



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

RECEIVED

MAR 10 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Department of Water Resources

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

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APR 16 2003

United Water ID Protestants

March 5, 2003

Page - 2 -

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

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 16 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 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	)	PROTEST AGAINST UNITED WATER
IDAHO INC.'S APPLICATION FOR	)	IDAHO'S APPLICATION FOR WATER
EXCHANGE OF WATER RE: WATER RIGHT	)	EXCHANGE
NOS. 02-02341, 02-02358, AND 02-02420 TO	)	
BE EXCHANGES WITH FISH-	)	
AUGMENTATION FLOWS RELEASED BY	)	
THE BUREAU OF RECLAMATION	)	

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.

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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.

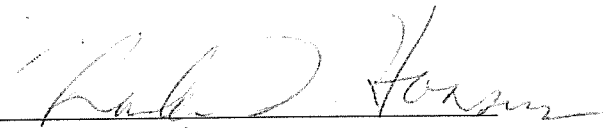
7. The City of Caldwell contends that the water supply necessary to satisfy the proposed water exchange may be insufficient for the purposes for which the exchange is sought.

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, And 13 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
- ☒ 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


Charles L. Honsinger

MICROFILMED
APR 16 2003

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

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

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

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FEB 24 2003

Department of Water Resources

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FEB 26 2003

WATER RESOURCES
WESTERN REGION

C062541

MICROFILMED

APR 16 2003

Code sections 42-1763B and 42-240.

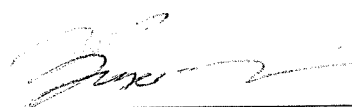
4. NMID contends that the proposed water exchange will injure NMID's water rights.

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

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

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

RECEIVED

FEB 24 2003

WATER RESOURCES
WESTERN REGION

6030097

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)
APPLICANT:)
UNITED WATER IDAHO, INC.)
_____)

NOTICE OF PROTEST

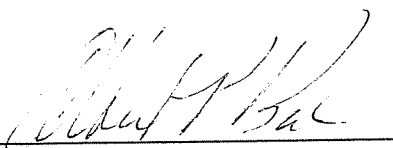
THE BOISE PROJECT BOARD OF CONTROL ON ITS BEHALF AND ON THE
BEHALF OF IT MEMBER IRRIGATION DISTRICTS, BOISE- KUNA, BIG BEND, NAMPA &
MERIDIAN, NEW YORK AND WILDER, (collectively hereinafter referred to as the "Protestant"),
by and through its attorneys BARKER ROSHOLT & SIMPSON LLP, files its Notice of 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.

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APR 16 2003

DATED this 24th day of February 2003.

BARKER ROSHOLT & SIMPSON LLP

By: 
Albert P. Barker

Attorney for Protestants

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

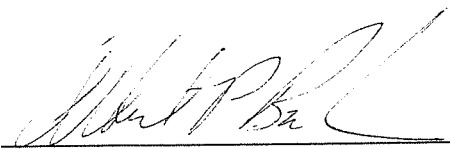
By Facsimile and U.S. Mail, postage prepaid:

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

MICROFILMED
APR 16 2003

W0300884g

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

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FEB 21 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)

NOTICE OF PROTEST

APPLICANT:)
UNITED WATER IDAHO, INC.)
)
)

The TWIN FALLS CANAL COMPANY, NORTH SIDE CANAL COMPANY, A & B
IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, FALLS IRRIGATION
NOTICE OF PROTEST - 1

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APR 16 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:

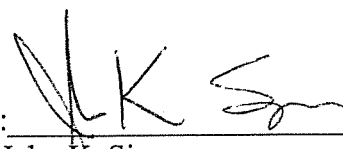
1. The proposed diversion and use of the waters described in the aforesaid application violates all, or a portion of, the criteria set forth in Idaho Code Sections 42-203A(5), and 42-240.
2. For such other and further reasons as may be set forth at the hearing on this matter.

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

CERTIFICATE OF SERVICE

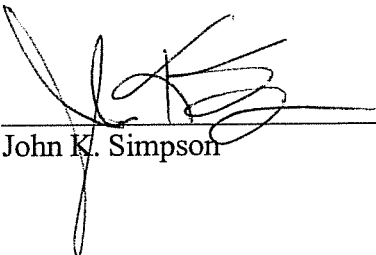
I hereby certify that on this 21st day of February 2003, I served a copy of the foregoing
NOTICE OF PROTEST, to the following by the method indicated:

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

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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

5067500

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

NOT RECORDED

FEB 26 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
Scott L. Campbell - Of the Firm
Attorneys for Pioneer Irrigation District

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APR 16 2003

CERTIFICATE OF SERVICE

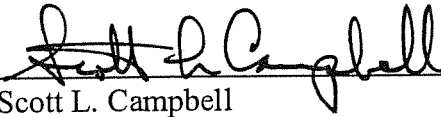
I HEREBY CERTIFY that on the 19th day of February 2003, I caused a true and correct copy of the foregoing **PROTEST AGAINST UNITED WATER IDAHO'S AMENDED APPLICATION FOR WATER EXCHANGE** to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
Post Office Box 83720
Boise, Idaho 83720

☐ U.S. Mail, Postage Prepaid
☒ 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
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Scott L. Campbell

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APR 16 2003

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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FEB 18 2003

WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello

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

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. McPeck
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

Steve Lester
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

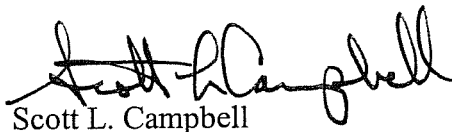
**Re: Amended Application for Exchange of Water in the Name of United Water
Idaho, Inc.**

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

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APR 16 2003

OK ✓
SL 2/19/03

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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

APR 16 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.

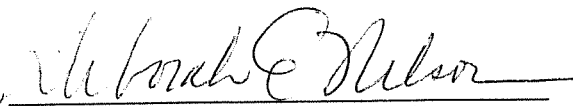
STIPULATION AND WITHDRAWAL OF PROTEST

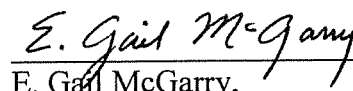
6. In consideration of the above recitals and with the understanding that the following condition shall become part of any approval of United Water's Amended Application, the Bureau hereby withdraws its protest to the Application and agrees not to file any protest to the Amended Application:

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,

APR 16 2003

CERTIFICATE OF SERVICE

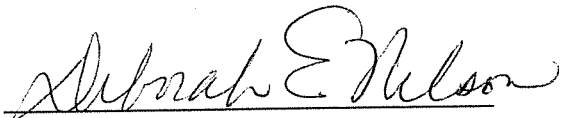
I hereby certify that on the 14th day of February 2003, I served a true and correct copy of the foregoing STIPULATION AND WITHDRAWAL OF PROTEST by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

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

☒ 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

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Mail


Deborah E. Nelson

MICROFILMED

APR 16 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 3 - 2003

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

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FEB 05 2003

WATER RESOURCES
WESTERN REGION

MICROFILMED

APR 16 2003

E. Gail McGarry

PROTESTANT'S REPRESENTATIVE

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. Gai Morgan

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APR 16 2003

Boise
Idaho Falls
Pocatello

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

FEB 04 2003

WATER RESOURCES
WESTERN REGION

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

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. McPeck
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

Idaho Department Of Water Resources
Western Region Office
2735 Airport Way
Boise, Id 83705

