-State, Yellow-Claimant

Pioneer Irrigation District

LONNIE J. FREEMAN
Superintendent

NAIDA E. KELLEHER
Secretary/Treasurer

P. O. Box 426 — CALDWELL, IDAHO 83605
(208) 459-3617

12-20-89

END OF PHYLLIS SPILL

PIPE GULCH EAST SIDE

Account Number		Legal Description
2098	Sec. 22 T4 R4	All of E½ SW¼ NW¼ lying S & E of Gov. waterway and N of RR
2096	Sec. 22 T4 R4	NE¼ NW¼ lying E of drain and SE¼ NW¼ and SW¼ of NE¼ lying N of West End Drain
2099	Sec. 22 T4 R4	Comm. 280' N of SW cor. SW¼ NE¼; Thence E 409.25'; Thence N 84.21'; Thence E 598'; thence N 514' to W End Drain; Thence NW along Drain R/W to W line of SW¼ NE¼; Thence S to pt. of beg.
2100	Sec. 22 T4 R4	Comm. @ SW cor. of SW¼ NE¼; Thence E 409.25'; Thence N 280'; Thence W 409.25'; Thence S 280' to pt. of beg.
2101	Sec. 22 T4 R4	Comm. @ pt. on S bdry. line of SW¼ NE¼ of sec. Thence 671.55' W from SE cor.; Thence W 239.20 Thence N 364.21'; Thence E 239.20'; Thence S 364.21' to pt. of beg.
2102	Sec. 22 T4 R4	Comm. 312.75' W from SE cor of SW¼ NE¼; Thence W 358.8'; Thence N 364.21'; Thence E 358.8'; Thence S 364.21' to pt. of beg.
2103	Sec. 22 T4 R4	Comm. @ SE cor. SW¼ NE¼; Thence N 924'; Thence W 312.75'; Thence S 924'; Thence E 312.75' to pt. of beg.
2104	Sec. 22 T4 R4	N 412.5' of E½ NW¼ SW¼ W of County road. Also: that part of SE¼ SW¼ NW¼ lying S of OSLRR R/W, which contains .28 acres.
2097	Sec. 22 T4 R4	Comm. @ SW cor. of E½ SW¼ NW¼; Thence N to RR R/W; Thence SE along said R/W to Pipe Gulch drain; Thence S along said drain to S line of NW¼; Thence W to pt. of beg.

THE ABOVE LEGAL DESCRIPTIONS CONTAIN A TOTAL OF 94.63 acres

...MED
SEP 0 4 1992

EXHIBIT "A"

Pioneer Irrigation District

LONNIE J. FREEMAN
Superintendent

NAIDA E. KELLEHER
Secretary/Treasurer

P. O. Box 426 — CALDWELL, IDAHO 83605
(208) 459-3617

12-20-89

END OF PHYLLIS SPILL

PIPE GULCH WEST SIDE

Account Number		Legal Description
2094	Sec. 21 T4 R4	N½ NE¼ NE¼, & SE¼ NE¼ NE¼ E of RR, Except 1.75 acres in NW corner.
2095	Sec. 22 T4 R4	That part of NE¼ NW¼ lying W of drain
2096	Sec. 22 T4 R4	NE¼ NW¼ lying E of drain & SE¼ NW¼ & SW¼ of NE¼ lying N of West End Drain
2093	Sec. 21 T4 R4	Beg. NW cor. NE¼ NE¼; Thence E along the N bdry. 190'; Thence S 421.79' to a pt. on the NErly bdry. of the R/W of the UPRR; Thence NWerly 223.69'; Thence N 315.59' to pt. of beg.

THE ABOVE LEGAL DESCRIPTIONS CONTAIN A TOTAL OF 124.20 ACRES

...LMED
SEP 0 4 ...92

Form No. 42-1409 (2) b 6/89

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

CIVIL CASE NUMBER: 39576

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

Identification No. A63-21714
Date Received 2/15/90
Receipt Number C014726 BAS

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee $25

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one per claim) October 3, 1963 Month/Day/Year

3. Source of water supply (Check one) (XX) Groundwater or Other ( ) (a) _____ Name or kind of source

   which is tributary to (b) _____

4. Location of point of diversion is: Township 4 N. Range 3 W.

   Section 35, _____ 1/4 of S.E. 1/4 of S.E. 1/4, Govt. Lot _____, BM.,

   County of _____

   Additional points of diversion if any: None

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 1/2 h.p. submersible pump, 8-inch diameter casing with 1-1/2-inch distribution pipeline.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

   For domestic purposes from Month/Day 1/1 to Month/Day 12/31 amount (cfs) 0.04
   (Both dates are inclusive)

   For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is *de minimus*

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) domestic water for shop and office of Pioneer Irrigation District

MICROFILMED

SEP 04 1992

10. Place of use is: Township: 4 N. Range 3 W.

Section 35, S.E. 1/4 of S.E. 1/4, Govt. Lot _____, B.M.,

for (Circle One) (Domestic) Stock Domestic and Stock
Additional places of use, if any _____

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

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

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

14. Remarks: _____

15. Basis of Claim (Circle One) (Beneficial Use) Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 0

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Kenneth Brush Date 3/14/90

Title and Organization President, Pioneer Irrigation District

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

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 14th day of March 19 90

SEAL

Notary Public Carole J Ford

Residing at Boise, Idaho

My Commission Expires 6/27/93

Last Name Pioneer Ident No. _____

Copies: White-State, Yellow-Claimant

FILMED
SEP 04 1992
FILMED
SEP 04

AMENDED 3/28/1997

WATER DISTRICT #63

RENTAL POOL PROCEDURES

RULE 1. AUHORITY AND STATEMENT OF PURPOSE

1.1 These procedures have been adopted pursuant to Idaho Code, Section 42-1765 to assure orderly operation of the Boise River Rental Pool by the Water District No. 63 Rental Pool Committee. Under no circumstances shall these procedures be construed to limit or restrict the authority of the Director of Water Resource Board, Water District No. 63 Advisory Board or the Boise River watermaster in discharging their duties as set fourth in the statutes of the state of Idaho. Anyone renting water from such space for irrigation shall be subject to all applicable water laws of the state of Idaho and the Bureau of Reclamation.

1.2 It is the purpose of these procedures to:

a. Provide a process, consistent with the Idaho Code, by which stored water supplies may be made available for a specified period of time to water users who needs additional water.

b. Provide incentives for those owning reservoir space and having stored water, which is surplus to their needs, to make such space/water available to other users, and which will serve to protect the local public interest.

c. Establish a recognized system through which water supplies can be located, identified and subsequently leased.

d. Provide a source of revenue for Water District # 63 to make improvements in distribution of water and aid in increasing the conservation of water on the Boise River.

e. Provide the available water supplies may be leased to the rental pool by the Lessor and rented from the rental pool for any beneficial purpose recognized by the laws of the state of Idaho, provided that other water rights are not injures, irrigators are not deprived of supplemental storage by renting water for users other than irrigation, and the use is consistent with the conservation of water resources within the state of Idaho.

RULE 2. DEFINITIONS

2.1 **Acre-foot** is a volume of water sufficient to cover on acre of land one foot deep.

2.2 **Year** refers to normal calendar year.

2.3 **Board** means the Idaho Water Resource Board.

2.4 **Bureau** means the federal Bureau of Reclamation or USBR.

2.5 **Committee** means the Advisory Board of Water District No. 63.

2.6 **Department** means the Idaho Department of Water Resources or IDWR.

2.7 **Director** means the Director of the Idaho Department of Water Resources.

2.8 **District** Means Boise Water District No. 63.

2.9 **Lease** or **Assignment** is the agreement through which a specific amount of space or/stored water is leased to the Rental Pool for use during a specified period of time.

2.10 **Lessor** is the entity providing space/water to the Rental Pool.

2.11 **Person** means any company, corporation, association, firm, agency, individual, partnership, government or other agency.

2.12 **Rental Pool** refers to the water leasing and rental activities administered by the local committee appointed by the Water Resource Board.

2.13 **Space** means all or any portion of the active capacity of a federal reservoir measured in acre-feet.

2.14 **Stored Water** is the water that accrues to reservoir space and is available for use.

2.15 **Watermaster** means the watermaster of Water District No. 63.

2.16 **Rent** or **rental** means a written contract for the exclusive use of stored water leased to the committee for a determinate period for a specified price.

2.16 **Renter** means the person renting water from the rental pool.

RULE 3. GENERAL

3.1 It is the policy of the Waterusers of District No. 63 and the Committee to operate the Rental Pool for the maximum beneficial use of available stored water.

3.2 Operation of the Rental Pool will be by and for the irrigators within the district through the Committee. These procedures are designed to assure that stored water is maintained and first made available for irrigation use.

3.3 The operation of the Rental Pool shall be consistent with the statutes creating the Water Supply Bank, the rules of the Board and the provisions of the contracts with the United States.

3.4 Space is accepted for the Rental Pool on a contingency basis. Payments to the lessor will be made only if stored water is subsequently rented from the Rental Pool.

3.5 The space of storage water leased to the Rental Pool that is rented for users outside the hydrologic basin of the Boise River or below the confluence of the Boise River and the Snake River shall be the last space to fill in the ensuing year.

RULE 4. MANAGEMENT

4.1 The Committee shall have the following responsibilities:

a. To provide direction to the watermaster in the operation if the Rental Pool within the overall framework of the adopted procedures.

b. To set policies for the investment and disbursement of funds generated by the Rental Pool in conformity with the Public Depository Law, Chapter 1, Title 57, Idaho Code.

c. To notify the Director and watermaster of rentals where stored water will be moved from the place of use authorized by the permit, license of decree establishing the stored water right.

4.2 The watermaster shall act as the manager of the Rental Pool. His authority shall include accepting space into the Rental Pool, executing leases on behalf of the Committee, accepting and disbursing funds generated through the rental of stored water, and distribution of rented water.

4.3 The Committee shall decide all issues by a majority vote.

RULE 5. ASSIGNMENTS

5.1 All assignments of space to the Rental Pool and rental of stored water shall be for a term of one year.

5.2 Any contracting entity which owns space in a reservoir located in the district may assign any portion of its space to the Rental Pool.

5.3 When a lesser has space in more than one reservoir the assignment designation shall be in the order: Lucky Peak Space, Anderson Ranch Space and Arrowrock/Lake Lowell Space.

5.4 Assignments of space are subject to the acceptance by the Committee. Space submitted for assignment may be rejected in whole or part by the Committee or it may place special conditions on uses, allocation, and price if, in the judgment of the Committee, accepting said space will not be in the best interest of the Rental Pool and Water District No. 63

5.5 Any lesser, renter, or applicant aggrieved by a decision of the Rental Pool Committee on matters related to the operations of the Rental Pool may request a hearing before the Committee within 15 days after receiving notice in writing of the decision. After hearing the grievance and after review by the Committee, a decision will be made by the Committee in writing, setting fourth the reasons for its decision, and said review decision must be signed by a majority of the Committee. The decision of the Committee may be appealed to the Board.

5.6 Assignments of space to the Rental Pool shall be on the priority basis as set fourth in paragraph 6 of these procedures.

5.7 Assignments of space shall be in writing and on forms provided by the watermaster and shall bear the date they were received in the watermaster's office in Boise, Idaho.

5.8 All space assigned to the Rental Pool, shall be under the control of the watermaster and Committee for the duration of the lease.

RULE 6. LESSOR PRIORITIES

6.1 When a lessor assigns space to the Rental Pool, the stored water attributable to such space shall be determined by the watermaster according to the percentage the reservoir fills.

6.2 All stored water attributable to space assigned to the Rental Pool before July 1 will be rented before any stored water from space assigned after July 1.

6.3 Lessor which assign space to the Rental Pool by July 1, shall share proportionally in the proceeds from rentals of stored water attributable to such space.

6.4 Lessors which assign space to the Rental Pool after July 1, shall receive proceeds from the rentals of stored water attributable to such space on a "first come" basis whereby the first lessor to assign space shall be the first paid.

6.5 All space/water that has not been rented by the end of the year, shall revert back to the lessor, unless extended by the lessor.

RULE 7. RENTER PRIORITIES

7.1 Any stored water available through the Rental Pool shall be provided on a priority basis. The first priority for each time category is defined below. The second priority for each category consists of all water users not defined in that time category. Water shall be rent to second priority renters only upon specific findings of the Committee, in cases when all first priority uses are anticipated to be satisfied.

7.2 Prior to June 1 of each year, priority in acquiring stored water from the Rental Pool shall given to those irrigation entities owning contracted space in the various storage reservoirs.

7.3 After June 1 until July 15th of each year, priority shall be given to water users defined in paragraph 7.2 and other irrigation water users within the district.

7.4 After July 15th of each year priority shall be given to water users defined in paragraphs 7.2 and 7.3, and all other users within the district who desire to rent water, for beneficial purpose.

7.5 Sub-priority among water users of each priority listed above shall be determined by the date on which the water user's signed rental and payment are received at the office of the watermaster in Boise. During periods of drought or special conditions, the Committee, with the Director's approval, may develop additional or alternative procedures.

7.6 Any water user having once initiated a rental for stored water may request stored water in subsequent years by confirming, in writing, that all of the information on the original rental form is true and correct, and by identifying the amount of water he wishes to purchase. The priority in this case will be the date on which payment is received by the watermaster.

7.7 Water must be used by the renter no later than March 1 of the year following the calendar year in which storage occurs, unless an extension is granted by the Committee.

RULE 8. LEASE PAYMENTS AND RENTAL FEES

8.1 The price of stored water (including the administrative fee of $0.32/acre-foot) assigned to the Rental Pool shall be set by and approved by the Committee each year.

8.2 The rental price shall be $6.50 in-basin and $6.93 out-of-basin per acre-foot, which includes an administrative fee and the 10% surcharge in compliance with Idaho Water Resource Board Water Bank Rule 6.2.

8.3 Payments to the lessors shall be made in accordance with paragraph 6 of these procedures and shall be based upon the data published in the annual report of the watermaster. Payments to the lessors shall be considered due and payable once the watermaster has calculated the actual water used within the district for the annual watermaster's report.

DEED FOR WATER RIGHT

FOR VALUE RECEIVED, JB Farms, an Idaho general partnership, whose address is 203 11th Avenue South, Nampa, Idaho 83651 ("Grantor"), does hereby grant, bargain, sell, and convey unto Pioneer Irrigation District, an irrigation district organized under the laws of the State of Idaho ("Grantee"), whose address is P.O. Box 426, Caldwell, Idaho 83606, that certain water right identified as A63-04249A, which water right is appurtenant to that certain real property owned by Grantor situated in Canyon County, Idaho, more particularly described on Exhibit A attached hereto and by this reference made a part hereof, and the diversion point of which is a well situated on said real property in the Southwest quarter of the Northwest quarter of the Southwest quarter, Section 3, Township 3 North, Range 3 West, Boise Meridian,

TO HAVE AND TO HOLD said water right unto Grantee and Grantee's successors and assigns forever. Grantor does hereby covenant to and with Grantee that Grantor is the lawful owner of said water right and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED This 25th day of January 1998.

GRANTOR
JB FARMS,
an Idaho general partnership

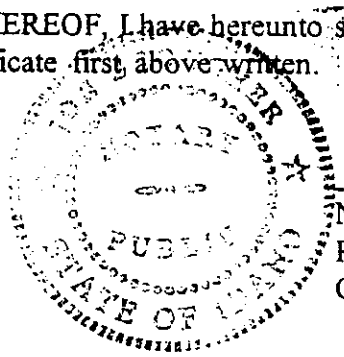
By _____
Don Brandt, General Partner

By _____
Harmon Johnson, General Partner

STATE OF IDAHO)
) ss.
County of Canyon)

On this 28th day of January, 1998, before me, Jan Brugher, the undersigned notary public in and for said state personally appeared Don Brandt, General Partner of JB Farms, an Idaho general partnership and Grantor herein, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he has the authority to execute and executed the same for the purposes therein contained on behalf of JB Farms.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

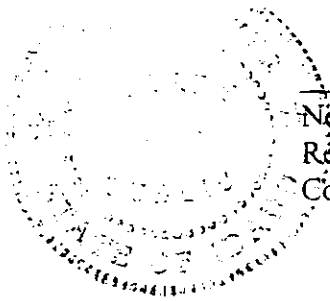


Notary Public for Idaho
Residing at Nampa ID
Commission Expires 5-13-01

STATE OF IDAHO)
) ss.
County of Canyon)

On this 29th day of January, 1998, before me, Jan Brugher, the undersigned notary public in and for said state personally appeared Harmon Johnson, General Partner of JB Farms, an Idaho general partnership and Grantor herein, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he has the authority to execute and executed the same for the purposes therein contained on behalf of JB Farms.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho
Residing at Canyon ID
Commission Expires

Exhibit A

A parcel of real property located in the NW¼ of the SW¼ of Section 3, T.3N., R.3W., B.M., Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the W¼ corner of said Section 11 from which the SW corner of said Section 3 bears South 00°34'41" East, 2652.66 feet;

thence along the West boundary line of said Section 3 South 00°34'41" East, 747.91 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline South 60°35'32" East, 40.74 feet;

thence continuing along said centerline South 53°15'41" East, 13.00 feet to the REAL POINT OF BEGINNING;

thence leaving said centerline North 45°18'25" East, 48.41 feet;

thence South 44°41'35" East, 46.00 feet;

thence South 45°18'25" West, 41.48 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline North 53°15'41" West, 46.52 feet to the Real Point of Beginning, containing 2067 square feet, more or less.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED
APR 0 8 1998
Givens, Pursley & Huntl

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 1998

Michael C. Creamer, Esq
GIVENS PURSLEY & HUNTLEY LLP
277 N. 6th Street, Suite 200
Boise, ID 83701

Re: Irrigation Water Right Use by a Municipal Provider

Dear Mr. Creamer:

This letter is in response to your correspondence of November 3, 1997, on behalf of United Water Idaho ("UWID") regarding alternatives for meeting UWID's need for additional water supplies to meet summer irrigation demands within its service area. Your letter indicates that up to half of UWID's current municipal water demand during the summer months is used for irrigation purposes. The numbers you provide indicate that UWID's current average daily demand is approximately 37 million gallons per day ("mgd"). This average daily demand is contrasted with a peak demand of 77 mgd during the summer months when water is being used to irrigate lawns, gardens, parks and landscaping. You state the demand for irrigation water through UWID's delivery system is expected to increase substantially over the next fifteen to twenty years as a result of further population growth and urbanization of agricultural lands.

Your letter suggests that one potentially feasible method of meeting UWID's summer irrigation water demand is to recognize that the use of water delivered through UWID's municipal delivery system for the irrigation of lawns, gardens, parks and landscaping remains an irrigation purpose of use even though the delivery system is different than the system previously used to deliver water to the same lands for irrigated agricultural purposes. According to your letter, recognition by the Department of Water Resources ("IDWR") of this principle would allow UWID to contract with the U.S. Bureau of Reclamation for use of a portion of the 111,950 acre-feet of irrigation water authorized to be stored in Lucky Peak Reservoir pursuant to Sate of Idaho Water Right Permit No. 63-03618.

The issue raised by your letter is whether any change in Water Right Permit No. 63-03618 is required under Idaho Code § 42-211 to authorize water stored and released pursuant

the permit to be used by UWID to meet summer irrigation demands within its municipal delivery system. The issue is unique in that no case law has been identified addressing this issue aside from the unreported district court decision from Colorado cited in your letter, In re: Concerning the Application for Water Rights of the City of Arvada in Jefferson and Adams Counties, Case Nos. W-8083-75 and W-8762-77 (Colo. Dist. Court, Water Division No. 1, Sept. 9, 1992). Although the question may be unique, determination of the applicability of Idaho Code § 42-211 to the situation described does not appear difficult.

Idaho Code § 42-211 provides that when a permit holder desires to change the place, period, or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of the water, the permit holder shall file an application for amendment with IDWR. The filing requirement under Idaho Code § 42-211 is similar to that under Idaho Code § 42-222 which requires a person entitled to the use of water under a license, decree or beneficial use claim to obtain the approval of IDWR before changing the point of diversion, place of use, period of use or nature of use of all or part of the water right.

Under the factual scenario described in your letter, UWID proposes contracting with the U.S. Bureau of Reclamation for the use of a portion of the water authorized to be diverted under permit no. 63-03618 without seeking any change in the point of diversion, place of use, period of use or nature of use under the water right. Under this factual scenario, the permit amendment requirements of Idaho Code § 42-211 would not pertain.

IDWR has long recognized that a water right with an irrigation purpose of use may be used for the irrigation of lawns, gardens, parks and landscaping. The fact that the irrigation water may be comingled and distributed through a municipal system that also delivers water for other municipal purposes, does not alone necessitate a change in the nature of use of the water right from irrigation to municipal. A key factor in not requiring a change in the nature of use of the water right from irrigation to municipal is that UWID provide annual reporting of appropriate measurements and accounting procedures to demonstrate that the additional water diverted is necessary to satisfy increased summer demand for irrigation water through the municipal system on lands for which the permit is authorized to be used. In order to satisfy this accounting requirement, it may be necessary for UWID to demonstrate through representative metering the amount of commingled irrigation water that is withdrawn from its municipal delivery system for irrigation use on lands authorized under the permit.

In conclusion, IDWR shares the view expressed in your letter that provided an appropriate accounting is made of the amounts of water diverted and used for irrigation, a municipal water provider may divert irrigation water into its common municipal delivery system and deliver the irrigation component for irrigation purposes. While no change in the irrigation water right would be required under the provisions of Idaho Code §§ 42-211 or 42-222, it would

be necessary to establish an appropriate measurement and accounting procedure in accordance with the policies and provisions of chapters 6 and 7, title 42, Idaho Code.

Sincerely,

KARL J. DREHER
Director

cc: John W. Keys, III
Tony Sullins
Gary Spackman

UWID
Wilson Water
30-81

RECEIVED
JAN 12 1999
Givens Pursley LLP

United States Department of the Interior

BUREAU OF RECLAMATION
Snake River Area Office
214 Broadway Avenue
Boise, Idaho 83702-7298

IN REPLY REFER TO:

SRA-1000

January 8, 1999

Mr. Jeffrey C. Fereday, Esq.
Givens Pursley, LLP
P.O. Box 2720
Boise ID 83701

Re: United Water Idaho-Water Right Exchange Proposal

Dear Mr. Fereday:

This letter is a follow-up to our meeting of December 10, 1998, in which you outlined your client's proposed water right "exchange," involving separate water rights on the Snake and Boise Rivers. We appreciate this opportunity to review your proposal, and to provide our thoughts on whether the exchange would negatively impact Reclamation water rights or river operations.

As we understand your proposal, United Water proposes to divert water during the Summer months from the Boise River, under a 1993 priority diversionary water right owned by United Water. Since this proposed Boise River diversion would impact senior, Reclamation salmon-related flow augmentation releases from Boise Project reservoirs, you propose to utilize a December 7, 1964 priority Snake River water right (Water Right # 02-2339) owned by United Water to mitigate impacts to Reclamation's flow augmentation releases. You propose that I.C. 42-240 may provide the procedural mechanism under Idaho law to ensure that any impact on Reclamation's flow augmentation releases is fully mitigated. Further, Reclamation understands your proposal to include the following conditions:

1. United Water's proposed Boise River diversions would occur only during times when Reclamation is providing flow augmentation water from Boise Project reservoirs, so as not to affect any other senior Boise River water rights.

2. United Water's proposed Boise River diversions would not exceed the lesser of:

a. The instantaneous rate at which "exchange water" is available (in-priority) and is being delivered and protected from diversion in accordance with Idaho law to the confluence of the Boise and Snake Rivers (not to exceed 11 cfs), or

b. The instantaneous rate of Reclamation's Boise Project flow augmentation releases.

3. This letter does not constitute a contract for Reclamation storage water. Reclamation would not alter its physical operations in any way to accommodate this exchange; United Water has no expectation that Reclamation will continue its Summer releases of storage water from Boise Project reservoirs, nor may United Water demand that any storage release occur.

4. United Water's proposed diversion from the Boise River, pursuant to the anticipated exchange, would never exceed 11 cfs, and would occur only in accordance with a lawful order of the Director of the Idaho Department of Water Resources approving an exchange consistent with all the conditions outlined above .

If the above conditions properly describe your proposed exchange, we believe that the exchange would not negatively affect Reclamation's flow augmentation deliveries. If any of the conditions discussed above are incorrect or faulty in any way, please let us know before taking any action to implement the exchange.

Sincerely yours,

Jerrold D. Gregg
Area Manager

cc: District #63 Watermaster
PN 1150 (Tony Sullins, Esq.)

Exchange No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source. A filing fee of $100.00 must be submitted with this application.

1. INFORMATION ABOUT THE APPLICANT

Applicant United Water Idaho Inc.
(Name of Applicant)

P. O. Box 7488, Boise, ID 83707 Telephone No.: 362-1300
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged 63-10255 and 02-2339
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information bout each co-applicant.

Co-applicant N/A
(Name of Applicant)

_____ Telephone No.: _____
(Mailing Address) (Zip Code)

3. **EXCHANGE AGREEMENT** — Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. **EXCHANGE INFORMATION** — Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A — For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

1. made available to the co-applicant for diversion at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. __ Township _____ Range _____ B.M., _____County.
   Additional points of diversion, if any: _____

2. released from storage by the co-applicant into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Part B — For an exchange involving only the applicant's water right(s).

The applicant proposes to divert 11 cfs and/or _____ acre feet per year of water at SE 1/4 of NE 1/4, Govt. Lot 7 Sec. 14 Township 3N Range 2E B.M., Ada County. Additional points of diversion, if any: None

1. diverted from _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County and injected into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

2. released from storage by applicant into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation — Attach additional sheets if necessary.
See Attachments A, B and C

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. See Attachment A

5. MAPS — Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8 1/2" x 11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7 1/2-minute topographic quadrangles are preferred as base maps. **See Attachment D**

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

4/27/99 William C. Linam
Applicant's Signature (and Title if application is for an organization)

4/27/99
Date

William C. Linam, President
United Water Idaho Inc.

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Preliminary review by _____
Published in _____
Publication dates _____
Protests filed by _____
Copies of protests forwarded by _____
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____
Recommended for Approval _____ Denial _____ By _____

Attachment A
to
Application for Exhange of Water
United Water Idaho

United Water Idaho Inc. ("United Water") holds an option to purchase licensed water right no. 02-2339 (the "Snake River water right"), which is a 1964-priority right to divert 11 cubic feet per second ("cfs") through a high-lift pump from the Snake River near the Swan Falls Dam for irrigation of 610 acres of desert land. A copy of the license for the Snake River water right is attached to the Exchange Application as Attachment B.

United Water also holds a 1993 priority water right, number 63-12055 (the "Boise River water right"), which entitles United Water to divert 24.8 cfs from the Boise River near the Marden Street Water Treatment Plant for use in its municipal water supply system. A copy of the Boise River water right is attached as Attachment C.

The purpose of this Application is to exchange deliveries under the Snake River water right for Boise River diversions under United Water's natural flow right.

The Boise River water right carries a junior priority and generally is entitled to divert only during periods of higher flow in the winter or spring, and not necessarily in all years. However, during the last several years, the U. S. Bureau of Reclamation ("Bureau") has been augmenting flows in the Boise River by releasing some 400 cfs from its Boise River reservoir system. The Bureau's flow releases, which are intended to improve downstream passage conditions for migrating juvenile salmon and steelhead, occur between June 10 and August 31. Idaho law provides authorities and procedures whereby the Idaho Department of Water Resources may "shepherd" or otherwise assure that this amount of water, free from diversion by others, will be delivered to the mouth of the Boise River and then down the Snake River to the state border at Lewiston. *See* I.C. § 42-1763B.

Under this exchange, during those times when the Bureau is making flow releases to the Boise River, United Water would be entitled to divert up to 11 cfs from the Boise River at or near its Marden Street plant and simultaneously forego a like amount of diversions under its 11 cfs Snake River water right. This amount of flow thus made available under the Snake River water right would be delivered in the Snake River from its current point of diversion in the Swan Falls pool to the mouth of the Boise River where it would fully replace the depletion occurring to the Bureau's storage releases. The entire amount of the Bureau's released storage thus would be available, as before, in the Snake River and protected to Lewiston. United Water anticipates that the Bureau would not oppose such a program provided that the exchange water from the Snake River water right fully replaces all depletions to the Bureau's storage releases.

The amounts United Water would divert from the Boise River under this exchange would be used within United Water's service area. To assure that other water right holders, including the Bureau, can be assured that this exchange will

cause no injury to any other water right, United Water requests that the following conditions be placed on this exchange:

1. United Water's Boise River diversions under this exchange would occur only during times when the Bureau is providing flow augmentation water from Boise River reservoirs, so as not to affect any other senior Boise River water rights.

2. Such Boise River diversions would not exceed the lesser of:

   a. The instantaneous rate at which the exchange water is available in priority under the Snake River water right and is being delivered in the Snake and protected from diversion in accordance with Idaho law to the confluence of the Boise and the Snake Rivers, not to exceed 11 cfs, or

   b. The instantaneous rate of the Bureau's Boise River reservoir releases.

3. United Water recognizes that the Bureau is not expected or required to alter its operations in any way to accommodate this exchange, that the exchange depends upon the Bureau's release of such storage water, and that United Water is not entitled to demand that any storage releases occur.

4. United Water would divert from the Boise River under this exchange only pursuant to a lawful order of the Director of the Idaho Department of Water Resources approving the exchange consistent with these conditions.

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 32150/02-2339 Priority Dec. 7, 1964 Amount 11.0 cfs

THIS IS TO CERTIFY, that SWAN FALLS FARMS, INC.

of Idaho Falls, Idaho, has complied with the terms and conditions of Permit No. 32150/02-2339 issued pursuant to Application for Permit dated December 7, 1964, and has submitted proof to the Department of Water Resources on November 4, 1975, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 11.0 cfs of water from the Snake River, tributary to the Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Irrigation	from March 16	to Nov. 15	at 11.0 cfs and	2,745 acre feet or 4.5 af per acre
	from	to	cfs and	
	from	to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 11.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 2,745 acre feet per year, said waters to be diverted within the NE¼NE¼ of Sec. 19, Twp. 2 S, Rge. 1 E, B.M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 S	1 E	16	30	40	40	40	40	30	40	40	40	40	35	40	40	40	40	35	610

Total number of acres irrigated 610

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6 day of December, 19 76.

RECORDED AUG 11 1978

Director

ATTACHMENT B

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12055

Proposed Priority: September 8, 1993 Maximum Diversion Rate: 24.80 CFS

This is to certify, that BOISE WATER CORPORATION
PO BOX 7488
BOISE ID 83707-7488
has applied for a permit to appropriate water from:
BOISE RIVER tributary of SNAKE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
MUNICIPAL	01/01 to 12/31	24.80 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SENE), Sec. 14, Township 03N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 2000.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. Use of water under this right is subject to control by the watermaster of State Water District No. 63.
6. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
7. The Director retains jurisdiction of this right and any license subsequently issued to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.

MAR 2 9 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12055

CONDITIONS/REMARKS:

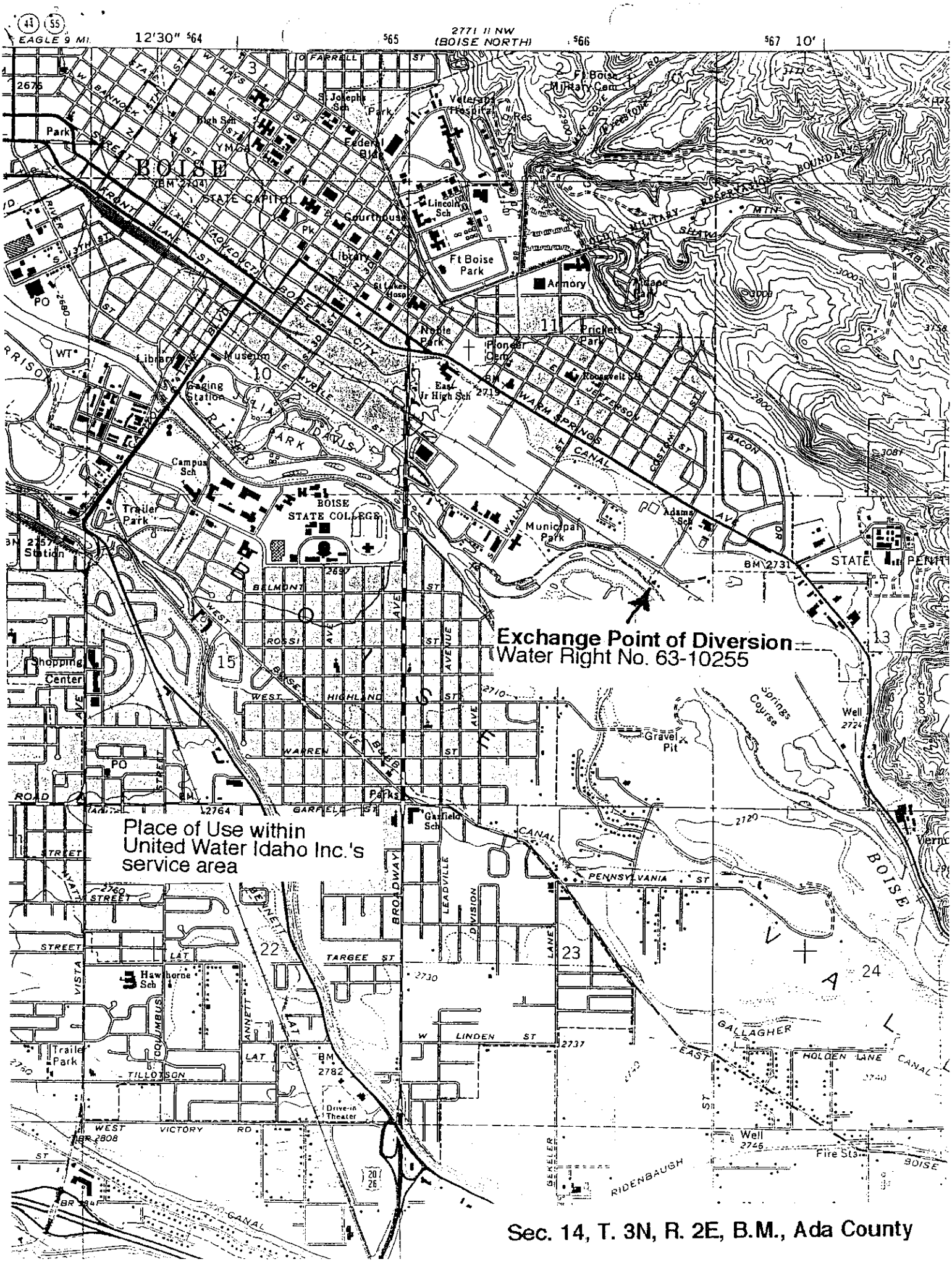
8. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder shall contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
9. The issuance of this right in no way grants any right-of-way or easement across the land of another.
10. Place of use is within city limits of Boise and within the Area of Certification as shown by the 18th Amended Certificate of Convenience and Necessity No. 143 issued by the Idaho Public Utilities Commission.
11. The domestic use occurring under this municipal right shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
12. The daily diversion volume for the non-domestic uses under this municipal right shall not exceed 2,500 gallons per day in accordance with the provisions of Section 42-111, Idaho Code.
13. This permit authorizes irrigation of up to 1/2 acre within each platted subdivision lot upon which a domestic dwelling has been constructed.
14. Use of water for large projects such as irrigation of parks, golf courses, or sports activities fields is not authorized under this permit.

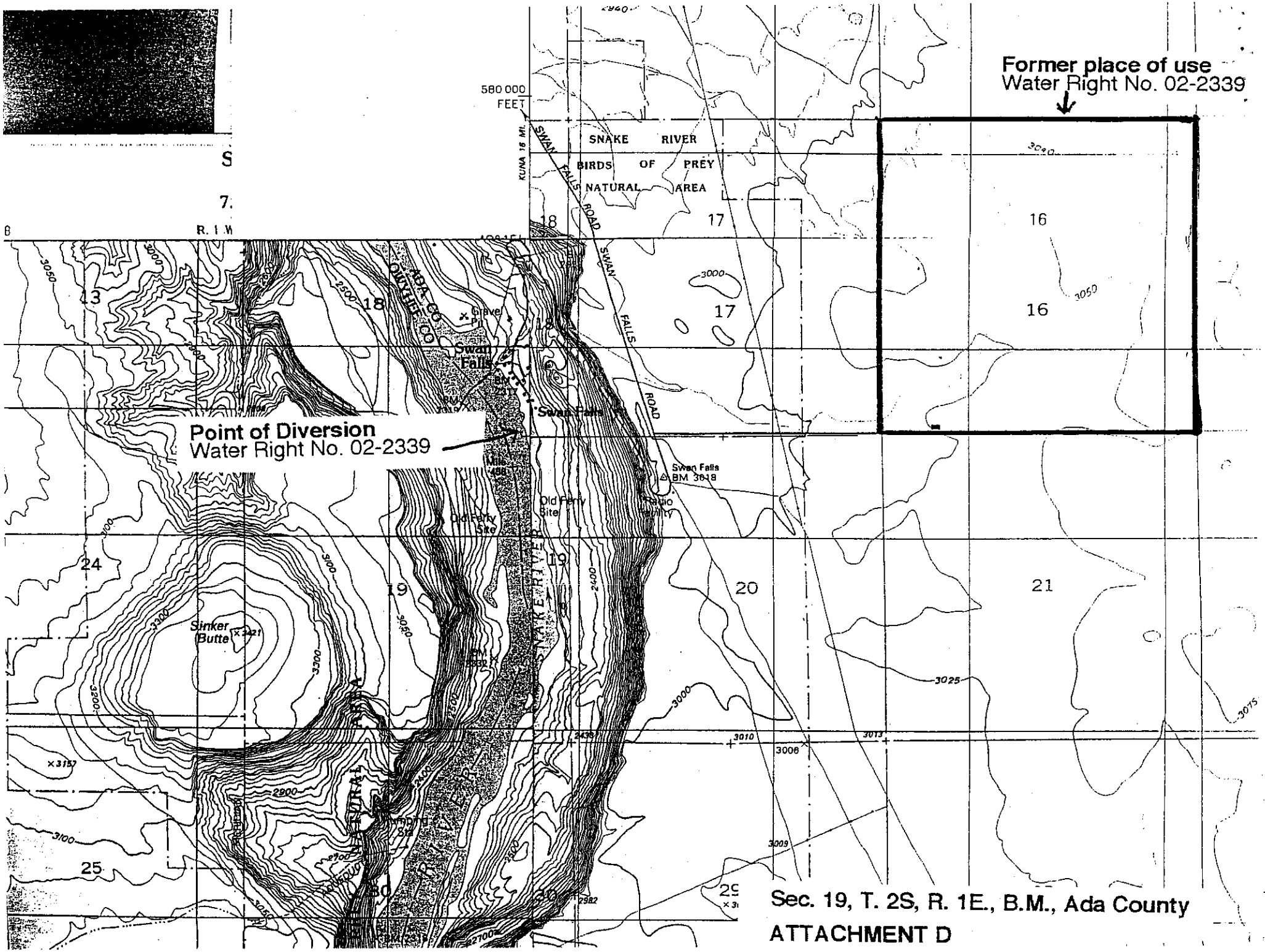
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

10th day of March, 1995

R. Keith Higginson, Director

for


Exchange Point of Diversion
Water Right No. 63-10255
Place of Use within
United Water Idaho Inc.'s
service area
Sec. 14, T. 3N, R. 2E, B.M., Ada County
BOISE
STATE CAPITOL
BOISE STATE COLLEGE
Ft Boise Military Cem
Ft Boise Park
Armory
Municipal Park
Pioneer Cem
Prickett Park
Julia Davis Park
Campus Sch
Lincoln Sch
Hawthorne Sch
Gariield Sch
Adams Sch
Roosevelt Sch
East Jr High Sch
Trailer Park
Shopping Center
Gaging Station
Drive-in Theater
Gravel Pit
Well 2724
Well 2746
Fire Sta
Parks
Warm Springs Course
Veterans Hospital
Federal Bldg
Courthouse
Library
Museum
YMCA
Joseph Sm Park
Nettle Park
Park
PO
BM 2731
BM 2782
BM 2764
BM 2808
BM 2757
BM 2719
FARRELL ST
FRONT ST
WARM SPRINGS AVE
CANAL
BOISE RIVER
MILITARY RESERVATION
BOUNDARY
BROADWAY
LEADVILLE
DIVISION
BENNETT
TARGEE ST
W LINDEN ST
EAST GALLAGHER
HOLDEN LANE
PENNSYLVANIA ST
WEST VICTORY RD
RIDENBAUGH
BOISE VALLEY CANAL
2700 CANAL
WEST BELMONT ST
WEST ROSSI AVE
WEST HIGHLAND ST
WARREN ST
GARFIELD ST
WALNUT ST
BACON ST
JEFFERSON ST
TILLOTSON
COLUMBUS
VISTA
LATAH
BENNETT
GESELER
BOISE AVENUE
CAPITOL BLVD
RIVER ST
2771 II NW
(BOISE NORTH)
12'30"
EAGLE 9 MI.



Sec. 19, T. 2S, R. 1E., B.M., Ada County

ATTACHMENT D

30-81

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

July 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED
JUL 23 1999
Givens Pursley, LLP

UNITED WATER IDAHO INC
C/O WILLIAM C LINAM
PO BOX 7488
BOISE ID 83707

RE: Permit 63-12055 & Water Right 02-02339

Dear Mr. Linam:

The accompanying order is a **preliminary order** issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7955.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

cc: Jeff Fereday, Givens Pursley
Lee Sisco, Watermaster
Western Region office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR EXCHANGE OF WATER IN THE) **PRELIMINARY ORDER**
NAME OF UNITED WATER IDAHO, INC)
_____)

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On December 6, 1976, the Department issued License No. 02-02339 as follows:

Source:	Snake River
Priority:	December 7, 1964
Rate of diversion:	11 cubic feet per second ("cfs")
Point of diversion:	NENE Section 19, T2S, R1E, B.M.
Use:	Irrigation
Season of use:	March 15 to November 15
Place of use:	610 acres in Section 16, T2S, R1E, B.M.

2. On March 10, 1995, the Department issued Permit No. 63-12055 to United Water Idaho, Inc. ("applicant" or "right holder") authorizing the diversion of 24.8 cfs of water from the Boise River to be diverted for municipal purposes at its Marden Street plant located in Lot 7, (SENE) Section 14, T3N, R2E, B.M. The priority of use of the permit is September 8, 1993.

3. On April 29, 1999, the applicant filed an application to exchange Snake River water represented by License No. 02-02339 with water in the Boise River. More specifically, the U.S. Bureau of Reclamation ("Bureau") holds uncontracted space in the Upper Boise River storage reservoirs ("reservoirs") and from time to time obtains other stored water. In most years since 1992, the Bureau has released up to 400 cfs from the reservoirs between June 10 and August 31 to improve downstream passage conditions for salmon and steelhead in the lower Snake River. The releases have been made in accordance with Sections 42-1763A and 42-1763B, Idaho Code. The exchange proposes that during times the Bureau is releasing water from the reservoirs to augment Snake River flow, the applicant will divert up to 11 cfs of water from the Boise River at its Marden Street plant and will simultaneously forego the diversion of a like amount of Snake River water under License No. 02-02339.

4. The location of the point of diversion of License No. 02-02339 on the Snake River is upstream from the confluence of the Boise River and Snake River. An equal amount of Boise River water can be replaced at the mouth of the Boise River by foregoing the diversion of water under License No. 02-02339 from the Snake River.

5. Diversion of water from the Boise River under Permit No. 63-12055 is not always possible due to the late priority of use. The point of diversion described on the permit is proposed as the point of diversion under the exchange.

6. The Department advertised the application as required by statute. Protests were not filed against approval of the application.

CONCLUSIONS OF LAW

1. Section 42-240, Idaho Code, provides in part as follows:

> The director shall examine all the evidence and available information and shall approve the exchange in whole, or in part , or upon conditions, provided no other water rights are injured thereby, the exchange does not constitute an enlargement in use of the original right or rights, the exchange is consistent with the conservation of water resources within the state of Idaho, and the exchange is in the local public interest as defined in section 42-203A, Idaho Code.

2. The release of an equal rate and volume of water under License No. 02-02339 will replace a like amount of water at the mouth of the Boise River which will be diverted from the Boise River by the applicant at its Marden Street plant in Boise, Idaho.

3. The proposed exchange will not injure other water rights.

4. The proposed exchange does not constitute an enlargement in use of the original right. To ensure no enlargement, the right holder should be required to keep records of the rate and volume of water diverted and should be required to report the information to the Department.

5. The proposed exchange is in the local public interest.

6. The proposed exchange is consistent with the conservation of water resources within the state of Idaho.

IT IS THEREFORE HEREBY ORDERED that the exchange is approved subject to the following conditions:

1. The applicant shall not divert water at its Marden Street plant under terms of this exchange unless the Bureau is simultaneously providing flow augmentation water to the Boise River from the Upper Boise River reservoirs.

2. Diversion of water from the Boise River shall not exceed the lesser of:

   a. The instantaneous rate at which the exchange water is available in priority under the Snake River water right, not to exceed 11 cfs, or

   b. The instantaneous rate of release of stored water from the Bureau's Upper Boise River reservoirs for Snake River flow augmentation.

3. The right holder is not entitled to require release of stored water by the Bureau.

4. Prior to use of water under this exchange, the right holder shall install a measuring device to measure the rate and volume of water diverted from the Boise River and shall annually report the amount of water diverted under the exchange to the Department.

5. Use of water under this exchange is subject to the control of the watermaster of State Water District 63, Boise River and tributaries.

6. The right holder shall notify the Department and the Boise River watermaster each year before the exchange is exercised and when the exchange will cease for the year.

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

8. This exchange is effective for up to five (5) years from the date of the approval unless extended by the Director or rescinded for cause by the Director.

Dated this 22nd day of July, 1999.

L. GLEN SAXTON, P.E.

CERTIFICATE OF MAILING

I hereby certify that on the **22nd** day of **July, 1999,** I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Permit 63-12055 & Water Right 02-02339

UNITED WATER IDAHO INC
C/O WILLIAM C LINAM
PO BOX 7488
BOISE ID 83707

GIVENS PURSLEY
JEFF FEREDAY
PO BOX 2720
BOISE ID 83701

LEE SISCO
WATER MASTER
6616 OVERLAND RD
BOISE ID 83709

Kari Lynn Townsend
Secretary

INSTRUMENT NO. 9947624

DEED FOR WATER RIGHT

FOR VALUE RECEIVED, West Valley Development, LLC, ("Grantors"), whose address is 9550 West Bethel Court, Boise, Idaho, 83709, do hereby grant, bargain, sell, and convey unto Pioneer Irrigation District, an irrigation district organized under the laws of the State of Idaho ("Grantee"), whose address is PO Box 426, Caldwell, Idaho, 83606, that certain water right identified as A63-08436, which water right is appurtenant to that certain real property situated in Canyon County, Idaho, more particularly described on Exhibit 1 attached hereto and by this reference made a part hereof, and the diversion point of which is a well situated on certain real property situated in Canyon County, Idaho, more particularly described on Exhibit 2 attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD said water right unto Grantee and Grantee's successors and assigns forever. Grantors do hereby covenant to and with Grantee that Grantors are the lawful owners of said water right and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 6th day of December, 1999.

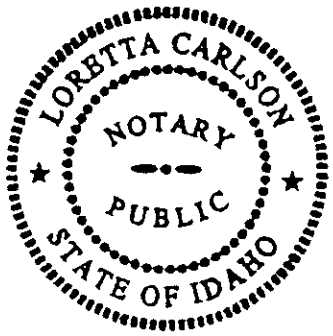
WEST VALLEY DEVELOPMENT, LLC
an Idaho limited liability company

Don Hubble, Manager/Member (Title)

STATE OF IDAHO)
) ss.
County of Ada)

On this 10 day of December, 1999, before me, the undersigned notary public in and for said state, personally appeared DON HUBBLE, known or identified to me to be the manager/member (Title) of West Valley Development, LLC, an Idaho limited liability company, that he executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Loretta Carlson
Notary Public for Idaho
Residing at Boise
Commission expires 10-02-2002

EXHIBIT 1 TO DEED FOR WATER RIGHT

Lots 17, 18, and 19, ORCHARD HEIGHTS, Caldwell, Canyon County, Idaho, according to the Plat filed July 24, 1909 in Book 2 of Plats, page 38, records of said County.

EXCEPTING THEREFROM:

A part of Tract 19 of ORCHARD HEIGHTS in Section 4, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Southeast corner of Tract 19 of ORCHARD HEIGHTS, the INITIAL POINT; thence
North 0° 00' West 195.5 feet along the East line of the said Tract 19; thence
South 89° 24' West 340 feet parallel to the South line of the said Tract 19 to a point in the centerline of the Phyllis Canal; thence
South 52° 21' East 315.73 feet along the said centerline to a point on the South line of the said Tract 19; thence
North 89° 24' East 90 feet along the said South line to the INITIAL POINT.

EXHIBIT 2 TO DEED FOR WATER RIGHT

A parcel of real property located in the NW ¼ of the SW ¼ of Section 3, Township 3 North, Range 3 West, Boise Meridian, Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the W ¼ corner of said Section 11 from which the SW corner of said Section 3 bears South 00°34'41" East, 2652.66 feet;

thence along the West boundary line of said Section 3 South 00°34'41" East, 747.91 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline South 60°35'32" East, 40.74 feet;

thence continuing along said centerline South 53°15'41" East, 13.00 feet to the REAL POINT OF BEGINNING;

thence leaving said centerline North 45°18'25" East, 48.41 feet;

thence South 44°41'35" East, 46.00 feet;

thence South 45°18'25" West, 41.48 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline North 53°15'41" West, 46.52 feet to the Real Point of Beginning, containing 2067 square feet, more or less.

00094926

RECORDED

99 DEC 6 PM 4 46

G NOEL HALES
CANYON CNTY RECORDER
BY [illegible]

REQUEST [illegible]
TYPE [illegible] FEE 12.00

Form No. 42-1409 (2) a 1/88 (Internet)

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 A63-05199
Date Received _____
Receipt Number _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
FEB 0 8 2000
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617
   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605
2. Date of Priority (Only one (1) per claim) October 15, 1950
3. Source of water supply (a) groundwater
   which is tributary to (b) N/A
4. a. Location of existing point of diversion is: Township 3 N. Range 2 W. Section 8 ,
   _____ 1/4 of S.W. 1/4 of S.W. 1/4 , Govt. Lot, _____ B.M., County of Canyon
   Additional points of diversion if any: T. 3 N., R. 2 W., Section 12, S.E. N.W., B.M., Canyon County
   b. If instream flow, beginning point of claimed instream flow is:
   Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____ 1/4,
   Govt. Lot _____ B.M., County of _____
   ending point is: Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of
   _____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Two 20-inch diameter wells with open discharge into Pioneer Irrigation District canal system. See Attachment A for more detailed information.

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)		(acre feet)
For irrigation	purposes from 3/15	to 11/15	amount 3.8	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		

7. Total quantity claimed (a) 3.8 (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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Lands within the boundaries of Pioneer Irrigation District.																

Total number of acres irrigated 34,047.16

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

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.
    _____ or None ( )

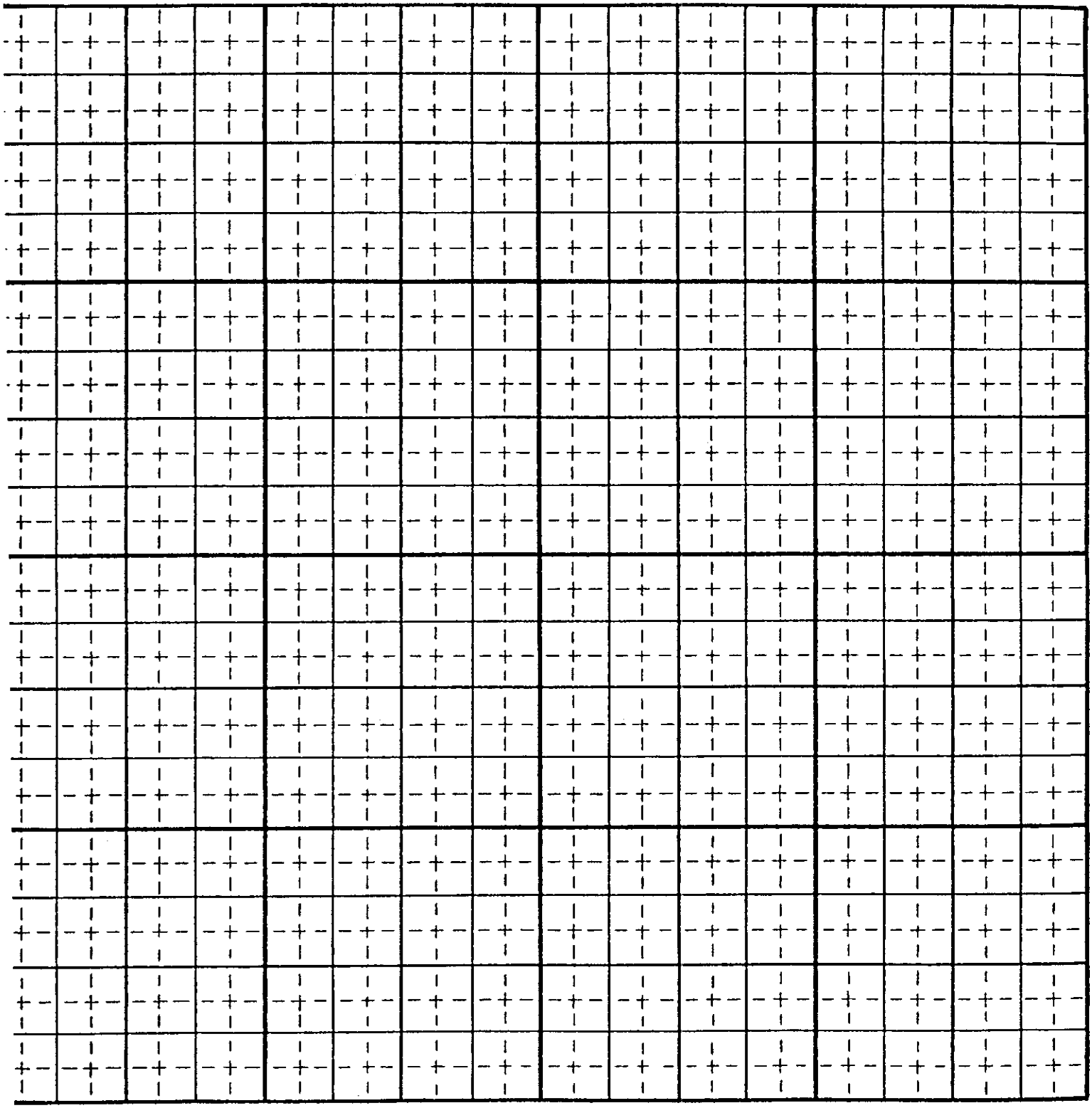
14. Remarks:
    Pioneer Irrigation District provides water delivery to the privately owned lands within its service area.

Last Name Pioneer Ident No. A63-05199

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

Scale: 2 inches equals 1 mile

See Exhibits A, A(1), A(2), A(3), B and C to Claim No. 63-00224.



Last Name Pioneer Ident No. A63-05199

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-5199 (Attachment B)
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 2

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent John M. Owen

Title and Organization President, Pioneer Irrigation District Date 2-7-2000

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

Subscribed and sworn (or affirmed) before me this 7 day of February 2000

SEAL

DELORES M. COPELAND NOTARY PUBLIC STATE OF IDAHO

Notary Public Delores M Copeland

Residing at Caldwell, Id - Canyon County

My Commission Expires 10-21-04

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L. Campbell

Address P.O. Box 1539, Boise, ID 83701-1539

Date 2/7/2000

Last Name Pioneer Ident. Number A63-05199

right away Pacific

PIONEER IRRIGATION DISTRICT

DRAINAGE WELL

Name: Korn Well No. ~~30~~ 51 Location: SE¼ NW¼, Sec. 12-3-2

Elevation _____ feet at _____

DEPTH: 98 ft. Diameter: 20 in. Date drilled: Oct. 1950

Drilling contractor: A. E. Hosack and Son, Nampa

Casing record: 20" casing, 5/16 wall, 0-100 ft.; perf. 8-92 ft.; 5' cement bottom of csg.

