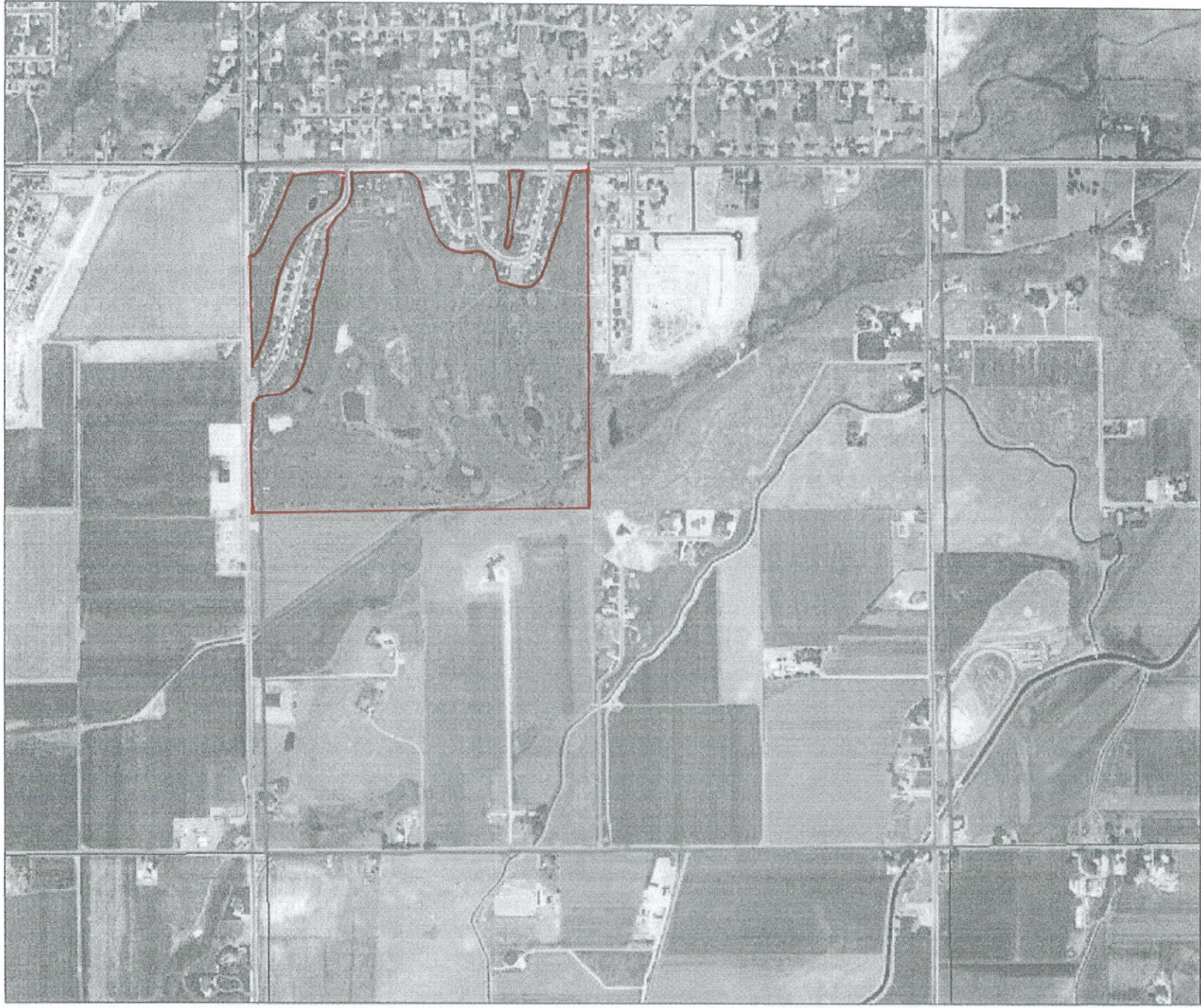


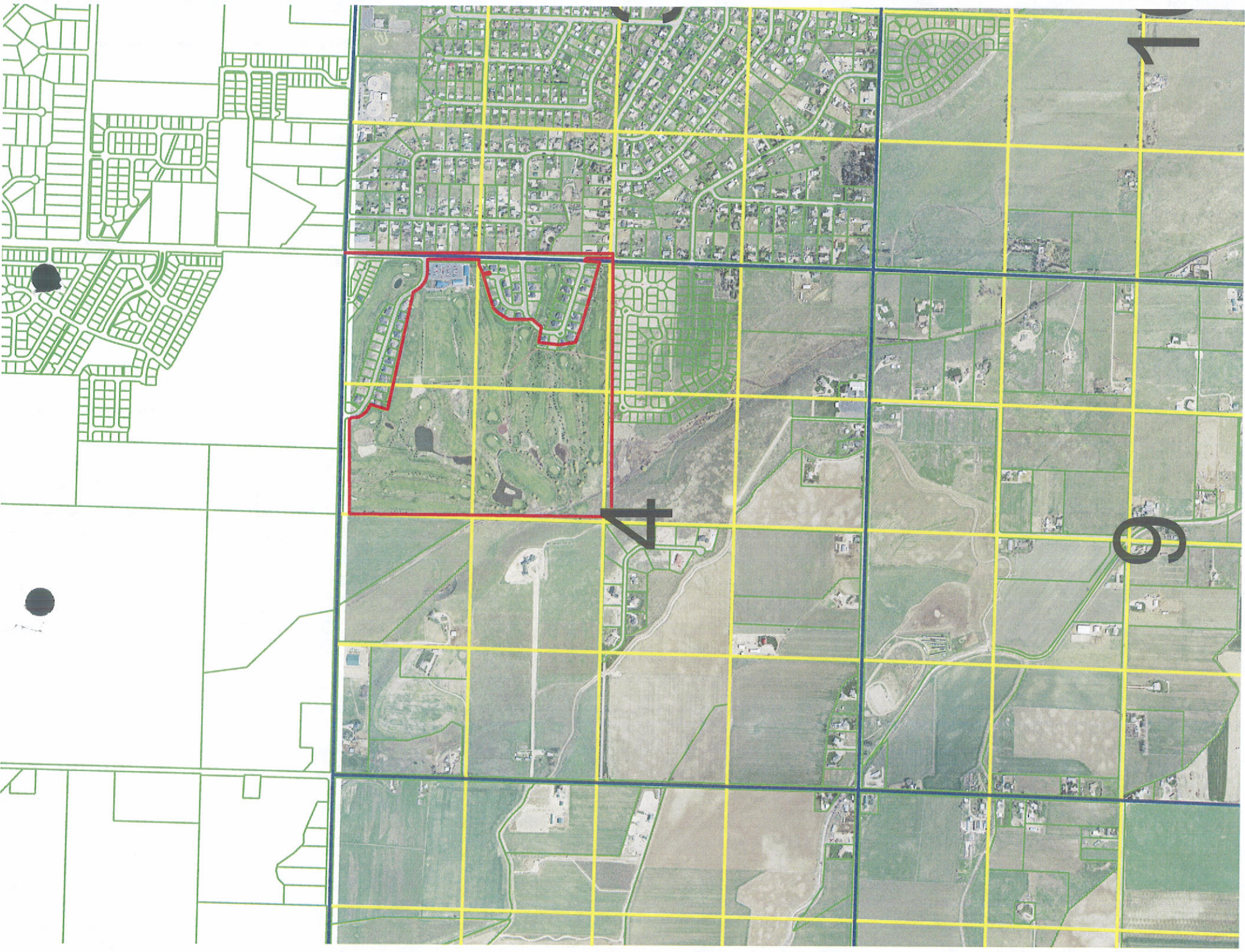


SECTION 4 TOWNSHIP 2N RANGE 1E

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Apr 7, 2005





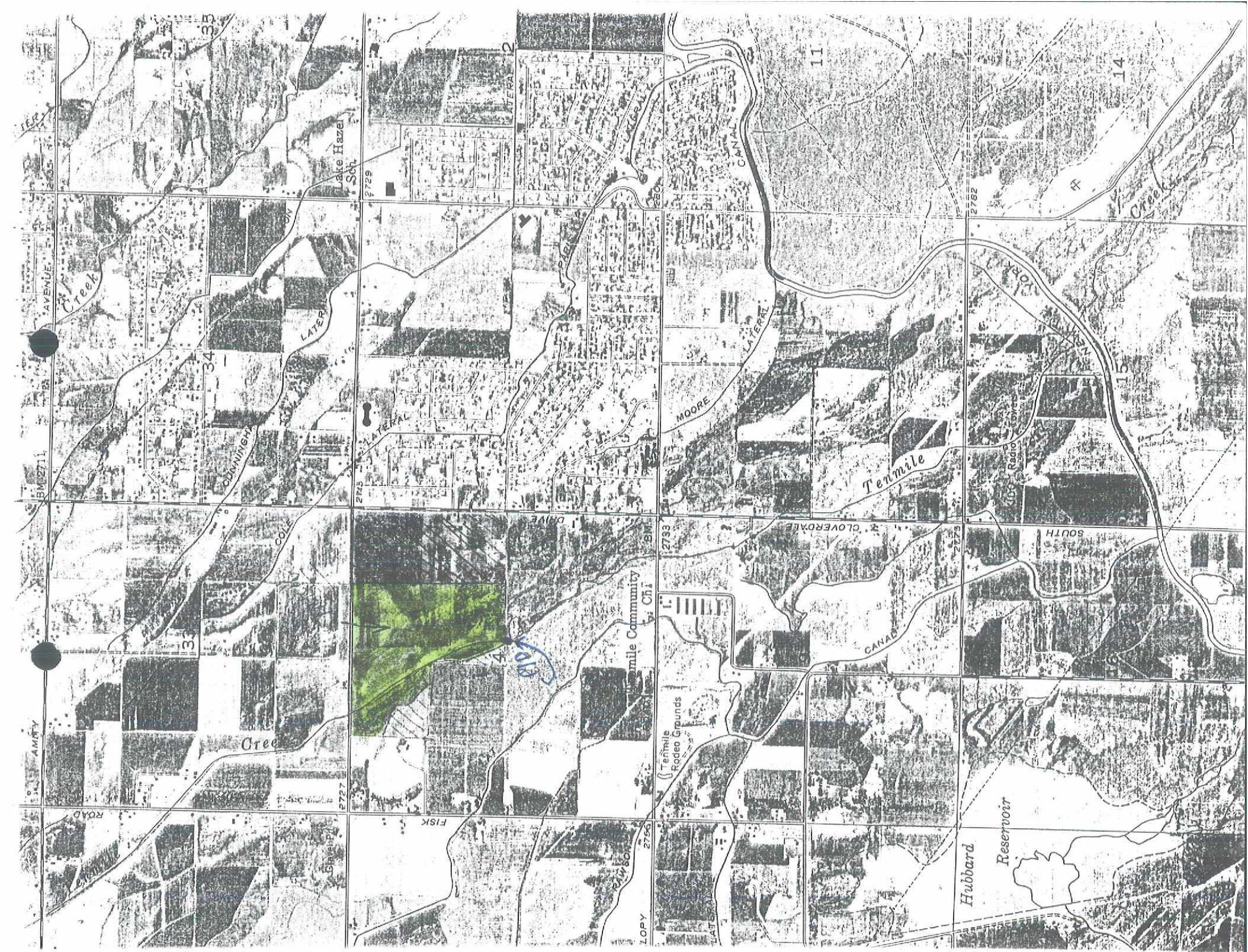
SECTION 4 TOWNSHIP 2N RANGE 1E

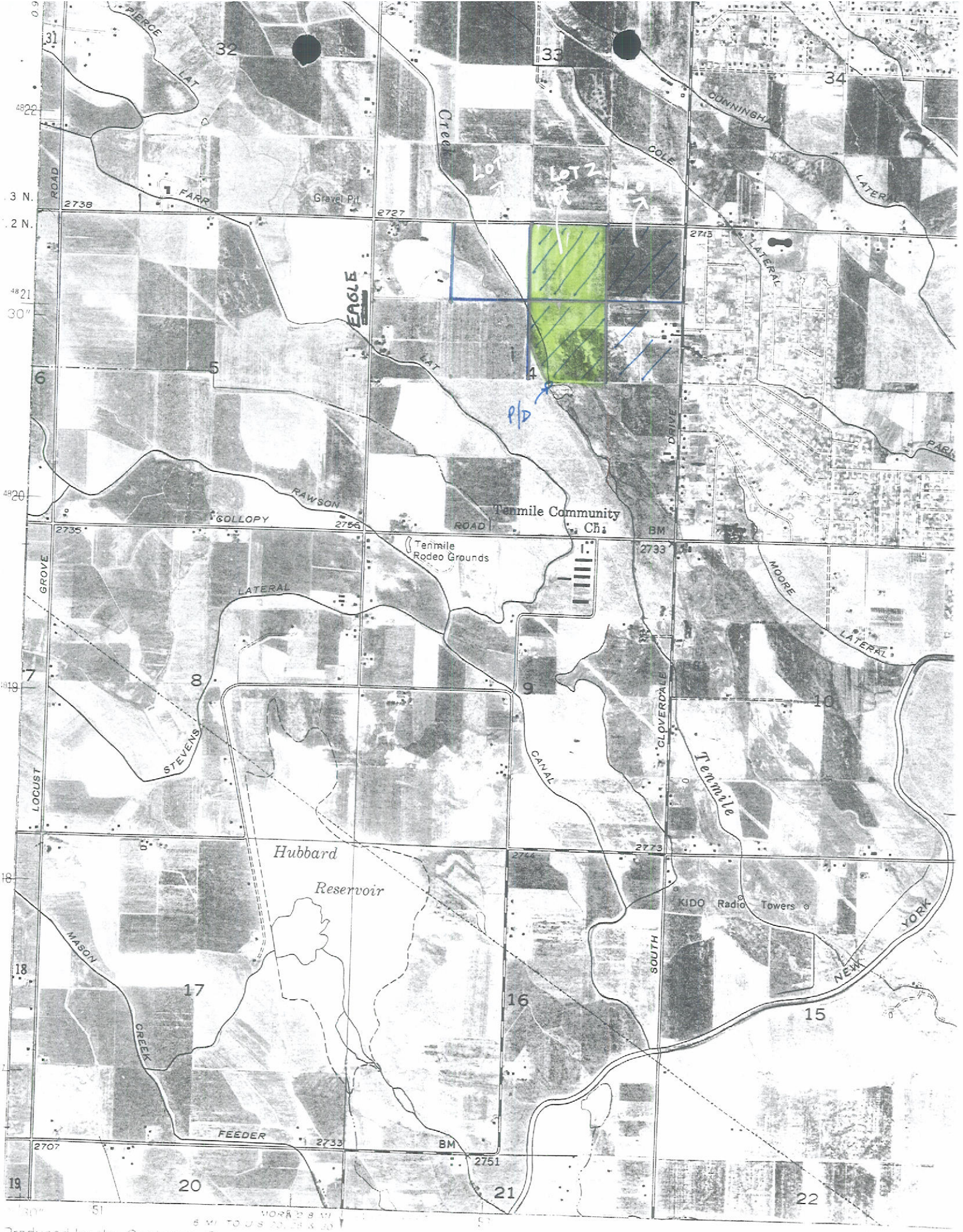


0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Apr 7, 2005





A63-04607

T02N R01E

1875

North Range No 1 B.



T02N R01E S4



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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-4607B
Date Received: 2/27/1989
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILSON PROPERTIES LP Phone: (208)424-9322
1101 W RIVER ST STE 150
BOISE ID USA 83702

2. Date of Priority: 03/29/1947

3. Source: TENMILE CREEK Trib. to: FIFTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	4	NW SE	ADA	

5. Description of diverting works:

GRAVITY FLOW, UNDERGROUND PIPE, HEADGATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/15	1.3	

7. Total Quantity Appropriated is:
1.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	4	NW	NE	2	IRRIGATION
			SW	NE		IRRIGATION
						Section Acres
						Total Acres

40
25
65
65

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-04607, FEE PAID UNDER RECEIPT NO. W002310.
10/06/1994 MM.

CHANGE IN OWNERSHIP LG 10/19/05

15. Basis of Claim: Statutory Claim

RECEIVED

SEP 29 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is not corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4607	A63-4607	B			
63-18152					
63-12097					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify diversion of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claims(s) (these are usually attached to your deed or on file with the county).
- OR**
- If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Boise Ranch Golf Course, Inc.
6501 S. Cloverdale Road, Boise, ID 83709
4. New Owner/Claimant(s) Wilson Properties, LP
Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address 1101 West River Street, Suite 150
 City, State and ZIP Code Boise, ID 83702
 New Telephone Number (208) 424-9322
5. Date you acquired the property March 31, 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) amount multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for the larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Charles H. Wilson
(include title if applicable) Charles H. Wilson

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

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____



SECTION 4 TOWNSHIP 2N RANGE 1E



0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Apr 7, 2003

NCS-143198

After recording, return to:
 Christopher J. Beeson, Esq.
 Givens Pursley LLP
 P.O. Box 2720
 Boise, Idaho 83701

ADA COUNTY RECORDER J. DAVID NAVARRO
 BOISE IDAHO 04/01/05 11:49 AM
 DEPUTY Vicki Allen
 RECORDED - REQUEST OF
 First American

AMOUNT 18.00 6



WARRANTY DEED

FOR VALUE RECEIVED, BOISE RANCH GOLF COURSE, INC., an Idaho corporation ("Grantor"), does hereby grant, bargain, sell and convey unto WILSON PROPERTIES, LP, an Idaho limited partnership ("Grantee"), whose address for this purpose is 1101 West River Street, Suite 150, Boise, Idaho 83702, that certain tract, lot, piece and parcel of land located in Ada County, Idaho, and legally described in Exhibit A attached hereto and incorporated herein by this reference ("Property").

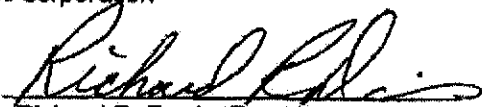
TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining to the Property, including any interest of Grantor in and to adjacent streets, alleys or rights-of-way; all fixtures; any and all water rights, mineral rights or reserves, easements, rights-of-way, and any and all improvements located thereon; the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the Property, in law and in equity, of the Grantor.

SUBJECT TO the matters set forth on Exhibit B attached hereto and incorporated by reference ("Permitted Exceptions").

TO HAVE AND TO HOLD the Property with its appurtenances unto Grantee and Grantee's successors and assigns forever. Grantor does hereby covenant to and with Grantee that Grantor is the owner in fee simple of the Premises; that the Premises are free from all liens, claims and encumbrances except the Permitted Exceptions, and that Grantor will forever warrant and defend Grantee and Grantee's successors and assigns from all claims whatsoever.

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed this 31st day of March 2005.

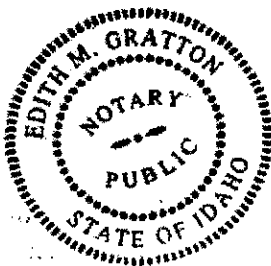
BOISE RANCH GOLF COURSE, INC., an
