

T04N R01W S24

NESW
40 acres

NWSE

Wastewater Ditch

SESW
37 acres

SWSE
2.1 acres

North Slough #2
(Settlers Delivery Ditch)



Idaho Department of Water Resources

S24
NWSE
NESW
SESW
NWSW

**T04N, R01W,
S24**

Claim No: 63-32345
Prepared By: Kimberly Brown
Date: September 11, 2006



Place of Use



Section Lines



1/4 1/4



Point of Diversion

Acres Irrigated = 79.1



1987 NAPP

T04N R01W S24

NESW
40 acres

NWSE

Wastewater Ditch

SESW
37 acres

SWSE
2.1 acres

North Slough #2
(Settlers Delivery Ditch)

T04N R01W S24

NESW
40 acres

NWSE

Wastewater Ditch

SESW
37 acres

SWSE
2.1 acres

North Slough #2
(Settlers Delivery Ditch)

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NESW
40 acres

NWSE

Wastewater Ditch

SESW
37 acres

SWSE
2.1 acres

North Slough #2
(Settlers Delivery Ditch)

[illegible]

T04N R01W S24

NESW
40 acres

NWSE

Wastewater Ditch

SESW
37 acres

SWSE
2.1 acres

North Slough #2
(Settlers Delivery Ditch)

T04N R01W S24

NESW
40 acres

NWSE

Wastewater Ditch

SESW
37 acres

SWSE
2.1 acres

North Slough #2
(Settlers Delivery Ditch)

T04N R01W S24

NESW
40 acres

NWSE

Wastewater Ditch

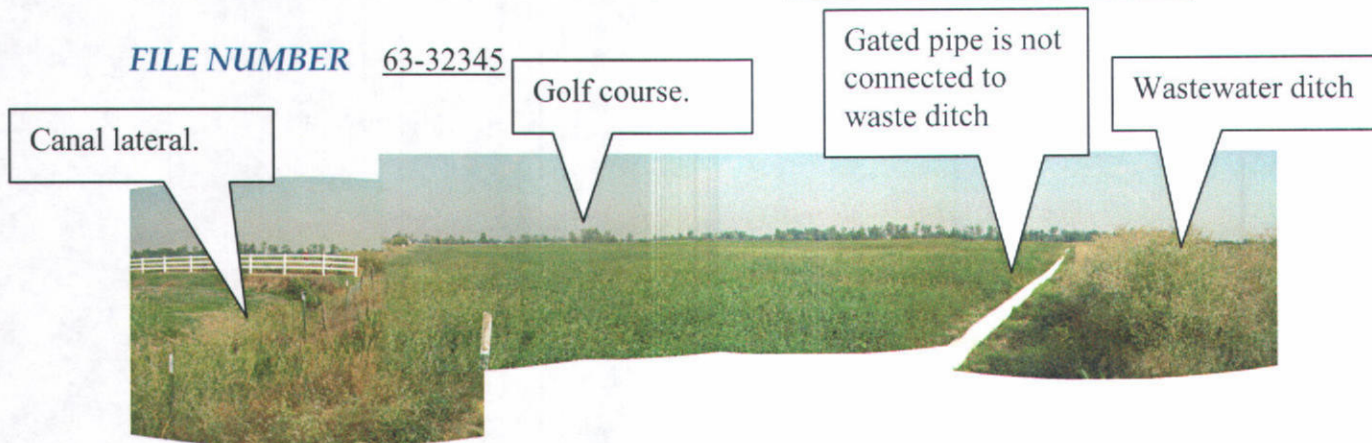
SESW
37 acres

SWSE
2.1 acres

North Slough #2
(Settlers Delivery Ditch)

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 9/6/2006

FILE NUMBER 63-32345



The photo above shows the wastewater ditch, the canal company lateral and the golf course can be seen in the background (the trees is the golf course).

The bottom photo is of the 2.1 acres irrigated from this diversion. This ground was not included in the photos from the field exam for water right 63-12092, so I took a picture to show it is currently being irrigated out of this system.



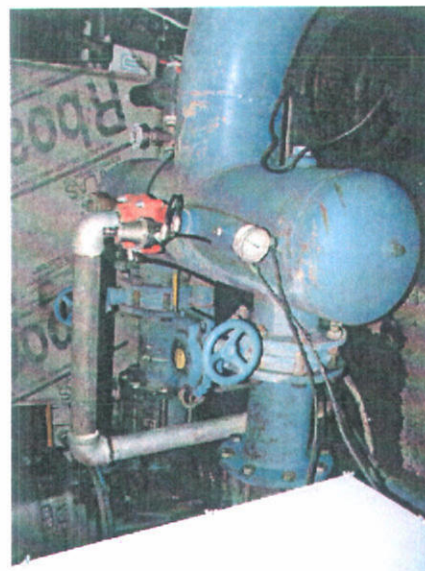
PLEASE SEE THE ASSOCIATED INFORMATION FROM FIELD EXAM 63-12069 FOR ADDITIONAL PICTURES SHOWING THE GOLF COURSE POU AND RELIFT PUMPS .

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 9/30/2004

FILE NUMBER 63-12092



These are the two 50Hp pumps that are used to pump water from the ponds into the buried irrigation system. They can only pull the water from the ponds, and are not directly plumbed to the well.



This photo is the piping from the irrigation pumps to the irrigation system.

COPY

2004
Field Exam

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 9/30/2004

FILE NUMBER 63-12092

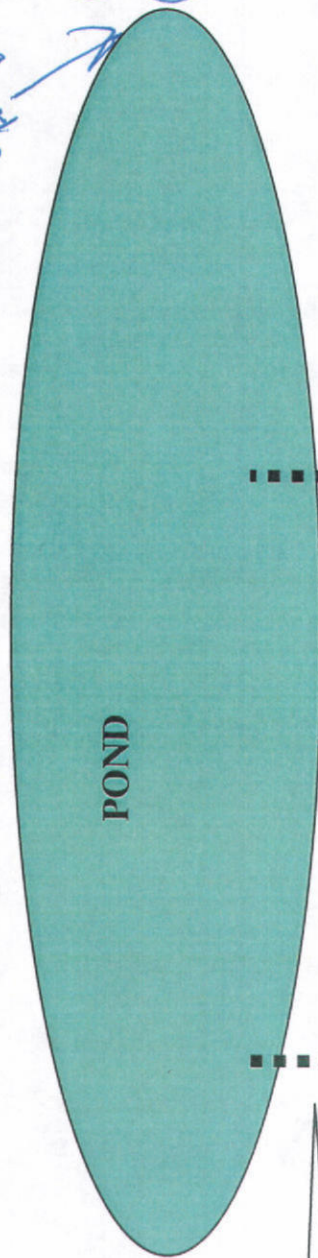


These are photos of the pond and the golf course. The pond on the right is the east pond and the you can see the two other ponds over by the pump house.

COPY

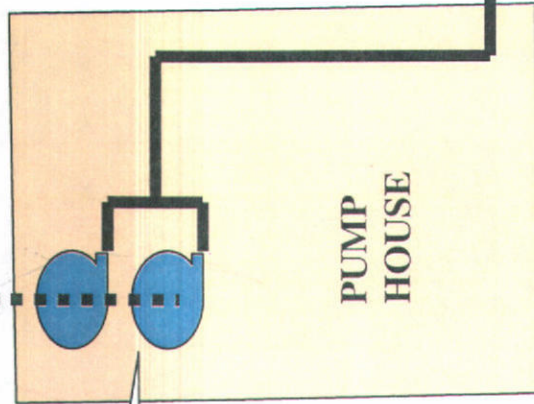
2004
Field Exam

SYSTEM DIAGRAM



SUPPLY MAINLINE FROM POND

2-50 Hp PUMPS DIVERTS WATER TO SPRINKLER MAINLINE



PUMP HOUSE



WELL



MAINLINE TO POND. OPEN DISCHARGE

MAINLINE TO BURIED SPRINKLER SYSTEM

Water from the well is open discharged into the pond through a 3 inch mainline. The water in the pond is delivered by a mainline to 2 - 50 Hp pumps. The two relift pumps divert the water into a mainline that serves an under ground sprinkler system

