

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 26 2002

WATER RESOURCES
WESTERN REGION

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
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.

ORIGINAL

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
Applicant's Signature (and Title if application is for an organization)
Gregory P. Wyatt, President
United Water Idaho Inc.

8-23-02
Date

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.
Received by KH Date 8/26/02 Fee 1330.00
Received by KH Date 8/26/02 Receipt No. W029635
Preliminary review by RZ
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.

United Water also 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. A copy of the Boise River water right is attached as Attachment E.

The purpose of this Application is to exchange deliveries under the Snake River water rights for Boise River diversions under United Water's Boise River water 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 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. *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 35.21 cfs from the Boise River at or near its Marden Street plant 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 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. 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.

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 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 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
Department of Water Resources

Attachment B

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
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u> at <u>12.52</u> cfs and	<u>2817.0</u> 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 (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
Section 35, Twp. 1S, Rge. 1W in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			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 $\frac{1}{4}$	
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 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

[Signature]

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	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 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 35, Twp. 1S, Rge. 1W in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			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 $\frac{1}{4}$	
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 hereinafter 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, 1983.

Acting for the Director

Norman C. Young

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 <u>March 15</u> to <u>November 15</u>	at <u>14.08</u> cfs and	<u>3168.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 14.08 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 (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
Section 35, Twp. 1S, Rge. 1W in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			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 $\frac{1}{4}$	
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.

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

Norman C. Young

State of Idaho
Department of Water Resources**Attachment E****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 83707-7488has 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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
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 CountyPLACE OF USE: See RemarksCONDITIONS/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.

