

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 2-2339
Date Received: 6/21/89
Receipt No: W003321
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): UNITED WATER IDAHO INC Phone: (208)362-1300
8248 W VICTORY RD
BOISE ID USA 83709

2. Date of Priority: 12/07/1964

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	01E	19	NE NE	ADA	

5. Description of diverting works:

PUMP FROM RIVER (RESERVOIR) TO PIPELINE TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	11	2745

7. Total Quantity Appropriated is:
11 C.F.S. and/or 2745 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	01E	16	NE	NE	IRRIGATION	30
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	30
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	35
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	35

Section Acres 610

Total Acres 610

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THE LANDS LISTED IN THIS SRBA CLAIM IS IN THE CRP PROGRAM
THE WATER UNDER 63-02339 IS IN THE WATER SUPPLY BANK
THE FEE FOR THIS CLAIM REFLECTS A DEDUCTION OF \$10.00 FOR THE 02 FILING DATED 11/09/1981
OWNERSHIP CHANGE BY DB 12/19/97
OWNERSHIP CHANGED BY DB, PER LEGAL REVIEW BY JOHN MARSHALL, ON 5/19/98
When available, exchanged with Boise River water.
Ownership changed by DB 3/30/2001.

15. Basis of Claim: License

GIVENS PURSLEY LLP

RECEIVED

FEB 07 2000

**WATER RESOURCES
WESTERN REGION**

LAW OFFICES

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

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jacqueline M. Fearnside
Jeffrey C. Fereday
Richard W. Jankowski
Amanda L. Keating
Karl T. Klein
Debora K. Kristensen

Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery

Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Virginia L. Stukel
Conley Ward
Stephanie C. Westemeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

February 1, 2000

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

RE: Water Right No. 02-02339

Dear Gary:

I am enclosing a Notice of Change of Water Right Ownership and supporting documents which memorialize United Water's purchase of the Wilson Properties' water right No. 02-02339. United Water now is the sole owner of this water right.

As you may know, pursuant to the exchange approved by the Department on July 22, 1999 (and made final fourteen days thereafter), United Water is entitled to divert from the Boise River under this water right during those times when the Bureau of Reclamation is releasing water from Boise River storage for salmon flow augmentation. I am enclosing a copy of this approval as well, so that your file regarding the transfer of ownership also will reflect this approved use.

Please let me know if you need any more information regarding this.

Sincerely,



Jeffrey C. Fereday

JCF/jbg

Enclosure

cc: Greg Wyatt
Scott Rhead
Ben Hepler
Lee Sisco, Boise River Watermaster
Karl Dreher, IDWR Director
John Rosholt

RECEIVED
FEB - 7 2000
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 02-02339
Adjudication Claim No(s).: A02-02339

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and address of Former Owner/Claimant Wilson Properties, L.P., an Idaho limited partnership
P.O. Box 2793, Boise, ID 83701

4. New Owner/Claimant(s) United Water Idaho, Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 8248 Victory Road
City, State and ZIP Code Boise, ID 83709
New Telephone Number (208) 362-1300

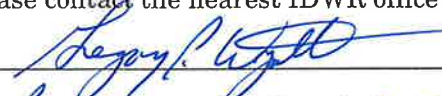
5. Date you acquired the property January 7, 2000

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner  Date 2-4-00
or Claimant(s) PRESIDENT, UNITED WATER IDAHO Date _____

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

When recorded return to:

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Jeffrey C. Fereday

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2000 JA 14 PM 4:01

PIONEER TITLE

PIONEER TITLE

RECORDED - REQUEST OF

FEE 21⁰⁰ DEPUTY *[Signature]*

100003952

WATER RIGHT GRANT DEED

FOR VALUE RECEIVED, Wilson Properties, L.P., an Idaho limited partnership, the Grantor, does hereby grant, bargain, sell and convey unto United Water Idaho, Inc., an Idaho corporation, whose address is 8248 Victory Road, Boise, Idaho 83709, all of Grantor's right, title and interest in and to the water right represented by Water Right License Number 02-02339 (the "Water Right"), and also hereby assigns such license to Grantee. The Water Right heretofore has been diverted and beneficially used by Grantor, and is appurtenant to the real property located in Ada County, Idaho, more particularly described on Exhibit A attached hereto. A copy of the license evidencing the Water Right is attached hereto as Exhibit B and a graphical depiction of the original point of diversion and place of use of the Water Right is attached hereto as Exhibit C.

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 Court, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

IN WITNESS WHEREOF, the Grantor has caused the Grantor's name to be subscribed to this Grant Deed effective the 7th day of January, 2000.

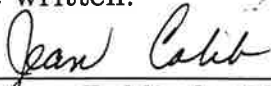
GRANTOR: WILSON PROPERTIES, L.P., an Idaho
limited partnership

Charles H. Wilson
By: Charles H. Wilson
Its: General Partner

STATE OF IDAHO)
) ss.
County of Ada)

On this 7th day of January, in the year 2000, before me, a Notary Public in and for the State of Idaho, personally appeared Charles H. Wilson, known or identified to me to be the general partner of the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Notary Public for Idaho
Residing at: Boise Idaho
My commission expires: 4/25/2005

EXHIBIT A

Legal Description of Real Property to Which the Water Right is Appurtenant

All of Section 16, Township 2 South, Range 1 East, as more particularly set forth on the Water Right License attached as Exhibit B.

