

E 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 63-3165
Date Received: 8/8/1989
Receipt No: W004200
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MEADOW CREEK HOMEOWNERS ASSOCIATION Phone: (208)336-3430
C/O O NEILL ENTERPRISES
871 E PARKCENTER BLVD
BOISE ID USA 83706

2. Date of Priority: 08/11/1959

3. Source: UNNAMED DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	23	SW NE 2	ADA	
04N	01E	24	NW SW 4	ADA	

5. Description of diverting works:

ELECTRIC WATER LIFTER IN DITCH, GRAVITY IRRIGATION; DOMESTIC WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.02	
AEETHETIC	03/15	11/15	2.48	
AEETHETIC STORAGE	03/15	11/15		40
DIVERSION TO STORAGE	03/15	11/15	2.48	

7. Total Quantity Appropriated is:
2.5 C.F.S. and/or 40 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
04N	01E	23	SW	NE	2	IRRIGATION	1
						Section Acres	1
04N	01E	24	SW	NW		AESTHETIC	
			NW	SW	4	AESTHETIC	
			SW	NW		AESTHETIC STORAGE	
						Total Acres	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:

SOURCE KNOWN LOCALLY AS ELMORE DRAIN.

AMENDED CLAIM BASED ON APPROVED TRANSFER NO. 3958 DATED 8-13-92. SEE CONDITIONS BELOW.

THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE YEAR OF THE DATE OF THIS APPROVAL.

A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPARTMENT SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS PART OF THE DIVERTING WORKS.

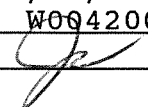
THREE YEARS FROM THE DATE OF APPROVAL OF THE TRANSFER, THE PORTION OF THE RIGHT SPECIFIED FOR IRRIGATION OF ONE ACRE SHALL REVERT TO THE AESTHETIC USE.

15. Basis of Claim: License

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: A63-03165
Date Received: 8/ 8/1989
Receipt No: W004200
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MEADOW CREEK HOMEOWNER'S ASSOC 208-336-3430
Address: C/O O NEILL ENTERPRISES
871 E PARKCENTER BLVD
BOISE ID 83706

2. Date of Priority: AUG 11, 1959

3. Source: UNNAMED DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	23	SW	NE		2	ADA
		24	NW	SW		4	ADA

5. Description of diverting works:
ELECTRIC WATER LIFTER IN DITCH, GRAVITY IRRIGATION; DOMESTIC WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.020		
AESTHETIC	03/15	11/15	2.480		
AESTHETIC STORAGE	03/15	11/15			40.00

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) 283.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
AESTHETIC, INSTREAM AND PONDS

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OCT 02 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	23	SW	NE	2	IRR	1.0
						Section Acres	1.0
		24	SW	NW		AES	
			NW	SW	4	AES	
						Total Acres	1.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

NONE

14. Remarks:

SOURCE KNOWN LOCALLY AS ELMORE DRAIN.
AMENDED CLAIM BASED ON APPROVED TRANSFER NO. 3958 DATED 8-13-92.
SEE CONDITIONS BELOW.
THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED
WITHIN ONE YEAR OF THE DATE OF THIS APPROVAL.
A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE
ACCEPTABLE TO THE DEPARTMENT SHALL BE PERMANENTLY INSTALLED AND
MAINTAINED AS PART OF THE DIVERTING WORKS.
THREE YEARS FROM THE DATE OF APPROVAL OF THE TRANSFER, THE
PORTION OF THE RIGHT SPECIFIED FOR IRRIGATION OF ONE ACRE SHALL
REVERT TO THE AESTHETIC USE.

15. Basis of Claim: LICENSE

Water Right Number: 28099

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: _____

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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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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OCT 02 1996

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: **A63-03165**
Date Received: 8/ 8/1989
Receipt No: W004200
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MEADOW CREEK HOMEOWNER'S ASSOC 208-336-3430
Address: C/O O NEILL ENTERPRISES
871 E PARKCENTER BLVD
BOISE ID 83706

2. Date of Priority: AUG 11, 1959

3. Source: UNNAMED SLOUGH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	24		NW	SW	4	ADA
				SW	SW	3	ADA

5. Description of diverting works:
ELECTRIC WATER LIFTER IN DITCH, GRAVITY IRRIGATION; DOMESTIC WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.500		283.50
DOMESTIC	01/01	12/31	0.050		