Pump: Layne-Bowler; s/n 16429

Motor: U. S. 20 H.P.; s/n 869686; 50/25 A.; 1800 RPM; Type CFU; Code F; Frame 364-4; 220/440 V.

Costs: Pump $1637.43; Accessories $424.00; Total $4395.75

DRILLER'S LOG

0 - 6 feet	Soil and hardpan
6 - 17	Muddy gravel
17 - 21	Clean coarse sand and gravel
21 - 37	Muddy gravel
37 - 42	Clean gravel
42 - 54	Muddy gravel
54 - 72	Sticky clay
72 - 77	Muddy sand and gravel
77 - 78	Coarse gravel
78 - 86	Big gravel
86 - 98	Muddy sand with stringers of clay

Drivers 8-1-51

REMARKS: Depth also reported 76 feet. Diameter also reported 18 inches.

EXHIBIT "A"

Attachment A
No. 63-05199

#51 @ KORN (North of 9.8 headgate)

US auto start ball bearing motor

HP 20 - 220/440 volts - Type CFU

Code F - Frame 3644 - 3 phase

50/25 amps. - 1800 RPM - Serial #869686

Layne & Bowler pump - serial No. 16429

1 - Mongerson's Electrical switch board

HP 20 - volts 220 - cycle 60

Type T 362920 - 3 phase - Serial #30082

3 - Shaw Mutt fuses - Issue No. F625

Cat. #2025 - 125 amps. - 250 volts

Form No. 43
9/81

Claim No. 63-5199

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 PIONEER IRRIGATION DISTRICT (Name of Claimant)

P.O. Box 426, Caldwell, ID 83605 (Mailing Address) (Zip Code) Telephone No. 459-3617

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) 1950

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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)		(Mo., Day)
Quantity	3.8 cfs	Use irrigation	Period of Use From	4/1	To 10/31
Quantity		Use	Period of Use From		To
Quantity		Use	Period of Use From		To
Quantity		Use	Period of Use From		To
Quantity		Use	Period of Use From		To

(4) _____ (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 8 Twp. 3 N Rge. 2W B.M., County of Canyon
Additional points of diversion:
SENW, Sec. 12, T. 3N, R. 2 W

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. Two 15" wells with open discharge into irrigation canal 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	
					LANDS WITHIN BOUNDARIES OF THE PIONEER														
					IRRIGATION DISTRIC (SEE ATTACHED MAP)														

No. of acres _____

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

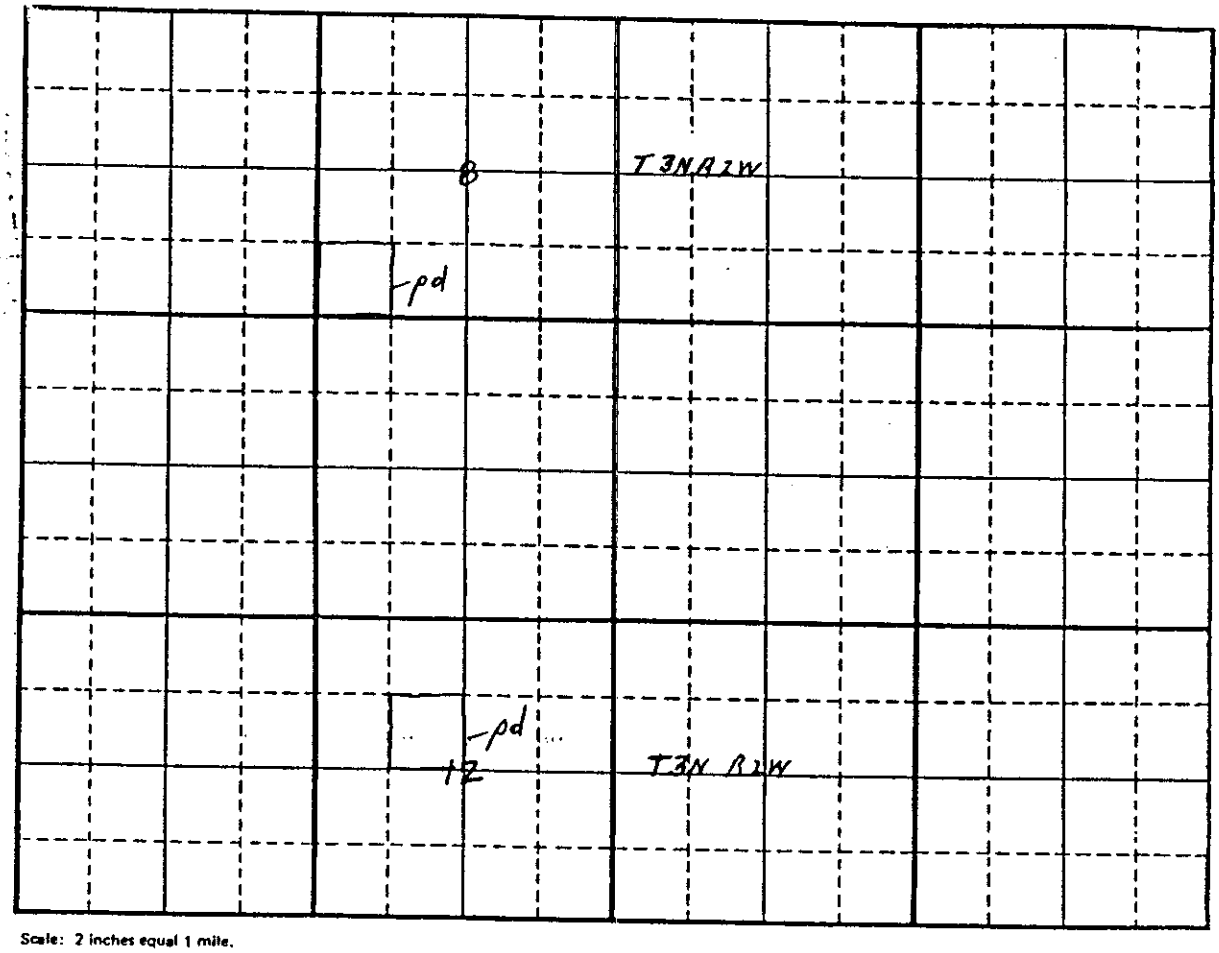
NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

EXHIBIT "B"

Attachment B
No. 63-05199

(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)
) ss.
County of _____)

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.

Donald F. Sayre
(Claimant)

Sworn to before me this 29 day of June, 1983.

Hazel A. Robinson
Notary Public
Residing at Caldwell, Idaho

My commission expires _____

Rec'd P.M. 6/30/83 JG FOR DEPARTMENT USE ONLY

Received by	ma	Date	7-1-83	Exception filed by:		Fowarded to claimant by:	Date
Prelim. check by	CCS	Date	11/18/83				
$30.00 fee received by	222	Date	7-1-83	32302			
Published in	Payette Statesman						
Dates	11/29 & 12/1/83						

Form No. 42-1409 (2) a 1/88 (Intern

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 A63-05200
Date Received _____
Receipt Number _____

A M E N D E D

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
FEB 0 8 2000
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) March 1, 1958

3. Source of water supply (a) groundwater

   which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4 N. Range 2 W. Section 34,

   _____ 1/4 of S.E. 1/4 of N.E. 1/4, Govt. Lot, _____ B.M., County of Canyon

   Additional points of diversion if any: T. 3N., R. 2 W., Section 1, S.W. 1/4 of N.W. 1/4

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Two 16-inch diameter wells with open discharge into the Pioneer Irrigation District canal system. See Attachment A for more specific information.

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)	(acre feet)
For irrigation	purposes from 3/15	to 11/15	amount 8.0	or	
For	purposes from	to	amount	or	
For	purposes from	to	amount	or	
For	purposes from	to	amount	or	

7. Total quantity claimed (a) 8.0 (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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Lands within the boundaries of the Pioneer Irrigation District.																

Total number of acres irrigated 34,047.16

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

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.
    _____ or None ( )

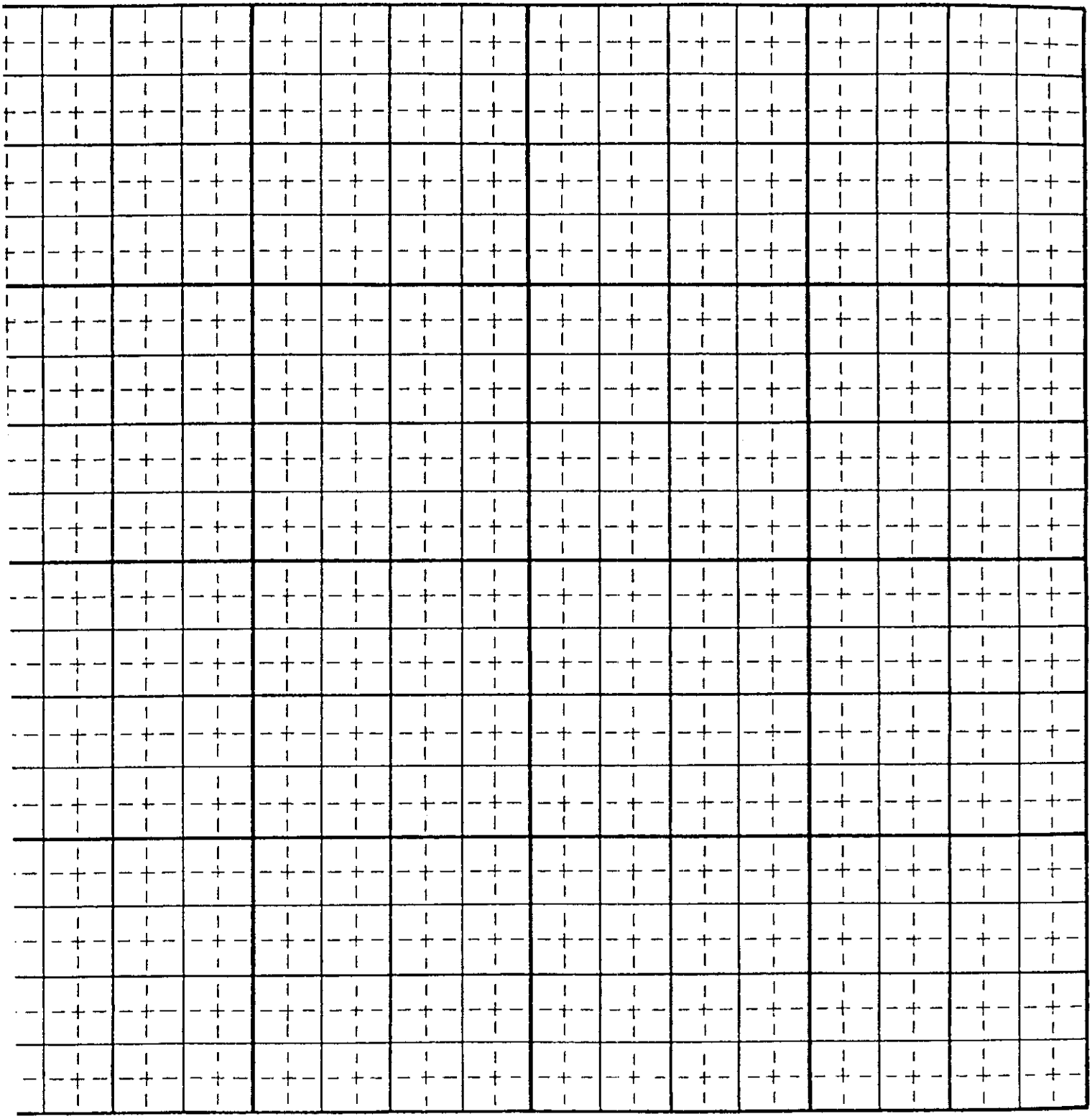
14. Remarks: Pioneer Irrigation District provides water delivery to the privately held lands within its service area.

ast Name Pioneer Ident No. A63-05200

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

Scale: 2 inches equals 1 mile

See Exhibits A, A(1), A(2), A(3), B and C to Claim No. 63-00224.



Last Name Pioneer Ident No. A63-05200

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-05200 (Attachment B)
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 2

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent John M. Owen

Title and Organization President, Pioneer Irrigation Dist Date 2-7-2000

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

Subscribed and sworn (or affirmed) before me this 7 day of February 19 2000

SEAL

DELORES M. COPELAND NOTARY PUBLIC STATE OF IDAHO

Notary Public Delores M Copeland

Residing at Caldwell, Id - Canyon Cnty

My Commission Expires 10-21-04

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L Campbell

Address P.O. Box 1531 Boise, Id 83701

Date 2/7/2000

Last Name Pioneer Ident. Number A63-05200

Johnson Well

LAYNE OF IDAHO, INC.
BOX 1005 NAMPA, IDAHO 83651

ORDER NO. _____

DATE 3-23-78

PUMP ESTIMATE AND ORDER

DEALER	CUSTOMER
Well Drilled By Cope	Honeur Irr Dist
on Cherry Ln & Can-Gla	c/o Mrt Norland
Screen 20'-80' Casing 80'-100' Screen 100'-120	
ROUTE _____ DATE DESIRED _____	

PUMPING CONDITIONS

INSIDE DIA. OF WELL 16"	LIFT IN WELL _____	CAPACITY 2250 GPM
DEPTH OF WELL 162'	LIFT ABOVE _____ LBS. _____	SPEED OF PUMP 1760 RPM
STATIC WATER LEVEL 6'	COLUMN FRICTION _____	HP REQUIRED 40
DRAWDOWN _____	TOTAL DYNM. HEAD 55'	ALLOWABLE SHAFT HP _____

NUMBER	DESCRIPTION	LIST PRICE	NET PRICE
	40 HP MOTOR 3 PHASE 440 VOLT Wd or GE or Theat MAKE 1760 RPM		
	[WITH / WITHOUT] RATCHET Wired In		
	40 HP STARTER [ACROSS LINE / ~~AUTO START~~] 440 VOLT Cook Elect MAKE		
	Surge Capacitor Lightning Arrestor		
	Time Delay		
	10 WL HEAD 10 OUTLET 10 [~~WATER LUBE~~ / OIL LUBE]		
	1 Gal OILER _____ VOLT SOLENOID _____		
	12" X 8' DISCHARGE NIPPLE [TOE / TBE] 10" orifice		
	80' SETTING OF 10" X 2 Trimed X 1 3/16" IN 10' LENGTH		
	14 BOWLS TLC TYPE 1 STAGE [OPEN / ~~CLOSE~~] PORTS [BRONZE / ~~CAST IRON~~] WEAR RINGS		
	[BRONZE / ~~CAST IRON~~] IMPELLERS [~~OVER SIZE~~ / STANDARD] SHAFT FITTED ___ X ___ X ___ X ___		
	~~8~~ X ___ SUCTION [TOE / TBE] _____, _____ COUPLINGS		
	___ STRAINER [BRONZE / GALVANIZED] [SCREWED / WELDED] [BASKET / CONE]		
	Installed & Wired		
	12 inch Dis		
	TOTAL		$7646

Attachment A
No. 63-05200

I (we) certify to have the authority to make this purchase for the buyer and acknowledge and agree to the maximum legal rate of interest to be assessed on any unpaid amounts after (30) thirty days from date of invoice, and that said charges on payment of interest does not provide for automatic deferred payments, and hereby instructs LAYNE OF IDAHO, INC. an independent contractor, to proceed with the work described with the understanding that they are not to be held liable for any damage in any way whatsoever for failure to complete the work mentioned, nor for any injury or damage resulting from their effort to perform such work, or for any delay on their part in completing same. Contractor shall carry its own Workmen's Compensation, public liability and property damange insurance.

EXHIBIT "A"

Layne
P.O. BOX 1005
NAMPA, IDAHO 83653-1005
(208) 466-7376

INVOICE NO. 5608

DATE NOV. 13, 1989

SOLD TO PIONEER IRRIGATION DISTRICT # 5080
P.O. BOX 426
CALDWELL, IDAHO 83605

REMARKS JOHNSON WELL 50 HP # 9001001 L & B CALIF PUMP # 2405
70' X 10" X 2" X 1 3/16 + 20' SUCTION
1 STAGE 14 T (B TRIM) 2000 GPM 65' TDH 40 BHP

QTY.	NUMBER	DESCRIPTION			
		WELL MEASURED 110' DEEP STATIC 12' 6"			
1		10" STRAINER & THREADED NIPPLE			
1		50 HP US MOTOR # 28334 (REPLACEMENT MOTOR)			140.00
		1800 RPM FRAME 365 CFU			1,636.00
		20" BD. CLUTCH 1 1/2 CD			
1	SS	BOWL SHAFT 1 15/16 X 50"			
2	F013	BOWL BEARINGS 1 15/16 X 6"			
2	F073	BOWL BEARINGS 1 15/16 X 10"			
1	CR67	WEAR RING			
2		SEALS			
		MACHINE SHOP: MAKE BOWL SHAFT - BUILD UP IMPELLERS			804.00
		MAKE END SEAL FOR BOWL			
					348.00
		10-18-89 JIM, JOE & TIO PULL			
		11-2-89 JIM, JOE & TIO INSTALL			
					380.00
		TERMS: NET 30 DAYS FROM INVOICE DATE			
		INTEREST: 1 1/2% PER MONTH ...			

LAYNE OF IDAHO, INC.

P.O. BOX 1[illegible], 118 McCLURE AVENUE
NAMPA, IDAHO 83651
(208) 466-7376

INVOICE NO. # 1473

SOLD TO PIONEER IRRIGATION DISTRICT
BOX 426, C/O ART HORLAND,
CALDWELL, IDAHO 83605

DATE APRIL 27, 1979

REMARKS
WELL #53 BRANDT WELL REPLCEMENT
PUMP # 25320 L & B CALIF 50 HP 1800 RPM
2 STAGES 12 FHH INSTALL 80' 10" x 2 x 1-3/16

QTY.	NUMBER	DESCRIPTION			
		NEW WELL DRILLED BY PETE COPE			
		16" WELL 195' DEEP			
		BOWL UNIT 1 STAGE 14 TLC 2000 GPM			1,885.00
		BLANK CASING FROM 80' to 90'			
EA		10" BUTTERFLY VALVE			197.50
		12" BOLTS 7/8 x 4-1/4			12.50
		INSTALL			220.00
	4-27-79	JOE L., DAN J., & RICH MC	5 HRS		
		J. O Brandt			
		Dish 12 inch			

I certify that the property which I have here purchased will be used by me for the following purpose.
Directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing or farming.
To repair the equipment or machinery described below which is being directly and primarily used in the process of producing tangible personal property and would be exempt from application of sales tax were it being purchased.

Signature

TOTAL 2,315.00

TERMS — Net 10th prox. — 10% finance charge per annum will be charged on past due accounts after 30 days.

DEPARTMENT OF WATER RESOURCE — USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Pioneer Irrigation Dist.

Address 3700 Lake Ave., Caldwell, Id. 83605

Owner's Permit No. _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☒ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	16 inches	+ 2 feet	40 feet
.250 inches	16 inches	80 feet	90 feet
.250 inches	16 inches	130 feet	140 feet
.250 inches	16 inches	180 feet	190 feet

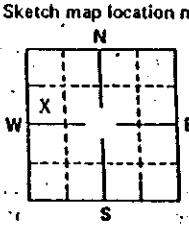
Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

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

Well screen installed? ☒ Yes ☐ No
Manufacturer's name Roscoe Moss Total 120 ft
Type _____ Model No. _____
Diameter 16 Slot size 80 Set from 40 feet to 80 feet
Diameter 16 Slot size 80 Set from 90 feet to 130 feet
Diameter 16 Slot size 80 Set from 140 feet to 180 feet
Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 3/8 minus
Placed from 18 feet to 195 feet
Surface seal depth 18 Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port 2" pipe welded on side of casing

LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County Canyon
¼ ¼ Sec. 1, T. 3N N/S, R. 2W E/W.

7. WATER LEVEL

Static water level 18 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F Quality _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes
28	0	3	Topsoil	
	3	6	Clay	
	6	39	Sand, Gravel, River Rock	
	39	52	Brn. Clay	
	52	123	Brn. Sand	
	123	140	Brn. Clay	
	140	180	Brn. Sand	
	180	195	Brn. Clay	

10. WORK DONE

Work started 4-10-79 finished 4-14-79

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Pete Cope Drilling Co., Inc. Firm No. 213
Address P.O. Box 561 Heridian, Id. 83642 Date 4-24-79
Signed by (Firm Official) Pete Cope
and
(Operator) Jessie E. Jones

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

#53 BRANDT

US asbestos protected motor 50 HP - 3 phase - volts 220/440

Type CFU - Frame 405

60 cycles - 1800 RPM - 6-1/122 amps.

40° C rating - code F - Design B

Equipped with following bearings upper 8320 M

Lower 6215 - Serial No. 1146613

Layne & Bowler Verti-Line Pump Serial No. 25320

1 GE Relay 1C2820 NP 11400

Serial No. 1032 P 9

1 GE Control panel CR 7008E, Serial DW6M4S

Fused or trip rating - 600 volts - 100 amps.

3 Fusetron dual element fuse FRS 80 amps.

Form No. 9/81

RECEIVED
Claim No. 63-5200
JUL 1 1983
Department of Water Resources
Western Regional Office

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 PIONEER IRRIGATION DISTRICT (Name of Claimant)

P.O. Box 426, Caldwell, ID 83605 (Mailing Address) (Zip Code) Telephone No. 459-3617

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) 1958

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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity	8.0cfs	Use irrigation	Period of Use From 4/1	To 10/31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) _____ (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 34 Twp. 4N Rge. 2W B.M., County of Canyon
Additional points of diversion: SWNW, Sec. 1, T. 3N, R. 2W

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. Two 15" wells with open discharge into irrigation canal 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	
			LANDS WITHIN BOUNDARIES OF THE PIONEER IRRIGATION																
			DISTRICT (SEE ATTACHED MAP)																

No. of acres _____

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

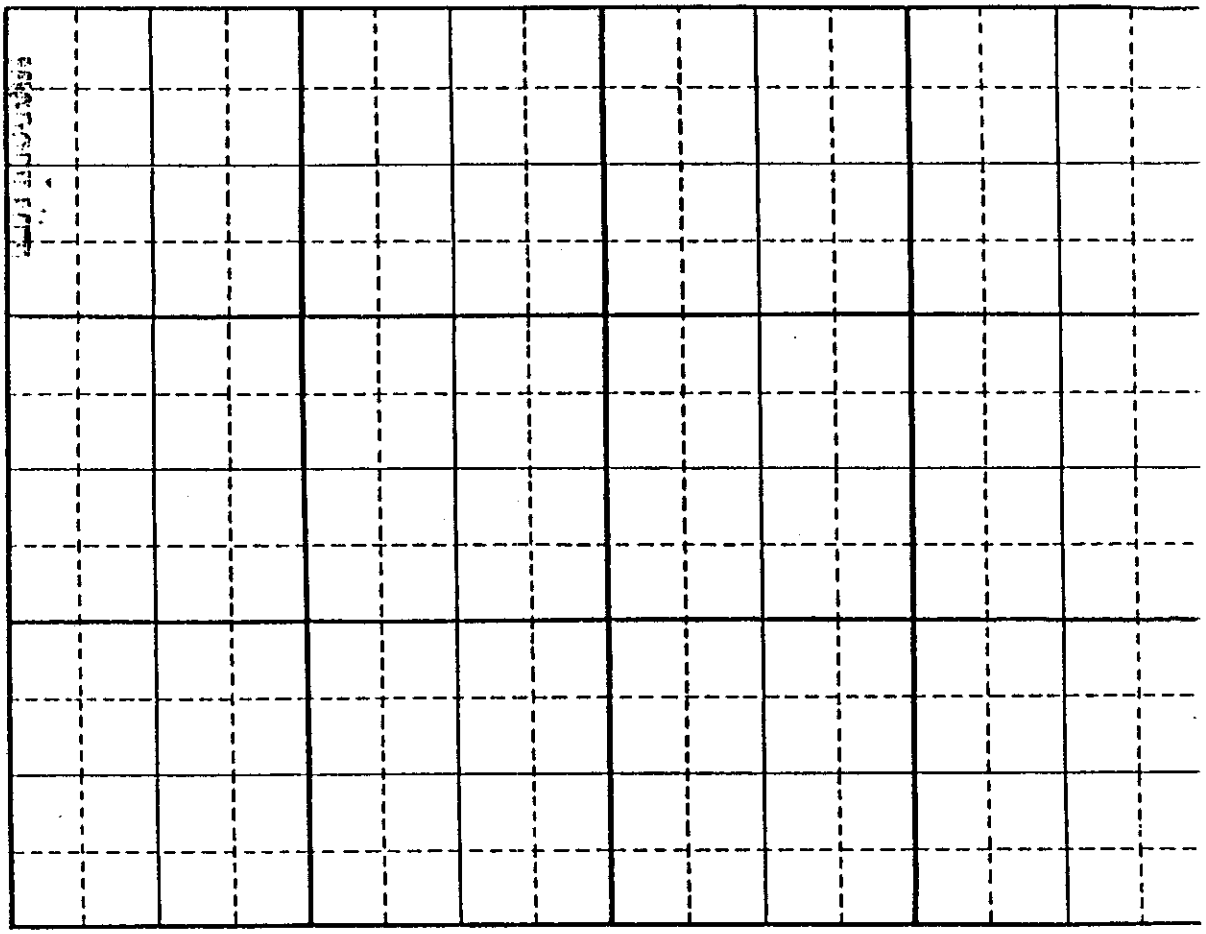
NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

EXHIBIT "B"

Attachment B
No. 63-05200

(8) Ren



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)
) ss.
County of _____)

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.

Donald F. Sayer
(Claimant)

Sworn to before me this 29 day of June, 1983.

Hazel A. Robinson
Notary Public
Residing at Caldwell, Idaho

My commission expires _____

Rec'd 6/30/83 2 p.m. JG

FOR DEPARTMENT USE ONLY

Received by	MQ	Date	7-1-83	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by	LCS	Date	11/8/83			
$30.00 fee received by	MQ	Date	7-1-83	32301		
Published in	Canyon Tribune					
Dates	11/23 & 12/1/83					

Form No. 42-1409 (2)a 1/88 (Intern)

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 A63-05219
Date Received _____
Receipt Number _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
FEB 0 8 2000
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617
   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605
2. Date of Priority (Only one (1) per claim) May 1, 1961
3. Source of water supply (a) Indian Creek
   which is tributary to (b) Boise River
4. a. Location of existing point of diversion is: Township 3N Range 2W Section 22,
   _____ 1/4 of S.W. 1/4 of N.E. 1/4, Govt. Lot, _____ B.M., County of Canyon
   Additional points of diversion if any: _____
   b. If instream flow, beginning point of claimed instream flow is:
   Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
   Govt. Lot _____ B.M., County of _____
   ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
   _____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 40 h.p. pump with a 20-inch diameter discharge pipe to Phyllis Canal to lateral ditches.

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)		(acre feet)
For irrigation	purposes from 3/15	to 11/15	amount 18.0	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		

7. Total quantity claimed (a) 18.0 (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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Lands within the boundaries of the Pioneer Irrigation District.																

Total number of acres irrigated 34,047.16

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

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.

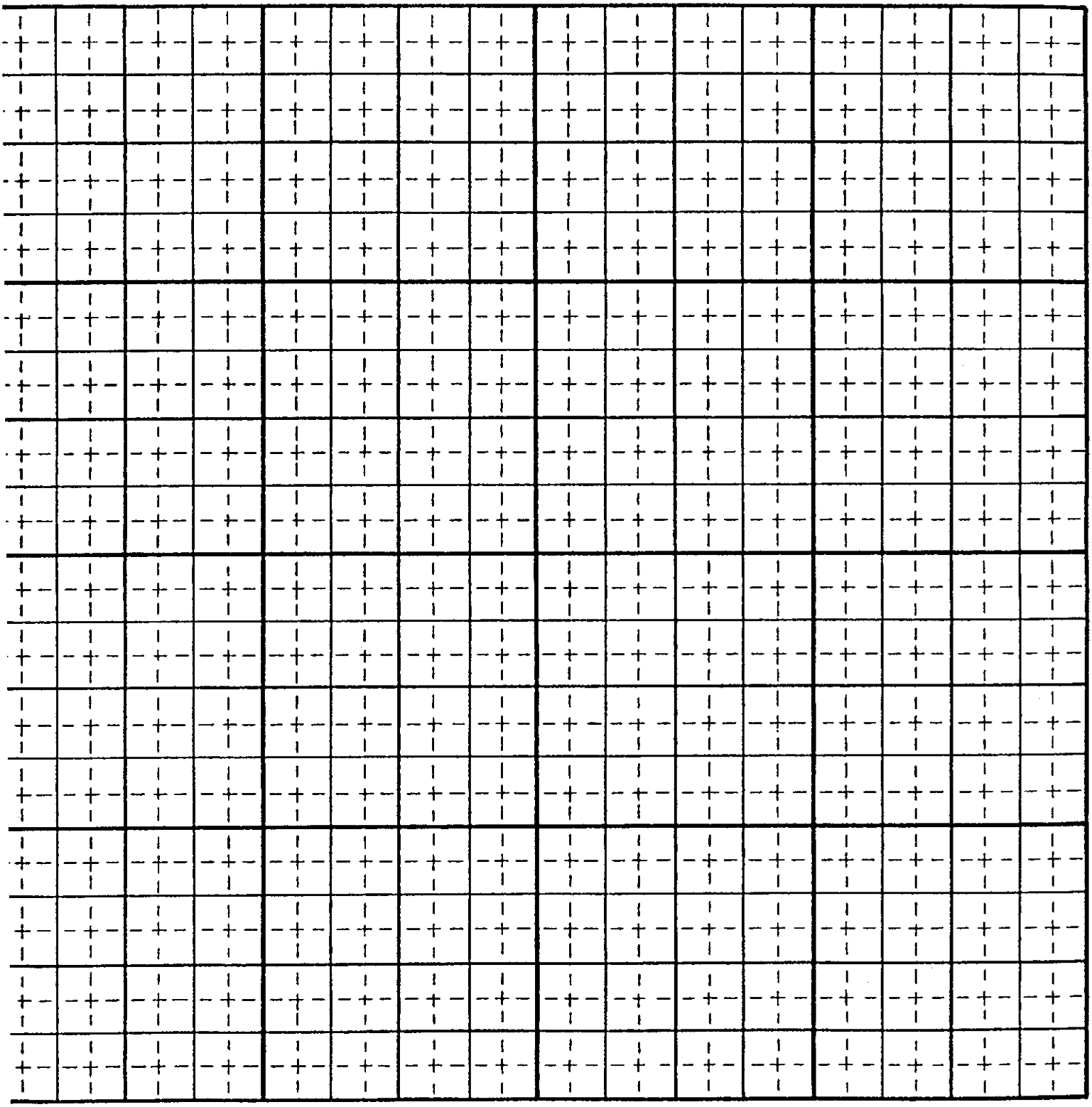
13. Describe any other water rights used at the same place and for the same purposes as described above.
    _____ or None ( )

14. Remarks:
    Pioneer Irrigation District provides water delivery to the privately owned lands within its service area.

Last Name Pioneer Ident No. A63-05219

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

Scale: 2 inches equals 1 mile See Exhibits A, A(1), A(2), A(3), B and C to Claim No. 63-00224.



Last Name Pioneer Ident No. A63-05219

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-5219
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 0

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Ben M. Owen

Title and Organization President, Pioneer Irrigation District Date 2-7-2000

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

Subscribed and sworn (or affirmed) before me this 7 day of February 19 2000

SEAL — DELORES M. COPELAND NOTARY PUBLIC STATE OF IDAHO

Notary Public Delores M. Copeland
Please Print Name

Residing at Caldwell, Id - Canyon Cnty

My Commission Expires 10-21-04

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L. Campbell

Address P.O. Box 1539, Boise, Idaho 83701

Date 2/7/2000

Last Name Pioneer Ident. Number A63-05219

Form No. 42-1409 (2) a 1/88 (Interna...)

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 A63-05237
Date Received _____
Receipt Number _____

RECEIVED
FEB 0 8 2000
WATER RESOURCES
WESTERN REGION

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) April 1, 1910

3. Source of water supply (a) Indian Creek
   which is tributary to (b) Boise

4. a. Location of existing point of diversion is: Township 4 N. Range 3 W. Section 26,
   _____ 1/4 of N.E. 1/4 of S.W. 1/4, Govt. Lot, _____ B.M., County of Canyon
   Additional points of diversion if any: _____

   b. If instream flow, beginning point of claimed instream flow is:
   Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
   Govt. Lot _____ B.M., County of _____
   ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
   _____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. In-stream diversion dam to canal and lateral ditches.

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)		(acre feet)
For irrigation	purposes from	3/15	to 11/15	amount 16.0	or	
For	purposes from		to	amount	or	
For	purposes from		to	amount	or	
For	purposes from		to	amount	or	

7. Total quantity claimed (a) 16.0 (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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Lands within the boundaries of Pioneer Irrigation District																

Total number of acres irrigated 34,047.16

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

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.
    _____ or None ( )

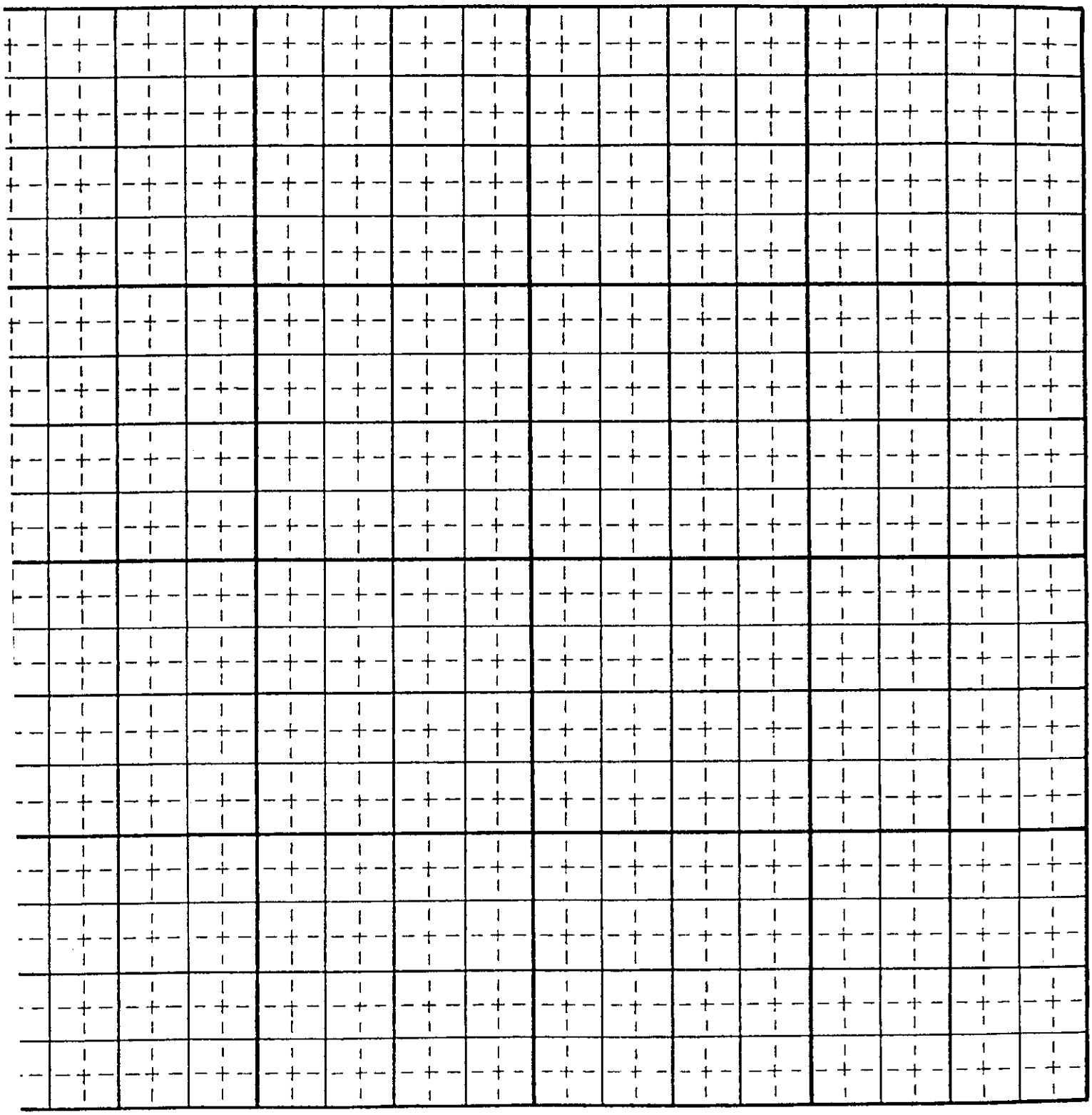
14. Remarks: Pioneer Irrigation District provides water delivery to the lands within its service area.

ast Name Pioneer Ident No. A63-05237

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

Scale: 2 inches equals 1 mile

See Exhibits A, A(1), A(2), A(3), B and C to Claim No. 63-00224.



Last Name Pioneer Ident No. A63-05237

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-05237
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 0

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent John M. Davis

Title and Organization President, Pioneer Irrigation Dist. Date 2-7-2000

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

Subscribed and sworn (or affirmed) before me this 7 day of February 2000

SEAL DELORES M. COPELAND NOTARY PUBLIC STATE OF IDAHO

Notary Public Delores M Copeland

Residing at Caldwell, Id - Canyon Cnty

My Commission Expires 10-21-04

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L Campbell

Address P.O. Box 1539, Boise, ID 83701-1539

Date 2/7/2000

Last Name Pioneer Ident. Number A63-05237

Form No. 42-1409 (2) a 1/88 (Interne

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 A63-05255
Date Received _____
Receipt Number _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
FEB 0 8 2000
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) May 1, 1915

3. Source of water supply (a) Indian Creek
   which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 04 N Range 03 W Section 22 ,

   _____ 1/4 of S.E. 1/4 of S.W. 1/4 , Govt. Lot, _____ B.M., County of Canyon

   Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Two 7.5 hp pumps w/ 10" discharge pipes to distribution laterals.

6. Water is claimed for the following purposes:

		(both dates are inclusive)			(cfs)		(acre feet)
For	irrigation	purposes from	3/15	to 11/15	amount	2.170	or
For		purposes from		to	amount		or
For		purposes from		to	amount		or
For		purposes from		to	amount		or

7. Total quantity claimed (a) 2.170 (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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Lands within boundaries of Pioneer Irrigation District																

Total number of acres irrigated 34,047.16

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

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.
    _____ or None ( )

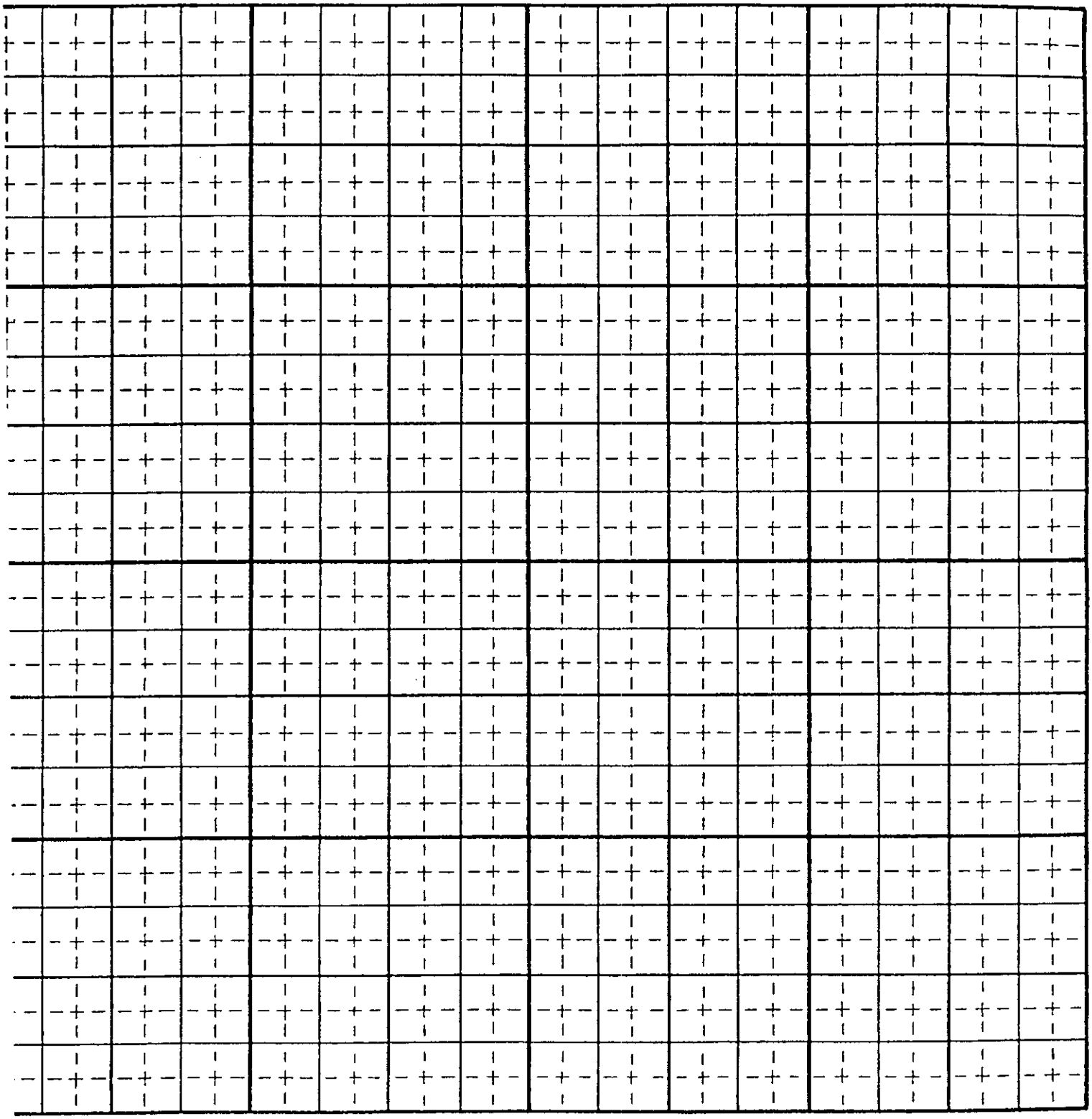
14. Remarks:
    Pioneer Irrigation District provides water delivery to the privately owned lands within its service area.

ast Name Pioneer Ident No. A63-05255

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

Scale: 2 inches equals 1 mile

See Exhibits A, A(1), A(2), A(3), B and C to Claim No. 63-00224.



Last Name Pioneer Ident No. A63-05255

15. Basis of Claim (check one) Beneficial Use x Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number A63-05255
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 0

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent John M. Owen

Title and Organization President, Pioneer Irrigation District Date 2-7-2000

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

Subscribed and sworn (or affirmed) before me this 7 day of February 2000 19

SEAL

DELORES M. COPELAND NOTARY PUBLIC STATE OF IDAHO

Notary Public Delores M. Copeland

Residing at Caldwell, Id - Canyon Cnty

My Commission Expires 10-21-04

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L Campbell

Address P.O. Box 1539, Boise, Idaho 83701-1539

Date 2/7/2000

Last Name Pioneer Ident. Number A63-05255

Form No. 42-1409 (2) a 1/88 (Intern-)

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 67-21731
Date Received _____
Receipt Number _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) June 1, 1918

3. Source of water supply (a) Five Mile Creek Drain
   which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4N. Range 1W. Section 31,
   _____ 1/4 of S.E. 1/4 of N.E. 1/4, Govt. Lot, _____ B.M., County of Canyon

   Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Concrete structure in drain to feeder ditch to Phyllis Canal.

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)		(acre feet)
For irrigation	purposes from 3/15	to 11/15	amount 100.0	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		

7. Total quantity claimed (a) 100 (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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Lands within the boundaries of the Pioneer Irrigation District.																

Total number of acres irrigated 34,047.16

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

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.
    _____ or None ( )

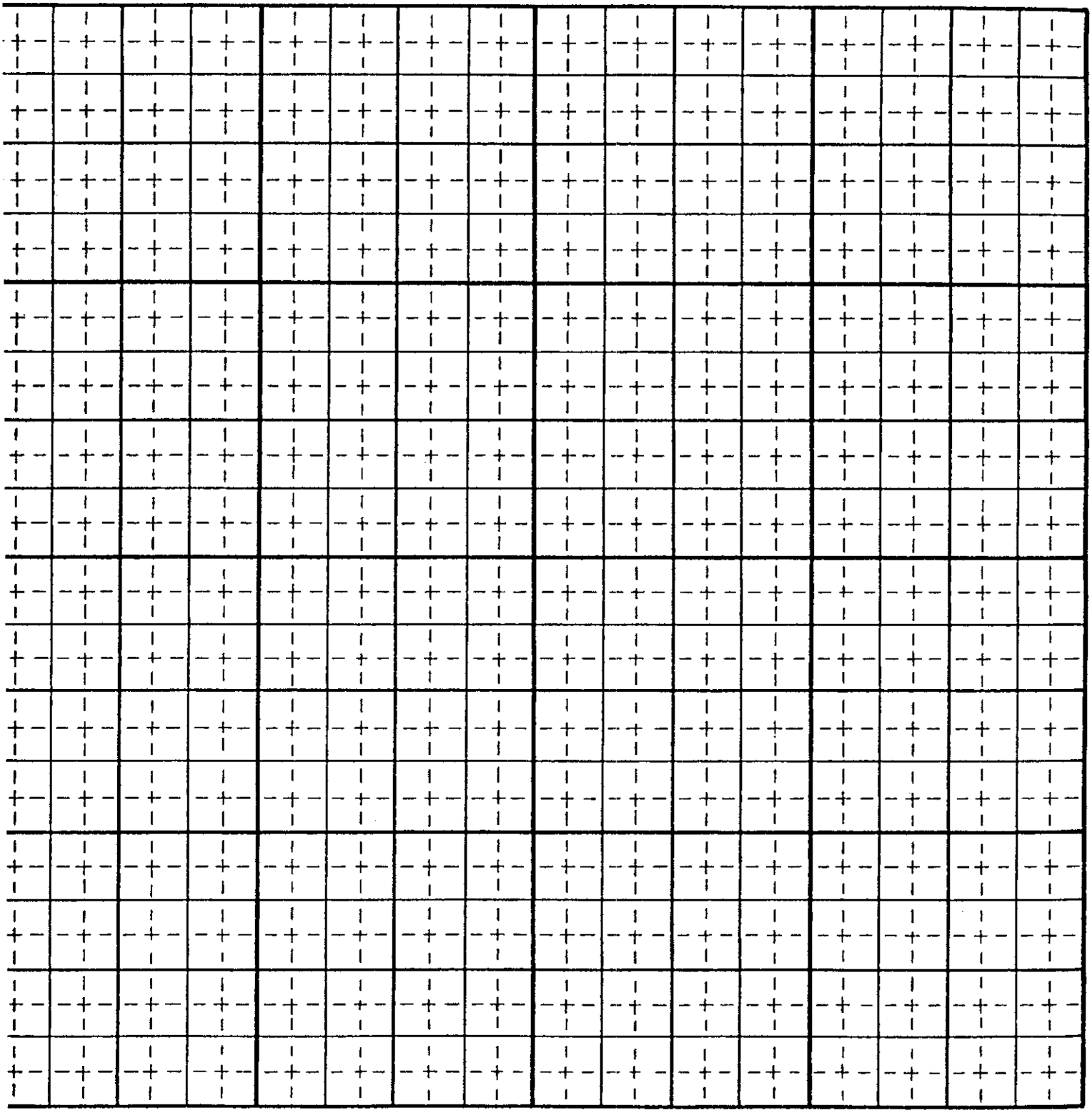
14. Remarks: Pioneer Irrigation District provides water delivery to the privately owned lands within its service area.

Last Name Pioneer Ident No. 67-21731

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

Scale: 2 inches equals 1 mile

See Exhibits A, A(1), A(2), A(3), B and C to Claim No. 63-00224.



Last Name Pioneer Ident No. 67-21731

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 0

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer IrrigationDistrict (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent John M. Owen

Title and Organization President, Pioneer Irrigation District Date 2-7-2000

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

Subscribed and sworn (or affirmed) before me this 7 day of February 19 2000

SEAL — DELORES M. COPELAND NOTARY PUBLIC STATE OF IDAHO

Notary Public Delores M. Copeland

Residing at Caldwell, Id - Canyon County

My Commission Expires 10-21-04

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L Campbell

Address P.O. Box 1539, Boise, ID 83701-1539

Date 2/7/2000

Last Name Pioneer Ident. Number 67-21731

Form No. 42-1409 (2) a 1/88 (Interne

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 A63-21739
Date Received _____
Receipt Number _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
FEB 0 8 2000
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

   Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) May 1, 1957

3. Source of water supply (a) Elijah Drain
   which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 3 N. Range 2 W. Section 28,
   _____ 1/4 of N.E. 1/4 of N.W. 1/4, Govt. Lot, _____ B.M., County of Canyon

   Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 15 H.P. pump with 16-inch discharge pipe to Phyllis Canal to lateral ditches.

6. Water is claimed for the following purposes:

		(both dates are inclusive)			(cfs)		(acre feet)
For	irrigation	purposes from	3/15	to	11/15	amount 10.0	or
For		purposes from		to		amount	or
For		purposes from		to		amount	or
For		purposes from		to		amount	or

7. Total quantity claimed (a) 10.0 (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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
				Lands within the boundaries of Pioneer Irrigation District															

Total number of acres irrigated 34,047.16

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

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.
    _____ or None ( )

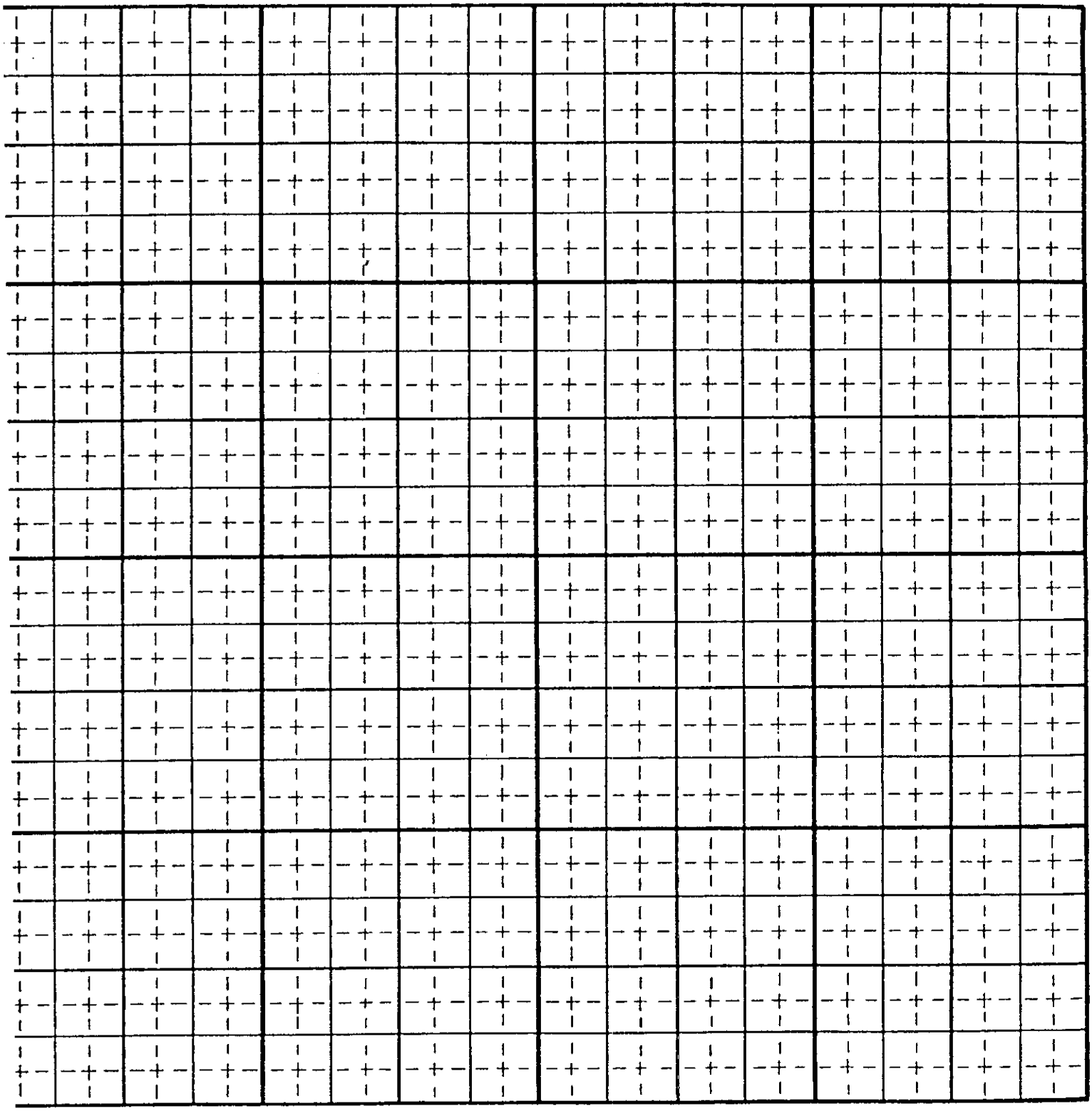
14. Remarks: Pioneer Irrigation District provides water delivery to the privately owned lands within its service area.

Last Name Pioneer Ident No. A63-21739

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

Scale: 2 inches equals 1 mile

See Exhibits A, A(1), A(2), A(3), B and C to Claim No. 63-00224.



Last Name Pioneer Ident No. A63-21739

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-21739
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 0

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am ~~President~~ (Title) of Pioneer Irrigation District (Organization), that I have signed the foregoing document in the space below as President (Title) of Pioneer Irrigation District (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Glen M. Owen

Title and Organization President, Pioneer Irrigation District Date 2-7-2000

State of Idaho/or _____

County of Canyon

Subscribed and sworn (or affirmed) before me this 7 day of February 2000

SEAL

DELORES M. COPELAND NOTARY PUBLIC STATE OF IDAHO

Notary Public Delores M Copeland

Residing at Caldwell, Id - Canyon County

My Commission Expires 10.21.04

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L Campbell

Address P.O. Box 1539, Boise, ID 83701-1539

Date 2/7/2000

Last Name Pioneer Ident. Number ~~A~~63-21739

SRBA
PARTIAL DECREE 63-21716

Issued on 03-31-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL, ID 83605

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13 GALLONS PER DAY.

PRIORITY DATE: 03/07/1939

POINT OF DIVERSION: T04N R01W S24 NWNW Within Ada County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Ada Count
T04N R01W S24 NWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIE 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).

Return to SRBA Home Page

FC 52967

ADA COUNTY RECOR
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF
FEE 46 DEPUTY

40

2002 JN 26 PM 12:07

102071814

FIRST AMERICAN

DEED OF CONSERVATION EASEMENT
Birds of Prey - Duane and Laura Pancheri, Idaho
IDI-33595

THIS DEED OF CONSERVATION EASEMENT is made this 26th day of June 2002 by and between Duane and Laura Pancheri, husband and wife, whose address is 19010 S. Can Ada Road, Melba, ID 83641 (the "Grantor"), and the United States of America and its assigns, acting by and through the Department of Interior, Bureau of Land Management (hereinafter referred to as the "Grantee"), as authorized by Section 205 of the Federal Land Policy and Management Act of 1976 as amended (43 U.S. C. 1715; 90 Stat. 2755).

Exhibits to this Deed of Conservation Easement include the following:

Exhibit A - Legal Description of the Property
Exhibit B - Map of the Property
Exhibit C - Acknowledgement of Easement Baseline Report

WITNESSETH THAT:

A. Grantor is the owner of certain real property in Ada County, Idaho, consisting of 520 acres, more or less, more particularly described as the North half and the Northeast Quarter of the Southeast Quarter of Section 27, and the Northeast Quarter of Section 28, Township 1 South, Range 1 West, Boise Meridian, Idaho, and shown in Exhibits A and B attached hereto and incorporated herein by this reference (the "Property");

B. Grantor covenants and warrants that it is lawfully seized and possessed of the land aforesaid and has the full right, power, and authority to execute this conveyance, and that said land is free and clear of liens, claims or encumbrances, except as shown above, and that he will defend the title to the easement conveyed herein and quiet enjoyment thereof against the claims and demands of all persons.