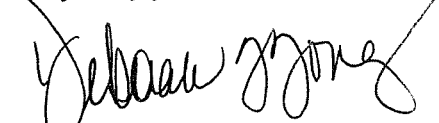
**Re: Protest of Pioneer Irrigation District United Water Idaho's Application for
Exchange of Water**
MTBR&F File No. ufo.5432

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

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APR 16 2003

BOI_MT2:500173.1

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

RECEIVED

FEB 05 2003

WATER RESOURCES
WESTERN REGION

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

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

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APR 16 2003

BOI_MT2:500082.1

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

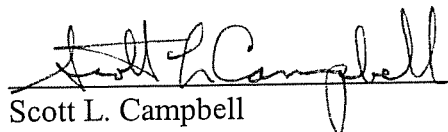
I HEREBY CERTIFY that on the 3rd day of February 2003, I caused a true and correct copy of the foregoing **PROTEST AGAINST UNITED WATER IDAHO'S APPLICATION FOR WATER EXCHANGE** to be served by the method indicated below, and addressed to the following:

Director
Idaho Department of Water Resources
Post Office Box 83720
Boise, Idaho 83720

☐ U.S. Mail, Postage Prepaid
☒ 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
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Scott L. Campbell

Pg. 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 27 2003

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 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

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APR 16 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: NW 1/4, NE 1/4,
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
Applicant's Signature and Title (if application is for an organization)

1-23-03
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 [Signature] Date 1-27-03 Fee \$50.00 (cancellation fee to republish)
Receipted by [Signature] Date 1-27-03 Receipt No. UO30012
Preliminary review by [Signature]
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 _____

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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.

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APR 16 2003

ATTACHMENT A

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.

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APR 16 2003

ATTACHMENT A

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>	<u>from March 15 to November 15</u>	<u>at 12.52 cfs and</u>	<u>2817.0 acre feet</u>
	<u>from to</u>	<u>at cfs and</u>	
	<u>from to</u>	<u>at cfs and</u>	

(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 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

State of Idaho

Attachment C

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-2358 Priority July 28, 1964 Amount 14.50 cfsTHIS 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
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>14.50</u> cfs and	<u>3262.5</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 14.50 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

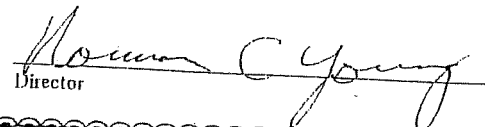
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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.

In witness the seal and signature of the Director, allixed at Boise, Idaho, this 2nd day of May, 19 83.

APR 16 2003

Acting for the Director



State of Idaho
Department of Water Resources

Attachment D

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>	<u>14.08</u> cfs and	<u>3168.0</u> 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 (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.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	1W	26	38	38	39	38									40	40	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

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APR 16 2003

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:

<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 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.

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30100071170

MAR 26 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 th day of March, 1995


for R. Keith Higginson, Director

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APR 16 2003

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED 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). smm
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.

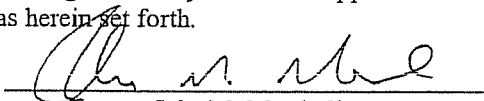
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APR 16 2003

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	

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 _____

MICROC. 2211

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

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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

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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

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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.

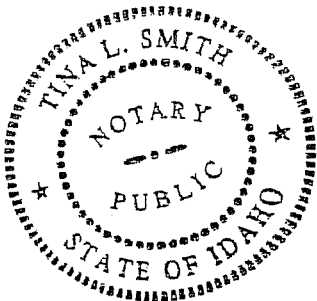
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STATE OF IDAHO)
) ss.
County of Ada)

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

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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.

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APR 16 2003

WILD.ML

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED-REQUEST OF
FEE 9-CHD DEPT 1817

When recorded return to:

2002 JUN 26 PM 12:07

102071817

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Deborah E. Nelson

FIRST AMERICAN

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

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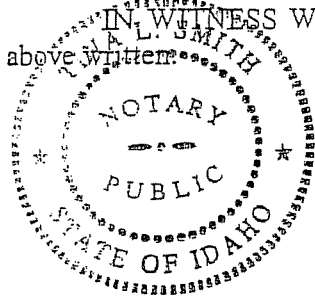
WATER RIGHTS GENERAL WARRANTY DEED AND ASSIGNMENT - 1

Stichens' 30116-General Warranty Deed

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.

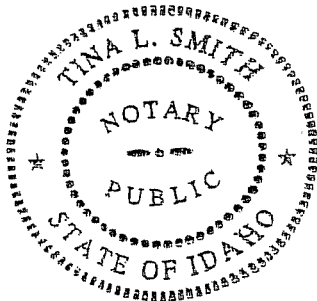


Tina L. Smith
Notary Public of the State of Idaho
Residing at: BOWE
My Commission Expires: 7-25-05

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 of the State of Idaho
Residing at: BOWE
My Commission Expires: 7-25-05

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APR 16 2002

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.

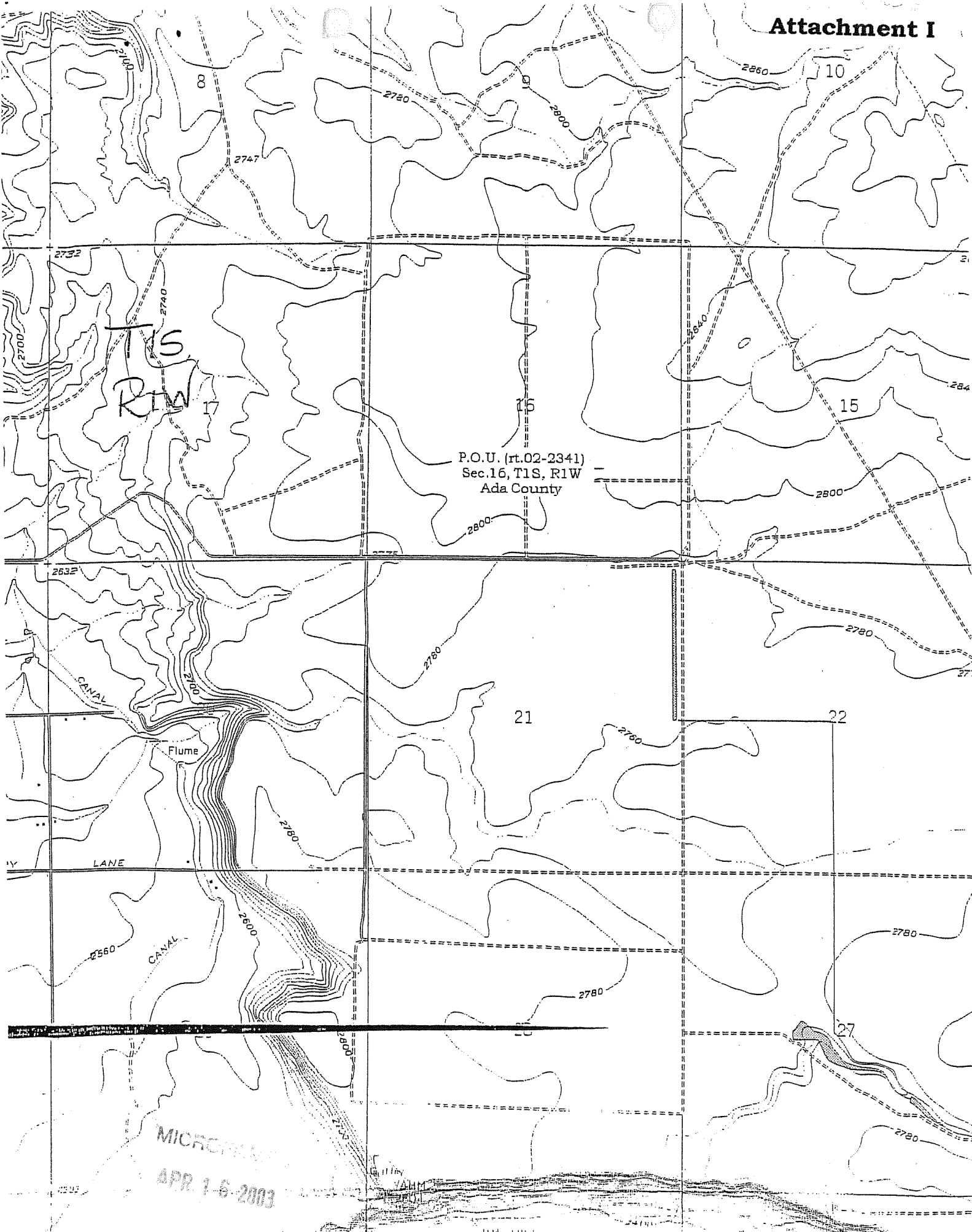
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APR 16 2002