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) 283.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	24	SW	NW		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	24	NW	SW	4	IRR	40.0
			SW	SW	3	IRR	3.0
Section Acres							63.0
Total Acres							63.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE KNOWN LOCALLY AS ELMORE DRAIN.
TRANSFER TO CHANGE NATURE OF USE HAS BEEN FILED. CJH 6/18/92

15. Basis of Claim: LICENSE

Water Right Number: 28099

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
Transfer No. 3988
MAY 14 1992

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Boise, Idaho

APPROVED

Name of applicant MEADOW CREEK HOMEOWNERS ASSOC Phone 336-3430
Post Office address 46 O'NEILL ENTERPRISES 871 E. PARKCENTER BLVD BOISE ID
83706

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other TEMPORARY X-FER OF PORTION
2. Describe the reason for the proposed changes 63 ACRES OF FARMLAND IS TO BE TAKEN OUT OF PRODUCTION FOR A HOUSING DEVELOPMENT, WITH DOMESTIC & IRRIG. WATER SUPPLIED BY GARDEN CITY. THIS PROPOSES TO CHANGE THE USE OF THIS WATER RIGHT TO AESTHETIC USE WITHIN SUBDIVISION BOUNDARIES, AND TO TEMPORARILY TRANSFER A PORTION FOR RE-NATURALIZATION PURPOSES
- B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE PON

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-03165</u>	<u>8/11/1959</u>	<u>2-502.48</u>	<u>AESTHETIC</u>	<u>3/15</u> to <u>11/15</u>
		<u>40 AF</u>	<u>AESTHETIC STOR.</u>	<u>3/15</u> to <u>11/15</u>
		<u>2-502.48</u>	<u>DIV TO STORAGE</u>	<u>3/15</u> to <u>11/15</u>
<u>*</u>		<u>.02</u>	<u>IRRIGATION</u>	<u>3/15</u> to <u>11/15</u> <u>(PON)</u>

2. Total amount of water being transferred 2.50 cubic feet per second and/or 40 acre-feet per annum.
3. Source of water UNNAMED DRAIN tributary to BOISE RIVER
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>4</u>		<u>NW</u>	<u>SW</u>	<u>24</u>	<u>4N</u>	<u>1E</u>	<u>Ada</u>	<u>Elmore drain</u>
<u>2</u>		<u>SW</u>	<u>NE</u>	<u>23</u>	<u>4N</u>	<u>1E</u>	<u>Ada</u>	<u>RiverSide Creek</u> <u>(PON)</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1E	24							A/As			A							
												L.4							
		23			1														
					L.2														

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after 2 hrs. 1/2

PART 1

6. General Information:

Sec. 24:

a. Description of diversion system Instream aesthetic in existing drain; Construction of 2 ponds, total 40 AC capacity, div to storage consisting of dike and pipeline; overflow to Elmore drain. Sec 23: Pump in drain (PON) to sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? (PON) Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

63 acres farmland taken out of production. Entire flow under water right retained during season for aesthetic purposes, except Surface area of storage ponds = 4 AC. No increase in consumptive volume. for .02 cfs which will be temporarily (PON) transferred downstream, to be diverted for irrigation (3 yrs) (PON)

d. Remarks:

Application for permit to be filed for off-season use. Stream alteration permits # ~~63S~~ 63S 878 & 858 on file; permit 63S 898 pending, for construction of aesthetic waterway.

* Homeowners Assoc.: Peter O'Neill, Pres; L. Edward Miller, Sec/TREAS;

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

* SEE ADDITIONAL REMARKS/APPROVAL CONDITIONS (PON)

William Selvaige, Project Mgr.

This is to certify that I have examined Application for Transfer of Water Rights No. 63-03165

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this

13th

day of

August

19 92

A. Glen Saylor

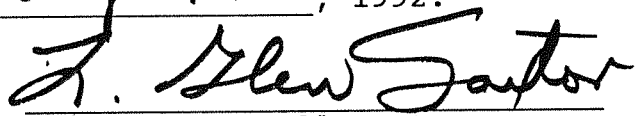
CHIEF, WATER ALLOC. BUREAU

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CONDITIONS OF APPROVAL
Transfer of Water Right No. 63-03165

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. Three years from the date of approval of this transfer, the portion of the right specified for irrigation of one acre shall revert to the aesthetic use.