C. Grantee, acting through the Secretary of Interior and the Bureau of Land Management (BLM), in accordance with Idaho Code Section 55-2101 to 55-2109 and pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S. C. 1715; 90 Stat. 2755) and regulations issued thereunder, desires to protect and maintain certain values on the Property. The livestock grazing values, wildlife habitat, and open-space (hereinafter called "Conservation Values") are of great importance to Grantor, Grantee, the people of the State of Idaho and of the United States, and are worthy of conservation.

Conservation of the Property will contribute to the ecological integrity of the surrounding Snake River Birds of Prey National Conservation Area (NCA), land owned by the United States and managed by the BLM to maintain a unique assemblage and density of birds of prey, and if the Property were improperly managed or destroyed would negatively impact the ecological, scenic, educational, and recreational values of the NCA.

D. NOW, THEREFORE, FOR AND IN CONSIDERATION of $715,000.00, Grantor does hereby grant and convey unto Grantee and its assigns to have and to hold forever an easement and right in perpetuity to and over the Property for the purposes and subject to the restrictions herein set forth.

E. Grantor, as owner of the Property, owns the affirmative rights to identify, preserve and protect the Conservation Values of the Property;

F. Grantor desires and intends to transfer such rights to the Grantee;

G. Grantor will retain and reserve all water rights and will retain appurtenant irrigation equipment and facilities. Grantor will be able to continue to conduct ongoing farming operations until the current season's crop(s) are harvested.

H. The State of Idaho has recognized the importance of private efforts toward the preservation of Conservation Values by enactment of Idaho Uniform Conservation Easement Act, I.C. Sections 55-2101 to 55-2109; and

I. The Grantee is a government agency authorized to manage public lands and interests therein. On August 4, 1993, Public Law 103-64 designated the public lands surrounding the Property as part of the NCA for the purposes of providing for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values of the public lands in the conservation area.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, pursuant to the Idaho Uniform Conservation Easement Act, I.C. Sections 55-2101 to 55-2109, Grantor hereby conveys to the Grantee and its assigns a perpetual Conservation Easement consisting of the rights and restrictions enumerated herein, over and across the Property (the "Easement"), on all of the terms and conditions set forth below.

TERMS AND CONDITIONS

1. Purposes. It is the purpose of the Easement to preserve and protect in perpetuity and, in the event of their degradation or destruction, to enhance and restore the Conservation Values of the Property. It is further the specific purpose of this Easement to establish and conserve the livestock

grazing values and the important habitat for wildlife on the Property. In achieving these purposes, it is the intent of the Easement to permit the continuation of such uses of the Property as may be conducted consistent with the Conservation Values protected herein. Following harvest of the current year's crop(s), the Grantor will seed the following seed mixture for livestock grazing purposes:

Species	Variety	Bulk rate lb/acre drilled
Siberian wheatgrass	Vavilov	4
Russian wildrye	Bozoisky	4

Pursuant to the terms of Idaho Uniform Conservation Easement Act, Idaho Code Sections 55-2101 to 55-2109, the Property preserved hereby as open space may not be converted or directed to any uses other than those provided herein.

2. Easement Baseline Report. In order to establish the present condition of the Property's natural, scenic, open space, aesthetic, and livestock grazing resources, so as to be able to properly monitor future uses of the Property and assure compliance with the terms hereof, Grantee agrees that it will prepare or cause to be prepared an environmental inventory of the values on the Property within 30 days from the date of this Easement, which will serve as the baseline data for maintenance and enforcement of Easement values. The inventory may include, but need not be limited to, aerial photographs, topographic maps, measures of the quality of topsoil, groundcover or grazing areas, and botanical photographs and reports. The data and explanatory text will be presented in the "Pancheri Easement Baseline Report" (the "Report"), and a copy of the Report will be filed with both Grantor and Grantee and by this reference will be made a part hereof. The parties acknowledge that the Report is intended to establish and describe the condition of the Property subject to the Easement as of the date it is written, and that both the Grantor and the Grantee will acknowledge in a signed statement, a copy of which will be attached hereto as Exhibit C, that the Report accurately represents the condition of the Property at the time it is written.

The parties agree that, in the event a controversy arises with respect to the nature and/or extent of the biological or physical condition of the Property, the parties shall not be foreclosed from utilizing all other relevant or material documents, surveys, reports, and other evidence to assist in the resolution of the controversy.

Grantee further agrees that, within 30 days following the one year anniversary of the Easement, it will prepare or cause to be prepared a Follow-up Easement Baseline Report which inventories and described the livestock grazing resources that have been established on the Property, and which will serve as additional baseline data for maintenance and enforcement of Easement values.

3. Rights of the Grantee. The rights conveyed to the Grantee by the Easement are the following:

A. To identify, to preserve and protect in perpetuity, and in the event of their degradation or destruction, to restore or to enforce the restoration of the Conservation Values of the Property.

B. To perform such activities on the Property as the Grantee reasonably determines are necessary to carry out the rights granted by this Easement.

C. To enter upon the Property (excluding dwellings and other structures) to inspect for compliance with and enforcement of the terms of this Easement, all upon prior notice of at least five (5) days to Grantor and in a manner that does not unreasonably disturb the use of the Property by Grantor consistent with the Easement.

D. To enter upon the Property (excluding dwellings and other structures) to undertake emergency action as a result of fire or flood, if in its sole judgment, such entry is necessary to prevent damage to or the destruction of the Conservation Values protected by the Easement. In the event such emergency action is necessary, the entry and actions of the Grantee shall be documented after the fact by delivery to Grantor within fourteen (14) days of the entry Grantee's written report describing the emergency necessitating such entry to the Property and the results of such entry and actions undertaken. The actions of the Grantee will not automatically imply a liability or financial obligation on the part of the Grantor or the Grantee. A determination of any liability or financial obligation to either the Grantor or the Grantee must be associated with failure of meeting the other provisions in this easement.

E. To enjoin any activity on or any use of the Property that is inconsistent with the Easement.

4. Consistent Uses of the Property. The following uses and practices by Grantor, though not an exhaustive recital of consistent uses and practices, are consistent with the Easement. Certain of these consistent uses and practices are identified as being subject to specified conditions or to the requirement of and procedures for prior approval by the Grantee; procedures for prior approval are provided below. The remainder of these consistent uses shall not be precluded, prevented, or limited by the Easement.

A. To graze livestock and conduct activities incidental thereto in a manner which is consistent with sound agricultural and ranching practices, does not degrade water quality or result in accelerated soil erosion beyond state or local jurisdictional standards, and provided that range conditions shall be maintained at, or improved from, those documented in the Follow-up Easement Documentation Report referenced in Item #2 of Terms and Conditions. Acceptable activities include the grazing and pasturing of horses, cattle, sheep, mules, and llamas. Grazing of other livestock or game species shall be subject to prior approval by the Grantee.

B. Maintenance, repair, and in the event of destruction, reconstruction of all existing improvements permitted in this Easement shall be allowed. If improvements on the Property are destroyed, Grantor may replace them with improvements of similar function and site location.

C. Construction or improvement of roads necessary for grazing management.

D. Development, maintenance, repair, reconstruction, or replacement of water facilities needed to support domestic, livestock, and wildlife uses.

E. Use of chemicals, in compliance with label instructions, for the following purposes and under the following conditions:

1) For the fertilization of plants.

2) For the control of noxious weeds, as required by Idaho state law, and for the control of other invasive exotic plant species.

3) For the control of rangeland pests; provided, however, the use of carbofuran (commonly called furadan) is specifically prohibited.

F. Storage of petroleum products and agricultural and household chemicals in quantities needed to efficiently operate and maintain the permitted activities and uses authorized by this Easement. Storage, use, and disposal of products and chemicals used within the confines of the Property shall be in accordance with Federal and State law and the product label.

G. Maintenance of utility systems for the uses permitted in this Easement.

H. Keeping domestic pets in accordance with local jurisdictional laws, regulations, and ordinances.

I. Personal recreational use. Commercial recreational use, such as hunting and equestrian shall be subject to Grantee's prior approval.

Whenever the consent or approval of the Grantee is required under this Easement, said consent or approval shall not be unreasonably withheld. A decision by the Grantee to deny a proposed activity must be based upon the Grantee's determination that the proposed activity is inconsistent with the Conservation Values of this easement and the proposal cannot be modified to be acceptable.

5. Inconsistent Uses of the Property. The following uses and practices on the Property by the Grantor shall be prohibited, except as specifically provided for hereinabove in Section 4:

A. The subdivision or defacto subdivision through sale, lease or otherwise for residential, commercial, or industrial purposes.

B. Establishment of any industrial or commercial use of or activity on the Property. Industrial and commercial uses include the establishment and operation of any confined animal feeding operations (CAFO), including, but not limited to cattle feedlots, dairies, hog farms, and chicken farms

C. Construction or placement of any buildings, temporary living quarters of any sort, mobile homes, signs, billboards or other advertising materials, airstrips, helipads, or utility towers or other structures, except as permitted in this Easement and except that vehicular campers owned by Grantor or guests may be parked on the Property as appropriate to accommodate normal visitation.

D. The Property shall not be used for irrigated farming purposes. The term "farming" does not include the planting or restoration of native or Grantee-approved non-native plant species on any portion of the Property, which activity is specifically permitted.

E. The storage, dumping, release or other disposal of toxic and/or hazardous materials or their containers in violation of Federal and/or State law.

Notwithstanding anything in this Easement to the contrary, this prohibition does not make the Grantee an owner of the Property, nor does it permit the Grantee to control any use of the Property by the Grantor which may result in the storage, dumping or disposal of hazardous or toxic materials; provided, however, that the Grantee may bring an action to protect the Conservation Values of the Property, as described in this Easement. (This prohibition does not impose liability on the Grantee, nor shall the Grantee be construed as having liability as a "responsible party" under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or similar federal or state statutes.)

F. Dumping or other disposal of non-compostable refuse, animal carcasses, wildlife attracting materials, or any other material which could reasonably be considered debris.

G. Any animal/pest poisoning with chemicals that are prohibited by law or regulation, or caused by not following application instructions for approved chemicals that results in jeopardy, injury, or death to protected wildlife species.

H. Subject to the interests of the owners of the mineral rights, if any, other than the Grantor, no mining or other industrial activity which results in changes in the general topography or land surface shall be permitted on the Property, including cultivation, excavation, quarrying, or removal of rock, sand, dirt, gravel, or other materials.

6. Prior Notice and Approval. Grantor shall not undertake or permit any activity requiring prior approval by the Grantee without first having notified and received approval from the Grantee as provided herein.

Prior to the commencement of any such activity, Grantor shall send the Grantee written notice of his/her intention to undertake or permit such activity. The notice shall inform the Grantee of all aspects of the proposed activity, including location, design, materials or equipment to be used, dates and duration, and any other relevant information, and shall be sent by registered or certified mail, return receipt requested, to National Conservation Area Manager, Bureau of Land Management, 3948 Development Avenue, Boise, ID 83705, or such other address as Grantor may from time to time be informed of in writing by the Grantee.

The Grantee shall have forty-five (45) days from receipt of the notice, as indicated by the date of the return receipt, to review the proposed activity and to notify Grantor of any objections thereto; provided that the 45-day period shall not begin until such time as the Grantee has received adequate information from Grantor to evaluate the proposed activity. In the event that the Grantee requires additional information to evaluate the proposed activity, the Grantee shall request the information from Grantor as soon as practicable and in any case not later than 30 days after the receipt of the notice of the proposed activity.

The Grantee's decision to approve or disapprove the activity proposed by Grantor shall be sent by registered or certified mail, return receipt requested, to Grantor, or to such other address as the Grantee may from time to time be informed of in writing by Grantor.

A decision by the Grantee to disapprove a proposed activity must be based upon the Grantee's determination that the proposed activity is inconsistent with the conservation purposes of the Easement. If in the Grantee's judgment it is possible that the proposed activity can be modified to be consistent with the easement, the Grantee's decision notice shall inform Grantor of such modification(s). Once modification is made to the satisfaction of the Grantee, or the Grantee otherwise concurs with the matters set forth in Grantor's notice, the proposed activity may thereafter be conducted in a manner that is acceptable to the Grantee.

Should the Grantee fail to post its response to Grantor's notice within forty five (45) days of its receipt of notice or within forty five (45) days of the time that the Grantee has received adequate information to evaluate the proposed activity, whichever is later, the proposed activity is automatically deemed consistent with the terms of the Easement, the Grantee having no further right to object to the activity identified by such notice.

7. Remedies, Breach and Restoration. In the event a violation of any restriction contained herein, whether by Grantor or a third party, comes to the attention of the Grantee, the Grantee shall notify Grantor in writing of the violation. Grantor shall have thirty (30) days after the receipt of such notice to undertake actions, including restoration of the Property, that are reasonably calculated to

swiftly correct the conditions caused by such violation. If Grantor fails to take such corrective action, the Grantee may at its discretion undertake such actions, including appropriate legal proceedings, as are reasonably necessary to effect such corrections, and the cost of the corrections, including the Grantee's expenses, court costs, and legal fees, shall be paid by the party determined to be responsible for the violation. The degree of Grantor's liability will be determined through the legal proceedings.

In the event that Grantor undertakes any activity requiring approval of the Grantee without or in advance of securing such approval, or undertakes any activity in violation of the terms of the Easement, the Grantee shall have the right to force, by appropriate legal or equitable action, including an action for injunction or specific performance, the restoration of that portion of the Property affected by the activity to the condition that existed prior to the undertaking of the unauthorized activity. In such case, the costs of restoration and the Grantee's costs of suit, including reasonable attorneys' fees, shall be borne by the party determined to be responsible for the violation, or, in the event that the Grantee secures redress without a completed judicial proceeding, by Grantor or those of his/her heirs, personal representatives, or assigns who are otherwise determined to be responsible for the unauthorized activity.

Enforcement of the terms and provisions of this Easement shall be at the discretion of the Grantee. Any forbearance on behalf of the Grantee to exercise its rights hereunder in the event of any breach by Grantor or his/her respective heirs, personal representatives, or assigns shall not be deemed or construed to be a waiver of the Grantee's rights hereunder in the event of any subsequent breach.

8. Liability Indemnification. Grantor shall hold harmless, indemnify, and defend the Grantee and the Grantee's employees, agents, contractors, successors, and assigns of each of them from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorney's fees, arising from or in any way connected with the presence or release of any hazardous material or substance of any kind on Grantor's Property. This paragraph shall not apply in the case of any hazardous material or substance in any manner placed on Grantor's Property by the Grantee or the Grantee's representatives or agents. Any liability of the Grantee as a result of the exercise of its rights herein granted shall be limited by the Federal Tort Claims Act (28 U.S. C. 2670-2680).

9. Taxes. Grantor agrees to pay any and all real property taxes and assessments levied by competent authority on the Property and to bear all costs of operation, upkeep, and maintenance of the Property, and does hereby indemnify the Grantee therefrom.

10. Access. Nothing herein contained shall be construed as affording the public access to any portion of the Property.

11. Change of Conditions. The fact that any use of the Property that is expressly prohibited by this Easement, or any other use as determined to be inconsistent with the purpose of this Easement, may become greatly more economically valuable than permitted uses, has been considered by the Grantor in granting this Easement. It is Grantor's belief that any such changes will increase the benefit to the public

of the continuation of this Easement, and it is the intent of both Grantor and the Grantee that any changes should not be assumed to be circumstances justifying the termination or extinguishment of this Easement pursuant to this paragraph. In addition, the inability to carry on any or all of the permitted uses, or the unprofitability of doing so, shall not impair the validity of this Easement or be considered grounds for its termination or extinguishment pursuant to this paragraph.

12. Subsequent Sale, Exchange or Involuntary Conversion. Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by this Conservation Easement, the Grantor and the Grantee shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking, which proceeds shall be divided in accordance with the proportionate value of the Grantee's and Grantor's interests in the Property. All expenses incurred by the Grantor and the Grantee in this action shall be paid out of the recovered proceeds.

13. Amendment. If circumstances arise under which an amendment to or modification of the Easement would be appropriate, Grantor and Grantee may jointly amend the Easement; provided that no amendment shall be allowed that affects the qualification of the Easement under the IRS Code or Idaho Uniform Conservation Easement Act (Idaho Code Sections 55-2101 to 55-2109). Any such amendment shall be consistent with the purposes of the Easement, shall not affect its perpetual duration, and shall not impair any of the significant conservation values of the Property. Any such amendment shall be recorded in the official records of the county in which the Property is located.

14. Interpretation. The provisions of this Easement shall be liberally construed to effectuate their purpose of preserving and protecting open space lands and habitat for wildlife. No remedy or election given by any provision in this Easement shall be deemed exclusive unless so indicated, but it shall, wherever possible, be cumulative with all other remedies at law or in equity. The parties acknowledge that each party and its counsel have reviewed and revised this Easement and that no rule of construction that ambiguities are to be resolved against the drafting party shall be employed in the interpretation of this Easement. In the event of any conflict between the provisions of this Easement and the provisions of any use and zoning restrictions of the state or county in which the Property is located, or any other governmental entity with jurisdiction, the more restrictive provisions shall apply. This Easement shall be interpreted in accordance with the laws of the state in which the Property is located.

15. Miscellaneous.

A. Definitions. The terms "Grantor" and "Grantee" as used herein shall be deemed to include, respectively, the Grantor, the Grantor's heirs, successors, assigns, lessees, personal representatives, or other persons authorized by the Grantor, and the Grantee, and its assigns.

B. Binding Effect. Grantor intends that the Easement shall run with and burden title to the Property in perpetuity, and shall bind Grantor, his/her heirs, successors, personal representatives, and assigns.

C. Severability. If any provision of this Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions hereof and the application of such provision to persons or circumstances other than those to which it is found to be invalid, shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies with paragraph 13 above.

Signature and Acknowledgments

TO HAVE AND TO HOLD the said Easement unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the parties hereto have executed this Deed of Conservation Easement as of the date first stated above.

GRANTOR:

DUANE PANCHERI and
LAURA PANCHERI, husband and wife
19010 S. Can Ada Road
Melba, ID 83641

By: Duane Pancheri
Duane Pancheri

Date: 6-26-02

By: Laura Pancheri
Laura Pancheri

Date: 6/26/02

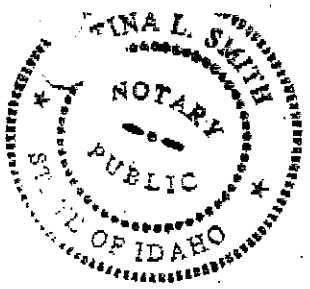
GRANTEE:

UNITED STATES OF AMERICA and its assigns, acting by and through the Department of the Interior, Bureau of Land Management.
Accepted subject to approval of title by The Department of Justice.

By: _____

Title: Four Rivers Field Mgr

Date: 06/24/02



STATE OF Idaho)
)ss.
COUNTY OF Ada)

On this 24th day of June, 2002, before me the undersigned, a Notary Public in and for the State, personally appeared Duane Pancheri and Laura Pancheri, ~~husband and wife~~, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

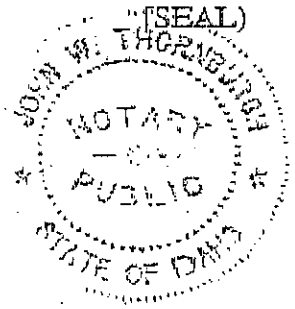
Notary Public in and for the State of Idaho
Residing at Boise
My Commission expires: 7-25-05

STATE OF Idaho)
)ss.
COUNTY OF Ada)

On this day 24TH of June, 2002, before me personally appeared Daryl Albiston, to me known to be the Four Rivers Field Office Manager of the Bureau of Land Management, and acknowledged the said instrument to be the free and voluntary act and deed of said agency, for the uses and purposes therein mentioned, and on oath stated that s/he was authorized to execute said instrument and that the seal affixed is the seal of said agency.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)



Notary Public in and for the State of Idaho
Residing at Boise
My Commission expires: 5-16-2003

Exhibit A

Property Description

All that certain real estate situated in Ada County, Idaho, more particularly described as follows:

Township 1 South, Range 1 West, Boise Meridian
Section 27: N½, NE¼SE¼
Section 28: NE¼

Containing 520 acres, more or less.

Exhibit B

Map of the Property

Initial Butte Farms LWCF Acquisition

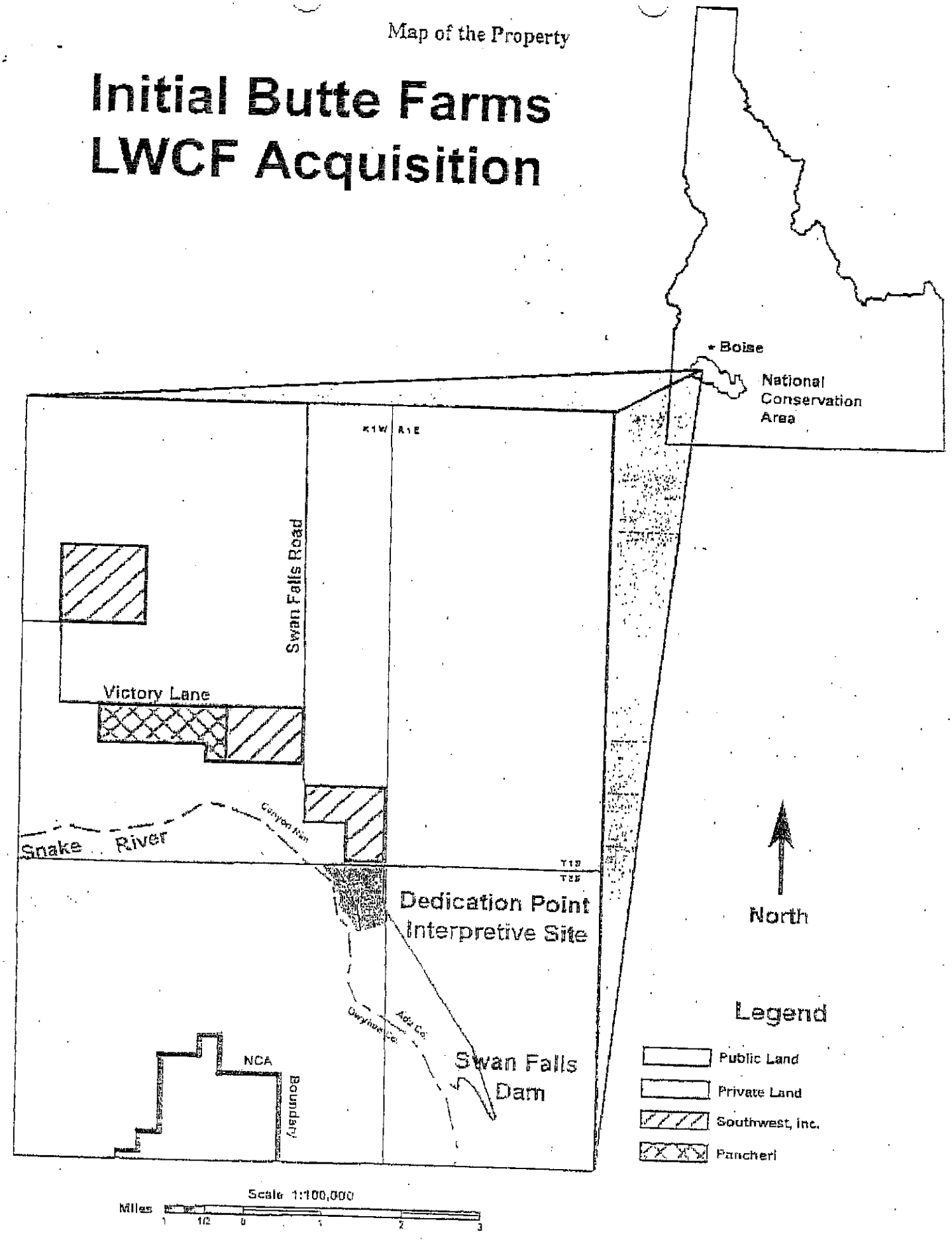


Exhibit C

Acknowledgment of Pancheri Easement Baseline Report

The Grantor and the Grantee acknowledge that each has read the "Easement Baseline Report," dated June 26, 2002, and that the report accurately reflects the condition of the Property subject to the Easement as of the date of the Report.

Grantee
United States of America and its assigns acting by and through the Department of Interior, Bureau of Land Management

By: _____

Title: Four Rivers Field Mgr

Date: 06/26/02

Grantor
Duane Pancheri and Laura Pancheri

By: _____

Date: 6/26/02

By: _____

Date: 6/26/02

FA 1520 3

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF
FEE 48-00 DEPUTY

2002 JN 26 PM 12:07

102071815

FIRST AMERICAN

DEED OF CONSERVATION EASEMENT
Birds of Prey - Southwest, Inc., Idaho
IDI-33083

THIS DEED OF CONSERVATION EASEMENT is made this 26 day of June, 2002 by and between Southwest, Inc., an Idaho Corporation, whose address is P.O. Box 2562, Nyssa, OR 97913 (the "Grantor"), and the United States of America and its assigns, acting by and through the Department of Interior, Bureau of Land Management (hereinafter referred to as the "Grantee"), as authorized by Section 205 of the Federal Land Policy and Management Act of 1976 as amended (43 U.S. C. 1715; 90 Stat. 2755).

Exhibits to this Deed of Conservation Easement include the following:

Exhibit A - Legal Description of the Property
Exhibit B - Map of the Property
Exhibit C - Acknowledgement of Easement Baseline Report

WITNESSETH THAT:

A. Grantor is the owner of certain real property in Ada County, Idaho, consisting of 1600 acres, more or less, more particularly described as Section 16; the North half and the North half of the South half of Section 26; and the North half and the Southeast quarter of Section 36, Township 1 South, Range 1 West, Boise Meridian, Idaho, and shown in Exhibits A and B attached hereto and incorporated herein by this reference (the "Property");

B. Grantor covenants and warrants that it is lawfully seized and possessed of the land aforesaid and has the full right, power, and authority to execute this conveyance, and that said land is free and clear of liens, claims or encumbrances, except as shown above, and that he will defend the title to the easement conveyed herein and quiet enjoyment thereof against the claims and demands of all persons.

C. Grantee, acting through the Secretary of Interior and the Bureau of Land Management (BLM), in accordance with Idaho Code Section 55-2101 to 55-2109 and pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S. C. 1715; 90 Stat. 2755) and regulations issued thereunder, desires to protect and maintain certain values on the Property. The Livestock grazing values, wildlife habitat, and open-space (hereinafter called "Conservation Values") are of great importance to Grantor, Grantee, the people of the State of Idaho and of the United States, and are worthy of conservation.

Conservation of the Property will contribute to the ecological integrity of the surrounding Snake River Birds of Prey National Conservation Area (NCA), land owned by the United States and managed by the BLM to maintain a unique assemblage and density of birds of prey, and if the Property were improperly managed or destroyed would negatively impact the ecological, scenic, educational, and recreational values of the NCA.

D. NOW, THEREFORE, FOR AND IN CONSIDERATION of $1,695,000.00, Grantor does hereby grant and convey unto Grantee and its assigns to have and to hold forever an easement and right in perpetuity to and over the Property for the purposes and subject to the restrictions herein set forth.

E. Grantor, as owner of the Property, owns the affirmative rights to identify, preserve and protect the Conservation Values of the Property;

F. Grantor desires and intends to transfer such rights to the Grantee;

G. Grantor will retain and reserve all water rights and will retain appurtenant irrigation equipment and facilities. Grantor will be able to continue to conduct ongoing farming operations until the current season's crop(s) are harvested.

H. The State of Idaho has recognized the importance of private efforts toward the preservation of Conservation Values by enactment of the Idaho Uniform Conservation Easement Act, I.C. Sections 55-2101 to 55-2109; and

I. The Grantee is a government agency authorized to manage public lands and interests therein. On August 4, 1993, Public Law 103-64 designated the public lands surrounding the Property as part of the NCA for the purposes of providing for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values of the public lands in the conservation area.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, pursuant to the Idaho Uniform Conservation Easement Act, I.C. Sections 55-2101 to 55-2109, Grantor hereby conveys to the Grantee and its assigns a perpetual Conservation Easement consisting of the rights and restrictions enumerated herein, over and across the Property (the "Easement"), on all of the terms and conditions set forth below.

TERMS AND CONDITIONS

1. Purposes. It is the purpose of the Easement to preserve and protect in perpetuity and, in the event of their degradation or destruction, to enhance and restore the Conservation Values of the Property. It is further the specific purpose of this Easement to establish and conserve the livestock

grazing values and the important habitat for wildlife on the Property. In achieving these purposes, it is the intent of the Easement to permit the continuation of such uses of the Property as may be conducted consistent with the Conservation Values protected herein. Following harvest of the current year's crop(s), the Grantor will seed the following seed mixture for livestock grazing purposes:

Species	Variety	Bulk rate lb/acre drilled
Siberian wheatgrass	Vavilov	4
Russian wildrye	Bozoisky	4

Pursuant to the terms of Idaho Uniform Conservation Easement Act, Idaho Code Sections 55-2101 to 55-2109, the Property preserved hereby as open space may not be converted or directed to any uses other than those provided herein.

2. Easement Baseline Report. In order to establish the present condition of the Property's natural, scenic, open space, aesthetic, and livestock grazing resources, so as to be able to properly monitor future uses of the Property and assure compliance with the terms hereof, Grantee agrees that it will prepare or cause to be prepared an environmental inventory of the values on the Property within 30 days from the date of this Easement, which will serve as the baseline data for maintenance and enforcement of Easement values. The inventory may include, but need not be limited to, aerial photographs, topographic maps, measures of the quality of topsoil, groundcover or grazing areas, and botanical photographs and reports. The data and explanatory text will be presented in the "Southwest, Inc. Easement Baseline Report" (the "Report"), and a copy of the Report will be filed with both Grantor and Grantee and by this reference will be made a part hereof. The parties acknowledge that the Report is intended to establish and describe the condition of the Property subject to the Easement as of the date it is written, and that both the Grantor and the Grantee will acknowledge in a signed statement, a copy of which will be attached hereto as Exhibit C, that the Report accurately represents the condition of the Property at the time it is written.

The parties agree that, in the event a controversy arises with respect to the nature and/or extent of the biological or physical condition of the Property, the parties shall not be foreclosed from utilizing all other relevant or material documents, surveys, reports, and other evidence to assist in the resolution of the controversy.

Grantee further agrees that, within 30 days following the one year anniversary of the Easement, it will prepare or cause to be prepared a Follow-up Easement Baseline Report which inventories the livestock grazing resources that have been established on the Property, and which will serve as additional baseline data for maintenance and enforcement of Easement values.

3. Rights of the Grantee. The rights conveyed to the Grantee by the Easement are the following:

A. To identify, to preserve and protect in perpetuity, and in the event of their degradation or destruction, to restore or to enforce the restoration of the Conservation Values of the Property.

B. To perform such activities on the Property as the Grantee reasonably determines are necessary to carry out the rights granted by this Easement.

C. To enter upon the Property (excluding dwellings and other structures) to inspect for compliance with and enforcement of the terms of this Easement, all upon prior notice of at least five (5) days to Grantor and in a manner that does not unreasonably disturb the use of the Property by Grantor consistent with the Easement.

D. To enter upon the Property (excluding dwellings and other structures) to undertake emergency action as a result of fire or flood, if in its sole judgment, such entry is necessary to prevent damage to or the destruction of the Conservation Values protected by the Easement. In the event such emergency action is necessary, the entry and actions of the Grantee shall be documented after the fact by delivery to Grantor within fourteen (14) days of the entry Grantee's written report describing the emergency necessitating such entry onto the Property and the results of such entry and actions undertaken. The actions of the Grantee will not automatically imply a liability or financial obligation on the part of the Grantor or the Grantee. A determination of any liability or financial obligation to either the Grantor or the Grantee must be associated with failure of meeting the other provisions in this easement.

E. To enjoin any activity on or any use of the Property that is inconsistent with the Easement.

4. Consistent Uses of the Property. The following uses and practices by Grantor, though not an exhaustive recital of consistent uses and practices, are consistent with the Easement. Certain of these consistent uses and practices are identified as being subject to specified conditions or to the requirement of and procedures for prior approval by the Grantee; procedures for prior approval are provided below. The remainder of these consistent uses shall not be precluded, prevented, or limited by the Easement.

A. To graze domestic livestock and conduct activities incidental thereto in a manner which is consistent with sound agricultural and ranching practices, does not degrade water quality or result in accelerated soil erosion beyond state or local jurisdictional standards, and provided that range conditions shall be maintained at, or improved from, those documented in the Follow-up Easement Documentation Report referenced in Item #2 of Terms and Conditions. Acceptable activities include the grazing and pasturing of horses, cattle, sheep, mules, and llamas. Grazing of other livestock or game species shall be subject to prior approval by the Grantee.

B. No structure may be constructed or located on the Property, excepting the existing residence located in the NW¼ of the NW¼ of Section 36, T. 1 S., R. 1 W., B.M. The existing residence and associated appurtenances may be retained in their present location, and so long as they are utilized in connection with the permitted grazing operations, they may be repaired, improved, or replaced with a similar building or improvements.

C. Maintenance, repair, and in the event of destruction, reconstruction of all structures permitted in this Easement shall be allowed. If a structure on the Property is destroyed, Grantor may replace it with a structure of similar function and site location. Replacement structures 10% or larger square footage than the original structures or placed in a substantially different location shall be subject to Grantee's prior written approval.

D. Construction or improvement of roads necessary for grazing management.

E. Development, maintenance, repair, reconstruction, or replacement of water facilities needed to support domestic, livestock, and wildlife uses.

F. Use of chemicals, in compliance with label instructions, for the following purposes and under the following conditions:

1) For the fertilization of plants.

2) For the control of noxious weeds, as required by Idaho state law, and for the control of other invasive exotic plant species.

3) For the control of rangeland pests; provided, however, the use of carbofuran (commonly called furadan) is specifically prohibited.

G. Storage of petroleum products and agricultural and household chemicals in quantities needed to efficiently operate and maintain the permitted activities and uses authorized by this Easement. Storage, use, and disposal of products and chemicals used within the confines of the Property shall be in accordance with Federal and State law and the product label.

H. Maintenance of utility systems for the uses permitted in this Easement.

I. Keeping domestic pets in accordance with local jurisdictional laws, regulations, and ordinances.

J. Personal recreational use. Commercial recreational use, such as hunting and equestrian shall be subject to Grantee's prior approval.

Whenever the consent or approval of the Grantee is required under this Easement, said consent or

approval shall not be unreasonably withheld. A decision by the Grantee to deny a proposed activity must be based upon the Grantee's determination that the proposed activity is inconsistent with the Conservation Values of this easement and the proposal cannot be modified to be acceptable.

5. Inconsistent Uses of the Property. The following uses and practices on the Property by the Grantor shall be prohibited, except as specifically provided for hereinabove in Section 4:

A. The subdivision or defacto subdivision through sale, lease or otherwise for residential, commercial, or industrial purposes.

B. Establishment of any industrial or commercial use of or activity on the Property. Industrial and commercial uses include the establishment and operation of any confined animal feeding operations (CAFO), including, but not limited to cattle feedlots, dairies, hog farms, and chicken farms

C. Construction or placement of any buildings, temporary living quarters of any sort, mobile homes, signs, billboards or other advertising materials, airstrips, helipads, or utility towers or other structures, except as permitted in this Easement and except that vehicular campers owned by Grantor or guests may be parked on the Property as appropriate to accommodate normal visitation.

D. The Property shall not be used for irrigated farming purposes. The term "farming" does not include the planting or restoration of native or Grantee-approved non-native plant species on any portion of the Property, which activity is specifically permitted.

E. The storage, dumping, release or other disposal of toxic and/or hazardous materials or their containers in violation of Federal and/or State law.

Notwithstanding anything in this Easement to the contrary, this prohibition does not make the Grantee an owner of the Property, nor does it permit the Grantee to control any use of the Property by the Grantor which may result in the storage, dumping or disposal of hazardous or toxic materials; provided, however, that the Grantee may bring an action to protect the Conservation Values of the Property, as described in this Easement. (This prohibition does not impose liability on the Grantee, nor shall the Grantee be construed as having liability as a "responsible party" under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or similar federal or state statutes.)

F. Dumping or other disposal of non-compostable refuse, animal carcasses, wildlife attracting materials, or any other material which could reasonably be considered debris.

G. Any animal/pest poisoning with chemicals that are prohibited by law or regulation, or caused by not following application instructions for approved chemicals that results in jeopardy,

injury, or death to protected wildlife species.

H. Subject to the interests of the owners of the mineral rights, if any, other than the Grantor, no mining or other industrial activity which results in changes in the general topography or land surface shall be permitted on the Property, including cultivation, excavation, quarrying, or removal of rock, sand, dirt, gravel, or other materials.

6. Prior Notice and Approval. Grantor shall not undertake or permit any activity requiring prior approval by the Grantee without first having notified and received approval from the Grantee as provided herein.

Prior to the commencement of any such activity, Grantor shall send the Grantee written notice of his/her intention to undertake or permit such activity. The notice shall inform the Grantee of all aspects of the proposed activity, including location, design, materials or equipment to be used, dates and duration, and any other relevant information, and shall be sent by registered or certified mail, return receipt requested, to National Conservation Area Manager, Bureau of Land Management, 3948 Development Avenue, Boise, ID 83705, or such other address as Grantor may from time to time be informed of in writing by the Grantee.

The Grantee shall have forty-five (45) days from receipt of the notice, as indicated by the date of the return receipt, to review the proposed activity and to notify Grantor of any objections thereto; provided that the 45-day period shall not begin until such time as the Grantee has received adequate information from Grantor to evaluate the proposed activity. In the event that the Grantee requires additional information to evaluate the proposed activity, the Grantee shall request the information from Grantor as soon as practicable and in any case not later than 30 days after the receipt of the notice of the proposed activity.

The Grantee's decision to approve or disapprove the activity proposed by Grantor shall be sent by registered or certified mail, return receipt requested, to Grantor, or to such other address as the Grantee may from time to time be informed of in writing by Grantor.

A decision by the Grantee to disapprove a proposed activity must be based upon the Grantee's determination that the proposed activity is inconsistent with the conservation purposes of the Easement. If in the Grantee's judgment it is possible that the proposed activity can be modified to be consistent with the easement, the Grantee's decision notice shall inform Grantor of such modification(s). Once modification is made to the satisfaction of the Grantee, or the Grantee otherwise concurs with the matters set forth in Grantor's notice, the proposed activity may thereafter be conducted in a manner that is acceptable to the Grantee.

Should the Grantee fail to post its response to Grantor's notice within forty five (45) days of its receipt of notice or within forty five (45) days of the time that the Grantee has received adequate information to

evaluate the proposed activity, whichever is later, the proposed activity is automatically deemed consistent with the terms of the Easement, the Grantee having no further right to object to the activity identified by such notice.

7. Remedies. Breach and Restoration. In the event a violation of any restriction contained herein, whether by Grantor or a third party, comes to the attention of the Grantee, the Grantee shall notify Grantor in writing of the violation. Grantor shall have thirty (30) days after the receipt of such notice to undertake actions, including restoration of the Property, that are reasonably calculated to swiftly correct the conditions caused by such violation. If Grantor fails to take such corrective action, the Grantee may at its discretion undertake such actions, including appropriate legal proceedings, as are reasonably necessary to effect such corrections, and the cost of the corrections, including the Grantee's expenses, court costs, and legal fees, shall be paid by the party determined to be responsible for the violation. The degree of Grantor's liability will be determined through the legal proceedings.

In the event that Grantor undertakes any activity requiring approval of the Grantee without or in advance of securing such approval, or undertakes any activity in violation of the terms of the Easement, the Grantee shall have the right to force, by appropriate legal or equitable action, including an action for injunction or specific performance, the restoration of that portion of the Property affected by the activity to the condition that existed prior to the undertaking of the unauthorized activity. In such case, the costs of restoration and the Grantee's costs of suit, including reasonable attorneys' fees, shall be borne by the party determined to be responsible for the violation, or, in the event that the Grantee secures redress without a completed judicial proceeding, by Grantor or those of his/her heirs, personal representatives, or assigns who are otherwise determined to be responsible for the unauthorized activity.

Enforcement of the terms and provisions of this Easement shall be at the discretion of the Grantee. Any forbearance on behalf of the Grantee to exercise its rights hereunder in the event of any breach by Grantor or his/her respective heirs, personal representatives, or assigns shall not be deemed or construed to be a waiver of the Grantee's rights hereunder in the event of any subsequent breach.

8. Liability Indemnification. Grantor shall hold harmless, indemnify, and defend the Grantee and the Grantee's employees, agents, contractors, successors, and assigns of each of them from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorney's fees, arising from or in any way connected with the presence or release of any hazardous material or substance of any kind on Grantor's Property. This paragraph shall not apply in the case of any hazardous material or substance in any manner placed on Grantor's Property by the Grantee or the Grantee's representatives or agents. Any liability of the Grantee as a result of the exercise of its rights herein granted shall be limited by the Federal Tort Claims Act (28 U.S. C. 2670-2680).

9. Taxes. Grantor agrees to pay any and all real property taxes and assessments levied by competent authority on the Property and to bear all costs of operation, upkeep, and maintenance of the Property, and does hereby indemnify the Grantee therefrom.

10. Access. Nothing herein contained shall be construed as affording the public access to any portion of the Property.

11. Change of Conditions. The fact that any use of the Property that is expressly prohibited by this Easement, or any other use as determined to be inconsistent with the purpose of this Easement, may become greatly more economically valuable than permitted uses, has been considered by the Grantor in granting this Easement. It is Grantor's belief that any such changes will increase the benefit to the public of the continuation of this Easement, and it is the intent of both Grantor and the Grantee that any changes should not be assumed to be circumstances justifying the termination or extinguishment of this Easement pursuant to this paragraph. In addition, the inability to carry on any or all of the permitted uses, or the unprofitability of doing so, shall not impair the validity of this Easement or be considered grounds for its termination or extinguishment pursuant to this paragraph.

12. Subsequent Sale, Exchange or Involuntary Conversion. Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by this Conservation Easement, the Grantor and the Grantee shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking, which proceeds shall be divided in accordance with the proportionate value of the Grantee's and Grantor's interests in the Property. All expenses incurred by the Grantor and the Grantee in this action shall be paid out of the recovered proceeds.

13. Amendment. If circumstances arise under which an amendment to or modification of the Easement would be appropriate, Grantor and Grantee may jointly amend the Easement; provided that no amendment shall be allowed that affects the qualification of the Easement under the IRS Code or Idaho Uniform Conservation Easement Act (Idaho Code Sections 55-2101 to 55-2109). Any such amendment shall be consistent with the purposes of the Easement, shall not affect its perpetual duration, and shall not impair any of the significant conservation values of the Property. Any such amendment shall be recorded in the official records of the county in which the Property is located.

14. Interpretation. The provisions of this Easement shall be liberally construed to effectuate their purpose of preserving and protecting open space lands and habitat for wildlife. No remedy or election given by any provision in this Easement shall be deemed exclusive unless so indicated, but it shall, wherever possible, be cumulative with all other remedies at law or in equity. The parties acknowledge that each party and its counsel have reviewed and revised this Easement and that no rule of construction that ambiguities are to be resolved against the drafting party shall be employed in the interpretation of this Easement. In the event of any conflict between the provisions of this Easement and the provisions of any use and zoning restrictions of the state or county in which the Property is located, or any other governmental entity with jurisdiction, the more restrictive provisions shall apply. This Easement shall be interpreted in accordance with the laws of the state in which the Property is located.

15. Miscellaneous.

A. Definitions. The terms "Grantor" and "Grantee" as used herein shall be deemed to include, respectively, the Grantor, the Grantor's successors, assigns, lessees, or other persons authorized by the Grantor, and the Grantee, and its assigns.

B. Binding Effect. Grantor intends that the Easement shall run with and burden title to the Property in perpetuity, and shall bind Grantor, its successors, and assigns.

C. Severability. If any provision of this Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions hereof and the application of such provision to persons or circumstances other than those to which it is found to be invalid, shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies with paragraph 13 above.

Signature and Acknowledgments

TO HAVE AND TO HOLD the said Easement unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the parties hereto have executed this Deed of Conservation Easement as of the date first stated above.

GRANTOR:

SOUTHWEST, INC., an Idaho corporation
P.O. Box 2562
Nyssa, OR 97913

By: _____

Title: PRESIDENT

Date: JUNE 26, 2002

By: _____

Title: SECRETARY

Date: 6/26/02

GRANTEE:

UNITED STATES OF AMERICA and its assigns acting by and through the Department of Interior, Bureau of Land Management
Accepted subject to approval of title by The Department of Justice.

By: _____

Title: Four Rivers Field Mgr

Date: 06/24/02

STATE OF Idaho)
)ss.
COUNTY OF Ada)

On this 26th day of June, 2002, before me personally appeared Gene Stone, to me known to be the President of Southwest, Inc., and acknowledged the said instrument ~~to be the free and voluntary act and deed of~~ said corporation, for the uses and purposes therein mentioned, and on oath stated that s/he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

TINA L. SMITH NOTARY PUBLIC STATE OF IDAHO

Tina L. Smith
Notary Public in and for the State of Idaho
Residing at Boise
My Commission expires: 7-25-05

STATE OF Idaho)
)ss.
COUNTY OF Ada)

On this 26th day of June, 2002, before me personally appeared Rosemary Henigren, to me known to be the _____ of Southwest, Inc., and acknowledged the said instrument ~~to be the free and voluntary act and deed~~ of said corporation, for the uses and purposes therein mentioned, and on oath stated that s/he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Tina L. Smith
Notary Public in and for the State of Idaho
Residing at Boise
My Commission expires: 7-25-05

TINA L. SMITH NOTARY PUBLIC STATE OF IDAHO

STATE OF Idaho)
)ss.
COUNTY OF Ada)

On this day 24TH of June, 2002, before me personally appeared Daryl Albiston, to me known to be the Four Rivers Field Office Manager of the Bureau of Land Management, and acknowledged the said instrument to be the free and voluntary act and deed of said agency, for the uses and purposes therein mentioned, and on oath stated that s/he was authorized to execute said instrument and that the seal affixed is the seal of said agency.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

[SEAL]

JOHN W. THORNBURGH NOTARY PUBLIC STATE OF IDAHO

John W Thornburgh

Notary Public in and for the State of Idaho
Residing at Boise
My Commission expires on 5-16-2003

Exhibit A

Property Description

All that certain real estate situated in Ada County, Idaho, more particularly described as follows:

Township 1 South, Range 1 West, Boise Meridian
Section 16: All
Section 26: N½, N½ S½
Section 36: N½, SE¼

Containing 1600 acres, more or less.

Exhibit B

Map of the Property

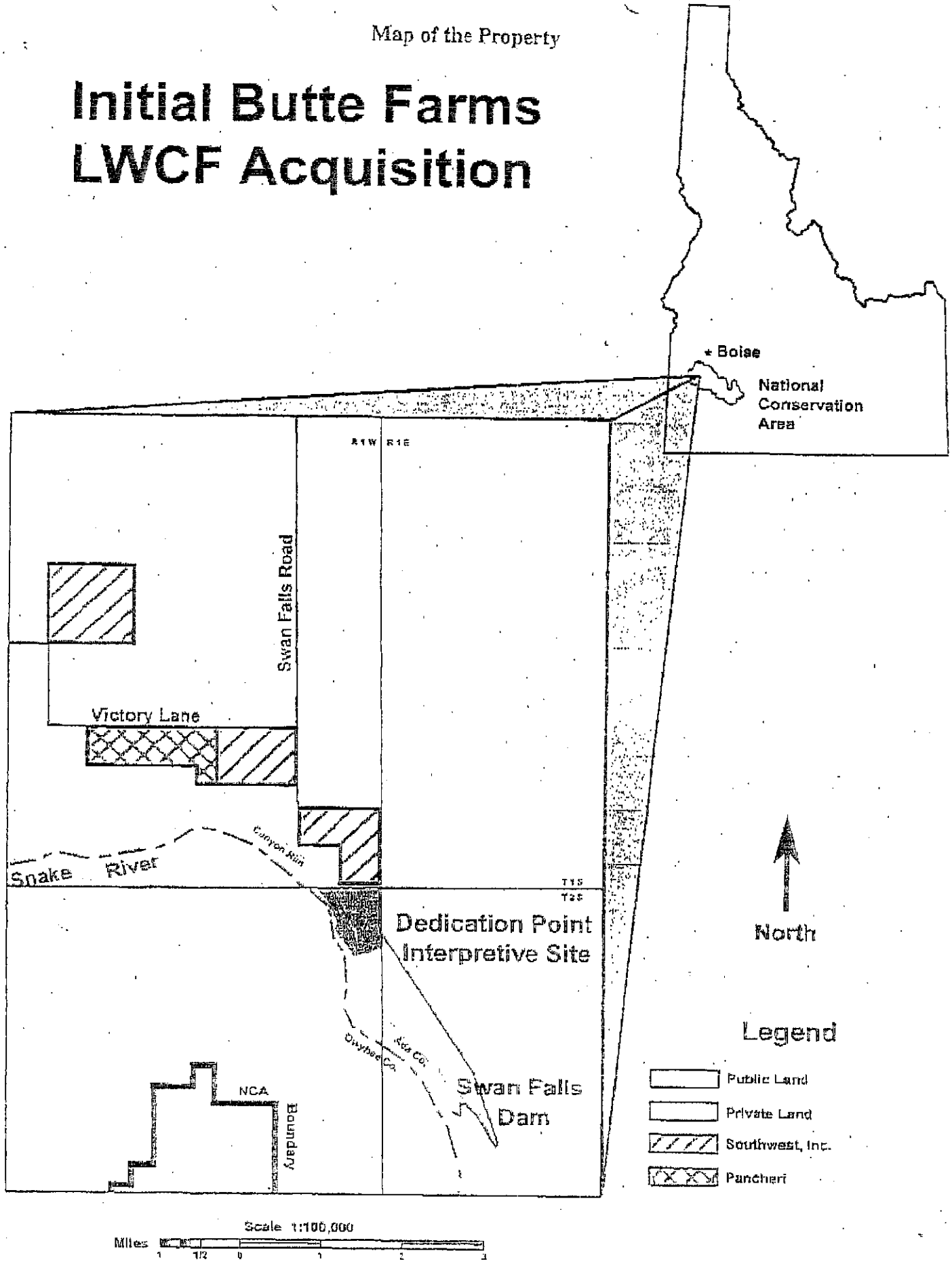


Exhibit C

Acknowledgment of Southwest, Inc. Easement Baseline Report

The Grantor and the Grantee acknowledge that each has read the "Easement Baseline Report," dated June 24, 2002, and that the report accurately reflects the condition of the Property subject to the Easement as of the date of the Report.

Grantee
United States of America and its assigns acting by and through the Department of Interior, Bureau of Land Management.

By: _____

Title: Field Manager

Date: 06/24/02

Grantor
Southwest, Inc.

By: _____

Title: President

Date: June 26, 2002

By: _____

Title: Secretary

Date: 6/26/02

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 63-03618

RECEIVED
OCT 0 1 2002
WATER RESOURCES
WESTERN REGION

Priority: April 12,1963

Maximum Volume Annually Diverted to Storage And Released from Storage: 293,050.0 AF

It is hereby certified that US DEPT OF INTERIOR
BUREAU OF RECLAMATION
PN REGIONAL OFFICE
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 12,1963; and has submitted Proof of Beneficial Use on September 22, 1986. An examination indicates that the works have a capacity to divert 307,000 af of water to storage from:

SOURCE
BOISE RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	ANNUAL DIVERSION VOLUME
IRRIGATION FROM STORAGE	03/01 to 11/15	111,950.0 AF
IRRIGATION STORAGE	01/01 to 12/31	111,950.0 AF
RECREATION STORAGE (INACTIVE STORAGE)	01/01 to 12/31	28,800.0 AF
STREAMFLOW MAINTENANCE STORAGE	01/01 to 12/31	152,300.0 AF
STREAMFLOW MAINTENANCE FROM STORAGE	01/01 to 12/31	152,300.0 AF

LOCATION OF POINT OF DIVERSION:
BOISE RIVER L7 SE¼NE¼ Sec. 11, Twp 2N, Rge 3E, B.M. ADA County

PLACE OF USE:
IRRIGATION FROM STORAGE -- LANDS IRRIGATED IN THE BOISE VALLEY IN ADA, CANYON, PAYETTE, AND GEM COUNTIES, IDAHO; MALHEUR COUNTY, OREGON; AND THE FOLLOWING TRACTS IN ADA, BOISE AND ELMORE COUNTIES, IDAHO:

Twp Rge Sec	NE				NW				SW				SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
02N 03E 11	X L4									X			X			
02N 03E 12						X L2				X						
02N 04E 4													X	X	X	X
02N 04E 5		X L2	X L8				X L6									
02N 04E 6			X						X		X L8	X L9	X L6	X		X L11
02N 04E 7		X	X		X L1			X	X	X L4				X		
03N 04E 5				X									X L1			
03N 04E 11				X												
03N 04E 12							X			X L1						
03N 04E 22					X L3		X	X								
03N 04E 32		X L1	X											X L5	X L10	

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 63-03618

PLACE OF USE CONTINUED:

IRRIGATION STORAGE, STREAMFLOW MAINTENANCE STORAGE, AND RECREATION STORAGE -- LUCKY PEAK RESERVOIR.

STREAMFLOW MAINTENANCE FROM STORAGE -- WITHIN THE CHANNEL OF THE BOISE RIVER FROM LUCKY PEAK DAM DOWNSTREAM TO THE CONFLUENCE WITH THE SNAKE RIVER.

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63 or its successor.
2. The Bureau of Reclamation and Idaho Department of Fish and Game shall provide joint written instructions to the Department, for conveyance to the watermaster, regarding release of the Lucky Peak streamflow maintenance storage water.
3. The reservoir storage capacity is 293,050 acre feet when filled to elevation 3055.0 and measured at the upstream face of the dam.
4. Lucky Peak Reservoir has 13,950 acre feet of capacity for flood control purposes in addition to the volume of water authorized for storage under this right.
5. Recreation storage (inactive storage) shall not be released from storage for a beneficial use.
6. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27 1st day of SEPTEMBER, 2002.

Acting for KARL J. DREHER
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source. A filing fee of $100.00 must be submitted with this application.

1. INFORMATION ABOUT THE APPLICANT

Applicant United Water Idaho Inc.
(Name of Applicant)

P. O. Box 7488, Boise, ID 83707 Telephone No.: 362-1300
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged 02-02341, 02-02358, and 02-02420, to be exchanged with fish-augmentation flows released by the Bureau of Reclamation.
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information bout each co-applicant.

Co-applicant N/A
(Name of Applicant)

_____ Telephone No.: _____
(Mailing Address) (Zip Code)

3. EXCHANGE AGREEMENT — Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION — Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A — For an exchange involving two or more water right holders.

The applicant proposes to divert ___ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

1. made available to the co-applicant for diversion at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township Range _____ B.M., _____County.
   Additional points of diversion, if any: _____

2. released from storage by the co-applicant into _____ at _____ 1/4 of _ _____ 1/4, Govt. Lot _ Sec. Township _____ Range _____ B.M., _____ County.

Part B — For an exchange involving only the applicant's water right(s).

The applicant proposes to divert 35.21 cfs and/or _____ acre feet per year of water at SE 1/4 of NE 1/4, Govt. Lot 7 Sec. 14 Township 3N Range 2E B.M., Ada County. Additional points of diversion, if any: None

1. diverted from _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township Range B.M., _____ County and injected into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. Township _____ Range _____ B.M., _____ County.

2. released from storage by applicant into _____ at _____ 1/4 of _____ 1/4, Govt. Lot ___ Sec. Township _____ Range _____ B.M., _____ County.

Additional Explanation — Attach additional sheets if necessary.
See Attachments A, B, C, D, E, G and H

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. See Attachment A

5. **MAPS** — Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8 1/2" x 11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7 1/2-minute topographic quadrangles are preferred as base maps. **See Attachment F**

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gregory P. Wyatt President — 12-17-02
Applicant's Signature (and Title if application is for an organization) — Date

Gregory P. Wyatt, President
United Water Idaho Inc.