WATER RIGHTS GENERAL WARRANTY DEED AND ASSIGNMENT - 3

S:\clients\30\116\General Warranty Deed

Attachment I



R1S
R1W

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

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APR 16 2003

63

T. 25.
T. 15.

17°30"
4793

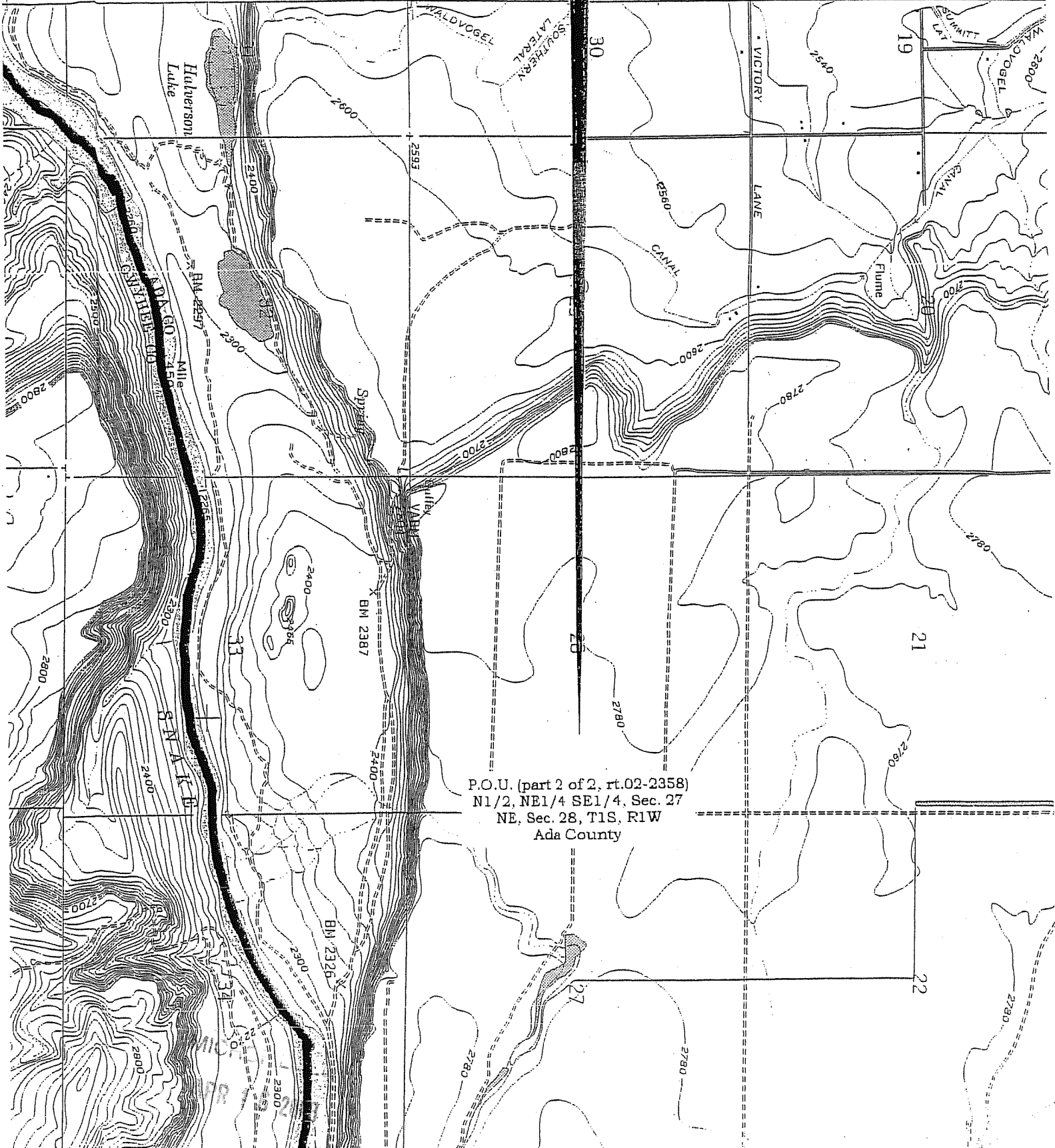
4794

4795

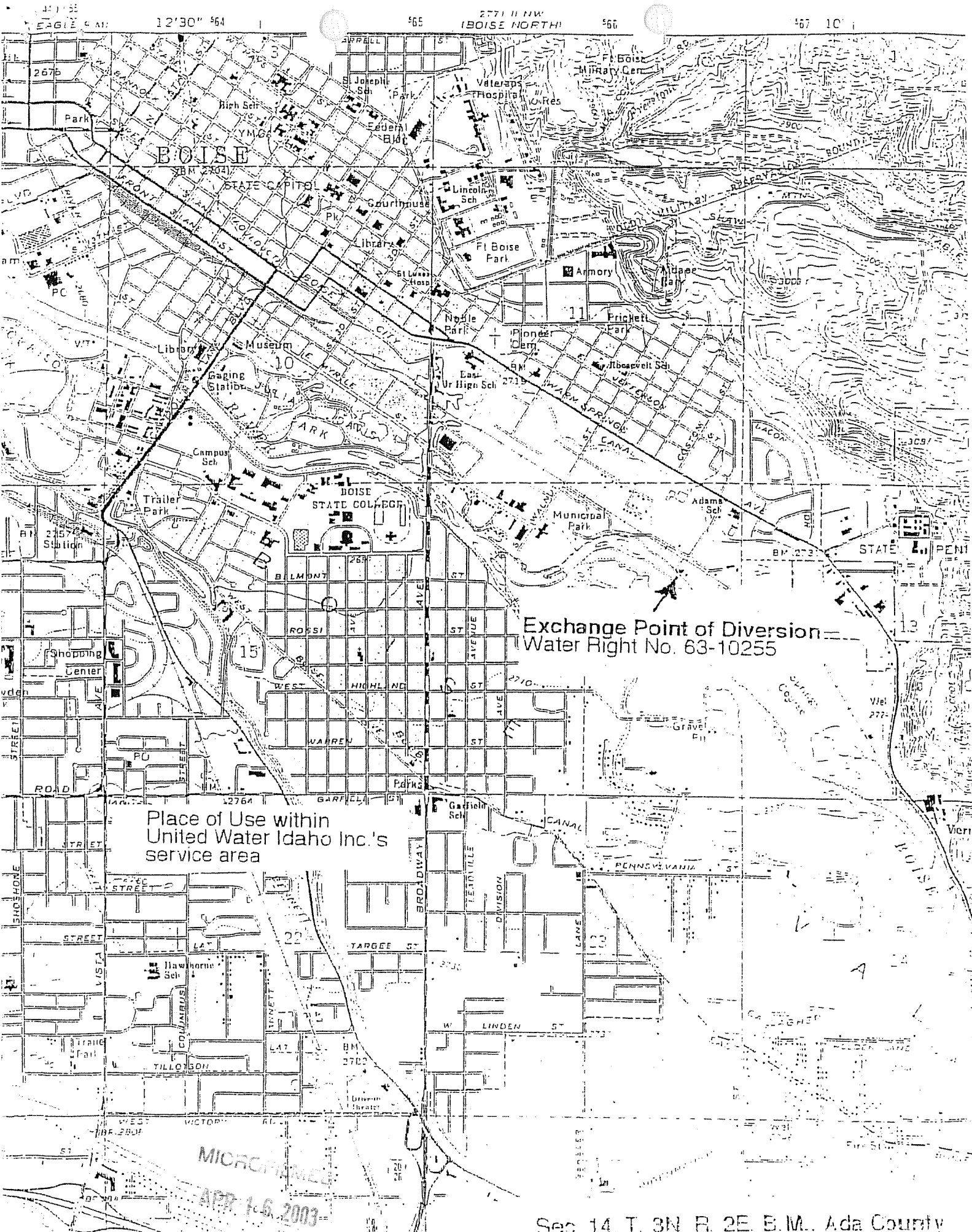
2670 : SE
(WALTERS BUTTE)