EXHIBIT B

Water Right License

State of Idaho
Department of Water Resources

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 32150/02-2339 Priority Dec. 7, 1964 Amount 11.0 cfs

THIS IS TO CERTIFY, that SWAN FALLS FARMS, INC.

of Idaho Falls, Idaho, has complied with the terms and conditions of Permit No. 32150/02-2339 issued pursuant to Application for Permit dated December 7, 1964 and has submitted proof to the Department of Water Resources on November 4, 1975 that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 11.0 cfs of water from the Snake River tributary to the Columbia River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to Nov. 15	at 11.0 cfs and	2,745 acre feet or
	from 11 to 10	cfs and	4.5 af per acre
	from 10 to 10	cfs and	
	(both dates inclusive)		

Subject, however, to the condition that no more than 11.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 2.745 acre feet per year, said waters to be diverted within the NE 1/4 of Sec. 19,

Twp. 2 S, Rge. 1 E, B. M. in the County of Ada

Description and location of place of use:

[illegible]

Total number of acres irrigated 610

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of December 19 76

Director

EXHIBIT

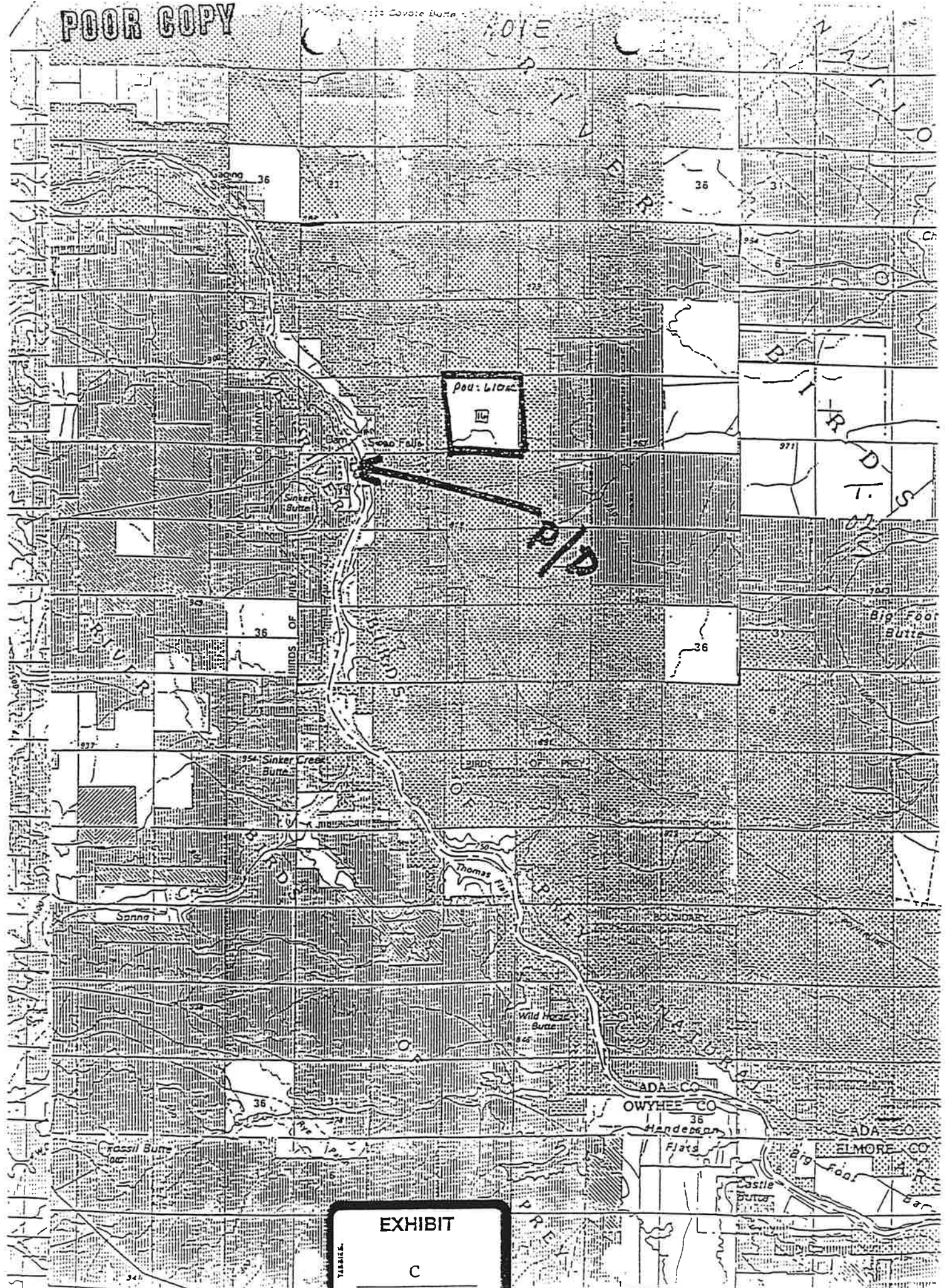


EXHIBIT C

Graphical Depiction

POOR COPY

NOTE



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A02-02339**
Date Received: 6/21/1989
Receipt No: W003321
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: WILSON PROPERTIES LP
Address: PO BOX 2793
BOISE ID

