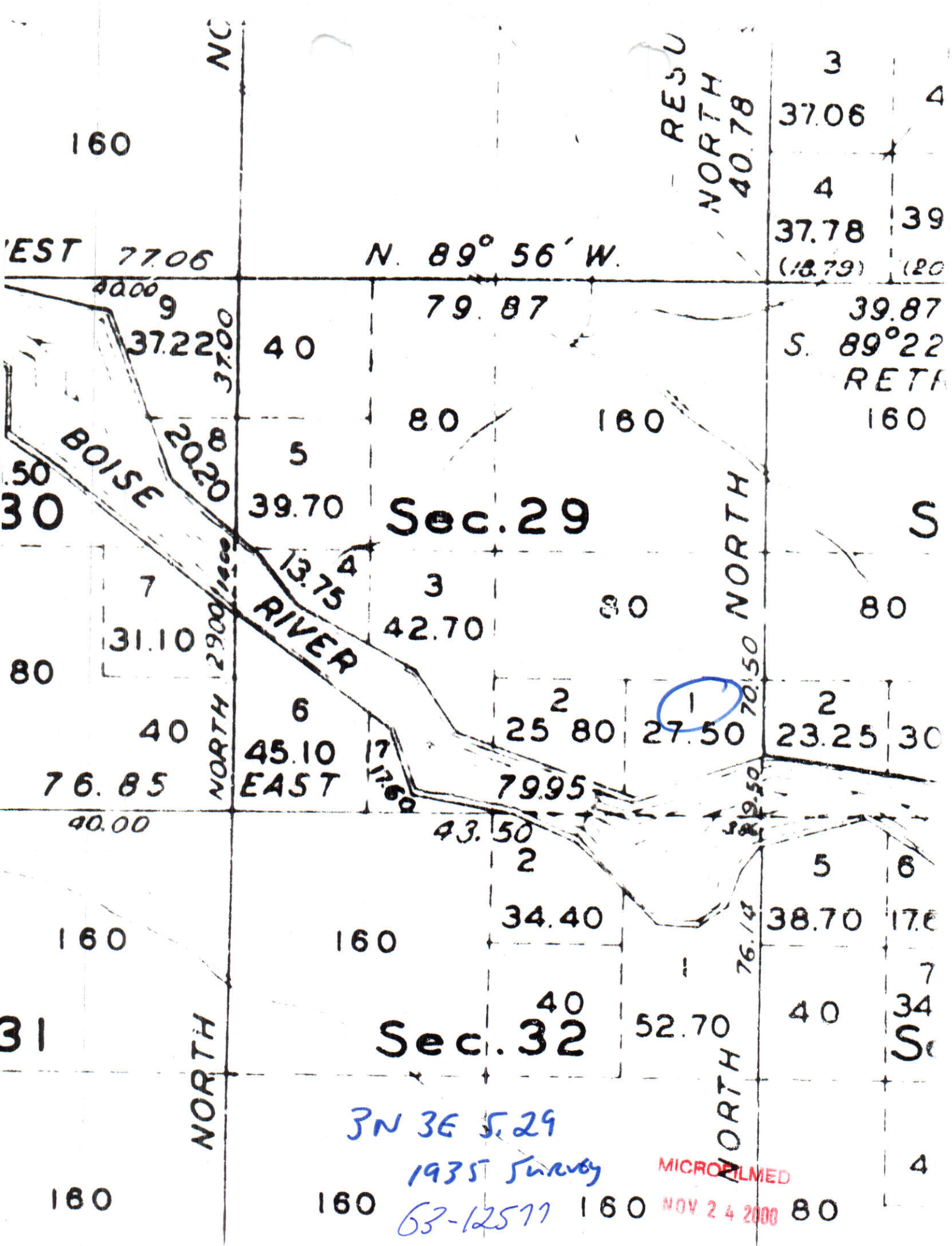


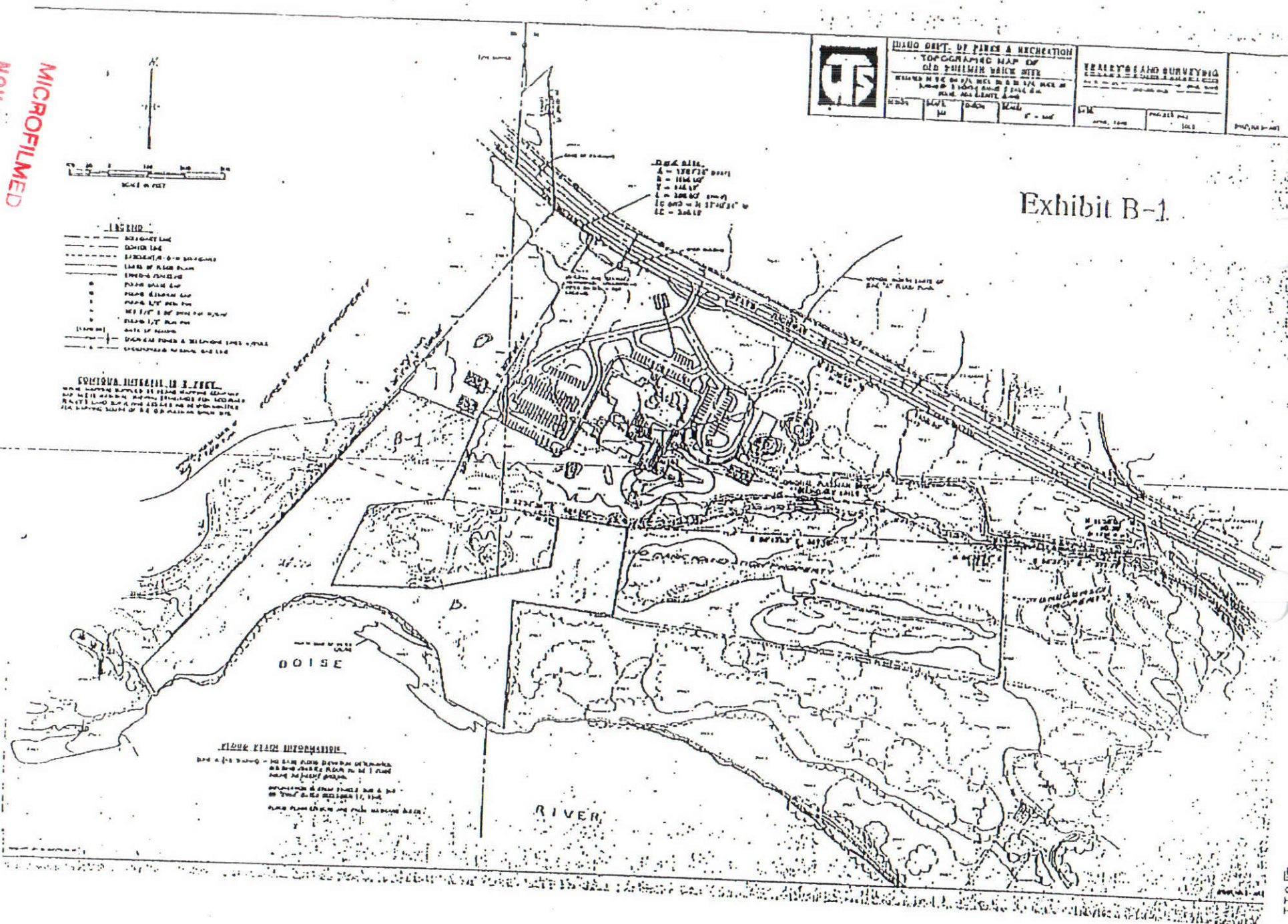


[illegible]

ID Shakespeare Festival

011 [5]

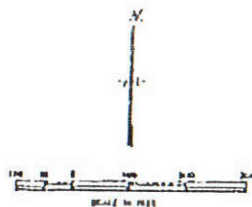
Exhibit B-1.