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Preliminary review by _____
Published in _____
Publication dates _____
Protests filed by _____
Copies of protests forwarded by _____
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____
Recommended for Approval _____ Denial _____ By _____

ATTACHMENT A

To Application for Exchange of Water
Filed by United Water Idaho

United Water Idaho Inc. ("United Water") has purchased licensed water right nos. 02-2341, 02-2358, and 02-2420 on the Snake River ("Snake River water rights"). Right no. 02-2341 is a 1964-priority right to divert 12.52 cubic feet per second ("cfs") for irrigation of 626 acres of land. Right no. 02-2358 is a 1964-priority right to divert 14.5 cfs for irrigation of 725 acres of land. Right no. 02-2420 is a 1963-priority right to divert 14.08 cfs for irrigation of 704 acres of land. The Snake River water rights share a combined diversion limitation of 35.21 cfs. Copies of the licenses for the Snake River water rights are attached to the Exchange Application as Attachments B, C, and D. Copies of the purchase deeds of these water rights are included as Attachments G and H. A Change of Ownership form has been filed with the Idaho Department of Water Resources ("IDWR") for the Snake River water rights.

The purpose of this Application is to exchange deliveries under the Snake River water rights for fish augmentation flows released by the U.S. Bureau of Reclamation ("Bureau") in the Boise River pursuant to Idaho Code § 42-1763B. During the last several years, the Bureau has augmented flows in the Boise River by releasing approximately 400 cfs from its Boise River reservoir system. The Bureau's flow releases, which are intended to improve downstream passage conditions for migrating juvenile salmon and steelhead, occur between June 10 and August 31. Idaho law provides authorities and procedures whereby IDWR may "shepherd" or otherwise assure this amount of water, free from diversion by others, will be delivered to the mouth of the Boise River and then down the Snake River to the state border at Lewiston. Idaho Code § 42-1763B.

Under this exchange, during those times when the Bureau is making flow releases to the Boise River, United Water would be entitled to divert up to 35.21 cfs from the Boise River and simultaneously forego a like amount of diversions under the Snake River water rights. This amount of flow thus made available under the Snake River water rights would be delivered in the Snake River to the mouth of the Boise River where it would fully replace the depletion occurring to the Bureau's storage releases by way of United Water's Boise River diversions. United Water anticipates the Bureau would not oppose such a program provided the exchange water from the Snake River water right fully replaces all depletions to the Bureau's storage releases.

United Water would divert the Boise River augmentation flows at or near its Marden Street plant. At this same location, United Water currently holds a 1993-priority water right, number 63-12055 ("Boise River water right"), which entitles United Water to divert 24.8 cfs of natural flow from the Boise River below the Diversion Dam for use in its municipal water supply system. The Boise River water right carries a junior priority and generally is entitled to divert only during periods of higher flow in the winter or spring, and not necessarily in all years. A copy of the Boise River water right is attached as Attachment E for the purpose of demonstrating the point of diversion to be used in this exchange.

The amounts United Water would divert from the Boise River under this exchange would

be used within United Water's service area. To ensure this exchange will not injure other water rights, United Water requests that the following conditions be placed on this exchange:

1. United Water's diversion from the Boise River under this exchange would occur only during times when the Bureau is providing flow augmentation water from Boise River reservoirs, so as not to affect any senior Boise River water rights.

2. United Water's diversion from the Boise River under this exchange would not exceed the lesser of:

   a. The instantaneous rate at which the exchange water is available in priority under the Snake River water rights and is being delivered in the Snake River and administered in accordance with Idaho law to the confluence of the Boise and the Snake Rivers, not to exceed 35.21 cfs, or

   b. The instantaneous rate of the Bureau's Boise River reservoir releases for flow augmentation.

3. United Water recognizes that the Bureau is not expected or required to alter its operations in any way to accommodate this exchange, that the exchange depends upon the Bureau's release of such storage water, and that United Water is not entitled to demand that any storage releases occur.

4. United Water would divert from the Boise River under this exchange only pursuant to a lawful order of the Director of IDWR approving the exchange consistent with these conditions.

Attachment E

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12055

Proposed Priority: September 8, 1993 Maximum Diversion Rate: 24.80 CFS

This is to certify, that BOISE WATER CORPORATION
PO BOX 7488
BOISE ID 83707-7488
has applied for a permit to appropriate water from:
BOISE RIVER tributary of SNAKE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
MUNICIPAL	01/01 to 12/31	24.80 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SENE), Sec. 14, Township 03N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 2000.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. Use of water under this right is subject to control by the watermaster of State Water District No. 63.
6. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
7. The Director retains jurisdiction of this right and any license subsequently issued to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.

MAR 2 9 [illegible]

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12055

CONDITIONS/REMARKS:

8. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder shall contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
9. The issuance of this right in no way grants any right-of-way or easement across the land of another.
10. Place of use is within city limits of Boise and within the Area of Certification as shown by the 18th Amended Certificate of Convenience and Necessity No. 143 issued by the Idaho Public Utilities Commission.
11. The domestic use occurring under this municipal right shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
12. The daily diversion volume for the non-domestic uses under this municipal right shall not exceed 2,500 gallons per day in accordance with the provisions of Section 42-111, Idaho Code.
13. This permit authorizes irrigation of up to 1/2 acre within each platted subdivision lot upon which a domestic dwelling has been constructed.
14. Use of water for large projects such as irrigation of parks, golf courses, or sports activities fields is not authorized under this permit.

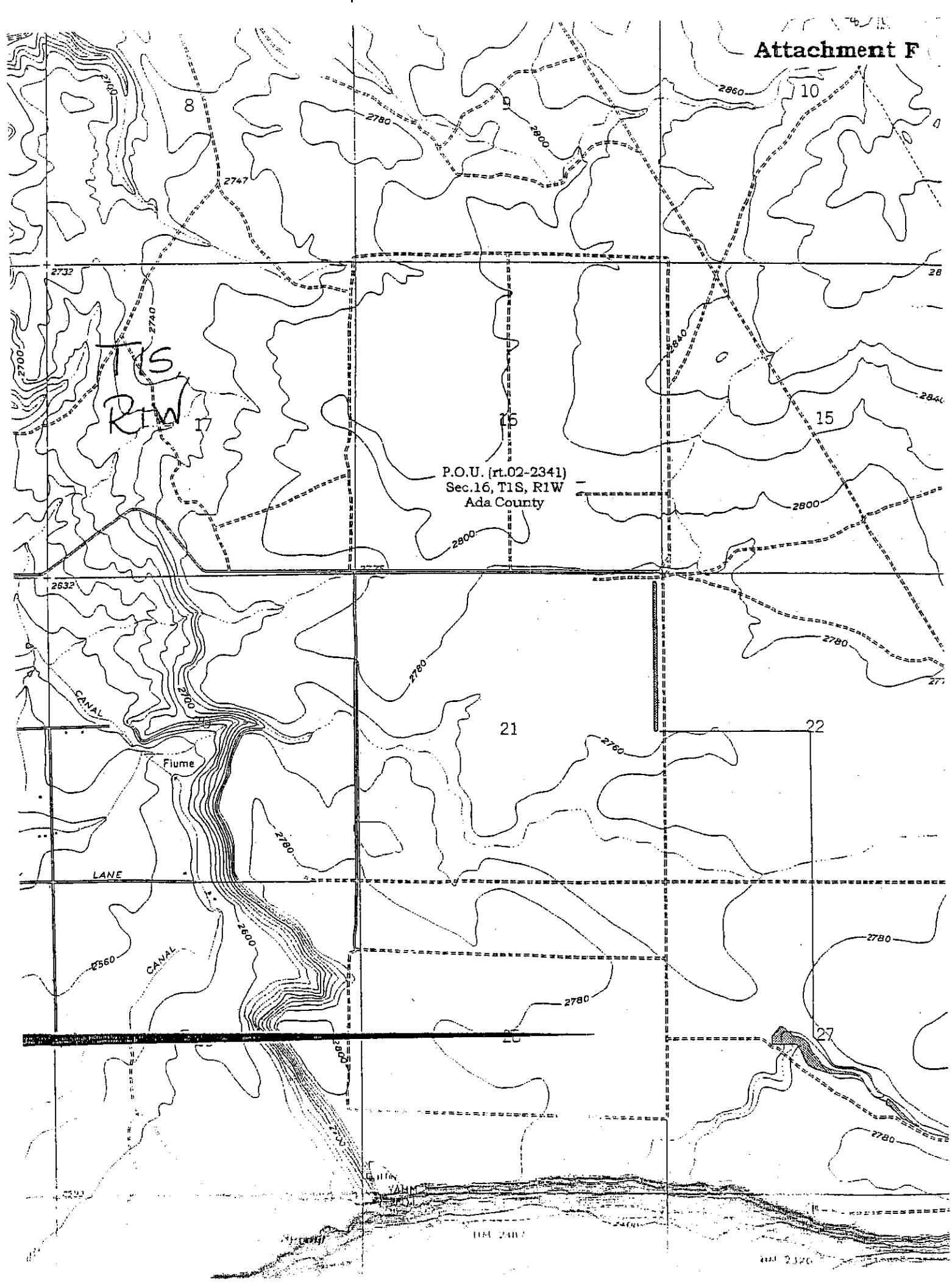
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

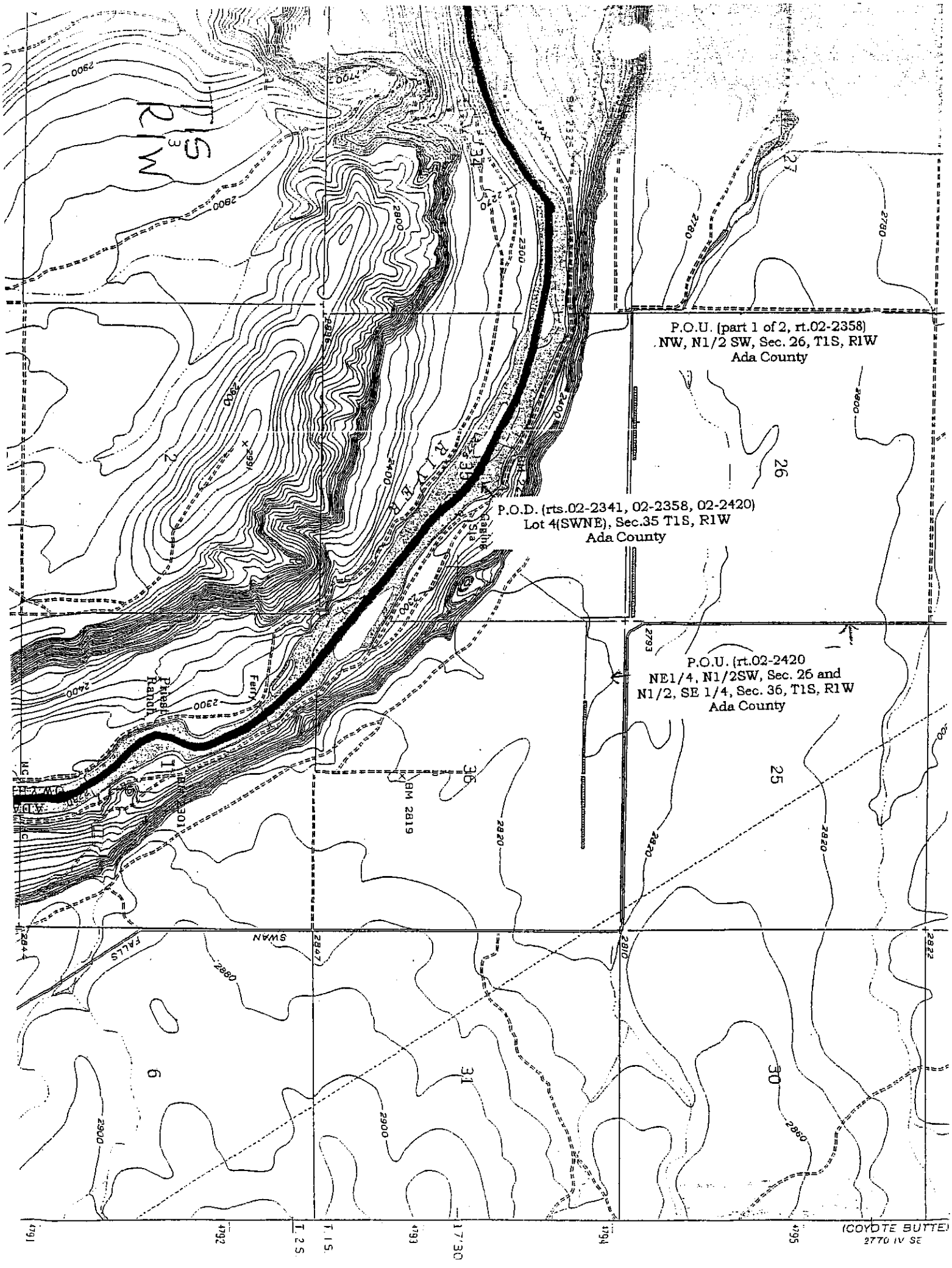
10th day of March, 1995

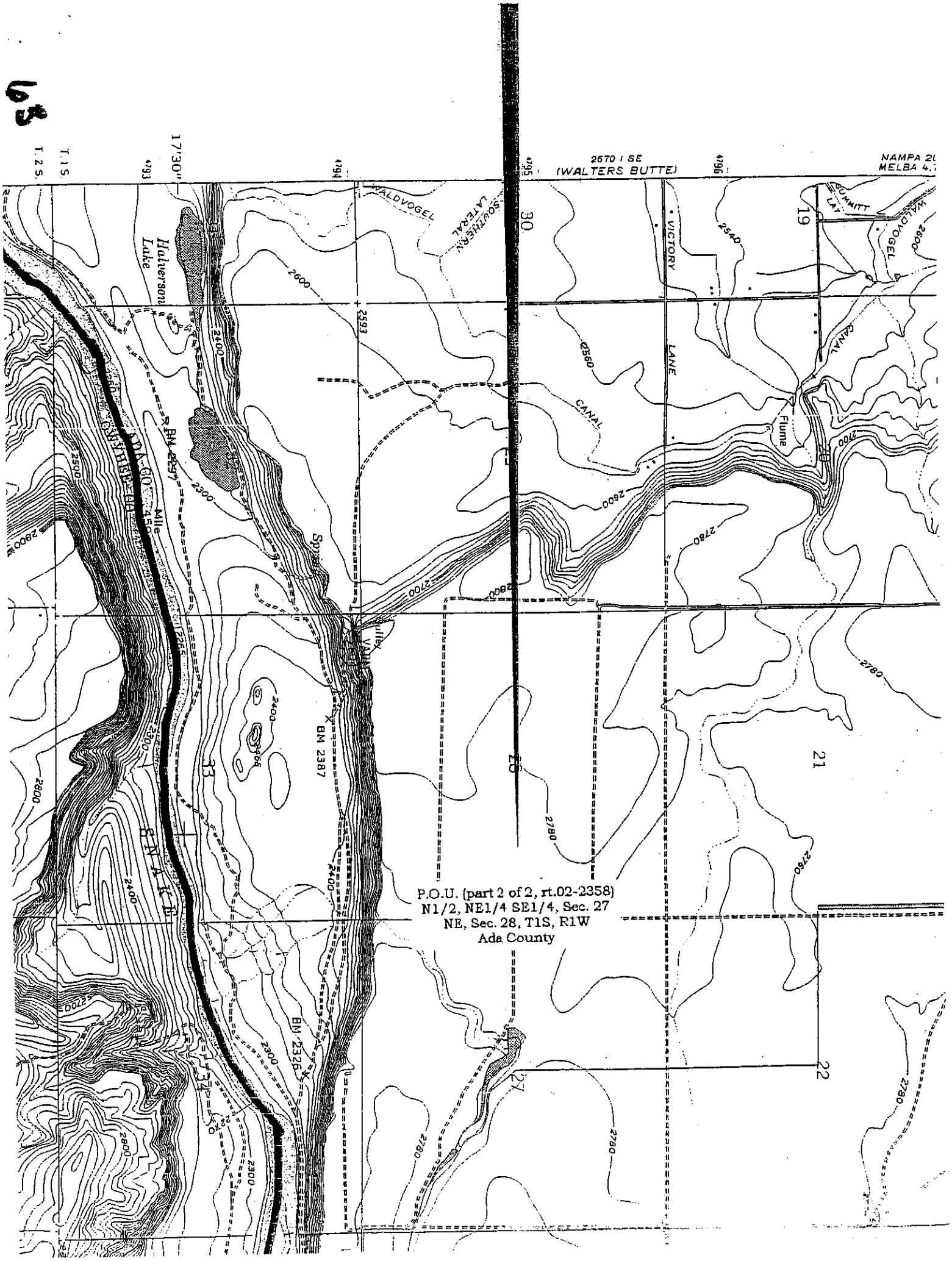
R. Keith Higginson, Director

for

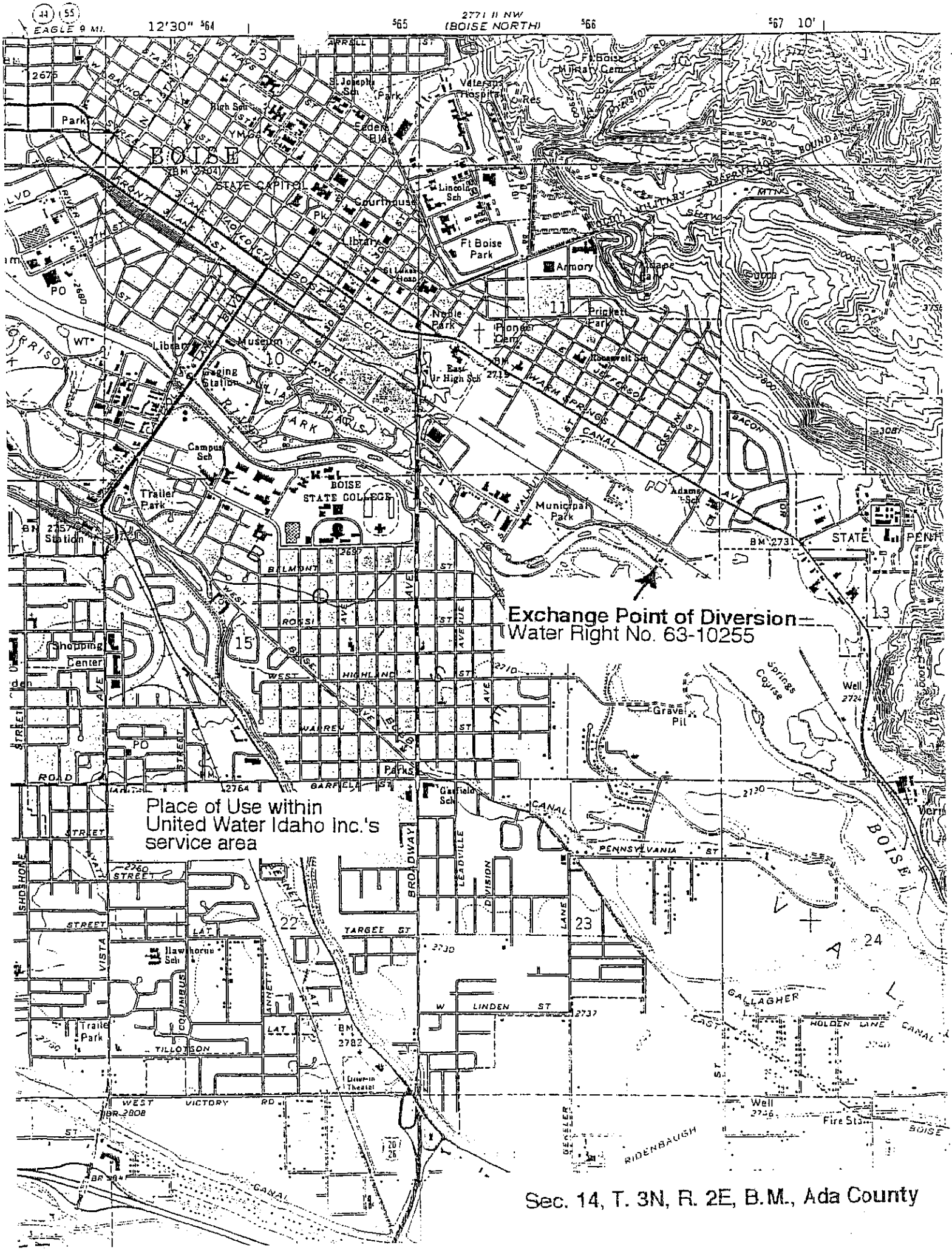
Attachment F




P.O.U. (part 1 of 2, rt.02-2358)
NW, N1/2 SW, Sec. 26, T1S, R1W
Ada County
P.O.D. (rts.02-2341, 02-2358, 02-2420)
Lot 4(SWNE), Sec.35 T1S, R1W
Ada County
P.O.U. (rt.02-2420
NE1/4, N1/2SW, Sec. 26 and
N1/2, SE 1/4, Sec. 36, T1S, R1W
Ada County
T1S
R1W
RIVER
Priest Ranch
Ferry
BM 2819
BM 2301
SWAN
FALLS
T. 2 S.
T. 1 S.
(COYOTE BUTTE)
2770 IV SE



2670 I SE
(WALTERS BUTTE)
NAMPA 2(
MELBA 4.
17'30"
T. 1 S.
T. 2 S.
Halverson Lake
WALDVOGEL
SOUTHERN LATERAL
VICTORY LANE
CANAL
Flume
SUMMITT LAT
WALDVOGEL
CANAL
ADA-CO
CWYHEE CO
Mile 450
BM 2297
BM 2387
BM 2326
SNAKE
P.O.U. (part 2 of 2, rt.02-2358)
N1/2, NE1/4 SE1/4, Sec. 27
NE, Sec. 28, T1S, R1W
Ada County


Exchange Point of Diversion
Water Right No. 63-10255
Place of Use within
United Water Idaho Inc.'s
service area
Sec. 14, T. 3N, R. 2E, B.M., Ada County

WILD-MC

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 JAN 26 PM 12:07

RECORDED-REQUEST OF
FEE 9- DEPUTY

102071816

FIRST AMERICAN

When recorded return to:

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Deborah E. Nelson

Attachment G

WATER RIGHT GENERAL WARRANTY DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Southwest, Inc., an Idaho corporation whose address is, c/o Gene Stunz, 824 Reece Avenue, Nyssa, Oregon 97913 ("Grantor"), does hereby grant, bargain, sell, convey, and assign unto United Water Idaho Inc., an Idaho corporation whose address is 8248 Victory Road, Boise, Idaho 83709 ("Grantee"), all of Grantor's right, title and interest in and to the water rights represented by Water Right License Numbers 02-02341, 02-02358, and 02-02420 and Snake River Basin Adjudication ("SRBA") Claim Numbers A02-02341, A02-02358, and A02-02420 (the "Water Rights"), and also assigns such licenses and SRBA claims to Grantee. The Water Rights heretofore have been diverted and beneficially used by Grantor and are appurtenant to real property located in Ada County, Idaho, more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the Water Rights unto the Grantee, its successors and assigns, forever.

The Idaho Department of Water Resources shall be entitled to enter the change in ownership of the Water Rights effected hereby upon its records and those of the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

IN WITNESS WHEREOF, the Grantor has caused the Grantor's name to be subscribed to the within instrument effective the 26th day of June, 2002.

GRANTOR: SOUTHWEST, INC., an Idaho Corporation

By: Gene Stunz
Its: President

And By: Rosemary Henigson
Its: Secretary

EXHIBIT A

Legal Description of Real Property to Which the Water Rights Are Appurtenant

Water Right No. 02-02341: All of Section 16, Township 1 South, Range 1 West, B.M., Ada County, on 626 acres.

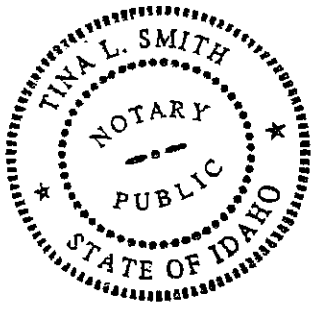
Water Right No. 02-02358: NW¼ and N½SW¼ of Section 26; N½ and NE¼SE¼ of Section 27; and NE¼ of Section 28, all in Township 1 South, Range 1 West, B.M., Ada County, on 725 acres.

Water Right No. 02-02420: NE¼ and N½SE¼ in Section 26; and N½ and SE¼ of Section 36, all in Township 1 South, Range 1 West, B.M., Ada County, on 704 acres.

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th, day of June, in the year 2002, before me, a Notary Public in and for the State of Idaho, personally appeared Gene Stunz and Rosemary Henigson, of Southwest, Inc., known or identified to me to be the president and secretary of the corporation that executed the instrument or the person or persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Tina L. Smith
Notary Public for Idaho
Residing at: Boise
My commission expires: 7-25-05

WILD MK

18

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 JN 26 PM 12:07

RECORDED - REQUEST OF
FEE 9- DEPUTY

102071816

FIRST AMERICAN

When recorded return to:

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Deborah E. Nelson

Attachment G

WATER RIGHT GENERAL WARRANTY DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Southwest, Inc., an Idaho corporation whose address is, c/o Gene Stunz, 824 Reece Avenue, Nyssa, Oregon 97913 ("Grantor"), does hereby grant, bargain, sell, convey, and assign unto United Water Idaho Inc., an Idaho corporation whose address is 8248 Victory Road, Boise, Idaho 83709 ("Grantee"), all of Grantor's right, title and interest in and to the water rights represented by Water Right License Numbers 02-02341, 02-02358, and 02-02420 and Snake River Basin Adjudication ("SRBA") Claim Numbers A02-02341, A02-02358, and A02-02420 (the "Water Rights"), and also assigns such licenses and SRBA claims to Grantee. The Water Rights heretofore have been diverted and beneficially used by Grantor and are appurtenant to real property located in Ada County, Idaho, more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the Water Rights unto the Grantee, its successors and assigns, forever.

The Idaho Department of Water Resources shall be entitled to enter the change in ownership of the Water Rights effected hereby upon its records and those of the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

IN WITNESS WHEREOF, the Grantor has caused the Grantor's name to be subscribed to the within instrument effective the 26th day of June, 2002.

GRANTOR: SOUTHWEST, INC., an Idaho Corporation

By: Gene Stunz
Its: President

And By: Rosemary Henigson
Its: Secretary

WILD-MLC

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 JN 26 PM 12:07

RECORDED - REQUEST OF
FEE 9- DEPUTY

102071817

FIRST AMERICAN

When recorded return to:

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Deborah E. Nelson

Attachment H

WATER RIGHT GENERAL WARRANTY DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Duane Pancheri and Laura Pancheri, husband and wife, whose address is 19010 South Canada Road, Melba, Idaho 83614 ("Grantors"), do hereby grant, bargain, sell, convey, and assign unto United Water Idaho Inc., an Idaho corporation whose address is 8248 Victory Road, Boise, Idaho 83709 ("Grantee"), all of Grantors' right, title and interest in and to the water right represented by Water Right License Number 02-02358 and Snake River Basin Adjudication ("SRBA") Claim Number A02-02358 (the "Water Right"), and also assigns such license and SRBA claim to Grantee. The Water Right heretofore has been diverted and beneficially used by Grantors and is appurtenant to real property located in Ada County, Idaho, more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the Water Right unto the Grantee, its successors and assigns, forever.

The Idaho Department of Water Resources shall be entitled to enter the change in ownership of the Water Right effected hereby upon its records and those of the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

IN WITNESS WHEREOF, the Grantors have caused the Grantors' names to be subscribed to the within instrument effective the 26th day of June, 2002.

GRANTORS: DUANE PANCHERI

Duane Pancheri

LAURA PANCHERI

Laura Pancheri

STATE OF IDAHO)
) ss.:
County of Ada)

On this 20th day of June, 2002, before me, a Notary Public of the State of Idaho, appeared Duane Pancheri, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that they executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.

TINA L. SMITH NOTARY PUBLIC STATE OF IDAHO

Tina L. Smith
Notary Public of the State of Idaho
Residing at: Boise
My Commission Expires: 7-25-05

STATE OF IDAHO)
) ss.:
County of Ada)

On this 20th day of June, 2002, before me, a Notary Public of the State of Idaho, appeared Laura Pancheri, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that they executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.

TINA L. SMITH NOTARY PUBLIC STATE OF IDAHO

Tina L. Smith
Notary Public of the State of Idaho
Residing at: Boise
My Commission Expires: 7-25-05

EXHIBIT A

Legal Description of Real Property to Which the Water Right Is Appurtenant

Water Right No. 02-02358: NW¼ and N½SW¼ of Section 26; N½ and NE¼SE¼ of Section 27; and NE¼ of Section 28, all in Township 1 South, Range 1 West, B.M., Ada County, on 725 acres.

Attachment B

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-2341 Priority December 28, 1964 Amount 12.52 cfs

THIS IS TO CERTIFY, that Initial Butte Farms

of Nampa, Idaho, has complied with the terms and conditions of Permit No. 02-2341 issued pursuant to Application for Permit dated December 28, 1964, and has submitted proof to the Department of Water Resources on December 17, 1979, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 35.21 cfs of water from Snake River, tributary to Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 12.52 cfs	and 2817.0 acre feet
	from	at	cfs and
	from	at	cfs and

(both dates inclusive)

Subject, however, to the condition that no more than 12.52 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 2817.0 acre feet per year, said waters to be diverted within the Government Lot 4(SW¼NE¼), Section 35, Twp. 1S, Rge. 1W in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	1W	16	39	39	40	39	39	37	39	40	40	39	39	39	39	40	39	39	626

Total number of acres irrigated 626

This right when combined with Rights 02-2358 and 02-2420 shall not exceed 35.21 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of May, 19 83.

SCANNED
MAR 18 2002

Acting for the Director

Attachment C

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-2358 Priority July 28, 1964 Amount 14.50 cfs

THIS IS TO CERTIFY, that Initial Butte Farms, Inc.

of Nampa, Idaho, has complied with the terms and conditions of Permit No. 02-2358 issued pursuant to Application for Permit dated July 28, 1964, and has submitted proof to the Department of Water Resources on December 17, 1979, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 35.21 cfs of water from Snake River, tributary to Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 14.50 cfs and	3262.5 acre feet
	from	at cfs and	
	from	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 14.50 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 3262.5 acre feet per year, said waters to be diverted within the Government Lot 4 (SW¼NE¼), Section 35, Twp. 1S, Rge. 1W in the County of Ada.

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	1W	26					38	38	38	39	38	40							231
		27	40	38	39	40	37	37	37	37					29				334
		28	40	40	40	40													160

Total number of acres irrigated 725

This right when combined with Rights 02-2420 and 02-2341 shall not exceed 35.21 cfs.

SCANNED

MAR 18 2002

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

In witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of May, 19 83.

Acting for the Director

MICROFILMED

Attachment D

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-2420 Priority December 31, 1963 Amount 14.08 cfs

THIS IS TO CERTIFY, that Initial Butte Farms

of Nampa, Idaho, has complied with the terms and conditions of Permit No. 02-2420 issued pursuant to Application for Permit dated December 31, 1963, and has submitted proof to the Department of Water Resources on December 17, 1979, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 35.21 cfs of water from Snake River, tributary to Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	14.08 cfs and	3168.0 acre feet
	from ____ to ____	____ cfs and	____
	from ____ to ____	____ cfs and	____

(both dates inclusive)

Subject, however, to the condition that no more than 14.08 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 3168.0 acre feet per year, said waters to be diverted within the Government Lot 4 (SW¼NE¼), Section 35, Twp. 1S, Rge. 1W in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	1W	26	38	38	39	38									40	40			233
		36	39	38	39	39	39	39	39	39					40	40	40	40	471

Total number of acres irrigated 704

This right when combined with Right No. 02-2341 and Right No. 02-2358 shall not exceed 35.21 cfs.

SCANNED

MAR 2 6 2002

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25th day of April, 19 83.

Acting for the Director

Norman C. Young

GIVENS PURSLEY LLP

LAW OFFICES
277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Deborah E. Nelson
Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan
Michael C. Orr *
Kenneth L. Pursley
Bradley V. Sneed
Conley E. Ward
Robert B. White
Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL
John A. Miller, LL.M. **
TAX CONSULTANT
*Licensed in Oregon only
**Licensed in Kentucky only

Via Hand Delivery

December 19, 2002

Mr. Steve Lester
Water Rights Supervisor
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: United Water Idaho Inc.—Application for Exchange of Water
Our File No. 30-116

Dear Steve:

Per our prior discussion enclosed please find the original and one copy of United Water Idaho's amended Application for Exchange of Water with regard to Water Right Nos. 02-2341, 02-2358, and 02-2420. Please conform the copy and return it to my office in the enclosed self-addressed, stamped envelope. Please note that the required filing fee was submitted with the original application.

Thank you for your assistance with this matter. Please contact me if you have any questions or require any additional information about the Application.

Sincerely,

Deborah E. Nelson

Deborah E. Nelson

Enclosures

cc: Scott Rhead, United Water Idaho

DEN:kdt S:\CLIENTS\30\116\DEN Ltr to Steve Lester re Amended Application.DOC

MEMORANDUM

TO: File
FROM: Steve Lester
DATE: December 27, 2002

RE: United Water Idaho Inc. Application for Exchange

Deborah Nelson of Givens Pursley law firm originally filed the exchange application in late August 2002. Initial review suggested some changes. The attorney submitted an amended application on December 19, 2002. Include the attorney in all correspondence and other contacts for this exchange process.

Exchanges cannot be processed within Work Flow at this time. Use the pre-Work Flow method of processing a "change filing" but cover the applicable bases in Work Flow as needed. Since we receive so few exchange applications, I used hand-revised transfer review forms and the "electronic folder" approach to processing this filing. This included emails today to Don Shaff, Jan Shurte and Pam Skaggs to let them know processing had begun and adjudication claim records would probably be affected. The e'folder name is "United Water 2-2341" under "Transfers\Western Region."

Current Records

Three Snake River licenses for primary irrigation of 2055 acres are involved, water right nos. 2-2341, 2-2358 and 2-2420. Other water rights are not found on the current P/U for these rights. Licenses are reflected by SRBA claims 2-2341, 2-10214 & 2-10215, and 2-2420. The claims match the licenses except for the November 2002 SRBA split of 2-2358 into 2-10214 and 2-10215 (Southwest Inc. and Pancheri, respectively). The split occurred this November between the filing of the original and revised exchange application. I suppose we could require the application to be amended once again to reflect current SRBA records, but this does not seem warranted for a process outside of Work Flow. A preliminary order can address water right and adjudication record issues.

The application included sufficient information to record a change in water right *and* (emphasis added) adjudication claim ownership to United Water. I cannot locate a separate submittal of an ownership change for United Water in this matter (checked with Karilynn Townsend and Denise Hatfield) despite the applicant's reference to this in the filing. But that is not a problem since the necessary ownership information is included with the application. Let the exchange application update both the water right *and* adjudication records (see application Attachments G and H).

The amended application was correctly prepared, including the appropriate fee. Application Attachment A explains the proposal. Statewide advertising will be required since all three rights exceed 10 cfs. A brief legal notice was prepared in Word and is available in the e'folder. Advertising should run in the last half of January with a protest

deadline of February 3, 2003. Note the reference to Permit 63-12055, a junior approval for United Water to divert at the Marden Street plant in Boise. The permit is mentioned to show the applicant has an authorized Boise River P/D. The permit is not being exchanged with Snake River rights in this case (but it was in a similar exchange approved in 1999 with 2-2339). United Water also holds several senior water rights to divert at the Marden Street plant (previous transfers etc.).

Issues

Licenses were issued in 1983. SRBA claims were filed in 1989. The 1987 NAPP confirms full irrigation around that time. The rights are presumed to be valid. Ownership documents clearly show the applicant has authority to seek these changes.

The exchange is structured to prevent injury to other right holders along the Boise River and clearly will not injure Snake River right holders. The exchange will not interfere with fish flow releases. To the extent Snake River water is available during the proposed period in the summer and BOR is releasing fish augmentation flows, diversion of exchanged water to the United Water service area will not result in an expansion of use. The plan is consistent with the conservation of water resources in Idaho.

Local public interest is served by the exchange with respect to meeting peak summertime demand in the applicant's service area. On the other hand, the proposal dewaters the river during the summer months. The new exchange of 35.21 cfs combined with the earlier one of 11.0 cfs will reduce summer flows by 46.21 cfs. At some point the cumulative effect of dewatering could outweigh the local benefit. I assume IDWR will determine we have not reached that point, allowing this application to be approved.

Recommendations

Approve the application with conditions similar to the 1999 exchange. Update water right records 2-2341, 2-2358 and 2-2420 to reflect the approval. Update SRBA records 2-2341, 2-10214, 2-10215 and 2-2420 to reflect the same. Include the attorney in all contacts regarding these records (I imagine Givens Pursley already made an appearance for United Water in the adjudication).

Proper watermaster control at the Marden Street plant and good records keeping and reporting by the water user will provide adequate control over exchanged water.

The earlier exchange did not result in P/D and P/U database changes to the involved Snake River right/claim, 2-2339, although an appropriate comment was added to those records. I assume similar updates would occur in this new exchange. ArcView adjustments do not appear warranted. Approval of the application will update current ownership of the rights *and* claims to United Water.

I suppose the Regional Office could prepare a preliminary order for the e'folder. But I imagine the 1999 order is available electronically, and it seems more efficient for the State Office to revise that earlier document to fit this new filing. Therefore, a draft approval was not prepared at the regional level.

RECEIVED
JAN 2 7 2003
WATER RESOURCES
WESTERN REGION

Pg. 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source. A filing fee must be submitted with this application.

1. INFORMATION ABOUT THE APPLICANT

Applicant United Water Idaho Inc.
(Name of Applicant)

P. O. Box 7488, Boise, ID 83707 Telephone No.: 362-1300
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged 02-02341, 02-02358, and 02-02420, to be exchanged with fish-augmentation flows released by the Bureau of Reclamation.
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant N/A
(Name of Applicant)

(Mailing Address) (Zip Code) Telephone No.: _____

3. EXCHANGE AGREEMENT — Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION — Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A — For an exchange involving two or more water right holders.

The applicant proposes to divert ___ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

1. made available to the co-applicant for diversion at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township Range _____ B.M., _____ County.
   Additional points of diversion, if any: _____

2. released from storage by the co-applicant into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _ Sec. Township _____ Range _____ B.M., _____ County.

AMENDED 1/27/03

FILE COPY

Pg. 2

Part B — For an exchange involving only the applicant's water right(s).

The applicant proposes to divert 35.21 cfs and/or _____ acre feet per year of water at SE 1/4 of NE 1/4, Govt. Lot 7 Sec. 14 Township 3N Range 2E B.M., Ada County (Marden Street water treatment plant). Additional points of diversion, if any: NW¼, NE¼, Sec. 4, Township 2N, Range 3E, B.M., Ada County (planned Columbia Bench water treatment plant).

1. diverted from _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township Range B.M., _____ County and injected into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. Township _____ Range _____ B.M., _____ County.

2. released from storage by applicant into _____ at _____ 1/4 of _____ 1/4, Govt. Lot ___ Sec. Township _____ Range _____ B.M., _____ County.

Additional Explanation — Attach additional sheets if necessary.
See Attachments A, B, C, D, E, F, G and H

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. See Attachment A

5. **MAPS** — Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8 1/2" x 11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7 1/2-minute topographic quadrangles are preferred as base maps. See Attachment I .

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gregory P. Wyatt, President — 1-23-03
Applicant's Signature and Title if application is for an organization) — Date

Gregory P. Wyatt, President
United Water Idaho Inc.

FOR DEPARTMENT USE ONLY

This exchange application contains 26 pages, including attachments. = Pg 1+2, Attachments A-I
Received by _____ Date 1-27-03 Fee $50.00 (amendment fee to republish)
Receipted by _____ Date 1-27-03 Receipt No. EW030012
Preliminary review by _____
Published in _____
Publication dates _____
Protests filed by _____
Copies of protests forwarded by _____
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____
Recommended for Approval _____ Denial _____ By _____

ATTACHMENT A

To Application for Exchange of Water
Filed by United Water Idaho

United Water Idaho Inc. ("United Water") has purchased licensed water right nos. 02-2341, 02-2358, and 02-2420 on the Snake River ("Snake River water rights"). Right no. 02-2341 is a 1964-priority right to divert 12.52 cubic feet per second ("cfs") for irrigation of 626 acres of land. Right no. 02-2358 is a 1964-priority right to divert 14.5 cfs for irrigation of 725 acres of land. Right no. 02-2420 is a 1963-priority right to divert 14.08 cfs for irrigation of 704 acres of land. The Snake River water rights share a combined diversion limitation of 35.21 cfs. Copies of the licenses for the Snake River water rights are attached to the Exchange Application as Attachments B, C, and D. Copies of the purchase deeds of these water rights are included as Attachments G and H. On July 15, 2002, United Water filed a Change of Ownership form with the Idaho Department of Water Resources ("IDWR") for the Snake River water rights.

The purpose of this Application is to exchange deliveries under the Snake River water rights for fish augmentation flows released by the U.S. Bureau of Reclamation ("Bureau") in the Boise River pursuant to Idaho Code § 42-1763B. During the last several years, the Bureau has augmented flows in the Boise River by releasing approximately 400 cfs from its Boise River reservoir system. The Bureau's flow releases, which are intended to improve downstream passage conditions for migrating juvenile salmon and steelhead, occur between June 10 and August 31. Idaho law provides authorities and procedures whereby IDWR may "shepherd" or otherwise assure this amount of water will be delivered to the mouth of the Boise River and then down the Snake River to the state border at Lewiston. Idaho Code § 42-1763B.

Under this exchange, during those times when the Bureau is making flow releases to the Boise River, United Water would be entitled to divert up to 35.21 cfs from the Boise River and simultaneously forego a like amount of diversions under the Snake River water rights. This amount of flow thus made available under the Snake River water rights would be delivered in the Snake River to the mouth of the Boise River where it would fully replace the depletion occurring to the Bureau's storage releases by way of United Water's Boise River diversions. United Water anticipates the Bureau would not oppose such a program provided the exchange water from the Snake River water rights fully replaces all depletions to the Bureau's storage releases.

United Water would divert the Boise River augmentation flows at or near its Marden Street plant and, alternatively, at or near its new water treatment plant—the Columbia Bench plant. At the Marden Street plant, United Water currently holds a 1993-priority water right, number 63-12055, which entitles United Water to divert 24.8 cfs of natural flow from the Boise River below the Diversion Dam for use in its municipal water supply system. The Marden Street water right carries a junior priority and generally is entitled to divert only during periods of higher flow in the winter or spring, and not necessarily in all years. A copy of the Marden Street water right is attached as Attachment E for the purpose of demonstrating one of the two alternate points of diversion to be used in this exchange.

United Water has a pending application with IDWR for 20 cfs to be used at the Columbia Bench plant. United Water filed Application No. 63-31409 for Permit to Appropriate Waters of the State of Idaho on November 16, 2001. If approved, the Columbia Bench water right will carry a junior priority and would be entitled to divert only during periods of higher flow in the winter or spring, and not necessarily in all years. A copy of the Columbia Bench water right application is attached as Attachment F for the purpose of demonstrating one of the two alternate points of diversion to be used in this exchange.

The amounts United Water would divert from the Boise River under this exchange would be used within United Water's service area. To ensure this exchange will not injure other water rights, United Water requests that the following conditions be placed on this exchange:

1. United Water's diversions from the Boise River under this exchange would occur only during times when the Bureau is providing flow augmentation water from Boise River reservoirs, so as not to affect any senior Boise River water rights.

2. United Water's diversion from the Boise River under this exchange would not exceed the lesser of:

   a. The instantaneous rate at which the exchange water is available in priority under the Snake River water rights and is being delivered in the Snake River and administered in accordance with Idaho law to the confluence of the Boise and the Snake Rivers, not to exceed 35.21 cfs, or

   b. The instantaneous rate of the Bureau's Boise River reservoir releases for flow augmentation.

3. United Water recognizes that the Bureau is not expected or required to alter its operations in any way to accommodate this exchange, that the exchange depends upon the Bureau's release of such storage water, and that United Water is not entitled to demand that any storage releases occur.

4. United Water would divert from the Boise River under this exchange only pursuant to a lawful order of the Director of IDWR approving the exchange consistent with these conditions.

State of Idaho

Attachment B

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-2341 Priority December 28, 1964 Amount 12.52 cfs

THIS IS TO CERTIFY, that Initial Butte Farms

of Nampa, Idaho, has complied with the terms and conditions of Permit No. 02-2341 issued pursuant to Application for Permit dated December 28, 1964, and has submitted proof to the Department of Water Resources on December 17, 1979, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 35.21 cfs of water from Snake River, tributary to Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 12.52 cfs	and 2817.0 acre feet
	from	at cfs	and
	from	at cfs	and

(both dates inclusive)

Subject, however, to the condition that no more than 12.52 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 2817.0 acre feet per year, said waters to be diverted within the Government Lot 4(SW¼NE¼), Section 35, Twp. 1S, Rge. 1W in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	1W	16	39	38	40	39	39	37	39	40	40	39	39	39	38	40	39	39	626

Total number of acres irrigated 626

This right when combined with Rights 02-2358 and 02-2420 shall not exceed 35.21 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of May, 19 83.

SCANNED
MAR 18 2002

Acting for the Director

Attachment C

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-2358 Priority July 28, 1964 Amount 14.50 cfs

THIS IS TO CERTIFY, that Initial Butte Farms, Inc.

of Nampa, Idaho, has complied with the terms and conditions of Permit No. 02-2358 issued pursuant to Application for Permit dated July 28, 1964, and has submitted proof to the Department of Water Resources on December 17, 1979, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 35.21 cfs of water from Snake River, tributary to Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 14.50 cfs	and 3262.5 acre feet
	from	cfs	and
	from	cfs	and

(both dates inclusive)

Subject, however, to the condition that no more than 14.50 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 3262.5 acre feet per year, said waters to be diverted within the Government Lot 4 (SW¼NE¼), Section 35, Twp. 1S, Rge. 1W in the County of Ada.

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	1W	26					38	38	38	39	38	40							231
		27	40	38	39	40	37	37	37	37					29				334
		28	40	40	40	40													160

Total number of acres irrigated 725

This right when combined with Rights 02-2420 and 02-2341 shall not exceed 35.21 cfs.

SCANNED

MAR 18 2002

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

In witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of May, 19 83.

Acting for the Director

RECORDED

Attachment D

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-2420 Priority December 31, 1963 Amount 14.08 cfs

THIS IS TO CERTIFY, that Initial Butte Farms

of Nampa, Idaho, has complied with the terms and conditions of Permit No. 02-2420 issued pursuant to Application for Permit dated December 31, 1963, and has submitted proof to the Department of Water Resources on December 17, 1979, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 35.21 cfs of water from Snake River, tributary to Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	14.08 cfs and	3168.0 acre feet
	from	cfs and	
	from	cfs and	
	(both dates inclusive)		

Subject, however, to the condition that no more than 14.08 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 3168.0 acre feet per year, said waters to be diverted within the Government Lot 4 (SW¼NE¼), Section 35, Twp. 1S, Rge. 1W in the County of Ada.

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	1W	26	38	38	38	38									40				233
		36	39	38	39	39	39	39	39	39					40	40	40	40	471

Total number of acres irrigated 704

This right when combined with Right No. 02-2341A and Right No. 02-2358 shall not exceed 35.21 cfs.

SCANNED

MAR 26 2002

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25th day of April, 19 83.

Acting for the Director

Attachment E

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12055

Proposed Priority: September 8, 1993 Maximum Diversion Rate: 24.80 CFS

This is to certify, that BOISE WATER CORPORATION
PO BOX 7488
BOISE ID 83707-7488
has applied for a permit to appropriate water from:
BOISE RIVER tributary of SNAKE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
MUNICIPAL	01/01 to 12/31	24.80 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SENE), Sec. 14, Township 03N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 2000.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. Use of water under this right is subject to control by the watermaster of State Water District No. 63.
6. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
7. The Director retains jurisdiction of this right and any license subsequently issued to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.

MAR 2 0 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12055

CONDITIONS/REMARKS:

8. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder shall contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
9. The issuance of this right in no way grants any right-of-way or easement across the land of another.
10. Place of use is within city limits of Boise and within the Area of Certification as shown by the 18th Amended Certificate of Convenience and Necessity No. 143 issued by the Idaho Public Utilities Commission.
11. The domestic use occurring under this municipal right shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
12. The daily diversion volume for the non-domestic uses under this municipal right shall not exceed 2,500 gallons per day in accordance with the provisions of Section 42-111, Idaho Code.
13. This permit authorizes irrigation of up to 1/2 acre within each platted subdivision lot upon which a domestic dwelling has been constructed.
14. Use of water for large projects such as irrigation of parks, golf courses, or sports activities fields is not authorized under this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

10th day of March, 1995

R. Keith Higginson, Director

for

Attachment F

Ident. No._____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMEMDED APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant: **United Water Idaho Inc. ("UWID")** Phone: **208-362-1704**

   Mailing address: **8248 W. Victory Road, P.O. Box 7488, Boise, Idaho 83709-4165**

2. Source of water supply: **Boise River** which is a tributary of **Snake River**

3. Location of points of diversion is: **Township 2N, Range 3E, Sec 4, NW ¼, NE ¼, Ada County; Township 3N, Range 2E, Sec 14, SE ¼, NE ¼ (lot 7), Ada County (existing river intake at Marden Treatment Plant)**

4. Water will be used for the following purposes (all dates inclusive)

   Amount: **20.0 cfs** for **municipal** purposes from **January 1** to **December 31**

   Amount: **20.0 cfs** for **groundwater recharge** purposes from **January 1** to **December 31**

5. Total quantity to be appropriated is (a) **20.0 cfs**

6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source: **Existing intake pipe and pump station to deliver water to proposed new treatment plant, existing intake structure for the Marden Treatment Plant.**
   b. Height of storage dam: NA active reservoir capacity: NA total reservoir capacity: NA
   c. Proposed well diameter and well depth is: NA.
   d. Is ground water with a temperature of greater than 85° being sought? **No**
   e. If well is already drilled, when? NA; Drilling firm: NA

7. Time required for completion of works and application of water to proposed beneficial use is: **Five years** (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):
   a. Hydropower; show total feet of head and proposed capacity in kW: NA
   b. Stockwatering; list number and kind of livestock: **None**
   c. Municipal; show name of municipality. **United Water holds a franchise to supply water to Boise, Idaho and surrounding areas and is a municipal provider pursuant to I.C. § 202B(2)(b)**
   d. Other; describe fully: NA

9. Description of place of use: **Within the Service Area of United Water Idaho, Inc. (See Exhibit 1 to Attachment A).**
   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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

			NE				NW				SW				SE				
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	TOTALS

Total number of acres to be irrigated: NA

10. Describe any other water rights used for the same purposes as described above. **UWID holds approximately 100 licensed water rights and approximately 11 water right permits to supply water for municipal purposes to customers within its Service Area.**

11. a. Who owns the property at the point of diversion? **Applicant**

    b. Who owns the land to be irrigated or place of use? NA

    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: **Applicant is a regulated public utility with a duty to supply water to customers within its Service Area.**

12. Remarks: **See Attachment A.**

13. MAP OF PROPOSED PROJECT REQUIRED – Attach an 8 ½ x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.) **Maps attached as Exhibit 1 to Attachment A.**

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John M. Marshall
for United Water Idaho Inc.

Received by_____ Date_____ Time_____ Preliminary check by_____
Fee $ _____ Receipted by_____ #_____ Date_____
Publication prepared _____ Date_____ Published in_____
Publication approved_____ Date_____

ATTACHMENT A

United Water
Application for Permit
February 4, 2002

By this application, United Water seeks a permit for a municipal water right from the Boise River to supply a new drinking water treatment facility (the "Columbia Plant"). This new facility is necessary to serve the year-round municipal needs of the Treasure Valley's expanding population, primarily new growth in the eastern and southern portions of the Boise area where ground water supplies may be insufficient to meet current and anticipated municipal needs. The geographical location of the Columbia Plant, however, is such that it can supply water to any portion of United Water's interconnected delivery system.

United Water will build the Columbia plant in phases, with the first phase planned for completion in 2004. Under current plans and projections, additional production capacity will be added in 2006 and third expansion will occur in 2009, bringing the plant up to full designed capacity of 20.0 cfs. United Water will deliver water to the Columbia Plant via an existing river intake and pumping station adjacent to the Highway 21 bridge that United Water shares with Micron Technology, Inc. United Water has an existing delivery pipeline in place, along with related easements, through the Highway 21 right-of-way that will be extended to the plant site. A map of the plant location, river intake and pipeline is attached as Exhibit 1.

This permit seeks a water right to allow United Water to divert and use surface flows for the Columbia Plant when water is available in the river in excess of demand by senior diverters. United Water has consulted with Lee Sisco, Boise River Watermaster, to confirm that water is available for appropriation under this permit. The flow records at Lucky Peak indicate that water is available for this right during most years. *See* Exhibit 2.

United Water anticipates that the Columbia Plant at times will directly treat and deliver all 20.0 cfs diverted from the Boise River to its municipal customers. At other times when water under this right is available and United Water is using other sources or water rights to meet demand, United Water proposes to inject treated water into the aquifer underlying the Southeast Boise Ground Water Management Area (the "Boise-Fan Aquifer") as part of an aquifer storage and recovery ("ASR") project.

United Water will file a separate permit and associated mitigation plan to divert water out of the Boise-Fan Aquifer. United Water, in conjunction with the Department, has been instrumental in studying the Boise-Fan Aquifer. These studies confirm that the

Boise-Fan Aquifer is a confined aquifer, composed primarily of alluvial deposits, making it an ideal location for an ASR project.

United Water also has included the river intake at its existing Marden Treatment Plant as an alternate point of diversion for this proposed right and anticipates that this right may at times be diverted at that location. For water rights 63-12055, the existing permitted right to divert 24.8 cfs at the Marden site, United Water intends to apply to amend the permit to include the Columbia plant diversion structure as an alternate point of diversion, providing United Water flexibility to use its Boise River water rights at either treatment plant.

Because this application seeks a permit for diversions in excess of five cfs, Water Appropriation Rule 40 requires the submission of additional information. IDAPA 37.03.08.40.05(c)-(g). United Water's responses to these requirements are as follows:

Rule .05(c)(iii) (design, construction, or operation techniques to eliminate or reduce impacts on other water rights): The existing intake structure and pumping station includes a flow meter. Accurate metering, operating in conjunction with Idaho's priority system, will ensure that no injury occurs to other users. United Water will exercise the right sought by this permit only when all valid rights on the river with priority dates earlier than this right are satisfied.

Rule .05(d) (information about sufficiency of water supply): Exhibit 3 contains water flow information in the Boise River for the years 1994 through 2000. Notations on the charts indicate days during each of these years when the right sought by this permit would have been available for diversion. Per conversations with Lee Sisco, Boise River Watermaster, spring and summertime flows of approximately 4100 cfs in the Boise River satisfy all existing water rights. An additional 400-500 cfs of recorded flow is assumed to be salmon release flows in June and July. In the winter months, this proposed right would be in priority by agreement at flows above the 150 to 250 cfs minimum streamflow released from storage. As Exhibit 2 shows, water is available under this right during many years.

Rule .05(d)(i) (information about water requirements of proposed project): United Water has filed its Integrated Municipal Application Package (IMAP) with the Department. The IMAP provides details of the projected population and water demand in United Water's system over the next 50 years, documenting that the peak municipal demand that United Water will be expected to meet will increase by approximately 150 cfs over the next 50 years. The Columbia Plant, and this proposal to divert 20.0 cfs from the Boise River are a part of United Water's program to meet this future demand.

Rule .05(d)(ii) (information about aquifer properties): The Boise-Fan Aquifer that UWID intends to use for its ASR project is well studied. Relatively impermeable

subsurface structural features separate the aquifer from the Boise River and other aquifers underlying the Boise area. The Boise-Fan Aquifer itself, however, is composed primarily of alluvial fan deposits, providing for transmissivity and storativity features favorable for aquifer storage.