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MAR 2 9 1993

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12053

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

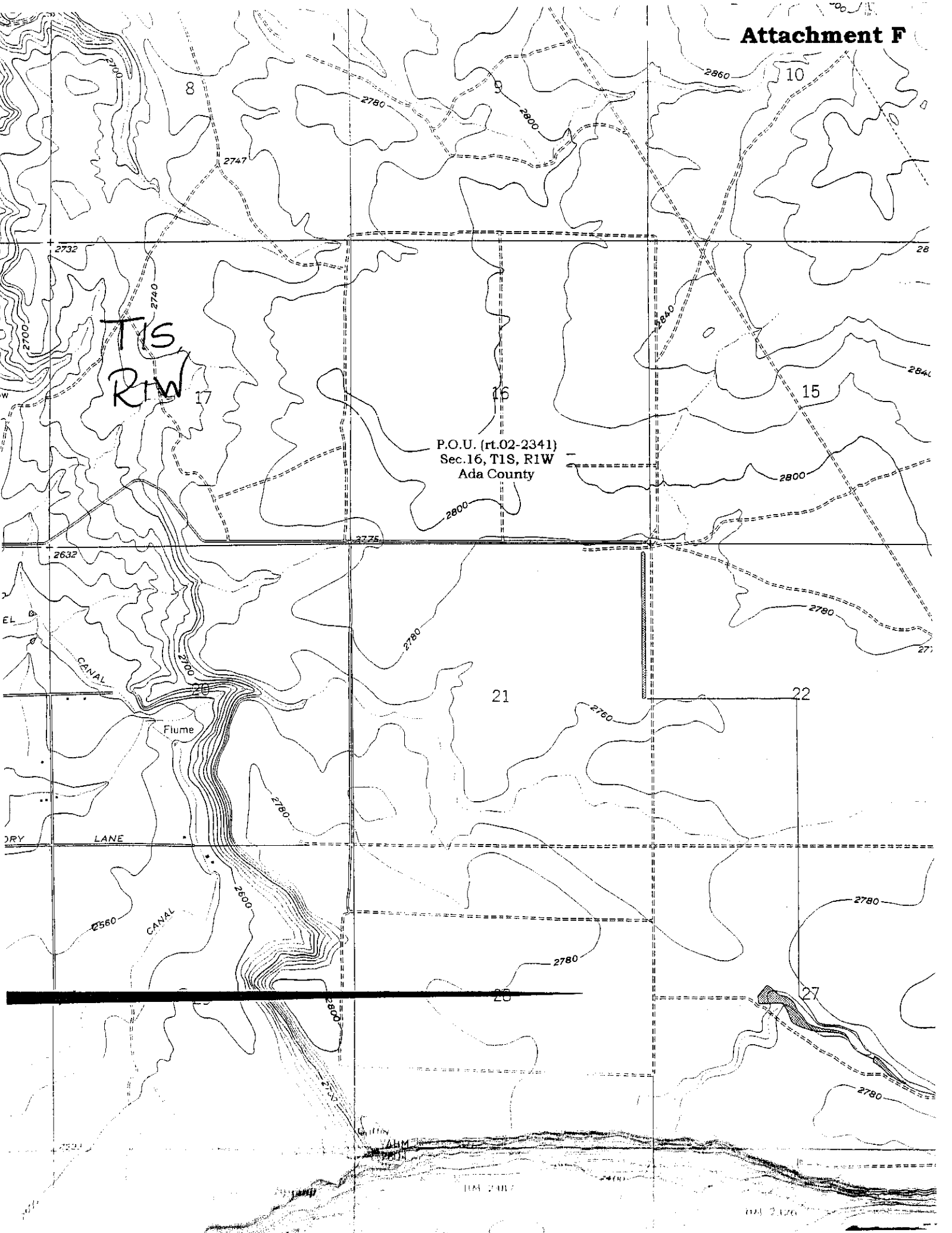