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				INDIAN DEPT. OF PARKS & RECREATION TOPOGRAPHIC MAP OF OLD FURNACE UNION SITE DRAWN BY THE DEPT. OF PARKS & RECREATION SCALE: 1" = 100'				YEARLY LAND SURVEYING 1988			
SHEET NO. 1 OF 1				DATE: 1988				BY: [Signature]			

Exhibit C-2



- LEGEND**
- Boundary Line
 - Easement
 - Easement, 5' or less
 - Easement, 10' or less
 - Easement, 15' or less
 - Easement, 20' or less
 - Easement, 25' or less
 - Easement, 30' or less
 - Easement, 35' or less
 - Easement, 40' or less
 - Easement, 45' or less
 - Easement, 50' or less
 - Easement, 55' or less
 - Easement, 60' or less
 - Easement, 65' or less
 - Easement, 70' or less
 - Easement, 75' or less
 - Easement, 80' or less
 - Easement, 85' or less
 - Easement, 90' or less
 - Easement, 95' or less
 - Easement, 100' or less

GENERAL NOTES

1. This map was prepared from a survey conducted by the Indian Department of Parks & Recreation in 1988.

2. The map shows the boundaries of the Old Furnace Union Site and the surrounding area.

3. The map is not to be used for legal purposes.

FLOOD FLOOD INFORMATION

1. This map was prepared from a survey conducted by the Indian Department of Parks & Recreation in 1988.

2. The map shows the boundaries of the Old Furnace Union Site and the surrounding area.

3. The map is not to be used for legal purposes.

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NOV 24 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12577

Priority: November 30, 1999

Maximum Diversion Rate:

0.11 CFS

This is to certify, that IDAHO SHAKESPEARE FESTIVAL
C/O MARK HOFFLUND
520 S 9TH
BOISE ID 83702

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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
AESTHETIC	01/01 to 12/31	0.11 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (SESE), Sec. 29, Township 03N, Range 03E
ADA County

PLACE OF USE: AESTHETIC

TWN RGE SEC

03N 03E 29 Lot 1(SESE)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2005.
2. Subject to all prior water rights.
3. 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.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
6. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
7. Aesthetic use is for a pond.
8. This right does not authorize the diversion of water released for stream flow maintenance during the non-irrigation season under prior right 63-03618. When flow in the Boise River at the point of diversion is being maintained solely by releasing water under right 63-03618, the right holder shall cease diverting water or shall provide for storage water or some other source of water to be released into the Boise River to replace the amount being diverted.

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NOV 24 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12577

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

28th day of September, 2000

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

NOV 24 2000

RECEIVED

Form 202
2/96

SEP 18 2000

Ident. Number 63-12577

Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT

RECEIVED

DEC 01 1999

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of Applicant Idaho Shakespeare Festival Phone 208-429-9908
Mailing Address c/o Mark Hofflund, Managing Director, 520 South 9th, Boise, ID 83702
2. Source of water supply Boise River which is tributary of Snake River
3. Location of point of diversion is: Township 3 North Range 3 East Sec. 29, in the SE $\frac{1}{4}$, SE $\frac{1}{4}$,
Govt. Lot 01, B.M., Ada County; additional points of diversion if any: _____
Additional points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount 0.11 cfs for aesthetics purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.11 cfs (cfs) and/or (b) _____
(cubic feet per second) (acre feet per annum)
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source gravity flow to 3.5 hp submersible pump to existing pond. Outflow from pond back to Boise River.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 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. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. water is sought for non-consumptive use as flow through aesthetic component of existing pond

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9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	3E	29				A												A	
																		L.I	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

- Who owns the property at the point of diversion? Idaho Foundation for Parks & Lands
- Who owns the land to be irrigated or place of use? Idaho Foundation for Parks & Lands
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Pond and diversion facilities are located on lands of Idaho Foundation for Parks & Lands and maintained by Applicant pursuant to Memorandum of Agreement (see Attachment C)

12. Remarks: See Attachment A hereto for further description

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" 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.)

See Attachment B

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho herein set forth.

Frank Hofflund

Signature of Application (and title, if applicable)

Received by Jm Date 11/30/99 Time 4:37 p.m. Preliminary check by SL
 Fee \$ 50.00 Receipted by Jm # 2047332 Date 11/30/99
 Publication prepared by dt Date 4-20-00 Published in 2d Stateman
 Publication approved dt Date 5-21-00 OWAYEE AVALANCHE

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ATTACHMENT A

The Idaho Shakespeare Festival ("ISF") operates an outdoor theater near the Boise River above the Barber Dam. ISF also has developed and maintains the lands surrounding its theater in both landscaped and natural areas. Located on these lands is an existing pond ("ISF Pond") that ISF intends to maintain for aesthetic purposes and as a component of its landscape irrigation system. ISF's Application for Permit seeks a non-consumptive aesthetics water right for the ISF Pond.

The ISF Pond has a surface area of approximately one acre and is located immediately adjacent to the Boise River. The water volume and level in the ISF Pond historically has varied in response to seasonal fluctuations in shallow ground water levels, which are in turn governed by water levels in the Boise River. Typically, water levels in the ISF Pond have been one to two feet lower than river levels. Since 1998, ISF has used an existing pump on the Boise River to divert water acquired through the District 63 Water Bank into the ISF Pond for temporary storage (less than 24 hours) and subsequent use for landscape irrigation at the ISF site. This irrigation water can be diverted from the ISF Pond at a maximum rate of 100 gpm. ISF is seeking a permanent water supply in the form of natural flow rights and/or contract storage to replace the annual Water Bank rentals.

For aesthetic purposes, ISF desires to maintain water levels in the ISF Pond approximately two feet above the normal river level. ISF proposes to accomplish this through use of its existing pumping system, which currently diverts irrigation water from the Boise River into the ISF Pond during the irrigation season. ISF would use this pumping system to provide a year-round, non-consumptive flow of water through the ISF Pond and back to the Boise River to maintain aesthetics of the pond.

Inlet and outlet structures have been constructed pursuant to a Section 404/Stream Alteration Permit obtained by ISF. The inlet system for the ISF Pond is connected to a manhole on the site that obtains water from the Boise River via gravity flow, and fills to approximately eight feet. A submersible pump moves water from the manhole to the pond at approximately 50 gpm. The ISF Pond outlet is an eight inch pipe that allows water above the pond design level to gravity flow back to the Boise River. A gate valve installed on the outlet pipe prevents reverse flow into the ISF Pond during periods of high river flows.

During the irrigation season, water levels in the ISF Pond will be maintained by natural infiltration of shallow ground water, and irrigation water right diversions, augmented if necessary by the non-consumptive flow through right sought by this application. During the non-irrigation season, the pond level will be maintained by natural infiltration of shallow ground water, augmented by the non-consumptive flow through right sought by this application. ISF does not believe that losses to the water diverted due to evaporation or evapotranspiration would be measurably different under its proposed use from what would occur in the Boise River proper.