 Idaho corporation

By: 

Richard R. Davis, President

State of Idaho)
) ss.
County of Ada)

On this 30 day of March, in the year of 2005, before me, a Notary Public in and for said State, personally appeared Richard R. Davis, known or identified to me to be the President of BOISE RANCH GOLF COURSE, INC., an Idaho corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



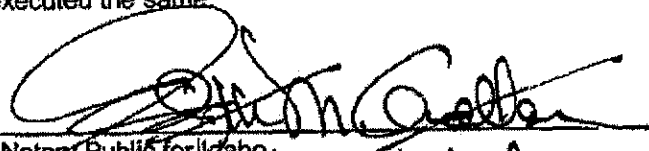

Notary Public for Idaho
Residing at Boise, Idaho
My Commission expires 10-14-10

EXHIBIT A

Legal Description of Premises

EXHIBIT A
C:\Documents and Settings\gratton\Local Settings\Temporary Internet Files\QLK201\Warranty Dead GP01.DOC

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL A:

Government Lots 1 and 2, and the South half of the Northeast Quarter of Section 4, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to County of Ada by Deed recorded October 18, 1971, as Instrument No. 785703.

FURTHER EXCEPTING that portion conveyed to Ada County Highway District by Deed recorded December 26, 1995, as Instrument No. 95094337.

FURTHER EXCEPTING those portions lying within the following 3 plats:

Medalist Subdivision No. 1, according to the plat thereof, filed in Book 78 of Plats at Pages 8326 and 8327, records of Ada County, Idaho.

Amended Plat of Medalist Subdivision No. 2, according to the plat thereof, filed in Book 81 of Plats at Pages 8818 and 8819, Records of Ada County, Idaho.

Medalist Subdivision No. 3, according to the plat thereof, filed in Book 85 of Plats at Pages 9627 and 9628, Records of Ada County, Idaho.

More particularly described as follows:

Commencing at the Northeast corner of Section 4, Township 2 North, Range 1 East, Boise Meridian; thence South 00°06'15" East, 2702.64 feet along the east boundary of said Section 4 to the east quarter-section corner of said Section 4; thence South 89°56'31" West, 45.00 feet along the South boundary of the Northeast Quarter of said Section 4 to the West right of way line of South Cloverdale Road, the POINT OF BEGINNING; thence South 89°56'31" West, 2,629.70 feet continuing along said South boundary of the Northeast Quarter to the center quarter section corner of said Section 4; thence North 00°23'29" East, 2650.16 feet along the West boundary of the Northeast quarter of said Section 4 to the south right of way line of East Lake Hazel Road; thence North 89°40'14" East, 956.01 feet along said South right of way line to the boundary of the aforementioned Medalist Subdivision No. 1; thence along the said boundary of Medalist Subdivision No. 1 the following courses: South 45°05'31" East, 28.31 feet; South 00°21'57" East, 17.99 feet; 183.47 feet along a curve to the left having a radius of 175.00 feet, a central angle of 60°04'12", a chord bearing of South 30°24'03" East, and a chord distance of 175.19 feet; South 60°24'36" East, 51.12 feet; South 15°35'24" West, 179.58 feet; South 77°52'56" East, 1,217.83 feet; South 34°12'47" East, 52.83 feet; 220.69 feet along a curve to the left having a radius of 226.02 feet, a central angle of 55°56'34", a chord bearing of South 62°11'05" East, and a chord distance of 212.03 feet; North 89°50'38" East, 119.26 feet to the West right of way line of South Cloverdale Road and the boundary of the aforementioned Amended Medalist Subdivision No. 2; thence along the said boundary of the Amended Medalist Subdivision No. 2 the following courses:

South 00°06'15" East, 517.11 feet; South 89°57'36" West, 49.83 feet; South 67°35'57" West, 101.35 feet; South 10°07'54" East, 69.48 feet; 15.36 feet along a non-tangent curve to the left having a radius of 25.00 feet, a central angle of 35°12'23", a chord bearing of South 78°14'23" West, and a chord distance of 15.12 feet; North 09°59'37" West, 68.45 feet; South 72°37'34" West, 351.67 feet; South 46°59'14" West, 48.98 feet; South 33°35'27" West, 140.08 feet; South 00°21'18" East, 244.84 feet; South 44°35'23" West, 53.16 feet; 64.31 feet along a curve to the left having a radius of 225.00 feet, a central angle of 16°22'34", a chord bearing of South 36°24'06" West, and a chord distance of 64.09 feet; North 80°21'10" West, 161.32 feet; South 06°37'02" West, 210.27 feet; South 09°22'00" East, 163.94 feet; South 70°22'48" East, 179.60 feet; South 74°23'05" East, 674.51 feet; North 02°37'41" East, 150.23 feet; North 89°40'58" East, 13.60 feet; South 45°17'37" East, 28.23 feet to the West right of way line of South Cloverdale Road; thence South 00°06'15" East, 263.30 feet along said right of way line to the POINT OF BEGINNING.

