

TO: Jacob Caraig

FROM: Michael P. Lawrence *MPL*

RE: Response to IDWR questions concerning IMAP PODs

DATE: January 13, 2025

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This memorandum is submitted on behalf of Veolia Water Idaho, Inc. (“VWID”) in response to questions presented in your October 3, 2024 emails, which you subsequently clarified by email on November 19, 2024 (copies attached as Exhibit A.1 and A.2, respectively) concerning certain points of diversion (“PODs”) listed in the IMAP as potential Alternate Points of Diversion (“APODs”). Each question is addressed in turn below, and copies of relevant documents are attached as Exhibits. Maps of each well location are included in Exhibit H.

**I. ISLAND WOODS #2, NWNW OF SEC. 21, T04N, R01E**

Your October 3 email states that this POD location is not currently associated with any VWID water rights.

Island Woods #1 and #2 were originally associated with license no. 63-11467, which authorizes two PODs in NWSW and SWSW of Sec. 16, T4N, R1E. See Exhibit B.1.

Island Woods #1 is located in the NWSW of Sec. 16, T4N, R1E. However, Island Woods #2 is actually located in the NWNW of Sec. 21, T4N, R1E, not the SWSW of Sec. 16. VWID believes this inaccuracy likely is due to the well being close to the edge of the quarter-quarter—approximately 230 feet south of the SWSW of Sec. 16.

An Amendment of Permit was issued in 1998 with both PODs in the correct locations: one well (Island Woods #1) in NWSW of Sec. 16, and the other (Island

Woods #2) in NWNW of Sec. 21. See Exhibit B.2. However, that amendment was not carried forward to licensing in 2001.<sup>1</sup>

In sum, license no. 63-11467's location of Island Woods #2 in SWSW of Sec. 16 appears to be an inadvertent error, which VWID requests be corrected in the IMAP approval to reflect its actual location in NWNW of Sec. 21, T4N, R1E.

## **II. MAPLE HILLS #1 & #2, NENE OF SEC. 14, T03N, R01E**

Your October 3 email states that there is one existing POD but VWID listed two PODs in the IMAP.

Maple Hills #1 was originally authorized under license no. 63-9671 with a POD in NENE of Sec. 14, T3N, R1E, but through the adjudication the right was decreed with 42 APODs including one in the NENE of Sec. 14, which is Maple Hills #1. See Exhibit C.1.

Permit no. 63-31406 was approved in 2004 for an additional well constructed in a shallower aquifer zone in the SENENE of Sec. 14, T3N, R1E. See Exhibit C.2. This is Maple Hills #2.

In short, there are two wells (Maple Hills #1 and #2) located in NENE of Sec. 14, T3N, R1E.

## **III. WARM SPRINGS MESA #1 & #2, SWNE OF SEC. 24, T03N, R02E**

Your October 3 email states that “[e]xisting points include government lot 2 but do not have well names,” but you clarified in a subsequent email dated November 19, 2024 that IDWR cleared up this issue and that all you need are the GPS coordinates for the Warm Springs Mesa #2 and #3 wells. These are:

- Warm Springs Mesa #2: Latitude 43° 35.097'N, Longitude 116° 9.521'W
- Warm Springs Mesa #3: Latitude 43° 35.125'N, Longitude 116° 9.508'W

For further background, water right no. 63-3457 was originally licensed in 1972 with two PODs in SWNE of Sec. 24, T3N, R2E, and was decreed in 2009 for the same. See Exhibit D.1. These are Warm Springs Mesa #1 and #2.

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<sup>1</sup> Another permit amendment was approved in 2001 on the same day the license was issued. See Exhibit B.3. It listed PODs in the NWSW and SWSW of Sec. 16, which is inconsistent with the 1998 permit amendment. It is not clear why the 2001 permit amendment did not list the correct POD in the NWNW of Sec. 21.

Water right no. 63-10945 was licensed in 2001 for three PODs in SWNE (Lot 2) of Sec. 24, T3N, R2E. See Exhibit D.2. This includes Warm Springs Mesa #1, #2, and #3. Warm Springs Mesa #1 and #2 have been abandoned, and only Warm Springs Mesa #3 remains in operation. VWID did not include Warm Springs Mesa #1 in the IMAP, but included both #2 and #3 in case another well is necessary in this area. VWID requests that IDWR include both PODs in the IMAP approval, which you indicated was acceptable to IDWR in your November 19, 2024 email.

#### **IV. RAPTOR, NWNW OF SEC. 17, T02N, R02E**

Your October 3 email states that this well “[i]s not currently a well associated with any Veolia water rights.” However, water right nos. 63-12043, 63-12138, and 63-12139 each have authorized PODs in NWNW of Sec. 17, T2N, R2E. See Exhibits E.1, E.2, and E.3.

#### **V. ROOSEVELT #1 & #3, NWNW OF SEC 16, T03N, R02E**

Your October 3 email states that there is “[o]ne existing point of diversion” but VWID listed two wells in the IMAP.

Water right no. 63-3293 was originally licensed in 1963 with one POD in NWNW of Sec. 16, T3N, R2E. See Exhibit F.1. Water right no. 63-2595 was originally licensed in 1974 with one POD in NWNW of Sec. 16, T3N, R2E. See Exhibit F.2. Both were decreed in 2009 with 42 APODs, including two PODs in NWNW of Sec. 16, T3N, R2E. See Exhibit F.3.

#### **VI. SWIFT #2, SWSE OF SEC. 31, T04N, R02E**

Your October 3 email states that this “[i]s not currently a well associated with any Veolia water rights.”

Swift #2 is in SWSE of Sec. 30, T4N, R2E, consistent with the 1994 license for water right no. 63-10688. See Exhibit G.1. In its October 9, 2023 “IMAP Wrap-up Notes” memo to Manuel Rauhut, Veolia corrected the incorrect reference to Sec. 31 in earlier IMAP APOD lists. See Exhibit G.2 (relevant pages only).

Swift #1 also is in the SWSE of Sec. 30 in T4N, R2E. This is not consistent with the 1980 license no. 63-9147 which states SWSE of Sec. 30, T3N, R2E. See Exhibit G.3. However, the 2009 decree for right no. 63-9147 listing 42 APODs correctly includes the well in SWSE of Sec. 30 in T4N, R2E, and no wells in Sec. 30 of T3N, R2E. See Exhibit G.4. Although this correction was not included in the October 9, 2023 “IMAP Wrap-up Notes” memo to Manuel Rauhut, VWID requests that the IMAP approval list the location of Swift #1 as SWSE of Sec. 30 in T4N, R2E.