208-424-9322

83702

2. Date of Priority: DEC 7, 1964

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	01E	19		NE	NE		ADA

5. Description of diverting works:

PUMP FROM RIVER (RESERVOIR) TO PIPELINE TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	11.000		2745.00

7. Total Quantity Appropriated is:

11.000 C.F.S. (and/or) 2745.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	01E	16	NE	NE		IRR	30.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	01E	16	NE		NW		IRR	40.0
			NW		NW		IRR	30.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	35.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	35.0

Section Acres 610.0

Total Acres 610.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THE LANDS LISTED IN THIS SRBA CLAIM IS IN THE CRP PROGRAM.
THE WATER UNDER 63-02339 IS IN THE WATER SUPPLY BANK.
THE FEE FOR THIS CLAIM REFLECTS A DEDUCTION OF \$10.00 FOR THE 02
FILING DATED 11/09/1981.
OWNERSHIP CHANGE BY DB 12/19/97.
OWNERSHIP CHANGED BY DB, PER LEGAL REVIEW BY JOHN MARSHALL, ON
5/19/98.

15. Basis of Claim: LICENSE

Water Right Number: 32150

RECEIVED

MAY 19 1998

WATER RIGHTS
WESTERN REGION

ASSIGNMENT OF RIGHTS

PACIFIC NORTHWEST BROADCASTING CORPORATION, an Oregon corporation, hereby assigns, transfers, and conveys to WILSON PROPERTIES, L.P., an Idaho limited partnership, all of its right, title, and interest in and to Water Right A02-02339. Pacific Northwest Broadcasting Corporation warrants that it has good and marketable title to such water right, free and clear of all liens, claims, and encumbrances.

DATED this 12th day of February, 1998.

PACIFIC NORTHWEST BROADCASTING
CORPORATION

By Charles H. Wilson
Charles H. Wilson, President

The address for Wilson
Properties is:

PO Box 2793
Boise, Id 83702
424-9322

Per Rostolt, Robertson, Tucker 5-19-98

**WILSON PROPERTIES, L.P.
DIRECTORS**

Directors:

Charles H. Wilson

Drew H. Wilson

Robert P. Wilson

02139803.JAR

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A02-02339**
Date Received: 6/21/1989
Receipt No: W003321
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: PACIFIC NORTHWEST BROADCASTING CORP 208-336-3670
Address: PO BOX 2793
BOISE ID 83701

2. Date of Priority: DEC 7, 1964

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	01E	19		NE	NE		ADA

5. Description of diverting works:
PUMP FROM RIVER (RESERVOIR) TO PIPELINE TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	11.000		2745.00

7. Total Quantity Appropriated is:
11.000 C.F.S. (and/or) 2745.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	01E	16	NE	NE		IRR	30.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	01E	16	NE		NW		IRR	40.0
			NW		NW		IRR	30.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	35.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	35.0

Section Acres 610.0

Total Acres 610.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THE LANDS LISTED IN THIS SRBA CLAIM IS IN THE CRP PROGRAM.
THE WATER UNDER 63-02339 IS IN THE WATER SUPPLY BANK.
THE FEE FOR THIS CLAIM REFLECTS A DEDUCTION OF \$10.00 FOR THE 02
FILING DATED 11/09/1981.
OWNERSHIP CHANGE BY DB 12/19/97.

15. Basis of Claim: LICENSE

Water Right Number: 32150

RECEIVED NOV 4 1997

Form 42-248/42-1409(6) February 3, 1997

RECEIVED

NOV - 5 1997

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 02-02339 A63-15822
 Adjudication Claim No(s): A02-02339 also

2. The following REQUIRED information must be submitted with this form:

** A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

** B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant SWAN FALLS FARMS INC.
11293 GREENHURST ROAD
NAMPA ID 83686

4. New Owner/Claimant(s) PACIFIC NORTHWEST BROADCASTING CORPORATION
 New Mailing Address Name Connector (Check one): [] and, [] or, [] and/or
1419 WEST BANNOCK STREET
 City, State and ZIP Code BOISE ID 83701
 New Telephone Number (208) 336-3670

5. Date you acquired the property 10/29/97

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) BY: Charles H. Wilson
CHARLES H WILSON, PRESIDENT
PACIFIC NORTHWEST BROADCASTING CORPORATION

** (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

97090978

EXHIBIT A TO WARRANTY DEED

ADA CO. RECORDER

J. DAVID NAVARRO

BOISE ID **PIONEER TITLE CO****(Legal Description)****PARCEL I:**

'97 OCT 31 PM 3:41

FEE 6000 Miller
THE REQUEST OF

Section 16, Township 2 South, Range 1 East, Boise Meridian, Ada County, Idaho

PARCEL II:

Right of Way for irrigation pipeline as the same is granted to LOWELL C. MOORE under Grant dated May 12, 1965 and recorded March 28, 1975 as Instrument No. 7504773 over and across portions of the following described lands, said right of way being not in excess of 50 feet in width on either side of the existing pipeline as the same is located upon Map of Amended Location of Right of Way (Revised July 30, 1973) appended to Decision - Proof of Construction Accepted, dated January 11, 1974 and recorded March 28, 1975 as Instrument No. 7504774. (Said right of way having been duly assigned to SWAN FALLS FARMS, INC., an Idaho corporation, by instrument recorded April 19, 1977 as Instrument No. 7716380, records of Ada County, Idaho.)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17; and N $\frac{1}{2}$ N $\frac{1}{2}$ Section 20, all in Township 2 South, Range 1 East, Boise Meridian, Ada County, Idaho.

PARCEL III:

Government Lot 1 of Section 19, Township 2 South, Range 1 East, Boise Meridian, Ada County,

(Permission and Agreement dated April 21, 1977 from Idaho Power Company, a Maine corporation, to Swan Falls Farms, Inc., an Idaho corporation, recorded April 22, 1977 as Instrument No. 7717063, providing for irrigation pumping facilities and related facilities located on said Government Lot 1, Section 19, and for ingress and egress thereto for the irrigation of PARCEL I described above.)

Together with all and singular, the buildings, structures, fences, pipes, pipelines, tanks, dams, reservoirs, fixtures now or hereafter on or in said property, and any and all water and water rights (including but not limited to those water rights appurtenant to said lands, or any of them, covered or evidenced by Water License No. 32150/02-2339), ditches and ditch rights, flumes, aqueducts, canals, appropriations, franchises, and all other rights and privileges owned by the Grantors, or belonging to, or with, leading to, in connection with, or usually had or enjoyed in connection with the said property, or any part thereof, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

EXHIBIT A
102997

166492_1

P 161830 SK

WARRANTY DEED

JOHN D. ROSS and MARY LUE ROSS, husband and wife, whose address is 700 Astor Avenue, Nampa, Idaho 83651 (hereinafter "Grantors"), for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto PACIFIC NORTHWEST BROADCASTING CORPORATION, an Oregon corporation whose Idaho office is currently located at 1419 West Bannock Street, Boise, Idaho 83701 (hereinafter "Grantee"), and to Grantee's successors and assigns forever, all of Grantors' right, title, and interest in the real property described in Exhibit "A," attached hereto and made a part hereof by this reference as if set forth in full.

Together with all improvements, easements, hereditaments, water and water rights, and appurtenances thereunto.

Subject to such rights, easements, covenants, restrictions, and zoning regulations as appear of record or by use upon the premises.

Grantors, for themselves, their heirs and assigns, do hereby covenant, warrant and shall defend the quiet and peaceable possession of said real property by the Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantors have hereunto set their hands this 29 day of October, 1997.


John D. Ross

Mary Lue Ross

STATE OF IDAHO)
County of Ada) ss.

On this 29 day of October, 1997, before me, the undersigned, personally appeared JOHN D. ROSS and MARY LUE ROSS, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission Expires 2/7/99

WARRANTY DEED
102997 0900

166492_1

RECEIVED

NOV - 5 1997

WATER RESOURCES
WESTERN REGION

**PACIFIC NORTHWEST BROADCASTING CORPORATION
OFFICERS AND DIRECTORS**

Officers:

PRESIDENT: Charles Wilson

SECRETARY: Joanne Wilson

Directors:

Charles Wilson

Joanne Wilson

11049704.JAR



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED

DEC 12 1997

WATER RESOURCES
WESTERN REGION

December 3, 1997

PHILIP E. BATT
GOVERNOR

PACIFIC NORTHWEST BROADCASTING CORP

~~1419 WEST BANNOCK ST~~

BOISE ID 83701

P.O. Box 2793 ← New Address

KARL J. DREHER
DIRECTOR

Dear Wateruser(s):

This office has reviewed the **Notice of Change of Water Right Ownership** form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to **COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S).**

There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.

Legal description of property. Please complete showing the legal description by $\frac{1}{4}$ $\frac{1}{4}$ (40-acre tract), Section, Township and Range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat.

It appears you received your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

Name and address of former owner (seller). This will clarify the original owner of the water right.

Name, address and phone number of new owner (purchaser).

This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by $\frac{1}{4}$ $\frac{1}{4}$ with the number of acres in each $\frac{1}{4}$ $\frac{1}{4}$ (if applicable) and the point of diversion by $\frac{1}{4}$ $\frac{1}{4}$, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion. Enclosed is a computer copy of this right for your review.

X
Proof of ownership is needed. This proof can be a copy of the warranty deed, sales contract or tax assessment in your name which includes a description of this property by $\frac{1}{4}$ $\frac{1}{4}$, Section, Township and Range.

→ Signature of new owner (purchaser) is needed on this form.