10 day of March, 1995



R. Keith Higginson, Director

for

RECEIVED
20 1995



T1S
R1W

P.O.U. (rt.02-2341)
Sec.16, T1S, R1W
Ada County

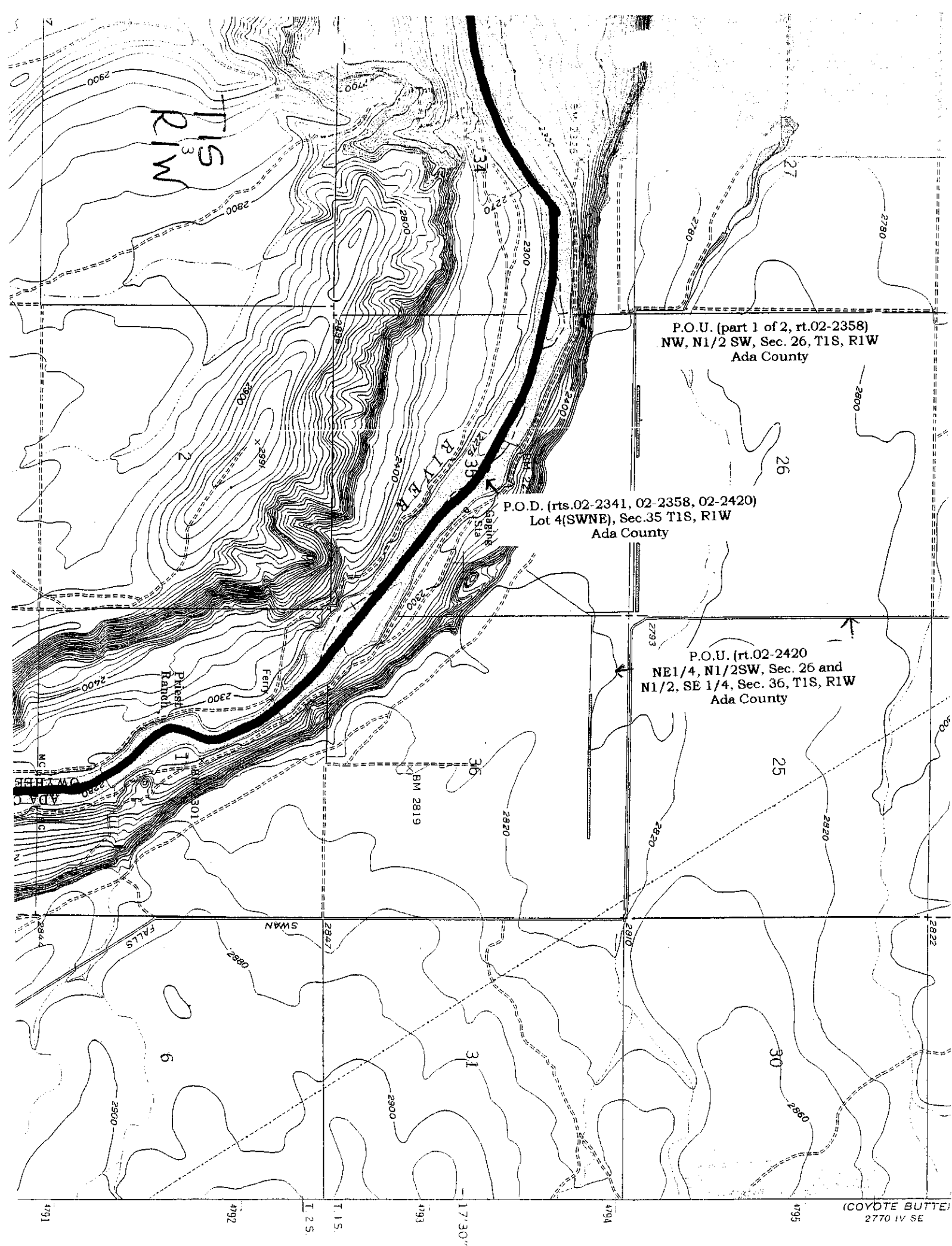
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