## VII. UPDATED APOD LIST (81 WELLS)

The APOD list set out below lists 81 wells as points of diversion for the ground water rights and permits included in the IMAP. It has been corrected to reflect the discussion above concerning Swift #1's location.

|    | Well Name<br>(for informational purposes only) | TwN | Rge | Sec | Tract    |
|----|------------------------------------------------|-----|-----|-----|----------|
| 1  | Amity (aka Amity #2)                           | 3N  | 1E  | 36  | NW,NW,NE |
| 2  | Arctic #1                                      | 3N  | 2E  | 8   | NE,NE,NE |
| 3  | B.I.F.                                         | 3N  | 2E  | 27  | SE,NW,SE |
| 4  | Bali Hai #1                                    | 3N  | 1E  | 3   | SW,SE,NE |
| 5  | Barber #2 (now Licorice)                       | 3N  | 3E  | 28  | SW,NW    |
| 6  | Barber #1 (now Durham)                         | 3N  | 3E  | 29  | SE,NE    |
| 7  | Beacon                                         | 3N  | 2E  | 14  | NW,SE,NW |
| 8  | Bergeson                                       | 3N  | 2E  | 26  | NW,NE,SE |
| 9  | Bethel                                         | 3N  | 2E  | 7   | NE,SW,SW |
| 10 | Broadway                                       | 3N  | 2E  | 22  | SE,SE,SE |
| 11 | Brookhollow No. 1                              | 3N  | 1E  | 15  | SE,NE    |
| 12 | Byrd                                           | 3N  | 2E  | 33  | SW,NE,NW |
| 13 | Cassia                                         | 3N  | 2E  | 16  | NE,NE,SE |
| 14 | Cassia #2                                      | 3N  | 2E  | 16  | NE,NE,SE |
| 15 | Centennial                                     | 3N  | 2E  | 25  | NW,NW,SE |
| 16 | Central Park                                   | 3N  | 2E  | 2   | NW,NE,NW |
| 17 | Chamberlin #1                                  | 3N  | 2E  | 22  | SE,NW,NE |
| 18 | Chamberlin #2                                  | 3N  | 2E  | 22  | SE,NW,NE |
| 19 | Cliffside                                      | 3N  | 2E  | 15  | SW,NW,NW |
| 20 | Clinton                                        | 3N  | 2E  | 8   | SW,NE,SW |
| 21 | Cole                                           | 3N  | 1E  | 24  | NE,NE,SE |
| 22 | Country Club                                   | 3N  | 2E  | 28  | SE,NW,NW |
| 23 | Country Square                                 | 3N  | 1E  | 23  | NW,NW    |
| 24 | Countryside Estates                            | 3N  | 1E  | 23  | SE,NW    |
| 25 | Edgeview                                       | 3N  | 1E  | 16  | SE,NE    |
| 26 | Fisk                                           | 3N  | 2E  | 6   | SW,SE,SE |
| 27 | Five Mile West #12                             | 3N  | 1E  | 27  | NW,SW    |
| 28 | Floating Feather                               | 4N  | 1E  | 5   | SESW     |

|    | <b>Well Name<br/>(for informational purposes only)</b> | <b>TwN</b> | <b>Rge</b> | <b>Sec</b> | <b>Tract</b>     |
|----|--------------------------------------------------------|------------|------------|------------|------------------|
| 29 | Foxtail (aka Fox Tail #2)                              | 4N         | 1W         | 24         | SE,SW,SE         |
| 30 | Franklin Park                                          | 3N         | 2E         | 18         | SW,NW,NE         |
| 31 | Frontier                                               | 4N         | 1E         | 34         | SE,NE,SW         |
| 32 | Goddard                                                | 4N         | 1E         | 36         | SW,NE,NW         |
| 33 | H.P.                                                   | 4N         | 1E         | 27         | SW,SE,NE         |
| 34 | Hidden Valley Estates #1                               | 2N         | 1E         | 3          | SE,SE            |
| 35 | Hidden Valley Estates #2                               | 2N         | 1E         | 3          | NE,SW            |
| 36 | Hillcrest                                              | 3N         | 2E         | 20         | SE,SE,NE         |
| 37 | Hilton                                                 | 3N         | 2E         | 17         | SE,NE,SW         |
| 38 | Hummel                                                 | 3N         | 2E         | 18         | SW,NE,SW         |
| 39 | Idaho                                                  | 3N         | 2E         | 4          | NE,SW,SW         |
| 40 | Island Woods #1                                        | 4N         | 1E         | 16         | NE,NW,SW (lot 5) |
| 41 | Island Woods #2                                        | 4N         | 1E         | 21         | NW,NW,NW         |
| 42 | J.R. Flat                                              | 2N         | 2E         | 2          | SW,NW,NW         |
| 43 | Kirkwood                                               | 3N         | 2E         | 19         | SW,NE,NE         |
| 44 | La Grange                                              | 3N         | 1E         | 34         | NE,SW            |
| 45 | Logger                                                 | 3N         | 2E         | 24         | NW,SW,NW         |
| 46 | Longmeadow                                             | 3N         | 2E         | 13         | NW,SW,NW         |
| 47 | Mac                                                    | 3N         | 2E         | 32         | SW,NW,NW         |
| 48 | Maple Hills #1                                         | 3N         | 1E         | 14         | SW,NE,NE         |
| 49 | Maple Hills #2                                         | 3N         | 1E         | 14         | SE,NE,NE         |
| 50 | Market                                                 | 3N         | 2E         | 35         | NE,NE,NW         |
| 51 | McMillan                                               | 4N         | 1E         | 28         | SE,SW,SW         |
| 52 | Mesa #2 (aka Warm Springs Mesa #2)                     | 3N         | 2E         | 24         | NE,SW,NE         |
| 53 | Mesa #3 (aka Warm Springs Mesa #3)                     | 3N         | 2E         | 24         | NE,SW,NE         |
| 54 | Overland #6                                            | 3N         | 2E         | 19         | NW,NE,NW         |
| 55 | Paradise North                                         | 3N         | 1E         | 15         | NE,SE            |
| 56 | Pioneer                                                | 2N         | 2E         | 22         | NE,NW,NE         |
| 57 | Pleasant Valley                                        | 2N         | 2E         | 21         | NW,NE,NW         |
| 58 | Raptor                                                 | 2N         | 2E         | 17         | NW,NW,NW         |
| 59 | Redwood Creek (aka Redwood Creek #1)                   | 4N         | 1E         | 7          | SWNW (lot 2)     |
| 60 | River Run                                              | 3N         | 2E         | 24         | NE,SW,SE         |
| 61 | Roosevelt #1                                           | 3N         | 2E         | 16         | SW,NW,NW         |
| 62 | Roosevelt #3                                           | 3N         | 2E         | 16         | SW,NW,NW         |
| 63 | Settlers                                               | 4N         | 1E         | 35         | NW,NE,NW         |
| 64 | Sherman Oaks                                           | 3N         | 1E         | 23         | SE, SE           |
| 65 | Sixteenth St.                                          | 3N         | 2E         | 9          | SW,SE,NW         |

|    | <b>Well Name<br/>(for informational purposes only)</b> | <b>TwN</b> | <b>Rge</b> | <b>Sec</b> | <b>Tract</b> |
|----|--------------------------------------------------------|------------|------------|------------|--------------|
| 66 | Spurwing                                               | 4N         | 1W         | 23         | NE,SW        |
| 67 | Sunset West #1                                         | 3N         | 1E         | 36         | SE,NE,SE     |
| 68 | Swift #1                                               | 4N         | 2E         | 30         | SE,SW,SE     |
| 69 | Swift #2                                               | 4N         | 2E         | 30         | SE,SW,SE     |
| 70 | Taggart #1                                             | 3N         | 2E         | 21         | SW,NE,NE     |
| 71 | Taggart #2                                             | 3N         | 2E         | 21         | SW,NE,NE     |
| 72 | Tenmile                                                | 2N         | 2E         | 17         | NE,SE,NE     |
| 73 | Terteling                                              | 3N         | 2E         | 36         | NE,SW,NE     |
| 74 | Twenty-seventh                                         | 3N         | 2E         | 4          | SW,SW        |
| 75 | Veterans well                                          | 4N         | 2E         | 32         | SW,SE,SE     |
| 76 | Victory                                                | 3N         | 1E         | 27         | NE,NE        |
| 77 | Vista                                                  | 3N         | 2E         | 28         | NE,NE,NE     |
| 78 | Westmoreland                                           | 4N         | 2E         | 31         | NE,NW,SW     |
| 79 | Willow Lane #1                                         | 4N         | 2E         | 32         | NW,NW,NW     |
| 80 | Willow Lane #2                                         | 4N         | 2E         | 32         | NW,SW,NW     |
| 81 | Willow Lane #3                                         | 4N         | 2E         | 32         | NW,SW,NW     |