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63-12577

ATTACHMENT B

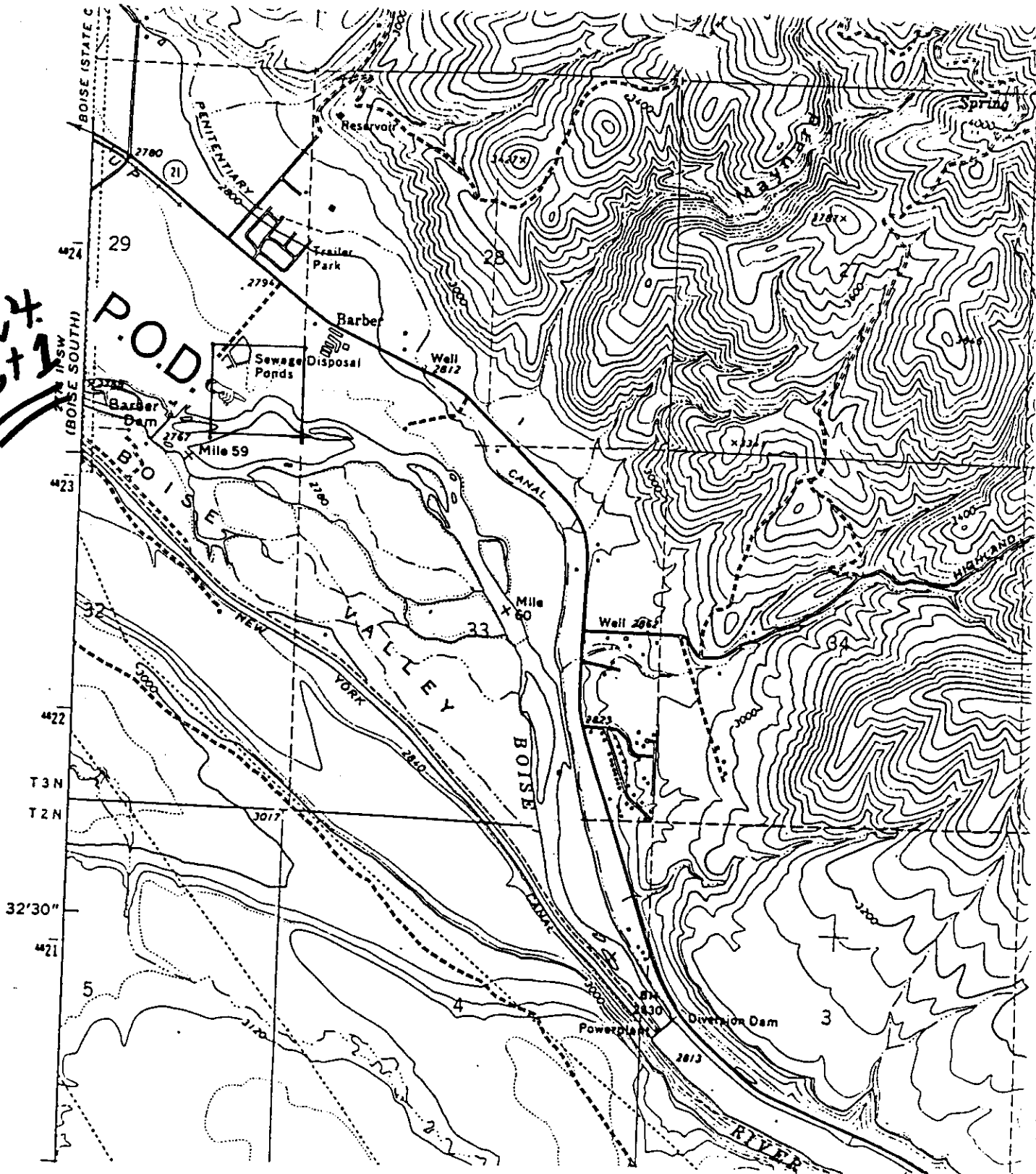
MAP OF PROPOSED PROJECT

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NOV 24 2000

Gov 4
Lot 1

P.O.D.



TOWNSHIP 3 NORTH, RANGE 3 EAST

FROM USGS 7.5 MINUTE "LUCKY PEAK QUADRANGLE"

MICROFILMED

63 12577
42000

P/O shown on this
map.