Dated this 13th day of August, 1992.


Chief, Water Alloc. Bureau

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OCT 02 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-3165 (Attachment E) issued by the Idaho Department of Water Resources.
- c. Claim No. A63-3165 (SRBA) (DOB) on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:



Tax Notice



Warranty Deed



Other Quitclaim Deed

3. Source of water unnamed Slough tributary to Boise River

4. Date or priority Aug 11/1959

5. Water is used for the following purpose:

amount 2.50 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.50 cubic feet per second and/or 283.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3				24	4N	1E	Ada	(in NESW)
4				24	4N	1E	Ada	(in NWSW)

8. Lands irrigated or place of use:

Twp.	Rge.	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	1E	24							20			40	3						63
												4.4							

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Total acres 63

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

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OCT 02 1996

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED "B", "C", & "D"

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OCT 02 1996

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
*	Aesthetic	2.50 cfs	all season	3/15 to 11/15
	Aesthetic Storage	40 AF	" "	3/15 to 11/15

2. Quantity and quality of return flows and location of discharge:

Discharge point on west edge of property, along ditch back to Elmore drain. Quantity of flow should not be reduced. Quality of return flow may actually improve due to temporary impoundment.

3. Describe effects on other water uses resulting from the proposed change:

No effect or reduction in flows. Actual decrease in consumptive volume.

* Ultimately, change for all 2.5 cfs. For 1st 3 yrs, change for 2.48 cfs only. (PEN)

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

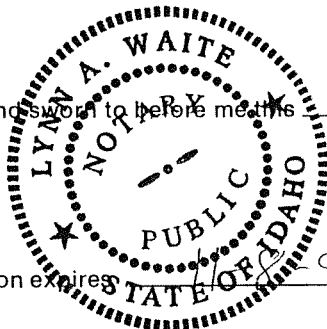
Subscribed and sworn to before me this

B. S. O'Brien

(Signature of Applicant)

20th

day of

April, 19 92.

Lynn A. Waite

(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLYTransfer contains 6 pages and 6 attachmentsReceived by CJH Date 4/21/92Protest filed by (Red)Prelim. check by JC Fee \$50.00Receipted by JH Date 4.21.92Published in THE IDAHO STATESMAN

Copies of protest forwarded by _____

Pub. dates 6/4 + 6/11/92

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

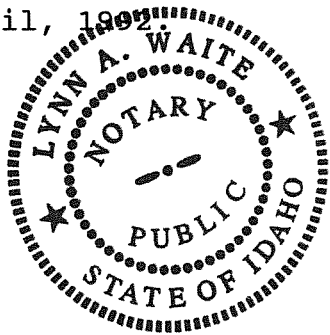
by _____

Copy of transfer sent to lien holder _____

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OCT 02 1996

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day of April, 1992.



Lynn A. Waite
NOTARY PUBLIC

Residing at Boise, Idaho
My Commission expires 11/8/97

MICROFILMED
AUG 18 1992

9001904

QUITCLAIM DEED

1-24
RECEIVED *See*

JAN 25 1990

RRDC

FOR VALUE RECEIVED, Alfred C. Wolfgram and Margaret I. Wolfgram, husband and wife, the Grantors, do hereby convey, release, remise and forever quitclaim unto Peter S. O'Neill whose current address is 2188 Blue Stem Lane, Boise, Idaho 83706, the Grantee, the real property located in Ada County, Idaho described as:

Government Lot 4 and the westerly 150 feet (plus or minus) of Government Lot 3 of Section 24, Township 4 North, Range 1 East, Boise-Meridian, in Ada County, Idaho, together with any accretion grounds which may attach to said property, and

Beginning at the $\frac{1}{4}$ Section Corner between Sections 23 and 24, Township 4 North, Range 1 East; thence North $89^{\circ}55'$ East along the north boundary of Lot 4 1,269 feet; thence North $64^{\circ}33'$ West 107.8 feet; thence North $21^{\circ}17'$ East 479.5 feet to a point on the South bank of a drain ditch; thence North $64^{\circ}22'$ West along the South bank of drainage ditch 665 feet to a point 8.13 chains South of the Northwest corner of the $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of said section; thence South $89^{\circ}55'$ West 575.6 feet; thence South $0^{\circ}25'$ West 264 feet; thence South $89^{\circ}55'$ West 165 feet; to a point on the West boundary of Section 24; thence; South $0^{\circ}25'$ West 517.4 feet to the place of beginning

together with their appurtenances.