## **Exhibit A     JACOB CARAIG’S 10/3/2024 AND 11/19/2024 EMAILS**

### **Exhibit A.1**

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**From:** Caraig, Jacob <[jacob.caraig@idwr.idaho.gov](mailto:jacob.caraig@idwr.idaho.gov)>  
**Sent:** Thursday, October 3, 2024 11:24 AM  
**To:** Christopher H Meyer <[ChrisMeyer@givenspursley.com](mailto:ChrisMeyer@givenspursley.com)>  
**Cc:** Parker, Cody <[Cody.Parker@idwr.idaho.gov](mailto:Cody.Parker@idwr.idaho.gov)>  
**Subject:** RE: IMAP APOD Diversions

**EXTERNAL**

Apologies, I forgot to ask, additionally could you please provide confirmation of location with a map, legal description, and associated water rights or permits for each well in question?

-Jacob Caraig

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**From:** Caraig, Jacob  
**Sent:** Thursday, October 3, 2024 11:22 AM  
**To:** [ChrisMeyer@givenspursley.com](mailto:ChrisMeyer@givenspursley.com)  
**Cc:** Parker, Cody <[Cody.Parker@idwr.idaho.gov](mailto:Cody.Parker@idwr.idaho.gov)>  
**Subject:** IMAP APOD Diversions

Good morning Chris,

While proofing our APOD condition for IMAP we found a few discrepancies between the list found in the 2020 “SUEZ’s Response to IDWR’s Staff Memo” (linked below, page 105 in PDF) and our own records as they exist today. Below are each of the wells we would like to know the disposition of as well as a comment to the right of each entry specifying what’s confusing us about each of them. Could either you or Veolia provide clarification on these wells?

<https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/suez-water-idaho-imap/IMAP-20201130-SUEZs-Response-to-IDWRs-Staff-Memo.pdf>

- Island Woods #2, T04N R01E Sec 21 NWNW – *Is not currently a well associated with any Veolia water rights*
- Maple Hills #1 & #2, T03N R01E Sec 14 NENE – *One existing point of diversion but listed by applicant as two wells*
- Warm Springs Mesa #1 & #2, T03N R02E Sec 24 SWNE – *Existing points include government lot 2 but do not have well names.*
- Raptor, T02N R02E Sec 17 NWNW – *Is not currently a well associated with any Veolia water rights*
- Roosevelt #1 & #3, T03N R02E Sec 16 NWNW – *One existing point of diversion but listed by applicant as two wells*
- Swift #2, T04N R02E Sec 31 SWSE – *Is not currently a well associated with any Veolia water rights*

Thanks for the assistance,  
-Jacob Caraig

## Exhibit A.2

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**From:** Caraig, Jacob <jacob.caraig@idwr.idaho.gov>  
**Sent:** Tuesday, November 19, 2024 10:46 AM  
**To:** Michael P. Lawrence <mpl@givenspursley.com>  
**Cc:** Parker, Cody <Cody.Parker@idwr.idaho.gov>  
**Subject:** RE: IMAP APOD Diversions [GP-DMS.000030.0147.FID401778]

**EXTERNAL**

Good morning Mike,

I've talked over the Warm Springs Mesa wells situation with my team and I believe we've ironed out any confusion we had about it. We're going to authorize Warm Springs Mesa #2 and #3 as APODs on the transfer. We think it's perfectly fine to include WSM #2 as an APOD despite being decommissioned since it might be reactivated as a backup POD. Towards this end, can you please provide GPS coordinates for WSM #2 and #3 so that we can verify we're accurately demarcating their locations?

-Jacob

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**From:** Michael P. Lawrence <mpl@givenspursley.com>  
**Sent:** Monday, November 4, 2024 5:03 PM  
**To:** Caraig, Jacob <jacob.caraig@idwr.idaho.gov>  
**Cc:** Parker, Cody <Cody.Parker@idwr.idaho.gov>  
**Subject:** RE: IMAP APOD Diversions [GP-DMS.000030.0147.FID401778]

**CAUTION:** This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Jacob,

Yes, I am preparing a response with all the info I think you'll need. I do have a question for you. Do you have time for a call tomorrow?

Thanks,  
Mike

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MICHAEL P. LAWRENCE  
GIVENS PURSLEY LLP  
601 West Bannock Street, Boise, ID 83702  
main 208-388-1200  
direct 208-388-1294  
fax 208-388-1300  
[mpl@givenspursley.com](mailto:mpl@givenspursley.com)

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**Exhibit B    63-11467 LICENSE AND AMENDMENT OF PERMIT**

**Exhibit B.1**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                  |                                                                                                                             |                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>State of Idaho</b><br><b>Department of Water Resources</b><br><b>Water Right License</b>                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |                                                                                                                             |                                           |
| <b>WATER RIGHT NO.    63-11467</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                  |                                                                                                                             |                                           |
| <b>Priority:</b> February 21, 1991                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Maximum Diversion Rate:</b>   |                                                                                                                             | <b>2.27 CFS</b>                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Maximum Diversion Volume:</b> |                                                                                                                             | <b>520.0 AF</b>                           |
| <p>It is hereby certified that    UNITED WATER IDAHO<br/>                                         8248 W VICTORY RD<br/>                                         BOISE ID 83709-4165    has complied with the terms and<br/>conditions of the permit, issued pursuant to Application for Permit dated February 21, 1991; and has<br/>submitted Proof of Beneficial Use on April 28, 1998. An examination indicates that the works have a<br/>diversion capacity of 5.56 cfs of water from:</p> |                                  |                                                                                                                             |                                           |
| <p><b><u>SOURCE</u></b><br/>GROUND WATER</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                  |                                                                                                                             |                                           |
| <p>and a water right has been established as follows:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |                                                                                                                             |                                           |
| <b><u>BENEFICIAL USE</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b><u>PERIOD OF USE</u></b>      | <b><u>DIVERSION RATE</u></b>                                                                                                | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
| MUNICIPAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 01/01 to 12/31                   | 2.27 CFS                                                                                                                    | 520.0 AF                                  |
| <p><b><u>LOCATION OF POINT(S) OF DIVERSION:</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                  |                                                                                                                             |                                           |
| GROUND WATER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | L5 NW¼SW¼                        | Sec. 16, Twp 04N, Rge 01E, B.M., ADA County                                                                                 |                                           |
| GROUND WATER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | SW¼SW¼                           | Sec. 16, Twp 04N, Rge 01E, B.M., ADA County                                                                                 |                                           |
| <p><b><u>CONDITIONS OF APPROVAL</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |                                                                                                                             |                                           |
| <p>1. Place of use is located within the service area of United Water Idaho.</p>                                                                                                                                                                                                                                                                                                                                                                                                               |                                  |                                                                                                                             |                                           |
| <p>2. Points of diversion are locally known as Island Woods Well No. 1 and No. 2.</p>                                                                                                                                                                                                                                                                                                                                                                                                          |                                  |                                                                                                                             |                                           |
| <p>3. The right holder shall install a measuring device to measure and record the annual volume of water diverted.</p>                                                                                                                                                                                                                                                                                                                                                                         |                                  |                                                                                                                             |                                           |
| <p>This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.</p>                                                                                                                                                                                                               |                                  |                                                                                                                             |                                           |
| <p>Signed and sealed this <u>14<sup>TH</sup></u> day of <u>MAY</u>, 2001.</p>                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |                                                                                                                             |                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                  | <p><br/>KARL J. DREHER<br/>Director</p> |                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                  | <p>Acting for</p>                                                                                                           |                                           |
| <p><b>MICROFILMED</b><br/><b>JUN 20 2001</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                  |                                                                                                                             |                                           |