COPY

Water Direct from 2-50 Hp Pumps
2004 Field Exam





#63-32345
1987 NAPP

\$24

\$19

#63-32345

2000 NAPP

NENE

NWNE

NENW

SENE

SWNE

SENW

SWNW

S19

NWSW

NESE

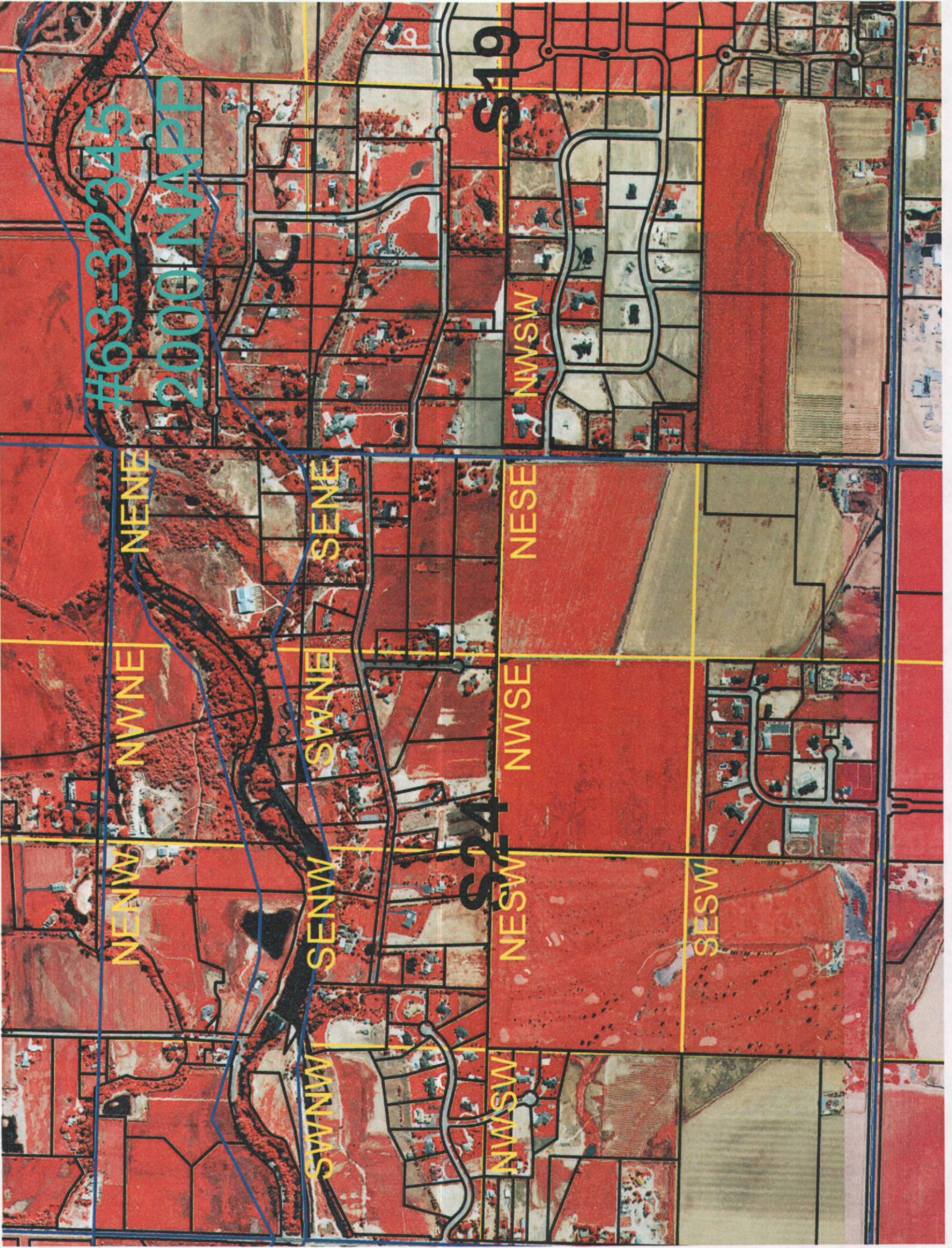
NWSE

S24

NESW

NWSW

SESW



#63-32345
2003 NAPP

S19

NWSW

NENE

NWNE

NZNW

SENE

SWNE

SENW

SWNW

NESE

NWSE

S24

NESW

NWSW

SESW



39.0 ACRES

34.7 ACRES

Todd Crockett -
"very little
wastewater comes
off of this
field." →

Want
Add.
5.0 Acres
from #63-4975

RECEIVED
SEP 18 2006

WATER RESOURCES
WESTERN REGION

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 63-32345
Date Received: 6/30/2006
Receipt No:
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID USA 83702

Phone: (208)424-9322

2. Date of Priority: 03/01/1954

3. Source: WASTE WATER

Trib. to: NORTH SLOUGH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	24	SW SE	ADA	

5. Description of diverting works:

Gravity diversion.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	1.58	

7. Total Quantity Appropriated is:
1.58 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
04N	01W	24	NE	SW	IRRIGATION	40
			SE	SW	IRRIGATION	37
			SW	SE	IRRIGATION	2.1
					Section Acres	79.1
					Total Acres	79.1

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:

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

Place of use is known as Foxtail Golf Course.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

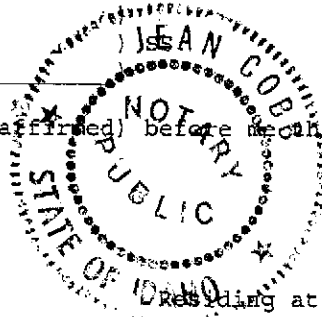
For Organizations:

I do solemnly swear or affirm that I am Managing Partner of
Title
Wilson Properties L.P., that I have signed the foregoing
Organization
document in the space below as Managing Partner of
Title
Wilson Properties L.P. and that the statements contained in the
Organization
foregoing document are true and correct. Charles H. Wilson
Signature of Authorized Agent
Managing Partner, Wilson Properties L.P.
Title and Organization
9-13-06
Date

State of Idaho

County of Ada

Subscribed and sworn (or affirmed) before me on this 13th day
of September 2006



Jean Cobb
Notary Public

Residing at Boise, Idaho

My commission Expires 4/25/2011

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 63-32345
Date Received: 6/30/2006
Receipt No: W034413
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: 03/01/1971

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	19	NW SW	ADA	

5. Description of diverting works:

Gravity diversion.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.6	

7. Total Quantity Appropriated is:
1.6 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
04N	01W	24	NE	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
					Section Acres	80
					Total Acres	80

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: 63-32346 (63-4975), 63-12092, 63-32043, 63-170A

14. Remarks:

This claim is based on a portion of 63-4440.

15. Basis of Claim: Beneficial Use

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 RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32345

Date Received 6-30-06

Receipt Number W034413

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 30 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant(s) Wilson Properties LP Phone (208) 424-9322
Mailing Address 1101 W. River Street, Suite 150, Boise, ID Zip 83702
2. Date of Priority (only one (1) per claim) 3/1/1971
3. Source of water supply (a) Unnamed stream
which is tributary to (b) Sinks
4. a. Location of existing point of diversion is: Township 4N Range 1E Section 19,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Ada
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____
1/4, Govt. Lot B.M., County of
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Gravity diversion.

6. Water is claimed for the following purposes

		(both dates are inclusive)			(cfs)		(acre feet)
For	Irrigation	purposes from	3/15	to	11/15	amount	1.6 or
For		purposes from		to		amount	or
For		purposes from		to		amount	or
For		purposes from		to		amount	or

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1W	24									40			40					80

Total number of acres irrigated 80

11. In which county(ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

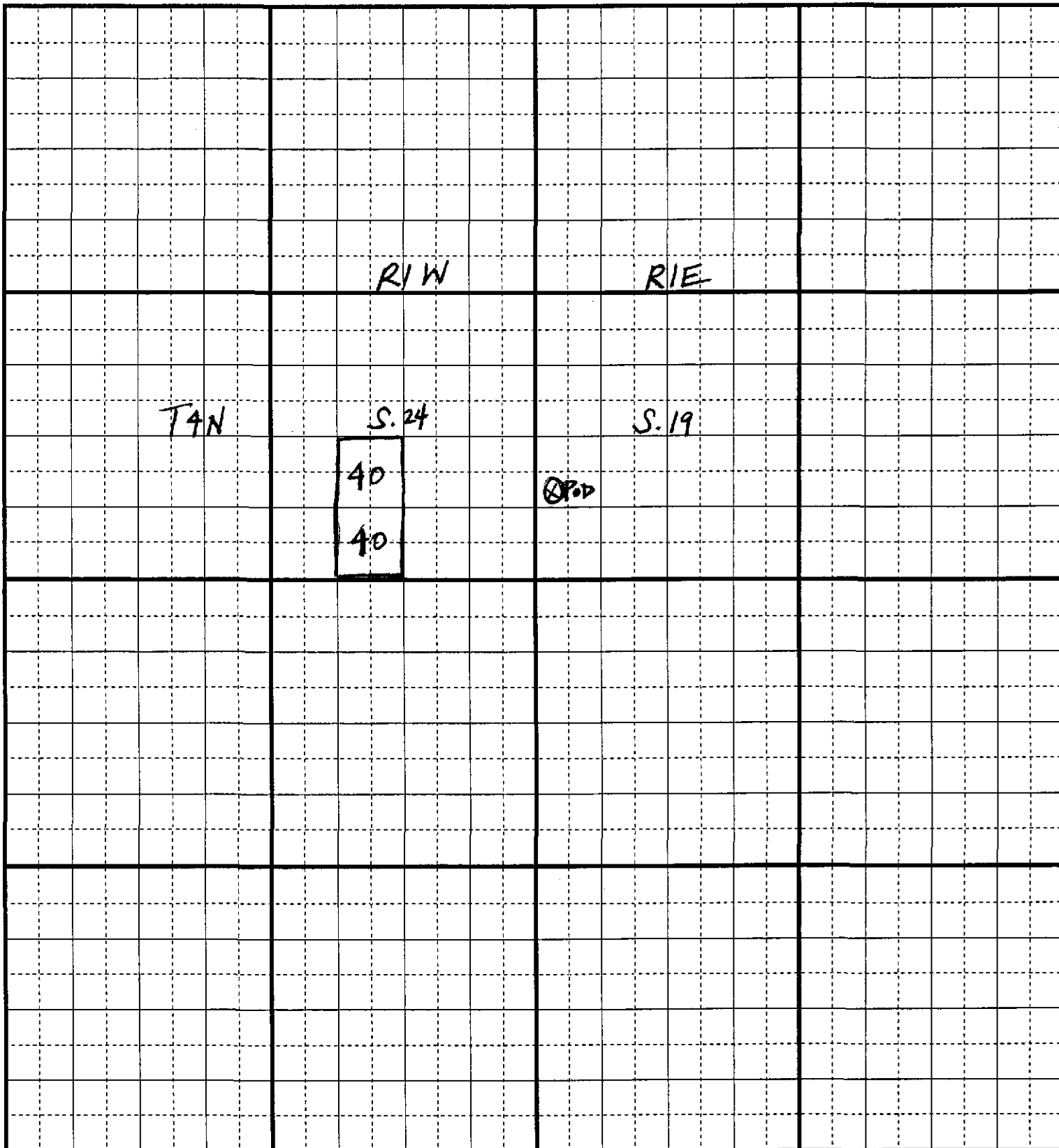
13. Describe any other water rights used at the same place and for the same purposes as describe above.
63-32346(63-4975), 63-12092, 63-32043, 63-170A or None ()

14. Remarks: The claim number was assigned by IDWR; the claim is based on a portion of water right 63-4440.

Last Name Wilson Properties LP Ident. No. 63-32345

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Beneficial Use ☒ X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 63-4440

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Charles Wilson, Partner
Title _____

of Wilson Properties LP, that I have signed the foregoing

Organization

document in the space below as Partner of Wilson Properties LP

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Charles H. Wilson 6-28-06

Title and Organization Partner, Wilson Properties LP Date 6/28/06

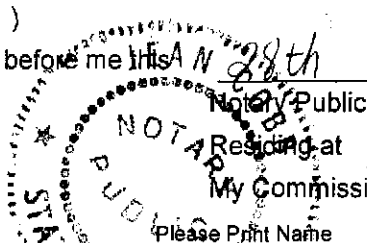
State of Idaho/or _____)

) SS.

County of Ada)

Subscribed and sworn (or affirmed) before me this 28th day of June 2006

SEAL



Notary Public

Residing at

My Commission Expires

4/25/2011

17. Notice of Appearance:

Notice is hereby given that I, Deborah Nelson, Givens Pursley LLP will be acting as attorney at law on behalf

of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing

above should be mailed to me at the address listed below.