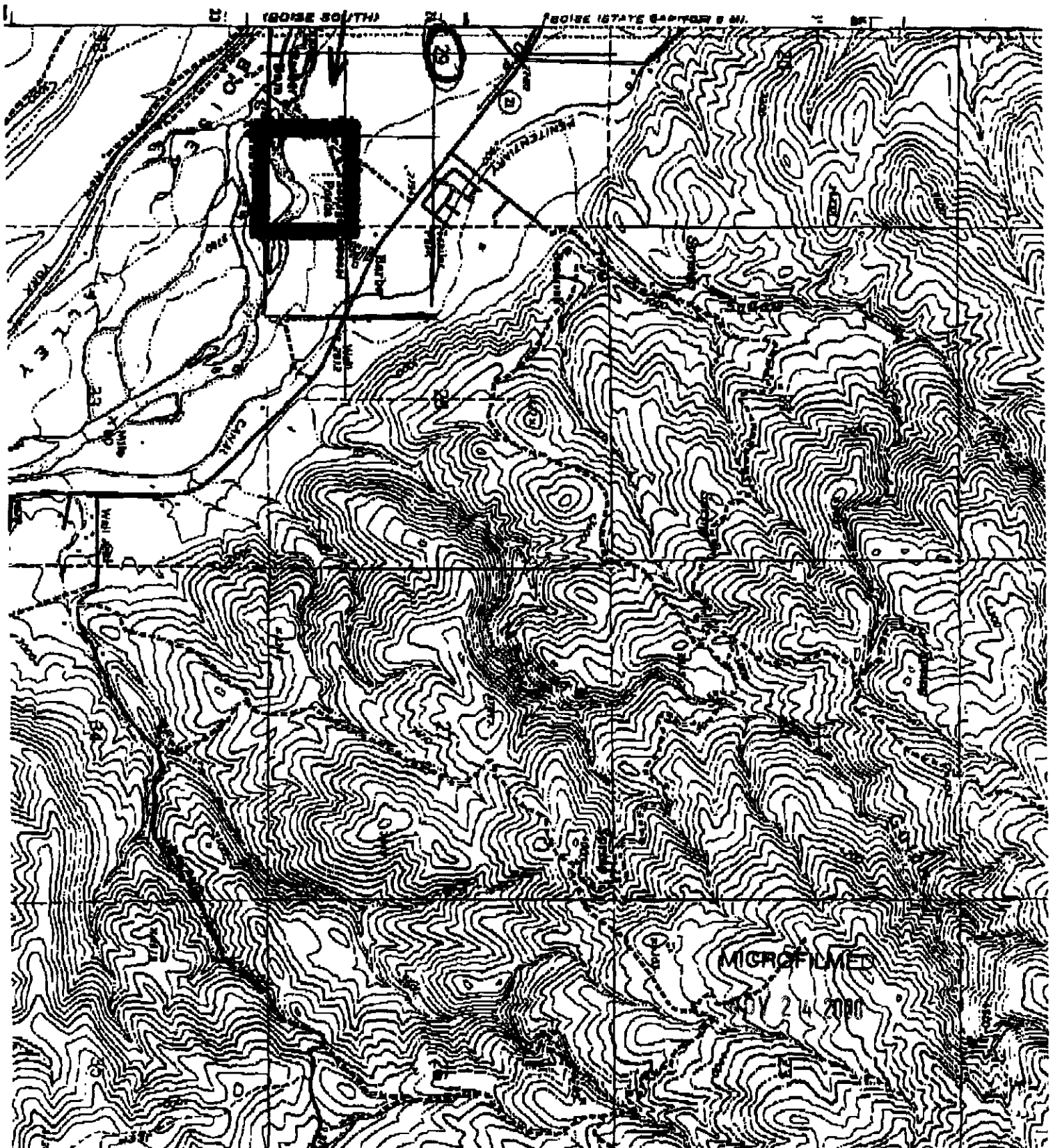
See map #2 for

P/O - 1-26-00

gov't.
LW + 1
5.29
SSE
Pond
in

63-12577

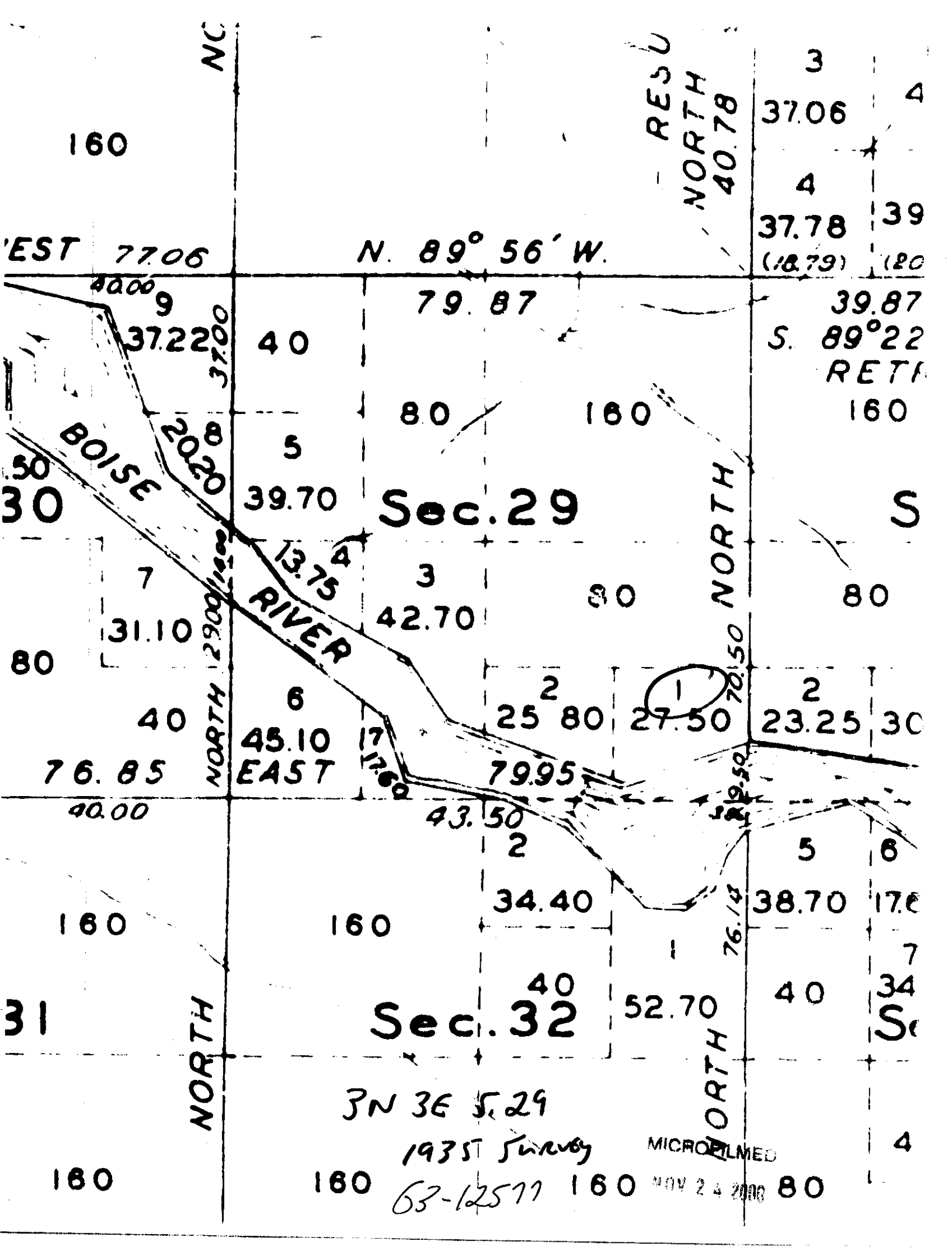
→



from ATTORNEY: P/L MAP #2 FIXED 1-26-00

TOTAL P. 01

-82



ATTACHMENT C

MEMORANDUM OF AGREEMENT

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NOV 24 2000

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 10th day of September 1996, by and between the IDAHO FOUNDATION FOR PARKS AND LANDS, INC. ("Foundation"), the IDAHO SHAKESPEARE FESTIVAL ("Festival") and the STATE OF IDAHO, DEPARTMENT OF PARKS AND RECREATION ("Department").

WHEREAS, the Foundation is a non-profit organization, incorporated under the laws of the State of Idaho, whose primary activity is to identify, acquire or accept, hold, and sometimes transfer interests in lands to political entities for public uses in the State of Idaho; and

WHEREAS, the Festival is a non-profit organization, incorporated under the laws of the State of Idaho, whose primary purpose is to produce, promote and educate the public in the art of live theater, with special emphasis on the works of William Shakespeare; and

WHEREAS, the Foundation has entered into a Purchase and Sale Agreement with the Festival to transfer fee simple title to the Festival of that certain tract of property located on and near the Boise River east of Boise, Idaho and more particularly described in Exhibit A ("the Property") to this Memorandum; and

WHEREAS, the Foundation wishes to conserve seven acres, more or less, surrounding the Property, to serve as a natural area and buffer for the Property and to include limited development, such as parking, fire access, paths, pond and picnic areas, interpretive signs, and viewing decks, and more particularly described in Exhibit B ("the Natural Area") to this Memorandum; and

WHEREAS, the Department is a department of the sovereign State of Idaho and is engaged in the acquisition, development, management, and supervision of public lands both for park use and for maintenance in the natural state for the benefit of the people of Idaho; and

WHEREAS, the Department seeks to conserve riparian habitat in order to protect the significant natural values of the Barber Pool area; and

MEMORANDUM OF UNDERSTANDING - 1
RESV082116

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NOV 24 2000

63-12577

WHEREAS the parties wish to provide a framework within which they may agree upon the terms and conditions upon which the Foundation and the Department may, as the Festival's requirements permit, make use of the Festival's improvements upon the Property; and

WHEREAS the parties wish to provide a framework within which they may agree upon the terms and conditions for the planning, development, use, and management of the Natural Area;

NOW, THEREFORE, the parties to this Memorandum of Understanding ("MOU"), for and in consideration of their respective covenants, agree as follows:

1. The parties agree that they will jointly prepare, at no cost, a ten-year plan for use by the Foundation and the Department, consistent with the Festival's requirements, of the Festival's improvements on the Property. The parties also agree that they will jointly prepare, at no cost, a ten-year plan for the planning, development, use, and management for the Natural Area.

2. The parties further agree that neither this MOU nor any action by any of the parties will violate any restriction placed upon the Natural Area by the gift deed through which the Foundation acquired the real property which comprises the Natural Area.

3. The parties further agree that they will share responsibility for design concepts for the Natural Area, but that the Festival will have the primary responsibility for the preparation of design concepts for the limited development of the Natural Area.

4. The parties further agree that the Foundation and the Department, through donations, partnerships, and their respective internal budgeting processes, may seek funding for the interpretive development of the Property and the Natural Area, and that any such funding will augment any capital funds raised by the Festival for this purpose.

5. The Festival will provide for the operation and maintenance of all facilities on the Property, unless there are specific exceptions as detailed in the Operating Agreement among the parties. The Foundation will provide for the operation and maintenance of all facilities on the Natural Area, unless there

MEMORANDUM OF UNDERSTANDING - 2
RES \082196

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NOV 24 2000

are specific exceptions as detailed in the Operating Agreement among the parties.

6. The Festival shall be entitled to use the Natural Area, excluding the Parking Area (which is more particularly described in Exhibit B-1 to this Memorandum), so long as the Property is used as an amphitheater for the production of plays by the Festival or its successors and assigns. The use of the Parking Area will be as set forth in the "Addendum to Memorandum of Understanding" attached hereto.

7. The Foundation grants to the Festival a restrictive covenant regarding the future use or development of any of the land more particularly described in Exhibits C-1 and C-2 to this Memorandum to restrict the use or development of that land in any manner in which the noise level associated with the use of that land is incompatible with the Festival's use of the open amphitheater for the live production of theater plays. Such noise level is defined to include, but is not necessarily limited to, noise that is non-environmental, mechanically-produced, repetitious or in any way interferes with the live theater performances in the open amphitheater.

8. The parties will assure each others' access from current or to be developed points of roadway access through the Festival grounds and Natural Area to the property described in Exhibit C-2 to this Memorandum.

9. Nothing in this MOU shall be deemed or construed to contradict or supersede the provisions of the July 22, 1995 Purchase and Sale Agreement between the Foundation and the Festival.

10. The parties to this MOU will provide adequate communication each with the other to ensure that the MOU's provisions are fulfilled. Each party will appoint two (2) people to serve on a committee to review and administer the Operating Agreement referred to above, and the parties agree that such committee will meet at least once annually, or as may from time to time be necessary to review and administer the Operating Agreement.

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MEMORANDUM OF UNDERSTANDING - 3
RES\052195

NOV 24 2000

11. Notices under this MOU shall be provided as follows:

Idaho Foundation of Parks and Lands, Inc.
5657 Warm Springs Avenue
Boise, Idaho 83712

Idaho Shakespeare Festival
P.O. Box 9365
Boise, Idaho 83707

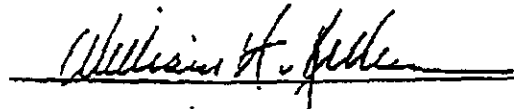
Idaho Department of Parks and Recreation
P.O. Box 83720
Boise, Idaho 83720-0065

The parties will keep each other advised of address changes.

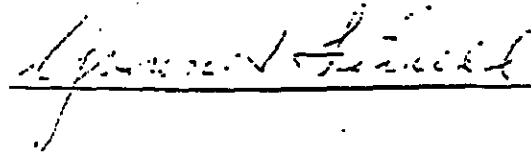
IDAHO FOUNDATION FOR PARKS AND LANDS, INC.

By: 

IDAHO SHAKESPEARE FESTIVAL

By: 

IDAHO DEPARTMENT OF PARKS AND RECREATION

By: 

MEMORANDUM OF UNDERSTANDING - 4
RES\082195

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NOV 24 2000

EXHIBIT A

A parcel of land situated in the SW 1/4 of Section 28 and the SE 1/4 of Section 29, all in T.3N., R.3E., B.M., Ada County, Idaho, as shown on Record of Survey filed as Instrument No. _____, in the Office of the Ada County Recorder, more particularly described as follows:

Commencing at the Northeast corner of said Section 29, a point marked by a brass cap; thence along the East line of said Section 29

South 0°30'59" West 2613.03 feet to the 1/4 corner common to said Section 29 and 28, a point marked by a brass cap; thence leaving the East line of said Section 29

South 5°15'56" East 910.29 feet (formerly South 6°06' East 910.1 feet) to a point of curvature on the South right-of-way line of State Hwy. 21 (Federal Aid Project No. 145-A) at Station 227 + 23.0; thence

South 39°19'47" West 1099.89 feet (formerly South 38°23' West 1100.00 feet) to a point marked by a found aluminum cap; thence

North 82°24'19" East 219.24 feet (formerly North 81°23' East 418.00 feet) to THE POINT OF BEGINNING, marked by a 5/8" iron pin; thence continuing

North 82°24'19" East 200.00 feet to a point marked by a 5/8" iron pin; thence

South 82°56'36" East 300.00 feet (formerly South 83°47' East) to a point marked by a 5/8" iron pin; thence

South 7°03'24" West 140.00 feet to a point marked by a 5/8" iron pin; thence

South 76°47'50" West 317.65 feet to a point marked by a 5/8" iron pin; thence

North 89°59'37" West 261.00 feet to a point marked by a 5/8" iron pin; thence

North 22°24'19" East 240.00 feet to THE POINT OF BEGINNING.