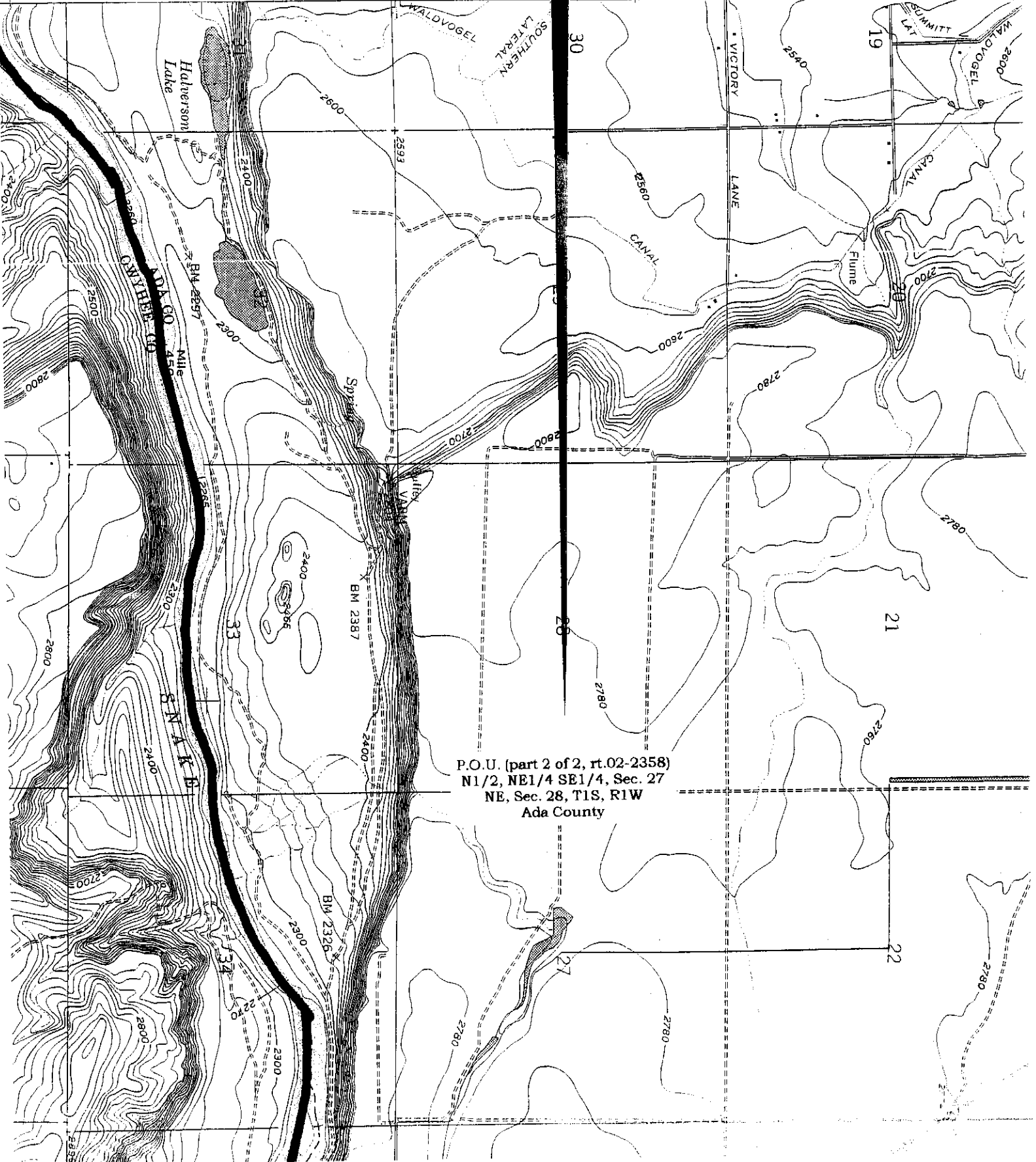
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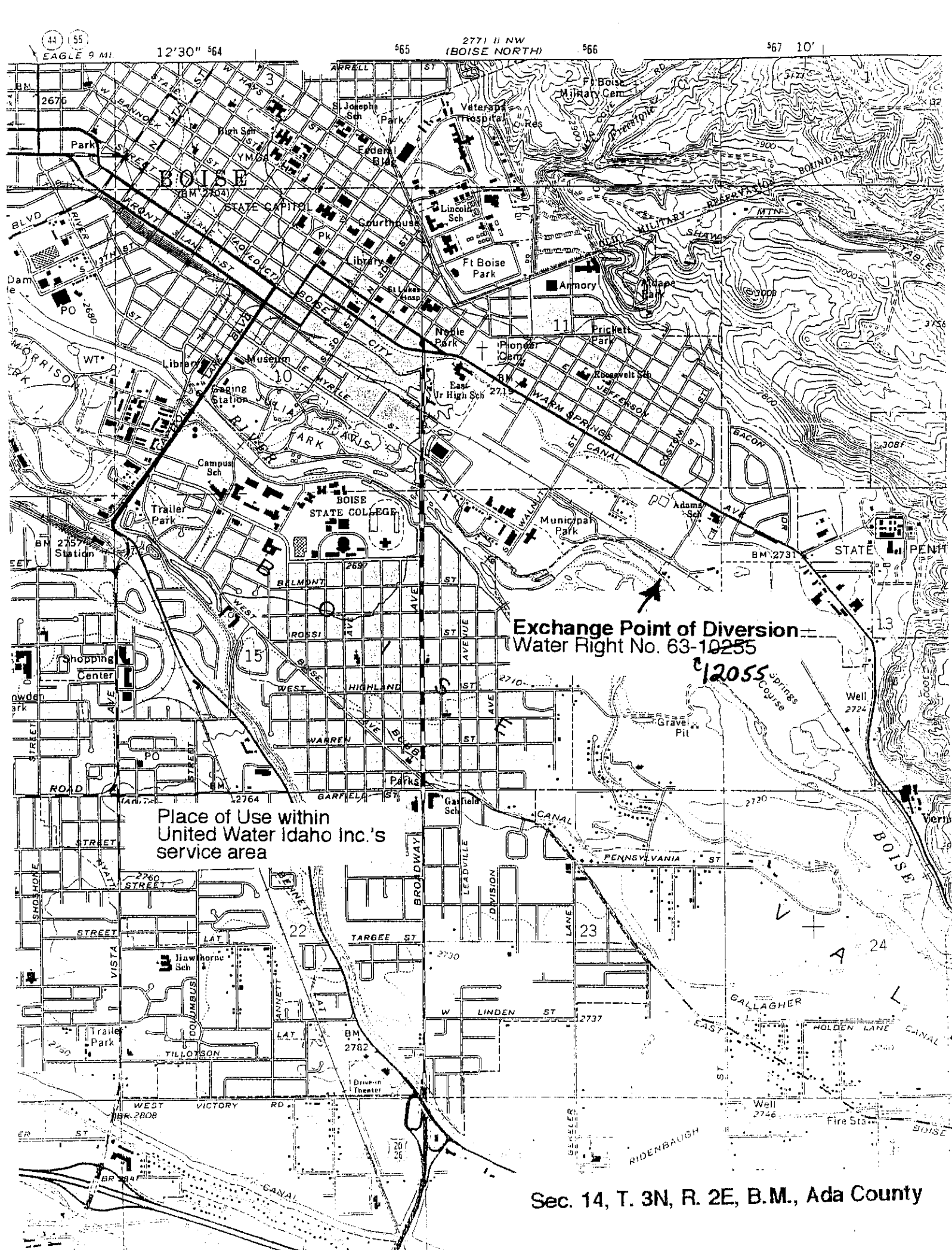
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(WALTERS BUTTE)