4796

NAMPA :
MELBA 4



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

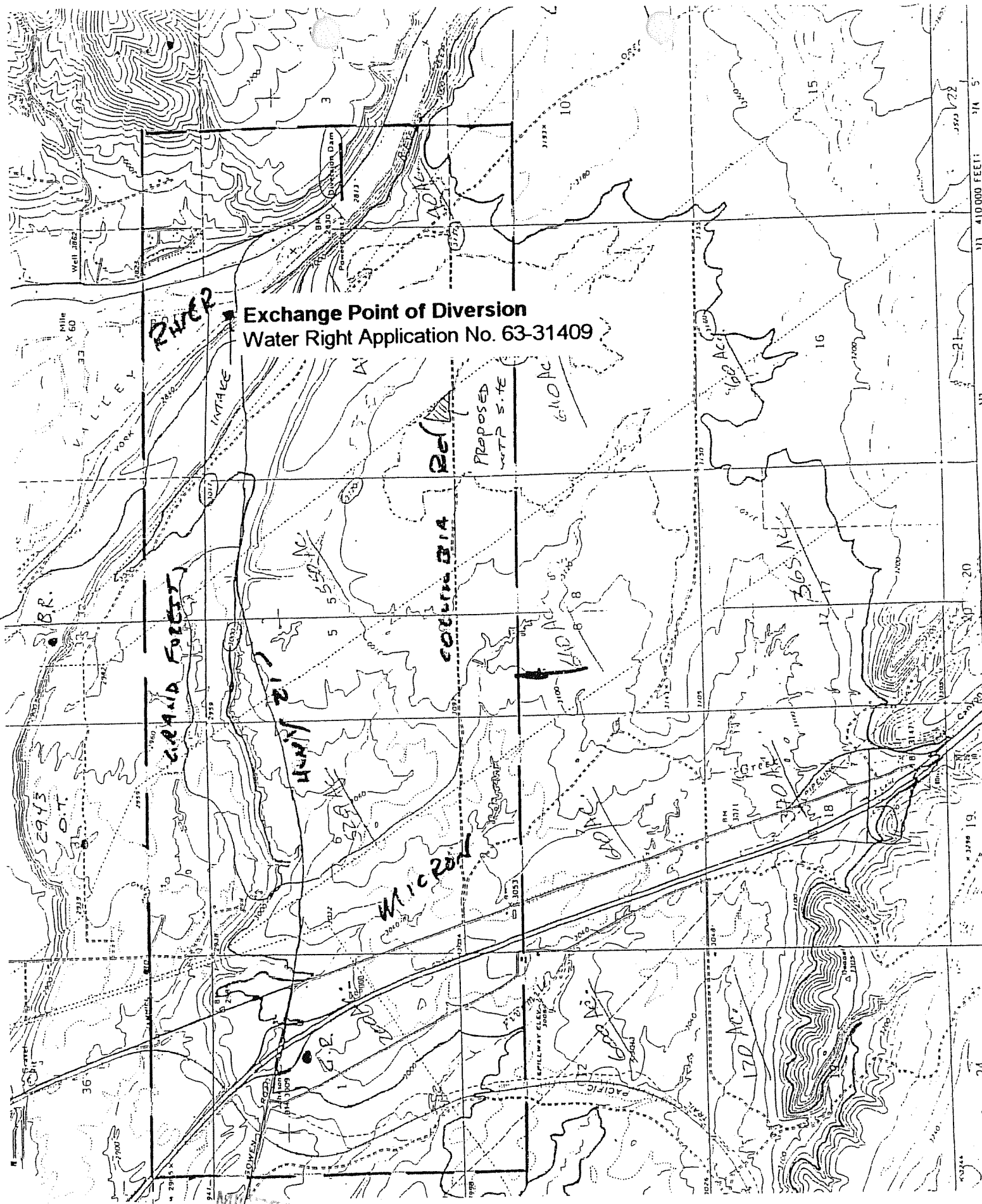


Exchange Point of Diversion
Water Right No. 63-10255

Place of Use within
United Water Idaho Inc.'s
service area

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APR 1-6 2003

Sec. 14, T. 3N R. 2E B.M. Ada County



Exchange Point of Diversion
Water Right Application No. 63-31409

COLUMBIA RIVER

GREAT FOREST

HUNTER

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COLUMBIA RIVER

PROPOSED WTP SITE

6.10 AC

160 AC

36.5 AC

170 AC

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APR 16 2003

Skaggs, Pam

From: Lester, Steve
Sent: Friday, December 27, 2002 4:15 PM
To: Shaff, Don; Shurte, Jan; Skaggs, Pam
Subject: Application for Exchange

United Water ID filed an application for exchange involving 2-2341, 2-2358 and 2-2420. The aj claims are the same except 2-2358 was recently split into 2-10214 and 2-10215. The applicant provided sufficient information for wr *and* aj records to be updated to United Water upon approval of the exchange.

The application is being processed. Statewide legal notices will run the last half of January with an early February protest deadline.

Exchanges are processed outside of Work Flow so an application id number is n/a. I created an electronic folder in the "Transfer\Western Region" site on A012 to store things. The e'folder name is "United Water 2-2341."

At this time, the legal notice and draft review memo are stored there. In the next week or so when the application is run through the advertising process, the application will be scanned to the e'folder.

Although parallel processing is not required, I used this technique to make information more readily available to Western aj staff, Western office day staff, and SO staff in lieu of copying the application etc.