Signature Deborah E. Nelson

Address 601 W. Bannock Street, Boise, ID 83702

Date 6/28/06

Last Name Wilson Properties LP Ident. Number 63-32345

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 63-32345
Date Received: 6/30/2006
Receipt No:
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID USA 83702

Phone: (208)424-9322

2. Date of Priority: 03/01/1954

3. Source: WASTE WATER

Trib. to: NORTH SLOUGH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	24	SW SE	ADA	

5. Description of diverting works:

Gravity diversion.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	1.58	

7. Total Quantity Appropriated is:
1.58 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
04N	01W	24	NE	SW	IRRIGATION	40
			SE	SW	IRRIGATION	37
			SW	SE	IRRIGATION	2.1
					Section Acres	79.1
					Total Acres	79.1

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:

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

Place of use is known as Foxtail Golf Course.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization

document in the space below as _____ of
Title

_____, and that the statements contained in the
Organization

foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

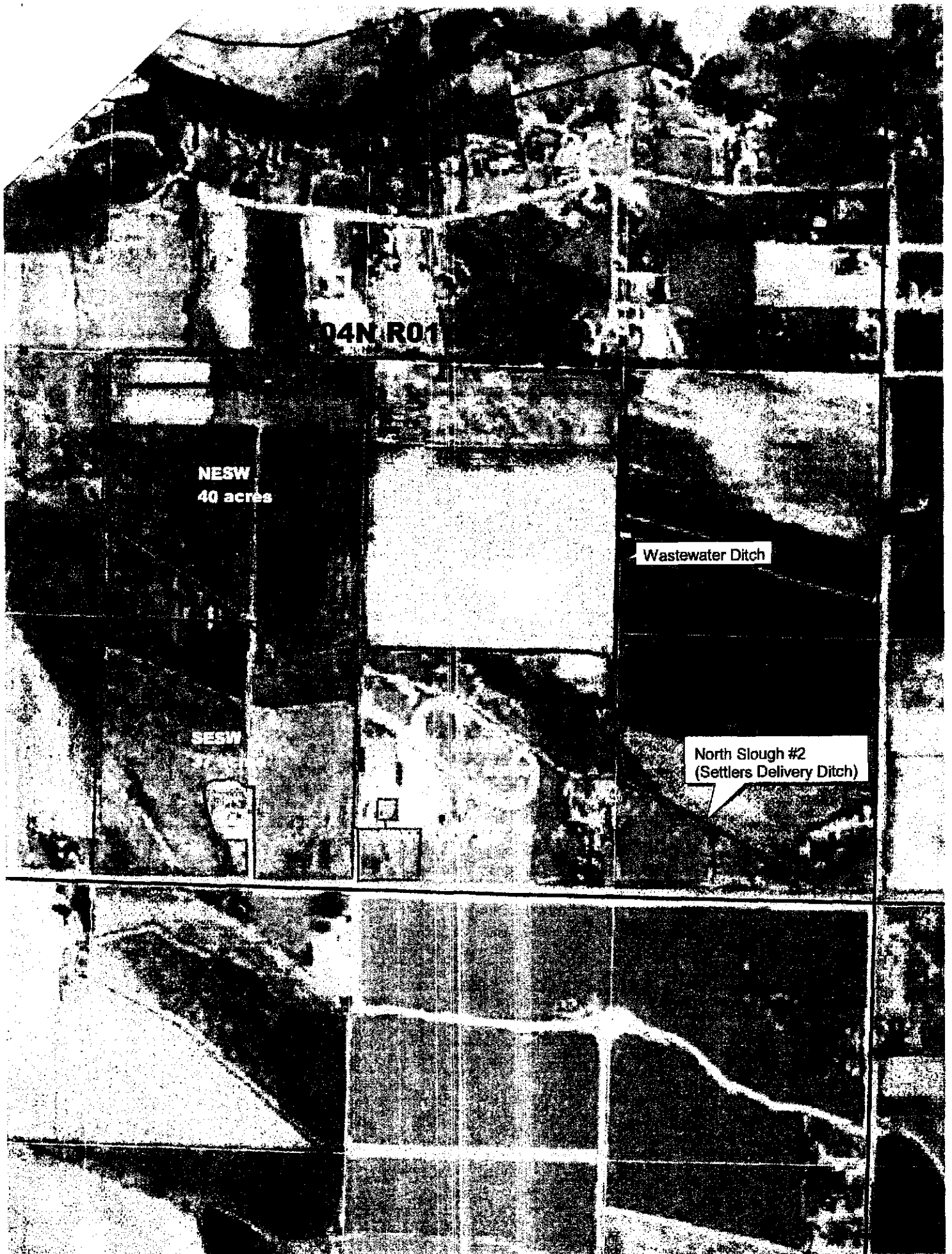
Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____



04N R01

NESW
40 acres

SESW
37 acres

Wastewater Ditch

North Slough #2
(Settlers Delivery Ditch)

Idaho Department of Water Resources Receipt

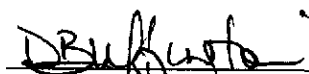
Receipt ID W034413

Payment Amount \$180.00 Date Received 6/30/2006 4:05:12 PM Region Western Status
Payment Type Check Check Number 47056

Payer GIVENS PURSLEY LLPComment NOTICE OF CLAIM TO A WATER RIGHT: WILSON PROPERTIES LP

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$180.00	ADJUDICATION FILING FEE	0337		42503	1155



Signature Line (Dept. Representative)

COPY

MICHAEL P. LAWRENCE ISB No. 7288

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

Attorney for Wilson Properties LP

RECEIVED
JUN 20 2007
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

Case No. 39576

A. Subcase 63-32345
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilson Properties LP
Address: 1101 W. River Street, Suite 150
Boise, ID 83702
Daytime Phone: 208-424-9322

Name & Address of Attorney, if any:

Michael P. Lawrence
Givens Pursley LLP
P.O. Box 2720
601 W. Bannock
Boise, ID 83701

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

Name: Wilson Properties LP
Address: 1101 W. River Street, Suite 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: (See explanation below)
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. 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 OBJECTION(S):** A provision included in the Director's recommendation for water right no. 63-32345 states, "This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it." Parties in Basin 63, Part 2, however, are currently developing a different provision to include in water rights with "waste water" listed as the source. Any such "waste water" provision contained in the partial decree for water right no. 63-32345 should be the same as that used for similar rights in Basin 63, Part 2.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

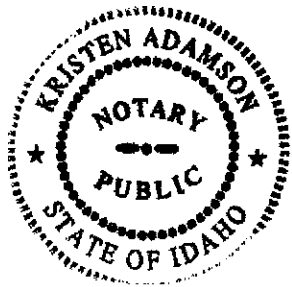
Michael P. Lawrence, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the attorney for Wilson Properties, LP and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Michael P. Lawrence

Subscribed and sworn to before me on: June 19, 2007

Kristen Adamson
Notary Public for Idaho
Residing at: Middleton, ID
My Commission Expires: 6-15-2013



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 June 19, 2007, I mailed the original and copies of this response, 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:

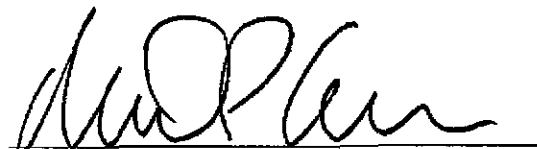
Name: Wilson Properties, LP
Address: 1101 W. River Street, Suite 150
Boise, ID 83702

3. Copies to:

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

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Michael P. Lawrence, Counsel for Objector

12/10/2006

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

RIGHT NUMBER: 63-32345

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

SOURCE: WASTE WATER TRIBUTARY: NORTH SLOUGH

QUANTITY: 1.580 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre.

PRIORITY DATE: 03/01/1954

POINT OF
DIVERSION: T04N R01W S24 SWSE 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	1.580 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R01W S24	NESW	40.00	T04N R01W S24	SESW	37.00
T04N R01W S24	SWSE	2.10			

79.1 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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Property is also known as Foxtail Golf Course.

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

09/11/2006

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

RIGHT NUMBER: 63-32345

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

SOURCE: WASTE WATER

TRIBUTARY: NORTH SLOUGH

QUANTITY: 1.580 CFS

This right when combined with all other rights shall provide no more than
0.02 cfs per acre nor more than 4.5 afa per acre.

PRIORITY DATE: 03/01/1954

POINT OF DIVERSION:

T04N R01W S24 SWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.580 CFS

PLACE OF USE: IRRIGATION Within ADA County

T04N R01W S24 NESW 40.00

T04N R01W S24 SESW 37.00

T04N R01W S24 SWSE 2.10

79.1 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

Property is also known as Foxtail Golf Course.

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

Idaho Department of Water Resources



**T04N, R01W,
S24**

Claim No: 63-32345
Prepared By: Kimberly Brown
Date: September 11, 2006



Place of Use



Section Lines

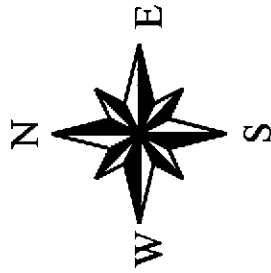


1/4 1/4



Point of Diversion

Acres Irrigated = 79.1



1987 NAPP

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

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DIRECT DIAL: 208 388-1215
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Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
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Steven J. Hippler
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Anne C. Kunkel
Jeremy G. Ladle

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J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

Via Facsimile and U.S. Mail

October 31, 2006

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

Re: Water Right Nos. 63-32345 and 63-32346

To Whom It May Concern:

Enclosed please find the Notice of Error Reply forms for water right numbers 63-32345 and 63-32346. You will note that Wilson Properties LP accepts the recommendations for both water rights and that no changes need to be made. If you have any questions or require any additional information please do not hesitate to contact me.

Sincerely,



Deborah E. Nelson

Enclosures

cc: Charles Wilson

DEN:kdtd S:\CLIENTS\5142\10\DEN Ltr to IDWR re Notice of Error Reply Forms.DOC

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

09/29/2006

**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: October 31, 2006

Water right number: 63-32345

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

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:

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: 10/31/06

SIGNATURE: Deborah E. Nelson

Please print your name: Deborah Nelson (attorney representative)

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

FAX COVER SHEET

DATE: Tuesday, October 31, 2006

PAGES (INCLUDING COVER): 4

ORIGINAL TO FOLLOW: Yes -- via U.S. Mail

From:

DEBORAH E. NELSON
GIVENS PURSLEY LLP

601 West Bannock Street

Post Office Box 2720

Boise, Idaho 83701-2720

Telephone: (208) 388-1200

Facsimile: (208) 388-1300

Email: den@givenspursley.com

Web: www.givenspursley.com

RE: Water Right Nos. 63-32345 and 63-32346
Our File No. 5142-10

TO: Idaho Department of Water Resources
Western Regional Office

SEND TO FAX PHONE: 334-2348

MESSAGE:

Please see attached.

— Deb

If this fax does not transmit fully or is difficult to read, please contact
me or my secretary, Katrina Thomas, at (208) 388-1227.

CONFIDENTIALITY NOTICE

This facsimile may contain confidential information that is protected by the attorney-client or work product privilege. It is intended only for the use of the individual(s) named above. If you are not a named recipient or an employee responsible for delivering the facsimile, you are instructed not to deliver, distribute or copy this facsimile, nor should you disclose its contents or take any action in reliance on the information it contains. If you have received this facsimile in error, please notify us immediately by telephone to arrange for the return of the transmitted documents to us. Thank you.

S:\CLIENTS\5142\10\DEN Fax to IDWR Western.DOC

GIVENS PURSLEY LLP

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Via Facsimile and U.S. Mail

October 31, 2006

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

Re: Water Right Nos. 63-32345 and 63-32346

To Whom It May Concern:

Enclosed please find the Notice of Error Reply forms for water right numbers 63-32345 and 63-32346. You will note that Wilson Properties LP accepts the recommendations for both water rights and that no changes need to be made. If you have any questions or require any additional information please do not hesitate to contact me.