PARCEL B:

Lot 8 in Block 6 AMENDED PLAT OF MEDALIST SUBDIVISION NO. 2, according to the plat thereof, filed in Book 81 of Plats at Pages 8818 and 8819, records of Ada County, Idaho.

PARCEL C:

Lot 2 in Block 2 of MEDALIST SUBDIVISION NO. 3, according to the plat thereof, filed in Book 85 of Plats at Pages 9627 and 9628, records of Ada County, Idaho.

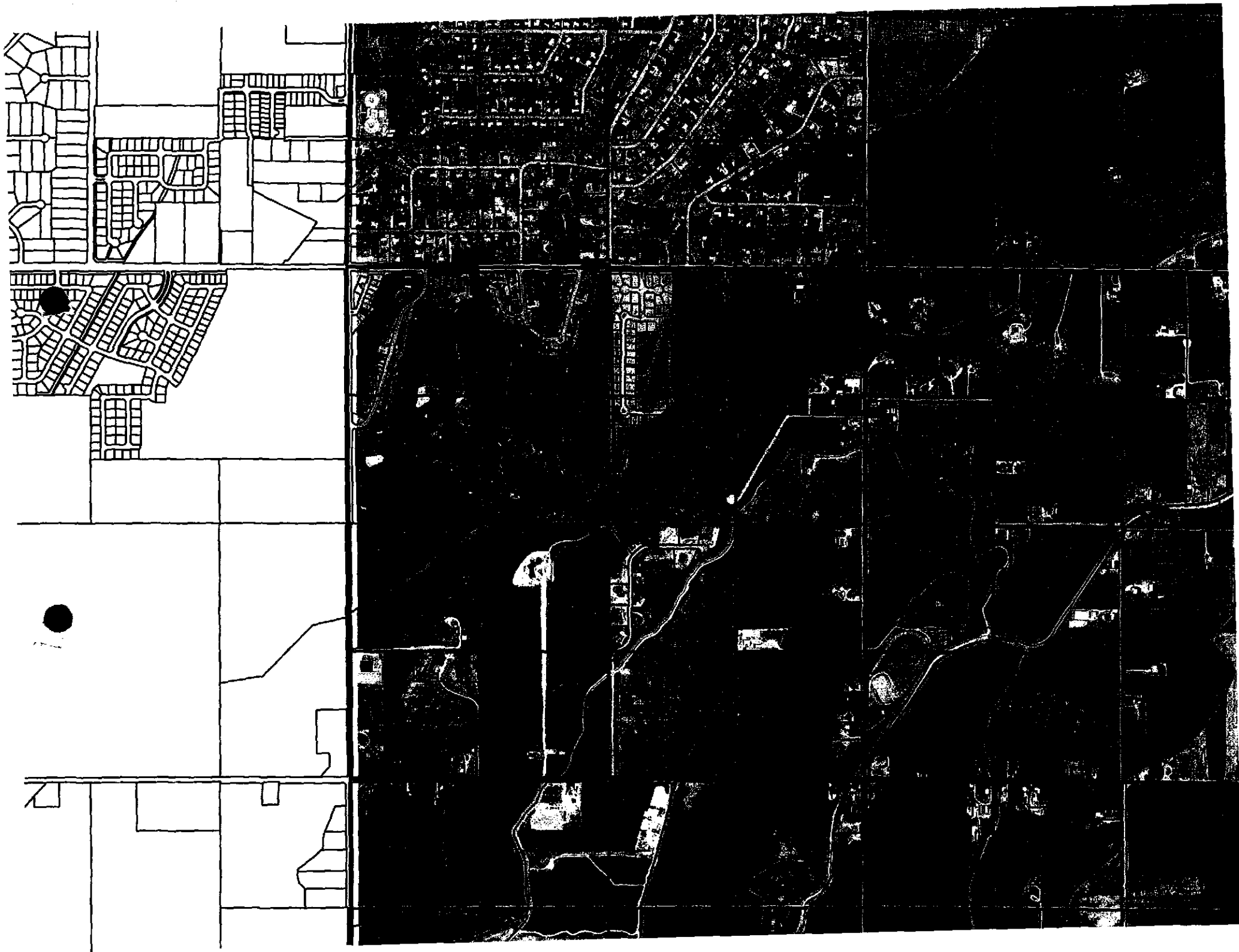
EXHIBIT B

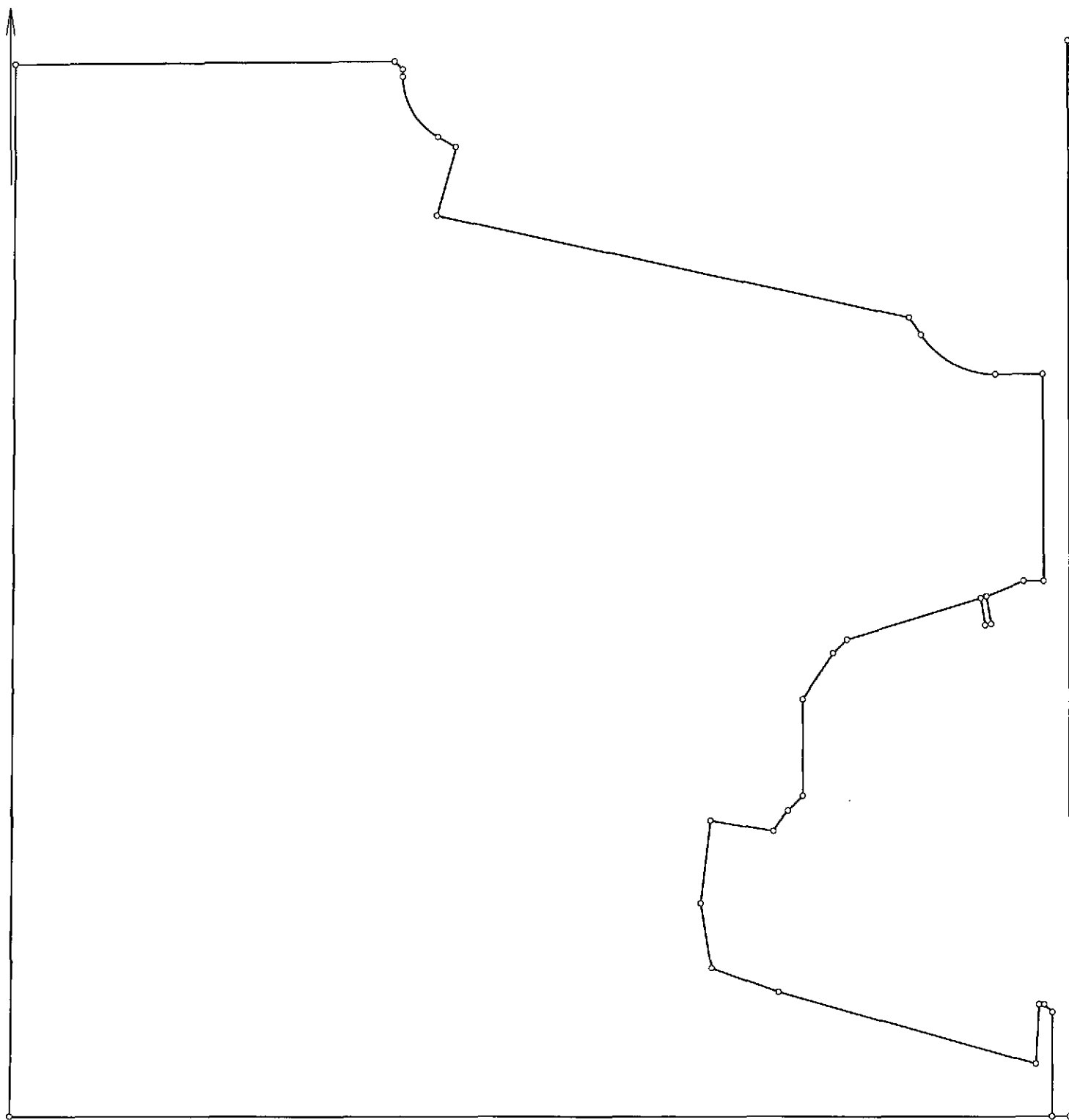
Permitted Exceptions

1. Taxes and assessments for the year 2005, not yet due and payable.
2. Right-of-way for Thompson Lateral, Rogers Lateral and Ten Mile Creek.
3. Easements, reservations and dedications shown on the official plats.
4. Rights, rights of way, reservations and exceptions in the patents recorded in Book 3 of Patents, Page 170, and Book 4 of Patents, Page 67.
5. Easements in favor of Idaho Power recorded as:
 - a. Instrument No. 731075
 - b. Instrument No. 9363161
6. Memorandum of Agreement with the City of Boise recorded as Instrument No. 94109958.
7. Easements in favor of Ada County Highway District recorded as:
 - a. Instrument No. 99003648
 - b. Instrument No. 101006370
 - c. Instrument No. 103045131
8. Easements and Resolution in favor of the City of Boise recorded as:
 - a. Instrument No. 99023073
 - b. Instrument No. 99023074
 - c. Instrument No. 99123319
 - d. Instrument No. 99123320 and re-recorded as Instrument No. 100002808
 - e. Instrument No. 99123321
 - f. Instrument No. 100089843
 - g. Instrument No. 101074572
 - h. Instrument No. 102054063
9. Easement in favor of Intermountain Gas recorded as Instrument No. 99119455.
10. Declaration of Covenants, Conditions, Restrictions and Easement for The Medalist Subdivision recorded as Instrument No. 99097324, as supplemented by Supplemental Declaration for The Medalist Subdivision (annexing Medalist Subdivision No. 2), recorded as Instrument No. 103056578, as supplemented by instrument recorded as Instrument No. 101000301, as amended by Amendment to Supplemental Declaration of Covenants, Conditions and Restrictions of Medalist No. 3 recorded as Instrument No. 103153372. (Affects Lot 8, Block 6, Amended Plat of Medalist No. 2 and Lot 2, Block 2, of Medalist No. 3 ONLY).

EXHIBIT B

S:\CLIENTS\514221\Warranty Deed GP01.DOC





Title:		Date: 10-19-2005
Scale: 1 inch = 355 feet	File: WILSON PROPERTIES.des	

Data and Deed Call Listing of File: WILSON PROPE

Tract 1: 77.0667 Hectares: 770667.0 Sq M.: Closure = n00.5100e 82:

001=N1374394.99M E2311423.04M

002=ROTATE +0.0000

003=S00.0615E 2702.64

004=S89.5631W 45.00

005=S89.5631W 2629.70

006=N00.2329E 2650.16

007=N89.4014E 956.01

008=S45.0531E 28.31

009=S00.2157E 17.99

010: Lt, R=175.00, Arc=183.47, Delta=60.0412
Bng=S30.2403E, Chd=175.19

011=S60.2436E 51.12

012=S15.3524W 179.58

013=S77.5256E 1217.83

014=S34.1247E 52.83

015: Lt, R=226.02, Arc=220.69, Delta=55.5634
Bng=S62.1105E, Chd=212.03

016=N89.5038E 119.26

017=S00.0615E 517.11

018=S89.5736W 49.83

019=S67.3557W 101.35

020=S10.0754E 69.48

021: Lt, R=25.00, Arc=15.36, Delta=35.1223
Bng=S78.1423W, Chd=15.12

022=N09.5937W 68.45

023=S72.3734W 351.67

024=S46.5914W 48.98

025=S33.3527W 140.08

026=S00.2118E 244.84

027=S44.3523W 53.16

028: Lt, R=225.00, Arc=64.31, Delta=16.2234
Bng=S36.2406W, Chd=64.09

029=N80.2110W 161.32□

030=S06.3702W 210.27

031=S09.2200E 163.94

032=S70.2248E 179.60

033=S74.2305E 674.51

034=N02.3741E 150.23

035=N89.4058E 13.60

036=S45.1737E 28.23

037=S00.0615E 263.30

Data and Deed Call Listing of File: WILSON PROPERTIES.des

Tract 1: 77.0667 Hectares: 770667.0 Sq M.: Closure = n00.5100e 823.87 M.: Precision =1/ 5: Perimeter = 4457 M.