Said parcel contains 2.56 acres, more or less.

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NOV 24 2000

EXHIBIT 8

A parcel of land situated in the SW 1/4 of Section 28 and the SE 1/4 of Section 29, all in T.3N., R.3E., B.M., Ada County, Idaho, adjacent to Record of Survey filed as Instrument No. 9340037, in the Offices of the Ada County Recorder, more particularly described as follows:

Commencing at the Northeast corner of said Section 29, a point marked by a brass cap; thence along the East line of said Section 29

South 0°30'59" West 2613.03 feet to the NE corner common to said Section 29 and 28, a point marked by a brass cap; thence leaving the East line of said Section 29

South 5°15'56" East 910.29 feet (formerly South 6°06' East 910.1 feet) to a point of curvature on the South right-of-way line of State Hwy. 21 (Federal Aid Project No. 145-A) at Station 227 + 23.0; thence

South 39°19'47" West 642.54 feet (formerly South 38°23' West) to THE POINT OF BEGINNING; thence

South 70°00'07" East 220.16 feet to a point; thence

South 19°59'53" West 237.38 feet to a point; thence

South 82°24'19" West 200.00 feet to a point; thence

South 22°24'19" West 240.00 feet to a point; thence

South 89°59'37" East 261.00 feet to a point; thence

North 76°47'50" East 317.65 feet to a point; thence

North 7°03'24" East 140.00 feet to a point; thence

South 82°56'36" East 184.00 feet to a point; thence

South 7°03'24" West 248.46 feet to a point; thence

North 83°01'08" West 260.53 feet to a point; thence

South 0°24'47" West 350.00 feet to a point; thence

North 65°50'00" West 180.00 feet to a point; thence

North 11°30'00" West 134.00 feet to a point; thence

North 48°30'00" West 145.00 feet to a point; thence

North 69°40'00" West 135.00 feet to a point; thence

North 87°00'00" West 115.00 feet to a point; thence

South 61°45'00" West 127.00 feet to a point; thence

South 33°15'00" West 215.00 feet to a point; thence

North 89°00'00" West 92.00 feet to a point; thence

South 49°05'16" West 81.83 feet to a point; thence

North 33°15'00" West 77.00 feet to a point; thence

North 39°19'47" East 1029.55 feet (formerly North 38°23' East) to THE POINT OF BEGINNING.

Said parcel contains 7.81 acres, more or less.

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NOV 24 2000

EXHIBIT B-1

A parcel of land situated in the SE 1/4 of Section 29, T.3N., R.3E., B.M., Ada County, Idaho, adjacent to Record of Survey filed as Instrument No. 9340037, in the Offices of the Ada County Recorder, more particularly described as follows:

Commencing at the Northeast corner of said Section 29, a point marked by a brass cap; thence along the East line of said Section 29

South 0°30'59" West 2613.03 feet to the 1/4 corner common to said Section 29 and 28, a point marked by a brass cap; thence leaving the East line of said Section 29

South 5°15'56" East 910.29 feet (formerly South 6°06" East 910.1 feet) to a point of curvature on the South right-of-way line of State Hwy. 21 (Federal Aid Project No. 145-A) at Station 227 + 23.0; thence

South 39°19'47" West 642.54 feet (formerly South 38°23' West) to THE POINT OF BEGINNING, thence continuing

South 39°19'47" West 251.56 feet (formerly South 38°23' West) to a point, thence

South 70°00'07" East 303.43 feet to a point; thence

North 19°59'53" East 237.38 feet to a point; thence

North 70°00'07" West 220.16 feet to THE POINT OF BEGINNING.

Said parcel contains 1.43 acres, more or less.

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NOV 24 2000

MADE BY PIERCE & RECREATION
TOPOGRAPHIC MAP OF
OLD TROLLEY PARK, BOISE, IDAHO
 BASED ON THE 1907 U.S. GEOLOGICAL SURVEY MAP OF BOISE, IDAHO, AND SALT LAKE, UTAH
 SCALE 1:25,000
 PUBLISHED 1907
 PUBLISHED BY PIERCE & RECREATION
 1000 N. 10TH ST., BOISE, IDAHO
 P.O. BOX 1000, BOISE, IDAHO
 P.O. BOX 1000, BOISE, IDAHO

LEGEND
 RAILROAD LINE
 RAILROAD TRACK
 RAILROAD BRIDGE
 RAILROAD TUNNEL
 RAILROAD CUT
 RAILROAD DITCH
 RAILROAD EMBANKMENT
 RAILROAD FILL
 RAILROAD GRADE
 RAILROAD MOUND
 RAILROAD PILE
 RAILROAD POST
 RAILROAD SIGN
 RAILROAD STRUCTURE
 RAILROAD TOWER
 RAILROAD WAREHOUSE
 RAILROAD YARD
 RAILROAD ZONE

SCALE
 1:25,000

BOISE RIVER

OLD TROLLEY PARK

BOISE

RAILROAD

RAILROAD BRIDGE

RAILROAD TUNNEL

RAILROAD CUT

RAILROAD DITCH

RAILROAD EMBANKMENT

RAILROAD FILL

RAILROAD GRADE

RAILROAD MOUND

RAILROAD PILE

RAILROAD POST

RAILROAD SIGN

RAILROAD STRUCTURE

RAILROAD TOWER

RAILROAD WAREHOUSE

RAILROAD YARD

RAILROAD ZONE

EXHIBIT C-1

A parcel of land situated in the SW 1/4 of Section 28 and the SE 1/4 of Section 29, all in T.3N., R.3E., B.M., Ada County, Idaho, adjacent to Record of Survey filed as Instrument No. 9340037, in the Offices of the Ada County Recorder, more particularly described as follows:

Commencing at the Northeast corner of said Section 29, a point marked by a brass cap; thence along the East line of said Section 29

South 0°30'59" West 2613.03 feet to the 1/4 corner common to said Section 29 and 28, a point marked by a brass cap; thence leaving the East line of said Section 29

South 5°15'56" East 910.29 feet (formerly South 6°06' East 910.1 feet) to a point of curvature on the South right-of-way line of State Hwy. 21 (Federal Aid Project No. 145-A) at Station 227 + 23.0. THE POINT OF BEGINNING; thence

South 39°19'47" West 642.54 feet to a point; thence

South 70°00'07" East 220.16 feet to a point; thence

North 30°38'59" East 582.45 feet to a point on the South right-of-way line of State Hwy. 21 (Federal Aid Project No. 145-A); thence along said South right-of-way line on a curve to the right whose radius is 1186.00 feet, whose central angle is 5°47'59", whose length is 120.05 feet and whose long chord bears

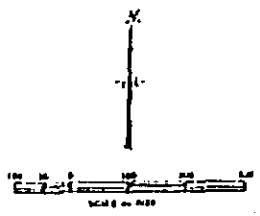
North 53°35'42" West 120.00 feet to THE POINT OF BEGINNING.

Said parcel contains 2.33 acres, more or less.