Sincerely,



Deborah E. Nelson

Enclosures

cc: Charles Wilson

DEN:kdt S:\CLIENTS\5142\10\DEN Ltr to IDWR re Notice of Error Reply Forms.DOC

09/29/2006

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BOISE ID 83702
Telephone Number: (208)424-9322

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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: 10/31/06

SIGNATURE:

Deborah E. Nelson

Please print your name:

Deborah Nelson (attorney representative)

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

Parcel No: 8042346600# R 2916711 00.

Field Exam Date 9-11-06

(in-office review)

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?
- ☒ Check fees paid \$180⁰⁰
- ☒ Well logs (if needed) N/A
- ☒ 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

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) A63 - 32345

Owner: Wilson Properties LP Phone No. 424-9322

Current Address: 1101 W. River St., Ste. 150 83702

- ☒ No change NAME IS THE SAME AKA: "Foxtail Golf Course"
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: in-office verification

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?

Priority date, per claimant, is: 03/01/1971 1977 Stat. Clm. - signed by Robert Gamble 03/01/1954 2006 Affidavit signed by same Robert L. Gamble?

(If priority date, based on your exam, seems questionable, explain below.)

Attorney Deborah Nelson submitted an affidavit signed by Robert Gamble on 8/14/06 that substantiates use in 1954. However, when Robert L. Gamble (same person) filled-out the Statutory Claim in 1977, he put 1971 as the priority date. When Deborah Nelson was here at the Western Region office on 8/28/06, I addressed this issue and she said that Mr. Gamble put 1971 as the priority date on the Statutory Claim because John R. Pinkston told him to put that date on the claim. According to Ms. Nelson, the P.O. date was 1954.

Source: Unnamed Stream Tributary to Sink

- ☐ No Change - SAME SOURCE
- ☒ Source found is different than claimed: White Water / North Slough

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: SWSE, S24, RO1W
- ☐ If different, when did POD change? _____

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
			SW	SE	24	04N	01W		

Description of diverting works

*See Field Exam Memorandum***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

Season of use is 3/01 - 11/15. 791 acres
0.02 cfs/AC
1.582 cfs

Use Irrigation From 3/01 To _____ Amount 1.58 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 _____ AFA☒ Changes found, the new total is, Amount 1.58 CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change *None*☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

- Place of use known as Foxtail Golf Course.

Parcel Nos: 5042346600(4) R 2910711100.²

[illegible]

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
- > FX - 9/06/06

DATE EXAM CONDUCTED: 9.11.06 (in-office review)

FIELD EXAMINER: Kimberly Brown 00

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4440

WATER RIGHT NUMBER: 63-4440

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN R PINKSTON 430 W CHINDEN MERIDIAN, ID 83642
Current Owner	ROBERT L GAMBLE 990 W CHINDEN BLVD MERIDIAN, ID 83642 (208)888-2470

Priority Date: 03/01/1971

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4SW1/4	Sec. 19, Twp 04N, 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	
04N 01W 24									40.0			40.0		40.0	40.0		160.0

Total Acres: 160

Conditions of Approval:Remarks:Comments:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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 John R. Pinkston &/or Robert L. Gamble

(name of claimant)

of 430 W. Chinden, 990 W. Chinden, Meridian, ID, claims a right to the diversion and beneficial use of
(mailing address)

(mailing address)

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) wastewater
_____, tributary to, Zinger lateral
- (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>3.2</u> | Use | <u>irrigation</u> | Period of Use: From | <u>Mar. 15</u> | To | <u>Nov. 15</u> |
| Amount | _____ | 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: 3.2 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, 1971
- 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 SW ¼, Sec. 19 Twp. 4N 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. ditch, flood irrigation.

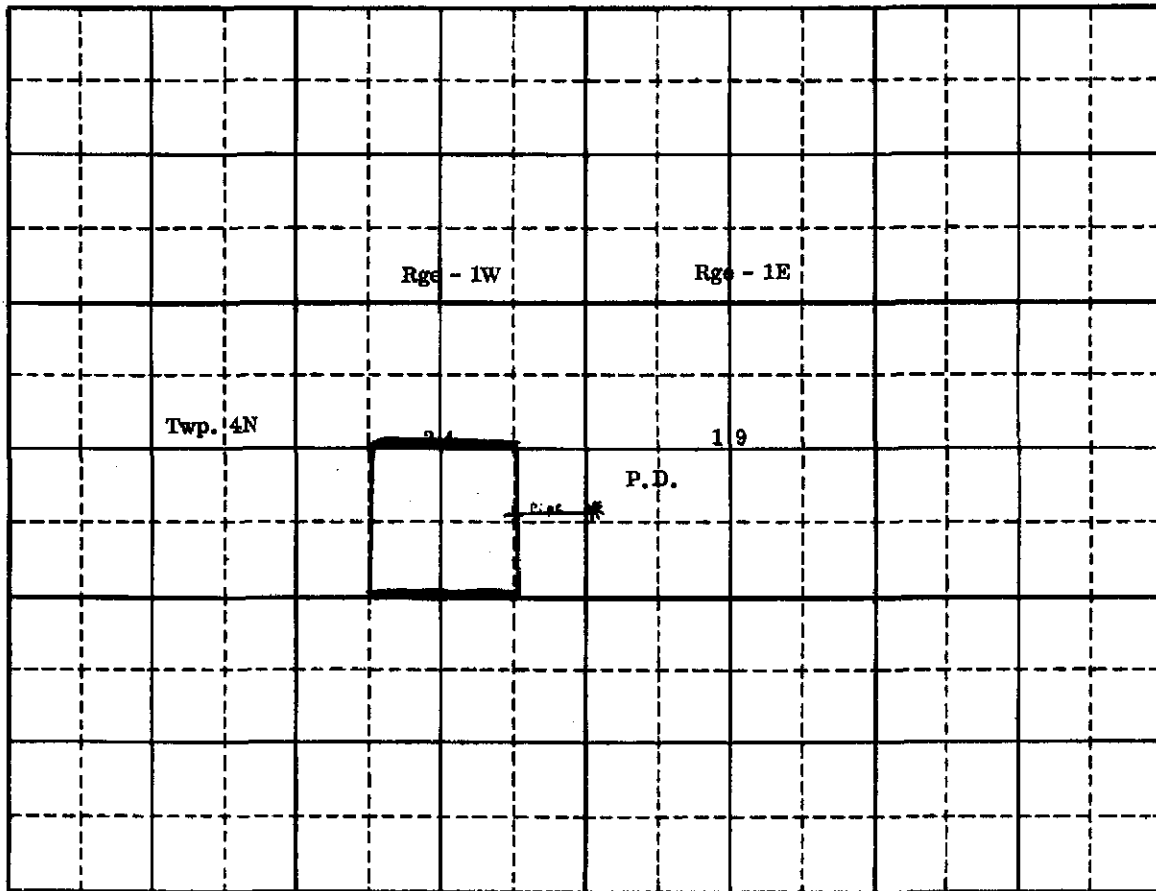
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 160

- 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 23rd day of March 19 77.
Robert L. Sample
(Claimant)

Notary Public

Residing at

My commission expires

6/15/77

For Department Use Only

Received by <u>KG</u>	Date <u>3/23/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KG</u>	Date <u>3/23/77</u>		claimant by:	
\$10.00 fee received by <u>KW #1163</u>	Date <u>3-23-77</u>			
Approved for publication by <u>CS</u>	Date <u>3-24-77</u>			
Published in <u>The Idaho Statesman</u>				
Dates <u>3-31-77 & 4-7-77</u>				

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32345

07/14/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
170A	Claim	04N	01W	24	NE	SW		IRRIGATION	40/220	MERLE H LINDLEY
32043	Claim	04N	01W	24	NE	SW		IRRIGATION	39/65	WILSON PROPERTIES LP
~~32345~~	~~Claim~~	~~04N~~	~~01W~~	~~24~~	~~NE~~	~~SW~~		~~IRRIGATION~~	~~40/80~~	~~WILSON PROPERTIES LP~~
32346	Claim	04N	01W	24	NE	SW	Disallowed	IRRIGATION	34/69	WILSON PROPERTIES LP
170A	Water Right	04N	01W	24	NE	SW		IRRIGATION		AIRCRAFT SERVICE CO
~~4440~~	~~Water Right~~	~~04N~~	~~01W~~	~~24~~	~~NE~~	~~SW~~	<i>this claim is a portion of 63-4440</i>	~~IRRIGATION~~	~~40/160~~	~~JOHN R PINKSTON~~
4975	Water Right	04N	01W	24	NE	SW		IRRIGATION	3/69	JOHN R PINKSTON
12092	Water Right	04N	01W	24	NE	SW		IRRIGATION	39/73.7	WILSON PROPERTIES LP
3614B	Claim	04N	01W	24	NE	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
3618B	Claim	04N	01W	24	NE	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
3262B	Claim	04N	01W	24	NE	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
2576	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2605	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2874	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2954	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2956	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2989	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
3164	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
7067	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
7577	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
7998	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
19456	Claim	04N	01W	24	NE	SW		MUNICIPAL		UNITED WATER IDAHO INC
170A	Claim	04N	01W	24	SE	SW		IRRIGATION	40/220	MERLE H LINDLEY
32043	Claim	04N	01W	24	SE	SW		IRRIGATION	23/65	WILSON PROPERTIES LP
32345	Claim	04N	01W	24	SE	SW		IRRIGATION	40/80	WILSON PROPERTIES LP
32346	Claim	04N	01W	24	SE	SW		IRRIGATION	35/69	WILSON PROPERTIES LP
170A	Water Right	04N	01W	24	SE	SW		IRRIGATION		AIRCRAFT SERVICE CO
4440	Water Right	04N	01W	24	SE	SW		IRRIGATION	40/160	JOHN R PINKSTON

- supplemental to water from Settlers
Irr. District

- overlap w/ 63-32043, 63-12092, 63-170A
#63-4975

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32345

07/14/2006

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
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1262B	Claim	04N	01W	24	SE	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
17563	Water Right	04N	01W	24	SE	SW		STOCKWATER		NANCY A GAMBLE
2576	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2605	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
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2954	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2956	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2989	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
3164	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
7067	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
7577	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
7998	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
19456	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
17563	Water Right	04N	01W	24	SE	SW		DOMESTIC		NANCY A GAMBLE

Brown, Kimberly

From: Deborah E. Nelson [den@givenspursley.com]
Sent: Monday, September 11, 2006 11:32 AM
To: Brown, Kimberly
Subject: RE: Amended Claim for #63-32345 Wilson Properties

Thanks, Kimberly. We'll review and let you know if we have any questions or comments. Also, I have contacted Charles Wilson to make sure he is around to sign something by the end of the week.