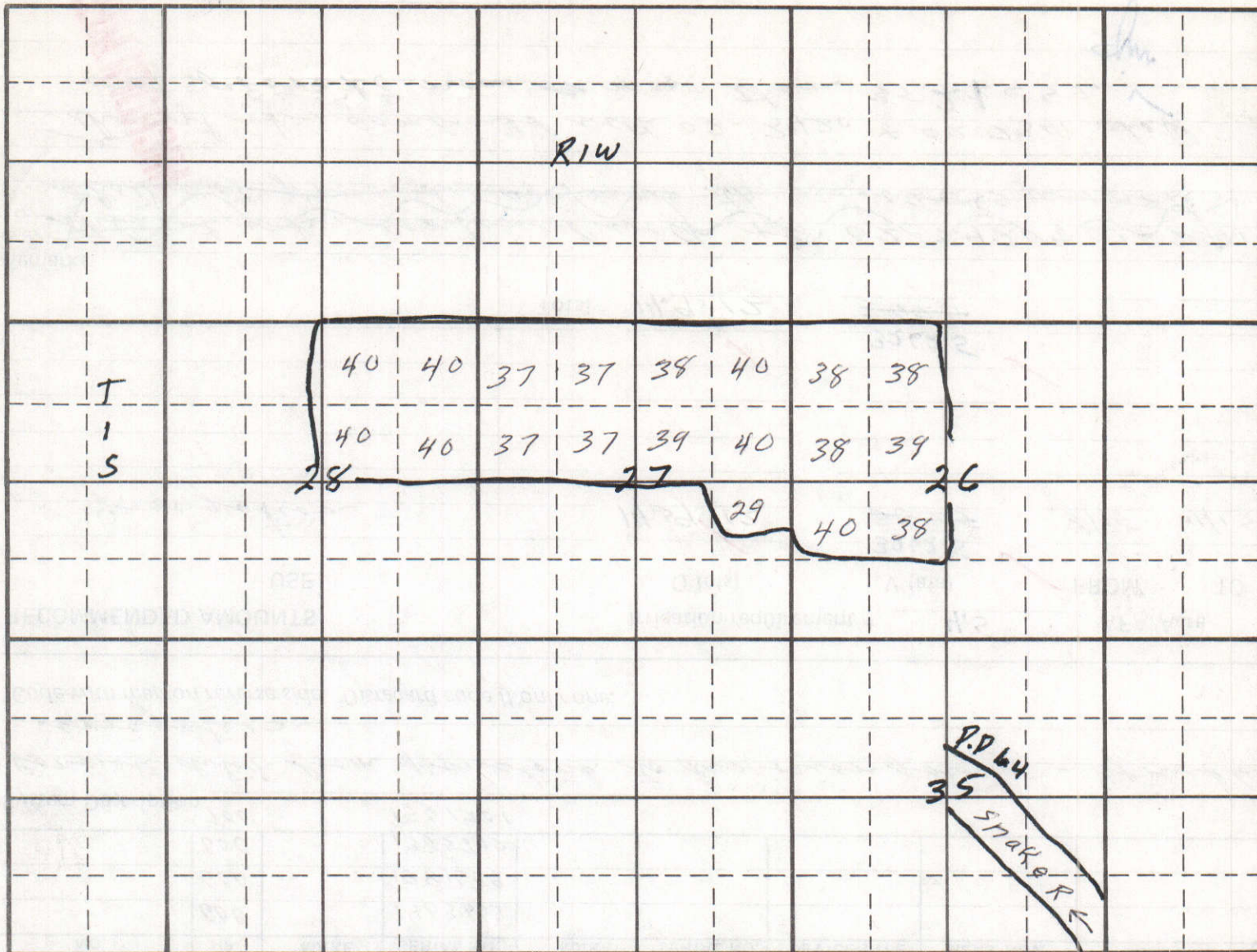
Please let me know if you have any questions about this exchange application. The draft review memo tells the story if you are interested at this point.

Steve

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MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Permit identifies this Tract - no amendment necessary

Point(s) of diversion: SW NE (64) Sec 35 T1S R1W

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
		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

725

Recommended Amendments:

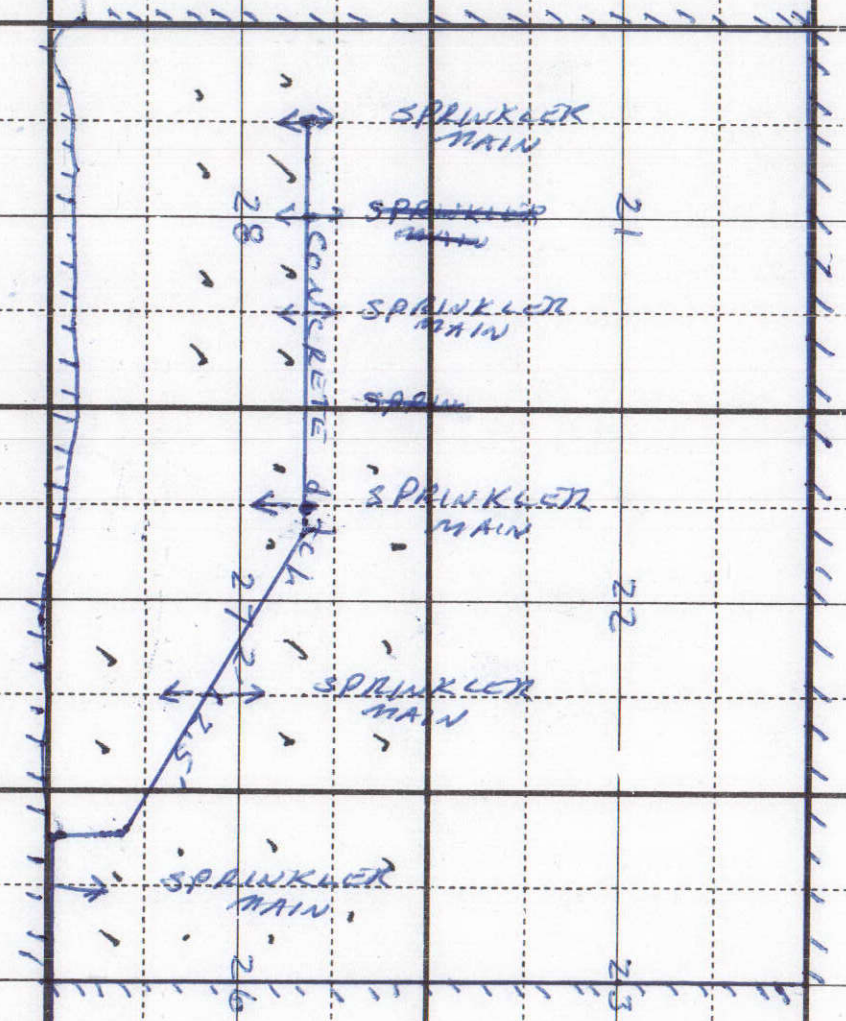
- ☒ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☒ None
☐ Other

Examiner's Signature John K. Meyer
 Checked by DBS
 Approved by [Signature]

Date 9/13/81
 Date 10/29/81
 Date 2-23-1983



84.0 Sec/FT

Permit Map No. **32060**
As Approved SEP 18 1964
CARL E. JAPPAN
State Registration Engineer

32060

Date of First Publication 8-4-64

Date of Last Publication 8-18-64

Last Date for Protest: September 8, 1964

SERVICE OF THE FOREGOING, by copy is hereby acknowledged this

10th day of August, 1964

The Statesman

By Edith Ferguson, Principal Clerk

LEG/L N. IC
NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO, IN ACCORDANCE
WITH THE PROVISIONS OF
SECTION 42-203, IDAHO CODE
NOTICE IS HEREBY GIVEN,
That the INITIAL BUTTE FARMS,
Inc., of Nampa, Idaho, has made ap-
plication No. 40136, on the 28th day
of July, 1964, to appropriate 64 cubic
feet per second of the waters of
Snake River, for irrigation purposes.
That the point of diversion is lo-
cated in Lot 5 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Sec.
35, T. 1 S., R. 1 W., B. M., in
Ada County.
That the lands to be irrigated are
3200 acres in Sections 21, 22, 23,
26, 27, 28, T. 1 S., R. 1 W., B. M.
That any protests against the ap-
proval of this application must be
filed in the Department of Reclama-
tion at Boise, Idaho, within forty
(40) days from the date of this
notice, and such protest shall state
the name and address of the pro-
testant, and shall clearly set forth
his objection to the approval of said
application.
Dated this 29th day of July, 1964.
CARL E. TAPPAN,
State Reclamation Engineer
Pub. Aug. 4, 11, 18.