001=N1374394.99M E2311423.04M

002=ROTATE +0.0000

003=S00.0615E 2702.64

004=S89.5631W 45.00

005=S89.5631W 2629.70

006=N00.2329E 2650.16

007=N89.4014E 956.01

008=S45.0531E 28.31

009=S00.2157E 17.99

010: Lt, R=175.00, Arc=183.47, Delta=60.0412
Bng=S30.2403E, Chd=175.19

011=S60.2436E 51.12

012=S15.3524W 179.58

013=S77.5256E 1217.83

014=S34.1247E 52.83

015: Lt, R=226.02, Arc=220.69, Delta=55.5634
Bng=S62.1105E, Chd=212.03

016=N89.5038E 119.26

017=S00.0615E 517.11

018=S89.5736W 49.83

019=S67.3557W 101.35

020=S10.0754E 69.48

021: Lt, R=25.00, Arc=15.36, Delta=35.1223
Bng=S78.1423W, Chd=15.12

022=N09.5937W 68.45

023=S72.3734W 351.67

024=S46.5914W 48.98

025=S33.3527W 140.08

026=S00.2118E 244.84

027=S44.3523W 53.16

028: Lt, R=225.00, Arc=64.31, Delta=16.2234
Bng=S36.2406W, Chd=64.09

029=N80.2110W 161.32□

030=S06.3702W 210.27

031=S09.2200E 163.94

032=S70.2248E 179.60

033=S74.2305E 674.51

034=N02.3741E 150.23

035=N89.4058E 13.60

036=S45.1737E 28.23

037=S00.0615E 263.30



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 12, 2005

Sent 9-12-05

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Wilson Properties, LP
1101 W River St, Suite 150
Boise ID 83702

Dear Waterusers:

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

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

 X **Legal description of property.** Please complete showing the legal description by ¼ ¼ (40-acre tract), Section, Township and Range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat.

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

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

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

_____ **This change in ownership appears to result in a splitting of the water right.** A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by ¼ ¼ with the number of acres in each ¼ ¼ (if applicable) and the point of diversion by ¼ ¼, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion. **Enclosed is a computer copy of this right for your review.**

 X **Proof of ownership is needed.** This proof should be a copy of the **warranty deed** in your name which includes a description of this property by ¼ ¼, Section, Township and Range.

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

_____ **Other:**

Please complete the above item(s), if required, on the Notice of Change of Water Right Ownership form and return it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise,

ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed (if one exists), will remain in the original owner's name.

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

Sincerely,

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

LG: lg

Enclosures



RECEIVED

SEP 29 2005

WATER RESOURCES
WESTERN REGION

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

JOHN M. MARSHALL
Direct Dial: 208-388-1270
E-Mail: johnmarshall@givenspursley.com

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Melissa A. Finocchio*
Steven J. Hippler
Karl T. Klein
Debra K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Franklin G. Lee
David R. Lombardi
Emily A. MacMester
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Meillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.

Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED
*Licensed In California

September 28, 2005

Liberty Gagnon
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Boise Ranch Golf Course, Inc. / Wilson Properties, LP
GP File No. 5142-23

Dear Ms. Gagnon:

As we discussed today, I am resending the *Notice of Change in Water Right Ownership* for Wilson Properties with the deed attached.

Please call me if you need anything else.

Sincerely,

John M. Marshall

JMM:amm

Enclosure

S:\CLIENTS\5142\23\JMM to Gagnon w notice of change of WR ownership.DOC

JUN 21 2005

WATER RESOURCES
WESTERN REGION

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Deborah E. Nelson

DIRECT DIAL: 208 388-1215
EMAIL: den@givenspursley.com

Gary G. Allen
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle

Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Emily A. MacMaster
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
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W. Hugh O'Riordan, LL.M.
Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

June 20, 2005

Sandy Egbert
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Notice of Error Reply for Water Right Number 63-4607B
Our File No. 5142-23

Dear Sandy:

Enclosed for filing with the Department please find the original and one copy of the Notice of Error Reply form for water right number 63-4607B. The form has been filled out to request that the name and address for the water right be updated consistent with the Notice of Change in Water Right Ownership filed with the Department in April. Please stamp the copy as received by your office and return it to me in the enclosed self-addressed, stamped envelope. *VB*

Thank you for your assistance with this matter. If you have any questions or require any additional information please call.

Sincerely,



Deborah E. Nelson

Enclosures

cc: Charles Wilson

DEN:kdt S:\CLIENTS\5142\23\DEN to Egbert re Filing Notice of Error Reply Form.DOC

05/31/2005 RECEIVED

JUN 21 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-4607B

BOISE RANCH GOLF COURSE INC
6501 S CLOVERDALE RD
BOISE ID 83709
Telephone Number: (208)362-6501

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

Please change the name, address, and telephone number to correspond to Notice of Change in Water Right Ownership filed April 14, 2005 (copy is attached hereto).

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6/20/05 SIGNATURE: Charles H. Wilson

Please print your name: CHARLES H. WILSON

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 14, 2005

RECEIVED

APR 15 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Givens Pursley
Law Offices
PO Box 2720
Boise, ID 83701

Givens Pursley, LLP

- AT - WR - APP FOR PERMIT QK
Re: Water Right(s) 67-4607 B, 63-18152, 63-12097
CHANGED ON DATABASE

This is to acknowledge the receipt of the Notice of Change in Water Right Ownership for the above referenced water rights, changing ownership to your client. Enclosed is receipt No. W032800, for your records.

We have forwarded the paperwork for 63-18152 to the State Office for processing.

If you have any questions, Please contact KariLynn Townsend at 208-287-4952.

Sincerely,

Liberty Gagnon
Office Specialist 1

Enc.

Lg

Cc: IDWR State Office

CONFIRMATION COPY

RECEIVED

Form 42-248/42-1406 (6) July, 2000

APR 13 2005

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is not corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4607	A63-4607	B			
63-18152					
63-12097					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify diversion of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claims(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Boise Ranch Golf Course, Inc.
6501 S. Cloverdale Road, Boise, ID 83709
4. New Owner/Claimant(s) Wilson Properties, LP
Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address 1101 West River Street, Suite 150
City, State and ZIP Code Boise, ID 83702
New Telephone Number (208) 424-9322
5. Date you acquired the property March 31, 2005

RECEIVED

APR 15 2005

GIVENS PURSLEY, LLP

RECEIVED

JUN 21 2005

WATER RESOURCES
WESTERN REGION

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) amount multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for the larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Charles H. Wilson
 (include title if applicable) Charles H. Wilson

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

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

GIVENS PURSLEY LLP

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Deborah E. Nelson
DIRECT DIAL: 208 388-1215
EMAIL: den@givenspursley.com

Gary G. Allen
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D. David Lorello, Jr.
Emily A. MacMaster
Kimberly D. Maloney
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H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

*Licensed in Texas

April 12, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right Nos. 63-4607B, 63-18152 and 63-12097
Our File No. 5142-21

RECEIVED

APR 13 2005

WATER RESOURCES
WESTERN REGION

To Whom It May Concern:

Enclosed for filing with the Department please find the original and one copy of each of the following documents:

1. Notice of Change in Water Right Ownership for water right numbers 63-4607B, 63-18152 and 63-12097;
2. Assignment of Application for Permit for permit number 63-12097; and
3. Notice of Appearance for water right numbers 63-4607B, 63-18152 and 63-12097.

Please stamp the enclosed copy of each document as received by your office and return them to me in the enclosed self-addressed, stamped envelope. Please note that water right 63-4607B is currently pending in the Snake River Basin Adjudication, water right 63-18152 is a domestic right, and water right 63-12097 is a pending application for permit. A check in the amount of \$25.00 is enclosed for processing the Notice of Change in Water Right Ownership for water right 63-18152.

Thank you for your assistance with this matter. If you have any questions or require any additional information, please call.

Sincerely,


Deborah E. Nelson

Enclosures

cc: Charles Wilson, Wilson Properties, LP

DEN:kdt SACLIENTS\5142\21\DEN Ltr to IDWR re Filing Docs.DOC

RECEIVED

APR 13 2005

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is not corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4607	A63-4607	B AS			
63-18152	PD				
63-12097	AS				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify diversion of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claims(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Boise Ranch Golf Course, Inc.
6501 S. Cloverdale Road, Boise, ID 83709
4. New Owner/Claimant(s) Wilson Properties, LP
Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address 1101 West River Street, Suite 150
 City, State and ZIP Code Boise, ID 83702
 New Telephone Number (208) 424-9322
5. Date you acquired the property March 31, 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) amount multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for the larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Charles H. Wilson
(include title if applicable) Charles H. Wilson

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

For Office Use Only

Received by lg Date 4-14-05 Fee 25.00
Receipted by lg Date 4-14-05 Receipt No. W032800
Processed by _____ AJ Date _____ WR _____ Date _____



SECTION 4 TOWNSHIP 2N RANGE 1E

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Apr 7, 2005



105039396

10
NCS-143198

After recording, return to:
Christopher J. Beeson, Esq.
Givens Pursley LLP
P.O. Box 2720
Boise, Idaho 83701

WARRANTY DEED

FOR VALUE RECEIVED, BOISE RANCH GOLF COURSE, INC., an Idaho corporation ("Grantor"), does hereby grant, bargain, sell and convey unto WILSON PROPERTIES, LP, an Idaho limited partnership ("Grantee"), whose address for this purpose is 1101 West River Street, Suite 150, Boise, Idaho 83702, that certain tract, lot, piece and parcel of land located in Ada County, Idaho, and legally described in Exhibit A attached hereto and incorporated herein by this reference ("Property").

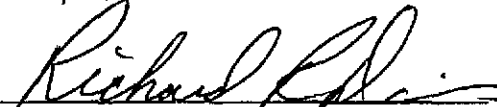
TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining to the Property, including any interest of Grantor in and to adjacent streets, alleys or rights-of-way; all fixtures; any and all water rights, mineral rights or reserves, easements, rights-of-way, and any and all improvements located thereon; the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the Property, in law and in equity, of the Grantor.

SUBJECT TO the matters set forth on Exhibit B attached hereto and incorporated by reference ("Permitted Exceptions").

TO HAVE AND TO HOLD the Property with its appurtenances unto Grantee and Grantee's successors and assigns forever. Grantor does hereby covenant to and with Grantee that Grantor is the owner in fee simple of the Premises; that the Premises are free from all liens, claims and encumbrances except the Permitted Exceptions, and that Grantor will forever warrant and defend Grantee and Grantee's successors and assigns from all claims whatsoever.

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed this 31st day of March 2005.

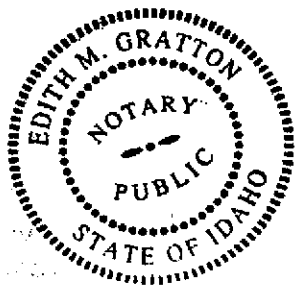
BOISE RANCH GOLF COURSE, INC., an
Idaho corporation

By: 

Richard R. Davis, President

State of Idaho)
) ss.
County of Ada)

On this 31 day of March, in the year of 2005, before me, a Notary Public in and for said State, personally appeared Richard R. Davis, known or identified to me to be the President of BOISE RANCH GOLF COURSE, INC., an Idaho corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.




Notary Public for Idaho
Residing at Boise Idaho
My Commission expires 10-14-10

EXHIBIT A

Legal Description of Premises

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL A:

Government Lots 1 and 2, and the South half of the Northeast Quarter of Section 4, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to County of Ada by Deed recorded October 18, 1971, as Instrument No. 785703.