Deb

Deborah E. Nelson
Givens Pursley LLP
601 W. Bannock St.
P.O. Box 2720
Boise, Idaho 83702
phone: (208) 388-1200
fax: (208) 388-1300
website: www.givenspursley.com

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----- Original Message -----

From: "Brown, Kimberly"
To:
Sent: 9/11/2006 11:09AM
Subject: Amended Claim for #63-32345 Wilson Properties

Ms. Nelson,

Based on the field investigation conducted on 9/06/06, here is the *Amended Claim* for #63-32345; which changes:

- the priority date from 1971 to 1954,
- the source from Unnamed Drain/Sinks to Waste Water/North Slough,
- the beginning of the period of use from 03/15 to 03/01,
- the diversion rate from 1.6 cfs to 1.58 cfs,
- the location of the point of diversion from the NWSW, Sec. 19, R01E to SWSE, Sec. 24, R01W
- the place of use from 40.0 acres in the SESW, Sec. 24 to 37.0 acres and adds 2.1 acres in the SWSE, Sec. 24 for a total of 79.1 irrigated acres.

If possible, could you please have this signed, notarized, and returned to me by Friday, September 15th?

If you have any questions, please contact me at #334-2190.

Respectfully Submitted,

Kimberly Brown

9/11/2006

Sr. Water Resource Agent
Western Region

<<20060911105641925.pdf>> <<20060911105403249.pdf>>

MEMORANDUM

TO: ADJUDICATION FILE 63-32345

FROM: DANIEL A. NELSON

DATE: 9/8/06

SUBJECT: FIELD EXAMINATION

On 9/6/2006, I visited the Foxtail Golf Course, a.k.a. Wilson Properties LP, to determine the location and acres irrigated for the above adjudication claim. Scott King, SPF Engineers, and Todd Crockett, manager Foxtail Golf Course accompanied me on the field exam. Kimberly Brown, the agent recommending these rights, also accompanied me on this field exam to attain a better understanding on how the system worked. During the field exam we found the point of diversion for this right in the SWSE S24 T4N R1W. The water from this diversion diverts directly into the canal company's delivery ditch. The delivery ditch is either named the North Slough #2 or the Zinger Lateral. The two ditches combine together at the corner of the section, so I am not sure of the true name of this lateral. The claim lists this source as an unnamed stream, but it clearly wastewater should be described as such.

There is only one other water user diverting water out of the lateral between the point where wastewater diverts into the ditch and golf course. The other user actually owns the unclaimed portion of the statutory claim for this wastewater right, so if they wanted to file on this right, they would receive their proportionate share of the wastewater. The water travels due west to the golf course from the point of diversion. Once in the golf course it goes through a series of ponds and is diverted out of the ponds for irrigation.

A field exam was performed on the golf course for another water right (63-12092) in 2004, that showed that the water from the ponds is diverted for irrigation by two 50 Hp pumps operating at 100 psi. The theoretical calculation on these two pumps shows a capacity of the irrigation system of 2.56 cfs. A Manning's calculation was done on the wastewater ditch and it showed a capacity of 1.79 cfs. The total number of acres irrigated in 1987 was 79.1 acres. Using the standard inch per acre or 0.02 cfs/acre, the maximum allowable from this source would be 1.58 cfs.

Page 2
Wilson Properties

There are several sources of water being supplied to the golf course. The golf course has Settlers Irrigation District shares, a ground water right (63-12092, and this wastewater right. Therefore, there needs to be a condition that limits this supplemental right to 0.02 cfs and 4.5 afa per acre when all of these water rights are combined. Therefore, I would suggest that this claim be recommended as follows with the following conditions:

Source – Wastewater Tributary to the North Slough in the SWSE T4N R1W S24

For irrigation of 79.1 acres – 40 acres in the NESW T4N R1W S24
37 acres in the SESW T4N R1W S24
2.1 acres in the SWSE T4N R1W S24

1.58 cfs and 356 afa for irrigation purposes between 3/1 and 11/15

Condition:

When this right is combined with all other rights the total irrigation use diverted shall be limited to 1.58 cfs and 356 afa for 79.1 acres.

Settlers Irrigation District water is also used on this place of use.

04NR01

04NW
04 NW

04NE

Wastewater Ditch

04SW
04 SW

SW E

North Slough #2
(Settlers Delivery Ditch)

04 R01

MANNING EQUATION CHANNEL CAPACITY RESULTS

09-07-2006

File Number: 63-32345

Claimant: Wilson Properties

Channel measured: Wastewater Ditch

Date of measurement: 9/6/2006

Measurement location:

Approximately 15 feet above confluence with Zinger Lateral

Calculation prepared by: Dan Nelson and Kimberly Brown

Comments about the measurement:

The results of the calculation are:

The channel cross section is 4.53 ft-sq.

The wetted perimeter is 6.32 feet.

The hydraulic radius is 0.72 feet.

The slope is 0.0016

The roughness coefficient is 0.1200

The flow velocity is 0.394 ft/sec.

The rate of flow is 1.79 cfs.

CROSS SECTION NUMBER 1

For File Number 63-32345 for the Wastewater Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.22	0.22	0.50
3	0.64	0.64	1.00
4	0.93	0.93	1.50
5	1.16	1.16	2.00
6	1.24	1.24	2.50
7	1.24	1.24	3.00
8	1.22	1.22	3.50
9	0.99	0.99	4.00
10	0.49	0.49	4.50
11	0.24	0.24	5.00
12	0.00	0.00	5.50

The area for this cross section is 4.18 square feet
and the wetted perimeter is 6.21 feet.

CROSS SECTION NUMBER 2

For File Number 63-32345 for the Wastewater Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.39	0.39	0.50
3	0.69	0.69	1.00
4	1.18	1.18	1.50
5	1.34	1.34	2.00
6	1.49	1.49	2.50
7	1.38	1.38	3.00
8	1.09	1.09	3.50
9	0.80	0.80	4.00
10	0.43	0.43	4.50
11	0.00	0.00	5.00

The area for this cross section is 4.39 square feet
and the wetted perimeter is 5.91 feet.

CROSS SECTION NUMBER 3

For File Number 63-32345 for the Wastewater Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.20	0.20	0.50
3	0.66	0.66	1.00
4	0.96	0.96	1.50
5	1.02	1.02	2.00
6	1.16	1.16	2.50
7	1.21	1.21	3.00
8	1.35	1.35	3.50
9	1.46	1.46	4.00
10	0.97	0.97	4.50
11	0.73	0.73	5.00
12	0.33	0.33	5.50
13	0.00	0.00	6.00

The area for this cross section is 5.03 square feet
and the wetted perimeter is 6.85 feet.

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	✓	(1)	negligible	.000		(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015	✓	(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000		(1)	low	.005		(1)
minor	.005	✓	(2)		.010		(2)
moderate	.010		(3)	medium	.015		(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075	✓	(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000		(1)	minor	1.00	✓	(1)
occasional	.005	✓	(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

GROUNDWATER THEORETICAL ANNALYSIS

FILE: 03-32345

DATE: 9-8-2006

BY: DAN NELSON

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

Q = $\frac{(8.8 \times (50) \times (0.70))}{308} = 1.28 \text{ CFS.}$

$[(3) + (100 \times 2.31)] 241$

LIFT FROM:

Measurement ()

Owner ()

Area estimate (X)

Well Logs ()

PSI FROM:

Measurement ()

Owner ()

Estimate ()

Owner Gage (X)

Booster (Y) (N)

NOTES ON PUMP:

Motor Make, Serial or ID

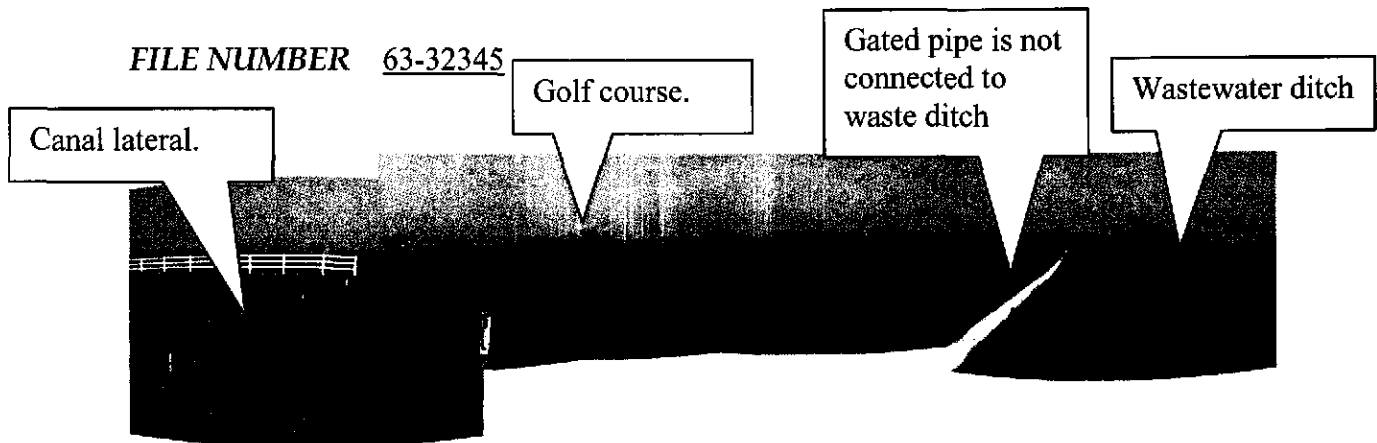
Pump Make, Serial or ID, rating

REMARKS: The lift and pressure
was Attained Through an earlier
Field Exam for water right. 03-12092.

There are 2 50 HP pumps that
are identical, so the diversion rate
calculated above would be doubled
or 2.56 cfs.

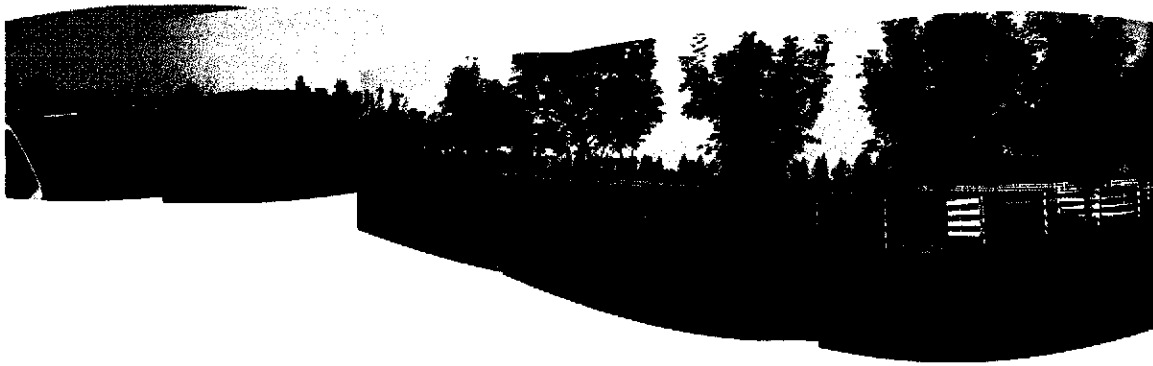
PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 9/6/2006

FILE NUMBER 63-32345



The photo above shows the wastewater ditch, the canal company lateral and the golf course can be seen in the background (the trees is the golf course).