COPY OF WARRANTY DEED ENCLOSED 12/11/97

Other: _____

Please complete the above item(s), if required, on the Notice of Change of Water Right Ownership form and return it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed (if one exists), will remain in the original owner's name.

Feel free to contact this office if you have questions concerning this letter.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

DB:d

Enclosures

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A02-02339
Date Received: 6/21/1989
Receipt No: W003321
Received By: EJR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SWAN FALLS FARMS 208-466-8870
Address: 11293 GREENHURST RD.
NAMPA, ID 83686

2. Date of Priority: DEC 07, 1964

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	01E	19	NE	NE			ADA

5. Description of diverting works:
PUMP FROM RIVER (RESERVOIR) TO PIPELINE TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	11.000		2745.00

7. Total Quantity Appropriated is:
11.000 C.F.S. (and/or) 2745.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	01E	16	NE	NE		IRR	30.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0

A02-02339

Page 1

Date: 06/21/89

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AUG 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	01E	16	SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	30.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	35.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	35.0

Section Acres 610.0

Total Acres 610.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THE LANDS LISTED IN THIS SRBA CLAIM IS IN THE CRP PROGRAM.
THE WATER UNDER 63-02339 IS IN THE WATER SUPPLY BANK.
THE FEE FOR THIS CLAIM REFLECTS A DEDUCTION OF \$10.00 FOR THE 02
FILING DATED 11/09/1981.

15. Basis of Claim: LICENSE
Water Right Number: 32150

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Signature]* Date: *20 June 1989*
_____ Date: _____

State of Idaho

County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this *21* day
of *June* 19 *89*