FURTHER EXCEPTING that portion conveyed to Ada County Highway District by Deed recorded December 26, 1995, as Instrument No. 95094337.

FURTHER EXCEPTING those portions lying within the following 3 plats:

Medalist Subdivision No. 1, according to the plat thereof, filed in Book 78 of Plats at Pages 8326 and 8327, records of Ada County, Idaho.

Amended Plat of Medalist Subdivision No. 2, according to the plat thereof, filed in Book 81 of Plats at Pages 8818 and 8819, Records of Ada County, Idaho.

Medalist Subdivision No. 3, according to the plat thereof, filed in Book 85 of Plats at Pages 9627 and 9628, Records of Ada County, Idaho.

More particularly described as follows:

Commencing at the Northeast corner of Section 4, Township 2 North, Range 1 East, Boise Meridian; thence South $00^{\circ}06'15''$ East, 2702.64 feet along the east boundary of said Section 4 to the east quarter-section corner of said Section 4; thence South $89^{\circ}56'31''$ West, 45.00 feet along the South boundary of the Northeast Quarter of said Section 4 to the West right of way line of South Cloverdale Road, the POINT OF BEGINNING; thence South $89^{\circ}56'31''$ West, 2,629.70 feet continuing along said South boundary of the Northeast Quarter to the center quarter section corner of said Section 4; thence North $00^{\circ}23'29''$ East, 2650.16 feet along the West boundary of the Northeast quarter of said Section 4 to the south right of way line of East Lake Hazel Road; thence North $89^{\circ}40'14''$ East, 956.01 feet along said South right of way line to the boundary of the aforementioned Medalist Subdivision No. 1; thence along the said boundary of Medalist Subdivision No. 1 the following courses: South $45^{\circ}05'31''$ East, 28.31 feet; South $00^{\circ}21'57''$ East, 17.99 feet; 183.47 feet along a curve to the left having a radius of 175.00 feet, a central angle of $60^{\circ}04'12''$, a chord bearing of South $30^{\circ}24'03''$ East, and a chord distance of 175.19 feet; South $60^{\circ}24'36''$ East, 51.12 feet; South $15^{\circ}35'24''$ West, 179.58 feet; South $77^{\circ}52'56''$ East, 1,217.83 feet; South $34^{\circ}12'47''$ East, 52.83 feet; 220.69 feet along a curve to the left having a radius of 226.02 feet, a central angle of $55^{\circ}56'34''$, a chord bearing of South $62^{\circ}11'05''$ East, and a chord distance of 212.03 feet; North $89^{\circ}50'38''$ East, 119.26 feet to the West right of way line of South Cloverdale Road and the boundary of the aforementioned Amended Medalist Subdivision No. 2; thence along the said boundary of the Amended Medalist Subdivision No. 2 the following courses:

South 00°06'15" East, 517.11 feet; South 89°57'36" West, 49.83 feet; South 67°35'57" West, 101.35 feet; South 10°07'54" East, 69.48 feet; 15.36 feet along a non-tangent curve to the left having a radius of 25.00 feet, a central angle of 35°12'23", a chord bearing of South 78°14'23" West, and a chord distance of 15.12 feet; North 09°59'37" West, 68.45 feet; South 72°37'34" West, 351.67 feet; South 46°59'14" West, 48.98 feet; South 33°35'27" West, 140.08 feet; South 00°21'18" East, 244.84 feet; South 44°35'23" West, 53.16 feet; 64.31 feet along a curve to the left having a radius of 225.00 feet, a central angle of 16°22'34", a chord bearing of South 36°24'06" West, and a chord distance of 64.09 feet; North 80°21'10" West, 161.32 feet; South 06°37'02" West, 210.27 feet; South 09°22'00" East, 163.94 feet; South 70°22'48" East, 179.60 feet; South 74°23'05" East, 674.51 feet; North 02°37'41" East, 150.23 feet; North 89°40'58" East, 13.60 feet; South 45°17'37" East, 28.23 feet to the West right of way line of South Cloverdale Road; thence South 00°06'15" East, 263.30 feet along said right of way line to the POINT OF BEGINNING.

PARCEL B:

Lot 8 in Block 6 AMENDED PLAT OF MEDALIST SUBDIVISION NO. 2, according to the plat thereof, filed in Book 81 of Plats at Pages 8818 and 8819, records of Ada County, Idaho.

PARCEL C:

Lot 2 in Block 2 of MEDALIST SUBDIVISION NO. 3, according to the plat thereof, filed in Book 85 of Plats at Pages 9627 and 9628, records of Ada County, Idaho.

EXHIBIT B

Permitted Exceptions

1. Taxes and assessments for the year 2005, not yet due and payable.
2. Right-of-way for Thompson Lateral, Rogers Lateral and Ten Mile Creek.
3. Easements, reservations and dedications shown on the official plats.
4. Rights, rights of way, reservations and exceptions in the patents recorded in Book 3 of Patents, Page 170, and Book 4 of Patents, Page 67.
5. Easements in favor of Idaho Power recorded as:
 - a. Instrument No. 731075
 - b. Instrument No. 9363161
6. Memorandum of Agreement with the City of Boise recorded as Instrument No. 94109958.
7. Easements in favor of Ada County Highway District recorded as:
 - a. Instrument No. 99003648
 - b. Instrument No. 101006370
 - c. Instrument No. 103045131
8. Easements and Resolution in favor of the City of Boise recorded as:
 - a. Instrument No. 99023073
 - b. Instrument No. 99023074
 - c. Instrument No. 99123319
 - d. Instrument No. 99123320 and re-recorded as Instrument No. 100002808
 - e. Instrument No. 99123321
 - f. Instrument No. 100089843
 - g. Instrument No. 101074572
 - h. Instrument No. 102054063
9. Easement in favor of Intermountain Gas recorded as Instrument No. 99119455.
10. Declaration of Covenants, Conditions, Restrictions and Easement for The Medalist Subdivision recorded as Instrument No. 99097324, as supplemented by Supplemental Declaration for The Medalist Subdivision (annexing Medalist Subdivision No. 2), recorded as Instrument No. 103056578, as supplemented by instrument recorded as Instrument No. 101000301, as amended by Amendment to Supplemental Declaration of Covenants, Conditions and Restrictions of Medalist No. 3 recorded as Instrument No. 103153372. (Affects Lot 8, Block 6, Amended Plat of Medalist No. 2 and Lot 2, Block 2, of Medalist No. 3 ONLY).

EXHIBIT B

S:\CLIENTS\51421\Warranty Deed GP01.DOC

RECEIVED

APR 13 2005

WATER RESOURCES
WESTERN REGION

Deborah E. Nelson, Idaho State Bar No. 5711
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com

Attorneys for Wilson Properties, LP

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

IN THE MATTER OF WATER RIGHTS
63-4607B, 63-18152 AND 63-12097

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Deborah E. Nelson of the firm Givens Pursley LLP,
hereby enters her appearance as attorney of record on behalf of Wilson Properties, LP in
connection with water rights 63-4607B, 63-18152 and 63-12097.

Respectfully submitted and dated this 12th day of April 2005.

GIVENS PURSLEY LLP

By 
Deborah E. Nelson
Attorneys for Wilson Properties, LP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of April 2005, I served a true and correct copy of the foregoing by delivering the same to the following by the method indicated below, addressed as follows:

Original to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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


Deborah E. Nelson

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04607B
Date Received: 2/27/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BOISE RANCH GOLF COURSE INC 208-362-6501
Address: 6501 S CLOVERDALE RD
BOISE ID 83709

2. Date of Priority: MAR 29, 1947

3. Source: TENMILE CREEK Trib. to: FIFTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01E	4		NW	SE		ADA

5. Description of diverting works:
GRAVITY FLOW, UNDERGROUND PIPE, HEADGATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.300		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01E	4	NW	NE	2	IRR	40.0
			SW	NE		IRR	25.0

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-04607B**
Date Received: 2/27/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: BOISE RANCH GOLF COURSE INC 208-362-6501
Address: 6501 S CLOVERDALE RD
BOISE ID 83709

2. Date of Priority: MAR 29, 1947

3. Source: TENMILE CREEK Trib. to: FIFTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01E	4		NW	SE		ADA

5. Description of diverting works:
GRAVITY FLOW, UNDERGROUND PIPE, HEADGATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.300		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01E	4	NW	NE	2	IRR	40.0
			SW	NE		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	65.0
					Total Acres	65.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NEW YORK IRRIGATION DISTRICT

14. Remarks:
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A63-04607, FEE PAID UNDER RECEIPT NO. W002310.
10/06/1994 MM.

15. Basis of Claim: STATUTORY CLAIM



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JAN 14 1994

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 1-20-93

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 1E
Section 4, 1/4 of S.W. 1/4 of N.E. 1/4, Govt. Lot 2, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A63-4607
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Malvin Hodges
111. Lake Hazel Rd
Nampa Id.
- ☐ New Owner/Claimant (Purchaser): Baise Ranch Golf Course, Inc.
- ☐ New Mailing Address: 6501 S. Cloverdale Rd.
Bowie Id. 83709
- ☐ New Telephone Number: (208) 362-6501
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
658-6506 100 acres - in West 1/2
of NE 1/4

- ☐ Attach proof of ownership, describe proof attached: Copy of Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): [Signature] Date 1-13-94
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10/04/1994 By: MM

Further Action Needed:

Split Claim

Further Action Taken

Date: 10/04/1994 By: MM

Final Review and Data-Entry

Date: 10/04/1994 By: MM

Claim Numbers of Split, if any:

A63-04607A & A63-04607B

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

cc to Dunn 1-13-94

THIS FORM FURNISHED COURTESY OF:

STEWART TITLE OF IDAHO, INC.

READ & APPROVED BY GRANTEE(S) 

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 93037748 JH

WARRANTY DEED

FOR VALUE RECEIVED MELVIN D. HODGES and DOLORES D. HODGES, (who acquired title as Delores D. Hodges), husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto BOISE RANCH GOLF COURSE, INC., an Idaho corporation

GRANTEE(S), whose current address is: 6110 EMERALD STREET, BOISE, ID 83704

the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:

Government Lots 1 and 2, and the South half of the Northeast quarter of Section 4, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho,

EXCEPT

the East 33 feet thereof, conveyed to County of Ada by Deed recorded as Instrument No. 785703, records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

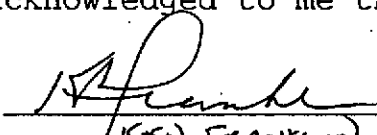
Dated: January 20, 1993


MELVIN D. HODGES


DOLORES D. HODGES

STATE OF IDAHO, County of Ada, ss.

On this 20th day of January in the year of 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared Melvin D. Hodges and Dolores D. Hodges known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Signature: 

Name: KEN FRANKLIN

(Type or Print)

Residing At: BOISE

My Commission expires: 10-5-98

INFORMATION FOR REAL ESTATE 1099-S REPORT FILING

as Required by the Internal Revenue Service

SOLICITATION

Section 6045 of the Internal Revenue Code, as amended by the Tax Reform Act of 1986 requires the reporting of certain information to the IRS on real estate transactions. The information may also be sent to other third parties. You are required by law to provide the settlement agent with your correct taxpayer identification number. If you do not provide the settlement agent with your correct taxpayer identification number, you may be subject to civil or criminal penalties imposed by law.

File Number: 93037748 JH Taxpayer ID Number: 519-10-9465

Taxpayer ID Type: 2 (1 = business, 2 = individual)

INDIVIDUAL SELLER NAME

Last: HODGES First & Middle: MELVIN D.