The bottom photo is of the 2.1 acres irrigated from this diversion. This ground was not included in the photos from the field exam for water right 63-12092, so I took a picture to show it is currently being irrigated out of this system.



PLEASE SEE THE ASSOCIATED INFORMATION FROM FIELD EXAM 63-12069 FOR ADDITIONAL PICTURES SHOWING THE GOLF COURSE POU AND RELIFT PUMPS .

**ASSORTED INFORMATION FROM FIELD EXAM FOR
SUPPLEMENTAL GROUNDWATER PERMIT 63-12092**

**FIELD EXAM PERFORMED ON 9/30/2006
BY DAN NELSON**

3. YES Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

YES Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

YES Aerial Photo Attached (required for irrigation of 10+ acres).

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL P/D	BERKLEY 6T90	10 Hp	UNKNOWN	BERKLEY 6T90	4 INCH DISCHARGE
SOUTH RELIFT PUMP	US MOTORS	50 Hp	53324 BO4 4499M	TEC	A0218P MODEL M10NG
NORTH RELIFT PUMP	US MOTORS	50 Hp	33324 BO4 4339M	TEC	BO218B MODEL M10NG

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: The pump was not operating at the time of the exam. The pump is generally only used during the shoulder months of the irrigation, so it didn't seem reasonable to ask the owner to turn on the pump and pay the demand charges. A pump curve was used, and a theoretical was calculated to verify the pump efficiency. Due to the low total dynamic head on this pump, the efficiency is very low.

E. FLOW CALCULATIONS

YES Additional Computation Sheets Attached

Measured Method:

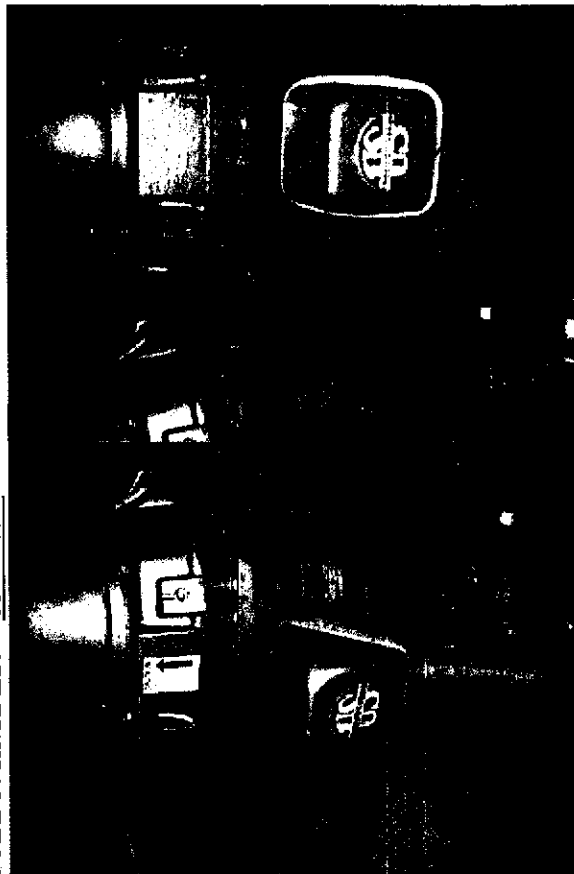
PUMP CURVE → 0.32 CFS
 PERMIT ALLOWS → 1.60 CFS
 ACRE LIMIT ALLOWS → 1.47 CFS (0.02 CFS X 73.7 ACRES = 1.47 CFS)

This permit needs to be limited to the pump capacity or 0.32 cfs.

COPY
 2004 Field
 Exam

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 9/30/2004

FILE NUMBER 63-12092



These are the two 50Hp pumps that are used to pump water from the ponds into the buried irrigation system. They can only pull the water from the ponds, and are not directly plumbed to the well.



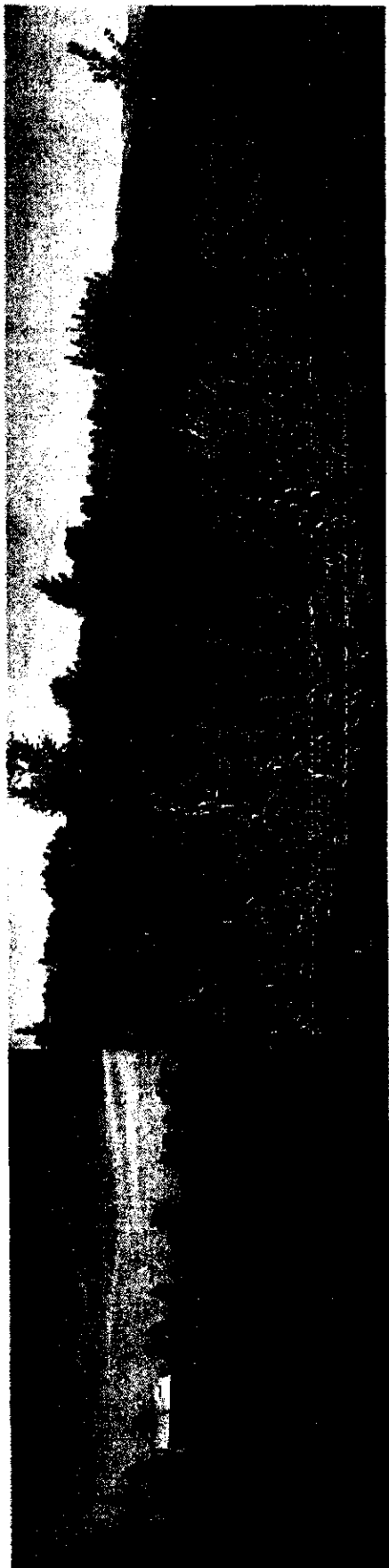
This photo is the piping from the irrigation pumps to the irrigation system.

COPY

2004
Field Exam

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 9/30/2004

FILE NUMBER 63-12092

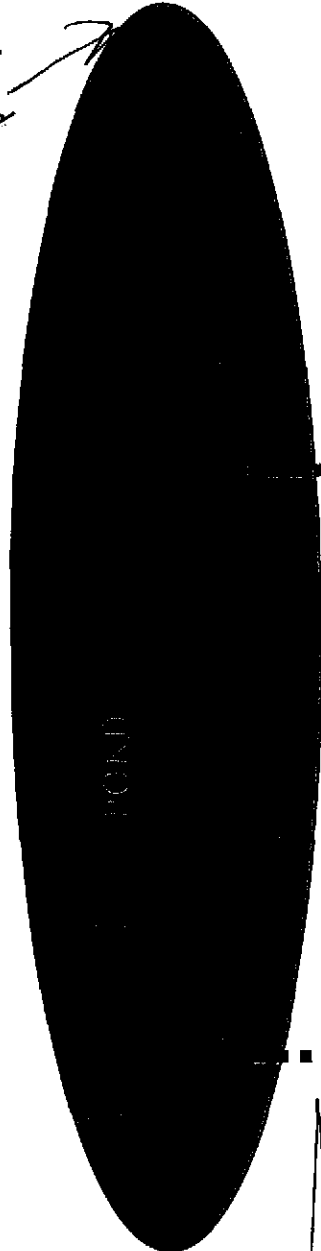


These are photos of the pond and the golf course. The pond on the right is the east pond and the you can see the two other ponds over by the pump house.

COPY

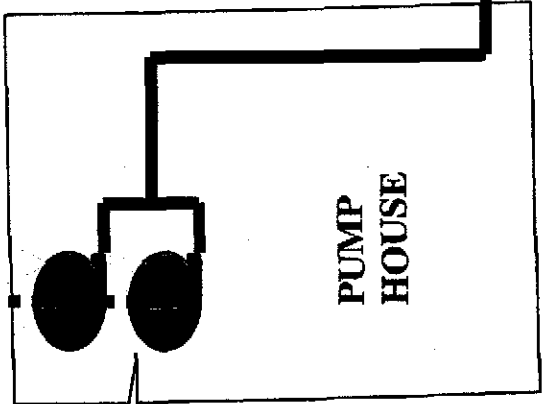
2004
Field Exam

SYSTEM DIAGRAM



SUPPLY MAINLINE
FROM POND

2-50 Hp PUMPS
DIVERTS WATER
TO SPRINKLER
MAINLINE



PUMP
HOUSE

MAINLINE TO
POND. OPEN
DISCHARGE

WELL

MAINLINE TO BURIED
SPRINKLER SYSTEM

Water from the well is open discharged into the pond through a 3 inch mainline. The water in the pond is delivered by a mainline to 2 - 50 Hp pumps. The two relift pumps divert the water into a mainline that serves an under ground sprinkler system

COPY

Water Direct
comes in
from 9-806
2004
Field
Exam

Flowmeter
Hersey

9909301

measures
IN Gallons
w TOTALIZER

BOOSTER

100 PSI

0 w n 99yd

US MOTORS

COPY

SOUTH Pump

50 HP

US ELECT

53324

BOA

4499A

A 0210P

Pump

TEC

W 10N6

n pump

50 HP US ELECT

33324 - BOY - 4339M

BO210 B W 10N6

ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

1.) Pump information:

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

2.) Lift (distance from pump to water) _____

3.) How was lift determined (well log, measurement, owner)? _____

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) _____

5.) Was a measurement made? _____ If no can a measurement be made at a latter time? _____

6.) What type of measurement device was used? _____

7.) Is there a pump curve available for pump? _____

8.) Please fill out the following:

Number of sprinklers _____

Sprinkler nozzle size _____

Number of Pivots (include gpm rating for each pivot) _____

9.) Please outline all acres irrigated on attached aerial photo. _____ DONE

10.) Please clearly mark all points of diversion on map and GPS. _____ DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.

_____ DONE

12.) Pictures taken of place of use and point of diversion. _____ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system.

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

	T. #2	T. #3
Transsect #1		
0 - 0	0 - 0	0 - 0
.5 - 0.22	.5 - 0.39	.5 - 0.2
1 - 0.64	1 - 0.69	1.0 - 0.66
1.5 - 0.93	1.5 - 1.18	1.5 - 0.96
2.0 - 1.16	2.0 - 1.34	2.0 - 1.02
2.5 - 1.24	2.5 - 1.49	2.5 - 1.16
3.0 - 1.24	3.0 - 1.38	3.0 - 1.21
3.5 - 1.22	3.5 - 1.09	3.5 - 1.35
4.0 - 0.99	4.0 - 0.80	4.0 - 1.46
4.5 - 0.49	4.5 - 0.43	4.5 - 0.97
5.0 - 0.24	5.0 - 0	5.0 - 0.73
5.5 - 0		5.5 - 0.33
		6.0 - 0

up stream - 4.46

Down stream - 4.57

DATE EXAM CONDUCTED _____

FIELD EXAMINER _____



Nelson, Dan

From: Deborah E. Nelson [den@givenspursley.com]
Sent: Wednesday, August 30, 2006 3:53 PM
To: Nelson, Dan
Cc: Scott King (E-mail)
Subject: RE: RE: FW: Wilson Properties (Foxtail Golf Course)

Todd is all set for Wed at 8:30. He will meet you at the Foxtail clubhouse. In case that doesn't work for you guys, you can reach him on his cell phone at 761-6976. Todd said he would try to contact the Zinger Lateral water master to walk the ditch so he understands the lay of the ditches a little better.