The report *Groundwater Conditions and Hydraulic Testing of the Boise-Fan Aquifer or Southeast Boise River Valley, Ada County Idaho* by Edward Squires et. al. provides a detailed analysis of the hydrogeology of the Boise-Fan Aquifer. A copy of this report is available upon request.

Rule .05(e)(i) (copies of deeds, easements, leases and similar documents): See Exhibit 3.

Rule .05(e)(ii) (copies of applications for other needed approvals): United Water is seeking approval of a conditional use permit from Ada County and approvals from the Idaho Department of Environmental Quality for meeting drinking water standards. Both approval processes are ongoing.

Rule .05(f)(i) (financial statement or financial commitment letter): Estimated construction costs are $12 million. As a public utility regulated by the Public Utilities Commission ("PUC"), United Water is required to meet municipal demand in the Boise area. The PUC approves reasonable investments in capital improvements and allows United Water to recover its costs through adjustments in its rate base.

Rule .05(f)(ii) (plans, specifications, and estimated construction costs): United Water has signed a contract with Montgomery Watson to design and build the Columbia Plant. Project design is underway and a preliminary plant layout has been developed, utilizing an innovative membrane treatment process. Detailed plans, however, are not yet available and are depend to some degree on the outcome of the application for a conditional use permit with Ada County. United Water will forward engineering plans when they are available.

Rule .05(g) (information relative to the local public interest): Letters were sent by United Water to each of the following:

1. John Priester
   County Engineer
   Ada County Development Services
   650 Main Street
   Boise, Idaho 83702

2. Rod Sando
   Director

Idaho Department of Fish & Game
600 South Walnut
Post Office Box 25
Boise, Idaho 83707

3. C. Stephen Allred
Director
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83712

4. Charles Mickelson
City Engineer
City of Boise Public Works Department
150 N. Capital, 4th Floor
Boise, Idaho 83702

Copies are attached as Exhibit 4. United Water has not received any responses.

WILD MU

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 JUN 26 PM 12:07

RECORDED - REQUEST OF
FEE 9 - DEPUTY

102071816
FIRST AMERICAN

When recorded return to:

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Deborah E. Nelson

Attachment G

WATER RIGHT GENERAL WARRANTY DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Southwest, Inc., an Idaho corporation whose address is, c/o Gene Stunz, 824 Reece Avenue, Nyssa, Oregon 97913 ("Grantor"), does hereby grant, bargain, sell, convey, and assign unto United Water Idaho Inc., an Idaho corporation whose address is 8248 Victory Road, Boise, Idaho 83709 ("Grantee"), all of Grantor's right, title and interest in and to the water rights represented by Water Right License Numbers 02-02341, 02-02358, and 02-02420 and Snake River Basin Adjudication ("SRBA") Claim Numbers A02-02341, A02-02358, and A02-02420 (the "Water Rights"), and also assigns such licenses and SRBA claims to Grantee. The Water Rights heretofore have been diverted and beneficially used by Grantor and are appurtenant to real property located in Ada County, Idaho, more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the Water Rights unto the Grantee, its successors and assigns, forever.

The Idaho Department of Water Resources shall be entitled to enter the change in ownership of the Water Rights effected hereby upon its records and those of the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

IN WITNESS WHEREOF, the Grantor has caused the Grantor's name to be subscribed to the within instrument effective the 26th day of June, 2002.

GRANTOR: SOUTHWEST, INC., an Idaho Corporation

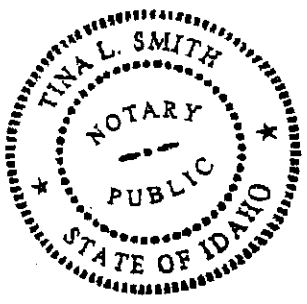
By: Gene Stunz
Its: President

And By: Rosemary Henigson
Its: Secretary

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th, day of June, in the year 2002, before me, a Notary Public in and for the State of Idaho, personally appeared Gene Stunz and Rosemary Henigson, of Southwest, Inc., known or identified to me to be the president and secretary of the corporation that executed the instrument or the person or persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Tina L. Smith
Notary Public for Idaho
Residing at: Boise
My commission expires: 7-25-05

EXHIBIT A

Legal Description of Real Property to Which the Water Rights Are Appurtenant

Water Right No. 02-02341: All of Section 16, Township 1 South, Range 1 West, B.M., Ada County, on 626 acres.

Water Right No. 02-02358: NW¼ and N½SW¼ of Section 26; N½ and NE¼SE¼ of Section 27; and NE¼ of Section 28, all in Township 1 South, Range 1 West, B.M., Ada County, on 725 acres.

Water Right No. 02-02420: NE¼ and N½SE¼ in Section 26; and N½ and SE¼ of Section 36, all in Township 1 South, Range 1 West, B.M., Ada County, on 704 acres.

19 WILD-M

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 JN 26 PM 12:07

RECORDED-REQUEST OF
FEE 9- DEPUTY

102071817

FIRST AMERICAN

When recorded return to:

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Deborah E. Nelson

Attachment H

WATER RIGHT GENERAL WARRANTY DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Duane Pancheri and Laura Pancheri, husband and wife, whose address is 19010 South Canada Road, Melba, Idaho 83614 ("Grantors"), do hereby grant, bargain, sell, convey, and assign unto United Water Idaho Inc., an Idaho corporation whose address is 8248 Victory Road, Boise, Idaho 83709 ("Grantee"), all of Grantors' right, title and interest in and to the water right represented by Water Right License Number 02-02358 and Snake River Basin Adjudication ("SRBA") Claim Number A02-02358 (the "Water Right"), and also assigns such license and SRBA claim to Grantee. The Water Right heretofore has been diverted and beneficially used by Grantors and is appurtenant to real property located in Ada County, Idaho, more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the Water Right unto the Grantee, its successors and assigns, forever.

The Idaho Department of Water Resources shall be entitled to enter the change in ownership of the Water Right effected hereby upon its records and those of the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

IN WITNESS WHEREOF, the Grantors have caused the Grantors' names to be subscribed to the within instrument effective the 26th day of June, 2002.

GRANTORS: DUANE PANCHERI

Duane Pancheri

LAURA PANCHERI

Laura Pancheri

STATE OF IDAHO)
) ss.:
County of Ada)

On this 20th day of June, 2002, before me, a Notary Public of the State of Idaho, appeared Duane Pancheri, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that they executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.

TINA L. SMITH NOTARY PUBLIC STATE OF IDAHO

Tina L. Smith
Notary Public of the State of Idaho
Residing at: Boise
My Commission Expires: 7-25-05

STATE OF IDAHO)
) ss.:
County of Ada)

On this 20th day of June, 2002, before me, a Notary Public of the State of Idaho, appeared Laura Pancheri, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that they executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.

TINA L. SMITH NOTARY PUBLIC STATE OF IDAHO

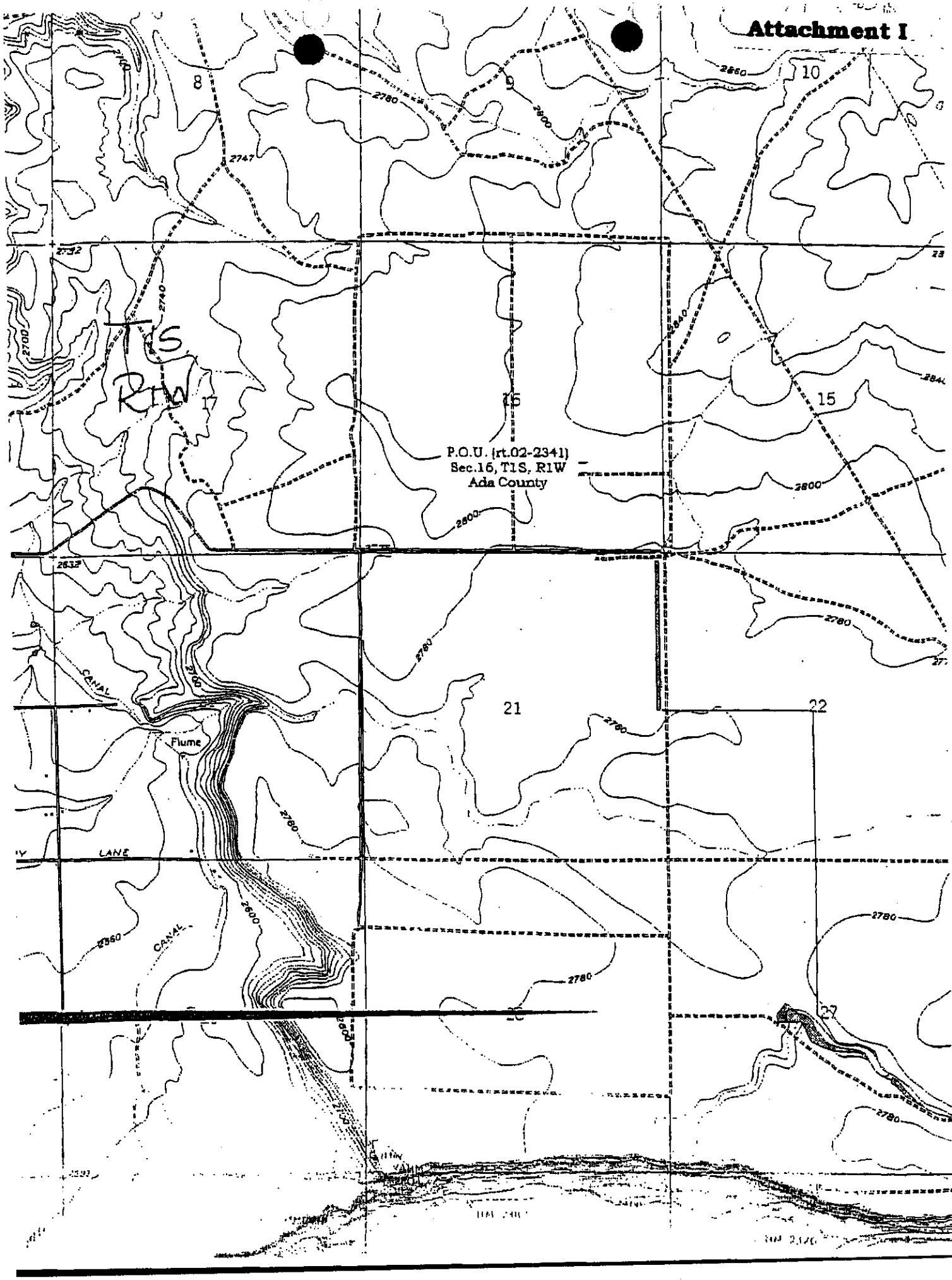
Tina L. Smith
Notary Public of the State of Idaho
Residing at: Boise
My Commission Expires: 7-25-05

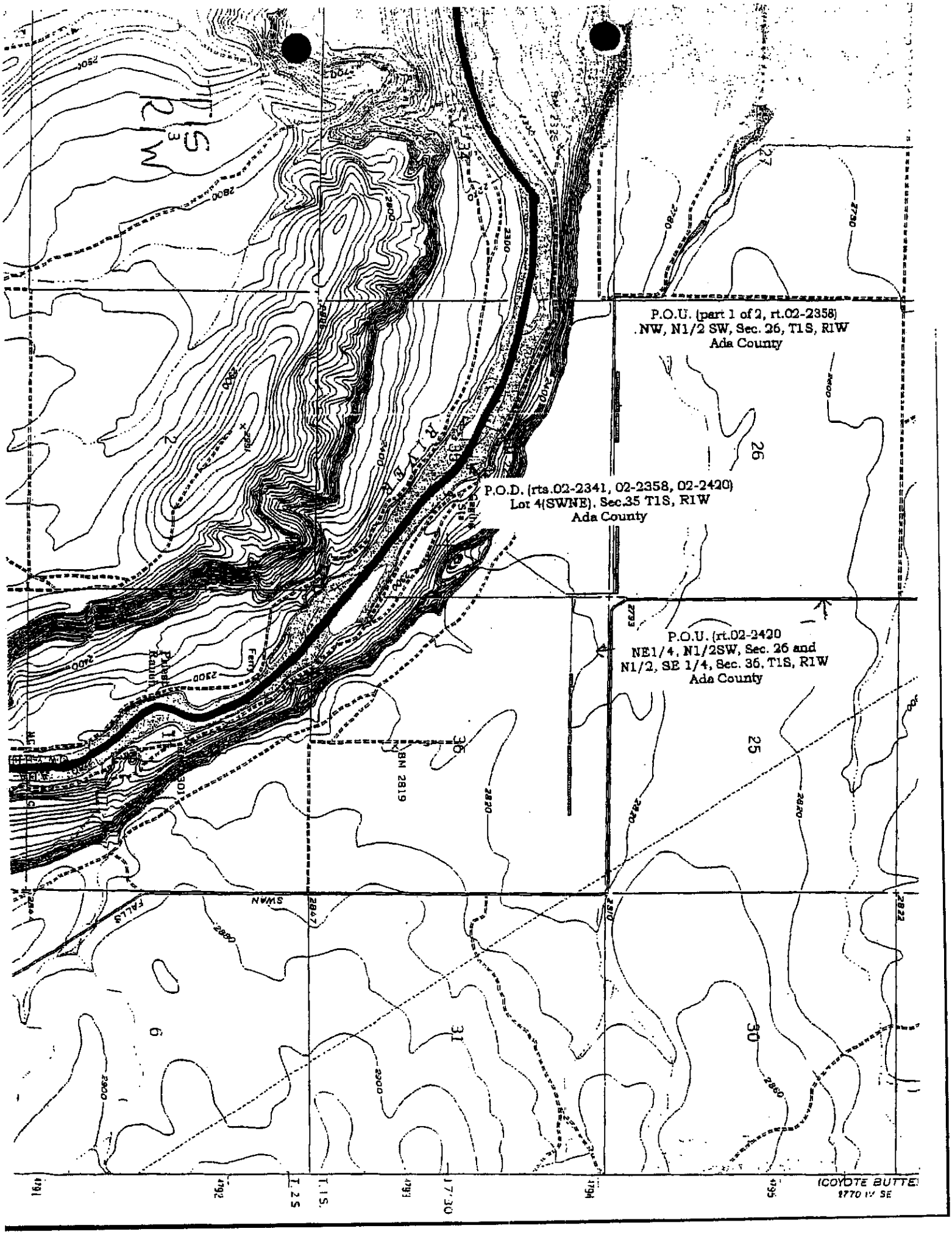
EXHIBIT A

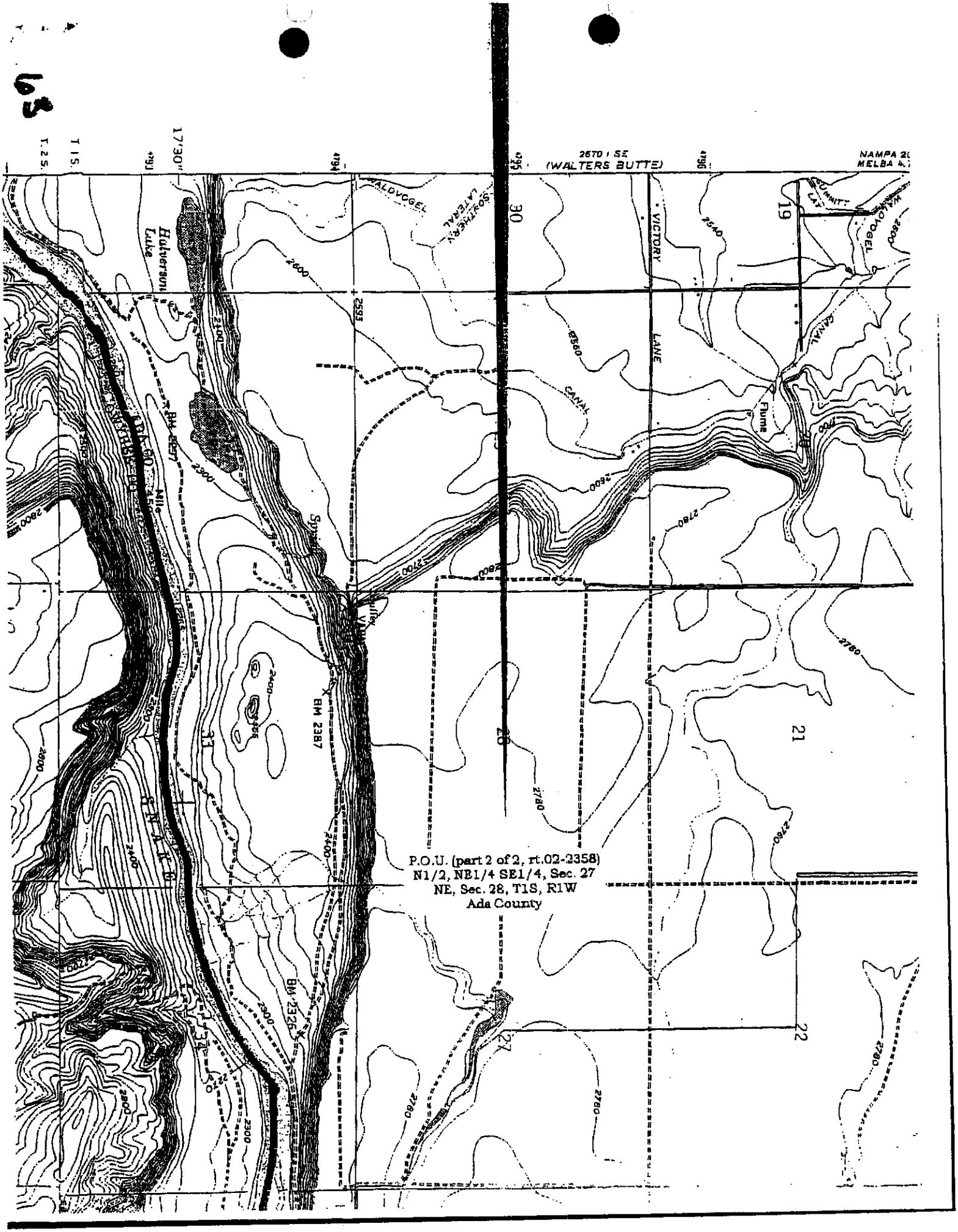
Legal Description of Real Property to Which the Water Right Is Appurtenant

Water Right No. 02-02358: NW¼ and N½SW¼ of Section 26; N½ and NE¼SE¼ of Section 27; and NE¼ of Section 28, all in Township 1 South, Range 1 West, B.M., Ada County, on 725 acres.

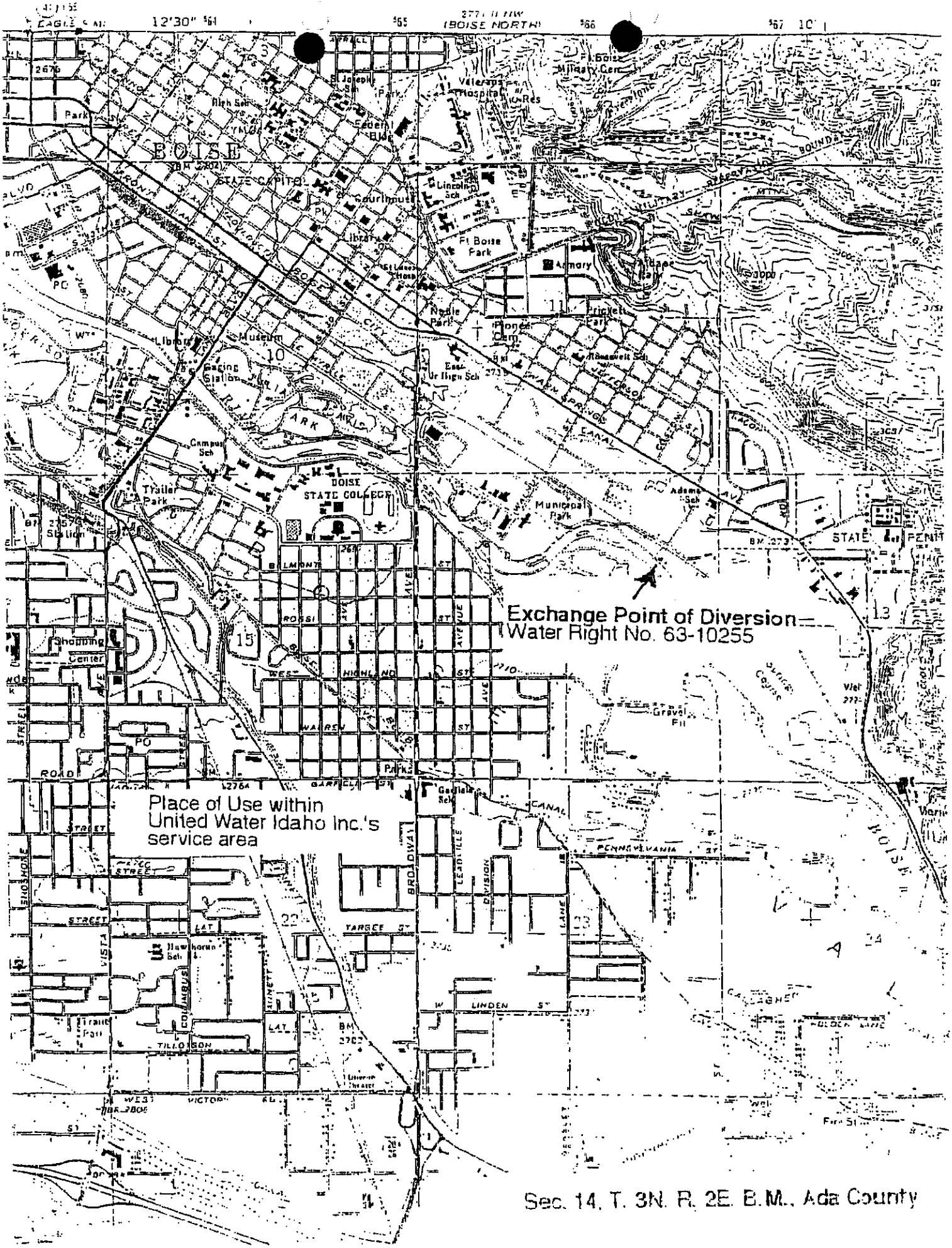
Attachment I

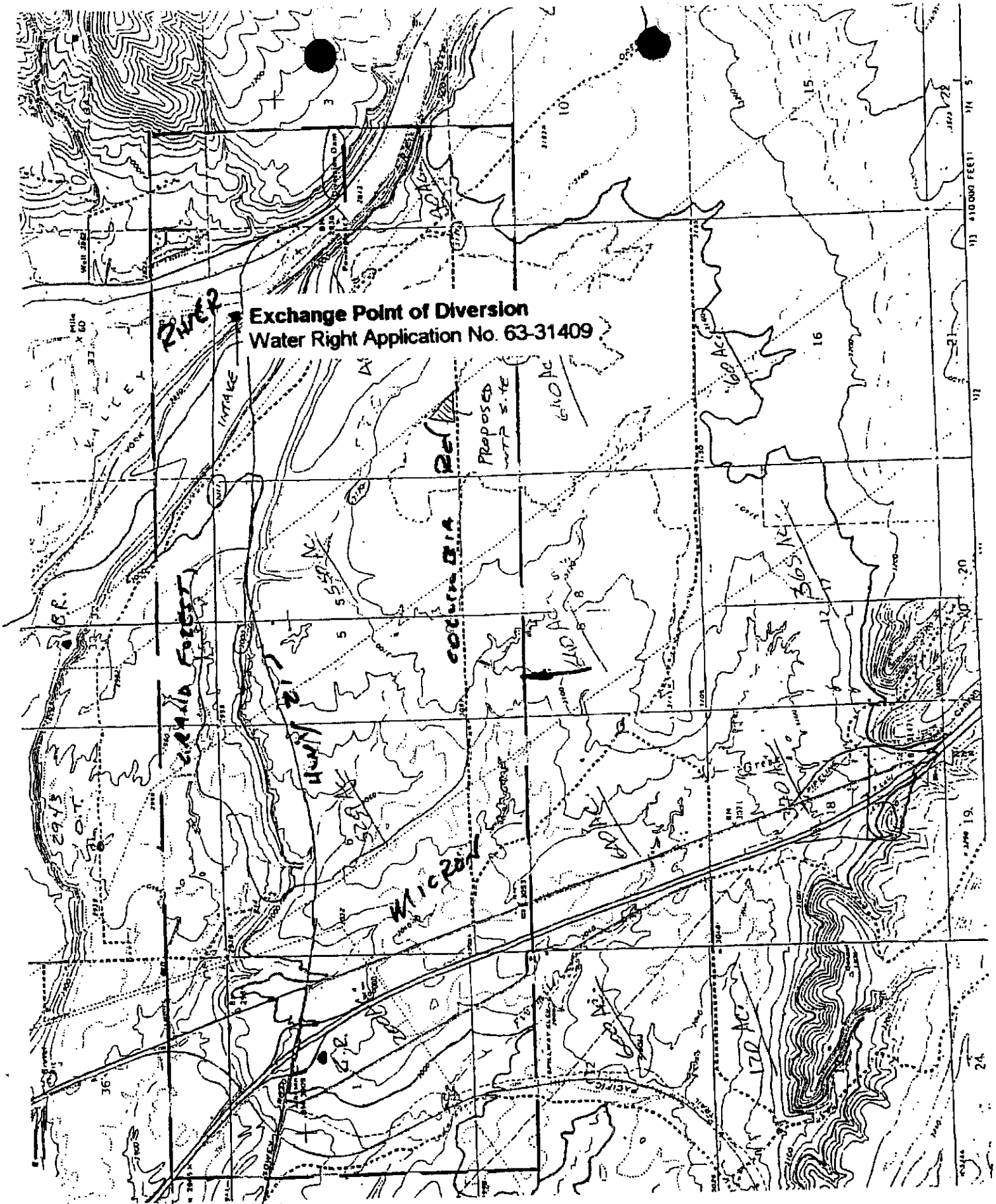



P.O.U. (part 1 of 2, rt.02-2358)
NW, N1/2 SW, Sec. 26, T1S, R1W
Ada County
P.O.D. (rts.02-2341, 02-2358, 02-2420)
Lot 4(SWNE), Sec.35 T1S, R1W
Ada County
P.O.U. (rt.02-2420
NE1/4, N1/2SW, Sec. 26 and
N1/2, SE 1/4, Sec. 36, T1S, R1W
Ada County
T1S
R1W
RIVER
SWAN
FALLS
BM 2819
26
25
30
31
36
T. 2 S
T. 1 S.
(COYOTE BUTTE)
2770 IV SE



2670 I SE
(WALTERS BUTTE)
NAMPA 2
MELBA 4
T. 2 S.
T. 1 S.
17'30"
Halverson Lake
WALDVOGEL
SOUTHERN LATERAL
VICTORY
LANE
CANAL
Flume
BM 2387
BM 2326
SNAKE
P.O.U. (part 2 of 2, rt.02-2358)
N1/2, NE1/4 SE1/4, Sec. 27
NE, Sec. 28, T1S, R1W
Ada County


Exchange Point of Diversion
Water Right No. 63-10255
Place of Use within
United Water Idaho Inc.'s
service area
Sec. 14, T. 3N. R. 2E. B.M., Ada County


Exchange Point of Diversion
Water Right Application No. 63-31409
Sec. 4, T.2N, R.3E, B.M., Ada County

RECEIVED
FEB 14 2003
WATER RESOURCES
WESTERN REGION

Jeffrey C. Fereday ISB #2719
Deborah E. Nelson ISB #5711
GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
S:\CLIENTS\30\116\Stipulation and Withdrawal of Protest (Bureau).DOC

Attorneys for United Water Idaho Inc.

COPY

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420	STIPULATION AND WITHDRAWAL OF PROTEST

RECITALS

1. This agreement is entered into by United Water Idaho Inc. ("United Water") and the United States Department of Interior, acting through the Bureau of Reclamation ("Bureau").

2. On December 19, 2002, United Water filed an Application for Exchange of Water ("Application") with regard to Water Right Nos. 02-2341, 02-2358, and 02-2420 ("Snake River Water Rights") with the Idaho Department of Water Resources ("Department"). The purpose of the Application is to exchange deliveries under the Snake River water rights for fish augmentation flows released by the Bureau in the Boise River. The Application is accompanied by an Attachment A, which sets forth several conditions that are hereby incorporated by reference into this Stipulation.

3. On January 27, 2003, United Water filed an Amended Application for Exchange of Water ("Amended Application") with the Department. The Amended Application is identical to the Application, except that an alternate point of diversion is added. The description and

conditions set forth in Attachment A to the Amended Application are the same as in the Application and are hereby incorporated by reference into this Stipulation.

4. On February 3, 2003, the Bureau filed a protest to the Application.

5. To resolve the Bureau's protest, the parties have negotiated an additional condition to those set forth in Attachment A to the Amended Application to be included in any approval by the Department of the Amended Application. The additional condition is set forth in paragraph 6 below.

STIPULATION AND WITHDRAWAL OF PROTEST

6. In consideration of the above recitals and with the understanding that the following condition shall become part of any approval of United Water's Amended Application, the Bureau hereby withdraws its protest to the Application and agrees not to file any protest to the Amended Application:

> At any time when the exchange would otherwise be in effect, if measured or calculated Boise River flows at either of the two alternate points of diversion are less than 240 cfs during the period beginning June 16 and ending February 29, then the exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, then the exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal.

7. United Water agrees and requests this condition be incorporated into any approval of its Amended Application.

DATED this 14th day of February 2003.

Counsel for United Water Idaho Inc.

E. Gail McGarry,
Program Manager, Water Rights and Acquisition,
Pacific Northwest Region, Bureau of Reclamation,

End Of
Exhibits

Protestant's
Supplemental
[redacted]
[redacted] Witness Lists
Received November of 2003

RECEIVED
NOV 2 6 2003
Department of Water Resources

Scott L. Campbell, ISB No. 2251
Angela Schaer Kaufmann, ISB No. 5436
MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18946.46

Attorneys for Pioneer Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER re WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGED WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION

SUPPLEMENTAL WITNESS AND EXHIBIT LIST

Pioneer Irrigation District, by and through its counsel of record MOFFATT, THOMAS, BARRETT ROCK & FIELDS, CHTD., and in accordance with the Hearing Officer's Second Notice of Hearing, dated November 7, 2003, hereby submits its supplemental witness and exhibit list. In accordance with the Second Notice of Hearing, Pioneer is also submitting a copy of its proposed exhibits to the Hearing Officer and to each of the other parties.

Pioneer's list of exhibits have not changed, other than the fact that actual copies of the exhibits have been provided. As indicated on its original Exhibit and Witness List,

Pioneer may call L. Glen Saxton and Norm Young as witnesses in this matter. Both will be called to testify as fact witnesses.

DATED this 25th day of November 2003.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By _____
Scott L. Campbell – Of the Firm
Attorneys for Pioneer Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of November 2003, I caused a true and correct copy of the foregoing **SUPPLEMENTAL WITNESS AND EXHIBIT LIST** to be served by the method indicated below, and addressed to the following:

Director Idaho Department of Water Resources Post Office Box 83720 Boise, Idaho 83720	( ) U.S. Mail, Postage Prepaid (X) Hand Delivered ( ) Overnight Mail ( ) Facsimile
United Water Idaho Inc. Jeffrey Fereday Givens Pursley, LLP PO Box 2720 Boise, ID 83701 Fax: 388-1300	(X) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
John K. Simpson Barker Rosholt & Simpson PO Box 2139 Boise, ID 83701 Fax: 344-6034	(X) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
Roger D. Ling Ling & Robinson PO Box 396 Rupert, ID 83350 Fax: 208-436-6804	(X) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
Jerry R. Rigby Rigby Thatcher PO Box 250 Rexburg, ID 83440-0250 Fax: 208-356-0768	(X) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile

Scott L. Campbell

Boise
Idaho Falls
Pocatello

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED
NOV 2 ? 2003
Department of Water Resources

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise, Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner

Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Jon A. Stenquist
Peter Benjamin McLaughlin
Bradley J. Dixon
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

November 26, 2003

Gary Spackman
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Jeffrey C. Fereday
Givens Pursley LLP
PO Box 2720
Boise, ID 83701-2720

Roger D. Ling
Ling & Robinson
PO Box 396
Rupert, ID 83350

Jerry R. Rigby
Rigby Thatcher
PO Box 250
Rexburg, ID 83440-0250

John K. Simpson
Barker Rosholt & Simpson
PO Box 2139
Boise, ID 83701

Re: United Water Idaho's Application for Exchange of Water Re Water Right Nos. 02-02341, 02-02358, and 02-02420
MTBR&F File No. 18946.46

Gentlemen:

On November 25, 2003, this firm filed and served a Supplemental Witness and Exhibit List in the above-referenced matter. However, we inadvertently did not include copies of the exhibits with the pleading as referenced therein. Enclosed with this letter please find a copy of such exhibits.

We apologize for any inconvenience this may have cause you. If you have any questions, please do not hesitate to contact me.

Sincerely,

Tiffiny M. Hudak
Legal Assistant

/tmh
Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February 2003, I served a true and correct copy of the foregoing STIPULATION AND WITHDRAWAL OF PROTEST by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

Scott L. Campbell, Esq.
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capital Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829

X U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

E. Gail McGarry, P.E.
Program Manager
Water Rights & Acquisitions
Pacific Northwest Region
U.S. Bureau of Reclamation
1150 N. Curtis Road
Boise, ID 83706-1234

X U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Deborah E. Nelson

Pioneer Irrigation District
United Water #4 – Application for Exchange of Water
MTBR&F FILE NO. 18946.46

List of Exhibits

NO.	DATE	DESCRIPTION
1.	October 2, 1883	Agreement between Franklin Ditch Company and Idaho & Oregon Land Improvement Company
2.	January 18, 1906	"Stewart" *Decree*, Farmers' Cooperative Ditch Company v. Riverside Irrigation District, Ltd. et al.
3.	October 15, 1909	Water Right License for water right no. 63-02114
4.	July 15, 1918	Certificate of Water Right, Transferred Right No. 219, for water right no. 63-02114
5.	September 14, 1923	License and Certificate of Water Right for water right no. 63-02275
6.	September 14, 1923	License and Certificate of Water Right for water right no. 63-02276
7.	September 14, 1923	License and Certificate of Water Right for water right no. 63-02294
8.	January 30, 1932	"Bryan" *Decree*, Pioneer Irrigation District v. American Ditch Association, et al.
9.	February 5, 1943	License and Certificate of Water Right for water right no. 63-02529
10.	December 11, 1953	License and Certificate of Water Right for water right no. 63-02891
11.	January 25, 1978	Water Right License for water right no. 63-09109
12.	March 14, 1990	Notice of Claim to a Water Right, water right no. 63-00179
13.	March 14, 1990	Notice of Claim to a Water Right, water right no. 63-21706
14.	March 14, 1990	Notice of Claim to a Water Right, water right no. 63-21713
15.	March 14, 1990	Notice of Claim to a Water Right, water right no. 63-21714
16.	March 28, 1997	Water District #63 - Rental Pool Procedures
17.	January 28, 1998	Deed for Water Right, for water right no. 63-04249A
18.	April 7, 1998	Correspondence from Karl J. Dreher, Director, Idaho Department of Water Resources, to Michael C. Creamer, re "Irrigation Water Right Use by a Municipal Provider"
19.	January 8, 1999	Correspondence from Jerrold D. Gregg, Area Manager, Bureau of Reclamation to Jeffrey C. Fereday, re "United Water Idaho-Water Right Exchange Proposal"

Pioneer Irrigation District
United Water #4 – Application for Exchange of Water
MTBR&F FILE NO. 18946.46

List of Exhibits

NO.	DATE	DESCRIPTION
20.	April 27, 1999	United Water Idaho's Application for Exchange of Water Right re water right nos. 63-10255 and 02-2339
21.	July 22, 1999	Correspondence from L. Glen Saxton, Chief, Water Allocations Bureau, Idaho Department of Water Resources, to William C. Linam, United Water Idaho, Inc., re "Permit 63-12055 & Water Right 02-02339"
22.	July 22, 1999	*Preliminary Order* in the Matter of Application for Exchange of Water in the Name of United Water Idaho, Inc.
23.	December 6, 1999	Deed for Water Right, for water right no. 63-08436, recorded with the Canyon County Recorder on December 6, 1999, as Instrument No. 9947626
24.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-05199
25.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-05200
26.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-05219
27.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-05237
28.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-05255
29.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 67[sic]-21731
30.	February 7, 2000	Amended Notice of Claim to a Water Right, for water right no. 63-21739
31.	June 26, 2002	Deed of Conservation Easement, Birds of Prey – Duane and Laura Pancheri, Idaho, IDI-33595, recorded with the Ada County Recorder on June 26, 2002, as Instrument No. 102071814
32.	June 26, 2002	Deed of Conservation Easement, Birds of Prey – Southwest, Inc., Idaho, IDI-33083, recorded with the Ada County Recorder on June 26, 2002, as Instrument No. 102071815
33.	September 27, 2002	Water Right License for water right no. 63-03618
34.	December 17, 2002	United Water Idaho's Application for Exchange of Water Right re water right nos. 02-02341, 02-02358, and 02-02420
35.	December 19, 2002	Correspondence from Deborah E. Nelson to Steve Lester, Water Rights Supervisor, Western Regional Office, Idaho Department of Water Resources, re "United Water Idaho Inc. – Application for Exchange of Water"

Pioneer Irrigation District
United Water #4 – Application for Exchange of Water
MTBR&F FILE NO. 18946.46

List of Exhibits

NO.	DATE	DESCRIPTION
36.	December 27, 2002	Memorandum from Steve Lester to File re "United Water Idaho Inc. Application for Exchange"
37.	January 23, 2003	United Water Idaho's Application for Exchange of Water Right re water right nos. 02-02341, 02-02358, and 02-02420, *Amended*
38.	February 14, 2003	*Stipulation and Withdrawal of Protest* in the Matter of Application for Exchange of Water Right Nos. 02-02341, 02-02358, and 02-02420, entered into between United Water Idaho, Inc., and United States Department of Interior, acting through the Bureau of Reclamation

MEMORANDUM

To: Jeff Peppersack; Shelley Keen
From: Gary Spackman
Date: June 14, 2003

Re: Conditions of Approval for United Water Application for Exchange

United Water Idaho filed an application for exchange with the IDWR, seeking to divert water from the Boise River in exchange for leaving water in the Snake River. United Water purchased approximately 30 cfs of water rights authorizing diversion of Snake River water for irrigation. United Water proposes to cease diverting the surface water from the Snake River, and instead divert Boise River water released from the federal Boise River reservoirs for anadromous fish. The application is protested by a large number of irrigation entities and by a couple of communities in the Treasure Valley. The U.S. Bureau of Reclamation originally protested the application, but the Bureau withdrew its protest, contingent, of course, on a stipulation that IDWR would place the following condition on an approved permit:

> At any time when the exchange would otherwise be in effect, if measured or calculated Boise River flows at either of the two alternate points of diversion are less than 240 cfs during the period beginning June 16 and ending February 29, then the exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, then the exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal.

I've enclosed a copy of the executed Stipulation and Withdrawal of Protest.

Because of the rejection of a recent stipulation for withdrawal of protest to which the Bureau was a party, the Bureau has requested a preliminary determination whether the stipulated condition will be included in a permit that may be issued following completion of the ongoing contested case. If IDWR determines it will not place the condition on any future permit, then the Bureau wants to reassert its protest and continue to participate in the contested case. As a hearing officer for the application, I also want to know whether the condition is acceptable, because I don't want to hold a lengthy hearing, write a decision, and then find out that a stipulated condition is not acceptable, requiring that I hold another hearing and write another decision.

The condition is very similar to previous conditions for permits issued to Simplot and Micron for diversion of floodwater from the Boise River. The flow rates and time periods for the flows were a combination of: (1) A reiteration of the 240 cfs minimum flow that Fish & Game attempts to maintain with its Lucky Peak storage, and (2) An agreed-to spring flushing flow of 1,100 cfs that Fish & Game and Idaho Rivers United wanted in previous negotiations.

I recommend we accept the condition as agreed to by the parties with a minor modification.

Nonetheless, I think this condition has three problems based on the latest standard for determining acceptability of unique conditions. First, this condition limits diversions when water is still available for diversion under the prior appropriation doctrine. The watermaster could be delivering water to United Water during the spring flush because the 1,100 cfs is unrelated to storage releases for minimum Boise River flows. Furthermore, during periods of low storage, Fish & Game sometimes drops the flows to 150 cfs to conserve storage water. There may be periods of time when there are flows in excess of 150 cfs released from storage but less than 240 cfs, and United Water could be diverting water.

Second, this condition is not unlike a recent agreed-to condition rejected by IDWR. The rejected condition referred to another scheme of how flows are regulated in the Boise River: The current flood control operation plan developed jointly by the Bureau and the U.S. Army Corps of Engineers. This reference to the flood control operation plan determines when water can be stored and when it must be released for flood control. Although IDWR has not always agreed with the rule curves of the plan that govern when storage is appropriate, it is a document widely recognized in the operation of the Boise River. I'm not aware that the 1,100 cfs flow or the 240 cfs flow are recognized anywhere in adopted IDWR, BOR, or Corps plans. Surely these imposed limits are beyond IDWR authority to recognize as minimum flows.

Third, I think the condition is flawed because there is a gap in the recognized flow period from June 1-15. This may have been an oversight. Rather than change the condition without notice to the parties, however, I believe I should call attention to it and clarify the intent.

I ask for your opinion on this matter. As a footnote, there has already been a verbal firestorm between Jeff Fereday, attorney for United Water, and Kathleen Carr, attorney for the Bureau, over the possible reassertion of the Bureau's protest. I don't want to set you up to be an incendiary participant in the firestorm without you having some knowledge about what has previously transpired between the parties.

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

JUN 0 9 2003

IN REPLY
REFER TO:

PN-3100
WTR-1.10

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: United Water Idaho, Inc. – Initial Butte Exchange

Dear Mr. Spackman:

As you know, United Water and the Bureau of Reclamation have reached a settlement (enclosed) of the subject exchange provided certain conditions were included in the approved exchange by the Idaho Department of Water Resources. It has come to our attention, through other settlements of protests, that IDWR may have changed its policy regarding the inclusion of certain conditions that have been agreed to in stipulations to water right contested cases in the water right permits and licenses. Therefore, we would like to know the views of IDWR with regards to including in the water right the stipulated provisions that United Water and Reclamation have negotiated in this case.

It is our belief that these conditions should be acceptable to IDWR, because they are similar to conditions that IDWR has found acceptable for other water right approvals. Specifically, the condition covered by paragraph 6 of the stipulation is similar to one Mr. Glen Saxton recently indicated was acceptable for Permit No. 63-31409. The conditions covered in paragraph 2 of the stipulation are similar to those issued in a previously approved exchange signed by Mr. Saxton in July 22, 1999 (Exchange of Permit 63-12055 and Water Right 02-02339).

However, if the negotiated provisions are not acceptable to IDWR, then it is our view that Reclamation's protest would not be legally effectuated and Reclamation will have our attorney participate in the contested case proceedings currently underway to protect its legal interest to the extent identified and provided for through the negotiated Stipulation.

Sincerely,

E. Gail McGarry
Program Manager
Water Rights and Acquisition

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June 2003, I served a true and correct copy of the foregoing **Letter by the Bureau of Reclamation**, dated June 9, 2003, by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

Mr. Albert P. Barker, Esq.
Barker, Rosholt & Simpson
205 North 10th, Suite 520
P.O. Box 2139
Boise, ID 83701-2139

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Mr. Daniel V. Steenson, Esq.
Charles L. Honsinger, Esq.
S. Bryce Farris, Esq.
Ringert Clark, Chartered
455 S. Third Street
P.O. Box 2773
Boise, ID 83701-2773

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Mr. John K. Simpson, Esq.
Travis L. Thompson, Esq.
Barker, Rosholt & Simpson
205 North 10th, Suite 520
P.O. Box 2139
Boise, ID 83701-2139

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Mr. Scott L. Campbell, Esq.
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Mr. Jerry Rigby, Esq.
Rigby, Thatcher, Andrus, Rigby, Kam & Moeller, Chtd.
25 N. 2nd E, P.O. Box 250
Rexburg, ID 83440-0250

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Mr. Roger D. Ling, Esq.
Ling & Robinson
615 H St.
P.O. Box 396
Rupert, ID 83350

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Jeffrey Fereday, Esq.
Debora Nelson, Esq.
Givens Pursely LLP
P.O. Box 2720
Boise, ID 83701

✓ U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

RECEIVED
FEB 14 2003
WATER RESOURCES
WESTERN REGION

Jeffrey C. Fereday ISB #2719
Deborah E. Nelson ISB #5711
GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
S:\CLIENTS\30\116\Stipulation and Withdrawal of Protest (Bureau).DOC

Attorneys for United Water Idaho Inc.

COPY

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420	**STIPULATION AND WITHDRAWAL OF PROTEST**

RECITALS

1. This agreement is entered into by United Water Idaho Inc. ("United Water") and the United States Department of Interior, acting through the Bureau of Reclamation ("Bureau").

2. On December 19, 2002, United Water filed an Application for Exchange of Water ("Application") with regard to Water Right Nos. 02-2341, 02-2358, and 02-2420 ("Snake River Water Rights") with the Idaho Department of Water Resources ("Department"). The purpose of the Application is to exchange deliveries under the Snake River water rights for fish augmentation flows released by the Bureau in the Boise River. The Application is accompanied by an Attachment A, which sets forth several conditions that are hereby incorporated by reference into this Stipulation.

3. On January 27, 2003, United Water filed an Amended Application for Exchange of Water ("Amended Application") with the Department. The Amended Application is identical to the Application, except that an alternate point of diversion is added. The description and

conditions set forth in Attachment A to the Amended Application are the same as in the Application and are hereby incorporated by reference into this Stipulation.

4. On February 3, 2003, the Bureau filed a protest to the Application.

5. To resolve the Bureau's protest, the parties have negotiated an additional condition to those set forth in Attachment A to the Amended Application to be included in any approval by the Department of the Amended Application. The additional condition is set forth in paragraph 6 below.

STIPULATION AND WITHDRAWAL OF PROTEST

6. In consideration of the above recitals and with the understanding that the following condition shall become part of any approval of United Water's Amended Application, the Bureau hereby withdraws its protest to the Application and agrees not to file any protest to the Amended Application:

> At any time when the exchange would otherwise be in effect, if measured or calculated Boise River flows at either of the two alternate points of diversion are less than 240 cfs during the period beginning June 16 and ending February 29, then the exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, then the exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal.

7. United Water agrees and requests this condition be incorporated into any approval of its Amended Application.

DATED this 14th day of February 2003.

Counsel for United Water Idaho Inc.

E. Gail McGarry,
Program Manager, Water Rights and Acquisition,
Pacific Northwest Region, Bureau of Reclamation,

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February 2003, I served a true and correct copy of the foregoing STIPULATION AND WITHDRAWAL OF PROTEST by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

Scott L. Campbell, Esq.
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capital Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829

X U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

E. Gail McGarry, P.E.
Program Manager
Water Rights & Acquisitions
Pacific Northwest Region
U.S. Bureau of Reclamation
1150 N. Curtis Road
Boise, ID 83706-1234

X U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Deborah E. Nelson

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR RIGHT TO EXCHANGE WATER (WATER RIGHT NOS. 02-2341 02-2358 AND 02-2420) IN THE NAME UNITED WATER ID INC.	**NOTICE OF SECOND PREHEARING CONFERENCE**

On January 27, 2003 United Water ID Inc. filed with the Idaho Department of Water Resources (IDWR) an application for water right to exchange water of the State of Idaho. The application was protested by Boise Project Board of Control, the Bureau of Reclamation, Nampa Meridian Irrigation District, the City of Caldwell, the Pioneer Irrigation District, and Twin Falls Canal Co., Etal. The conference held on May 29, 2003 did not resolve the matter of protest.

IDWR has scheduled a second prehearing conference for the protest to be held on **Friday, June 27, 2003 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

Dated this 2nd day of June 2003.

Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of June 2003, I mailed a true and correct copy, postage prepaid, of the Notice of Second Prehearing Conference to those listed:

Sue Taylor
Senior Secretary

UNITED WATER ID INC
C/O DEBORAH E NELSON
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

BOISE PROJECT BOARD OF CONTROL
C/O ALBERT BARKER
PO BOX 2139
BOISE ID 83701-2139

NAMPA & MERIDIAN IRRIG DIST
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

CITY OF CALDWELL
CHARLES L HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

PIONEER IRRIG DIST
SCOTT CAMPBELL
MOFFAT THOMAS
PO BOX 829
BOISE ID 83701

TWIN FALLS CANAL CO ETAL
JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-6034

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR EXCHANGE OF WATER

Section 42-240, Idaho Code, requires the department to consider the following issues in connection with an application for extension of time to avoid forfeiture:

1. Will the proposed exchange injure other water rights?
2. Will the proposed exchange constitute an enlargement of use of the original right or rights?
3. Is the proposed exchange in the local public interest?
4. Is the proposed exchange consistent with conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant bears the initial burden of proof for issues 1 and 2 above and must provide evidence for the department to evaluate these criteria. The applicant must also establish that the water right is valid. Forfeiture must be established by clear and convincing evidence.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Exchange of Water in the Name of United Water Idaho Inc.

Place: IDWR Western Region, 2735 Airport Way, Boise, Idaho 83705

Date: May 29, 2003

Conducted by: Gary Spackman

NAME	ADDRESS
Scott Rifkin	United Water 8248 W. Victory Boise 83709
Jeff Feredays	Givens Box 2720 Boise 83701
Bryce Farris	Kingert Clark Box 2773 Boise 83701
Ed Squires	Hydro Logic 1002 W. Franklin Boise, ID 83702
Amy Chestnut	Baker Rosholt & Simpson 205 N 10th Ste 520 Boise 83701
Scott Campbell	Moffatt Thomas P.O. Box 829 Boise, Id 83701
Kathleen M. Carr	Dept. of Interior 550 W. Fort St., Boise 8372

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Exchange in the Name of United Water ID Inc.

Place: IDWR Western Region, 2735 Airport Wy, Boise, Idaho 83705

Date: June 27, 2003

Conducted by: Gary Spackman

NAME	ADDRESS
Scott Campbell	Moffatt Thomas P.O. Box 829 Boise, Id 83701
John Simpson	205 N. 10th Ste 520 Boise, Id 83702
Charlie Honsinger	P.O. 2773, Boise ID 83701
Scott Rhead	7100 Brookover Dr. Boise, Id 83709
Jeff Fereday	Box 2720 83701

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR RIGHT TO EXCHANGE WATER (WATER RIGHT NOS. 02-2341 02-2358 AND 02-2420) IN THE NAME OF UNITED WATER ID INC.	**AMENDED NOTICE OF PREHEARING CONFERENCE**

Notice of Prehearing Conference in the above-referenced matter was mailed on April 16, 2003. John Simpson, who is representing Twin Falls Canal Co., was inadvertently omitted from the mailing list. This amended notice is being sent to document that John Simpson is on the mailing list and has received notice of the prehearing conference.

On January 27, 2003 United Water ID Inc. filed with the Idaho Department of Water Resources (IDWR) an application for water right to exchange water of the State of Idaho. The application was protested by Boise Project Board of Control, the Bureau of Reclamation, Nampa Meridian Irrigation District, the City of Caldwell, Twin Falls Canal Co., and the Pioneer Irrigation District.

IDWR has scheduled a prehearing conference for the protest to be held on **Thursday, May 29, 2003 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend,

Lester, Steve

From: Hatfield, Denise (Buffington)
Sent: Friday, April 18, 2003 12:26 PM
To: Lester, Steve
Subject: United Water App for Exchange 02-2341, 02-2420 & 02-2358

I just processed a change of ownership we received last July from Pancheri & Southwest Inc to United Water Idaho. There was a mail message from you in the files indicating United Water had filed an application for exchange. Maybe the ownership change process I just completed will help solve / clarify the app for exchange, if not processed already. Claim numbers 02-2341 & 2420 are both straight across changes. 02-2358 was previously split into 02-10214 & 10215 due to another ownership change received. After looking everything over, it was discovered that United Water purchased all acres covered on those 2 new numbers. Therefore, I combined them back into the original number of 02-2358, and made it an "active" claim again.

Let me know if you need any other information.

Denise

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 16, 2003

BOISE PROJECT BOARD OF CONTROL
C/O ALBERT BARKER
PO BOX 2139
BOISE ID 83701-2139

NAMPA & MERIDIAN IRRIG DIST
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

CITY OF CALDWELL
CHARLES L HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

PIONEER IRRIG DIST
SCOTT CAMPBELL
MOFFAT THOMAS
PO BOX 829
BOISE ID 83701

Re: Application for Exchange of Water Right Nos. 02-2341, 02-2358 and 02-2420 in the Name of United Water ID, Inc.

Dear Protestants:

This office acknowledges receipt of your protests against to the above referenced application to exchange water.

The following are the criteria the department must consider in either approving or denying an application for exchange (per Section 42-240, Idaho Code):

1. Will the proposed exchange injure other water rights?
2. Will the proposed exchange constitute an enlargement of use of the original right or rights?
3. Is the proposed exchange in the local public interest?
4. Is the proposed exchange consistent with conservation of water resources within the state of Idaho?

Because of the similarities between an application for transfer and an application for exchange the validity of the rights sought to be exchanged may be an issue.

Enclosed is a Notice of Prehearing Conference scheduled for May 29, 2003 at the Idaho Department of Water Resources, Western Region. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If this office can be of further assistance, please contact us.

Sincerely,

Gary Spackman

GS:st
Encl: Copy of Application
Notice of Prehearing Conference

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 16, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

UNITED WATER ID INC
C/O DEBORAH E NELSON
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

Re: Application for Exchange of Water Right Nos. 02-2341, 02-2358 and 02-2420

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application to exchange water.

The following are the criteria the department must consider in either approving or denying an application for exchange (per Section 42-240, Idaho Code):

1. Will the proposed exchange injure other water rights?
2. Will the proposed exchange constitute an enlargement of use of the original right or rights?
3. Is the proposed exchange in the local public interest?
4. Is the proposed exchange consistent with conservation of water resources within the state of Idaho?

Because of the similarities between an application for transfer and an application for exchange, the validity of the rights sought to be exchanged may be an issue.

Enclosed is a Notice of Prehearing Conference scheduled for May 29, 2003 at the Idaho Department of Water Resources, Western Region. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,

Gary Spackman

Gary Spackman

GS:st
Enclosure: Copy of protest(s)
Notice of Prehearing Conference

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR RIGHT TO EXCHANGE WATER (WATER RIGHT NOS. 02-2341 02-2358 AND 02-2420) IN THE NAME UNITED WATER ID INC.	**NOTICE OF PREHEARING CONFERENCE**

On January 27, 2003 United Water ID Inc. filed with the Idaho Department of Water Resources (IDWR) an application for water right to exchange water of the State of Idaho. The application was protested by Boise Project Board of Control, the Bureau of Reclamation, Nampa Meridian Irrigation District, the City of Caldwell, and the Pioneer Irrigation District.

IDWR has scheduled a prehearing conference for the protest to be held on **Thursday, May 29, 2003 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

Dated this 16th day of April 2003.

Gary Spackman

Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of April 2003, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:

Sue Taylor
Senior Secretary

UNITED WATER ID INC
C/O DEBORAH E NELSON
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

BOISE PROJECT BOARD OF CONTROL
C/O ALBERT BARKER
PO BOX 2139
BOISE ID 83701-2139

NAMPA & MERIDIAN IRRIG DIST
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

CITY OF CALDWELL
CHARLES L HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

PIONEER IRRIG DIST
SCOTT CAMPBELL
MOFFAT THOMAS
PO BOX 829
BOISE ID 83701

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR EXCHANGE OF WATER

Section 42-240, Idaho Code, requires the department to consider the following issues in connection with an application for extension of time to avoid forfeiture:

1. Will the proposed exchange injure other water rights?
2. Will the proposed exchange constitute an enlargement of use of the original right or rights?
3. Is the proposed exchange in the local public interest?
4. Is the proposed exchange consistent with conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant bears the initial burden of proof for issues 1 and 2 above and must provide evidence for the department to evaluate these criteria. The applicant must also establish that the water right is valid. Forfeiture must be established by clear and convincing evidence.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

RECEIVED
FEB 3 - 2003
Department of Water Resources

Scott L. Campbell, ISB No. 2251
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18946.26

Attorneys for Pioneer Irrigation District

RECEIVED
FEB 05 2003
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER re WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGED WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE**

Pioneer Irrigation District ("Pioneer"), by and through its counsel of record, Scott L. Campbell of the law firm Moffatt Thomas Barrett Rock & Fields, Chtd., 101 S. Capitol Blvd., 10th Floor, P.O. Box 829, Boise, ID 83701-0829, hereby protests the Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. Pioneer is an irrigation district, duly organized pursuant to Idaho law, operating within Ada and Canyon counties, Idaho. It possesses natural flow and storage water

rights in the Boise River. It also possess groundwater rights. Pioneer utilizes its water rights to provide irrigation water deliveries to approximately 34,000 acres of land within its service area.