Name Line 2: DOLORES D. HODGES

BUSINESS SELLER NAME

Name Line 1: _____

Name Line 2: _____

MAILING ADDRESS

Street: _____

City: _____ State: _____

Zip Code: _____

TRANSACTION INFORMATION

Closing Date: 01/20/93 Contract Sales Price: \$ 625,000.00

Description of Property: _____
(Street Address or brief form of legal)

Has the seller received (or will receive) property (other than cash and consideration treated as cash) or services as part of the consideration for this transaction?

Answer Y for YES; N for NO: _____

If multiple sellers - Request is hereby made that you allocate the sales price among the sellers _____

CERTIFICATION

Under penalties of perjury, I certify that the number shown on this form is my correct Taxpayer Identification Number. I also certify that the other information shown herein is correct. I acknowledge receipt of a copy of this form.

DATE: January 20, 1993


Seller's Signature

SETTLEMENT AGENT INFORMATION (to be completed by settlement agent)

Name: STEWART TITLE OF IDAHO, INC.

Mailing Address: P.O. Box 7546
Boise, Idaho 83707

Tax Payer ID Number: 82-0327660

SUBSTITUTE FORM 1099

This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04607
Date Received: 2/27/1989
Receipt No: W002316
Received By: RLH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN D. HODGES 208-362-9364
Address: 6701 S. CLOVERDALE RD.
BOISE, ID 83709

OR
Name: DOLORES D. HODGES 208-362-9364
Address: 6701 S. CLOVERDALE RD.
BOISE, ID 83709

2. Date of Priority: MAR 29, 1947

3. Source: TENMILE CREEK Trib. to: FIFTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	01E	4	NW	SE			ADA

5. Description of diverting works:
GRAVITY FLOW, UNDERGROUND PIPE, HEADGATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	01E	4	NW		NE		IRR	40.0
			SW		NE		IRR	25.0
			NE		NW		IRR	35.0
							Section Acres	100.0
							Total Acres	100.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NEW YORK IRRIGATION DISTRICT

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Melvin D. Hodges Date: 2-27-89
_____ Date: _____

State of Idaho)
County of ADA) SS.

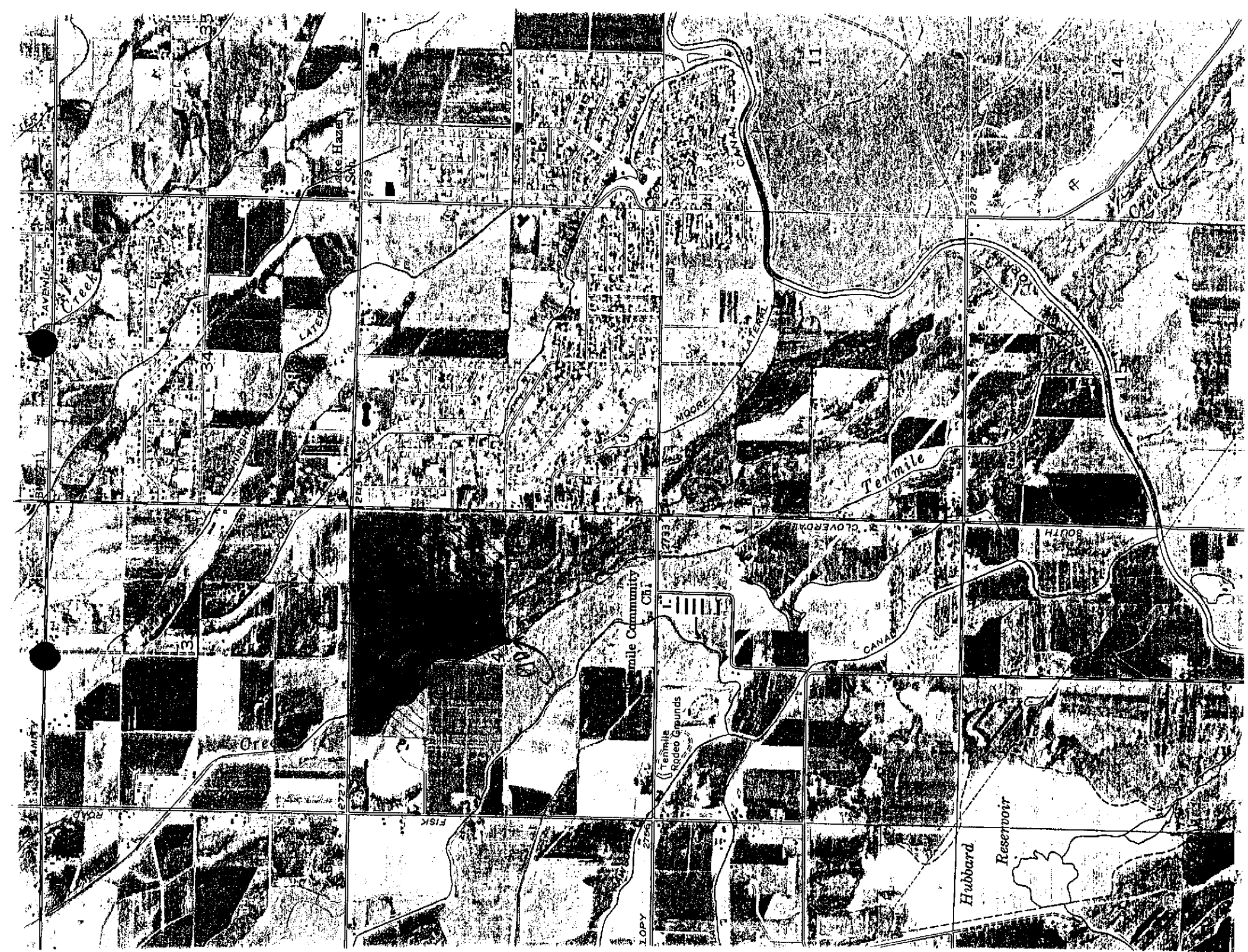
Subscribed and sworn (or affirmed) before me this 27th day
of FEB 19 89

Ron Haverstick
Notary Public

Seal

Residing at Boise, Idaho 83703

My Commission Expires 12-8-94



STATE OF IDAHO

Section 42-225a, Idaho Code

Amended CLAIM TO A WATER RIGHT Amended

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Melvin D. &/or Dolores D. Hodges
(name of claimant)
of 6701 S. Cloverdale, Boise, claims a right to the diversion and beneficial use of
(mailing address) 83705
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Ten Mile Creek
 _____, tributary to, Boise River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: _____

Amount	<u>2.0 cfs</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>Apr. 1</u>	To	<u>Oct. 15</u>
		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 2.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) March 29, 1947
- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 4 Twp. 2N Rge. 1E B. M. County of Ada
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. _____

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

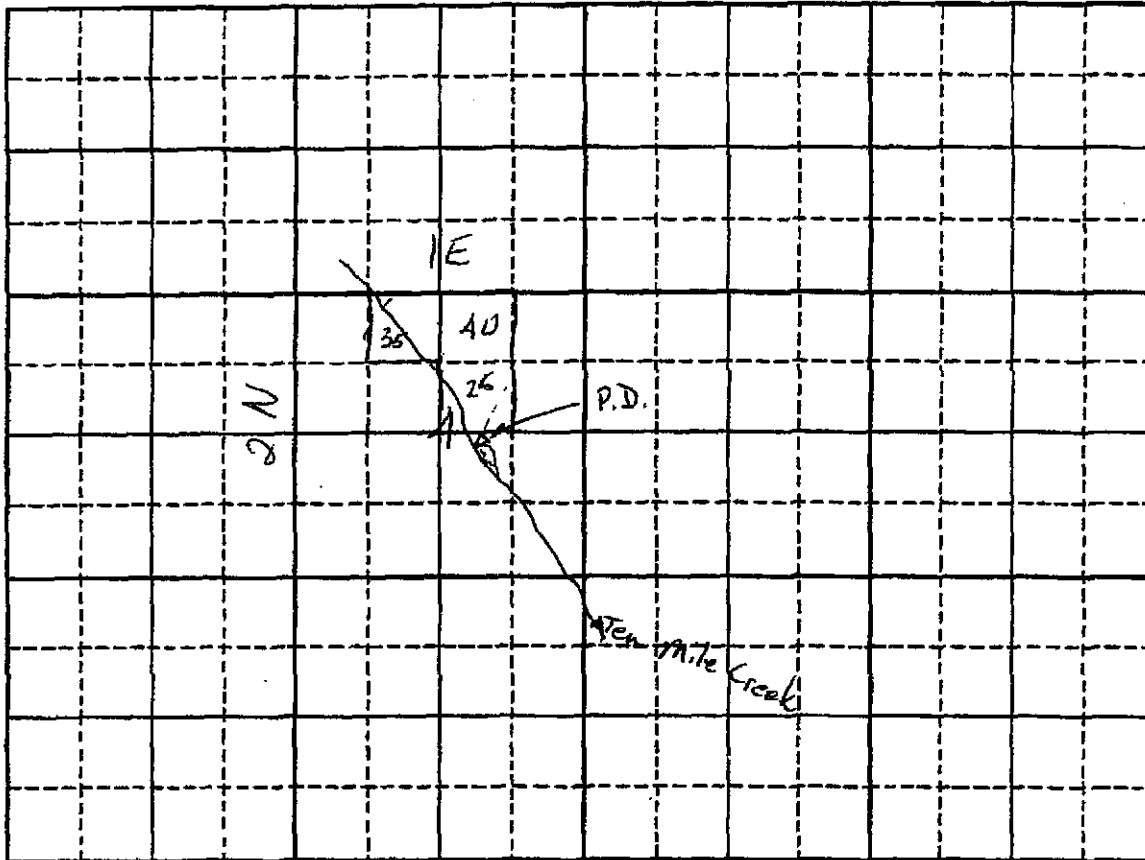
[illegible]

Total No. of acres 100

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 14th day of April, 19 78

Melvin D. Hodges
(Claimant)

Marcia L. Brown
Notary Public
Residing at Brainer, Idaho

My commission expires 8/12/79

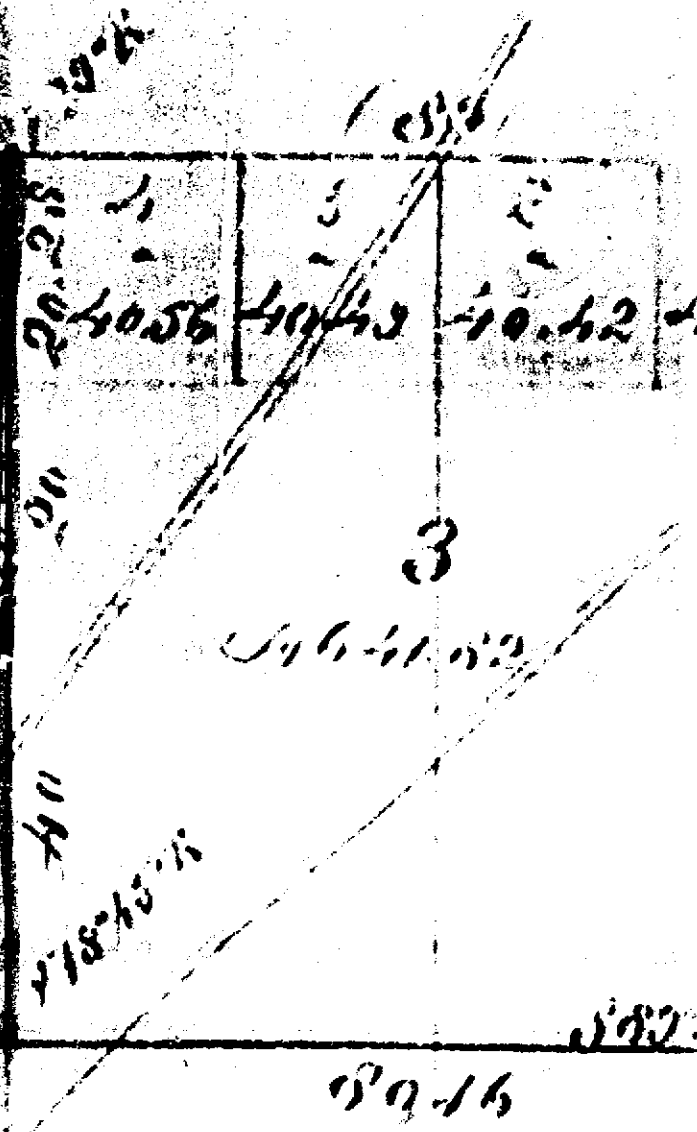
For Department Use Only

Received by <u>meb</u>	Date <u>4/14/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>W.H.M.</u>	Date <u>4-19-78</u>		claimant by:	
\$10.00 fee received by <u>meb</u>	Date <u>3/30/78 #11223</u>			
Approved for publication by <u>[Signature]</u>				
Published in <u>Idaho Statesman</u>				
Dates <u>Apr 27 - May 7</u>				