IN WITNESS WHEREOF, the Grantors have caused their names to be subscribed to the within instrument effective the 14th day of January, 1990.

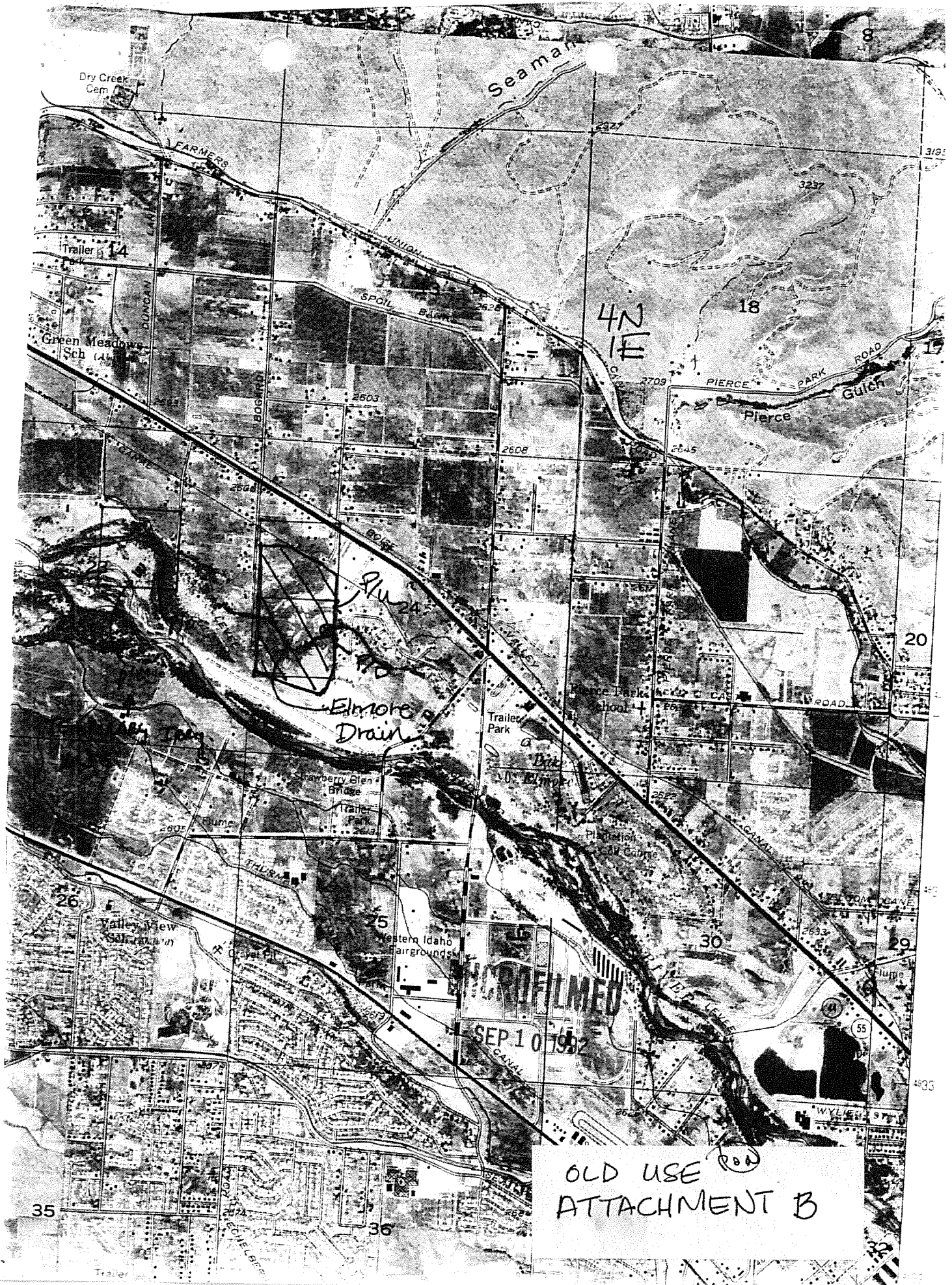
Alfred C. Wolfgram