## Exhibit B.2

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

AMENDED

**AMENDMENT OF PERMIT**  
**PERMIT NO. 63-11467**

AMENDED

This is to certify, that UNITED WATER IDAHO  
8248 VICTORY RD  
BOISE ID 83707

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

**SOURCE**

GROUNDWATER

Priority: February 21, 1991

**BENEFICIAL USE**

**PERIOD OF USE**

**RATE OF DIVERSION**

MUNICIPAL

01/01 to 12/31

2.27 CFS

**LOCATION OF POINT(S) OF DIVERSION:** Lot 5( NWSW), Sec. 16, Township 04N, Range 01E  
Lot 4( NWNW), Sec. 21, Township 04N, Range 01E  
ADA County

**PLACE OF USE:** See Remarks

**CONDITIONS OF APPROVAL AND REMARKS**

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Place of use is located within the service area of United Water Idaho.
3. Points of diversion are locally known as Island Woods Well No. 1 and No. 2.
4. The annual volume authorized by this approval is limited to the maximum annual volume developed prior to May 3, 1998 and shall not exceed 520 afa.
5. The right holder shall install a measuring device to measure and record the annual volume of water diverted.

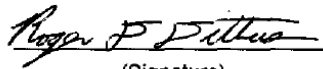
Witness my hand this 12<sup>th</sup> day of May, 1998

*J. Blum Saxton*  
Chief, Water Allocation Bureau

MICROFILMED

JUN 05 1998

Exhibit B.3

|                                                                                                                                                                                                                                                                                                                                        |                                           |                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>State of Idaho</b><br><b>Department of Water Resources</b><br><b><u>APPLICATION FOR AMENDMENT</u></b><br>(For Licensing Purposes)<br><b>WATER RIGHT NO. 63-11467</b>                                                                                                                                                                |                                           | <b>RECEIVED</b><br><br><b>MAY - 9 2001</b><br><br><b>Department of Water Resources</b>              |
| <b>Date of Priority:</b> February 21, 1991                                                                                                                                                                                                                                                                                             | <b>Maximum Diversion Rate:</b> 2.27 CFS   |                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                        | <b>Maximum Diversion Volume:</b> 520.0 AF |                                                                                                     |
| <p>Comes now UNITED WATER IDAHO<br/>8248 W VICTORY RD<br/>BOISE ID 83709-4165 and represents to the Director of the Idaho Department<br/>of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the<br/>State of Idaho No. 63-11467, and requests that the permit be changed as follows:</p> |                                           |                                                                                                     |
| <p><b>Source:</b> GROUND WATER</p>                                                                                                                                                                                                                                                                                                     |                                           |                                                                                                     |
| <b><u>BENEFICIAL USE</u></b>                                                                                                                                                                                                                                                                                                           | <b><u>PERIOD OF USE</u></b>               | <b><u>RATE OF DIVERSION</u></b>                                                                     |
| MUNICIPAL                                                                                                                                                                                                                                                                                                                              | 01/01 to 12/31                            | 2.27 CFS                                                                                            |
|                                                                                                                                                                                                                                                                                                                                        |                                           | <b><u>ANNUAL VOLUME</u></b><br>520.0 AF                                                             |
| <p><b><u>LOCATION OF POINT(S) OF DIVERSION:</u></b></p>                                                                                                                                                                                                                                                                                |                                           |                                                                                                     |
| GROUND WATER                                                                                                                                                                                                                                                                                                                           | L5 NW¼SW¼                                 | Sec. 16, Twp 04N, Rge 01E, B.M., ADA County                                                         |
| GROUND WATER                                                                                                                                                                                                                                                                                                                           | SW¼SW¼                                    | Sec. 16, Twp 04N, Rge 01E, B.M., ADA County                                                         |
| <p>Permit holder asserts that no one will be injured by such change and that such change will be made at<br/>permit holder's own risk. Signed this <u>8<sup>TH</sup></u> day of <u>May</u>, 200<u>1</u>.</p>                                                                                                                           |                                           |                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                        |                                           | <br>(Signature) |
| <p><b>MICROFILMED</b><br/><b>JUN 20 2001</b></p>                                                                                                                                                                                                                                                                                       |                                           |                                                                                                     |

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 63-11467**

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = 50.00 Received by Juni # C053638 Date 5/9/01

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

i, Karl J. Dreher, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 63-11467 with the following:

**CONDITIONS OF APPROVAL**

1. Place of use is located within the service area of United Water Idaho.
2. Points of diversion are locally known as Island Woods Well No. 1 and No. 2.
3. The right holder shall install a measuring device to measure and record the annual volume of water diverted.

Witness my hand this 14<sup>TH</sup> day of MAY, 2001.

Acting for

  
KARL J. DREHER  
Director

MICROFILMED  
JUN 20 2001

**Exhibit C**    **MAPLE HILLS #1 & #2 DOCUMENTS**

**Exhibit C.1**

|                                                                                                                                                                                                                                                                                                                                                                            |                         |                                                       |                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------------------------------------|----------------------|
| State of Idaho<br>Department of Water Resources                                                                                                                                                                                                                                                                                                                            |                         |                                                       |                      |
| <b>WATER RIGHT LICENSE</b>                                                                                                                                                                                                                                                                                                                                                 |                         |                                                       |                      |
| WATER RIGHT NO.      63-09671                                                                                                                                                                                                                                                                                                                                              |                         |                                                       |                      |
| Priority: February 25, 1981                                                                                                                                                                                                                                                                                                                                                | Maximum Diversion Rate: |                                                       | 2.12 CFS             |
| This is to certify, that BOISE WATER CORP.<br>P.O. BOX 7488<br>BOISE, ID 83707                                                                                                                                                                                                                                                                                             |                         |                                                       |                      |
| has complied with the terms and conditions<br>of the permit, issued pursuant to Application for Permit dated February 25, 1981; and<br>has submitted Proof of Beneficial Use on March 4, 1983. An examination indicates<br>that the works have a diversion capacity of 2.120 cfs of water from a GROUNDWATER<br>source, and a water right has been established as follows: |                         |                                                       |                      |
| <u>BENEFICIAL USE</u>                                                                                                                                                                                                                                                                                                                                                      | <u>PERIOD OF USE</u>    | <u>RATE OF DIVERSION</u>                              | <u>ANNUAL VOLUME</u> |
| MUNICIPAL                                                                                                                                                                                                                                                                                                                                                                  | 01/01 to 12/31          | 2.12 CFS                                              |                      |
| <u>LOCATION OF POINT(S) OF DIVERSION:</u>                                                                                                                                                                                                                                                                                                                                  |                         | NENE , Sec. 14, Township 03N, Range 01E<br>ADA County |                      |
| <u>PLACE OF USE:</u> See Remarks                                                                                                                                                                                                                                                                                                                                           |                         |                                                       |                      |
| <u>CONDITIONS/REMARKS:</u>                                                                                                                                                                                                                                                                                                                                                 |                         |                                                       |                      |
| 1. This water right is appurtenant to the described place of use.                                                                                                                                                                                                                                                                                                          |                         |                                                       |                      |
| 2. This right is subject to all prior water rights and may be<br>forfeited by five years of non-use.                                                                                                                                                                                                                                                                       |                         |                                                       |                      |
| 3. Modifications to or variance from this license must be made<br>within the limits of Section 42-222, Idaho Code, or the<br>applicable Idaho law.                                                                                                                                                                                                                         |                         |                                                       |                      |
| 4. Place of use within the city limits of Boise.                                                                                                                                                                                                                                                                                                                           |                         |                                                       |                      |
| This license is issued pursuant to the provisions of Section 42-219, Idaho Code.<br>Witness the seal and signature of the Director, affixed at Boise, this <u>4<sup>TH</sup></u><br>day of <u>APRIL</u> , 19 <u>90</u> .                                                                                                                                                   |                         |                                                       |                      |
| Acting for <u>R. Keith Higginson, Director</u>                                                                                                                                                                                                                                                                                                                             |                         |                                                       |                      |
| <b>MICROFILMED</b><br>APR 18 1990                                                                                                                                                                                                                                                                                                                                          |                         |                                                       |                      |