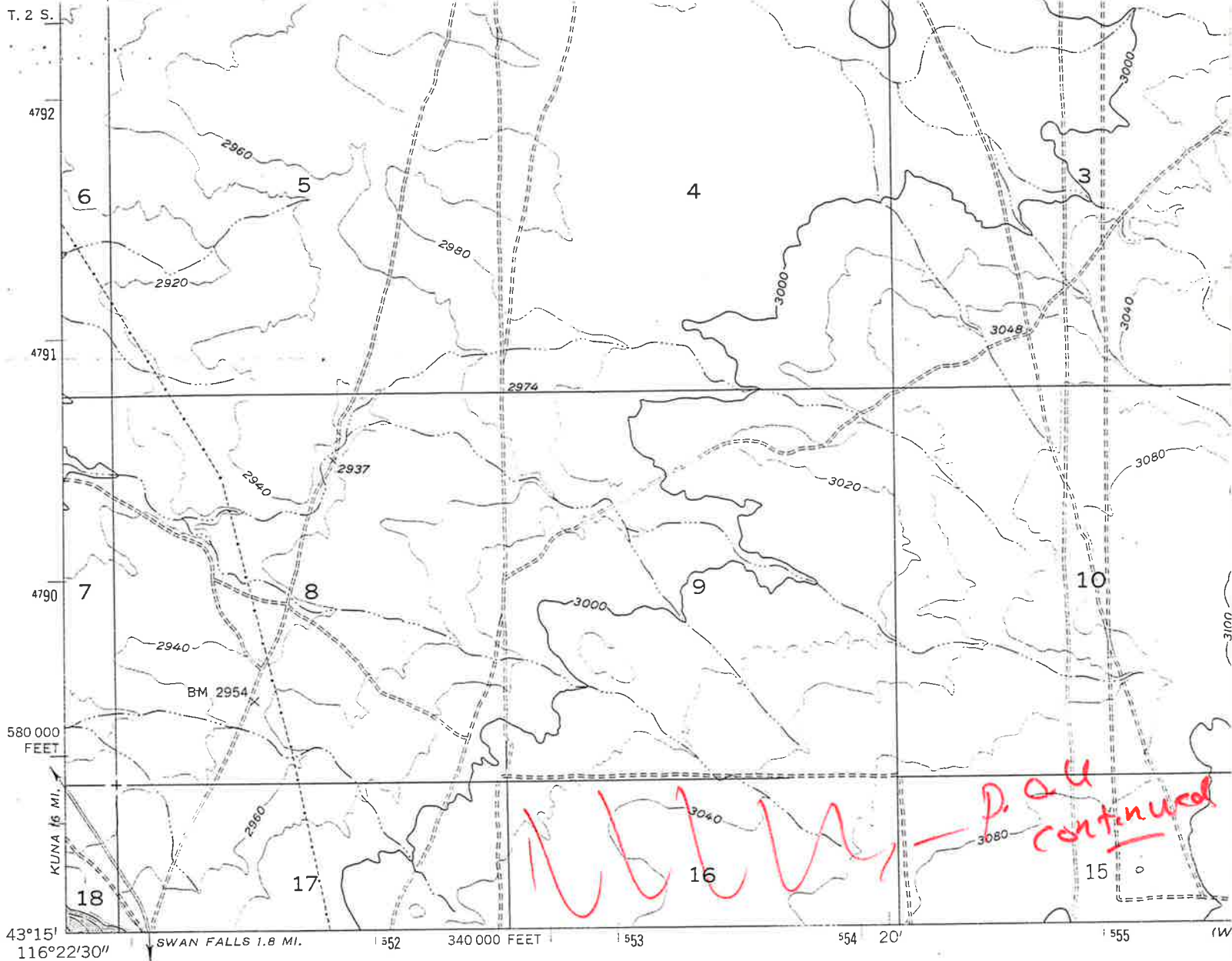
[Signature]
Notary Public

Seal

Residing at _____

My Commission Expires _____

Eldon L. Roush
Residing at Boise, Idaho
My Commission Expires September 8, 1994



Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

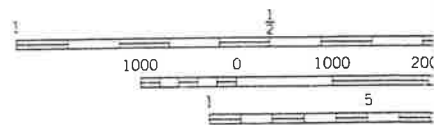
Topography from aerial photographs by Kelsh plotter
Aerial photographs taken 1954. Field check 1955

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
west zone
1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue

Revisions shown in purple compiled from aerial photographs
taken 1971. This information not field checked



UTM GRID AND 1971 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR
DOTTED LINES
DATUM

THIS MAP COMPLIES WITH
FOR SALE BY U.S. GEOLOGICAL SURVEY,
A FOLDER DESCRIBING TOPOGRAPHY

MICROFILMED
AUG 07 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

A52-02339



MICROFILMED
AUG 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE
WATER SUPPLY BANK

Name of Seller/Lessor Swan Falls Farms, Inc Phone 466-8870
Post office address c/o John D. Ross 3025 W. Greenhurst, Nampa,
ID 83651

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated _____ in _____ county of _____
(Name of court)

b. License No. 32150 / 02-2339 issued by the Idaho Department of Water Resources.

c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. Source of water Snake River tributary to Columbia River

3. Date of priority 12-7-64 Dec. 7, 1964

4. Water is used for the following purposes:

amount 11.0 cfs for Irrigation purposes from 3-15 to 11-15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

5. Total amount of water under right: a. 11.0 cubic feet per second
&/or

b. 2745 acre feet per annum

6. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19

Township 2 S Range 1 E, B.M., in Ada County

Additional points of diversion, if any _____

7. Lands irrigated or 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 $\frac{1}{4}$	
<u>2 S</u>	<u>1 E</u>	<u>16</u>	<u>30</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>30</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>35</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>35</u>	<u>610</u>

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AUG 07 1992

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
 in case of _____ vs _____
 dated _____ in _____ county of _____
 (Name of court)

b. License No. 32150 / 02-2339 Issued by the Idaho Department of Water Resources.

c. Permit No. _____ Issued by the Idaho Department of Water Resources.

2. Source of water Snake River tributary to Columbia River

3. Date of priority 12-7-64 Dec. 7, 1964

4. Water is used for the following purposes:

amount 11.0 cfs for Irrigation purposes from 3-15 to 11-15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)

5. Total amount of water under right: a. 11.0 cubic feet per second
 &/or

b. 2745 acre feet per annum

6. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19

Township 2S Range 1E, B.M., in Ada County

Additional points of diversion, if any _____

7. Lands irrigated or 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 $\frac{1}{4}$	
<u>2S</u>	<u>1E</u>	<u>16</u>	<u>30</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>30</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>35</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>35</u>	<u>610</u>

Total number of acres to be irrigated 610

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AUG 07 1992

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
3. 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	

Total number of acres to be irrigated _____

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the right, or portion thereof, was acquired and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Sheriff's sale Case # 88300 31 July 1987

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

Yearly use water 1986
See attached power costs 1985 from
John Powers

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support this description:

Pump from reservoir at Swan Falls

MICROFILMED

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use no longer receive water from any source?

None

No other water rights

AUG 07 1992

Total number of acres to be irrigated _____

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the right, or portion thereof, was acquired and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Sheriff's sale Case # 88300 31 July 1987

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

1/early use wpt 1986
See attached power costs 1985 from
Lesho Power

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support this description:

Pump from reservoir at Swan Falls

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use no longer receive water from any source?

None No water use on
Swan Falls Farm contemplated for
q/ys.