2. Pioneer contends the water exchange proposed by the application would violate Idaho Code sections 42-1763B and 42-240.

3. Pioneer files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

4. Pioneer contends that the proposed water exchange will injure Pioneer's water rights.

The mailing address for Pioneer Irrigation District is, Post Office Box 426, Caldwell, Idaho 83606.

DATED this 3rd day of February 2003.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell - Of the Firm
Attorneys for Pioneer Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of February 2003, I caused a true and correct copy of the foregoing **PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE** to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
Post Office Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(X) Hand Delivered
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
PO Box 2720
Boise, ID 83701
Fax: 388-1300

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivered
( ) Overnight Mail
( ) Facsimile

Scott L. Campbell

RECEIVED
FEB 24 2003
Department of Water Resources

Daniel V. Steenson (ISB #4332)
Charles L. Honsinger (ISB #5240)
S. Bryce Farris (ISB #5636)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for City of Caldwell

RECEIVED
FEB 25 2003
WATER RESOURCES
WESTERN REGION
C067549

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER RE: WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGES WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE**

The City of Caldwell, by and through its counsel, Daniel V. Steenson, Charles L. Honsinger, and S. Bryce Farris of the law firm Ringert Clark Chartered, 455 S. Third Street, P.O. Box 2773, Boise, Idaho 83701-2773, hereby protests the Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. The City of Caldwell is a municipal corporation, duly organized pursuant to Idaho law. It possess groundwater rights to provide municipal water deliveries to its citizens.

2. The City of Caldwell contends the water exchange proposed by the application would violate Idaho Code sections 42-1763B and 42-240.

3. The City of Caldwell files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

4. The City of Caldwell contends that the proposed water exchange may injure the City's water rights.

5. The City of Caldwell contends that the proposed water exchange may be inconsistent with the conservation of water resources within the State of Idaho.

6. The City of Caldwell contends that the proposed water exchange may not be in the local public interest as defined in section 42-203A, Idaho Code.

7. The City of Caldwell contends that the water supply necessary to satisfy the proposed water exchange may be insufficient for the purposes for which the exchange is sought.

8. The City of Caldwell contends that the proposed water exchange may impact, or may be impacted by the applicant's currently pending Integrated Municipal Application Package (Consisting of 99 Applications for Transfers of Water Rights, And13 Applications for Amendment of Permits)

The mailing address for the City of Caldwell is: 621 E. Cleveland, Caldwell, ID 83605.

DATED this 24th day of February, 2003.

RINGERT CLARK CHARTERED

By _____
Charles L. Honsinger
Attorneys for the City of Caldwell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of February, 2003, I caused a true and correct copy of the foregoing Protest Against United Water Idaho's Application for Water Exchange to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(X) Hand Delivery
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
P.O. Box 2720
Boise, Idaho 83701

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivery
( ) Overnight Mail
( ) Facsimile

Charles L. Honsinger

RECEIVED
FEB 24 2003
WATER RESOURCES
WESTERN REGION
W030097

Albert P. Barker, ISB 2867
BARKER ROSHOLT & SIMPSON LLP
P. O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Boise Project Board of Control

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE FOR WATER RIGHT NOS. 2-2341, 2-2358 AND 2-2420	)	**NOTICE OF PROTEST**
APPLICANT: UNITED WATER IDAHO, INC.	)	

THE BOISE PROJECT BOARD OF CONTROL ON ITS BEHALF AND ON THE BEHALF OF IT MEMBER IRRIGATION DISTRICTS, BOISE- KUNA, BIG BEND, NAMPA & MERIDIAN, NEW YORK AND WILDER, (collectively hereinafter referred to as the "Protestant"), by and through its attorneys BARKER ROSHOLT & SIMPSON LLP, files its Notice of Protest to the approval of the above Application for Exchange filed in the name of UNITED WATER IDAHO, INC.

The basis for the Protestant's protest is as follows:

1. The proposed diversion and use of the waters described in the aforesaid application violates all, or a portion of, the criteria set forth in Idaho Code Sections 42-203A(5), and 42-240, 42-1763B.

2. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 24th day of February 2003.

BARKER ROSHOLT & SIMPSON LLP

By: _____
Albert P. Barker

Attorney for Protestant

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of February 2003, I served a copy of the foregoing *NOTICE OF PROTEST*, to the following by the method indicated:

By Hand Delivery:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

By Facsimile and U.S. Mail, postage prepaid:

United Water Idaho, Inc.
8248 W. Victory Rd.
P.O. Box 7488
Boise, Idaho 83707
Fax: (208) 362-1479

Roger Ling
LING & ROBINSON
P.O. Box 396
Rupert, ID 83350
Fax: (208) 436-6804

Scott Campbell
MOFFAT THOMAS ET. AL
P.O. Box 829
Boise, ID 83701-0829
Fax: (208) 385-5384

Jerry Rigby
RIGBY THATCHER ET. AL
P.O. Box 250
Rexburg, ID 83340-0250
Fax: (208) 356-0768

_____
Albert P. Barker

RECEIVED
FEB 24 2003
Department of Water Resources

Daniel V. Steenson (ISB #4332)
Charles L. Honsinger (ISB#5240)
S. Bryce Farris (ISB #5636)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Nampa & Meridian Irrigation District

RECEIVED
FEB 26 2003
WATER RESOURCES
WESTERN REGION
C067541

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER re WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGES WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE**

Nampa & Meridian Irrigation District (NMID), by and through its counsel of record, Daniel V. Steenson, Charles L. Honsinger and S. Bryce Farris of the law firm Ringert Clark Chartered, 455 S. Third Street, P.O. Box 2773, Boise, Idaho 83701-2773, hereby protests the Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. NMID is an irrigation district, duly organized pursuant to Idaho law, operating within Ada and Canyon counties, Idaho. It possesses natural flow and storage water rights in the Boise River. It also possess groundwater rights. NMID utilizes its water rights to provide irrigation water deliveries to more than 60,000 acres of land within its service area.

2. NMID files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

3. NMID contends the water exchange proposed by the application would violate Idaho

Code sections 42-1763B and 42-240.

4. NMID contends that the proposed water exchange will injure NMID's water rights.

5. NMID contends that this proposed water exchange may impact United Water Idaho's pending Integrated Municipal Application Package.

The mailing address for Nampa & Meridian Irrigation District is, 1503 First Street South, Nampa, Idaho 83651.

DATED this 24th day of February, 2003.

RINGERT CLARK CHARTERED

By _____
S. Bryce Farris
Attorneys for NMID

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of February, 2003, I caused a true and correct copy of the foregoing Protest Against United Water Idaho's Application for Water Exchange to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(X) Hand Delivery
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
P.O. Box 2720
Boise, Idaho 83701

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivery
( ) Overnight Mail
( ) Facsimile

S. Bryce Farris

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

MAR 20 2003

RECEIVED
MAR 24 2003
WATER RESOURCES
WESTERN REGION

IN REPLY
REFER TO:

PN-3100
WTR-1.10

Mr. Gary Spackman
Hearing Officer
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Subject: Application for Exchange of Water Right Nos. 02-2341, 02-2358, and 02-2420 in the Name of United Water Idaho

Dear Mr. Spackman:

Pursuant to the request of your correspondence of March 5, 2003, please find enclosed a calendar with my unavailable dates for the months of April, May, June, and July of 2003 marked.

Please contact me with any questions or concerns at 208-378-5306.

Sincerely,

E. Gail McGarry
Program Manager
Water Rights and Acquisition

Enclosure

May

Farris Fereday Barker

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20 BOR	21	22	23	24
25	26 BOR	27	28	29 United Water	30	31

2003

June

BOR x Fereday Barker

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 x	4 x x	5 x	6 x	7
8	9	10	11 x	12 x	13	14
15	16	17 BOR	18 BOR	19 BOR	20 x	21
22	23 x	24 x x	25 x	26 x x	27 x	28
29	30 x					

2003

July

Barker Farris Feredey Honsinger

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 X	2 X	3 X	4 BOR X	5
6	7	8 X	9	10 X	11	12
13	14	15	16 BOR X	17 BOR X X	18 X X	19
20	21 X	22	23 X	24 X	25 X	26
27	28	29 X	30	31		

2003

RINGERT CLARK
CHARTERED LAWYERS

RECEIVED
MAR 14 2003
WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
Patrick D. Furey
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
William F. Ringert
Daniel V. Steenson
Allyn L. Sweeney

Samuel Kaufman (1924-1986)

March 13, 2003

Mr. Gary Spackman
Hearing Officer
Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Exchange of Water Right Nos. 02-2341, 02-2358 and 02-2420 in the Name of United Water Idaho

Dear Mr. Spackman:

Pursuant to the request in your correspondence of March 5, 2003, please find enclosed a calendar with my unavailable dates for the months of April, May, June and July 2003 marked.

Please contact me with any questions or concerns.

Sincerely,

Charles L. Honsinger

enclosure

cc: Gordon Law
Ed Squires

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of March, 2003, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

United Water Idaho
Jeff Fereday
John Marshall
Christopher Meyer
Givens Pursley
P.O. Box 2720
Boise, Idaho 83701

E. Gail McGarry PN-3100
Bureau of Reclamation
1150 N. Curtis Rd., Ste. 100
Boise, Idaho 83706-1234

Pioneer Irrigation District
Scott L. Campbell
Moffatt Thomas
P.O. Box 829
Boise, Idaho 83701-0829

Nampa & Meridian Irrigation Dist.
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701-2773

Twin Falls Canal Co. et. al.
John K. Simpson
Barker Rosholt & Simpson
P.O. Box 2139
Boise, ID 83701-2139

Boise Project Board of Control
Albert Barker
Barker Rosholt & Simpson
P.O. 2139
Boise, Idaho 83701-2139

Charles L. Honsinger

April

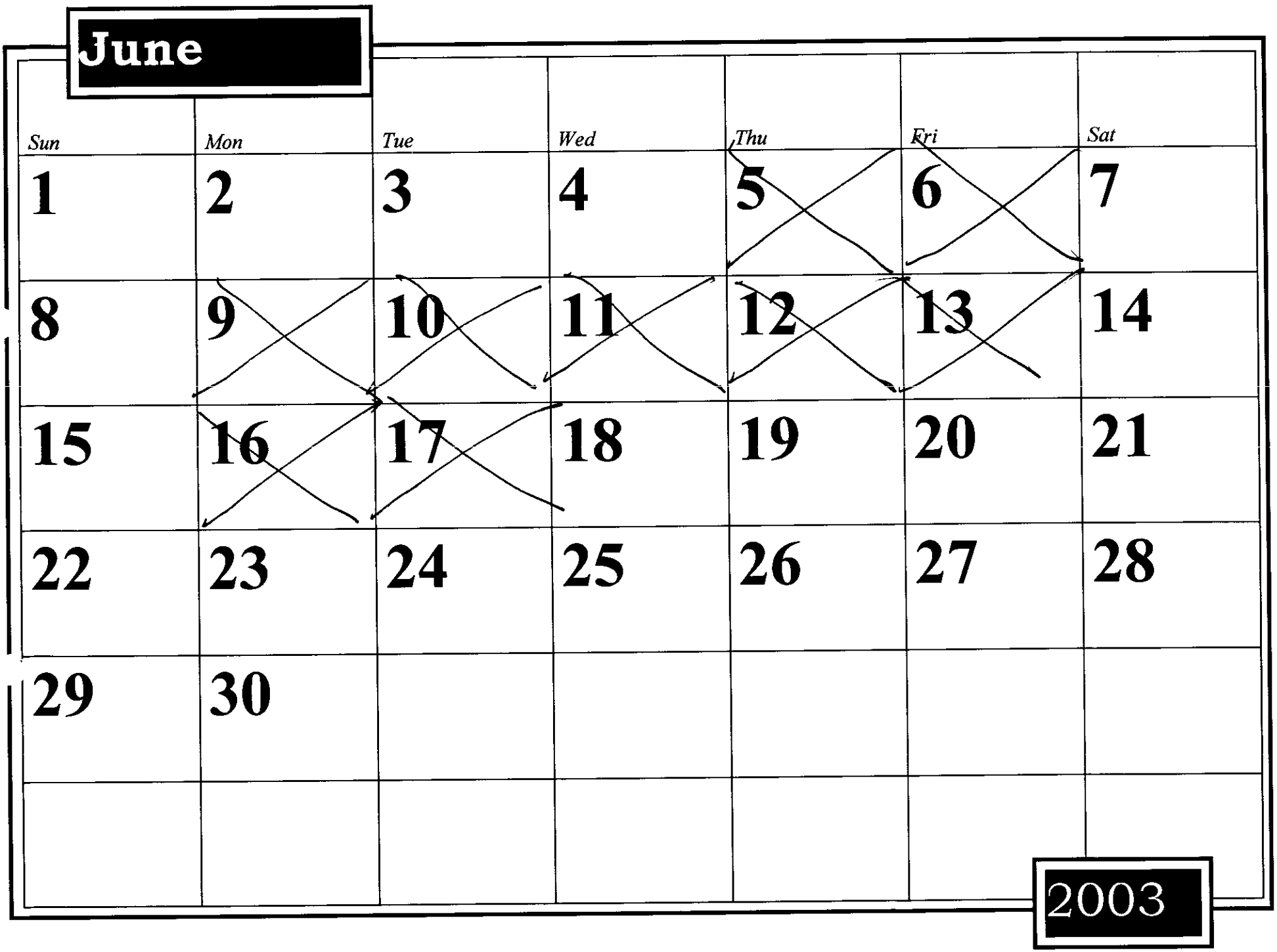
Sun	*Mon*	*Tue*	*Wed*	*Thu*	*Fri*	*Sat*
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

2003

May

Sun	*Mon*	*Tue*	*Wed*	*Thu*	*Fri*	*Sat*
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

2003


June
Sun
Mon
Tue
Wed
Thu
Fri
Sat
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
2003

July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

2003

GIVENS PURSLEY LLP

LAW OFFICES
277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Direct Dial: (208) 388-1217
E-Mail: jcf@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Deborah E. Nelson
Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan
Michael C. Orr *
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas**
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL

John A. Miller, LL.M. ***
TAX CONSULTANT

*Licensed in Oregon only
**Licensed in Washington, D.C. only
***Licensed in Kentucky only

March 13, 2003

VIA US MAIL

RECEIVED
MAR 14 2003
WATER RESOURCES
WESTERN REGION

Gary L. Spackman
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Exchange of Water Right Nos. 02-2341, 02-2358 and 02-02420
Our File: 30-116

Dear Gary:

I am attaching a copy of the calendar months of April, May, June, and July 2003 indicating the days I would not be available for a prehearing conference on the above referenced application. Our preference is for the earliest possible date all parties are available.

If you have any questions, please call me.

Sincerely,

Jeffrey C. Fereday

JCF/tma
Enclosures
cc: Protestants
H. Scott Rhead
S:\CLIENTS\30\116\JCF to Spackman re possible prehearing dates.DOC

Jeff Fereday's unavailable dates x

April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 x	2 x	3 x	4 x	5
6	7	8	9	10	11	12
13	14	15 x	16 x	17 x	18 x	19
20	21	22	23	24	25	26
27	28	29	30			

2003

Jeff Fereday's unavailable dates x

May

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 X	2 X	3
4	5	6	7	8	9	10
11	12 X	13 X	14 X	15 X	16 X	17
18	19	20	21	22	23	24
25	26 X	27	28	29	30	31

2003

Jeff Foreday's unavailable dates X

June

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11 X	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26 X	27	28
29	30					

2003

Jeff Teredaijz unavailable dates X

July

Sun	*Mon*	*Tue*	*Wed*	*Thu*	*Fri*	*Sat*
		1	2	3	4 X	5
6	7	8	9	10	11	12
13	14	15	16	17 X	18 X	19
20	21	22	23 X	24 X	25 X	26
27	28	29	30	31		

2003

John A. Rosholt
Albert P. Barker
John K. Simpson
Amy D. Chestnut
Travis L. Thompson

BARKER
ROSHOLT
&
SIMPSON
LLP

205 N. 10th Street, Ste 520
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

233 Second Street N., Ste D
Twin Falls, ID 83301
(208) 733-0700 telephone
(208) 735-2444 facsimile
brs@idahowaters.com

March 11, 2003

RECEIVED
MAR 11 2003
Department of Water Resources

RECEIVED
MAR 12 2003
WATER RESOURCES
WESTERN REGION

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: Application for Exchange of Water Right Nos. 02-2341, 02-2358, and 02-2420 in the name of United Water ID, Inc.

Dear Mr. Spackman:

Enclosed please find the unavailable dates for Albert P. Barker, as requested in your letter of March 5, 2003.

Thank you,

Jaime Tucker
Secretary to Albert P. Barker

Enclosure

April

Sun	*Mon*	*Tue*	*Wed*	*Thu*	*Fri*	*Sat*
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

2003

July

Sun	*Mon*	*Tue*	*Wed*	*Thu*	*Fri*	*Sat*
		1 X	2 X	3 X	4	5
6	7	8	9	10 X	11	12
13	14	15	16	17 X	18	19
20	21 X	22	23	24	25	26
27	28	29	30	31		

2003

May

Sun	*Mon*	*Tue*	*Wed*	*Thu*	*Fri*	*Sat*
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

2003

RINGERT
CLARK
CHARTERED
LAWYERS

RECEIVED
MAR 1 0 2003
WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

March 10, 2003

Mr. Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Application for Exchange of Water Right Nos. 02-2341, 0-2358 and 02-2420 in the Name of United Water ID, Inc.

Dear Mr. Spackman:

Per your letter of March 5, 2003, enclosed please find a copy of the Calendar months of April through July which indicate my unavailable dates.

Please contact me if you have any questions or comments.

Yours very truly,

S. Bryce Farris

SBF:kw
Enclosures

April

Sun	*Mon*	*Tue*	*Wed*	*Thu*	*Fri*	*Sat*
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

2003

May

Sun	*Mon*	*Tue*	*Wed*	*Thu*	*Fri*	*Sat*
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

2003

June

Sun	*Mon*	*Tue*	*Wed*	*Thu*	*Fri*	*Sat*
1	2	3	4 12:00	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

2003

July

Sun	*Mon*	*Tue*	*Wed*	*Thu*	*Fri*	*Sat*
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 5, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

UNITED WATER IDAHO INC
8248 W VICTORY RD
PO BOX 7488
BOISE ID 83709-4165

Re: Application for Exchange of Water Right Nos. 02-2341, 02-2358 and 02-2358

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application for exchange of water rights. You should be aware that the following are the criteria we consider when either approving or denying an application for exchange or water rights:

1. Are the water rights proposed for exchange valid?
2. Will other water rights be injured by approval of the exchange?
3. Will the exchange constitute an enlargement in the use of the water right(s)?
4. Is the proposed exchange consistent with conservation of the waters of the State of Idaho?
5. Is the exchange in the local public interest?
6. After receiving input from the watermaster, can the water rights be properly administered and regulated?

On February 3, 2003 the Bureau of Reclamation (BOR) protested the exchange and on February 14, 2003 BOR agreed to withdraw their protest subject to certain conditions.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Normally, IDWR sends a notice of prehearing conference with this letter. Because of the large number of parties and associated attorneys, blind scheduling of a hearing date will almost certainly result in conflicts with preexisting commitments. Enclosed is a copy of the calendar months of April, May, June, and July 2003. Please mark unavailable dates and return to me before March 21, 2003. I will schedule the prehearing conference shortly thereafter.

If we may be of assistance, please contact us.

Sincerely,

Gary Spackman

GS:st
Encl. Copy of protests
Encl. Calendars

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

RECEIVED
MAR 10 2003
Department of Water Resources

March 5, 2003

TO: Those Listed Below:

Re: Application for Exchange of Water Right Nos. 02-2341, 02-2358 and 02-2420 in the Name of United Water ID, Inc.

Dear Protestant:

This office acknowledges receipt of your protests opposing the above-referenced application for exchange of water rights. The following are the criteria we consider when either approving or denying an application for exchange of water right:

1. Are the water rights proposed for exchange valid?
2. Will other water rights be injured by approval of the exchange?
3. Will the exchange constitute an enlargement in the use of the water right(s)?
4. Is the proposed exchange consistent with conservation of the waters of the State of Idaho?
5. Is the exchange in the local public interest?
6. After receiving input from the watermaster, can the water rights be properly administered and regulated?

On February 3, 2003 the Bureau of Reclamation (BOR) protested the exchange and on February 14, 2003 BOR agreed to withdraw their protest subject to certain conditions.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Normally, IDWR sends a notice of prehearing conference with this letter. Because of the large number of parties and associated attorneys, blind scheduling of a hearing date will almost certainly result in conflicts with preexisting commitments. Enclosed is a copy of the

MICROFILMED
MAR 18 2003

Calendar months of April, May, June, and July 2003. Please mark unavailable dates and return to me before March 21, 2003. I will schedule the prehearing conference shortly thereafter.

If we may be of assistance, please contact us.

Sincerely,

Gary Spackman

GS:st
Encl. Calendars

BOISE PROJECT BOARD OF CONTROL
C/O ALBERT BARKER
PO BOX 2139
BOISE ID 83701-2139

E GAIL MCGARRY PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

NAMPA & MERIDIAN IRRIG DIST
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

CITY OF CALDWELL
CHARLES L HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

PIONEER IRRIG DIST
SCOTT CAMPBELL
MOFFAT THOMAS
PO BOX 829
BOISE ID 83701

TWIN FALLS CANAL CO ETAL
JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-6034

MICROFILMED
APR 16 2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 5, 2003

TO: Those Listed Below:

Re: Application for Exchange of Water Right Nos. 02-2341, 02-2358 and 02-2420 in the Name of United Water ID, Inc.

Dear Protestant:

This office acknowledges receipt of your protests opposing the above-referenced application for exchange of water rights. The following are the criteria we consider when either approving or denying an application for exchange of water right:

1. Are the water rights proposed for exchange valid?

2. Will other water rights be injured by approval of the exchange?

3. Will the exchange constitute an enlargement in the use of the water right(s)?

4. Is the proposed exchange consistent with conservation of the waters of the State of Idaho?

5. Is the exchange in the local public interest?

6. After receiving input from the watermaster, can the water rights be properly administered and regulated?

On February 3, 2003 the Bureau of Reclamation (BOR) protested the exchange and on February 14, 2003 BOR agreed to withdraw their protest subject to certain conditions.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Normally, IDWR sends a notice of prehearing conference with this letter. Because of the large number of parties and associated attorneys, blind scheduling of a hearing date will almost certainly result in conflicts with preexisting commitments. Enclosed is a copy of the

Calendar months of April, May, June, and July 2003. Please mark unavailable dates and return to me before March 21, 2003. I will schedule the prehearing conference shortly thereafter.

If we may be of assistance, please contact us.

Sincerely,

Gary Spackman

GS:st
Encl. Calendars

BOISE PROJECT BOARD OF CONTROL
C/O ALBERT BARKER
PO BOX 2139
BOISE ID 83701-2139

E GAIL MCGARRY PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

NAMPA & MERIDIAN IRRIG DIST
S BRYCE FARRIS
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

CITY OF CALDWELL
CHARLES L HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

PIONEER IRRIG DIST
SCOTT CAMPBELL
MOFFAT THOMAS
PO BOX 829
BOISE ID 83701

TWIN FALLS CANAL CO ETAL
JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-6034

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application Number: Amended Exchange 02-02341, 02-02358, 02-02420

Applicant's Name: United Water Idaho Inc.

Watermaster's Recommendation:

a) _____ I do not oppose approval of this application.

b) X I do not oppose approval of this application if it is conditioned as follows:

Same conditions as placed on orginal recommendations for these rights.

c) _____ I oppose approval of this application for the following reasons:

d) Additional Comments:

Dated this 4 day of March, 2003

Water District Number: 63 Watermaster's Signature Lee Sievers

Use back side of this page if you need more space

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 5, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

UNITED WATER IDAHO INC
8248 W VICTORY RD
PO BOX 7488
BOISE ID 83709-4165

Re: Application for Exchange of Water Right Nos. 02-2341, 02-2358 and 02-2358

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application for exchange of water rights. You should be aware that the following are the criteria we consider when either approving or denying an application for exchange or water rights:

1. Are the water rights proposed for exchange valid?
2. Will other water rights be injured by approval of the exchange?
3. Will the exchange constitute an enlargement in the use of the water right(s)?
4. Is the proposed exchange consistent with conservation of the waters of the State of Idaho?
5. Is the exchange in the local public interest?
6. After receiving input from the watermaster, can the water rights be properly administered and regulated?

On February 3, 2003 the Bureau of Reclamation (BOR) protested the exchange and on February 14, 2003 BOR agreed to withdraw their protest subject to certain conditions.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Normally, IDWR sends a notice of prehearing conference with this letter. Because of the large number of parties and associated attorneys, blind scheduling of a hearing date will almost certainly result in conflicts with preexisting commitments. Enclosed is a copy of the calendar months of April, May, June, and July 2003. Please mark unavailable dates and return to me before March 21, 2003. I will schedule the prehearing conference shortly thereafter.

If we may be of assistance, please contact us.

Sincerely,

Gary Spackman

MICROFILMED

APR 1 6 2003

GS:st
Encl. Copy of protests
Encl. Calendars

RECEIVED
FEB 24 2003
Department of Water Resources

Daniel V. Steenson (ISB #4332)
Charles L. Honsinger (ISB#5240)
S. Bryce Farris (ISB #5636)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Nampa & Meridian Irrigation District

RECEIVED
FEB 26 2003
WATER RESOURCES
WESTERN REGION
C06754

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER re WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGES WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE**

Nampa & Meridian Irrigation District (NMID), by and through its counsel of record, Daniel V. Steenson, Charles L. Honsinger and S. Bryce Farris of the law firm Ringert Clark Chartered, 455 S. Third Street, P.O. Box 2773, Boise, Idaho 83701-2773, hereby protests the Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. NMID is an irrigation district, duly organized pursuant to Idaho law, operating within Ada and Canyon counties, Idaho. It possesses natural flow and storage water rights in the Boise River. It also possess groundwater rights. NMID utilizes its water rights to provide irrigation water deliveries to more than 60,000 acres of land within its service area.

2. NMID files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

3. NMID contends the water exchange proposed by the application would violate Idaho

MICROFILMED
APR 15 2003

Code sections 42-1763B and 42-240.

4. NMID contends that the proposed water exchange will injure NMID's water rights.

5. NMID contends that this proposed water exchange may impact United Water Idaho's pending Integrated Municipal Application Package.

The mailing address for Nampa & Meridian Irrigation District is, 1503 First Street South, Nampa, Idaho 83651.

DATED this 24th day of February, 2003.

RINGERT CLARK CHARTERED

By _____
S. Bryce Farris
Attorneys for NMID

MICROFILMED
APR 16 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of February, 2003, I caused a true and correct copy of the foregoing Protest Against United Water Idaho's Application for Water Exchange to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(×) Hand Delivery
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
P.O. Box 2720
Boise, Idaho 83701

(×) U.S. Mail, Postage Prepaid
( ) Hand Delivery
( ) Overnight Mail
( ) Facsimile

S. Bryce Farris

MICROFILMED
APR 16 2003

RECEIVED
FEB 24 2003
Department of Water Resources

Daniel V. Steenson (ISB #4332)
Charles L. Honsinger (ISB #5240)
S. Bryce Farris (ISB #5636)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for City of Caldwell

RECEIVED
FEB 25 2003
WATER RESOURCES
WESTERN REGION
C067549

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER RE: WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGES WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE**

The City of Caldwell, by and through its counsel, Daniel V. Steenson, Charles L. Honsinger, and S. Bryce Farris of the law firm Ringert Clark Chartered, 455 S. Third Street, P.O. Box 2773, Boise, Idaho 83701-2773, hereby protests the Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. The City of Caldwell is a municipal corporation, duly organized pursuant to Idaho law. It possess groundwater rights to provide municipal water deliveries to its citizens.

2. The City of Caldwell contends the water exchange proposed by the application would violate Idaho Code sections 42-1763B and 42-240.

3. The City of Caldwell files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

MICROFILMED
APR 16 2003

4. The City of Caldwell contends that the proposed water exchange may injure the City's water rights.

5. The City of Caldwell contends that the proposed water exchange may be inconsistent with the conservation of water resources within the State of Idaho.

6. The City of Caldwell contends that the proposed water exchange may not be in the local public interest as defined in section 42-203A, Idaho Code.

7. The City of Caldwell contends that the water supply necessary to satisfy the proposed water exchange may be insufficient for the purposes for which the exchange is sought.

8. The City of Caldwell contends that the proposed water exchange may impact, or may be impacted by the applicant's currently pending Integrated Municipal Application Package (Consisting of 99 Applications for Transfers of Water Rights, And13 Applications for Amendment of Permits)

The mailing address for the City of Caldwell is: 621 E. Cleveland, Caldwell, ID 83605.

DATED this 24th day of February, 2003.

RINGERT CLARK CHARTERED

By _____
Charles L. Honsinger
Attorneys for the City of Caldwell

MICROFILMED
APR 16 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of February, 2003, I caused a true and correct copy of the foregoing Protest Against United Water Idaho's Application for Water Exchange to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(X) Hand Delivery
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
P.O. Box 2720
Boise, Idaho 83701

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivery
( ) Overnight Mail
( ) Facsimile

Charles L. Honsinger

MICROFILMED
APR 16 2003

RECEIVED
FEB 24 2003
WATER RESOURCES
WESTERN REGION
W030097

Albert P. Barker, ISB 2867
BARKER ROSHOLT & SIMPSON LLP
P. O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Boise Project Board of Control

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE FOR WATER RIGHT NOS. 2-2341, 2-2358 AND 2-2420	)	**NOTICE OF PROTEST**
APPLICANT: UNITED WATER IDAHO, INC.	)	

THE BOISE PROJECT BOARD OF CONTROL ON ITS BEHALF AND ON THE BEHALF OF IT MEMBER IRRIGATION DISTRICTS, BOISE- KUNA, BIG BEND, NAMPA & MERIDIAN, NEW YORK AND WILDER, (collectively hereinafter referred to as the "Protestant"), by and through its attorneys BARKER ROSHOLT & SIMPSON LLP, files its Notice of Protest to the approval of the above Application for Exchange filed in the name of UNITED WATER IDAHO, INC.

The basis for the Protestant's protest is as follows:

1. The proposed diversion and use of the waters described in the aforesaid application violates all, or a portion of, the criteria set forth in Idaho Code Sections 42-203A(5), and 42-240, 42-1763B.

2. For such other and further reasons as may be set forth at the hearing on this matter.

MICROFILMED

DATED this 24th day of February 2003.

BARKER ROSHOLT & SIMPSON LLP

By: _____
Albert P. Barker

Attorney for Protestant

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of February 2003, I served a copy of the foregoing *NOTICE OF PROTEST*, to the following by the method indicated:

By Hand Delivery:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

By Facsimile and U.S. Mail, postage prepaid:

United Water Idaho, Inc.
8248 W. Victory Rd.
P.O. Box 7488
Boise, Idaho 83707
Fax: (208) 362-1479

Roger Ling
LING & ROBINSON
P.O. Box 396
Rupert, ID 83350
Fax: (208) 436-6804

Scott Campbell
MOFFAT THOMAS ET. AL
P.O. Box 829
Boise, ID 83701-0829
Fax: (208) 385-5384

Jerry Rigby
RIGBY THATCHER ET. AL
P.O. Box 250
Rexburg, ID 83340-0250
Fax: (208) 356-0768

_____
Albert P. Barker

APR 16 2003

MICROFILMED
APR 16 2003

RECEIVED
FEB 19 2003
Department of Water Resources

Scott L. Campbell, ISB No. 2251
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18946.26

Attorneys for Pioneer Irrigation District

RECEIVED
FEB 25 2003
WATER RESOURCES
WESTERN REGION
C067500

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER re WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGED WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S AMENDED APPLICATION FOR WATER EXCHANGE**

Pioneer Irrigation District ("Pioneer"), by and through its counsel of record, Scott L. Campbell of the law firm Moffatt Thomas Barrett Rock & Fields, Chtd., 101 S. Capitol Blvd., 10th Floor, P.O. Box 829, Boise, ID 83701-0829, hereby protests the Amended Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. Pioneer is an irrigation district, duly organized pursuant to Idaho law, operating within Ada and Canyon counties, Idaho. It possesses natural flow and storage water

MICROFILMED
APR 16 2003

rights in the Boise River. It also possess groundwater rights. Pioneer utilizes its water rights to provide irrigation water deliveries to approximately 34,000 acres of land within its service area.

2. Pioneer contends the water exchange proposed by the application would violate Idaho Code sections 42-1763B and 42-240.

3. Pioneer files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

4. Pioneer contends that the proposed water exchange will injure Pioneer's water rights.

The mailing address for Pioneer Irrigation District is, Post Office Box 426, Caldwell, Idaho 83606.

DATED this 19th day of February 2003.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By _____
Scott L. Campbell - Of the Firm
Attorneys for Pioneer Irrigation District

MICROFILMED
APR 16 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of February 2003, I caused a true and correct copy of the foregoing **PROTEST AGAINST UNITED WATER IDAHO'S AMENDED APPLICATION FOR WATER EXCHANGE** to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
Post Office Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(X) Hand Delivered
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
PO Box 2720
Boise, ID 83701
Fax: 388-1300

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivered
( ) Overnight Mail
( ) Facsimile

Scott L. Campbell

MICRO

FEB 19 2003

W030088Kg

John K. Simpson, ISB # 4242
Travis L. Thompson, ISB # 6168
BARKER ROSHOLT & SIMPSON LLP
P. O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

RECEIVED
FEB 2 1 2003
WATER RESOURCES
WESTERN REGION

Roger D. Ling, ISB # 1018
LING & ROBINSON
P.O. Box 396
Rupert, ID 83350
Telephone: (208) 436-4717
Facsimile: (208) 436-6804

Jerry R. Rigby, ISB # 2470
RIGBY THATCHER ANDRUS RIGBY KAM & MOELLER, CHTD.
P.O. Box 250
Rexburg, Idaho 83340-0250
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

Attorneys for Twin Falls Canal Company, North Side Canal Company, A & B Irrigation District, Burley Irrigation District, Falls Irrigation District, Aberdeen-Springfield Canal Company, Fremont-Madison Irrigation District, Peoples Canal & Irrigation, Snake River Valley Irrigation, Idaho Irrigation District, Egin Bench Canals, Inc., North Fremont Canal Systems, Inc., Progressive Irrigation District, Enterprise Irrigation District, New Sweden Irrigation District, Harrison Canal & Irrigation Co., Burgess Canal & Irrigation, and the Committee of Nine

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE FOR WATER RIGHT NOS. 2-2341, 2-2358 AND 2-2420 APPLICANT: UNITED WATER IDAHO, INC.	**NOTICE OF PROTEST**

The TWIN FALLS CANAL COMPANY, NORTH SIDE CANAL COMPANY, A & B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, FALLS IRRIGATION

MICROFILMED
APR 1 6 2003

DISTRICT, ABERDEEN-SPRINGFIELD CANAL COMPANY, FREMONT-MADISON IRRIGATION DISTRICT, PEOPLES CANAL & IRRIGATION, SNAKE RIVER VALLEY IRRIGATION, IDAHO IRRIGATION DISTRICT, EGIN BENCH CANALS, INC., NORTH FREMONT CANAL SYSTEMS, INC., PROGRESSIVE IRRIGATION DISTRICT, ENTERPRISE IRRIGATION DISTRICT, NEW SWEDEN IRRIGATION DISTRICT, HARRISON CANAL & IRRIGATION CO., BURGESS CANAL & IRRIGATION, and THE COMMITTEE OF NINE (collectively hereinafter referred to as the "Protestant"), by and through its attorneys BARKER ROSHOLT & SIMPSON LLP, LING & ROBINSON, and RIGBY THATCHER ANDRUS RIGBY KAM & MOELLER CHTD., files its Notice of Protest to the approval of the above Application for Exchange filed in the name of UNITED WATER IDAHO, INC. The basis for the Protestant's protest is as follows:

1. The proposed diversion and use of the waters described in the aforesaid application violates all, or a portion of, the criteria set forth in Idaho Code Sections 42-203A(5), and 42-240.

2. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 21st day of February 2003.

BARKER ROSHOLT & SIMPSON LLP

LING & ROBINSON

RIGBY THATCHER ANDRUS RIGBY KAM & MOELLER CHTD.

By: _____
John K. Simpson

Attorneys for Protestant

MICROFILMED
APR 16 2003

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February 2003, I served a copy of the foregoing *NOTICE OF PROTEST*, to the following by the method indicated:

By Hand Delivery:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

By Facsimile and U.S. Mail, postage prepaid:

United Water Idaho, Inc.
8248 W. Victory Rd.
P.O. Box 7488
Boise, Idaho 83707
Fax: (208) 362-1479

John K. Simpson

MICRO
APR 16 2003

RECEIVED
FEB 14 2003
WATER RESOURCES
WESTERN REGION

Jeffrey C. Fereday ISB #2719
Deborah E. Nelson ISB #5711
GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
S:\CLIENTS\30\116\Stipulation and Withdrawal of Protest (Bureau).DOC

Attorneys for United Water Idaho Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420	**STIPULATION AND WITHDRAWAL OF PROTEST**

RECITALS

1. This agreement is entered into by United Water Idaho Inc. ("United Water") and the United States Department of Interior, acting through the Bureau of Reclamation ("Bureau").

2. On December 19, 2002, United Water filed an Application for Exchange of Water ("Application") with regard to Water Right Nos. 02-2341, 02-2358, and 02-2420 ("Snake River Water Rights") with the Idaho Department of Water Resources ("Department"). The purpose of the Application is to exchange deliveries under the Snake River water rights for fish augmentation flows released by the Bureau in the Boise River. The Application is accompanied by an Attachment A, which sets forth several conditions that are hereby incorporated by reference into this Stipulation.

3. On January 27, 2003, United Water filed an Amended Application for Exchange of Water ("Amended Application") with the Department. The Amended Application is identical to the Application, except that an alternate point of diversion is added. The description and

MICROFILMED
SEP 15 2003

June

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

2003

conditions set forth in Attachment A to the Amended Application are the same as in the Application and are hereby incorporated by reference into this Stipulation.

4. On February 3, 2003, the Bureau filed a protest to the Application.

5. To resolve the Bureau's protest, the parties have negotiated an additional condition to those set forth in Attachment A to the Amended Application to be included in any approval by the Department of the Amended Application. The additional condition is set forth in paragraph 6 below.

STIPULATION AND WITHDRAWAL OF PROTEST

6. In consideration of the above recitals and with the understanding that the following condition shall become part of any approval of United Water's Amended Application, the Bureau hereby withdraws its protest to the Application and agrees not to file any protest to the Amended Application:

> At any time when the exchange would otherwise be in effect, if measured or calculated Boise River flows at either of the two alternate points of diversion are less than 240 cfs during the period beginning June 16 and ending February 29, then the exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, then the exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal.

7. United Water agrees and requests this condition be incorporated into any approval of its Amended Application.

DATED this 14th day of February 2003.

Counsel for United Water Idaho Inc.

E. Gail McGarry,
Program Manager, Water Rights and Acquisition,
Pacific Northwest Region, Bureau of Reclamation,

MICROFILMED
APR 16 2003

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February 2003, I served a true and correct copy of the foregoing STIPULATION AND WITHDRAWAL OF PROTEST by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

Scott L. Campbell, Esq.
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capital Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829

_X_ U.S. Mail
___ Facsimile
___ Hand Delivery
___ Overnight Mail

E. Gail McGarry, P.E.
Program Manager
Water Rights & Acquisitions
Pacific Northwest Region
U.S. Bureau of Reclamation
1150 N. Curtis Road
Boise, ID 83706-1234

_X_ U.S. Mail
___ Facsimile
___ Hand Delivery
___ Overnight Mail

Deborah E. Nelson

MICRO...
SEP 16 2003

RECEIVED
FEB 18 2003
WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Michael G. McPeek
Kirk R. Helvie
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin

C. Clayton Gill
David P. Gardner
Casey C. Robertson
Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Bradley J. Dixon
Keasa L. Hollister
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt,
1907-1980

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

February 14, 2003

Steve Lester
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Re: Amended Application for Exchange of Water in the Name of United Water Idaho, Inc.
MTBR&F File No. 18946.46

Dear Steve:

This correspondence will confirm the general content of our telephone conversation on February 13, 2003. I inquired concerning the need to file an amended protest to the Amended Application for Exchange of Water in view of the original protest filed on behalf of Pioneer Irrigation District on February 3, 2003. You indicated that it would not be necessary to file a new or amended protest to deal with the change to the Application for Exchange of Water, reflected by the Amended Application. Based upon that assurance, I will take no action to file an amended protest on behalf of Pioneer Irrigation District. If my understanding of the Department's interpretation of the procedures in this regard is incorrect, please notify me in writing.

Very truly yours,

Scott L. Campbell

SLC/dll
cc: Client
Service List

MICROFILMED
APR 16 2003

OK SL 2/19/03

RECEIVED
FEB 14 2003
WATER RESOURCES
WESTERN REGION

Jeffrey C. Fereday ISB #2719
Deborah E. Nelson ISB #5711
GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
S:\CLIENTS\30\116\Stipulation and Withdrawal of Protest (Bureau).DOC

Attorneys for United Water Idaho Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420	**STIPULATION AND WITHDRAWAL OF PROTEST**

RECITALS

1. This agreement is entered into by United Water Idaho Inc. ("United Water") and the United States Department of Interior, acting through the Bureau of Reclamation ("Bureau").

2. On December 19, 2002, United Water filed an Application for Exchange of Water ("Application") with regard to Water Right Nos. 02-2341, 02-2358, and 02-2420 ("Snake River Water Rights") with the Idaho Department of Water Resources ("Department"). The purpose of the Application is to exchange deliveries under the Snake River water rights for fish augmentation flows released by the Bureau in the Boise River. The Application is accompanied by an Attachment A, which sets forth several conditions that are hereby incorporated by reference into this Stipulation.

3. On January 27, 2003, United Water filed an Amended Application for Exchange of Water ("Amended Application") with the Department. The Amended Application is identical to the Application, except that an alternate point of diversion is added. The description and

conditions set forth in Attachment A to the Amended Application are the same as in the Application and are hereby incorporated by reference into this Stipulation.

4. On February 3, 2003, the Bureau filed a protest to the Application.

5. To resolve the Bureau's protest, the parties have negotiated an additional condition to those set forth in Attachment A to the Amended Application to be included in any approval by the Department of the Amended Application. The additional condition is set forth in paragraph 6 below.

STIPULATION AND WITHDRAWAL OF PROTEST

6. In consideration of the above recitals and with the understanding that the following condition shall become part of any approval of United Water's Amended Application, the Bureau hereby withdraws its protest to the Application and agrees not to file any protest to the Amended Application:

> At any time when the exchange would otherwise be in effect, if measured or calculated Boise River flows at either of the two alternate points of diversion are less than 240 cfs during the period beginning June 16 and ending February 29, then the exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, then the exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal.

7. United Water agrees and requests this condition be incorporated into any approval of its Amended Application.

DATED this 14th day of February 2003.

Counsel for United Water Idaho Inc.

E. Gail McGarry,
Program Manager, Water Rights and Acquisition,
Pacific Northwest Region, Bureau of Reclamation,

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February 2003, I served a true and correct copy of the foregoing STIPULATION AND WITHDRAWAL OF PROTEST by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

Scott L. Campbell, Esq.
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capital Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829

X U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

E. Gail McGarry, P.E.
Program Manager
Water Rights & Acquisitions
Pacific Northwest Region
U.S. Bureau of Reclamation
1150 N. Curtis Road
Boise, ID 83706-1234

X U.S. Mail
____ Facsimile
____ Hand Delivery
____ Overnight Mail

Deborah E. Nelson

RECEIVED
FEB 3 - 2003
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under section 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all the necessary information.

1. Matter being protested Application for Exchange of Water, Water Rights Nos. 02-2341, 02-2358, 02-2420 by United Water Idaho Inc., PO Box 7488, Boise ID 83707

2. Name of Protestant United States Department of Interior Bureau of Reclamation

3. Protestant's representative for service (if different than Protestant)
E. Gail McGarry, Manager Water Rights and Acquisition, Pacific Northwest Regional Office, Bureau of Reclamation

4. Service mailing address
PN-3100, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise Idaho 83706

5. Service telephone number (208) 378-5306

6. Basis of protest (including statement of facts and law upon which the protest is based)
Injury

7. What would resolve your protest?
In addition to conditions requested in Attachment A of Application, inclusion of the following condition: Exchange is terminated upon IDWR approval of any of the following if it includes as a place of use the lands appurtenant to water rights 02-2341, 02-2358, 02-2420: 1) any new appropriation by permit or license, 2) any transfer, or 3) any rental from the water bank.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3RD day of Feb., 2003

United States

PROTESTANT

E. Gail McGarry

PROTESTANT'S REPRESENTATIVE

RECEIVED
FEB 05 2003
WATER RESOURCES
WESTERN REGION

Rec.# C067174

Certificate of Service

The undersigned does hereby certify that on this 3rd day of February, 2003, he or she caused a true and correct copy of the Protest of Exchange of Water Rights 0-02341, 02-02358, 02-02420 transmitted by U.S. mail to the following:

United Water Idaho Inc.
P.O. Box 7488
Boise, ID 83707

Deborah E. Nelson
Givens Pursley LLP
PO 2729
Boise, Idaho 83701

and hand delivered to:
The Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706-2237

E. Gail McGarry

RECEIVED
FEB 3 - 2003
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under section 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all the necessary information.

1. Matter being protested Application for Exchange of Water, Water Rights Nos. 02-2341, 02-2358, 02-2420 by United Water Idaho Inc., PO Box 7488, Boise ID 83707

2. Name of Protestant United States Department of Interior Bureau of Reclamation

3. Protestant's representative for service (if different than Protestant)
E. Gail McGarry, Manager Water Rights and Acquisition, Pacific Northwest Regional Office, Bureau of Reclamation

4. Service mailing address
PN-3100, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise Idaho 83706

5. Service telephone number (208) 378-5306

6. Basis of protest (including statement of facts and law upon which the protest is based)
Injury

7. What would resolve your protest?
In addition to conditions requested in Attachment A of Application, inclusion of the following condition: Exchange is terminated upon IDWR approval of any of the following if it includes as a place of use the lands appurtenant to water rights 02-2341, 02-2358, 02-2420: 1) any new appropriation by permit or license, 2) any transfer, or 3) any rental from the water bank.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3RD day of Feb., 2003

United States

PROTESTANT

E. Gail McGarry

PROTESTANT'S REPRESENTATIVE

RECEIVED
FEB 05 2003
WATER RESOURCES
WESTERN REGION

Rec.# C067174

SEP 16 2003

Certificate of Service

The undersigned does hereby certify that on this 3rd day of February, 2003, he or she caused a true and correct copy of the Protest of Exchange of Water Rights 0-02341, 02-02358, 02-02420 transmitted by U.S. mail to the following:

United Water Idaho Inc.
P.O. Box 7488
Boise, ID 83707

Deborah E. Nelson
Givens Pursley LLP
PO 2729
Boise, Idaho 83701

and hand delivered to:
The Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706-2237

E. Gail McGarry

MICRO
FEB 16 2003

RECEIVED
FEB 24 2003
Department of Water Resources

Daniel V. Steenson (ISB #4332)
Charles L. Honsinger (ISB #5240)
S. Bryce Farris (ISB #5636)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for City of Caldwell

RECEIVED
FEB 25 2003
WATER RESOURCES
WESTERN REGION
C067549

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER RE: WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGES WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE**

The City of Caldwell, by and through its counsel, Daniel V. Steenson, Charles L. Honsinger, and S. Bryce Farris of the law firm Ringert Clark Chartered, 455 S. Third Street, P.O. Box 2773, Boise, Idaho 83701-2773, hereby protests the Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. The City of Caldwell is a municipal corporation, duly organized pursuant to Idaho law. It possess groundwater rights to provide municipal water deliveries to its citizens.

2. The City of Caldwell contends the water exchange proposed by the application would violate Idaho Code sections 42-1763B and 42-240.

3. The City of Caldwell files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

4. The City of Caldwell contends that the proposed water exchange may injure the City's water rights.

5. The City of Caldwell contends that the proposed water exchange may be inconsistent with the conservation of water resources within the State of Idaho.

6. The City of Caldwell contends that the proposed water exchange may not be in the local public interest as defined in section 42-203A, Idaho Code.

7. The City of Caldwell contends that the water supply necessary to satisfy the proposed water exchange may be insufficient for the purposes for which the exchange is sought.

8. The City of Caldwell contends that the proposed water exchange may impact, or may be impacted by the applicant's currently pending Integrated Municipal Application Package (Consisting of 99 Applications for Transfers of Water Rights, And13 Applications for Amendment of Permits)

The mailing address for the City of Caldwell is: 621 E. Cleveland, Caldwell, ID 83605.

DATED this 24th day of February, 2003.

RINGERT CLARK CHARTERED

By _____
Charles L. Honsinger
Attorneys for the City of Caldwell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of February, 2003, I caused a true and correct copy of the foregoing Protest Against United Water Idaho's Application for Water Exchange to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(X) Hand Delivery
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
P.O. Box 2720
Boise, Idaho 83701

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivery
( ) Overnight Mail
( ) Facsimile

Charles L. Honsinger

RECEIVED
FEB 24 2003
WATER RESOURCES
WESTERN REGION
W030097

Albert P. Barker, ISB 2867
BARKER ROSHOLT & SIMPSON LLP
P. O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Boise Project Board of Control

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE FOR WATER RIGHT NOS. 2-2341, 2-2358 AND 2-2420	)	**NOTICE OF PROTEST**
APPLICANT: UNITED WATER IDAHO, INC.	)	

THE BOISE PROJECT BOARD OF CONTROL ON ITS BEHALF AND ON THE BEHALF OF IT MEMBER IRRIGATION DISTRICTS, BOISE- KUNA, BIG BEND, NAMPA & MERIDIAN, NEW YORK AND WILDER, (collectively hereinafter referred to as the "Protestant"), by and through its attorneys BARKER ROSHOLT & SIMPSON LLP, files its Notice of Protest to the approval of the above Application for Exchange filed in the name of UNITED WATER IDAHO, INC.

The basis for the Protestant's protest is as follows:

1. The proposed diversion and use of the waters described in the aforesaid application violates all, or a portion of, the criteria set forth in Idaho Code Sections 42-203A(5), and 42-240, 42-1763B.

2. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 24th day of February 2003.

BARKER ROSHOLT & SIMPSON LLP

By: _____
Albert P. Barker

Attorney for Protestant

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February 2003, I served a copy of the foregoing *NOTICE OF PROTEST*, to the following by the method indicated:

By Hand Delivery:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

By Facsimile and U.S. Mail, postage prepaid:

United Water Idaho, Inc.
8248 W. Victory Rd.
P.O. Box 7488
Boise, Idaho 83707
Fax: (208) 362-1479

Roger Ling
LING & ROBINSON
P.O. Box 396
Rupert, ID 83350
Fax: (208) 436-6804

Scott Campbell
MOFFAT THOMAS ET. AL
P.O. Box 829
Boise, ID 83701-0829
Fax: (208) 385-5384

Jerry Rigby
RIGBY THATCHER ET. AL
P.O. Box 250
Rexburg, ID 83340-0250
Fax: (208) 356-0768

_____
Albert P. Barker

RECEIVED
FEB 24 2003
Department of Water Resources

Daniel V. Steenson (ISB #4332)
Charles L. Honsinger (ISB#5240)
S. Bryce Farris (ISB #5636)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Nampa & Meridian Irrigation District

RECEIVED
FEB 26 2003
WATER RESOURCES
WESTERN REGION
C06754)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER re WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGES WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE**

Nampa & Meridian Irrigation District (NMID), by and through its counsel of record, Daniel V. Steenson, Charles L. Honsinger and S. Bryce Farris of the law firm Ringert Clark Chartered, 455 S. Third Street, P.O. Box 2773, Boise, Idaho 83701-2773, hereby protests the Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. NMID is an irrigation district, duly organized pursuant to Idaho law, operating within Ada and Canyon counties, Idaho. It possesses natural flow and storage water rights in the Boise River. It also possess groundwater rights. NMID utilizes its water rights to provide irrigation water deliveries to more than 60,000 acres of land within its service area.

2. NMID files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

3. NMID contends the water exchange proposed by the application would violate Idaho

Code sections 42-1763B and 42-240.

4. NMID contends that the proposed water exchange will injure NMID's water rights.

5. NMID contends that this proposed water exchange may impact United Water Idaho's pending Integrated Municipal Application Package.

The mailing address for Nampa & Meridian Irrigation District is, 1503 First Street South, Nampa, Idaho 83651.

DATED this 24th day of February, 2003.

RINGERT CLARK CHARTERED

By _____
S. Bryce Farris
Attorneys for NMID

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of February, 2003, I caused a true and correct copy of the foregoing Protest Against United Water Idaho's Application for Water Exchange to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(X) Hand Delivery
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
P.O. Box 2720
Boise, Idaho 83701

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivery
( ) Overnight Mail
( ) Facsimile

S. Bryce Farris

RECEIVED
FEB 18 2003
WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Michael G. McPeek
Kirk R. Helvie
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin

C. Clayton Gill
David P. Gardner
Casey C. Robertson
Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Bradley J. Dixon
Keasa L. Hollister
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt,
1907-1980

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

February 14, 2003

Steve Lester
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Re: Amended Application for Exchange of Water in the Name of United Water Idaho, Inc.
MTBR&F File No. 18946.46

Dear Steve:

This correspondence will confirm the general content of our telephone conversation on February 13, 2003. I inquired concerning the need to file an amended protest to the Amended Application for Exchange of Water in view of the original protest filed on behalf of Pioneer Irrigation District on February 3, 2003. You indicated that it would not be necessary to file a new or amended protest to deal with the change to the Application for Exchange of Water, reflected by the Amended Application. Based upon that assurance, I will take no action to file an amended protest on behalf of Pioneer Irrigation District. If my understanding of the Department's interpretation of the procedures in this regard is incorrect, please notify me in writing.

Very truly yours,

Scott L. Campbell

SLC/dll
cc: Client
Service List

OK ✓ SL 2/19/03

RECEIVED
FEB 19 2003
Department of Water Resources

Scott L. Campbell, ISB No. 2251
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18946.26

Attorneys for Pioneer Irrigation District

RECEIVED
FEB 25 2003
WATER RESOURCES
WESTERN REGION
C 067500

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER re WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGED WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S AMENDED APPLICATION FOR WATER EXCHANGE**

Pioneer Irrigation District ("Pioneer"), by and through its counsel of record, Scott L. Campbell of the law firm Moffatt Thomas Barrett Rock & Fields, Chtd., 101 S. Capitol Blvd., 10th Floor, P.O. Box 829, Boise, ID 83701-0829, hereby protests the Amended Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. Pioneer is an irrigation district, duly organized pursuant to Idaho law, operating within Ada and Canyon counties, Idaho. It possesses natural flow and storage water

rights in the Boise River. It also possess groundwater rights. Pioneer utilizes its water rights to provide irrigation water deliveries to approximately 34,000 acres of land within its service area.

2. Pioneer contends the water exchange proposed by the application would violate Idaho Code sections 42-1763B and 42-240.

3. Pioneer files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

4. Pioneer contends that the proposed water exchange will injure Pioneer's water rights.

The mailing address for Pioneer Irrigation District is, Post Office Box 426, Caldwell, Idaho 83606.