THE DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO  
FILED *[Signature]*  
2009 NOV 18 AM 11 03

2009 NOV 18 AM 11 03

PAGE 1  
Nov-06-2009

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE:

Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

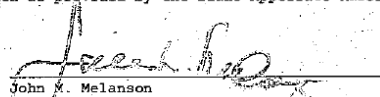
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Maple Hill Well located in T03N, R01B, S14, NENE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
John A. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

## Exhibit C.2

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 63-31406

Priority: January 18, 2002

Maximum Diversion Rate: 2.00 CFS

This is to certify, that UNITED WATER IDAHO INC  
8248 W VICTORY RD  
PO BOX 190420  
BOISE ID 83719-0420

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

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       | 2.00 CFS                 |

**LOCATION OF POINT OF DIVERSION:**

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 14, Twp 03N, Rge 01E, B.M., ADA County

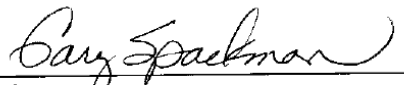
**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2005**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Water bearing zone to be appropriated is from 260 to 320 feet.
5. The right holder shall seal and case the well to a depth of 260 feet.
6. Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.
7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 63-31406

9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to 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 15<sup>th</sup> day of April, 2004.

  
Acting for KARL J DREHER, Director

RECEIVED

JAN 18 2002

WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of Applicant UNITED WATER IDAHO Phone (208) 362-7358  
Mailing address 8248 W. VICTORY RD., BOISE ID. 83709
2. Source of water supply GROUNDWATER which is a tributary of \_\_\_\_\_
3. Location of point of diversion is Township 3N Range 1E Sec. 14 in the SE 1/4, NE 1/4, NE 1/4, Govt. Lot \_\_\_\_\_, B.M., ADA \_\_\_\_\_ County;  
additional points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 2.0 cfs for MUNICIPAL purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 2.0 and/or (b) 200  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Describe type and size of devices used to divert water from the source 12-inch diameter well
  - b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet
  - c. Proposed well diameter is 12 inches; proposed depth of well is 320 feet
  - d. Is ground water with a temperature of greater than 85°F being sought? No
  - e. If well is already drilled, when? N/A; Drilling firm N/A;  
Well was drilled for (well owner) N/A; Drilling Permit No. \_\_\_\_\_
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
  - a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
  - b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
  - c. Municipal; show name of municipality. UNITED WATER IDAHO'S CERTIFIED SERVICE AREA
  - d. Domestic; show number of households. \_\_\_\_\_
  - e. Other; describe fully. \_\_\_\_\_

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |    |    | TOTALS |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? UNITED WATER IDAHO

b. Who owns the land to be irrigated or place of use? N/A

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

12. Remarks: THE WELL IS PLANNED AS AN ADDITIONAL SOURCE OF SUPPLY FROM THE EXISTING UNITED WATER IDAHO MAPLE HILLS WELL SITE. AN EXISTING WELL WITHDRAWS WATER FROM A DEPTH OF 820 FT. to 920 FT. AN ADDITIONAL POINT OF DIVERSION WITH ASSOCIATED PERMIT IS SOUGHT TO WITHDRAW WATER FROM A DEPTH OF 260-320 FT.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Roger F. Dittus  
Signature of Applicant (and title, if applicable)

Received by AK Date 1/18/02 Time 1:19 Preliminary check by SK  
Fee \$ 29000 Receipted by AK # W028139 Date 1/18/02  
Publication prepared by AK Date 2-21-28-02 Published in THE IDAHO STATESMAN  
Publication approved AK Date 3-11-02

## Exhibit D     WARM SPRINGS MESA #1 AND #2 DOCUMENTS

### Exhibit D.1

State of Idaho  
Department of Water Administration  
LICENSE OF WATER RIGHT

License of Water Right No. 32443/63-3457 Priority July 14, 1965 Amount 1.67 cfs

THIS IS TO CERTIFY, that Warm Springs Mesa, Inc.  
of Boise, Idaho, has complied with the terms and conditions of Permit  
No. 32443/63-3457 issued pursuant to Application for Permit dated July 14, 1965  
and has submitted proof to the Department of Water Administration on May 11, 1970  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 1.67 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from a ground water source  
tributary of \_\_\_\_\_, is hereby confirmed in the following amounts:  
Amount 1.10 cfs for domestic from Jan. 1 to Dec. 31 (both dates inclusive)  
Amount 1.67 cfs for fire protection from Jan. 1 to Dec. 31 (both dates inclusive)  
Amount 0.60 cfs for irrigation from Mar. 15 to Nov. 15 (both dates inclusive)  
Subject, however, to the condition that no more than 1.67 cfs of water be diverted at  
any one time, said waters to be diverted within the \_\_\_\_\_  
SW 1/4 NE 1/4 (2 points), Sec. 24, Twp. 3 N, Rge. 2 E, B.M.  
in the county of Ada; and that the amount of water so diverted and to which such  
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can  
actually be beneficially used and shall not exceed 135 acre feet per year or \_\_\_\_\_  
4.5 acre feet per acre. for irrigation use; 0.6 acre feet per domestic  
unit or 33 acre feet per year; and 1209 acre feet per year for fire protection  
Description and location of place of use: with the maximum volume per season not \*

| 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 |        |
| 3N                          | 3E    | 19   |        |        | 8      |        |        |        |        | 7      | 5      |        |        |        |        | 10     |        | 30     |        |
| Domestic & Fire Protection: |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| 3N                          | 3E    | 19   |        |        | X      |        |        |        |        | X      | X      |        |        |        |        | X      |        |        |        |

Total number of acres irrigated \_\_\_\_\_

\* to exceed 1209 acre feet per annum.

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 4 day of  
February, 19 72.