Deborah E. Nelson
 Givens Pursley LLP
 601 W. Bannock St.
 P.O. Box 2720
 Boise, Idaho 83702
 phone: (208) 388-1200
 fax: (208) 388-1300
 website: www.givenspursley.com

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----- Original Message -----

From: "Nelson, Dan"
To: "Deborah E. Nelson"
Sent: 8/30/2006 3:40PM
Subject: RE: FW: Wilson Properties (Foxtail Golf Course)

Deborah,

I was under the believe that Scott King was going to contact Todd Crockett and/or Wilson Properties. I spoke with Scott a little bit about what I needed and he told me that he was going to go to the golf course, and find what I needed before we go out next Wednesday. I didn't tell Scott specifically that he had to coordinate the field exam with Todd, because it is generally understood that he takes care of attaining all of the permissions of access and coordinating the exam with the owner and other interested parties. If I need to do anything more, please let me know.

Thank you

Daniel A. Nelson
 Senior Agent
 Western Region
 Idaho Department of Water Resources

-----Original Message-----

From: Deborah E. Nelson [mailto:den@givenspursley.com]
Sent: Wednesday, August 30, 2006 2:01 PM
To: Nelson, Dan; Scott King
Subject: RE: FW: Wilson Properties (Foxtail Golf Course)

8/30/2006

Dan, I'll assume you will coordinate with Todd Crockett, but please let me know if I can facilitate this in any way

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----- Original Message -----

From: "Nelson, Dan"
To:
Sent: 8/30/2006 1:47PM
Subject: FW: Wilson Properties (Foxtail Golf Course)

-----Original Message-----

From: Nelson, Dan
Sent: Wednesday, August 30, 2006 1:33 PM
To: 'Scott King'
Subject: RE: Wilson Properties (Foxtail Golf Course)

Scott,

How does Wednesday at 8:30 am sound?

Dan

-----Original Message-----

From: Scott King [mailto:SKing@spfwater.com]
Sent: Wednesday, August 30, 2006 11:11 AM
To: Nelson, Dan
Subject: RE: Wilson Properties (Foxtail Golf Course)

Hi Dan,

This Friday won't work. Anytime next week except that I have an appointment at noon on Thursday.

Scott

8/30/2006

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Monday, August 28, 2006 4:24 PM
To: Scott King
Cc: den@givenspursley.com
Subject: Wilson Properties (Foxtail Golf Course)

Hello Scott,

Kimberly Brown and I just had a meeting with Deborah Nelson and Wilson Properties concerning the Foxtail Golf Course. Deborah asked me to contact you to set up a field exam to determine the diversion rates of the wastewater and unnamed drain water. I did a field exam on this property in 2004 and I know that there is only one surface water diversion flowing into the golf course, and that this diversion carries their Boise River water, Settlers Irrigation District water, wastewater, and drain water. So, I have to determine the amount of waste water and drain water being diverted through that diversion. I am thinking we can measure the water coming from the canal company headgate and split the difference if possible. This will depend on the number of folks between the golf course and the headgate. I already have the acres irrigated under control.

Since the meeting, I have been looking at several earlier aerial photos, and I think I have the original system figured out. *We just need to determine how this interacts with the current system.* I will need to do this exam either this Friday (9/1/06) or Wednesday through Friday of next week (9/6 through 9/8). Please let me know when we can set up a time to go out and try to figure out the surface water diversions for this property.

Thank you.

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources

8/30/2006

Nelson, Dan

To: Deborah E. Nelson
Cc: Scott King (E-mail)
Subject: RE: RE: FW: Wilson Properties (Foxtail Golf Course)

This sounds good to me. Thank you.

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources

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----- Original Message -----

From: "Nelson, Dan"
To: "Deborah E. Nelson"
Sent: 8/30/2006 3:40PM
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Idaho Department of Water Resources

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Thank you.

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources

8/30/2006

Dan N.

A63-32345 & A63-32346 Field Exam Request:
Wilson Properties LP

Contact:

08/17/2006

Contact **attorney, Deborah Nelson** at #388-1215 or **Charles E. Wilson** at #424-9322 to set up a field exam. I believe this property pertains to the **Foxtail Golf Course**.

Property Address:

990 W. Chinden Blvd.
Meridian

Requests:

*Please verify **all of the elements** of this right.

In addition, please verify:

- **IMPORTANT:** The **sources** claimed for Statutory Claims #63-4440 and #63-4975 (of which portions of these two rights are based) are both **WASTEWATER**, tributary to **NORTH SLOUGH DITCH NO. 2** and **SINKS**. However, the sources currently claimed on both of these claims are an **UNNAMED DRAIN**, tributary to **SINKS**. What's up with this?!
- **FYI:** Attorney Deborah Nelson submitted an affidavit as evidence of priority for #63-32345 and is suggesting an **earlier priority date** based on a conversation with previous owner, Robert Gamble: **1952**, rather than the claimed priority date of 1971. **However**, it was the very same **Robert Gamble** that signed the original *Claim To A Water Right* for #63-4440 in 1977 and obviously came up with the priority date of March **1971**. Please discuss this issue during the field investigation.
I have enclosed an *Amended Claim* changing the priority date on #63-32345 to 1952, in case this change is validated.
- Is **Settlers Irrigation District** water used to supplement these rights?
- **Capacity of System:** Calculate the capacity of the systems. Verify that the claimed **1.6 cfs** and **3.0 cfs** are possible/applicable.

How does this apply to claimed priority dates for the Stat. Clms. & B/U Clms.?

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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 John R. Pinkston &/or Robert L. Gamble

(name of claimant)

of 430 W. Chinden, 990 W. Chinden, Meridian, ID, claims a right to the diversion and beneficial use of
(mailing address)

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) wastewater
_____, tributary to, Zinger lateral

- (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 3.2 Use irrigation Period of Use: From Mar. 15 To Nov. 15

Amount	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: 3.2 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, 1971

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 SW ¼, Sec. 19 Twp. 4N 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. ditch, flood irrigation.

- (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]

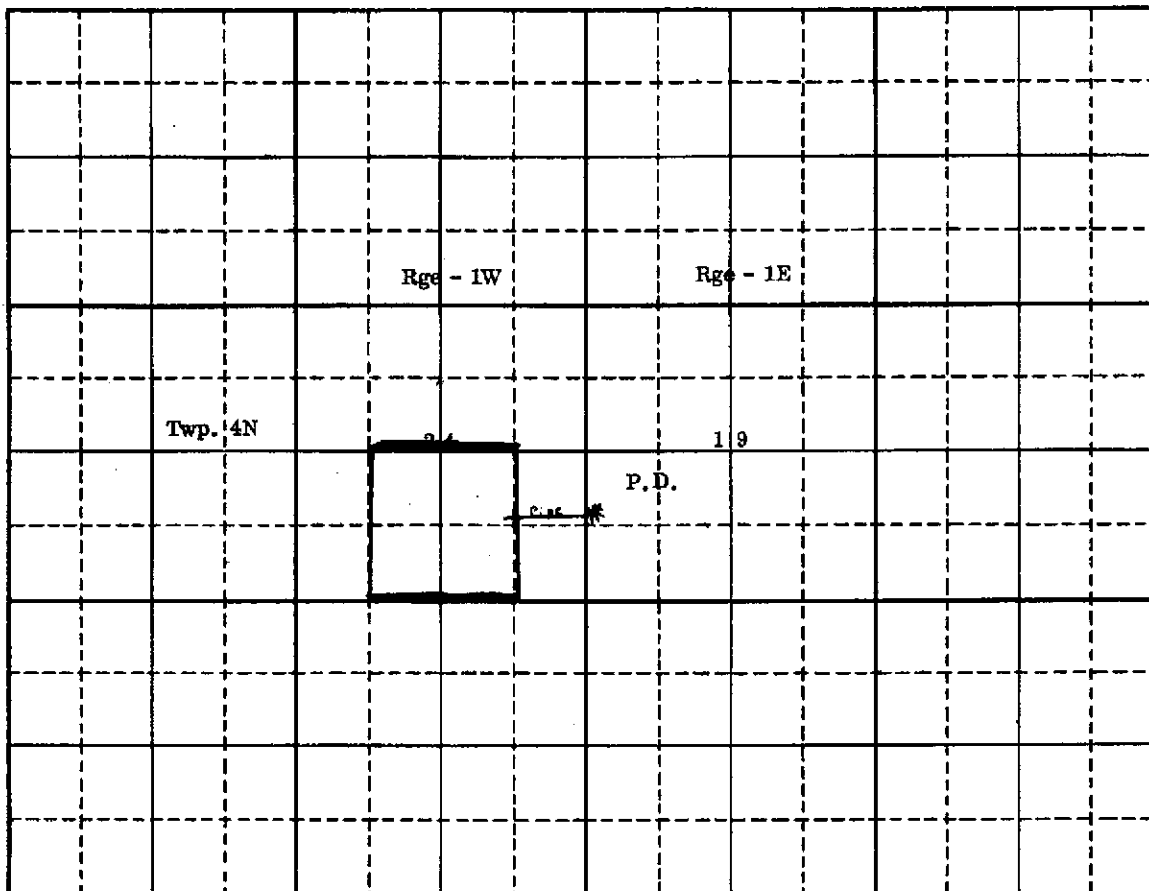
Total No. of acres 160

- 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: _____

IMPROVED

(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 23rd day of March, 19 77.