32060

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
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u> at <u>14.50</u> cfs and <u>3262.5</u> 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 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.

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
hereby 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

Norman C. Young

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

State of ~~Idaho~~ OREGON)

County of Malheur)

Permit No. 32060/02-2358

Initial Butte Farms, Inc. of P. O. Box 277, Nampa,
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 32060/02-2358.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before September 18, 19 75.

That he has heretofore performed the following work described under said permit:
Approximately 90% of the work is done. All of the land has been
irrigated.

Costing \$ over \$100,000

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: Applicant is in the process of changing and
updating distribution system.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to September 18, 19 80.

INITIAL BUTTE FARMS, INC.

By: [Signature]
(signature) * Secretary

Subscribed and sworn before me this 30th day of July, 19 75.

seal

[Signature]
Notary Public ~~residing at~~ for Oregon

[Signature] My Commission Expires 12/31/78

My commission expires _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Administrator, Operations Division

I, A. KENNETH DUNN, ~~Director~~ of the Idaho Department of Water Resources,
hereby approve the above application for extension of time for Permit No. 02-2358
to September 1, 1980.

Witness my hand this // day of August, 19 75.

[Signature]
Director A. KENNETH DUNN

by - BOBBY D. FLEENOR, CHIEF, WATER RIGHTS

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, State Capitol, Boise, Idaho 83720.

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 40136
PERMIT No. 32060
DISTRICT No.

1. Name of Applicant: Initial Butte Farms, Inc.

Postoffice address: P. O. Box 277, Nampa

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Boise, Idaho - 1/4/64

(b) Amount of capital stock: \$250,000.00

(c) Amount paid in: \$40,000.00

(d) Names and addresses of directors: Tadao Shigeno, Melba, Idaho; Byron V. Anderson, Boise, Idaho

II. The financial resources of the applicant are:

(a) Cash on hand: \$5,000.00

(c) Bond to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 64.0

cubic feet per second.

3. Source of water supply: Snake River

which is a tributary of Columbia

4. Location of point of diversion: 2400' S. 2100' W.

feet distant from the NE

corner of Section 35, T. 1 S., R. 1 W., B.M., and is in the Lot 5 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)

of section 35, T. 1 S., R. 1 W., B. M., County of Ada

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T., R., B.M., in the of Section of, T., R., B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, T., R., B.M., in the

of Section, T., R., B.M.

7. Estimated cost of works: \$40,000.00

8. Kind of works: Pipe line, ditches & ponds

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom 2 fee; width at water line 8 feet; depth of water 3 feet;
dimensions of flume:

Diameter of pipe 26" inches; length of conduit 2.2 miles.

Average grade per mile 5.2 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Initial Butte Farms, Inc. *Applicant.*

By Byron V. Anderson Agent.

Date of first receipt at Department of Reclamation: 4:45 P.M. July 28, 1964

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32060
Recorded in Book 112 Page 32060 Approved September 18, 1964

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before November 18, 1964

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 18, 1967

The whole of said work to be completed on or before September 18, 1969

Beneficial use of water appropriated in accordance herewith, to be made on or before September 18, 1975

WITNESS My hand this 18th day of September, 1964

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th

day of September, 1964

STATE OF IDAHO

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLIE

Governor.

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
1 S.	1 W.	26					40	40	40	40	40	40	40	40					320
		23					40	40	40	40	40	40	40	40					320
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		Total Number of Acres to be Irrigated																	3200



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

May 3, 1983

RE: Permit Nos. 02-2341 and 02-2358

Initial Butte Farms, Inc.
P.O. Box 277
Nampa, ID 83651

Gentlemen:

Enclosed herewith are copies of the water right licenses issued on the above referenced permits.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 3, 1983

RE: Permit No. 02-2358

Initial Butte Farms, INC.
P.O. Box 277
Nampa, ID 83651

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 02-2358, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 14.50 cfs Source: Snake River

The maximum quantity diverted shall not exceed 3262.5 acre feet
per year.

Point(s) of diversion: Gov. Lot 4(SW $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 35, Twp. 1S, Rge. 1W, Ada
County

Beneficial use: Irrigation of 725 acres within the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 26;
N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27; NE $\frac{1}{4}$, Sec. 28; Twp. 1S, Rge. 1W

Priority date established: July 28, 1968

Conditions (if any): This right when combined with Rights 02-2420 and
02-2341 shall not exceed 35.21 cfs.

If you do not concur with these findings please contact us within 10 days, otherwise
a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kv

A hand-drawn map on a grid. The map shows a rectangular area with a thick black border. Inside this area, there are several numerical values: 40, 40, 37, 37, 38, 40, 38, 38 in the top row; 40, 40, 37, 37, 39, 40, 38, 39 in the second row; 28, 27, 29, 40, 38 in the third row. To the left of the map, the letters 'T', 'I', and 'S' are stacked vertically. Above the map, the letters 'R' and 'W' are written. To the right of the map, the letters 'P', 'P', 'L', 'A' are written vertically, followed by '35' and 'STAKE' with an arrow pointing to the right.

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SW NE (64) Sec 35 T15 R1W

[illegible]

725

Date 7-23-1983

I. Tial Butte Farm

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

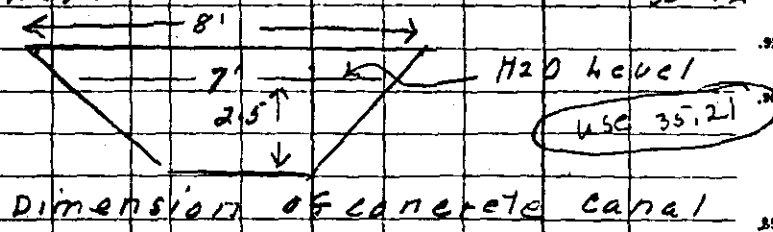
Date 7/22, 1984 DISCHARGE MEASUREMENT NOTES

Snake River at

St. no.	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
	0+00	W. E.								.9	
	1+00	1.	.6		50	46	}	2.38	2.43	1.43	
					50	48			2.33		
	2+00	1	1.4		80	61	}	3.06	2.93	1.4	4.28
					80	56			3.19		
	3+00	1	2.5		80	60	}	3.35	2.98	2.5	8.38
					80	48			3.72		
	4+00	1	2.5		80	58	}	3.43	3.14	2.5	8.58
					80	48			3.72		
	5+00	1	2.5		80	60	}	3.35	2.98	2.5	8.38
					80	48			3.72	1.05	2.66
	6+00	1	1.4		50	46	}	2.52	2.43	1.4	3.52
					50	43			2.60		
	6+5	1	.6		50	58	}	1.92	1.93	.6	1.15
					50	59			1.90		
	7+00	Edge water								35.7	

Diagram illustrating the dimensions of a concrete canal cross-section. The top width is 8', the bottom width is 7', and the depth is 2.5'. The water level is indicated by a horizontal line labeled 'H2O level'. The right side of the canal is labeled 'USE 35.2'.