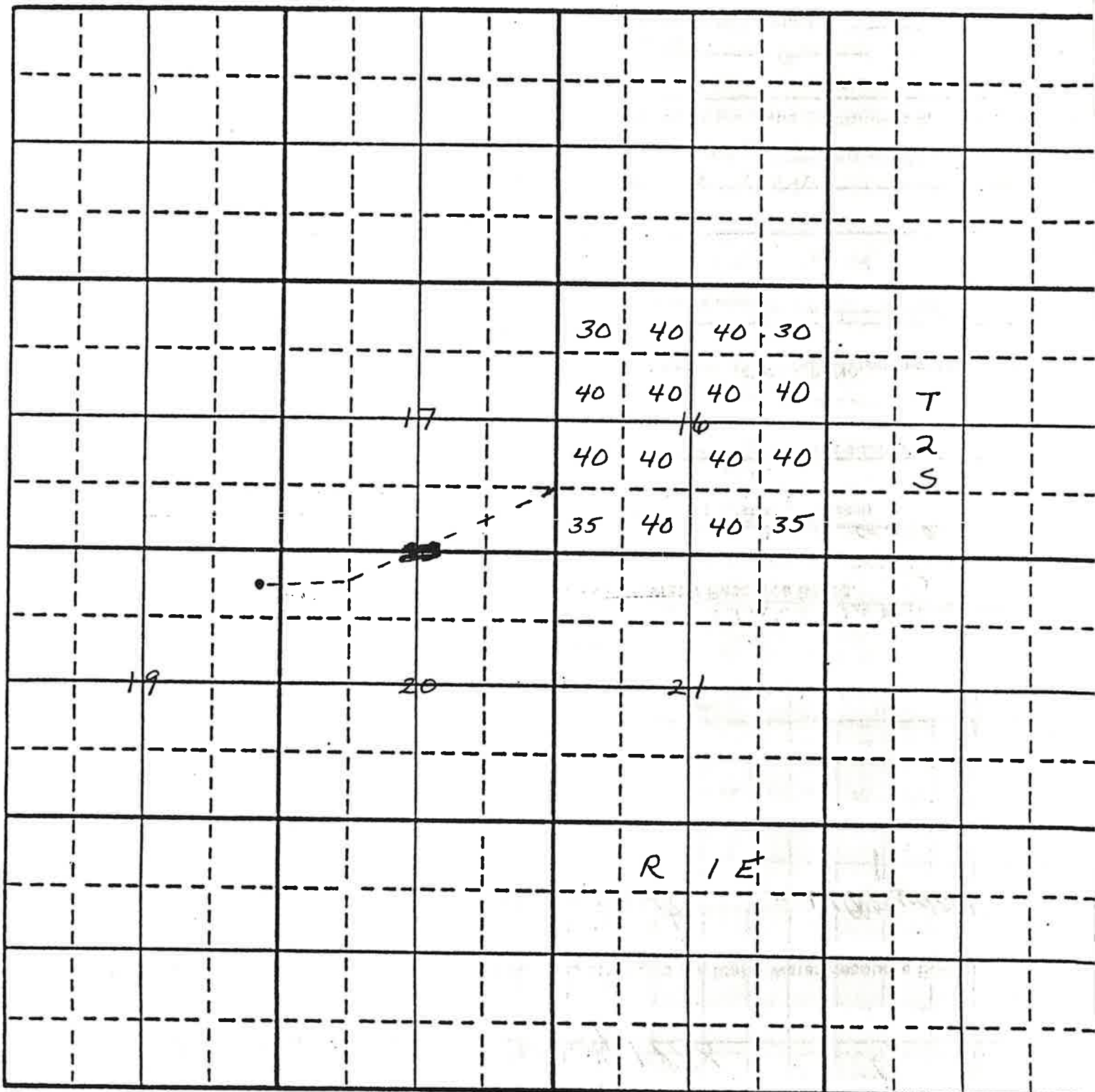
5. Describe the anticipated effect of this sale or lease upon other water users.

None

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AUG 07 1992

- 17N
8. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.
 9. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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AUG 07 1992

10. Remarks

Lease of water should be by an annual basis - one year at a time; water rights lease may be reclaimed by right of redemption until 15 July 1988

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

☐ For sale

☒ For lease for the period from present to indefinite

☐ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

usual charge

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

☒ Acceptable

☐ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

26 Oct 1987
(Date)

John D. Kopp
(Signature of applicant)

ACTION OF THE WATER RESOURCE BOARD

This is to certify that the Board has reviewed Application to Sell or Lease a Water Right No. _____

and said Application is hereby _____

Witness my hand this _____ day of _____, 19____

FOR DEPARTMENT USE ONLY

MICROFILMED

AUG 07 1992

Received by _____ Date _____

Prelim. check by _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

March 30, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

UNITED WATER IDAHO INC
8248 W VICTORY RD
BOISE ID 83709

Re: Notice of Claim to a Water Right No. 02-02339

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

JUL 22 1999

WATER RESOURCES
WESTERN REGION

UNITED WATER IDAHO INC
C/O WILLIAM C LINAM
PO BOX 7488
BOISE ID 83707

RE: Permit 63-12055 & Water Right 02-02339

Dear Mr. Linam:

The accompanying order is a **preliminary order** issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7955.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

cc: Jeff Fereday, Givens Pursley
Lee Sisco, Watermaster
Western Region office

CERTIFICATE OF MAILING

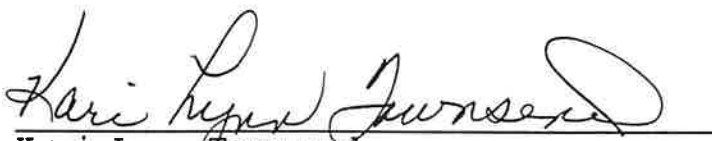
I hereby certify that on the 22nd day of July, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER to the person(s) listed below:

RE: Permit 63-12055 & Water Right 02-02339

UNITED WATER IDAHO INC
C/O WILLIAM C LINAM
PO BOX 7488
BOISE ID 83707

GIVENS PURSLEY
JEFF FEREDAY
PO BOX 2720
BOISE ID 83701

LEE SISCO
WATER MASTER
6616 OVERLAND RD
BOISE ID 83709


Kari Lynn Townsend
Secretary

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR EXCHANGE OF WATER IN THE)
NAME OF UNITED WATER IDAHO, INC) **PRELIMINARY ORDER**
_____)

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On December 6, 1976, the Department issued License No. 02-02339 as follows:

Source:	Snake River
Priority:	December 7, 1964
Rate of diversion:	11 cubic feet per second ("cfs")
Point of diversion:	NENE Section 19, T2S, R1E, B.M.
Use:	Irrigation
Season of use:	March 15 to November 15
Place of use:	610 acres in Section 16, T2S, R1E, B.M.