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NAMPA 20
MELBA 4.1



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



18
WILD.MK

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 9-60 102071816
DEPOSIT 102071816

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

2002 JUN 26 PM 12:07

102071816

FIRST AMERICAN

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

Gene Stunz
By: Gene Stunz
Its: President

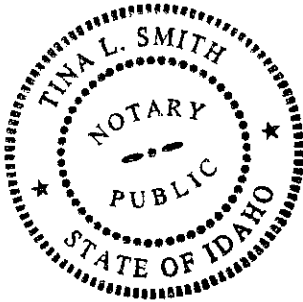
Rosemary Henigson
And By: Rosemary Henigson
Its: Secretary

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 corporation, and acknowledged to me that such corporation executed the same.

*Comment
letters*

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my of and year first above written.

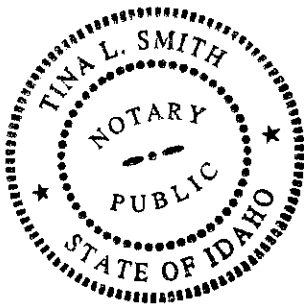


Tina L. Smith
Notary Public for Idaho
Residing at: Boise
My commission expires: 7-25-05

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: NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 26; N $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27; and NE $\frac{1}{4}$ of Section 28, all in Township 1 South, Range 1 West, B.M., Ada County, on 725 acres.

Water Right No. 02-02420: NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ in Section 26; and N $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 36, all in Township 1 South, Range 1 West, B.M., Ada County, on 704 acres.

WZLD. MLC

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 9- [Signature] DEPUTY

When recorded return to:

2002 JUN 26 PM 12:07

102071817

FIRST AMERICAN

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

[Signature of Duane Pancheri]

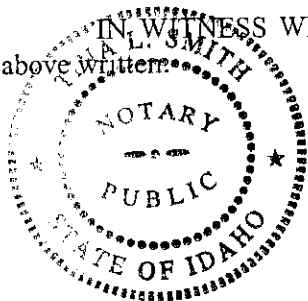
LAURA PANCHERI

[Signature of Laura Pancheri]

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.

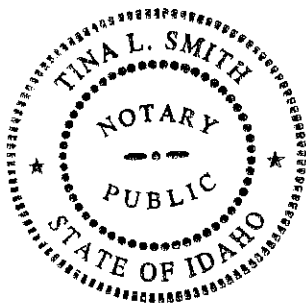


Tina L. Smith
Notary Public of the State of Idaho
Residing at: Boise
My Commission Expires: 7-25-05

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 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: NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 26; N $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27; and NE $\frac{1}{4}$ of Section 28, all in Township 1 South, Range 1 West, B.M., Ada County, on 725 acres.