Dimension of concrete canal



of _____ Sheets. Comp. by _____ Chk. by _____

MEASUREMENT FOR INITIAL FANS

PAGE 1

MEASUREMENT LOCATION 600 FT BELOW DISCHARGE

LEGAL DESCRIPTION

SEC

TWP

RNG

MEASURED BY JKN

ON 7/22/81

W = 2.218N + .022 FOR N <= 1

V = 2.224N + .016 FOR N > 1

DISTANCE FROM INITIAL POINT FEET	DEPTH FEET	AREA SQ. FT.	REVOLUTIONS	TIME SEC	VELOCITY FT/SEC	DISCHARGE CFS
.000	.000	.000	0	.000	.000	.000
1.000	.600	.900	50	46.000		
2.000	1.400	1.400	50	48.000	2.383	2.145
3.000	2.500	2.500	50	56.000	3.063	4.288
4.000	2.500	2.500	50	48.000	3.352	8.380
5.000	2.500	2.500	50	48.000	3.403	8.508
6.000	1.400	2.500	50	48.000	3.352	8.380
6.500	.600	1.050	50	43.000	2.517	2.643
7.000	.000	.450	50	58.000	1.934	.830
		.000	0	.000	.000	.000
TOTALS		11.300				35.214

Total for
02 - 2341, 2358 & 2420

MICROFILMED

Overlap Review for 02-2358

Permit 02-2420
Field exam Complete

Snake R.

P/D GL4 (SWNE) Sec 35 ✓
TIS RIW
(same)

P/U see attached
land list
(different)

Permit 02-2341
Field exam Complete

Snake R.

P/D GL4 (SWNE) Sec 35 ✓
TIS RIW
(same)

P/U see attached land ✓
list
(different)

02-2420 14.08

02-2341 12.52

02-2358 14.5

41.1

✓ Greater than capacity (35.21) ✓

Recommend R17 &

Jim B-4-83 RC 2/23/83

MICROFILMED

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
Permit 02-2420																			
IS	1W	26	38	38	39	38									40	40		233	
		36	39	38	39	39	39	39	39	39					40	40	40	40	471
																		704	
Permit 02-2358																			
IS	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	
																		725	
Permit 02-2341																			
IS	1W	16	39	39	40	39	39	37	39	40	40	39	39	39	39	40	39	39	626
These 3 rights have the same P/D but are for different land as shown above																			
ok Juni.																			
RC 2/																			

Total number of acres irrigated

RC 2/23/183

INITIAL BUTTE FARMS, INC.

P.O. Box 277
Nampa, Idaho 83651

106 Main St.
Nyssa, Oregon 97913

December 12, 1979

DEC 17 1979

Department of Water Resources

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

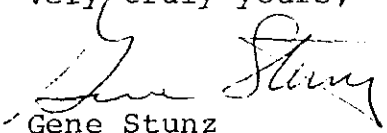
Gentlemen:

I am enclosing herewith the postcard statements that the development required by Permits No. 02-2341, 02-2358, and 02-2420, has been completed.

If there is anything further that you require before granting the water right to Initial Butte Farms, please call me.

Thank you.

Very truly yours,


Gene Stunz
Secretary

GS/rh

Enclosures

MICROFILMED

August 12, 1975

Re: Permit No. 02-2358 (32060)

Initial Butte Farms, Inc.
Box 277
Nampa, Idaho 83651

Gentlemen:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to September 1, 1980.

Sincerely,

D. Darlene Reich
Water Rights Supervisor



INITIAL BUTTE FARMS INC.

P. O. BOX 277 NAMPA, IDAHO

July 30, 1975

Mr. L. Glen Saxton
Water Resources Engineer
Idaho Department of Water Resources
506 North 5th Street
Boise, Idaho 83700

Re: Permit No. 32060 (New #02-2358)

Dear Mr. Saxton:

Enclosed is an application for extension of time to September 18, 1980, within which to make final proof of beneficial use under the above numbered permit. I will appreciate your extending our time and sending me an official extension of time.

Thank you for your courtesy and cooperation.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Harold Henigson', written in a cursive style.

Harold Henigson
Secretary

HH:ar
Encl.

RECEIVED
JUL 31 1975
IDAHO DEPT. OF WATER RESOURCES
BOISE, IDAHO

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 02-2358.

Name(s) of Permit Holder: FRIITHAL BUTTE FARM, INC.

Post Office Address: Box 277, RAMP, ID 83651

Tel. No. 467-255

Source of Water: SNAKE RIVER

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 960 (acres)
☐ Other

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No
 Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

8/28/79
Date

Friithal Butte Farm, Inc.
By: [Signature]
 Signature of Permit Holder

MICROFILMED

RECEIVED

DEC 17 1979

Department of Water Resources



**IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

**PLACE
TEN CENT
STAMP
HERE**

- **SENDER:** Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom, date, and address of
delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	26896	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4. DATE OF DELIVERY

JUL 7 1975

POSTMARK

JUL 7 1975

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

July 3, 1975

CERTIFIED MAIL

26896

Re: Permit No. 32060 (New number - 02-2358)

Initial Butte Farms, Inc.
Box 277
Nampa, Idaho 83651

Gentlemen:

One of the conditions of approval of your water Permit No. 32060/02-2358 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before September 18, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

May 29, 1974

Dallas Qualman
Route #6
Nampa, ID 83651

Dear Mr. Qualman:

You recently visited the office and requested information concerning the water rights that are in the name of Initial Butte Farms, Inc., and are used for the irrigation of the land in Sections 26, 27, and 28, Twp. 1S, Rge. 1W, B.M.

A search of our records shows two permits for the irrigation of this land. Permit No. 02-2420(Old no. 31629) is for use on the E½ of Section 26, and Permit No. 02-2358(Old no. 32060) is for use on the W½ of Section 26, Section 27, and Section 28, Twp. 1S, Rge. 1W, B.M.

Final proof of the application of water to beneficial use has not been made on either of these permits, nor has a license been issued. Therefore, these permits are considered the personal property of Initial Butte Farms, Inc., and by amendment may be removed from this land and used to irrigate other land.

If these permits are completed, and a license is issued for the irrigation of this land, then the water rights evidenced by the license, according to Section 42-220, Idaho Code, become appurtenant to, and pass with a conveyance of the land for which the right of use is granted.

We hope this will answer the questions you have in regard to the water rights on this land. If we can be of any further assistance, please let us know.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jg

MAILED

02-2358

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32060)

in the name of Initial Butte Farms, Inc.)

P.O. Box 277, Nampa, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

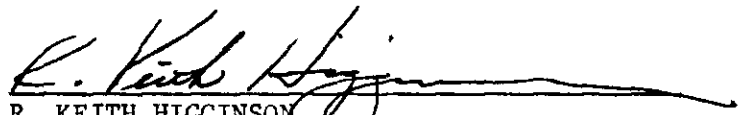
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 32060 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - b. The permittee will not be required to submit proof of completion of works as originally specified, but will be required to submit proof to the Department of Reclamation of the application of the water to beneficial use on or before September 18, 1975. The permit holder should be aware that failure to complete one-fifth (1/5) of the works within one-half (1/2) of the time originally set for Completion of Works may be grounds for cancellation at the instance of the Department.

Dated this 23rd day of June, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32060

July 1, 1969

Re: Permit No. 32060

Initial Butte Farms, Inc.
P.O. Box 277
Nampa, Idaho

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Order

32060

September 23, 1964

Re: Permit No. 32060

Initial Butte Farms, Inc.,
P. O. Box 277,
Nampa, Idaho.