MICROFILMED
NOV 24 2000

				IDaho DEPT. OF FIRE & RECREATION TOPOGRAPHIC MAP OF THE PAULSEN STATE SITE DRAWN BY J. L. B. IN 1964 BY J. L. B. IN 1964 SCALE: 1" = 1/4" MILE DATE: 1964				TRAILER LAND SURVEYING PROJECT NO. 1002 SHEET NO. 1002			
---	--	--	--	---	--	--	--	---	--	--	--

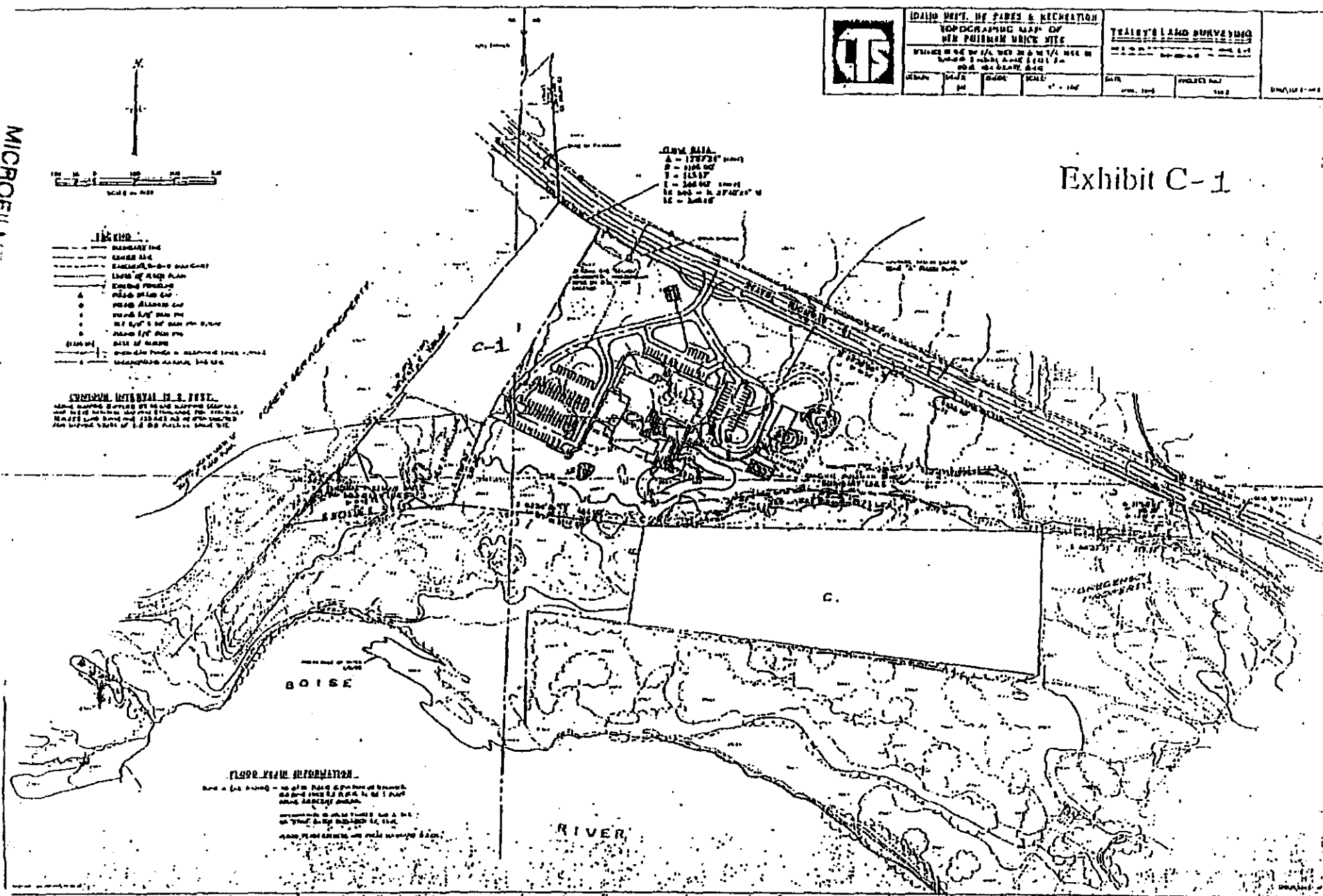
Exhibit C-1



- LEGEND**
- BOUNDARY LINE
 - EASEMENT
 - EASEMENT, 5-0-0
 - EASEMENT, 10-0-0
 - EASEMENT, 15-0-0
 - EASEMENT, 20-0-0
 - EASEMENT, 25-0-0
 - EASEMENT, 30-0-0
 - EASEMENT, 35-0-0
 - EASEMENT, 40-0-0
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 - EASEMENT, 65-0-0
 - EASEMENT, 70-0-0
 - EASEMENT, 75-0-0
 - EASEMENT, 80-0-0
 - EASEMENT, 85-0-0
 - EASEMENT, 90-0-0
 - EASEMENT, 95-0-0
 - EASEMENT, 100-0-0

CONTINUED INTEREST IN 1977
 LAND SURVEYING SERVICE OF THE STATE OF IDAHO
 1000 WEST 10TH AVENUE, SUITE 100
 BOISE, IDAHO 83725
 PHONE (208) 333-1111
 FAX (208) 333-1112

PLANNING INFORMATION
 This map was prepared by the Idaho Department of Fire & Recreation, Planning Division, in cooperation with the Idaho Department of Agriculture, Planning Division, and the Idaho Department of Transportation, Planning Division.
 The map was prepared for the purpose of planning and development of the Paulsen State Site.
 The map was prepared in 1964 and is based on the 1964 aerial photograph.



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 NOV 24 2000

EXHIBIT C-2

A parcel of land situated in the SW 1/4 of Section 28, T3N., R3E., B.M., Ada County, Idaho, adjacent to Record of Survey filed as Instrument No. 9340037, in the Offices of the Ada County Recorder, more particularly described as follows:

Commencing at the Northwest corner of said Section 28, a point marked by a brass cap; thence along the West line of said Section 28

South 0°30'59" West 2613.03 feet to the 1/4 corner common to said Section 28 and Section 29, a point marked by a brass cap; thence leaving the West line of said Section 28

South 5°15'56" East 910.29 feet (formerly South 6°06' East 910.1 feet) to a point of curvature on the South right-of-way line of State Hwy. 21 (Federal Aid Project No. 145-A) at Station 227 + 23.0; thence

South 39°19'47" West 642.54 feet (formerly South 38°23' West) to a point; thence

South 70°00'07" East 220.16 feet to a point; thence

South 19°59'53" West 237.38 feet to a point; thence

South 82°56'36" East 484.00 feet to THE POINT OF BEGINNING; thence

South 89°43'53" East 857.16 feet to a point; thence

North 89°38'30" East 146.81 feet to a point; thence

South 0°48'49" West 369.55 feet to a point; thence

North 83°01'08" West 1036.93 feet to a point; thence

North 7°03'24" East 248.46 feet to THE POINT OF BEGINNING.

Said parcel contains 7.20 acres, more or less.

MICROFILMED

NOV 24 2000

Ident. No. 63-12577

Comments: Date: 4/11/2000 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION

APPLICANT'S: Aesthetic use is for flow-through for pond at ISF site. Water bank leases and T.5687 also cover the pond. SCA Permit 63-S-1409 was obtained for inlet & outlet work. Non-consumptive use is proposed for application 63-12577. IDWR'S: See reviewer's memo in T.5687 for more complete analysis. CONTACT for applicant is ATTORNEY Mike Creamer (388-1247).

MICROFILMED
NOV 24 2000



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

September 28, 2000

DIRK KEMPTHORNE
GOVERNOR

IDAHO SHAKESPEARE FESTIVAL
C/O MARK HOFFLUND
520 S 9TH
BOISE ID 83702

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12577

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

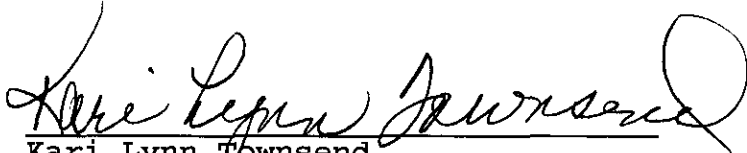
MICROFILMED
NOV 24 2000

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of **September, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 63-12577

IDAHO SHAKESPEARE FESTIVAL
C/O MARK HOFFLUND
520 S 9TH
BOISE ID 83702


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 24 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 9/26/00

No. 13-12577 Name: IS Festival Corp. Officers ✓ Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes Moratorium Boise front GWMA ~~TRUST/NO TRUST~~

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P04 (20s-70s, 81-86)
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 10/01/2005

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26(P17)
~~Ownership~~ - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

~~P&G contacted~~ - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
In-stream development - P52
~~WD~~ - R04 (WD# 103)
≤ 0.20 cfs/others - 01H(P01) 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

IRRIGATION SEASON - (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS Spec cond (Darys 9/12/2000 memo) related to

COMMENTS watermaster's direction

9/99

RECEIVED

SEP 18 2000

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETINITIAL REVIEW BY: RLDATE: 4/11/00APPLICATION: 63-12577

Department of Water Resources

REQUIRED INFORMATION

CONTACT is Mike Creamer 388-1247 (Attorney)Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.) see 4/12/00 fax

Address:

Source: (See USGS Quad for names of water sources)

Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)

County:

Quantity: (flow and/or volume)

Gov't. Lots:

Period of use:

4 P/D

Nature of proposed use: (Include description of use)

4 P/U

Description of diverting works:

Time required for beneficial use of water: - Needs 5 yrs. to fully complete everything

Place of use or acres irrigated:

Map: (show T, R, S, QQ &/or QQQ)

Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)

Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)

Correct fee paid

MANAGING Director per Address INTS

ADDITIONAL INFORMATION

Yes

ADVERTISE REMARK(S)

(Reviewer identify which remarks)

N/A

T FLAG CHANGED TO P FLAG

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)☒ ☐ Overlapping point of diversion.☐ ☒ Critical groundwater area:☐ ☒ Groundwater management area:☐ ☒ 1992 moratorium: - SEE mitigation plan = Transfer #5687 for Boise Valley Irrig. Dist. Co. shares☒ ☐ Surface water source, IDFG letter needed.☐ ☒ Protected river or minimum flow reach, notify water planning bureau.☒ ☐ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining). - OK per 63-S-1409☒ ☐ E-mail to Dam Safety staff: (for any storage)☒ ☐ Mitigation plan: Check any that apply.☒ immediate = acceptable plan required and submitted.☒ N/A future = open areas, acceptance of condition of approval is in file.☐ ☒ Send power requirement letter &/or fish farm requirement letter.☐ ☒ Power residency affidavit:☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

emails sent 4/11

ApprovalNAMES/TITLES BEYOND MNG. Director for ISF

Date Requested

4/11/00

Date Response Received

4/12/00 fax**PROCESS with T. 5687**

PROCESSING

APP. NO. 43-12577

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☒ ☐ Water Dist. # 63
☐ ☒ Water Planning Bureau
☒ ☐ Other IDA Dept. Parks & Recreation

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:

☐ ☐ Final date for protest 5-8-00

☐ ☒ Protests received.

☒ ☐ Recommendations attached:

☒ ☐ Measuring device required:

☒ ☐ Water delivered by water master? District # 63

☒ ☐ Special conditions of approval or cover letter:

SEE memo 7/31/00 to Transfer 5599 for 63-00147A split.
See also memo dated 9/12/2000 GaryS

See below for additional information

* Recommended Date or Priority 11-30-1999 gr

Recommended by: grDate: 8/1/009/13/00

ADDITIONAL INFORMATION:

The only overlap for this plr & plr is compmin T. 5687
which includes the ISF diversion.

SEE T. 5687 Analysis for complete details of this
situation.

* D-O-P = date filed. I misunderstood & held processing per
 transfer to be filed. Couple months elapsed due to misunderstanding.

No priority advancement for amended version (initiated 4/6/00) due to my
AMENDED prior to advertising so additional fee N/A. ERROR.

Send with
T. 5687 letter

and -
IO. Formulation of Parks & Lands, Inc.

SEE Flagged page in Appl. Attachment C
for addresses

WM Rsply rec'd 5/5/00,
No other comments
Submitted

MEMORANDUM

To: File No. 63-12577

From: Gary Spackman *Gary*

Re: Recommendations for Conditions of Approval

Date: September 12, 2000

Application for water right no. 63-12577 was filed by the Idaho Shakespeare Festival in conjunction with application for transfer no. 5687 (63-00147A). The application seeks to divert 0.11 cfs of Boise River water to maintain water levels in an aesthetic pond on the Shakespeare property primarily during the period when irrigation water is not available.

During the winter months of many years, the flow in the Boise River is maintained by release of storage under the control of the Idaho Department of Fish & Game. A consumptive diversion from the Boise River when only Fish & Game storage is being released would diminish the flows in the Boise River through the bypass reach. As a result, I propose the following condition:

The water right holder must obtain and release storage water into the Boise River while diverting during the non-irrigation season when the flow in the river is being maintained solely by release of storage water allocated for instream flows of the Boise River and there is insufficient water above the released storage to satisfy this water right.

MICROFILMED
NOV 24 2000

01-99

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 63-12577Applicant's Name: Idaho Shakespeare Festival

Watermaster's Recommendation:

a) ☐ I do not oppose approval of this application.b) ☒ I do not oppose approval of this application if it is conditioned as

follows: No pumping of winter water from
River without the permission of the Idaho
Fish & Game & BOR, water in River is
storage that belongs to them.

c) ☐ ~~I oppose approval of this application for the following reasons:~~

They can pump if we are in flood
control with my permission only.

May need to use some irrigation
water or Rental Pool water

d) Additional Comment: for evaporation loss, all

other aesthetic uses from River have
this mitigation requirements. Plus standard
watermaster conditions.

Dated this 5 day of May, 2000.Water District No: 63Lee Lian
Watermaster's Signature

Use reverse side of page if you need more space.

MICROFILMED

NOV 24 2000

5/5/2000

**LEGAL NOTICE
APPLICATION FOR WATER RIGHT**

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-12575

CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE, ID 837010500

Source: GROUNDWATER Diversion Pt: LOT 3 (NESW) Sec 32 T 04N
Use: MUNICIPAL R 02E in ADA County
Total Diversion: { 0.090 CFS)
Date Filed: 3/29/2000 { 0.090 CFS)
In: ADA County
T04N R02E S32 Lot 3 (NESW) Lot 1 (SWSE)

Municipal use is for irrigation of 3 acres greenbelt from an existing well located next to Lander Street and the Boise River. Mitigation is proposed for consumptive use.

IDAHO SHAKESPEARE FESTIVAL
C/O MARK HOFFLUND MNG DIRECTOR
520 S 9TH
BOISE, ID 83702

Source: BOISE RIVER Tributary: SNAKE RIVER
Diversion Pt: LOT 1 (SESE) Sec 29 T 03N R 03E in ADA County
Use: AESTHETIC { 0.110 CFS)
Total Diversion: { 0.110 CFS)
Date Filed: 11/30/1999
In: ADA County
T03N R03E S29 Lot 1(SESE)

Mitigation for consumptive use for a small pond is proposed in Boise Valley Irr. Ditch Co. Transfer #5687. Return flow to river will occur.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before MAY 8, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. Apr. 20, 27, 2000

6990

MICROFILMED
NOV 24 2000

5/1/2000

RECEIVED

MAY 01 2000

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due
\$141.00

Account Number/Trans. #		Identification	
047628 235822		NOTICE OF APPLICATION FOR WATER RIGHT	
Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		TT	APRIL 20, 27, 2000
STATE OF IDAHO DEPT. OF WATER RESOURCES WESTERN REG. 2735 AIRPORT WAY BOISE, IDAHO 83705 - 5082		Estimated Inches 46X2 LINES	Real Inches
		# Affidavits 1	Legal Number 6990

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

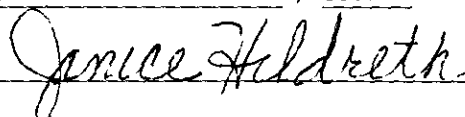
☒ consecutive weekly☐ single☐ consecutive daily☐ odd skip

insertion(s) beginning with the issue of

APRIL 20, 2000

and ending with the issue of

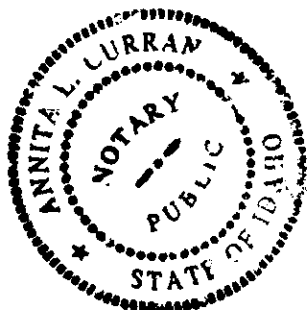
APRIL 27, 2000



STATE OF IDAHO)

ss.

COUNTY OF ADA)



On this 27TH day of APRIL in the year of 2000, before me, a Notary Public, personally appeared 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.

MICROFILMED for Idaho

Residing at:

Boise, Idaho

NOV 21 2000

My commission expires:

10/13/2001



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 20, 2000

IDAHO FOUNDATION OF PARKS AND LANDS, INC
5657 WARM SPRINGS AVE
BOISE ID 83712

Re: Application for Water Right No. 63-12577 in the Name of the Idaho Shakespeare Festival
and Application for Transfer No. 5687 in the Name of Boise Valley Irrigation Ditch Co.

Dear Sir or Madam:

Enclosed are copies of the above-referenced applications for permit.

Please review the applications and return any comments you might have within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

NOV 24 2000



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 20, 2000

IDAHO DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE ID 83720-0065

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A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

NOV 24 2000



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 20, 2000

FARMERS UNION CANAL CO
715 CLOVER DR
BOISE ID 83703

Re: Application for Water Right No. 63-12577 in the Name of the Idaho Shakespeare Festival
and Application for Transfer No. 5687 in the Name of Boise Valley Irrigation Ditch Co.