DATED this 19th day of February 2003.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By _____
Scott L. Campbell - Of the Firm
Attorneys for Pioneer Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of February 2003, I caused a true and correct copy of the foregoing **PROTEST AGAINST UNITED WATER IDAHO'S AMENDED APPLICATION FOR WATER EXCHANGE** to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
Post Office Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(X) Hand Delivered
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
PO Box 2720
Boise, ID 83701
Fax: 388-1300

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivered
( ) Overnight Mail
( ) Facsimile

Scott L. Campbell

W030088Kg

John K. Simpson, ISB # 4242
Travis L. Thompson, ISB # 6168
BARKER ROSHOLT & SIMPSON LLP
P. O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

RECEIVED
FEB 2 1 2003
WATER RESOURCES
WESTERN REGION

Roger D. Ling, ISB # 1018
LING & ROBINSON
P.O. Box 396
Rupert, ID 83350
Telephone: (208) 436-4717
Facsimile: (208) 436-6804

Jerry R. Rigby, ISB # 2470
RIGBY THATCHER ANDRUS RIGBY KAM & MOELLER, CHTD.
P.O. Box 250
Rexburg, Idaho 83340-0250
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

Attorneys for Twin Falls Canal Company, North Side Canal Company, A & B Irrigation District, Burley Irrigation District, Falls Irrigation District, Aberdeen-Springfield Canal Company, Fremont-Madison Irrigation District, Peoples Canal & Irrigation, Snake River Valley Irrigation, Idaho Irrigation District, Egin Bench Canals, Inc., North Fremont Canal Systems, Inc., Progressive Irrigation District, Enterprise Irrigation District, New Sweden Irrigation District, Harrison Canal & Irrigation Co., Burgess Canal & Irrigation, and the Committee of Nine

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE FOR WATER RIGHT NOS. 2-2341, 2-2358 AND 2-2420 APPLICANT: UNITED WATER IDAHO, INC.	**NOTICE OF PROTEST**

The TWIN FALLS CANAL COMPANY, NORTH SIDE CANAL COMPANY, A & B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, FALLS IRRIGATION

DISTRICT, ABERDEEN-SPRINGFIELD CANAL COMPANY, FREMONT-MADISON IRRIGATION DISTRICT, PEOPLES CANAL & IRRIGATION, SNAKE RIVER VALLEY IRRIGATION, IDAHO IRRIGATION DISTRICT, EGIN BENCH CANALS, INC., NORTH FREMONT CANAL SYSTEMS, INC., PROGRESSIVE IRRIGATION DISTRICT, ENTERPRISE IRRIGATION DISTRICT, NEW SWEDEN IRRIGATION DISTRICT, HARRISON CANAL & IRRIGATION CO., BURGESS CANAL & IRRIGATION, and THE COMMITTEE OF NINE (collectively hereinafter referred to as the "Protestant"), by and through its attorneys BARKER ROSHOLT & SIMPSON LLP, LING & ROBINSON, and RIGBY THATCHER ANDRUS RIGBY KAM & MOELLER CHTD., files its Notice of Protest to the approval of the above Application for Exchange filed in the name of UNITED WATER IDAHO, INC. The basis for the Protestant's protest is as follows:

1. The proposed diversion and use of the waters described in the aforesaid application violates all, or a portion of, the criteria set forth in Idaho Code Sections 42-203A(5), and 42-240.

2. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 21st day of February 2003.

BARKER ROSHOLT & SIMPSON LLP

LING & ROBINSON

RIGBY THATCHER ANDRUS RIGBY KAM & MOELLER CHTD.

By: _____
John K. Simpson

Attorneys for Protestant

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February 2003, I served a copy of the foregoing *NOTICE OF PROTEST*, to the following by the method indicated:

By Hand Delivery:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

By Facsimile and U.S. Mail, postage prepaid:

United Water Idaho, Inc.
8248 W. Victory Rd.
P.O. Box 7488
Boise, Idaho 83707
Fax: (208) 362-1479

John K. Simpson

Boise
Idaho Falls
Pocatello

RECEIVED
FEB 0 4 2003
WATER RESOURCES
WESTERN REGION

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Michael G. McPeek
Kirk R. Helvie
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin

C. Clayton Gill
David P. Gardner
Casey C. Robertson
Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Bradley J. Dixon
Keasa L. Hollister
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt,
1907-1980

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

February 3, 2003

Idaho Department Of Water Resources
Western Region Office
2735 Airport Way
Boise, Id 83705

Re: Protest of Pioneer Irrigation District United Water Idaho's Application for Exchange of Water
MTBR&F File No. ufo.5432

Dear Western Region Office:

Please find enclosed a courtesy copy of the Protest Against United Water Idaho's Application for Exchange of Water regarding water right numbers 02-02341, 02-02358 and 02-02420. The original, appropriate number of copies and filing fee were hand delivered to the IDWR State office on February 3, 2003.

If you have any questions, please contact this office

Very truly yours,

Deborah L. Long
Administrative Assistant to Scott L. Campbell

/dll
Enclosures
cc: Client

RECEIVED
FEB 3 - 2003
Department of Water Resources

Scott L. Campbell, ISB No. 2251
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18946.26

Attorneys for Pioneer Irrigation District

RECEIVED
FEB 05 2003
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER re WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGED WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE**

Pioneer Irrigation District ("Pioneer"), by and through its counsel of record, Scott L. Campbell of the law firm Moffatt Thomas Barrett Rock & Fields, Chtd., 101 S. Capitol Blvd., 10th Floor, P.O. Box 829, Boise, ID 83701-0829, hereby protests the Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. Pioneer is an irrigation district, duly organized pursuant to Idaho law, operating within Ada and Canyon counties, Idaho. It possesses natural flow and storage water

rights in the Boise River. It also possess groundwater rights. Pioneer utilizes its water rights to provide irrigation water deliveries to approximately 34,000 acres of land within its service area.

2. Pioneer contends the water exchange proposed by the application would violate Idaho Code sections 42-1763B and 42-240.

3. Pioneer files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

4. Pioneer contends that the proposed water exchange will injure Pioneer's water rights.

The mailing address for Pioneer Irrigation District is, Post Office Box 426, Caldwell, Idaho 83606.

DATED this 3rd day of February 2003.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell - Of the Firm
Attorneys for Pioneer Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of February 2003, I caused a true and correct copy of the foregoing **PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE** to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
Post Office Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(X) Hand Delivered
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
PO Box 2720
Boise, ID 83701
Fax: 388-1300

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivered
( ) Overnight Mail
( ) Facsimile

Scott L. Campbell

Boise
Idaho Falls
Pocatello

RECEIVED
FEB 0 4 2003
WATER RESOURCES
WESTERN REGION

Moffatt Thomas
MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Michael G. McPeek
Kirk R. Helvie
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin

C. Clayton Gill
David P. Gardner
Casey C. Robertson
Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Bradley J. Dixon
Keasa L. Hollister
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt,
1907-1980

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

February 3, 2003

Idaho Department Of Water Resources
Western Region Office
2735 Airport Way
Boise, Id 83705

Re: Protest of Pioneer Irrigation District United Water Idaho's Application for Exchange of Water
MTBR&F File No. ufo.5432

Dear Western Region Office:

Please find enclosed a courtesy copy of the Protest Against United Water Idaho's Application for Exchange of Water regarding water right numbers 02-02341, 02-02358 and 02-02420. The original, appropriate number of copies and filing fee were hand delivered to the IDWR State office on February 3, 2003.

If you have any questions, please contact this office

Very truly yours,

Deborah L. Long
Administrative Assistant to Scott L. Campbell

/dll
Enclosures
cc: Client

MICROFILMED
APR 1 6 2003

RECEIVED
FEB 3 - 2003
Department of Water Resources

Scott L. Campbell, ISB No. 2251
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18946.26

Attorneys for Pioneer Irrigation District

RECEIVED
FEB 05 2003
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF UNITED WATER IDAHO INC.'S APPLICATION FOR EXCHANGE OF WATER re WATER RIGHT NOS. 02-02341, 02-02358, AND 02-02420 TO BE EXCHANGED WITH FISH-AUGMENTATION FLOWS RELEASED BY THE BUREAU OF RECLAMATION	**PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE**

Pioneer Irrigation District ("Pioneer"), by and through its counsel of record, Scott L. Campbell of the law firm Moffatt Thomas Barrett Rock & Fields, Chtd., 101 S. Capitol Blvd., 10th Floor, P.O. Box 829, Boise, ID 83701-0829, hereby protests the Application for Water Exchange in this matter. This Protest is based upon the following factual and legal issues:

1. Pioneer is an irrigation district, duly organized pursuant to Idaho law, operating within Ada and Canyon counties, Idaho. It possesses natural flow and storage water

MICROFILMED
SEP 16 2003

rights in the Boise River. It also possess groundwater rights. Pioneer utilizes its water rights to provide irrigation water deliveries to approximately 34,000 acres of land within its service area.

2. Pioneer contends the water exchange proposed by the application would violate Idaho Code sections 42-1763B and 42-240.

3. Pioneer files this protest pursuant to Idaho Code sections 42-240 and 42-203A.

4. Pioneer contends that the proposed water exchange will injure Pioneer's water rights.

The mailing address for Pioneer Irrigation District is, Post Office Box 426, Caldwell, Idaho 83606.

DATED this 3rd day of February 2003.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell - Of the Firm
Attorneys for Pioneer Irrigation District

MICROFILMED
APR 16 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of February 2003, I caused a true and correct copy of the foregoing **PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE** to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
Post Office Box 83720
Boise, Idaho 83720

( ) U.S. Mail, Postage Prepaid
(X) Hand Delivered
( ) Overnight Mail
( ) Facsimile

United Water Idaho Inc.
Jeffrey Fereday
Givens Pursley, LLP
PO Box 2720
Boise, ID 83701
Fax: 388-1300

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivered
( ) Overnight Mail
( ) Facsimile

Scott L. Campbell

MICROFILMED
FEB 16 2003

RECEIVED
JAN 2 7 2003
WATER RESOURCES
WESTERN REGION

Pg. 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source. A filing fee must be submitted with this application.

1. INFORMATION ABOUT THE APPLICANT

Applicant United Water Idaho Inc.
(Name of Applicant)

P. O. Box 7488, Boise, ID 83707 Telephone No.: 362-1300
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged 02-02341, 02-02358, and 02-02420, to be exchanged with fish-augmentation flows released by the Bureau of Reclamation.
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant N/A
(Name of Applicant)

_____ Telephone No.: _____
(Mailing Address) (Zip Code)

3. EXCHANGE AGREEMENT — Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION — Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A — For an exchange involving two or more water right holders.

The applicant proposes to divert ___ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

1. made available to the co-applicant for diversion at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township Range _____ B.M., _____County.
   Additional points of diversion, if any: _____

2. released from storage by the co-applicant into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _ Sec. Township _____ Range _____ B.M., _____ County.

AMENDED 1/27/03

MICROFILMED
APR 1 8 2003

Pg. 2

Part B — For an exchange involving only the applicant's water right(s).

The applicant proposes to divert 35.21 cfs and/or _____ acre feet per year of water at SE 1/4 of NE 1/4, Govt. Lot 7 Sec. 14 Township 3N Range 2E B.M., Ada County (Marden Street water treatment plant). Additional points of diversion, if any: NW¼, NE¼, Sec. 4, Township 2N, Range 3E, B.M., Ada County (planned Columbia Bench water treatment plant).

1. diverted from _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township Range B.M., _____ County and injected into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. Township _____ Range _____ B.M., _____ County.

2. released from storage by applicant into _____ at _____ 1/4 of _____ 1/4, Govt. Lot ___ Sec. Township _____ Range _____ B.M., _____ County.

Additional Explanation — Attach additional sheets if necessary.
See Attachments A, B, C, D, E, F, G and H

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. See Attachment A

5. **MAPS** — Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8 1/2" x 11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7 1/2-minute topographic quadrangles are preferred as base maps. See Attachment I.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gregory P. Wyatt, President — 1-23-03
Applicant's Signature and Title if application is for an organization) — Date

Gregory P. Wyatt, President
United Water Idaho Inc.

FOR DEPARTMENT USE ONLY

This exchange application contains 26 pages, including attachments. = Pg 1+2, Attachments A-I
Received by _____ Date 1-27-03 Fee $50.00 (Amendment fee to Republish)
Receipted by _____ Date 1-27-03 Receipt No. U0030012
Preliminary review by _____
Published in Statewide
Publication dates 2-6 & 13-03
Protests filed by 2-24-03
Copies of protests forwarded by _____
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____
Recommended for Approval _____ Denial _____ By _____

MICROFILMED

APR 16 2003

ATTACHMENT A

To Application for Exchange of Water
Filed by United Water Idaho

United Water Idaho Inc. ("United Water") has purchased licensed water right nos. 02-2341, 02-2358, and 02-2420 on the Snake River ("Snake River water rights"). Right no. 02-2341 is a 1964-priority right to divert 12.52 cubic feet per second ("cfs") for irrigation of 626 acres of land. Right no. 02-2358 is a 1964-priority right to divert 14.5 cfs for irrigation of 725 acres of land. Right no. 02-2420 is a 1963-priority right to divert 14.08 cfs for irrigation of 704 acres of land. The Snake River water rights share a combined diversion limitation of 35.21 cfs. Copies of the licenses for the Snake River water rights are attached to the Exchange Application as Attachments B, C, and D. Copies of the purchase deeds of these water rights are included as Attachments G and H. On July 15, 2002, United Water filed a Change of Ownership form with the Idaho Department of Water Resources ("IDWR") for the Snake River water rights.

The purpose of this Application is to exchange deliveries under the Snake River water rights for fish augmentation flows released by the U.S. Bureau of Reclamation ("Bureau") in the Boise River pursuant to Idaho Code § 42-1763B. During the last several years, the Bureau has augmented flows in the Boise River by releasing approximately 400 cfs from its Boise River reservoir system. The Bureau's flow releases, which are intended to improve downstream passage conditions for migrating juvenile salmon and steelhead, occur between June 10 and August 31. Idaho law provides authorities and procedures whereby IDWR may "shepherd" or otherwise assure this amount of water will be delivered to the mouth of the Boise River and then down the Snake River to the state border at Lewiston. Idaho Code § 42-1763B.

Under this exchange, during those times when the Bureau is making flow releases to the Boise River, United Water would be entitled to divert up to 35.21 cfs from the Boise River and simultaneously forego a like amount of diversions under the Snake River water rights. This amount of flow thus made available under the Snake River water rights would be delivered in the Snake River to the mouth of the Boise River where it would fully replace the depletion occurring to the Bureau's storage releases by way of United Water's Boise River diversions. United Water anticipates the Bureau would not oppose such a program provided the exchange water from the Snake River water rights fully replaces all depletions to the Bureau's storage releases.

United Water would divert the Boise River augmentation flows at or near its Marden Street plant and, alternatively, at or near its new water treatment plant—the Columbia Bench plant. At the Marden Street plant, United Water currently holds a 1993-priority water right, number 63-12055, which entitles United Water to divert 24.8 cfs of natural flow from the Boise River below the Diversion Dam for use in its municipal water supply system. The Marden Street water right carries a junior priority and generally is entitled to divert only during periods of higher flow in the winter or spring, and not necessarily in all years. A copy of the Marden Street water right is attached as Attachment E for the purpose of demonstrating one of the two alternate points of diversion to be used in this exchange.

MICROFILMED
2003

United Water has a pending application with IDWR for 20 cfs to be used at the Columbia Bench plant. United Water filed Application No. 63-31409 for Permit to Appropriate Waters of the State of Idaho on November 16, 2001. If approved, the Columbia Bench water right will carry a junior priority and would be entitled to divert only during periods of higher flow in the winter or spring, and not necessarily in all years. A copy of the Columbia Bench water right application is attached as Attachment F for the purpose of demonstrating one of the two alternate points of diversion to be used in this exchange.

The amounts United Water would divert from the Boise River under this exchange would be used within United Water's service area. To ensure this exchange will not injure other water rights, United Water requests that the following conditions be placed on this exchange:

1. United Water's diversions from the Boise River under this exchange would occur only during times when the Bureau is providing flow augmentation water from Boise River reservoirs, so as not to affect any senior Boise River water rights.

2. United Water's diversion from the Boise River under this exchange would not exceed the lesser of:

   a. The instantaneous rate at which the exchange water is available in priority under the Snake River water rights and is being delivered in the Snake River and administered in accordance with Idaho law to the confluence of the Boise and the Snake Rivers, not to exceed 35.21 cfs, or

   b. The instantaneous rate of the Bureau's Boise River reservoir releases for flow augmentation.

3. United Water recognizes that the Bureau is not expected or required to alter its operations in any way to accommodate this exchange, that the exchange depends upon the Bureau's release of such storage water, and that United Water is not entitled to demand that any storage releases occur.

4. United Water would divert from the Boise River under this exchange only pursuant to a lawful order of the Director of IDWR approving the exchange consistent with these conditions.

MICROFILMED
APR 1 6 2002

Attachment B

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-2341 Priority December 28, 1964 Amount 12.52 cfs

THIS IS TO CERTIFY, that Initial Butte Farms

of Nampa, Idaho, has complied with the terms and conditions of Permit No. 02-2341 issued pursuant to Application for Permit dated December 28, 1964, and has submitted proof to the Department of Water Resources on December 17, 1979, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 35.21 cfs of water from Snake River, tributary to Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 12.52 cfs	and 2817.0 acre feet
	from to	at cfs	and
	from to	at cfs	and

(both dates inclusive)

Subject, however, to the condition that no more than 12.52 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 2817.0 acre feet per year, said waters to be diverted within the Government Lot 4(SW¼NE¼), Section 35, Twp. 1S, Rge. 1W in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	1W	16	39	39	40	39	39	37	39	40	40	39	39	39	39	40	39	39	626

Total number of acres irrigated 626

This right when combined with Rights 02-2358 and 02-2420 shall not exceed 35.21 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of May, 19 83.

Acting for the Director

CONFIDENTIAL
SCANNED
MAR 18 2002
MICROFILMED
SEP 16 2003

Attachment C

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-2358 Priority July 28, 1964 Amount 14.50 cfs

THIS IS TO CERTIFY, that Initial Butte Farms, Inc.

of Nampa, Idaho, has complied with the terms and conditions of Permit No. 02-2358 issued pursuant to Application for Permit dated July 28, 1964, and has submitted proof to the Department of Water Resources on December 17, 1979, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 35.21 cfs of water from Snake River, tributary to Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 14.50 cfs and	3262.5 acre feet
	from to	at cfs and	
	from to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 14.50 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 3262.5 acre feet per year, said waters to be diverted within the Government Lot 4 (SW¼NE¼), Section 35, Twp. 1S, Rge. 1W in the County of Ada.

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	1W	26					38	38	38	39	38	40							231
		27	40	38	39	40	37	37	37	37					29				334
		28	40	40	40	40													160

Total number of acres irrigated 725

This right when combined with Rights 02-2420 and 02-2341 shall not exceed 35.21 cfs.

SCANNED

MAR 18 2002

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of May, 19 83.

MICROFILMED

APR 16 2003

Acting for the Director

Attachment D

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-2420 Priority December 31, 1963 Amount 14.08 cfs

THIS IS TO CERTIFY, that Initial Butte Farms

of Nampa, Idaho, has complied with the terms and conditions of Permit No. 02-2420 issued pursuant to Application for Permit dated December 31, 1963, and has submitted proof to the Department of Water Resources on December 17, 1979, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 35.21 cfs of water from Snake River, tributary to Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 14.08 cfs	and 3168.0 acre feet
	from	at cfs	and
	from	at cfs	and

(both dates inclusive)

Subject, however, to the condition that no more than 14.08 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 3168.0 acre feet per year, said waters to be diverted within the Government Lot 4 (SW¼NE¼), Section 35, Twp. 1S, Rge. 1W in the County of Ada.

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	1W	26	38	38	39	38									40	40			233
		36	39	38	39	39	39	39	39	39					40	40	40	40	471

Total number of acres irrigated 704

This right when combined with Right No. 02-2341 and Right No. 02-2358 shall not exceed 35.21 cfs.

SCANNED

MAR 2 6 2002

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25th day of April, 19 83.

MAR 2 6 2002

Acting for the Director

Attachment E

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12055

Proposed Priority: September 8, 1993 Maximum Diversion Rate: 24.80 CFS

This is to certify, that BOISE WATER CORPORATION
PO BOX 7488
BOISE ID 83707-7488
has applied for a permit to appropriate water from:
BOISE RIVER tributary of SNAKE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
MUNICIPAL	01/01 to 12/31	24.80 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SENE), Sec. 14, Township 03N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 2000.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. Use of water under this right is subject to control by the watermaster of State Water District No. 63.
6. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
7. The Director retains jurisdiction of this right and any license subsequently issued to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.

MICRO
SEP 1 6 2003
MAR 2 0

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12055

CONDITIONS/REMARKS:

8. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder shall contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
9. The issuance of this right in no way grants any right-of-way or easement across the land of another.
10. Place of use is within city limits of Boise and within the Area of Certification as shown by the 18th Amended Certificate of Convenience and Necessity No. 143 issued by the Idaho Public Utilities Commission.
11. The domestic use occurring under this municipal right shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
12. The daily diversion volume for the non-domestic uses under this municipal right shall not exceed 2,500 gallons per day in accordance with the provisions of Section 42-111, Idaho Code.
13. This permit authorizes irrigation of up to 1/2 acre within each platted subdivision lot upon which a domestic dwelling has been constructed.
14. Use of water for large projects such as irrigation of parks, golf courses, or sports activities fields is not authorized under this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

10th day of March, 1995

R. Keith Higginson, Director

for

MICR... APR 16 2003

Attachment F

Ident. No._____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMEMDED APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant: **United Water Idaho Inc. ("UWID")** Phone: **208-362-1704**

   Mailing address: **8248 W. Victory Road, P.O. Box 7488, Boise, Idaho 83709-4165**

2. Source of water supply: **Boise River** which is a tributary of **Snake River**

3. Location of points of diversion is: **Township 2N, Range 3E, Sec 4, NW ¼, NE ¼, Ada County; Township 3N, Range 2E, Sec 14, SE ¼, NE ¼ (lot 7), Ada County (existing river intake at Marden Treatment Plant)**

4. Water will be used for the following purposes (all dates inclusive)

   Amount: **20.0 cfs** for **municipal** purposes from **January 1 to December 31**

   Amount: **20.0 cfs** for **groundwater recharge** purposes from **January 1 to December 31**

5. Total quantity to be appropriated is (a) **20.0 cfs**

6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source: **Existing intake pipe and pump station to deliver water to proposed new treatment plant, existing intake structure for the Marden Treatment Plant.**
   b. Height of storage dam: **NA** active reservoir capacity: **NA** total reservoir capacity: **NA**
   c. Proposed well diameter and well depth is: **NA.**
   d. Is ground water with a temperature of greater than 85° being sought? **No** .
   e. If well is already drilled, when? **NA**; Drilling firm: **NA**

7. Time required for completion of works and application of water to proposed beneficial use is: **Five years** (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):
   a. Hydropower; show total feet of head and proposed capacity in kW: **NA**
   b. Stockwatering; list number and kind of livestock: **None**
   c. Municipal; show name of municipality. **United Water holds a franchise to supply water to Boise, Idaho and surrounding areas and is a municipal provider pursuant to I.C. § 202B(2)(b)**
   d. Other; describe fully: **NA**

9. Description of place of use: **Within the Service Area of United Water Idaho, Inc. (See Exhibit 1 to Attachment A).**
   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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

MICRO
SEP 16 2003

			NE				NW				SW				SE				
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	TOTALS

Total number of acres to be irrigated: **NA**

10. Describe any other water rights used for the same purposes as described above. **UWID holds approximately 100 licensed water rights and approximately 11 water right permits to supply water for municipal purposes to customers within its Service Area.**

11. a. Who owns the property at the point of diversion? **Applicant**

    b. Who owns the land to be irrigated or place of use? **NA**

    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: **Applicant is a regulated public utility with a duty to supply water to customers within its Service Area.**

12. Remarks: **See Attachment A.**

13. MAP OF PROPOSED PROJECT REQUIRED – Attach an 8 ½ x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.) **Maps attached as Exhibit 1 to Attachment A.**

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John M. Marshall
for United Water Idaho Inc.

Received by_____Date_____Time_____Preliminary check by_____
Fee $ _____Receipted by_____#_____Date_____
Publication prepared _____Date_____Published in_____
Publication approved_____Date_____

MICRO
APR 16 2003

ATTACHMENT A

United Water
Application for Permit
February 4, 2002

By this application, United Water seeks a permit for a municipal water right from the Boise River to supply a new drinking water treatment facility (the "Columbia Plant"). This new facility is necessary to serve the year-round municipal needs of the Treasure Valley's expanding population, primarily new growth in the eastern and southern portions of the Boise area where ground water supplies may be insufficient to meet current and anticipated municipal needs. The geographical location of the Columbia Plant, however, is such that it can supply water to any portion of United Water's interconnected delivery system.

United Water will build the Columbia plant in phases, with the first phase planned for completion in 2004. Under current plans and projections, additional production capacity will be added in 2006 and third expansion will occur in 2009, bringing the plant up to full designed capacity of 20.0 cfs. United Water will deliver water to the Columbia Plant via an existing river intake and pumping station adjacent to the Highway 21 bridge that United Water shares with Micron Technology, Inc. United Water has an existing delivery pipeline in place, along with related easements, through the Highway 21 right-of-way that will be extended to the plant site. A map of the plant location, river intake and pipeline is attached as Exhibit 1.

This permit seeks a water right to allow United Water to divert and use surface flows for the Columbia Plant when water is available in the river in excess of demand by senior diverters. United Water has consulted with Lee Sisco, Boise River Watermaster, to confirm that water is available for appropriation under this permit. The flow records at Lucky Peak indicate that water is available for this right during most years. *See* Exhibit 2.

United Water anticipates that the Columbia Plant at times will directly treat and deliver all 20.0 cfs diverted from the Boise River to its municipal customers. At other times when water under this right is available and United Water is using other sources or water rights to meet demand, United Water proposes to inject treated water into the aquifer underlying the Southeast Boise Ground Water Management Area (the "Boise-Fan Aquifer") as part of an aquifer storage and recovery ("ASR") project.

United Water will file a separate permit and associated mitigation plan to divert water out of the Boise-Fan Aquifer. United Water, in conjunction with the Department, has been instrumental in studying the Boise-Fan Aquifer. These studies confirm that the

RECEIVED
FEB 14 2002

Boise-Fan Aquifer is a confined aquifer, composed primarily of alluvial deposits, making it an ideal location for an ASR project.

United Water also has included the river intake at its existing Marden Treatment Plant as an alternate point of diversion for this proposed right and anticipates that this right may at times be diverted at that location. For water rights 63-12055, the existing permitted right to divert 24.8 cfs at the Marden site, United Water intends to apply to amend the permit to include the Columbia plant diversion structure as an alternate point of diversion, providing United Water flexibility to use its Boise River water rights at either treatment plant.

Because this application seeks a permit for diversions in excess of five cfs, Water Appropriation Rule 40 requires the submission of additional information. IDAPA 37.03.08.40.05(c)-(g). United Water's responses to these requirements are as follows:

Rule .05(c)(iii) (design, construction, or operation techniques to eliminate or reduce impacts on other water rights): The existing intake structure and pumping station includes a flow meter. Accurate metering, operating in conjunction with Idaho's priority system, will ensure that no injury occurs to other users. United Water will exercise the right sought by this permit only when all valid rights on the river with priority dates earlier than this right are satisfied.

Rule .05(d) (information about sufficiency of water supply): Exhibit 3 contains water flow information in the Boise River for the years 1994 through 2000. Notations on the charts indicate days during each of these years when the right sought by this permit would have been available for diversion. Per conversations with Lee Sisco, Boise River Watermaster, spring and summertime flows of approximately 4100 cfs in the Boise River satisfy all existing water rights. An additional 400-500 cfs of recorded flow is assumed to be salmon release flows in June and July. In the winter months, this proposed right would be in priority by agreement at flows above the 150 to 250 cfs minimum streamflow released from storage. As Exhibit 2 shows, water is available under this right during many years.

Rule .05(d)(i) (information about water requirements of proposed project): United Water has filed its Integrated Municipal Application Package (IMAP) with the Department. The IMAP provides details of the projected population and water demand in United Water's system over the next 50 years, documenting that the peak municipal demand that United Water will be expected to meet will increase by approximately 150 cfs over the next 50 years. The Columbia Plant, and this proposal to divert 20.0 cfs from the Boise River are a part of United Water's program to meet this future demand.

Rule .05(d)(ii) (information about aquifer properties): The Boise-Fan Aquifer that UWID intends to use for its ASR project is well studied. Relatively impermeable

subsurface structural features separate the aquifer from the Boise River and other aquifers underlying the Boise area. The Boise-Fan Aquifer itself, however, is composed primarily of alluvial fan deposits, providing for transmissivity and storativity features favorable for aquifer storage.

The report *Groundwater Conditions and Hydraulic Testing of the Boise-Fan Aquifer or Southeast Boise River Valley, Ada County Idaho* by Edward Squires et. al. provides a detailed analysis of the hydrogeology of the Boise-Fan Aquifer. A copy of this report is available upon request.

Rule .05(e)(i) (copies of deeds, easements, leases and similar documents): See Exhibit 3.

Rule .05(e)(ii) (copies of applications for other needed approvals): United Water is seeking approval of a conditional use permit from Ada County and approvals from the Idaho Department of Environmental Quality for meeting drinking water standards. Both approval processes are ongoing.

Rule .05(f)(i) (financial statement or financial commitment letter): Estimated construction costs are $12 million. As a public utility regulated by the Public Utilities Commission ("PUC"), United Water is required to meet municipal demand in the Boise area. The PUC approves reasonable investments in capital improvements and allows United Water to recover its costs through adjustments in its rate base.

Rule .05(f)(ii) (plans, specifications, and estimated construction costs): United Water has signed a contract with Montgomery Watson to design and build the Columbia Plant. Project design is underway and a preliminary plant layout has been developed, utilizing an innovative membrane treatment process. Detailed plans, however, are not yet available and are depend to some degree on the outcome of the application for a conditional use permit with Ada County. United Water will forward engineering plans when they are available.

Rule .05(g) (information relative to the local public interest): Letters were sent by United Water to each of the following:

1. John Priester
   County Engineer
   Ada County Development Services
   650 Main Street
   Boise, Idaho 83702

2. Rod Sando
   Director

MIC
APR 1 6 2003

Idaho Department of Fish & Game
600 South Walnut
Post Office Box 25
Boise, Idaho 83707

3. C. Stephen Allred
Director
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83712

4. Charles Mickelson
City Engineer
City of Boise Public Works Department
150 N. Capital, 4th Floor
Boise, Idaho 83702

Copies are attached as Exhibit 4. United Water has not received any responses.

MICR

WILD-MV

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 JUN 26 PM 12:07

RECORDED - REQUEST OF
FEE 9- DEPUTY

102071816

FIRST AMERICAN

When recorded return to:

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Deborah E. Nelson

Attachment G

WATER RIGHT GENERAL WARRANTY DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Southwest, Inc., an Idaho corporation whose address is, c/o Gene Stunz, 824 Reece Avenue, Nyssa, Oregon 97913 ("Grantor"), does hereby grant, bargain, sell, convey, and assign unto United Water Idaho Inc., an Idaho corporation whose address is 8248 Victory Road, Boise, Idaho 83709 ("Grantee"), all of Grantor's right, title and interest in and to the water rights represented by Water Right License Numbers 02-02341, 02-02358, and 02-02420 and Snake River Basin Adjudication ("SRBA") Claim Numbers A02-02341, A02-02358, and A02-02420 (the "Water Rights"), and also assigns such licenses and SRBA claims to Grantee. The Water Rights heretofore have been diverted and beneficially used by Grantor and are appurtenant to real property located in Ada County, Idaho, more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the Water Rights unto the Grantee, its successors and assigns, forever.

The Idaho Department of Water Resources shall be entitled to enter the change in ownership of the Water Rights effected hereby upon its records and those of the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

IN WITNESS WHEREOF, the Grantor has caused the Grantor's name to be subscribed to the within instrument effective the 26th day of June, 2002.

GRANTOR: SOUTHWEST, INC., an Idaho Corporation

By: Gene Stunz
Its: President

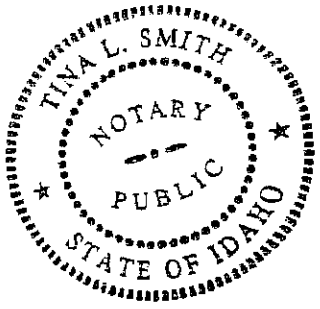
And By: Rosemary Henigson
Its: Secretary

MICR

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th, day of June, in the year 2002, before me, a Notary Public in and for the State of Idaho, personally appeared Gene Stunz and Rosemary Henigson, of Southwest, Inc., known or identified to me to be the president and secretary of the corporation that executed the instrument or the person or persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Tina L. Smith
Notary Public for Idaho
Residing at: Boise
My commission expires: 7-25-05

APR 16 2003

EXHIBIT A

Legal Description of Real Property to Which the Water Rights Are Appurtenant

Water Right No. 02-02341: All of Section 16, Township 1 South, Range 1 West, B.M., Ada County, on 626 acres.

Water Right No. 02-02358: NW¼ and N½SW¼ of Section 26; N½ and NE¼SE¼ of Section 27; and NE¼ of Section 28, all in Township 1 South, Range 1 West, B.M., Ada County, on 725 acres.

Water Right No. 02-02420: NE¼ and N½SE¼ in Section 26; and N½ and SE¼ of Section 36, all in Township 1 South, Range 1 West, B.M., Ada County, on 704 acres.

MICR[illegible]

AUG 15 2003

9 WILD-ML

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 JN 26 PM 12:07

RECORDED - REQUEST OF
FEE 9- DEPUTY

102071817

FIRST AMERICAN

When recorded return to:

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Deborah E. Nelson

Attachment H

WATER RIGHT GENERAL WARRANTY DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Duane Pancheri and Laura Pancheri, husband and wife, whose address is 19010 South Canada Road, Melba, Idaho 83614 ("Grantors"), do hereby grant, bargain, sell, convey, and assign unto United Water Idaho Inc., an Idaho corporation whose address is 8248 Victory Road, Boise, Idaho 83709 ("Grantee"), all of Grantors' right, title and interest in and to the water right represented by Water Right License Number 02-02358 and Snake River Basin Adjudication ("SRBA") Claim Number A02-02358 (the "Water Right"), and also assigns such license and SRBA claim to Grantee. The Water Right heretofore has been diverted and beneficially used by Grantors and is appurtenant to real property located in Ada County, Idaho, more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the Water Right unto the Grantee, its successors and assigns, forever.

The Idaho Department of Water Resources shall be entitled to enter the change in ownership of the Water Right effected hereby upon its records and those of the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

IN WITNESS WHEREOF, the Grantors have caused the Grantors' names to be subscribed to the within instrument effective the 26th day of June, 2002.

GRANTORS: DUANE PANCHERI

Duane Pancheri

LAURA PANCHERI

Laura Pancheri

MICRO

SEP 16 2003

STATE OF IDAHO)
) ss.:
County of Ada)

On this 26th day of June, 2002, before me, a Notary Public of the State of Idaho, appeared Duane Pancheri, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that they executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.

TINA L. SMITH NOTARY PUBLIC STATE OF IDAHO

Tina L. Smith
Notary Public of the State of Idaho
Residing at: Boise
My Commission Expires: 7-25-05

STATE OF IDAHO)
) ss.:
County of Ada)

On this 26th day of June, 2002, before me, a Notary Public of the State of Idaho, appeared Laura Pancheri, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that they executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.

TINA L. SMITH NOTARY PUBLIC STATE OF IDAHO

Tina L. Smith
Notary Public of the State of Idaho
Residing at: Boise
My Commission Expires: 7-25-05

MICRO[illegible]

APR [illegible] 2003

EXHIBIT A

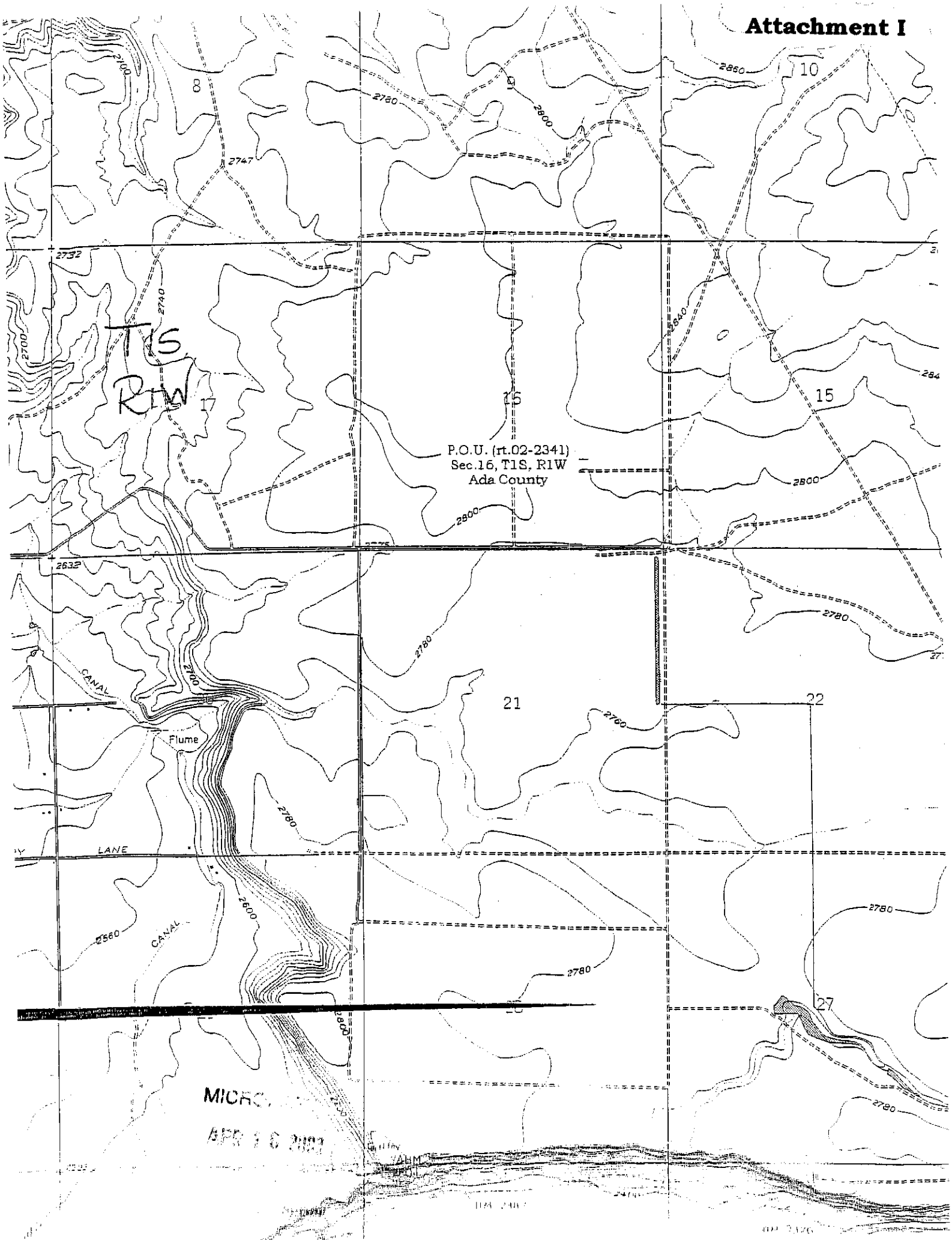
Legal Description of Real Property to Which the Water Right Is Appurtenant

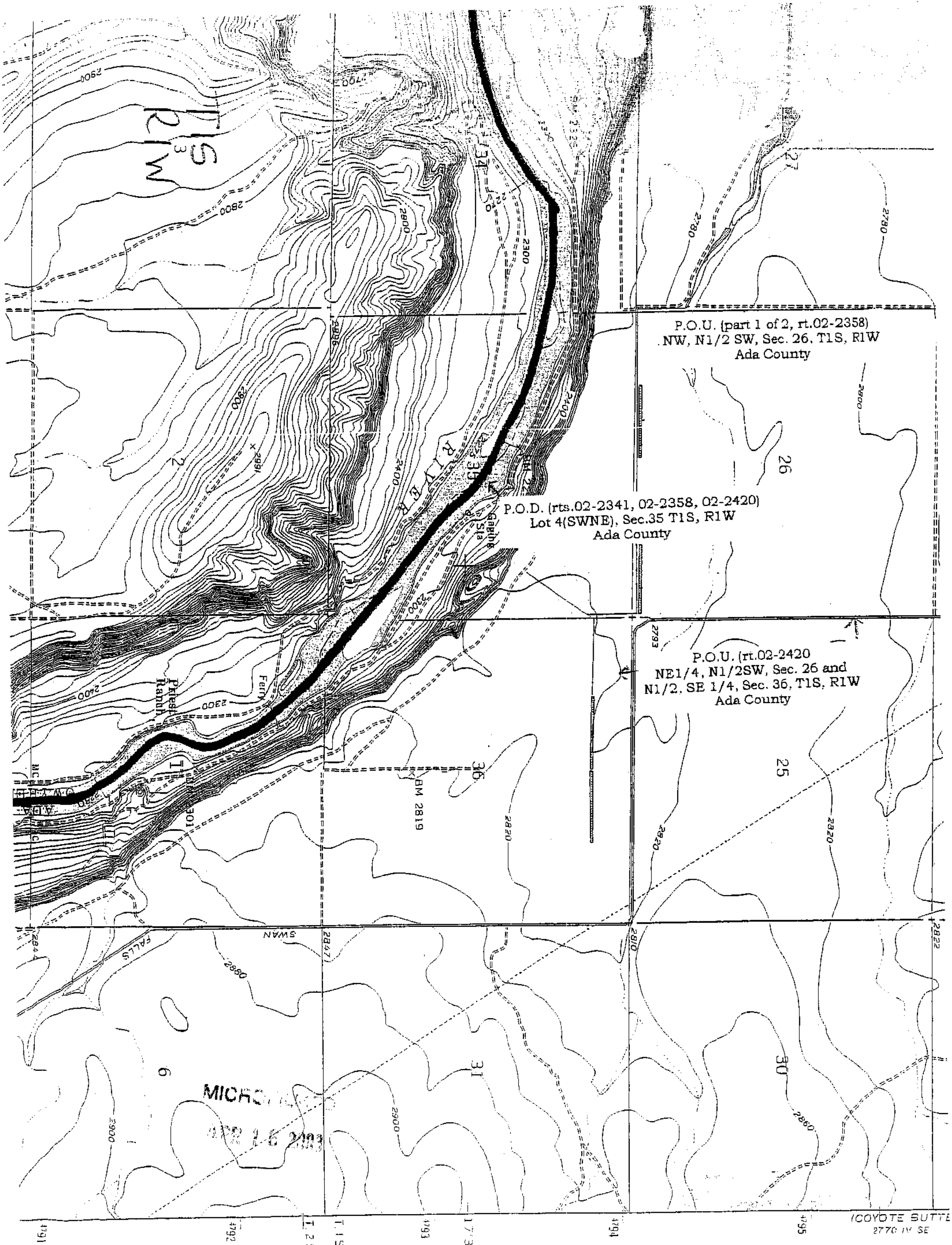
Water Right No. 02-02358: NW¼ and N½SW¼ of Section 26; N½ and NE¼SE¼ of Section 27; and NE¼ of Section 28, all in Township 1 South, Range 1 West, B.M., Ada County, on 725 acres.

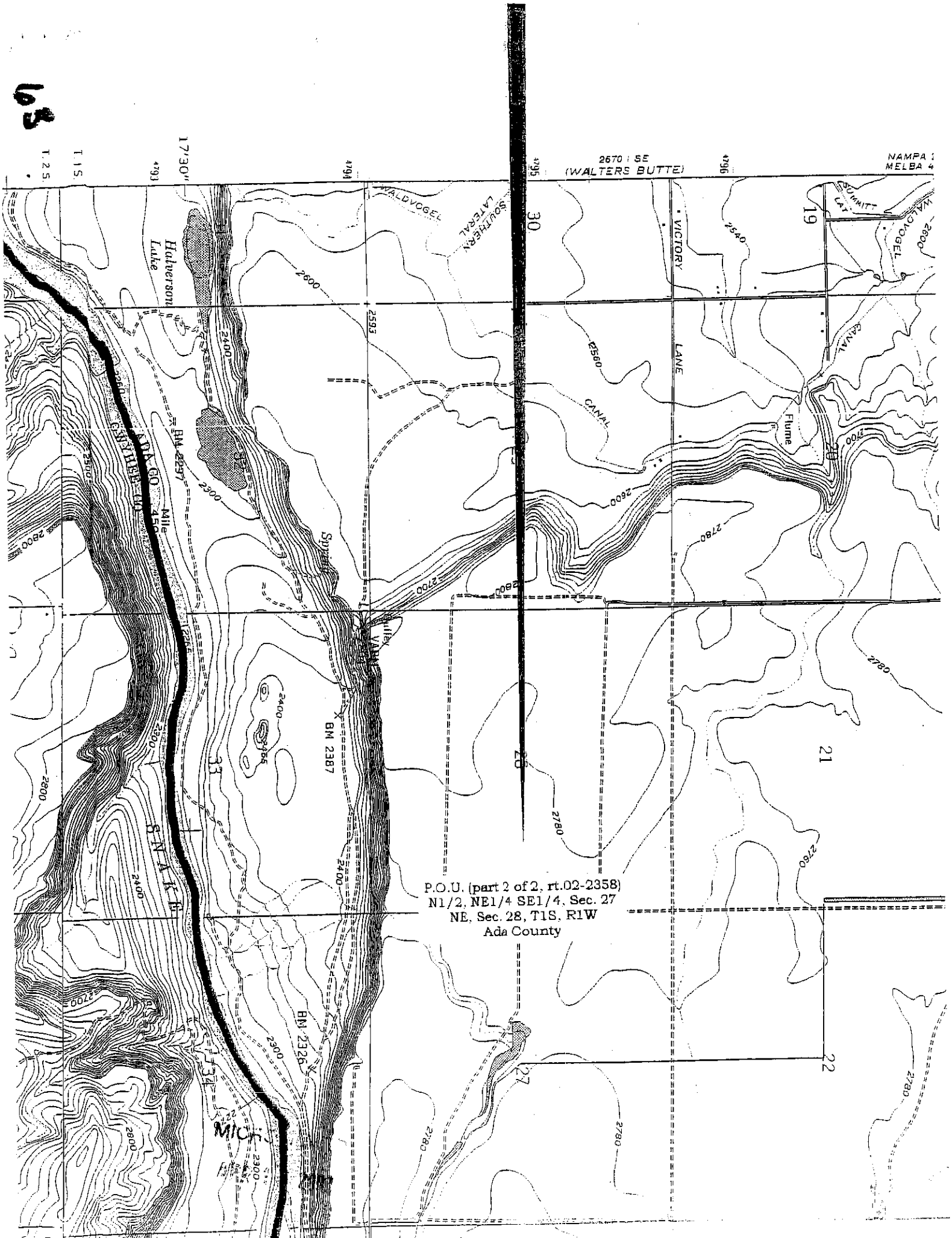
MICR[illegible]

APR 1 0 2003

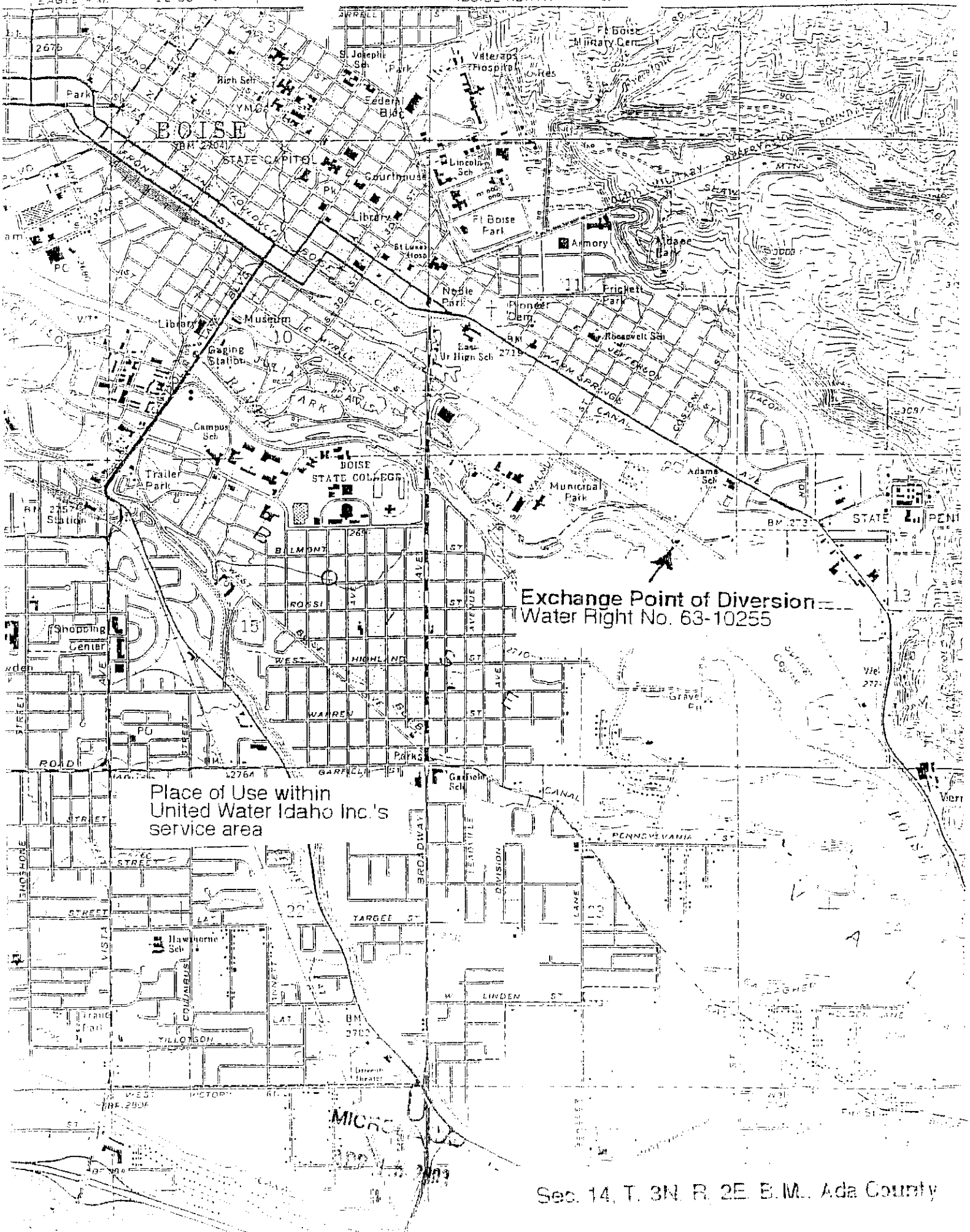
Attachment I



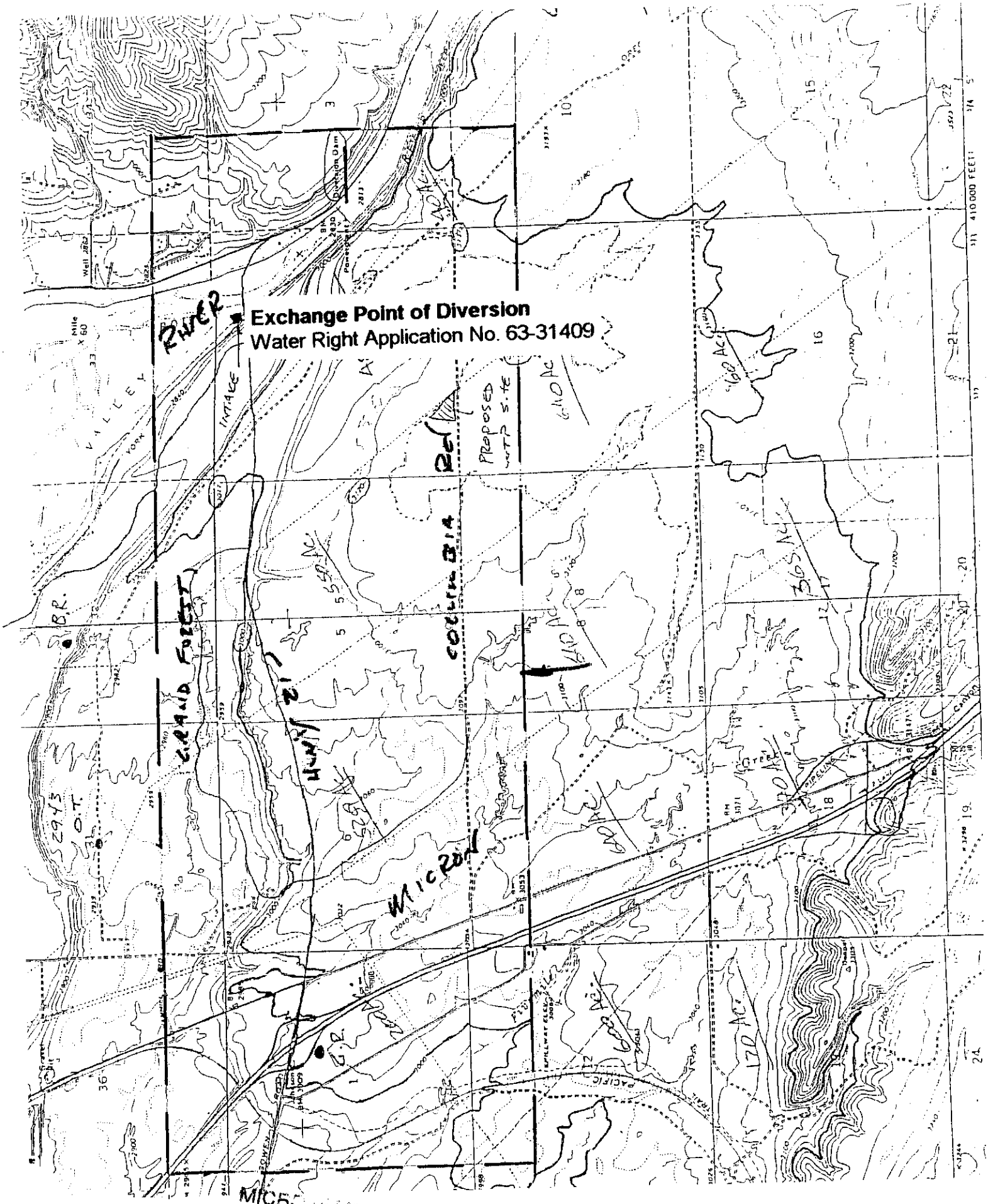

P.O.U. (part 1 of 2, rt.02-2358)
NW, N1/2 SW, Sec. 26, T1S, R1W
Ada County
P.O.D. (rts.02-2341, 02-2358, 02-2420)
Lot 4(SWNE), Sec.35 T1S, R1W
Ada County
P.O.U. (rt.02-2420
NE1/4, N1/2SW, Sec. 26 and
N1/2, SE 1/4, Sec. 36, T1S, R1W
Ada County
T1S
R1W
RIVER
Priest Ranch
Ferry
BM 2819
SWAN
FALLS
27
26
25
36
2
6
31
30
2780
2800
2820
2860
2880
2900
2300
2400
2793
2810
2822
2847
2844
COYOTE BUTTE
2770 IV SE
APR 1 6 2003



2670 I SE
(WALTERS BUTTE)
NAMPA
MELBA
17'30"
T.1S.
T.2S.
WALDVOGEL
SOUTHERN LATERAL
VICTORY
LANE
CANAL
Flume
Halverson Lake
ADA CO
OWYHEE CO
Mile 450
BM 2297
BM 2387
BM 2326
SNAKE
P.O.U. (part 2 of 2, rt.02-2358)
N1/2, NE1/4 SE1/4, Sec. 27
NE, Sec. 28, T1S, R1W
Ada County



Exchange Point of Diversion
Water Right No. 63-10255
Place of Use within
United Water Idaho Inc.'s
service area
BOISE
STATE CAPITOL
Courthouse
Library
Ft Boise Park
Armory
Noble Park
Pioneer Cem
Prickett Park
Museum
Gaging Station
Campus Sch
Trailer Park
BOISE STATE COLLEGE
Municipal Park
Adams Sch
Shopping Center
Hawthorne Sch
Garfield Sch
Veterans Hospital
Ft Boise Military Cem
Federal Bldg
Lincoln Sch
Roosevelt Sch
Gravel Pit
Park
Sec. 14, T. 3N, R. 2E, B.M., Ada County



Sec. 4, T.2N, R.3E, B.M., Ada County

The Idaho
Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account	DTI Ad#	Identification			Amount
047628	816217	Legal Notice			$124.68
Ordered by	**P.O.#**	**Times Run**	**Lines**	**Columns**	**Legal #**
Sue Taylor		2	39	2	15566

IDAHO DEPT WATER RESOURCE
2735 AIRPORT WAY
BOISE, ID 83705 5082

RECEIVED

FEB 2 1 2003

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE
NOTICE OF AMENDED EXCHANGE OF WATER RIGHTS

United Water Idaho Inc. of PO Box 7488, Boise ID 83707 has applied to the Department of Water Resources to amend an application for exchange of water rights for three Snake River irrigation rights currently recorded as follows in Ada County (all sections are in T1S R1W):

No. 2-2341, priority 12-28-1964, 12.52 cfs to irrigate 626 acres in Section 16.
No. 2-2358, priority 7-28-1964, 14.5 cfs to irrigate 725 acres in Sections 26, 27 and 28.
No. 2-2420, priority 12-31-1963, 14.08 cfs to irrigate 704 acres in Sections 26 and 36.