Notary Public

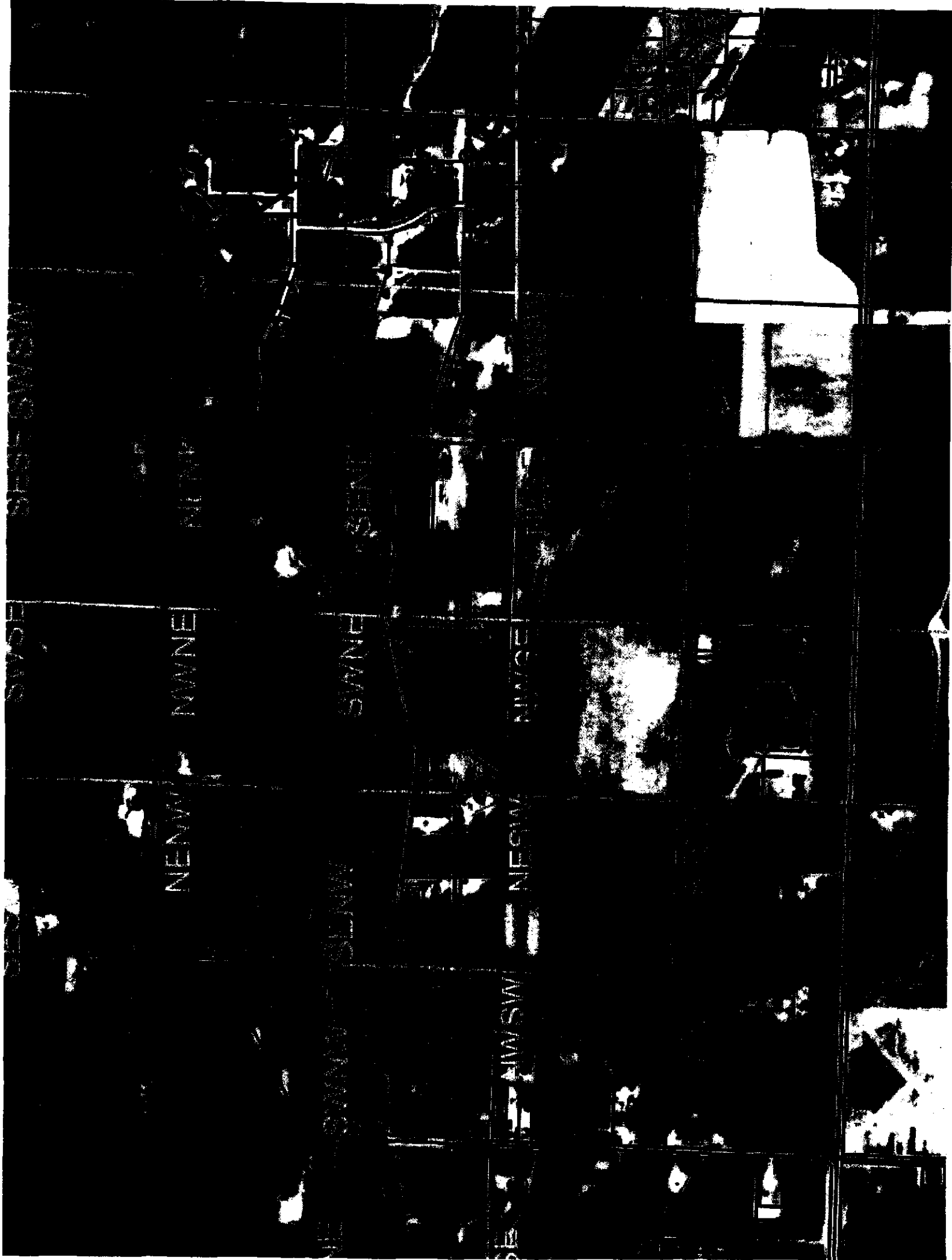
Residing at

My commission expires

6/15/77

For Department Use Only

Received by <u>jc</u>	Date <u>3/23/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>jc</u>	Date <u>3/23/77</u>		claimant by:	
\$10.00 fee received by <u>KW #6863</u>	Date <u>3-23-77</u>			
Approved for publication by <u>CS</u>	Date <u>3-24-77</u>			
Published in <u>The Idaho Statesman</u>				
Dates <u>3-31-77 & 4-7-77</u>				



NE NW NE

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Receipt Details for ID W034413

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/30/2006 4:05:12 PM	7/3/2006 3:25:30 PM	WESTERN	\$180.00	Check
Payer		GIVENS PURSLEY LLP		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
47056			
Card Expiration Date	Credit Card Transaction #		

Comment NOTICE OF CLAIM TO A WATER RIGHT: WILSON PROPERTIES LP

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$180.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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[Print Report](#)

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-32345
Wilson Property, A.K.A. Foxtail Golf Course**

August 8, 2006

Attorney Deborah Nelson (#388-1215) called in response to the evidence of priority request. She said that they are gathering information and moving on it (providing evidence) right away, but need another extension. Therefore, I gave them an additional week to provide evidence of priority.

August 9, 2006

Deborah Nelson called to let me know that she tracked down one of the original owners and informed me that, together, they went on-site and visited the property. Based on her conversation with the original owner, Ms. Nelson said that some changes have taken place; for instance, the location of the point of diversion has changed and the priority date should be earlier.

August 21, 2006

Since fellow co-worker, Dan Nelson, and I have questions regarding whether this water is actually out of Settler's canal, I called Charles Wilson (#424-9322) and asked if he would be able to meet with Dan Nelson and me on Friday, the 25th, or sometime between Monday and Wednesday of next week. Mr. Wilson said that he would call his attorney, Deb Nelson, and would like Todd Crocket, the grounds manager, to also attend. Katrina, Deb Nelson's secretary, called back and set-up a meeting for Monday, the 28th.

August 28, 2006

Deborah Nelson (attorney), Todd Crocket (Foxtail grounds manager), and Charles Wilson (owner of Foxtail) met with co-worker Dan Nelson and me. During the meeting, we were informed that Scott King and Terry Scanlan, of SPF Engineering, have a lot of knowledge of the property; since they are currently doing an analysis of Foxtail's water.

Therefore, we are going to set up a field exam with Scott King and Todd Crocket, in which they will both join us.

I also addressed the issue of Robert L. Gamble's original claimed priority date of 1971 and his current affidavit stating that the use began as early as 1954. According to Deborah Nelson, John Pinkston, who owned the 80 acres to the east of the golf course and shared the water use, was the "driving push" for the 1971 priority date. Basically, she said that Mr. Gamble filled in the date of 1971 because Mr. Pinkston told him to. Ms. Nelson believes that the priority date should be 1954, based on Mr. Gamble's recent affidavit.

Kimberly Brown
Senior Water Resource Agent
Western Region



Overlap Review

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4975

WATER RIGHT NUMBER: 63-4975

Owner Type Name and Address
 Current Owner JOHN R PINKSTON
 430 W CHINDEN
 MERIDIAN, ID 83642
 Current Owner ROBERT L GAMBLE
 990 W CHINDEN BLVD
 MERIDIAN, ID 83642
 (208)888-2470

** not claimed
in SRSB*

Priority Date: 03/15/1902

Basis: Statutory Claim

Status: Active

Source Tributary
 WASTE WATER NORTH SLOUGH DITCH NO 2

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	3.000 CFS	
	<u>Total Diversion:</u>	3.000 CFS	

Location of Point(s) of Diversion

WASTE WATER	SE1/4NE1/4	Sec. 30, Twp 04N, Rge 01E, B.M.
ADA County		
WASTE WATER	SE1/4SE1/4	Sec. 24, Twp 04N, Rge 01W, 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	
04N	01W	24									3.0			35.0			31.0		69.0

Total Acres: 69

Conditions of Approval:Remarks:Comments:

GIVENS PURSLEY LLP

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RETIRED

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Raymond D. Givens
James A. McClure

August 15, 2006

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

Re: Evidence of Priority for Water Right No. 63-32345

Dear Kimberly:

With this letter I am forwarding a letter acknowledged by Robert Gamble documenting historical use of Water Right 63-32345. As we discussed by telephone, this evidence suggests the claimed priority date should be earlier, but we will follow your suggestion to wait to amend the claim until after the Department conducts a field exam of the property. Please contact me once the field exam is complete or if you need any further information.

Sincerely,



Deborah E. Nelson

Enclosure

cc: Charles Wilson
Scott King

DEN:kdt S:\CLIENTS\5142\10\DEN Ltr to Kimberly Brown re Evidence of Priority.DOC

RECEIVED

AUG 16 2006

WATER RESOURCES
WESTERN REGION

GIVENS PURSLEY LLP

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AUG 16 2006

WATER RESOURCES
WESTERN REGION

August 11, 2006

Mr. Robert Gamble
3840 South Carbondale Street
Meridian, ID 83642

Re: Water Right No. 63-32345
Our File No. 5142-10

Dear Mr. Gamble:

Thank you for taking the time to meet with me to discuss your prior water use on an 80-acre parcel of land that is now the site of the Foxtail Golf Course, located North of Chinden Boulevard at Township 4 North, Range 1 East, Section 24, West Half ("Property"). This letter specifically addresses your prior use of water under water right 63-4440 (now known as 63-32345 for the portion applicable to the Property).

As I understand our conversation, you and your neighbor John Pinkston used Water Right 63-4440 as supplemental irrigation on Pinkston's property to the east and on your Property, from time to time when you needed a little extra water. Your irrigation use was to grow feed for dairy cattle, including alfalfa among other crops. Your knowledge of irrigation activities on the Property dates back to your parents' move onto the property in 1954. You became more familiar with these activities when you moved onto the property in late 1956 and assumed operation of the property and the irrigation in 1961. You sold the property in 1992 to John Boehm. To the best of your recollection, the supplemental irrigation occurred, from time to time as needed, throughout your tenure on the property.

If this information is accurate to the best of your knowledge, please sign below and return this letter to me by August 16th if at all possible. I will then provide this letter to the Idaho Department of Water Resources to substantiate historical use of Water Right 63-32345. If there is anything that I have misstated in this letter, please feel free to make that notation on the letter

RECEIVED

AUG 15 2006

Givens Pursley, LLP

Mr. Robert Gamble
August 11, 2006
Page 2

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

cc: Scott King

DEN:kdt S:\CLIENTS\5142\10\DEN Ltr to Robert Gamble re 63-32345 Water Use.DOC

ACKNOWLEDGMENT

The information contained in the above letter with regard to the historical use of Water Right No. 63-32345 is accurate to the best of my knowledge.


Robert Gamble

Date: Aug 14, 2006

Brown, Kimberly

From: Deborah E. Nelson [den@givenspursley.com]
Sent: Wednesday, August 09, 2006 3:47 PM
To: Brown, Kimberly
Cc: Scott King
Subject: follow-up

Hi Kimberly,

Sorry we missed each other after we got cut-off. Just to wrap up and confirm, I appreciate your offer of an additional week to obtain evidence of priority. I will follow up with the former owner ASAP to get a signed statement.

Thanks,
Deb

Deborah E. Nelson
Givens Pursley LLP
601 W. Bannock St.
P.O. Box 2720
Boise, Idaho 83702
phone: (208) 388-1200
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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 31, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-32345

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You 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 historical use of the water for a beneficial use 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 required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

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. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled. **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

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 SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by **August 11, 2006**. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. After we receive your evidence of the priority date, you will be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-32345

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



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JUN 30 2006

WATER RESOURCES
WESTERN REGION

LAW OFFICES

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Via Hand Delivery

June 30, 2006

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

Re: Wilson Properties LP
GP File #5142-10
Water Right #63-32346 and #63-34345

Dear Sir or Madam:

I am enclosing the original Notices of Claim to Water Right for Wilson Properties LP, #63-32346 and #63-32345 for filing with your office. I am enclosing a check in the amount of \$169.00 for the fees on #63-32346 and \$180.00 for the fees on #63-32345. I am also including a copy of the Notices of Claim to be stamped as received and returned in the enclosed envelope.

Should you have any questions, please feel free to contact me.

Sincerely,

Deborah E. Nelson

Enclosures

DEN:la S:\CLIENTS\5142\10\DEN to IDWR filing Notice of Claims #63-32346 #63-32345.DOC