  
Director

63 3457

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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

2009 NOV 18 AM 11 00

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-03457

NAME AND ADDRESS: UNITED WATER IDAHO INC  
8248 W VICTORY RD  
PO BOX 190420  
BOISE, ID 83719-0420

SOURCE: GROUND WATER

QUANTITY: 1.67 CFS  
168.00 APY

PRIORITY DATE: 07/14/1965

POINT OF DIVERSION: T03N R02E S24 SWNE Within Ada County  
SWNE

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------|----------------|------------------------|
| Municipal                  |                | 01-01 TO 12-31 | 1.67 CFS<br>168.00 APY |

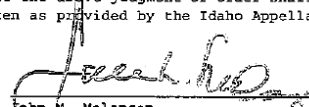
PLACE OF USE: Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 63-03457 File Number: 02227

PAGE 1  
Nov-05-2009

## Exhibit D.2

### State of Idaho Department of Water Resources **Water Right License**

**WATER RIGHT NO. 63-10945**

**Priority:** October 29, 1989

**Maximum Diversion Rate:** 1.72 CFS  
**Maximum Diversion Volume:** 393.0 AF

It is hereby certified that UNITED WATER IDAHO  
8248 W VICTORY RD  
BOISE ID 83709-4165 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated August 31, 1989; and has  
submitted Proof of Beneficial Use on October 29, 1993. An examination indicates that the works have a  
diversion capacity of 3.1 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| FIRE PROTECTION       | 01/01 to 12/31       | 1.72 CFS              |                                    |
| DOMESTIC              | 01/01 to 12/31       | 0.66 CFS              | 154.0 AF                           |
| IRRIGATION            | 03/01 to 11/15       | 1.06 CFS              | 239.0 AF                           |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |                  |                                             |
|--------------|------------------|---------------------------------------------|
| GROUND WATER | L2 SW 1/4 NE 1/4 | Sec. 24, Twp 03N, Rge 02E, B.M., ADA County |
| GROUND WATER | L2 SW 1/4 NE 1/4 | Sec. 24, Twp 03N, Rge 02E, B.M., ADA County |
| GROUND WATER | L2 SW 1/4 NE 1/4 | Sec. 24, Twp 03N, Rge 02E, B.M., ADA County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |     |    |            | NW   |    |            |      | SW  |           |    |    | SE |    |    |    | Totals |
|-------------|----|-----|----|------------|------|----|------------|------|-----|-----------|----|----|----|----|----|----|--------|
|             | NE | NW  | SW | SE         | NE   | NW | SW         | SE   | NE  | NW        | SW | SE | NE | NW | SW | SE |        |
| 03N 02E 24  |    |     |    | 10.0<br>L2 |      |    |            |      |     |           |    |    |    |    |    |    | 10.0   |
| 03N 03E 19  |    | 6.0 |    |            | 12.0 |    | 15.0<br>L2 | 18.0 | 6.0 | 4.0<br>L3 |    |    |    |    |    |    | 61.0   |

Total Acres: 71

**PLACE OF USE:** FIRE PROTECTION – Same as Irrigation

**PLACE OF USE:** DOMESTIC – Same as Irrigation

**MICROFILMED**

JUN 20 2001

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 63-10945

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 53 acres within the place of use described above in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. Domestic use is for 256 homes and does not include lawn, garden, landscape, or other types of irrigation.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. Rights 63-03457 and 63-10945 when combined shall not exceed a total diversion rate of 3.10 cfs.
6. The right holder shall provide 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 15<sup>TH</sup> day of MAY, 2001.

Acting for   
KARL J. DREHER  
Director

**MICROFILMED**  
JUN 20 2001

**Exhibit E**    **RAPTOR DOCUMENTS**

**Exhibit E.1**

State of Idaho  
Department of Water Resources  
**Water Right License**

**WATER RIGHT NO.      63-12043**

**Priority:**    July 23, 1993

**Maximum Diversion Rate:**

**4.46    CFS**

This is to certify, that UNITED WATER IDAHO  
8248 W VICTORY RD  
PO BOX 7488  
BOISE ID 83707-1488

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated July 23, 1993; and  
has submitted Proof of Beneficial Use on August 26, 1998. An examination indicates  
that the works have a diversion capacity of 11.510 cfs of water from:

**GROUND WATER**

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| MUNICIPAL             | 01/01 to 12/31       | 4.46    CFS              |

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 17, Township 02N, Range 02E  
NWNW , Sec. 17, Township 02N, Range 02E  
NENW , Sec. 21, Township 02N, Range 02E  
NWNE , Sec. 22, Township 02N, Range 02E  
ADA County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. Place of use is within the service area of United Water Idaho.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 7<sup>th</sup> day of AUGUST, 2000.

  
Acting for KARL J. DREHER, Director

MICROFILMED

AUG 23 2000

## Exhibit E.2

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 63-12138

Priority: August 19, 1994

Maximum Diversion Rate: 3.90 CFS

It is hereby certified that UNITED WATER IDAHO  
8248 W VICTORY RD  
PO BOX 7488  
BOISE ID 83707-1488

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 19, 1994; and has submitted Proof of Beneficial Use on October 27, 2000. An examination indicates that the works have a diversion capacity of 11.6 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| MUNICIPAL             | 1/01 to 12/31        | 3.90 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |                 |                                 |            |
|--------------|-----------------|---------------------------------|------------|
| GROUND WATER | NE1/4SE1/4NE1/4 | Sec. 17, Twp 02N, Rge 02E, B.M. | ADA County |
| GROUND WATER | NW1/4NW1/4NW1/4 | Sec. 17, Twp 02N, Rge 02E, B.M. | ADA County |
| GROUND WATER | NE1/4NW1/4NE1/4 | Sec. 22, Twp 02N, Rge 02E, B.M. | ADA County |
| GROUND WATER | NW1/4NE1/4NW1/4 | Sec. 21, Twp 02N, Rge 02E, B.M. | ADA County |

**CONDITIONS OF APPROVAL**

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. Rights 63-12043 and 63-12139 are also diverted through the point(s) of diversion described above.
3. Place of use is within the city limits of Boise and the surrounding area served by United Water Idaho.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 22<sup>nd</sup> day of AUGUST, 2001.

Acting for

  
KARL J. DREHER  
Director

MICROFILMED  
SEP 19 2001

### Exhibit E.3

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 63-12139

Priority: August 19, 1994

Maximum Diversion Rate: 3.20 CFS

It is hereby certified that UNITED WATER IDAHO

8248 W VICTORY RD

PO BOX 7488

BOISE ID 83707-1488 has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated August 19, 1994; and has submitted Proof of Beneficial Use on October 27, 2000. An examination indicates that the works have a diversion capacity of 11.6 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

**BENEFICIAL USE**

MUNICIPAL

**PERIOD OF USE**

01/01 to 12/31

**DIVERSION RATE**

3.20 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

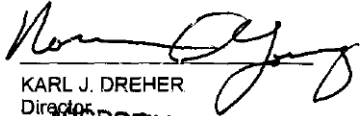
|              |                 |                                 |            |
|--------------|-----------------|---------------------------------|------------|
| GROUND WATER | NW1/4NW1/4NW1/4 | Sec. 17, Twp 02N, Rge 02E, B.M. | ADA County |
| GROUND WATER | NE1/4NW1/4NE1/4 | Sec. 22, Twp 02N, Rge 02E, B.M. | ADA County |
| GROUND WATER | NW1/4NE1/4NW1/4 | Sec. 21, Twp 02N, Rge 02E, B.M. | ADA County |
| GROUND WATER | NE1/4SE1/4NE1/4 | Sec. 17, Twp 02N, Rge 02E, B.M. | ADA County |

**CONDITIONS OF APPROVAL**

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. Right 63-12043 and 63-12138 are also diverted through the point(s) of diversion described above.
3. Place of use is within the city limits of Boise and the surrounding area served by United Water Idaho.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 22<sup>nd</sup> day of August, 2001.