Gentlemen:

We enclose Permit No. 32060 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~We also enclose~~ Departmental Receipt No. 32362 which was issued covering payment in the amount of \$ 20.75 for the filing fee of the above mentioned permit, and for the copies of permit, was given to Mr. Anderson while he was in our office.

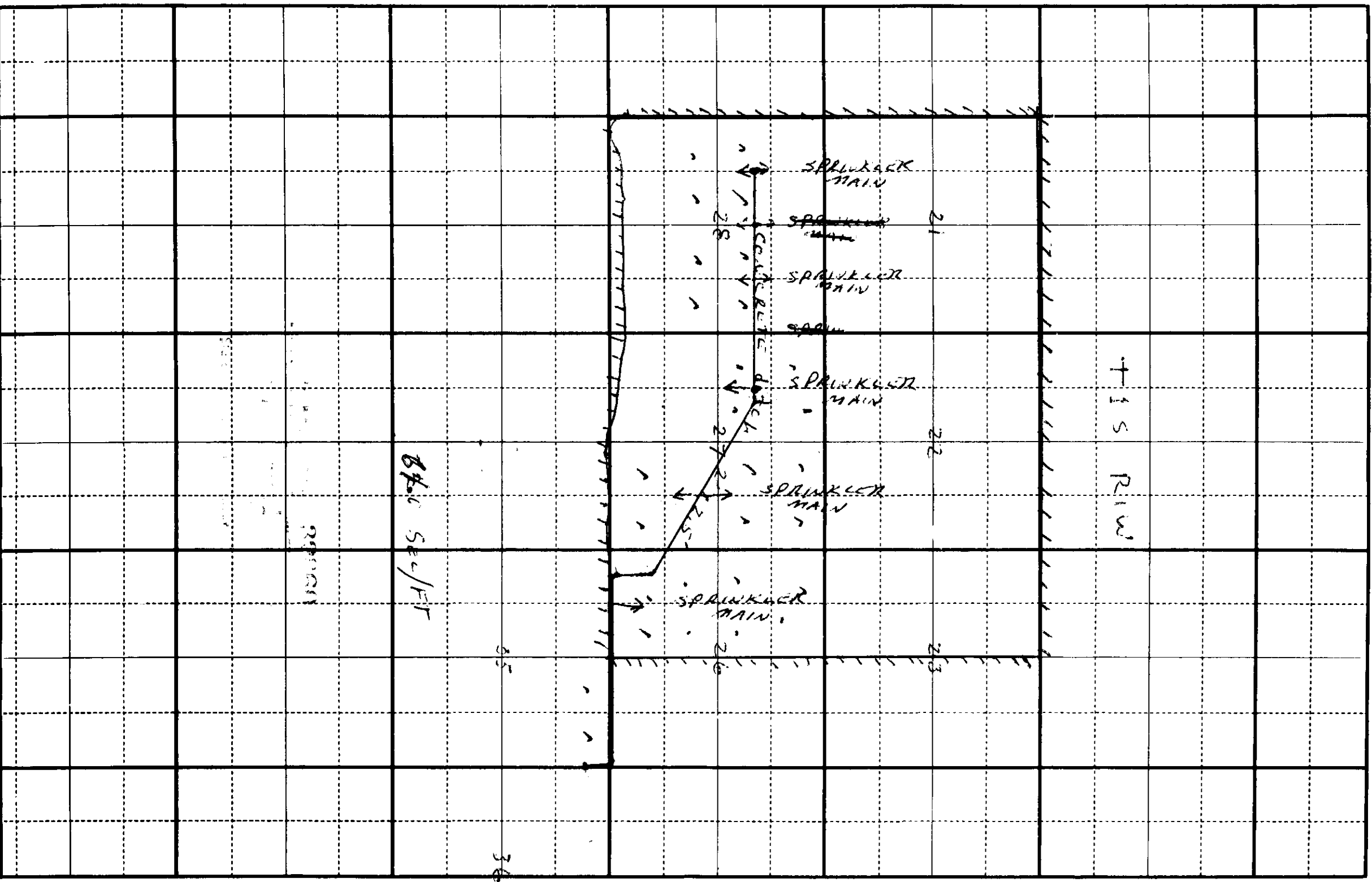
Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

32060



3000

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF
SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN, That the INITIAL BUTTE FARMS, Inc., of Nampa, Idaho, has made application No. 40136, on the 28th day of July, 1964, to appropriate 64 cubic feet per second of the waters of Snake River, for irrigation purposes.

That the point of diversion is located in Lot 5 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 35, T. 1 S., R. 1 W., E. M., in Ada County.

That the lands to be irrigated are 3200 acres in Sections 21, 22, 23, 26, 27, 28, T. 1 S., R. 1 W., E. M.

That any protests against the approval of this application must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 29th day of July, 1964.

Carl E. Tappan

State Reclamation Engineer

Date of First Publication Aug. 4, 1964

Date of Last Publication Aug. 18, 1964

Last Date for Protest: September 8, 1964

SERVICE OF THE FOREGOING, by copy is hereby acknowledged this
____ day of _____, 1964

By _____

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF
SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN, That the INITIAL BUTTE FARMS, Inc., of Nampa, Idaho, has made application No. 40136, on the 28th day of July, 1964, to appropriate 64 cubic feet per second of the waters of Snake River, for irrigation purposes.

That the point of diversion is located in Lot 5 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 35, T. 1 S., R. 1 W., B. M., in Ada County.

That the lands to be irrigated are 3200 acres in Sections 21, 22, 23, 26, 27, 28, T. 1 S., R. 1 W., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 29th day of July, 1964.

Carl E. Tappan

State Reclamation Engineer

Date of First Publication Aug 4, 1964

Date of Last Publication Aug 18, 1964

Last Date for Protest: September 8, 1964

SERVICE OF THE FOREGOING, by copy is hereby acknowledged this

30 day of July, 1964

By Byron V. Anderson

July 29, 1964

Re: Application for Permit

Initial Butte Farms, Inc.
P. O. Box 277
Nampa, Idaho

Gentlemen:

Enclosed are three copies of legal notice of application for permit to divert Snake River water.

Kindly check the notice. If proper, complete blank spaces for dates of publication and acknowledge receipt of notice. Send original notice to a paper published in Ada County for three consecutive weekly issues, first publication to be within ten days of your receipt of notice. Remit one copy to this office and retain the other copy for your file.

Remit affidavit of publication after the last publication.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:ew

Enc. 3 copies of notice

32060

Date of First Publication 2-22-64

Date of Last Publication 2-22-64

Last Date for Protest: September 8, 1964

SERVICE OF THE FOREGOING, by copy is hereby acknowledged this

10th day of October, 1964

IN THE DISTRICT COURT OF THE STATE OF IDAHO, IN AND FOR THE DISTRICT OF BUTTE, BUTTE COUNTY, IDAHO.

NOTICE IS HEREBY GIVEN THAT THE INITIAL BUTTE FARMS, INC., of Nampa, Idaho, has made application No. 40188, on the 28th day of July, 1964, to appropriate of 40188 feet per second of the waters of Snake River, for irrigation purposes. That the point of diversion is located in Lot 5 (SW-4NE-4), Sec. 26, T. 1 S., R. 1 W., E. M., in Ada County.

That the lands to be irrigated are 220 acres in Sections 21, 22, 23, 24, 25, 26, 27, 28, T. 1 S., R. 1 W., E. M.

That any protests against the approval of this application must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

The Statesman
By Edith L. Lippman, Principal Clerk