Dear Sir or Madam:

Enclosed are copies of the above-referenced applications for permit.

Please review the applications and return any comments you might have within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

NOV 24 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit No. 65-13938 in the Name of Robert and/or Margaret Thomas, Application for Permit No. 65-13942 in the Name of John E. Gough, Application for Permit No. 65-13941 in the Name of Richard A Jorgensen, Application for Permit No. 57-07682 in the Name of Jane Helen Bell and/or Edward R. Black, Application for Permit No. 57-07683 in the Name of Paul and/or Roberta Loveall, Application for Permit 63-12577 in the Name of Idaho Shakespeare Festival, Application for Transfer No. 5714 in the name of Cottonwood Canal, and Application for Transfer No. 5687 in the name of Boise Valley Irrigation Ditch Co.

Dear Sir:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications 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 May 8, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl.

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NOV 24 2000

**IDAHO SHAKESPEARE FESTIVAL
OFFICERS AND BOARD OF TRUSTEES****Officers**

President:	Brent Fery
Vice President:	Michael McIntyre
Secretary:	Lorie Nies Pettiette
Treasurer:	Barbara Bauer

Board of Trustees

Steve Arnold
Barbara Bauer
Margaret Buchanan
Richard Clark
Linda Dixon
Andy Erstad
Brent Fery
Leann Gilberg
Norena Gutierrez
Sus Helpenstell
Cheryl Larabee
Debbie McDonald
Michael McIntyre
Theresa McLeod
Nick Miller
Thomas Munson
Lorie Nies Pettiette
Tony Olbrich
Dianne Robertson
Caren Sage
Henry Taylor
Shirley Tierney
Robert Wetherell
Kathryn Zimmerman

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NOV 24 2000

63-12577
4/12/00

FAX COVER SHEET

DATE: Wednesday, April 12, 2000

PAGES (INCLUDING COVER): 2

ORIGINAL TO FOLLOW: No

RE: Idaho Shakespeare Festival

OUR FILE NO: 991025-8

FAX NO: 334-2348

From:

MICHAEL C. CREAMER

GIVENS PURSLEY LLP

Suite 200, Park Place

277 North Sixth Street

Post Office Box 2720

Boise, Idaho 83701-2720

Telephone: 208-388-1200

Direct: 208-388-1247

Fax: 208-388-1300

Email: mcc@givenspursley.com

TO: Steve Lester
Assistant Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

MESSAGE:

Please see attached.

- Mike

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NOV 24 2000

If this fax does not transmit fully or is difficult to read, please call (208) 388-1225

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SD-0604-2 Township: 03N			Range: 03E		Section: 29		Tract: SESE		Lot:	
S	L		STATE	Name	O	S	Max #	Records	141	
E	O	Water			W	T	Priority	Use		
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
			63-02388	US DEPT OF INTERIOR	C		L	08/18/1924	01	IRR
	SESE		63-09343	HARRIS, DALLAS H.	C		P	02/12/1980	22	HEAT
									10	COMMER
	SESE	1	63-00184	BARBER LUMBER CO.	C		D	06/01/1869	01	IRR
	SESE	1	63-00365	PERRAULT, KATE A.	C		D	00/00/0000	01	IRR
	SESE	1	T63-02973	DARKWOOD, ALBERT O.	O	2	L	12/28/1953	01	IRR
									43	DOMEST
	SESE	1	T63-07103	HARRIS, DALLAS H.	O	2	L	06/25/1968	01	IRR
	SESE	1	T63-08627	H & H RANCHES	O	2	L	03/21/1977	01	IRR
				HARRIS, DALLAS H	O					
	SESE	1	T63-00184	BARBER LUMBER CO.	O	2	D	06/01/1869	01	IRR
	SESE	1	T63-00365	PERRAULT, KATE A.	O	2	D	00/00/0000	01	IRR
	SESE	1	63-12577	IDAHO SHAKESPEARE FEST	C		A	11/30/1999	52	AES

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

*NONE apply to ISF site except their appl.
63-12577*

*Not shown: T. 5687 includes same pld as
63-12577 but for irrig use in small PPM
for ISF/Parks-Rec sites.*

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NOV 24 2003

WR p/n overlap

-R 4/11/00

CONVERSATION MEMORANDUM

DATE 2.9.2000

FILE _____

NAME OF PARTY Mike Creamer for I.S.F.

EMPLOYEE JK

RE: Publications - IDAHO SHAKESPEARE FESTIVAL

① ISF Applying for water bank lease for 2000 to use diversion & pond to irrigate & some additional water to cover cons. use of pond (surface area 0.1 acre).

② Requests publish "Aesthetic Flow Through" Appl. for permit ASAP.

Jed (fax) draft notice to him before Jed ad to paper.

③ Confirmed to hold 1 transfer Appl. & cons. use of pond until get another (Thurman Mill) transfer Appl., & then publish both transfers together.

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NOV 24 2000

FAX COVER SHEET

DATE: Wednesday, January 26, 2000

PAGES (INCLUDING COVER): 2

ORIGINAL TO FOLLOW: No

RE: Idaho Shakespeare Festival

OUR FILE NO: 991025-8

FAX NO: 334-2348

TO: Steve Lester
Assistant Regional Manager
Idaho Department of Water Resources (IDWR)
2735 Airport Way
Boise, ID 83705

From:

MICHAEL C. CREAMER
GIVENS PURSLEY LLP
Suite 200, Park Place
277 North Sixth Street
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1247
Fax: 208-388-1300
Email: mcc@givenspursley.com

MESSAGE: Attached is the belated fax I promised you last week.

Call from Mike 1/26/00 -
Hold off processing until receive compensation
transfer, which will cover C.W. & pond per
our earlier discussion.

-JC

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NOV 24 2000

If this fax does not transmit fully or is difficult to read, please contact Debbie Russell, at (208) 388-1225

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CONVERSATION MEMORANDUM

DATE 1/11/2000

FILE _____

NAME OF PARTY Mike Creamer 388-1200EMPLOYEE PLRE: LD. Shakespeare Festival

(1) clarify PL

PL chart - SENE (which is mostly N. of Hwy 21)

map - not shown

probably $\leq \frac{1}{2}$ SENE?

(2) other officers/directors to identify.

(3) needs 5 yrs. due to contracts & other details.

(4) cover cons. use a pond & increase in pond capacity with water bank or other w.r. actions.

Disinfect transfer(s) he is working on for this.

This will make new permit appl. truly non-consumptive & avoid "24 hr rule" & div. to storage etc. issues.

He will discuss with the parties & respond asap. He said he is authorized to make changes to ISF Application.

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NOV 24 2000

GIVENS PURSLEY LLP

RECEIVED

NOV 30 1999

Department of Water Resources

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvork
Roy Lewis Eiguren
Jeffrey C. Feraday
Richard W. Jankowski
Amanda L. Keating
Karl T. Klein
David R. Lombardi
Kimberly D. Maloney

John M. Marshall
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Virginia L. Stukel

Conley Ward
Stephanie C. Westermeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

November 30, 1999

VIA HAND DELIVERY

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

Matter: Idaho Shakespeare Festival
Our File: 991025-8

Dear Sir or Madam:

Enclosed please find an original and one copy of Application for Permit which is being filed on behalf of the Idaho Shakespeare Festival for a non-consumptive water right from the Boise River. Also enclosed is a check in the amount of \$50 to cover the filing fee. Would you please return a ✓conformed copy of the Application in the enclosed self-addressed, stamped envelope.

Please feel free to call me if you have any questions concerning the enclosed Application.

Sincerely,


Michael C. Creamer

MCC:dr

Enclosures

S:\Clients\991025\8\CORR\MCC Ltr to IDWR Enclosing Application for Permit.wpd

cc: Mark Hofflund (w/encl.)

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NOV 24 2000

63-12577

IDAHO SHAKESPEARE FESTIVAL
C/O MARK HOFFLUND MNG DIRECTOR
520 S 9TH
BOISE, ID 83702

Source: BOISE RIVER

Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (SESE) Sec 29 T 03N R 03E in ADA County.

Use: AESTHETIC (0.110 CFS)
Total Diversion: (0.110 CFS)

Date Filed: 11/30/1999

In: ADA County
T03N R03E S29 Lot 1(SESE)

Mitigation for consumptive use for a small pond is proposed in
Boise Valley Irr. Ditch Co. Transfer #5687. Return flow to river
will occur.

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NOV 24 2000