Acting for   
KARL J. DREHER  
Director

MICROFILMED

SEP 19 2001

## **Exhibit F**

## Exhibit F.1

State of Idaho

Water License No G-30501 Amount 3.56 c.f.s.

Water District No. Priority May 21, 1962

THIS IS TO CERTIFY that BOISE WATER CORPORATION

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 21, 1962; that Permit No. G-30501 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.56 second feet, was issued thereunder on February 8, 1963, showing that said works were completed on the 23rd day of November, 1962; and that on the 23rd day of November, 1962,

BOISE WATER CORPORATION

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of municipal water supply, under Use Permit No. G-30501 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7555, on the 8th day of February, 1963;

The right hereby confirmed dates from May 21, 1962;

The Point of Diversion is located in the NW 1/4 NW 1/4, Sec. 16, Tp. 3 N., R. 2 E., B. M. Ada County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.56 cubic feet per second.

**Description and location of use:**

| Twp. | Range | Sec. | Forty-acre Tract   | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|--------------------|----------------------------------|---------------------------------|
|      |       |      | Boise and Vicinity |                                  |                                 |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this  
8th day of February, 1963.

(SEAL)

**RALPH W. THOMAS**  
Deputy State Reclamation Engineer.

63 3292



# Exhibit F.3

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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
2009 NOV 18 AM 11 00

In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT  
I.R.C.P. 54(b) FOR

Water Right 63-03293

NAME AND ADDRESS: UNITED WATER IDAHO INC  
8248 W VICTORY RD  
PO BOX 190420  
BOISE, ID 83719-0420

SOURCE: GROUND WATER

QUANTITY: 3.56 CFS

PRIORITY DATE: 05/21/1962

POINT OF DIVERSION: T03N R01E S03 SENE Within Ada County  
S14 NENE  
S24 NESE  
S36 NWNE  
NESE  
R02E S02 NENW  
S04 SWSW  
S07 SWSW  
S08 NENE  
S09 SENW  
S10 NWNW  
S13 SWNW  
S14 SENW  
S15 NWNW  
S16 NWNW  
NWNW  
S17 NESW  
S18 NWNE  
NESW  
S19 NENE  
NENW  
S20 SENE  
S21 NENE  
S22 NWNE  
NWNE  
SESE  
S24 SWNW  
S25 NWSE  
S27 NWSE  
S28 NENE  
NWNW  
S33 NENW  
S36 SWNE  
T04N R01E S27 NWSW  
S34 NESW  
S35 NENW  
S36 NENW  
R02E S30 SWSE  
S31 NWSW  
S32 NWNW  
SWNW  
SWNW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Municipal      | 01-01 TO 12-31 | 3.56 CFS |

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 63-03293 File Number: 02227

PAGE 1  
Nov-05-2009

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE:

Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

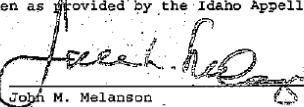
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Roosevelt Well No. 3 located in T03N, R02E, S16, NWNW.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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

DISTRICT COURT SRDA  
TWIN FALLS CO. IDAHO  
FILED  
2009 NOV 18 AM 10 58

In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-02595

NAME AND ADDRESS: UNITED WATER IDAHO INC  
8248 W VICTORY RD  
PO BOX 190420  
BOISE, ID 83719-0420

SOURCE: GROUND WATER

QUANTITY: 1.34 CFS

PRIORITY DATE: 08/31/1966

POINT OF DIVERSION: T03N R01E S03 SENE Within Ada County  
S14 NENE  
S24 NESE  
S36 NWNE  
R02E S02 NESE  
S04 NENW  
S07 SWSW  
S08 SWSW  
S09 NENE  
S10 SENW  
S13 NNNW  
S14 NNNW  
S15 NNNW  
S16 NNNW  
S17 NNNW  
S18 NESW  
S19 NENE  
S20 NENE  
S21 NENE  
S22 NWNE  
S24 NWNE  
S25 SENE  
S27 NWSE  
S28 NENE  
S33 NNNW  
S36 SWNE  
T04N R01E S27 NWSW  
S34 NESW  
S35 NENE  
S36 NENE  
R02E S30 SWSE  
S31 NWSW  
S32 NNNW  
SWNW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Municipal      | 01-01 TO 12-31 | 1.34 CFS |

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 63-02595 File Number: 02227

PAGE 1  
Nov-04-2009

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE:

Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

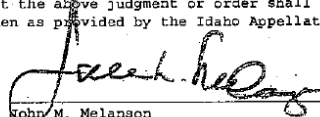
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from the Roosevelt Well No. 1 located in T03N, R02E, S16, NWNW.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

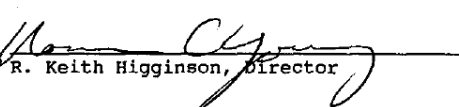
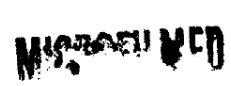
RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

**Exhibit G** SWIFT #2 DOCUMENTS

**Exhibit G.1**

| State of Idaho<br>Department of Water Resources                                                                                                                                                                                                                                                                                                                                                                                                        |                      |                                                       |                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------------------------------|----------------------|
| <b>WATER RIGHT LICENSE</b>                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |                                                       |                      |
| WATER RIGHT NO.                                                                                                                                                                                                                                                                                                                                                                                                                                        |                      | 63-10688                                              |                      |
| Priority:                                                                                                                                                                                                                                                                                                                                                                                                                                              | August 15, 1988      | Maximum Diversion Rate:                               | 2.00 CFS             |
| This is to certify, that BOISE WATER CORP<br>PO BOX 7488<br>BOISE ID 83707 has complied with the terms and conditions<br>of the permit, issued pursuant to Application for Permit dated August 15, 1988; and<br>has submitted Proof of Beneficial Use on October 10, 1990. An examination indicates<br>that the works have a diversion capacity of 2.000 cfs of water from a GROUNDWATER<br>source, and a water right has been established as follows: |                      |                                                       |                      |
| <u>BENEFICIAL USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u>                              | <u>ANNUAL VOLUME</u> |
| MUNICIPAL                                                                                                                                                                                                                                                                                                                                                                                                                                              | 01/01 to 12/31       | 2.00 CFS                                              |                      |
| <u>LOCATION OF POINT(S) OF DIVERSION:</u>                                                                                                                                                                                                                                                                                                                                                                                                              |                      | SWSE , Sec. 30, Township 04N, Range 02E<br>ADA County |                      |
| <u>PLACE OF USE:</u> See Remarks                                                                                                                                                                                                                                                                                                                                                                                                                       |                      |                                                       |                      |
| <u>CONDITIONS/REMARKS:</u>                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |                                                       |                      |
| 1. This water right is appurtenant to the described place of use.                                                                                                                                                                                                                                                                                                                                                                                      |                      |                                                       |                      |
| 2. This right is subject to all prior water rights and may be<br>forfeited by five years of non-use.                                                                                                                                                                                                                                                                                                                                                   |                      |                                                       |                      |
| 3. Modifications to or variance from this license must be made<br>within the limits of Section 42-222, Idaho Code, or the<br>applicable Idaho law.                                                                                                                                                                                                                                                                                                     |                      |                                                       |                      |
| 4. Place of use is located within the city limits of Boise and the<br>surrounding service area.                                                                                                                                                                                                                                                                                                                                                        |                      |                                                       |                      |
| This license is issued pursuant to the provisions of Section 42-219, Idaho Code.<br>Witness the seal and signature of the Director, affixed at Boise, this <u>30<sup>th</sup></u><br>day of <u>MAY</u> , 19 <u>94</u> .                                                                                                                                                                                                                                |                      |                                                       |                      |
| Acting for  R. Keith Higginson, Director                                                                                                                                                                                                                                                                                                                           |                      |                                                       |                      |
| <br>JUN 13 1994                                                                                                                                                                                                                                                                                                                                                   |                      |                                                       |                      |