All three rights divert water from the river in Lot 4 (SWNE) Section 35 and are limited to 35.21 cfs when combined to irrigate a total of 2055 acres. The site is between the Snake River and Kuna several miles downstream from Swan Falls Dam. The applicant proposes to exchange these rights for fish augmentation flows released by the U.S. Bureau of Reclamation (BOR) in the Boise River between June 10 and August 31 during each year water is available and legally authorized for fish augmentation. Exchanged water will be diverted into the applicants municipal system at the Marden Street treatment plant and/or at the Hwy 21 pump station in Boise. The amended application just adds the pump station as a diversion point. Snake River rights would not be diverted at their present site but would be exchanged at the Boise site during periods of fish augmentation flows and used in the applicants municipal service area in and around Boise. The applicant proposes that the exchange would not injure senior water right holders on the Boise River nor diminish fish augmentation flows provided to the Snake River downstream from the confluence with the Boise River. The applicant would not be able to compel fish augmentation flow releases by BOR under this exchange. Exchanges of water can be authorized under I.C. 42-240 and are subject to protest under I.C. 42-203A. Any protest against approval of the proposed exchange must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before February 24, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Feb. 16, 13, 2003 15566

TINA ATTEBERRY, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: 2

[X] consecutive weekly [ ] single

[ ] consecutive daily [ ] odd skip

insertion(s)

beginning with the issue of: February 6, 2003

and ending with the issue of: February 13, 2003

Tina Atteberry

STATE OF IDAHO
)ss
COUNTY OF ADA

On this 17 day of February in the year of 2003

before me, a Notary Public, personally appeared before me Tina Atteberry known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Sondra L. Brightman

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires: 4/20/06

SONDRA L. BRIGHTMAN NOTARY PUBLIC STATE OF IDAHO

Proof of Publication
The Post Register

RECEIVED

FEB 24 2003

WATER RESOURCES
WESTERN REGION

State of Idaho
County of Bonneville

I, Lynn Winter ~~or Danae Jacobsen~~, first being duly sworn, depose and say: That I am the Production Supervisor ~~or Asst. Prod. Supervisor~~ of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 6TH day of FEBRUARY 2003, last publication having been made on the 13TH day of FEBRUARY 2003 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Lynn Winter

Subscribed and sworn to before me, this 19TH day of FEBRUARY 2003

IVY BERRY
NOTARY
PUBLIC
STATE OF IDAHO

Notary Public

My commission expires January 10, 2009

NOTICE OF AMENDED EXCHANGE OF WATER RIGHTS

United Water Idaho Inc. of PO Box 7488, Boise ID 83707 has applied to the Department of Water Resources to amend an application for exchange of water rights for three Snake River irrigation rights currently recorded as follows in Ada County (all sections are in T1S R1W):

No. 2-2341, priority 12-28-1964, 12.52 cfs to irrigate 626 acres in Section 16.

No. 2-2358, priority 7-28-1964, 14.5 cfs to irrigate 725 acres in Sections 26, 27 and 28.

No. 2-2420, priority 12-31-1963, 14.08 cfs to irrigate 704 acres in Sections 26 and 36.

All three rights divert water from the river in Lot 4 (SWNE) Section 35 and are limited to 35.21 cfs when combined to irrigate a total of 2055 acres. The site is between the Snake River and Kuna several miles downstream from Swan Falls Dam.

The applicant proposes to exchange these rights for fish augmentation flows released by the U.S. Bureau of Reclamation (BOR) in the Boise River between June 10 and August 31 during each year water is available and legally authorized for fish augmentation. Exchanged water will be diverted into the applicant's municipal system at the Marden Street treatment plant and/or at the Hwy 21 pump station in Boise. The amended application just adds the pump station as a diversion point. Snake River rights would not be diverted at their present site but would be exchanged at the Boise site during periods of fish augmentation flows and used in the applicant's municipal service area in and around Boise.

The applicant proposes that the exchange would not injure senior water right holders on the Boise River nor diminish fish augmentation flows provided to the Snake River downstream from the confluence with the Boise River. The applicant would not be able to compel fish augmentation flow releases by BOR under this exchange.

Exchanges of water can be authorized under I.C. § 42-240 and are subject to protest under I.C. § 42-203A. Any protest against approval of the proposed exchange must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before February 24, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: February 6, 13, 2003

NOTICE OF AMENDED EXCHANGE OF WATER RIGHTS

United Water Idaho Inc. of PO Box 7488, Boise, ID 83707 has applied to the Department of Water Resources to amend an application for exchange of water rights for three Snake River irrigation rights currently recorded as follows in Ada county (all sections are in T1S R1W):
No. 2-2341, priority 12-28-1964, 12.52 cfs to irrigate 626 acres in Section 16.
No. 2-2358, priority 7-28-1964, 14.5 cfs to irrigate 725 acres in Sections 26, 27 and 28.
No. 2-2420, priority 12-31-1963, 14.08 cfs to irrigate 704 acres in Sections 26 and 36.

All three rights divert water from the river in Lot 4 (SWNE) Section 35 and are limited to 35.21 cfs when combined to irrigate a total of 2055 acres. The site is between the Snake River and Kuna several miles downstream from Swan Falls Dam.

The applicant proposes to exchange these rights for fish augmentation flows released by the U.S. Bureau of Reclamation (BOR) in the Boise River between June 10 and August 31 during each year water is available and legally authorized for fish augmentation. Exchanged water will be diverted into the applicant's municipal system at the Marden Street treatment plant and/or at the Hwy 21 pump station in Boise. The amended application just adds the pump station as a diversion point. Snake River rights would not be diverted at their present site but would be exchanged at the Boise site during periods of fish augmentation flows and used in the applicants municipal service area in and around Boise.

The applicant proposes that the exchange would not injure senior water right holders on the Boise River nor diminish fish augmentation flows provided to the Snake River downstream from the confluence with the Boise River. The applicant would not be able to compel fish augmentation flow releases by BOR under this exchange.

Exchanges of water can be authorized under I.C. §42-240 and are subject to protest under I.C. §42-203A. Any protest against approval of the proposed exchange must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before February 24, 2003. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

PUBLISH: February 6 and 13, 2003

RECEIVED

FEB 18 2003

WATER RESOURCES 44934

of Publication

AHO
TWIN FALLS } SS.

Underhead being first duly sworn upon oath, depose
n principal clerk of the TIMES-NEWS, published daily at,
io, and do solemnly swear that a copy of the notice of advertisement, as per clipping
ublished in the regular and entire issue of said newspaper and not in any supplement
Two consecutive issues,
th the issue dated Feb 6, 2003,
the issue dated Feb 13, 2003.

urther certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho ublished theretofore daily except Sunday, and the Twin Falls News, published theretofore daily th of which newspapers prior to consolidation had been published under said names in said city and ly and uninterruptedly during a period of more than twelve consecutive months, and said TIMES- consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at ewspaper began daily publication under said name in said city and county continuously and unin-

er certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated h legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to hursday is announced as the day on which said legal notices will be published.

O
IN FALLS
4 day of Feb in the year 2003, before me,
ersonally appeared Ruby Underhead,
d to me to be the person whose name subscribed to the within instrument, and being by me first ed that the statements therein are true, and acknowledged to me that he executed the same.

Linda Copper Inc Burn
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5-19-05

RECEIVED

FEB 18 2003

WATER RESOURCES 44934

Affidavit of Publication

STATE OF IDAHO } SS.
COUNTY OF TWIN FALLS }

I, Ruby Outderhead being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper and not in any supplement thereof, for Two consecutive days,

commencing with the issue dated Feb 6, 2003,

and ending with the issue dated Feb 13, 2003.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 13th day of Feb in the year 2003, before me, a Notary Public, personally appeared Ruby Outderhead, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda Capps Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5-19-05

RECEIVED

FEB 18 2003

WATER RESOURCES
WESTERN REGION

TRIBUNE PUBLISHING COMPANY, INC
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 02/13/2003 INVOICE NO. 317595

Account No. 964760

Description 317595NOTICE OF AMENDE

Times 2 Lines 76

Tab. Lines

$ 113.62

LEGAL ADVERTISING INVOICE

SOLD TO: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

317595

NOTICE OF AMENDED EXCHANGE OF WATER RIGHTS

United Water Idaho Inc. of PO Box 7488, Boise ID 83707 has applied to the Department of Water Resources to amend an application for exchange of water rights for three Snake River irrigation rights currently recorded as follows in Ada County (all sections are in T1S R1W):

No. 2-2341, priority 12-28-1964, 12.52 cfs to irrigate 626 acres in Section 16.

No. 2-2358, priority 7-28-1964, 14.5 cfs to irrigate 725 acres in Sections 26, 27 and 28.

No. 2-2420, priority 12-31-1963, 14.08 cfs to irrigate 704 acres in Sections 26 and 36.

All three rights divert water from the river in Lot 4 (SWNE) Section 35 and are limited to 35.21 cfs when combined to irrigate a total of 2055 acres. The site is between the Snake River and Kuna several miles downstream from Swan Falls Dam.

The applicant proposes to exchange these rights for fish augmentation flows released by the U.S. Bureau of Reclamation (BOR) in the Boise River between June 10 and August 31 during each year water is available and legally authorized for fish augmentation. Exchanged water will be diverted into the applicant's municipal system at the Marden Street treatment plant and/or at the Hwy 21 pump station in Boise. The amended application just adds the pump station as a diversion point. Snake River rights would not be diverted at their present site but would be exchanged at the Boise site during periods of fish augmentation flows and used in the applicant's municipal service area in and around Boise.

The applicant proposes that the exchange would not injure senior water right holders on the Boise River nor diminish fish augmentation flows provided to the Snake River downstream from the confluence with the Boise River. The applicant would not be able to compel fish augmentation flow releases by BOR under this exchange.

Exchanges of water can be authorized under I.C. § 42-240 and are subject to protest under I.C. § 42-203A. Any protest against approval of the proposed exchange must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before February 24, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published Statewide on February 6 and 13, 2003.

AFFIDAVIT OF PUBLICATION

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 317595NOTICE OF attached hereto and which is made a part of this affadavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 02/06, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 02/06/2003, and the last publication thereof being on the 02/13/2003, and said 317595NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho
S.S.
County of Nez Perce

On this 13th day of Feb in the year of 2003, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

GERAL M. LANTZ NOTARY PUBLIC STATE OF IDAHO

Gerald M Lantz

Notary Public in and for the State of Idaho, residing at Lewiston, therein
Commission Expires June 4, 03

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application Number: For Exchange 02-02341, 02-02358, 02-02420

Applicant's Name: United Water Idaho Inc.

Watermaster's Recommendation:

a) _____ I do not oppose approval of this application.

b) X I do not oppose approval of this application if it is conditioned as follows:

USBR and UWI must coordinate with the watermaster prior to the start date of fish-augmentation releases. All exchange details must be agreed upon before release begins each year.

c) _____ I oppose approval of this application for the following reasons:

d) Additional Comments:

Dated this 3 day of February 2003.

Water District Number: 63 Watermaster's Signature Lee Sisco

Use back side of this page if you need more space

Proof of Publication
The Post Register

State of Idaho
County of Bonneville

I, Lynn Winter ~~or Danae Jacobsen~~, first being duly sworn, depose and say: That I am the Production Supervisor ~~or Asst. Prod. Supervisor~~ of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 16TH day of JANUARY 2003, last publication having been made on the 23RD day of JANUARY 2003 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Lynn Winter

Subscribed and sworn to before me, this 29TH day of JANUARY 2003

IVY BERRY
NOTARY
PUBLIC
STATE OF IDAHO

Notary Public

My commission expires January 10, 2009

NOTICE OF PROPOSED EXCHANGE OF WATER RIGHTS

United Water Idaho Inc. of PO Box 7488, Boise ID 83707 has applied to the Department of Water Resources to exchange water rights for three Snake River irrigation rights currently recorded as follows in Ada County (all sections are in T 1 S R 1 W):

No. 2-2341, priority 12-28-1964, 12.52 cfs to irrigate 626 acres in Section 16.

No. 2-2358, priority 7-28-1964, 14.5 cfs to irrigate 725 acres in Sections 26, 27 and 28.

No. 2-2420, priority 12-31-1963, 14.08 cfs to irrigate 704 acres in Sections 26 and 36.

All three rights divert water from the river in Lot 4 (SWNE) Section 35 and are limited to 35.21 cfs when combined to irrigate a total of 2055 acres. The site is north of the Snake River several miles downstream from Swan Falls Dam and about 11 to 14 miles south of Kuna.

The applicant proposes to exchange these rights for fish augmentation flows released by the U.S. Bureau of Reclamation (BOR) in the Boise River between June 10 and August 31 during each year water is available and legally authorized for fish augmentation. Exchanged water will be diverted into the applicant's municipal system at the Marden Street treatment plant in Boise at Lot 7 (SENE) S14, T3N R2E. Snake River rights would not be diverted at their present site but would be exchanged at the Boise site during periods of fish augmentation flows and used in the applicant's municipal service area in and around Boise.

The applicant proposes that the exchange would not injure senior water right holders on the Boise River nor diminish fish augmentation flows provided to the Snake River downstream from the confluence with the Boise River. The applicant would not be able to compel fish augmentation flow releases by BOR under this exchange.

Exchanges of water can be authorized under I.C. § 42-240 and are subject to protest under I.C. § 42-203A. Any protest against approval of the proposed exchange must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before February 3, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: January 16, 23, 2003

The Idaho
Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
047628	805016	LEGAL NOTICE	$126.52

Attention:	P.O. #	Run Dates
SUE TAYLOR		JANUARY 16, 23, 2003

IDAHO DEPT. WATER RESOURCES WEST
2735 AIRPORT WY.
BOISE, ID 83705

RECEIVED
JAN 24 2003
WATER RESOURCES
WESTERN REGION

Number of Lines	
2 X 38	
Affidavit	Legal #
1	15409

LEGAL NOTICE
NOTICE OF PROPOSED EXCHANGE OF WATER RIGHTS

United Water Idaho Inc. of PO Box 7488, Boise ID 83707 has applied to the Department of Water Resources to exchange water rights for three Snake River irrigation rights currently recorded as follows in Ada County (all sections are in T1S R1W):

No. 2-2341, priority 12-28-1964, 12.52 cfs to irrigate 626 acres in Section 16.
No. 2-2358, priority 7-28-1964, 14.5 cfs to irrigate 725 acres in Sections 26, 27 and 28.
No. 2-2420, priority 12-31-1963, 14.08 cfs to irrigate 704 acres in Sections 26 and 36.

All three rights divert water from the river in Lot 4 (SWNE) Section 35 and are limited to 35.21 cfs when combined to irrigate a total of 2055 acres. The site is north of the Snake River several miles downstream from Swan Falls Dam and about 11 to 14 miles south of Kuna.

The applicant proposes to exchange these rights for fish augmentation flows released by the U.S. Bureau of Reclamation (BOR) in the Boise River between June 10 and August 31 during each year water is available and legally authorized for fish augmentation. Exchanged water will be diverted into the applicant's municipal system at the Marden Street treatment plant in Boise at Lot 7 (SENE) S14, T3N R2E. Snake River rights would not be diverted at their present site but would be exchanged at the Boise site during periods of fish augmentation flows and used in the applicant's municipal service area in and around Boise.

The applicant proposes that the exchange would not injure senior water right holders on the Boise River nor diminish fish augmentation flows provided to the Snake River downstream from the confluence with the Boise River. The applicant would not be able to compel fish augmentation flow releases by BOR under this exchange.

Exchanges of water can be authorized under I.C. § 42-240 and are subject to protest under I.C. § 42-203A. Any protest against approval of the proposed exchange must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before February 3, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Jan. 16,23, 2003 15409

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman,* a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

[X] consecutive weekly [ ] single
[ ] consecutive daily [ ] odd skip insertion(s)

beginning issue of: JANUARY 16, 2003
ending issue of: JANUARY 23, 2003

Janice Hildreth

STATE OF IDAHO)
.ss
)

On this 23 day of JANUARY in the year of 2003 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

SONDRA L. BRIGHTMAN NOTARY PUBLIC STATE OF IDAHO

Sondra L. Brightman

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 4/20/06

REC ✓ED

JAN 2 7 2003

WATER RESOURCES
WESTERN REGION

44864

NOTICE OF PROPOSED EXCHANGE OF WATER RIGHTS

United Water Idaho Inc. of PO Box 7488, Boise, ID 83707 has applied to the Department of Water Resources to exchange water rights for three Snake River irrigation rights currently recorded as follows in Ada County (all sections are in T1S R1W):

No. 2-2341, priority 12-28-1964, 12.52 cfs to irrigate 626 acres in Section 16.

No. 2-2358, priority 7-28-1964, 14.5 cfs to irrigate 725 acres in Sections 26, 27 and 28.

No. 2-2420, priority 12-31-1963, 14.08 cfs to irrigate 704 acres in Sections 26 and 36.

All three rights divert water from the river in Lot 4 (SWNE) Section 35 and are limited to 35.21 cfs when combined to irrigate a total of 2055 acres. The site is north of the Snake River several miles downstream from Swan Falls Dam and about 11 to 14 miles south of Kuna.

The applicant proposes to exchange these rights for fish augmentation flows released by the U.S. Bureau of Reclamation (BOR) in the Boise River between June 10 and August 31 during each year water is available and legally authorized for fish augmentation. Exchanged water will be diverted into the applicant's municipal system at the Marden Street treatment plant in Boise at Lot 7 (SENE) S14, T3N R2E. Snake River rights would not be diverted at their present site but would be exchanged at the Boise site during periods of fish augmentation flows and used in the applicant's municipal service area in and around Boise.

The applicant proposes that the exchange would not injure senior water right holders on the Boise River nor diminish fish augmentation flows provided to the Snake River downstream from the confluence with the Boise River. The applicant would not be able to compel fish augmentation flow releases by BOR under this exchange.

Exchanges of water can be authorized under I.C. § 42-240 and are subject to protest under I.C. § 42-203A. Any protest against approval of the proposed exchange must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before February 3, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

PUBLISH: January 16 and 23, 2003

---

of Publication

AHO
TWIN FALLS } SS.

Cathy Hosmer being first duly sworn upon oath, depose
n Principal Clerk of the TIMES-NEWS, published daily at,
o, and do solemnly swear that a copy of the notice of advertisement, as per clipping
iblished in the regular and entire issue of said newspaper, and not in any supplement
2) Two ~~consecutive~~ Publications,
th the issue dated January 16, 2003,
the issue dated January 23, 2003.

rther certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho iblished theretofore daily except Sunday, and the Twin Falls News, published theretofore daily th of which newspapers prior to consolidation had been published under said names in said city and y and uninterruptedly during a period of more than twelve consecutive months, and said TIMES- consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at wspaper began daily publication under said name in said city and county continuously and unin-

r certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated h legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to hursday is announced as the day on which said legal notices will be published.

)
IN FALLS
3rd day of January in the year 2003, before me,
ersonally appeared Cathy Hosmer,
d to me to be the person whose name subscribed to the within instrument, and being by me first ed that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5-19-03

REC VED

JAN 2 7 2003

WATER RESOURCES
WESTERN REGION

44864

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

I, Christy Hooper being first duly sworn upon oath, depose and say that I am Principal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for (2) Two ~~consecutive~~ Publications, commencing with the issue dated January 16, 2003, and ending with the issue dated January 23, 2003.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 23rd day of January in the year 2003, before me, a Notary Public, personally appeared Christy Hooper, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda Copsa
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5-19-03

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING INVOICE

RECEIVED
JAN 27 2003
WATER RESOURCES
WESTERN REGION

Date 01/23/2003 INVOICE NO. 316060

Account No. 964760

Description 316060NOTICE OF PROPOS

Times 2 Lines 72

Tab. Lines

SOLD TO: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

$ 107.64

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

316060

NOTICE OF PROPOSED EXCHANGE OF WATER RIGHTS

United Water Idaho Inc. of PO Box 7488, Boise ID 83707 has applied to the Department of Water Resources to exchange water rights for three Snake River irrigation rights currently recorded as follows in Ada County (all sections are in T1S R1W):

No. 2-2341, priority 12-28-1964, 12.52 cfs to irrigate 626 acres in Section 16.

No. 2-2358, priority 7-28-1964, 14.5 cfs to irrigate 725 acres in Sections 26, 27 and 28.

No. 2-2420, priority 12-31-1963, 14.08 cfs to irrigate 704 acres in Sections 26 and 36.

All three rights divert water from the river in Lot 4 (SWNE) Section 35 and are limited to 35.21 cfs when combined to irrigate a total of 2055 acres. The site is north of the Snake River several miles downstream from Swan Falls Dam and about 11 to 14 miles south of Kuna.

The applicant proposes to exchange these rights for fish augmentation flows released by the U.S. Bureau of Reclamation (BOR) in the Boise River between June 10 and August 31 during each year water is available and legally authorized for fish augmentation. Exchanged water will be diverted into the applicant's municipal system at the Marden Street treatment plant in Boise at Lot 7 (SENE) S14, T3N R2E. Snake River rights would not be diverted at their present site but would be exchanged at the Boise site during periods of fish augmentation flows and used in the applicant's municipal service area in and around Boise.

The applicant proposes that the exchange would not injure senior water right holders on the Boise River nor diminish fish augmentation flows provided to the Snake River downstream from the confluence with the Boise River. The applicant would not be able to compel fish augmentation flow releases by BOR under this exchange.

Exchanges of water can be authorized under I.C. § 42-240 and are subject to protest under I.C. § 42-203A. Any protest against approval of the proposed exchange must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before February 3, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published Statewide on January 16 and 23, 2003.

AFFIDAVIT OF PUBLICATION

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 316060NOTICE OF attached hereto and which is made a part of this affadavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/16, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 01/16/2003, and the last publication thereof being on the 01/23/2003, and said 316060NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

State of Idaho
S.S.
County of Nez Perce

On this _____ day of _____ in the year of _____, before me, a Notary Public, personally appeared _____, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public in and for the State of Idaho, residing at Lewiston, therein
Commission Expires _____

MEMORANDUM

TO: File
FROM: Steve Lester
DATE: January 28, 2003
RE: United Water Idaho Inc. Application for Exchange

Deborah Nelson
late August 2002
amended applica
version was filed
attorney in all co

Exchanges cannc
method of proce:
needed. Since we
review forms anc
emails last Decei
processing had b
e'folder name is

Needs to be updated @ 4/18/03 email. AJ claims 2-10214 & 2-10215 recombined to 2-2358. My earlier attempts to find ownership change info submitted by U.W. before exchange appl. were not successful. But the info turned up & was processed ~~after~~ after my 1/28/03 memo.

-SL

Current Records

Three Snake River licenses for primary irrigation of 2055 acres are involved, water right nos. 2-2341, 2-2358 and 2-2420. Other water rights are not found on the current P/U for these rights. Licenses are reflected by SRBA claims 2-2341, 2-10214 & 2-10215, and 2-2420. The claims match the licenses except for the November 2002 SRBA split of 2-2358 into 2-10214 and 2-10215 (Southwest Inc. and Pancheri, respectively). The split occurred between filing the original application and the December amended version. I suppose we could require the application to be amended yet again to reflect current SRBA records, but this does not seem warranted for a process outside of Work Flow. A preliminary order can address water right and adjudication record issues.

The application included sufficient information to record a change in water right *and* (emphasis added) adjudication claim ownership to United Water. I cannot locate a separate submittal of an ownership change for United Water in this matter (checked with Karilynn Townsend and Denise Hatfield) despite the applicant's reference to this in the filing. But that is not a problem since the necessary ownership information is included with the application. Let the exchange application update both the water right *and* adjudication records (see application Attachments G and H).

The most recent amended application was correctly prepared, including the appropriate $50 readvertising fee. Application Attachment A explains the proposal. Statewide advertising will be required since all three rights exceed 10 cfs. A brief legal notice was

SCANNED

JAN 28 2003

MEMORANDUM

TO: File
FROM: Steve Lester
DATE: January 28, 2003
RE: United Water Idaho Inc. Application for Exchange

Deborah Nelson of Givens Pursley law firm originally filed the exchange application in late August 2002. Initial review suggested some changes. The attorney submitted an amended application on December 19, 2002, and processing resumed. Another amended version was filed January 27, 2003. The latter version is now being processed. Include the attorney in all correspondence and other contacts for this exchange process.

Exchanges cannot be processed within Work Flow at this time. Use the pre-Work Flow method of processing a "change filing" but cover the applicable bases in Work Flow as needed. Since we receive so few exchange applications, I used hand-revised transfer review forms and the "electronic folder" approach to processing this filing. This included emails last December to Don Shaff, Jan Shurte and Pam Skaggs to let them know processing had begun and adjudication claim records would probably be affected. The e'folder name is "United Water 2-2341" under "Transfers\Western Region."

Current Records

Three Snake River licenses for primary irrigation of 2055 acres are involved, water right nos. 2-2341, 2-2358 and 2-2420. Other water rights are not found on the current P/U for these rights. Licenses are reflected by SRBA claims 2-2341, 2-10214 & 2-10215, and 2-2420. The claims match the licenses except for the November 2002 SRBA split of 2-2358 into 2-10214 and 2-10215 (Southwest Inc. and Pancheri, respectively). The split occurred between filing the original application and the December amended version. I suppose we could require the application to be amended yet again to reflect current SRBA records, but this does not seem warranted for a process outside of Work Flow. A preliminary order can address water right and adjudication record issues.

The application included sufficient information to record a change in water right *and* (emphasis added) adjudication claim ownership to United Water. I cannot locate a separate submittal of an ownership change for United Water in this matter (checked with Karilynn Townsend and Denise Hatfield) despite the applicant's reference to this in the filing. But that is not a problem since the necessary ownership information is included with the application. Let the exchange application update both the water right *and* adjudication records (see application Attachments G and H).

The most recent amended application was correctly prepared, including the appropriate $50 readvertising fee. Application Attachment A explains the proposal. Statewide advertising will be required since all three rights exceed 10 cfs. A brief legal notice was

SCANNED

JAN 28 2003

prepared in Word and is available in the e'folder. Advertising should run in the first half of February with a protest deadline of February 24, 2003. United Water holds several senior water rights (previous transfers) to divert at the Marden Street plant in addition to junior Permit 63-12055 for that diversion. The applicant filed pending Application 63-31409 proposing to divert river water at the Marden Street and the Hwy 21 pump station, in addition to listing the pump station as an alternate P/D for 63-12055 in the IMAP package.

Issues

Licenses were issued in 1983. SRBA claims were filed in 1989. The 1987 NAPP confirms full irrigation around that time. The rights are presumed to be valid. Ownership documents clearly show the applicant has authority to seek these changes.

The exchange is structured to prevent injury to other right holders along the Boise River and clearly will not injure Snake River right holders. The exchange will not interfere with fish flow releases. To the extent Snake River water is available during the proposed period in the summer and BOR is releasing fish augmentation flows, diversion of exchanged water to the United Water service area will not result in an expansion of use. The plan is consistent with the conservation of water resources in Idaho.

Local public interest is served by the exchange with respect to meeting peak summertime demand in the applicant's service area. On the other hand, the proposal dewaters the river during the summer months. The new exchange of 35.21 cfs combined with the earlier one of 11.0 cfs will reduce summer flows by 46.21 cfs. At some point the cumulative effect of dewatering could outweigh the local benefit. I assume IDWR will determine we have not reached that point, allowing this application to be approved.

Recommendations

Assuming protests are not filed and additional information does not refute the above explanation, approve the application with conditions similar to the 1999 exchange. Update water right records 2-2341, 2-2358 and 2-2420 to reflect the approval. Update SRBA records 2-2341, 2-10214, 2-10215 and 2-2420 to reflect the same. Include the attorney in all contacts regarding these records (I imagine Givens Pursley already made an appearance for United Water in the adjudication).

Proper watermaster control at the Marden Street plant and good records keeping and reporting by the water user will provide adequate control over exchanged water.

The earlier exchange did not result in P/D and P/U database changes to the involved Snake River right/claim, 2-2339, although an appropriate comment was added to those records. I assume similar updates would occur in this new exchange. ArcView

SCANNED

JAN 2 8 2003

adjustments do not appear warranted. Approval of the application will update current ownership of the water right *and* adjudication claim records to United Water.

I suppose the Regional Office could prepare a preliminary order for the e'folder. But I imagine the 1999 order is available electronically, and it seems more efficient for the State Office to revise that earlier document to fit this new filing. Therefore, a draft approval prepared at the regional level does not seem warranted.

SCANNED

JAN 2 8 2003

RECEIVED
JAN 2 7 2003
WATER RESOURCES
WESTERN REGION

GIVENS PURSLEY LLP

LAW OFFICES
277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Deborah E. Nelson
Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan
Michael C. Orr *
Kenneth L. Pursley
Bradley V. Sneed
Conley E. Ward
Robert B. White
Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL
John A. Miller, LL.M. **
TAX CONSULTANT
*Licensed in Oregon only
**Licensed in Kentucky only

Via Hand Delivery

January 27, 2003

Mr. Steve Lester
Water Rights Supervisor
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: United Water Idaho Inc.—Application for Exchange of Water
Our File No. 30-116

Dear Steve:

Per our prior discussions enclosed please find the original and one copy of United Water Idaho's second amended Application for Exchange of Water with regard to Water Right Nos. 02-2341, 02-2358, and 02-2420. Please conform the copy and return it to my office in the enclosed self-addressed, stamped envelope. I have also enclosed a check in the amount of $50.00 to cover the filing fee associated with amending the Application.

Thank you for your assistance with this matter. Please contact me if you have any questions or require any additional information about the Application.

Sincerely,

Deborah E. Nelson

Deborah E. Nelson

Enclosures

cc: Scott Rhead, United Water Idaho (w/o enclosures)

DEN:kdt S:\CLIENTS\30\116\DEN Ltr to Steve Lester re 2nd Amended Application.DOC

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 1/21/03

TO: Deburah Nelson
Givens Pursley LLP
Fax 388-1300

FROM Steve Lester

DOCUMENT DESCRIPTION:
Legal notice for U.W. Exchange Appl. re
2-2341, 2-2358 & 2-2420

TOTAL PAGES SENT: 1 **+ COVER SHEET**

CONTACT:

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2003

LEE SISCO
WATER DISTRICT 63
6616 OVERLAND RD
BOISE ID 83709

Re: Amended Application for Exchange of Water in the Name of United Water Idaho.

Dear Mr. Sisco:

Enclosed is a copy of the above-referenced application for permit and a form for your recommendation concerning this application. The amended application has added a point of diversion. A copy of the legal notice is enclosed.

Please review the changes in the legal notice. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Steve Lester

SL:lm

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 14, 2003

E GAIL MCGARRY PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

Re: Amended Application for Exchange of Water in the Name of United Water Idaho.

Dear Sir or Madam:

Enclosed is a copy of the legal notice for the Amended Application for Exchange of Water in the name of United Water Idaho. They have added a point of diversion. Please review the legal notice and return any comments you may have regarding the change.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by February 24, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

Steve Lester

SL:lm

Encl. Copy of legal notice

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 14, 2003

ATTN N SEMANKO
IWUA
205 N 10TH ST STE 530
BOISE ID 83702

Re: Amended Application for Exchange of Water in the Name of United Water Idaho.

Dear Sir or Madam:

Enclosed is a copy of the legal notice for the Amended Application for Exchange of Water in the name of United Water Idaho. They have added a point of diversion. Please review the legal notice and return any comments you may have regarding the change.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by February 24, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

Steve Lester

SL:lm

Encl. Copy of legal notice

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 14, 2003

IDAHO RIVERS UNITED
PO BOX 633
BOISE ID 83701

Re: Amended Application for Exchange of Water in the Name of United Water Idaho.

Dear Sir or Madam:

Enclosed is a copy of the legal notice for the Amended Application for Exchange of Water in the name of United Water Idaho. They have added a point of diversion. Please review the legal notice and return any comments you may have regarding the change.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by February 24, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

Steve Lester

SL:lm

Encl. Copy of legal notice

Mattson, Lisa
Subject: comment letter

February 13, 2003

Re: Amended Application for Exchange of Water in the Name of United Water Idaho.

ERIC LEITZINGER
STATE OF IDAHO
DEPT OF FISH & GAME

Eric,

Enclosed is a copy of the legal notice for the Amended Application for Exchange of Water in the Name of United Water Idaho. They have added a point of diversion.
Please review the legal notice and return any comments you may have regarding the change.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by February 24, 2003.

If you have any questions regarding the application, please contact this office.

UW amended legal notice.pdf

Lisa Mattson
Water Resources Agent
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax

Mattson, Lisa
To: eleitzin@idfg.state.id.us
Subject: Comment Letter

Eric,

Here is another one. This is an Application for Exchange of water.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application, your written protest along with the $25.00 protest fee must be received in this office by February 3, 2003.

Lisa

Application Amended.pdf

email comment letter to IDFG

assume 1/15/03 per other comment letters -SL

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2003

IDAHO RIVERS UNITED
PO BOX 633
BOISE ID 83701

Re: Application for Exchange of Water in the Name of United Water Idaho.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application, your written protest along with the $25.00 protest fee, must be received in this office by February 3, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

Steve Lester

SL:lm
Encl: Copy of Application

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2003

BOR OFFICE OF FIELD SOL
ATT KATHLEEN CARR
FEDERAL BLDG RM 365
550 W FORT ST
BOISE ID 83724

Re: Application for Exchange of Water in the Name of United Water Idaho.

Dear Sir or Madam::

Enclosed is a copy of the above-referenced application, which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by February 3, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

Steve Lester

SL:lm

Encl. Copy of Application

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2003

LEE SISCO
WATER DISTRICT 63
6616 OVERLAND RD
BOISE ID 83709

Re: Application for Exchange of Water in the Name of United Water Idaho.

Dear Mr. Sisco:

On December 5, 2002, we sent out a letter asking agencies if they would be willing to receive comment letters electronically and asked for a response within 30 days. We have not had a response from you. In the event that you did not receive this letter, I have included a copy of it and an example of a scanned application.

Also enclosed is a copy of the above-referenced application for permit and a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Steve Lester

SL:lm

Enclosures

P.S. Lee -
I hope email comment letters would work for you. You could also email your watermaster comments if you'd like. Let us know what you think about the idea.
Thanks,
S.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2003

ATTN N SEMANKO
IWUA
205 N 10TH ST STE 530
BOISE ID 83702

Re: Application for Exchange of Water in the Name of United Water Idaho.

Dear Mr Semanko:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application, your written protest along with the $25.00 protest fee, must be received in this office by February 3, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

Steve Lester

SL:lm
Encl: Copy of Application

Lester, Steve

From: Lester, Steve
Sent: Thursday, January 09, 2003 9:10 AM
To: 'Deborah E. Nelson'
Subject: RE: Draft Memo for United Water ID Application for Exchange

Deb:

Please send a copy my way. I'll use it to get to the bottom of the unlocated document filed with this office last July. But this won't slow down any processing of the exchange since the application includes thorough ownership documentation.

Thanks.

Steve

-----Original Message-----
From: Deborah E. Nelson [mailto:den@givenspursley.com]
Sent: Thursday, January 09, 2003 8:50 AM
To: Lester, Steve
Cc: Scott Rhead
Subject: Re: Draft Memo for United Water ID Application for Exchange

Steve, you noted in your memo that IDWR has not found the Change of Ownership Application we filed on United Water's behalf. We filed this application on July 15, 2002, with IDWR Western Region.

Although your memo indicates the Exchange Application is sufficient to change the ownership records, would it be helpful if I sent over a copy of the Change of Ownership Application we filed? Or, would that just complicate the processing of the Exchange Application at this point?

Deb

Deborah E. Nelson
Givens Pursley LLP
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83702
phone: (208) 388-1200
fax: (208) 388-1300
website: www.givenspursley.com

CONFIDENTIALITY NOTICE: This e-mail contains confidential information that is protected by the attorney-client and/or work product privilege. It is intended only for the use of the individual(s) named as recipients. If you are not the intended recipient of this e-mail, please notify the sender, and please do not deliver, distribute or copy this e-mail, or disclose its contents or take any action in reliance on the information it contains.

--- Original Message---
To: "'den@givenspursley.com'" <den@givenspursley.com>
From: "Lester, Steve" <SLester@idwr.state.id.us>
Sent: 1/09/2003 8:09AM
Subject: Draft Memo for United Water ID Application for Exchange

>> Deb:
>>
>> Attached is the draft memo you requested summarizing the current

exchange
>> application. Please note the memo is a preliminary but not final
>> determination. The information is subject to change based on
additional
>> internal review and/or on information possibly produced during the
>> advertising and protest process. A final determination will not occur
until
>> the department's order in this matter becomes final. Typically a
preliminary
>> order is issued for the department's decision, allowing 10 days for
>> reconsideration. The order becomes final at that time if a party does
not
>> request reconsideration of the decision.
>>
>> But at this time it appears the three Snake River licenses are valid
rights
>> available to be exchanged with fish flow releases to the Boise River.
>>
>> Please let me know if you need additional information.
>>
>>   Steve Lester
>>   IDWR Western Region
>>
>>
>> <<Draft memo.doc>>
>>
>>

FAX COVER SHEET

DATE: Friday, January 10, 2003

PAGES (INCLUDING COVER): 11

ORIGINAL TO FOLLOW: No

From:
DEBORAH E. NELSON
GIVENS PURSLEY LLP
Suite 200, Park Place
277 North Sixth Street
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
Email: den@givenspursley.com
Web: www.givenspursley.com

RE: United Water Idaho—Initial Butte Exchange
Our File No. 30-116

TO: Steve Lester

SEND TO FAX PHONE: 334-2348

MESSAGE:

Per your request attached please find the Notice of Change in Water Right Ownership which was filed by United Water Idaho.

— Deb

If this fax does not transmit fully or is difficult to read, please contact me or my secretary, Katrina Thomas, at (208) 388-1227.

CONFIDENTIALITY NOTICE

This facsimile may contain confidential information that is protected by the attorney-client or work product privilege. It is intended only for the use of the individual(s) named above. If you are not a named recipient or an employee responsible for delivering the facsimile, you are instructed not to deliver, distribute or copy this facsimile, nor should you disclose its contents or take any action in reliance on the information it contains. If you have received this facsimile in error, please notify us immediately by telephone to arrange for the return of the transmitted documents to us. Thank you.

Form 42-248/42-1400(6) July. 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
02-02341	A02-02341				
02-02358	A02-02358				
02-02420	A02-02420				

2. The following **REQUIRED** information must be submitted with this form:

   A. The appropriate **FILING FEE.** See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

   OR

   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Southwest Inc.--c/o Gene Stunz-824 Reece Ave, Nyssa, OR 97913
   Duane & Laura Pancheri-19010 S. Canada Rd, Melba, ID 83614

4. New Owner/Claimant(s): United Water Idaho Inc.
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: 8248 Victory Road

   City, State and ZIP Code: Boise, ID 83709

   New Telephone Number: (208) 362-7325

5. Date you acquired the property: June 26, 2002

Form 42-248/42-1409(6) July, 2000

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) President, United Water Idaho Inc.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____AJ Date _____ WR _____ Date _____

WILD-MU

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE. IDAHO

2002 JN 26 PM 12:07

RECORDED-REQUEST OF
FEE 9- DEPUTY

102071816

FIRST AMERICAN

When recorded return to:

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Deborah E. Nelson

WATER RIGHT GENERAL WARRANTY DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Southwest, Inc., an Idaho corporation whose address is, c/o Gene Stunz, 824 Reece Avenue, Nyssa, Oregon 97913 ("Grantor"), does hereby grant, bargain, sell, convey, and assign unto United Water Idaho Inc., an Idaho corporation whose address is 8248 Victory Road, Boise, Idaho 83709 ("Grantee"), all of Grantor's right, title and interest in and to the water rights represented by Water Right License Numbers 02-02341, 02-02358, and 02-02420 and Snake River Basin Adjudication ("SRBA") Claim Numbers A02-02341, A02-02358, and A02-02420 (the "Water Rights"), and also assigns such licenses and SRBA claims to Grantee. The Water Rights heretofore have been diverted and beneficially used by Grantor and are appurtenant to real property located in Ada County, Idaho, more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the Water Rights unto the Grantee, its successors and assigns, forever.

The Idaho Department of Water Resources shall be entitled to enter the change in ownership of the Water Rights effected hereby upon its records and those of the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

IN WITNESS WHEREOF, the Grantor has caused the Grantor's name to be subscribed to the within instrument effective the 26th day of June, 2002.

GRANTOR: SOUTHWEST, INC., an Idaho Corporation

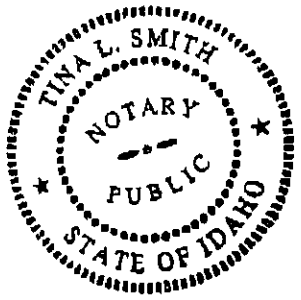
By: Gene Stunz
Its: President

And By: Rosemary Henigson
Its: Secretary

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th, day of June, in the year 2002, before me, a Notary Public in and for the State of Idaho, personally appeared Gene Stunz and Rosemary Henigson, of Southwest, Inc., known or identified to me to be the president and secretary of the corporation that executed the instrument or the person or persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Tina L. Smith
Notary Public for Idaho
Residing at: Boise
My commission expires: 7-25-05

EXHIBIT A

Legal Description of Real Property to Which the Water Rights Are Appurtenant

Water Right No. 02-02341: All of Section 16, Township 1 South, Range 1 West, B.M., Ada County, on 626 acres.

Water Right No. 02-02358: NW¼ and N½SW¼ of Section 26; N½ and NE¼SE¼ of Section 27; and NE¼ of Section 28, all in Township 1 South, Range 1 West, B.M., Ada County, on 725 acres.

Water Right No. 02-02420: NE¼ and N½SE¼ in Section 26; and N½ and SE¼ of Section 36, all in Township 1 South, Range 1 West, B.M., Ada County, on 704 acres.

WILD MK

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE IDAHO

2002 JN 26 PM 12:07

RECORDED - REQUEST OF
FEE 9- DEPUTY

102071817

FIRST AMERICAN

When recorded return to:

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Deborah E. Nelson

WATER RIGHT GENERAL WARRANTY DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Duane Pancheri and Laura Pancheri, husband and wife, whose address is 19010 South Canada Road, Melba, Idaho 83614 ("Grantors"), do hereby grant, bargain, sell, convey, and assign unto United Water Idaho Inc., an Idaho corporation whose address is 8248 Victory Road, Boise, Idaho 83709 ("Grantee"), all of Grantors' right, title and interest in and to the water right represented by Water Right License Number 02-02358 and Snake River Basin Adjudication ("SRBA") Claim Number A02-02358 (the "Water Right"), and also assigns such license and SRBA claim to Grantee. The Water Right heretofore has been diverted and beneficially used by Grantors and is appurtenant to real property located in Ada County, Idaho, more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the Water Right unto the Grantee, its successors and assigns, forever.

The Idaho Department of Water Resources shall be entitled to enter the change in ownership of the Water Right effected hereby upon its records and those of the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

IN WITNESS WHEREOF, the Grantors have caused the Grantors' names to be subscribed to the within instrument effective the 26th day of June, 2002.

GRANTORS: DUANE PANCHERI

LAURA PANCHERI

STATE OF IDAHO)
) ss.:
County of Ada)

On this 20th day of June, 2002, before me, a Notary Public of the State of Idaho, appeared Duane Pancheri, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that they executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.

TINA L. SMITH NOTARY PUBLIC STATE OF IDAHO

Tina L. Smith
Notary Public of the State of Idaho
Residing at: Boise
My Commission Expires: 7-25-05

STATE OF IDAHO)
) ss.:
County of Ada)

On this 20th day of June, 2002, before me, a Notary Public of the State of Idaho, appeared Laura Pancheri, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that they executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.

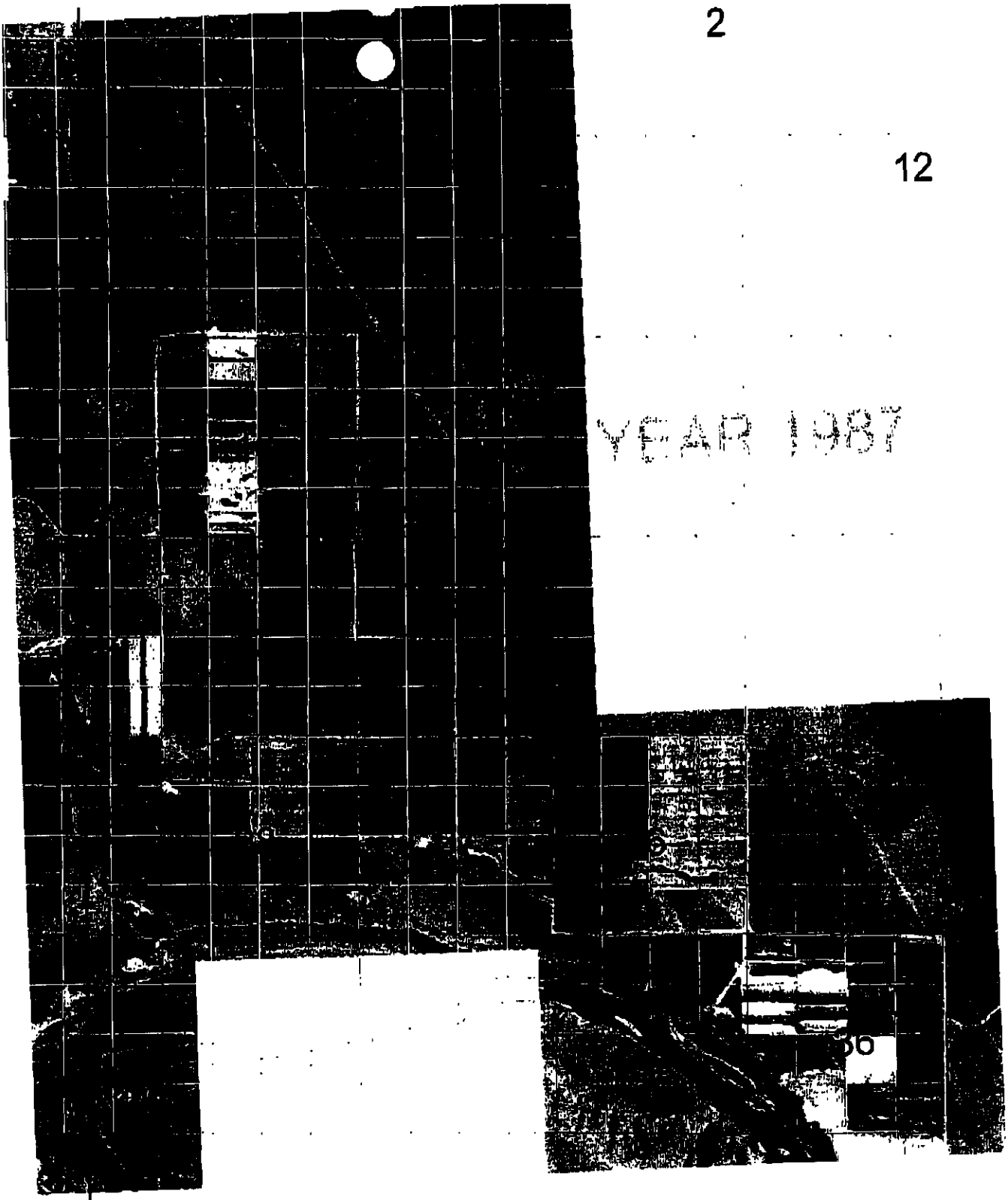
TINA L. SMITH NOTARY PUBLIC STATE OF IDAHO

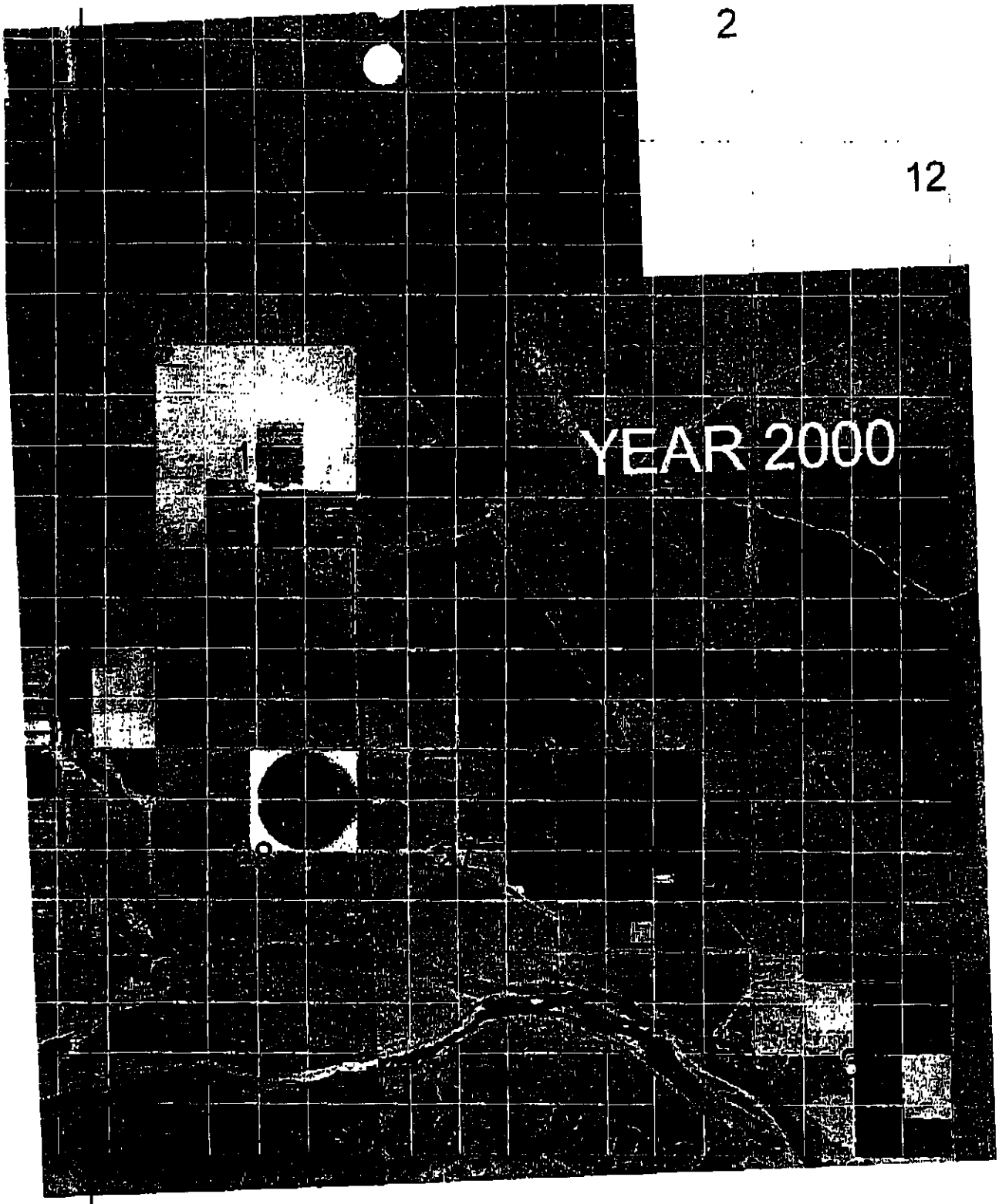
Tina L. Smith
Notary Public of the State of Idaho
Residing at: Boise
My Commission Expires: 7-25-05

EXHIBIT A

Legal Description of Real Property to Which the Water Right Is Appurtenant

Water Right No. 02-02358: NW¼ and N½SW¼ of Section 26; N½ and NE¼SE¼ of Section 27; and NE¼ of Section 28, all in Township 1 South, Range 1 West, B.M., Ada County, on 725 acres.


2
12
YEAR 1987


2
12
YEAR 2000

Lester, Steve

From: Lester, Steve
Sent: Thursday, January 09, 2003 8:10 AM
To: 'den@givenspursley.com'
Subject: Draft Memo for United Water ID Application for Exchange

Deb:

Attached is the draft memo you requested summarizing the current exchange application. Please note the memo is a preliminary but not final determination. The information is subject to change based on additional internal review and/or on information possibly produced during the advertising and protest process. A final determination will not occur until the department's order in this matter becomes final. Typically a preliminary order is issued for the department's decision, allowing 10 days for reconsideration. The order becomes final at that time if a party does not request reconsideration of the decision.

But at this time it appears the three Snake River licenses are valid rights available to be exchanged with fish flow releases to the Boise River.

Please let me know if you need additional information.

Steve Lester
IDWR Western Region

Draft memo.doc

Taylor, Sue

From: legals [legals@idahostatesman.com]
Sent: Thursday, January 09, 2003 7:36 AM
To: Taylor, Sue
Subject: Re: NOTICE OF PROPOSED CHANGE OF WATER

THANKS SUE, YOU SAID ADS (PLURAL), BUT I ONLY RECEIVED ONE - RIGHT-T-T-T-T?
JH

"Taylor, Sue" wrote:

> Hi JanicePlease let me know when you receive these ads.thanksSue

--
The Idaho Statesman Legal Ads Dept.
Janice Hildreth
ph. 377-6306; fx: 377-6309
email: legals@idahostatesman.com

Taylor, Sue

From: Karen Lewis [klewis@lmtribune.com]
Sent: Wednesday, January 08, 2003 8:50 AM
To: Taylor, Sue
Subject: Re:

Dear Sue
Received the legal notice - thank you.
Karen Lewis
Legal Advertising
LMT

Lester, Steve

From: Lester, Steve
Sent: Thursday, January 02, 2003 11:10 AM
To: 'Deborah E. Nelson'
Subject: RE: United Water exchange publication date

Deb:

The statewide ads should be published the last two weeks of January with a protest deadline of February 3, 2003.

Also, please note the ownership information submitted with the application is sufficient to complete an ownership change for the water right and adjudication records. A separate process is not necessary in this case.

Please let me know if you need more information regarding the application.

Best regards,

Steve Lester
IDWR Western Region

-----Original Message-----
From: Deborah E. Nelson [mailto:den@givenspursley.com]
Sent: Thursday, January 02, 2003 10:26 AM
To: slester@idwr.state.id.us
Subject: United Water exchange publication date

Hi Steve,

Just checking in to find out when United Water's exchange application was or will be published. Thanks,

Deb

Deborah E. Nelson
Givens Pursley LLP
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83702
phone: (208) 388-1200
fax: (208) 388-1300
website: www.givenspursley.com

CONFIDENTIALITY NOTICE: This e-mail contains confidential information that is protected by the attorney-client and/or work product privilege. It is intended only for the use of the individual(s) named as recipients. If you are not the intended recipient of this e-mail, please notify the sender, and please do not deliver, distribute or copy this e-mail, or disclose its contents or take any action in reliance on the information it contains.