A63-04607

702N R01E

1875



RECEIVED

APR 21 2006

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA) A. Subcase 63-4607B
(insert water right number)
Case No. 39576)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise-Kuna Irrigation District
Address: 129 N. School Ave.
Kuna, ID 83634
Daytime Phone: 922-5608

Name & Address of Attorney, if any:

Shelley M. Davis
Barker Rosholt & Simpson, LLP
205 N. 10th Street, Ste. 520, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Wilson Properties LP
Address: 1101 W. River St., Ste. 150
Boise ID, 83702

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Boise-Kuna Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Ada)

Shelly M. D., duly sworn, upon oath, deposes and says:
(Name of person filing objection)

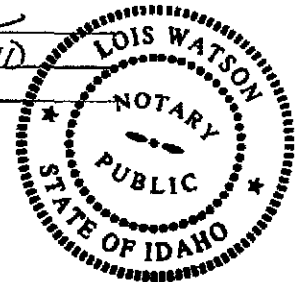
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

S. M. D.
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 19, 2006

Notary Public for Res. Watson
Residing at: Ada County, Idaho
My Commission Expires: 12/08



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 20, 20006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Wilson Properties LP
Address: 1101 W. River St., Ste. 150
Boise, ID 83702

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

10/19/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4607B

NAME AND ADDRESS: WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

SOURCE: TENMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 1.300 CFS
292.500 AFY

PRIORITY DATE: 03/29/1947

POINT OF DIVERSION:

T02N R01E S4 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.300 CFS 292.50 AFY

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S04 Lot 2 NWNE	40.0	T02N R01E S04	SWNE	25.0
--------------------------	------	---------------	------	------

65 ACRES TOTAL

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from New York Irrigation District.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 19, 2005

Wilson Properties
1101 W. River St. Ste 150
Boise, ID 83702

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Re: Notice of Claim to a Water Right No. 63-4607B

Dear Claimant(s):

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

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

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

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon".

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

05/05/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4607B

NAME AND ADDRESS: BOISE RANCH GOLF COURSE INC
6501 S CLOVERDALE RD
BOISE ID 83709

SOURCE: TENMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 1.300 CFS
292.500 AFY

PRIORITY DATE: 03/29/1947

POINT OF DIVERSION:

T02N R01E S4 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.300 CFS 292.50 AFY

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S04 Lot 2 NWNE	40.0	T02N R01E S04	SWNE	25.0
--------------------------	------	---------------	------	------

65 ACRES TOTAL

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

Use of this right is combined with water from New York Irrigation District.

Idaho Department of Water Resources

63-4607B

T02N R01E S4



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



IDWR

Prepared by: Sandy Egbert

Date: 5-5-05

1987 NAPP Photography

600 0 600 1200 1800 2400 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4607B V1

WATER RIGHT NUMBER: 63-4607B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MELVIN D HODGES 6701 S CLOVERDALE RD BOISE, ID 83709 (208)362-9364
Original Owner	DOLORES D HODGES 6701 S CLOVERDALE RD BOISE, ID 83709 (208)362-9364
Current Owner	BOISE RANCH GOLF COURSE INC 6501 S CLOVERDALE RD BOISE, ID 83709 (208)362-6501

Priority Date: 03/29/1947

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
TENMILE CREEK	FIFTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.300 CFS	292.50 AF
	<u>Total Diversion:</u>	1.300 CFS	292.50 AF

Location of Point(s) of Diversion

TENMILE CREEK	NW1/4SE1/4	Sec. 4,	Twp 02N,	Rge 01E, 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	
02N	01E	4		40.0	25.0														65.0
				L 2															

Total Acres: 65

Conditions of Approval:

1. E11 Use of this right is combined with water from New York Irrigation District.
2. C18 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. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4607B V1

Comments:

1. segbert 5/5/2005 Forfeiture

Comment: The superintendant of golf course stated to field examiner that this water right has not been used since 1994 but it still cannot be forfeited since it was used for the five years before claim was filed. This water right might be subject to forfeiture 5 years after the decree.

2. segbert 5/5/2005 POD

Comment: The POD could not be found during the field exam because it begins in a pond and has buried gravity flow pipe running from it. Recommended because of affidavit from former owner stating the system was in place and used from 1950 through 1992.

3. segbert 5/5/2005 POD

Comment: Updated shape

4. segbert 5/5/2005 POU

Comment: Updated Shape

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	5/5/2005 3:27:22 PM	segbert			Active
POD	5/5/2005 3:28:27 PM	segbert			Active
Source	5/5/2005 3:32:28 PM	segbert			Active
POU	5/5/2005 3:33:05 PM	segbert			Active
Use	5/5/2005 3:37:01 PM	segbert			Active
Season	5/5/2005 3:37:46 PM	segbert			Active
Quantity	5/5/2005 3:39:18 PM	segbert			Active
Summary			05/05/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4607B V1

General	5/5/2005 3:27:23 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? Description for Question 12/13 - affidavit from former owner
POD	5/5/2005 3:28:28 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	5/5/2005 3:32:29 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - field exam
POU	5/5/2005 3:33:06 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - field exam
Use	5/5/2005 3:37:02 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - field exam

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4607B V1

Season	5/5/2005 3:37:46 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	5/5/2005 3:39:18 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - under 2.0 cfs Description for Question 10 - 4.5 x 65.0 acres
Summary	5/5/2005 3:52:42 PM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4607B

WATER RIGHT NUMBER: 63-4607B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MELVIN D HODGES 6701 S CLOVERDALE RD BOISE, ID 83709 (208)362-9364
Original Owner	DOLORES D HODGES 6701 S CLOVERDALE RD BOISE, ID 83709 (208)362-9364
Current Owner	BOISE RANCH GOLF COURSE INC 6501 S CLOVERDALE RD BOISE, ID 83709 (208)362-6501

4607A
.7 CFS
NEW 350 acres

Priority Date: 03/29/1947 ✓
Basis: ~~Statutory Claim~~ *Beneficial Use*
Status: Active ✓

<u>Source</u>	<u>Tributary</u>
TENMILE CREEK	FIFTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/15	3-1 to 11-15	1.300 CFS ✓	292.5
	<u>Total Diversion:</u>		1.300 CFS ✓	

Location of Point(s) of Diversion
TENMILE CREEK ✓ NW1/4SE1/4 ✓ Sec. 4, ✓ Twp 02N, Rge 01E, B.M. ✓
ADA County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	01E	4	40.0	25.0			65.0
			L 2				

Total Acres: 65

Conditions of Approval:

Remarks:

- General THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-04607, FEE PAID UNDER RECEIPT NO. W002310. 10/06/1994 MM.

New York Survey Dist

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4607B

Comments:Dates and Other Information:

Claim Received Date: 2/27/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Field Exam Date 9-24-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary? *not notarized*
☒ Check fees paid
☐ Well logs (if needed)
☒ Copy of topo or NAPP
☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
☒ Check POD & POU overlap, see below - include overlapping right for exam
☒ Evidence of Priority - if none, talk with claimant
- Original claim was notarized
- This is OK
L. Conner Barton
9-25-05*

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) 3-04607 B

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
☐ NEW OWNER
☒ No change Address
☐ NEW ADDRESS
☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☐ No change - Complete evidence submitted or not necessary
☒ Incomplete - Claimant should be asked when water was first used and submit proof of date.
☐ Priority date is acceptable/within mandatory filing dates?

see affidavit from former owner in file
Priority date, per claimant, is: water has not been put to use
(If priority date, based on your exam, seems questionable, explain below.)

by golf course
see letter in file from Deborah Nelson

Source: _____ Tributary to _____

- ☒ No Change - SAME SOURCE
☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
☐ POD found is different than claimed:
☐ If different, when did POD change? golf course sup (Ken) not sure
see letter in file from Deborah Nelson
see remarks

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SE	NE	NW	4				

Description of diverting works

none

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES

☐ No change

☐ Different Uses

change season of use

Use _____ From 3/1 To 11/15 Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

☒ Incomplete on claim, the total is, Amount _____ CFS 292.5 AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

4.5 x 65 acres = 292.5
1.3 x 1,9835 x 260 = 670.4

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☒ No Change

☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: _____

Delivery System Narrative: _____

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Recommended per affidavit from former Owner - no forfeiture since it has only been since 1994 that it has not been used

*See letter from Deborah E. Nelson in file
Statement signed by former owner Melvin Hodges*

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete them.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress regularly to ensure that the project is on track.

5. Finally, the fifth step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals to determine the effectiveness of the project and identify areas for improvement.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE ~~EXAM~~ ^{Review} CONDUCTED: 5-5-05

FIELD EXAMINER: Sandy Eybert

Receipt Details for ID W002310

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/27/1989 10:04:49 AM	2/27/1989	Western	\$150.00	Check
Payer		HODGES, MELVIN D.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
136			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$150.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4607		\$150.00	Claim

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208-388-1200
FACSIMILE: 208-388-1300
WEBSITE: www.givenspursley.com

Deborah E. Nelson
DIRECT DIAL: 208-388-1215
EMAIL: den@givenspursley.com

Gary G. Allen
Kelly T. Barbour *
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Deborah K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Franklin G. Lee

David R. Lombardi
D. David Lorello, Jr.
Emily A. MacMaster
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.

Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

*Licensed in Texas

RECEIVED

MAR 24 2005

WATER RESOURCES
WESTERN REGION

March 23, 2005

Sandy Egbert
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

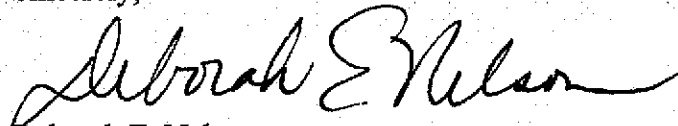
Re: SRBA Claim 63-4607B
Our File No. 5142-21

Dear Sandy:

With this letter I am forwarding a letter acknowledged by Melvin Hodges documenting historical use of Water Right 63-4607B. Pursuant to our telephone call earlier today, I understand you will contact me if you need any further information to recommend this water right as claimed, once you have had a chance to review the file and the enclosed information.

As I mentioned in our call, I will be out of town from March 24-29, 2005, returning to the office March 30th. Thank you for your assistance.

Sincerely,



Deborah E. Nelson

Enclosure

cc: Charles Wilson

DEN:kdt S:\CLIENTS\5142\21\DEN to Egbert (IDWR) re historical use).DOC

MAR 24 2005

WATER RESOURCES
WESTERN REGION

MAR 22 2005

Givens Pursley, LLP

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
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RETIRED

James A. McClure
RETIRED

*Licensed in Texas

March 18, 2005

Melvin Hodges
6203 West Lake Hazel Road
Nampa, Idaho 83687-9033

Re: Water Right No. 63-4607
Our File No. 5142-21

Dear Mr. Hodges:

Thank you for taking the time to speak with me yesterday about your prior water use under Water Right 63-4607 on a 100-acre parcel of land and, in particular, on the 65-acre portion of this land that you sold to Boise Ranch Golf Course, located at Township 2 North, Range 1 East, Section 4, Lots 1 and 2. (The portion of this water right that was sold with the golf course land became 63-4607B after the sale.)