**Exhibit G.2**



**IMAP WRAP-UP NOTES**

TO: Manuel Rauhut

FROM: Christopher H. Meyer   
Michael P. Lawrence 

RE: Key background information, explanation, and procedural history

DATE: October 9, 2023

---

|    |                |    |    |    |          |
|----|----------------|----|----|----|----------|
| 67 | Sunset West #1 | 3N | 1E | 36 | SE,NE,SE |
| 68 | Swift #1       | 3N | 2E | 30 | SE,SW,SE |
| 69 | Swift #2       | 4N | 2E | 30 | SE,SW,SE |
| 70 | Taggart #1     | 3N | 2E | 21 | SW,NE,NE |
| 71 | Taggart #2     | 3N | 2E | 21 | SW,NE,NE |
| 72 | Tenmile        | 2N | 2E | 17 | NE,SE,NE |
| 73 | Terteling      | 3N | 2E | 36 | NE,SW,NE |
| 74 | Twenty-seventh | 3N | 2E | 4  | SW,SW    |
| 75 | Veterans well  | 4N | 2E | 32 | SW,SE,SE |
| 76 | Victory        | 3N | 1E | 27 | NE,NE    |
| 77 | Vista          | 3N | 2E | 28 | NE,NE,NE |
| 78 | Westmoreland   | 4N | 2E | 31 | NE,NW,SW |
| 79 | Willow Lane #1 | 4N | 2E | 32 | NW,NW,NW |
| 80 | Willow Lane #2 | 4N | 2E | 32 | NW,SW,NW |
| 81 | Willow Lane #3 | 4N | 2E | 32 | NW,SW,NW |

The APOD list does not include wells acquired from Eagle Water Company. See discussion in in section V on page 6.

Nor does this APOD list include the Ranney Collector points of diversion for the Marden Treatment Plant. Originally, two of the Marden Treatment Plant rights were included in the IMAP, but they were withdrawn from the IMAP transfer on 12/1/2017. The other Marden Treatment Plant rights were never included in the IMAP. (See footnote 3 on page 6 of this memorandum.)

Veolia stopped using the Sherman Oaks well, as noted in *SUEZ's 2017 Supplement to the Update Report, addressing APODs* at page 6 (6/26/2017). That would have reduced the number of APODs to 80 wells, which is the number stated in IDWR's *Staff Memo* at page 20 (1/14/2019). However, as noted in *SUEZ's Response to IDWR's Staff Memo* (11/30/2020), Veolia later determined that the Sherman Oaks well would be reconstructed and put back into service. Veolia obtained a drilling permit for Sherman Oaks in 2022 and expects production to resume in the next few months. Accordingly, Veolia wishes to retain this well as an APOD.

Note that in all previous APOD lists, Swift #2 was listed as being in section 31. That is incorrect. It is listed correctly here as being in section 30. See discussion of Swift #2 on page 18.

This APOD list has some new "aka" clarifications on well names.

In all other respects, this list of ground water APODs is identical to (1) Exhibit F to *SUEZ's Response to IDWR's Staff Memo* (dated 11/30/2020), (2) Attachment B to

Right 63-10688 is associated with the Swift #2 well, which is incorrectly listed in the APOD list as being in Section 31, T4N, R2E. It is actually in Section 30. (This has been corrected on the APOD list set out in section XI on page 10.)

Right 63-11232 was originally associated with the Hope well, but that well was abandoned in 2016 which is why it is not in the APOD list.

Right 63-11467 is associated with two wells (Island Woods #1 and #2). Island Woods #1 is correctly identified in NWSW (Lot 5) of Section 16, T4N, R1E. Island Woods #2 in the SWSW of the same section, and is so identified in the APOD list. However, Right 63-11467 incorrectly identifies the second unnamed well (which is Island Woods #2) as being located in the NWNW of Section 21, about 200 feet south of the boundary with the SWSW of Section 16. Thus, it appears that the point of diversion listed in the SWSW of Section 16 is in error, and it should be the NWNW of Section 21 (corresponding to the correct location of Island Woods #2). In other words, there is no missing well; both are included in the APOD list.

Concerning right 63-11878, it is unclear whether it is authorized for one or two points of diversion. IDWR's online database shows only one point of diversion in the SWNW of Section 7, T4N, R1E (which is known as the Redwood Creek well, aka Redwood Creek #1). However, an additional point of diversion in the SENW of Section 7 is listed in the September 3, 1998 Amendment of Permit included in Appendix H to the August 1, 2002 beneficial use field exam report submitted to IDWR by Ed Squires. In any event, Mr. Squires' narrative to the report explains that "Redwood Creek Well #2 (point of diversion in the SE 1/4, NW 1/4, Section 7) was never developed and should be dropped from the License."

In sum, the rights referenced in the bullet point above identify wells (sometimes inaccurately) that are in the APOD list or they identify wells that were never built or have been abandoned. This moots the concern raised in the bullet point. There is no need to add any descriptions of additional original points of diversion (which were never constructed or have been abandoned) for APOD administration purposes, because these non-existent wells cannot cause injury.

Staff Report:

- IDWR practice is to include standard condition T19 on Snake River Basin Adjudication ("SRBA") decreed rights. Condition T19 states that the right is subject to the general provisions of the SRBA *Final Unified Decree*. Condition T19 should be included on SRBA decreed rights.

Veolia response:



# Exhibit G.4

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

DISTRICT COURT - SRBA  
TWIN FALLS CO, IDAHO  
FILED  
2009 NOV 18 AM 11 02

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-09147

NAME AND ADDRESS: UNITED WATER IDAHO INC  
8248 W VICTORY RD  
PO BOX 190420  
BOISE, ID 83719-0420

SOURCE: GROUND WATER

QUANTITY: 4.00 CFS

PRIORITY DATE: 06/06/1978

POINT OF DIVERSION: T03N R01E S03 SENE Within Ada County  
S14 NENE  
S24 NESE  
S36 NWNE  
NESE  
R02E S02 NENW  
S04 SWSW  
S07 SWSW  
S08 NENE  
S09 SENW  
S10 NWNW  
S13 SWNW  
S14 SENW  
S15 NWNW  
S16 NWNW  
NWNW  
S17 NESW  
S18 NWNE  
NESW  
S19 NENE  
NENW  
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S22 NWNE  
NWNE  
SESE  
S24 SWNW  
S25 NWSE  
S27 NWSE  
S28 NENE  
NWNW  
S33 NENW  
S36 SWNE  
T04N R01E S27 NWSW  
S34 NESW  
S35 NENW  
S36 NENW  
R02E S30 SWSE  
S31 NWSW  
S32 NWNW  
SWNW  
SWNW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Municipal      | 01-01 TO 12-31 | 4.00 CFS |

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 63-09147 File Number: 02227

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE:

Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

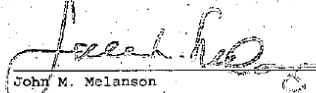
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Swift Well No. 1 located in T03N, R02E, S30, SWSE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

**Exhibit H WELL LOCATION MAPS**