2. On March 10, 1995, the Department issued Permit No. 63-12055 to United Water Idaho, Inc. ("applicant" or "right holder") authorizing the diversion of 24.8 cfs of water from the Boise River to be diverted for municipal purposes at its Marden Street plant located in Lot 7, (SENE) Section 14, T3N, R2E, B.M. The priority of use of the permit is September 8, 1993.

3. On April 29, 1999, the applicant filed an application to exchange Snake River water represented by License No. 02-02339 with water in the Boise River. More specifically, the U.S. Bureau of Reclamation ("Bureau") holds uncontracted space in the Upper Boise River storage reservoirs ("reservoirs") and from time to time obtains other stored water. In most years since 1992, the Bureau has released up to 400 cfs from the reservoirs between June 10 and August 31 to improve downstream passage conditions for salmon and steelhead in the lower Snake River. The releases have been made in accordance with Sections 42-1763A and 42-1763B, Idaho Code. The exchange proposes that during times the Bureau is releasing water from the reservoirs to augment Snake River flow, the applicant will divert up to 11 cfs of water from the Boise River at its Marden Street plant and will simultaneously forego the diversion of a like amount of Snake River water under License No. 02-02339.

4. The location of the point of diversion of License No. 02-02339 on the Snake River is upstream from the confluence of the Boise River and Snake River. An equal amount of Boise River water can be replaced at the mouth of the Boise River by foregoing the diversion of water under License No. 02-02339 from the Snake River.

5. Diversion of water from the Boise River under Permit No. 63-12055 is not always possible due to the late priority of use. The point of diversion described on the permit is proposed as the point of diversion under the exchange.

6. The Department advertised the application as required by statute. Protests were not filed against approval of the application.

CONCLUSIONS OF LAW

1. Section 42-240, Idaho Code, provides in part as follows:

The director shall examine all the evidence and available information and shall approve the exchange in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the exchange does not constitute an enlargement in use of the original right or rights, the exchange is consistent with the conservation of water resources within the state of Idaho, and the exchange is in the local public interest as defined in section 42-203A, Idaho Code.

2. The release of an equal rate and volume of water under License No. 02-02339 will replace a like amount of water at the mouth of the Boise River which will be diverted from the Boise River by the applicant at its Marden Street plant in Boise, Idaho.

3. The proposed exchange will not injure other water rights.

4. The proposed exchange does not constitute an enlargement in use of the original right. To ensure no enlargement, the right holder should be required to keep records of the rate and volume of water diverted and should be required to report the information to the Department.

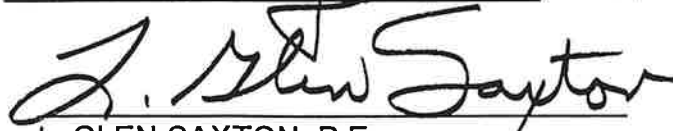
5. The proposed exchange is in the local public interest.

6. The proposed exchange is consistent with the conservation of water resources within the state of Idaho.

IT IS THEREFORE HEREBY ORDERED that the exchange is approved subject to the following conditions:

1. The applicant shall not divert water at its Marden Street plant under terms of this exchange unless the Bureau is simultaneously providing flow augmentation water to the Boise River from the Upper Boise River reservoirs.
2. Diversion of water from the Boise River shall not exceed the lesser of:
 - a. The instantaneous rate at which the exchange water is available in priority under the Snake River water right, not to exceed 11 cfs, or
 - b. The instantaneous rate of release of stored water from the Bureau's Upper Boise River reservoirs for Snake River flow augmentation.
3. The right holder is not entitled to require release of stored water by the Bureau.
4. Prior to use of water under this exchange, the right holder shall install a measuring device to measure the rate and volume of water diverted from the Boise River and shall annually report the amount of water diverted under the exchange to the Department.
5. Use of water under this exchange is subject to the control of the watermaster of State Water District 63, Boise River and tributaries.
6. The right holder shall notify the Department and the Boise River watermaster each year before the exchange is exercised and when the exchange will cease for the year.
7. Failure of the right holder to comply with conditions of this exchange is cause for the Director to rescind approval of the exchange.
8. This exchange is effective for up to five (5) years from the date of the approval unless extended by the Director or rescinded for cause by the Director.

Dated this 22nd day of July, 1999.


L. GLEN SAXTON, P.E.