As I understand our telephone conversation, Water Right 63-4607 is diverted out of Ten Mile Creek via a gravity flow pipe buried in a pond area into which Ten Mile Creek flows along the southern edge of the golf course property. Before selling to Boise Ranch Golf Course, you owned and irrigated the entire 100-acre property using this gravity diversion from 1950 through 1992. When you bought the property, this same diversion was already in use by the prior owner. You used the water from Ten Mile Creek throughout the entire irrigation season and in the shoulder seasons in addition to your water supply from New York Irrigation District. Your constant diversion rate out of Ten Mile Creek was approximately 2.5 cfs.

If this information is accurate to the best of your knowledge, please sign below and return this letter to me by March 23rd if at all possible. I will then provide this letter to the Idaho Department of Water Resources to substantiate historical use of Water Right 63-4607B. If there is anything that I have misstated in this letter, please feel free to make that notation on the letter before signing. Please feel free to call me with any questions or concerns at 388-1200. Thank you for your assistance in this matter.

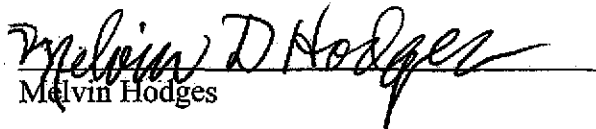
Sincerely,

Deborah E. Nelson
Deborah E. Nelson

Melvin Hodges
March 18, 2005
Page 2

ACKNOWLEDGMENT

The information contained in the above letter with regard to the historical use of Water Right No. 63-4607 is accurate to the best of my knowledge.


Melvin Hodges

Date: 3-21-05

CONVERSATION MEMORANDUM

TO: CLAIM FILE NO. 63-4607B
FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN REGION
SUBJECT: ADDITIONAL INFORMATION NEEDED FOR RECOMMENDATION
DATE: 3/17/2005
CC:

I received an office day call from Deb Nelson regarding this claim file. Deb had talked to Craig about this claim file previously and wanted to know what agent would be reassigned the claim review. Deb represents potential buyers of the golf course property. Also, her office requested a copy of the claim file.

Craig did not have enough information to recommend the claim and had set a 3/11/05 deadline for information due from the claimant re pod, diversion rate, dates of use, irrigated acres, etc. Deb indicated that Craig had granted an additional extension, however, this info is not in the file. We agreed on a 3/25/05 deadline.

Deb stated that she has been in contact with former owners who have sufficient knowledge of the history of the water use. Most notably, former owner, Mr. Hodges, who used the Tenmile Cr. water as his main irrigation source from about 1957 to 1993 when he sold the property.

Deb indicated that there currently is not [or has never been] a pump in place, but that the diversion/delivery system was a gravity system and that the water flowed into pipe system.

Deb Nelson 388-1215

Katrina [Deb's secretary] 388-1227 - call her when copy of claim file is ready and she will send runner to pick it up.

VLM

Shurte, Jan

From: Saxton, Craig
Sent: Thursday, March 10, 2005 10:47 AM
To: Shurte, Jan
Subject: 63-04607B

Hey Jan,

I knew this one was coming. I got a call from Dick Davis 362-6501. He is representative for Boise Ranch Golf course. I sent him a letter (below) stating that I was planning on disallowing the claim. I don't have evidence of use, POD, Diversion works, and Karan's field exam didn't find anything either.

I told Dick on the phone that basically if they aren't using the water, they probably don't have a water right. He didn't sound positive about it but asked if he could do some more research and would get back to you next week. I can talk to him if you want. I don't really care. I do know that file pretty well.

Anyway, I gave him a March 11, 2002 deadline in my letter and he wanted more time, so I told him that I would e-mail you so whoever gets the file knows that he is working on it and plans to call next week.

Let me know if you have any questions.

Thanks Jan.

Craig



Boise Ranch Golf
2-25-05.doc

February 25, 2005

BOISE RANCH GOLF COURSE INC
6501 S CLOVERDALE RD
BOISE ID 83709

RE: Snake River Basin Adjudication (SRBA) claim 63-04607B

Dear Sir or Madam,

The Idaho Department of Water Resources is currently in the process of reviewing SRBA claims in your area.

On 9-24-03, and IDWR employed contractor conducted a field exam. Her notes state that water from Tennile Creek has not been put to use by the golf course. Contractor notes state that Tennile creek water had not been used since at least 1994, there is no point of diversion in place, and that NY canal water is used to irrigate the ground.

On April 2, 2004 I spoke with Ken Wheeler and informed him that evidence would need to be provided showing that the water from Tennile Creek had been put to beneficial use.

I received a letter from Ken Wheeler dated April 4, 2004 stating that the water had been used during the year of 1999 and 2000. However, there is no mention of the how or to the extent of use.

At this time I do not have enough information to make a positive recommendation to the SRBA court. Unless further information is received, including, dates of use, location of point of diversion, diversion rate, and a map of irrigated ground, IDWR will have to recommend this claim as disallowed to the SRBA court as no beneficial use found.

If you disagree with this recommendation, please contact IDWR or submit the requested information by **March 11, 2005**.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

7-16-03 : 63-18152 - GW Domestic Partially Decreed

63-12097 - GW Application

: Need to find out historical POD and where the new one is. If changed - When did it change?

: Where is water used? Possible Enlargement of the Right.

: Possible Amended Claim

9-23-03 called claimant - Dick Davis Mgr. said to call Ken Wheeler - Superintendent

362-9628 Shop, Ken's cell 867-6606
field exam appt. set 0800, 9-24-03

on the phone Ken said they are not using water from Ten Mile Creek and haven't since he's been there, (1994) but he wanted to see the claim file because he didn't know they had a WR.

at the exam Ken said that they could have used 10 miles Cr. water to extend the season after NY Canal shut off except during construction of the golf course and subdivisions the ditch from the original POD was cut off. There is a new diversion pt built by the other land owners but it is downhill from the golf course so they would need a pump to use the water. The current irrigation set up at the golf course is designed for only NY Canal water.

4-29-04 : conflicting statements on if water was used or not recently.

4-30-04 : Warranty deed shows Golf Course Bought Property in 1993.

2-28-05 : Priority Evidence in 63-046070



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 28, 2004

GARY B & ELSIE L HERRIOTT TRUST
5550 S LINDER RD
MERIDIAN ID 83642

RE: CHANGE IN OWNERSHIP FOR SNAKE RIVER BASIN ADJUDICATION
(SRBA) CLAIM 63-04607A

Dear Sir or Madam:

It has come to our attention that you may have recently purchased a tract of land in ADA County. According to our records, the property to which I am referring to was most recently owned by Earl and Tracey Hodges. The legal description is as follows:

T02N R01E S4 NE1/4 NW1/4

This property was filed on in the Snake River Basin Adjudication (SRBA). IDWR is currently in the processing of reviewing the Adjudication claims in basin 63 part 2. We recommend that if, in fact, you now own the property in question, and do use the water for the purposes claimed, you should file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have any questions regarding this matter, please call this office at 334-2190.

Respectfully submitted,

Craig L. Saxton
SR Water Resource Agent
Enclosure(s)

April 4, 2004

Dear Mr. Saxton,

This letter is in reference to our phone conversation April 2, 2004 concerning the water rights on Ten Mile Creek. During the years of 1999 and 2000 Boise Ranch Golf Course has pulled water out of Ten Mile Creek to supplement our irrigation water.

Respectively,

Ken Wheeler
Golf Course Superintendent
Boise Ranch Golf Course

AJ5809NP
No. A63-04607B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/29/00
PAGE: 85

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BOISE RANCH GOLF COURSE INC 6501 S CLOVERDALE RD BOISE ID 83709 (208) 362-6501	03/29/1947	IRRIGATION	04-01 10-15	1.300 CFS	
TOTAL DIVERSION:					1.300 CFS	

Water Source: TENMILE CREEK

Tributary to: FIFTEENMILE CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T02N R01E S04 NWSE

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
02N	01E	4	:			02-40		25												:	65.0
																				TOTAL ACRES	65.0

POU County: ADA

Non-Irrigation Uses: INSTREAM STOCKWATERING

Other Rights: NEW YORK IRRIGATION DISTRICT

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-04175 A63-04607A

Other Water Rights Listing Overlapping Place(s) of Use:
A63-04607 R63-04607

Remarks: GEN THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A63-04607, FEE PAID UNDER RECEIPT NO. W002310.
10/06/1994 MM.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 10/06/94 MMINICUC 10/25/94 MMINICUC 03/30/95 POST-STD

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-04607B

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>Y</u>						
PT. OF DIV.	<u>Y *</u>						DATA ENTRY COMPLETED BY _____ DATE _____
SOURCE	<u>Y</u>						
PL. OF USE	<u>Y</u>						FINAL RECOMMENDATION BY _____ DATE _____
DIV. AMOUNT CFS/AF	<u>Y</u>						
CONSUMPTIVE USE	<u>Y</u>						
NATURE OF USE	<u>Y</u>						
PERIOD OF USE	<u>Y</u>						
BASIS OF CLAIM	<u>Y</u>						
REMARKS	<u>Y</u>						

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

COMMENTS: *See CORR regarding POD. See w Region's illegal diversions file for case info.

WR5809NP
No. 63-04607

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/21/95
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MELVIN D. HODGES	✓ 03/29/1947	IRRIGATION	04-01 10-15	2.000 CFS	
C	DOLORES D. HODGES 6701 S. CLOVERDALE RD. BOISE ID 83705			TOTAL DIVERSION:	2.000 CFS	

Water Source: TENMILE CREEK

Tributary to: FIFTEENMILE CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T02N R01E S04

NWSE ✓

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
02N	01E	4	:			40	25	:			35		:					:						100.0
						✓	✓																	100.0
TOTAL ACRES																							100.0	

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion and Source:
63-04175

Other Water Rights Listing Overlapping Place(s) of use:
63-12097

Dates:	App. Received:	Priority Date:	03/29/1947
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 03/26/85 05/01/88 CONVERT



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

A63-04607B
BOISE RANCH GOLF COURSE INC
6501 S CLOVERDALE RD

BOISE

ID 83709

Re: Claim No(s). A63-04607B

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

lh
Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1994

EARL D HODGES
TRACEY E HODGES
3727 E LAKE HAZEL RD
MERIDIAN ID 83642

RE: Notice of Claim to a Water Right No. A63-04607A

Dear Mr. and Ms. Hodges:

Enclosed is a copy of the above-referenced claim which reflects the change in ownership of the land and appurtenant water right to you.

You indicated during your visit to our office today that the point of diversion for your water right has been taken out by the new owners of the property at the point of diversion. It appears at this time that this is a private matter between property owners. A water right does not guaranty access or right of way privileges; any dispute regarding these issues is a private matter between the concerned parties.

An issue which you should be aware of concerns moving the point of diversion. If the point of diversion is put anywhere except its original location, an approved Transfer may be required from this Department. Please contact this office in the event that the point of diversion is moved from its exact original location.

If you have any additional questions or comments, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Maria Minicucci'.

Maria Minicucci

Water Agent, Adjudication Bureau

MM:m

Enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Date: October 6, 1994

RE: Original Notice of Claim to a Water Right No(s). A63-04607

Renumbered to Notice of Claim to a Water Right No. A63-04607B

[BOISE RANCH GOLF COURSE INC]
6501 S CLOVERDALE RD
BOISE ID 83709

[]

Dear Claimant(s):

We have received and processed the Change of Ownership form submitted on the Original Notice of Claim to a Water Right Number as referenced above. This change of ownership required a split of this original claim resulting in the renumbering of the original claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right Number for your portion is referenced above. The right holders of the remaining portion have also been notified of this split and renumbering of their original claim.

Enclosed is a copy of this new claim which now reflects your portion of the original water right. Please keep this copy for your files and refer to the new claim number when corresponding with our office. If you have any questions concerning this letter or the enclosed claim, please feel free to contact this office.

Sincerely,

ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Enclosure