Alfred C. Wolfgram

Margaret I. Wolfgram
Margaret I. Wolfgram

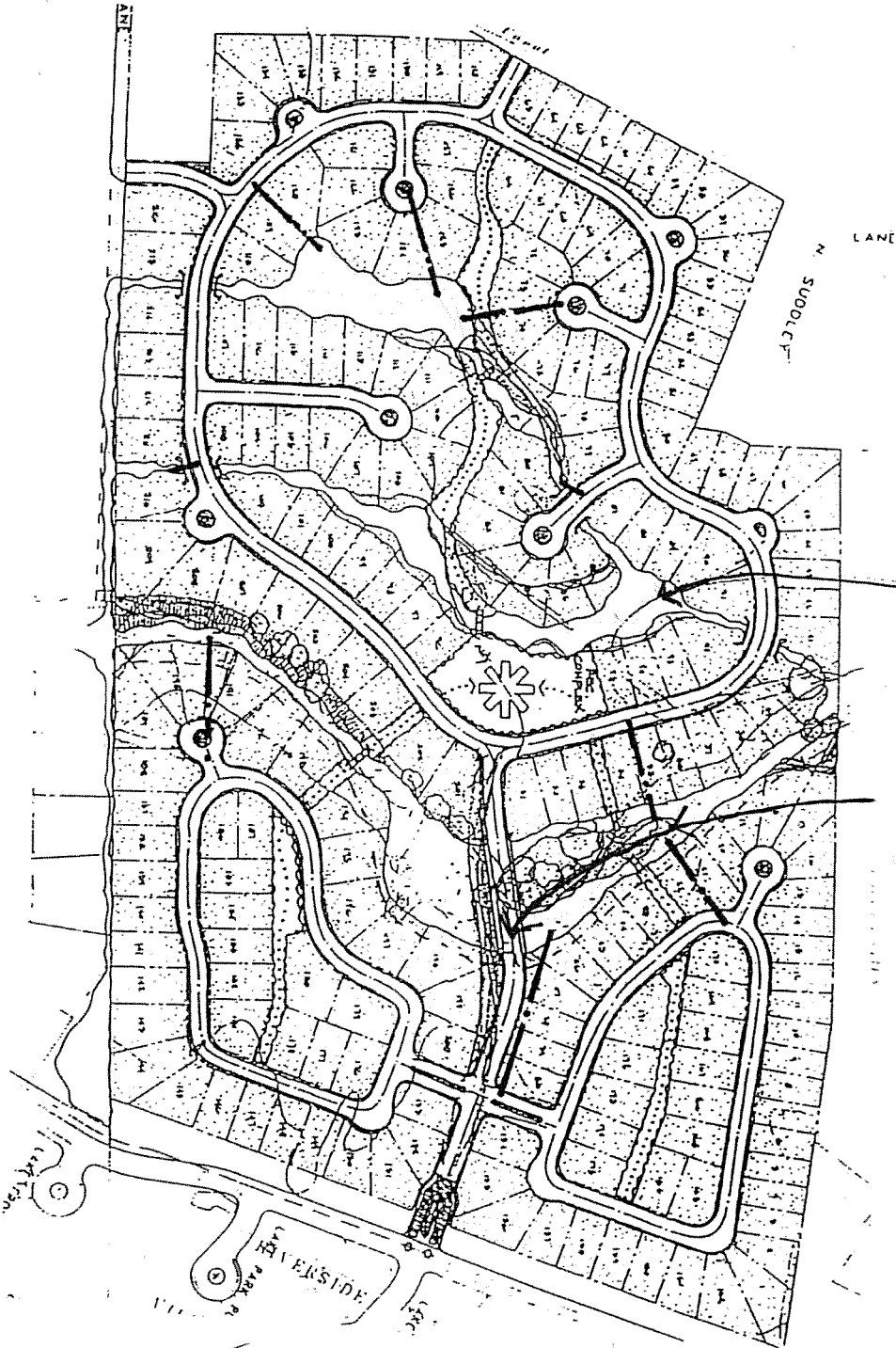
MICROFILMED

SEP 10 1992

ATTACHMENT ~~A~~ A
PG 2



OLD USE
ATTACHMENT B



MICROFILMED

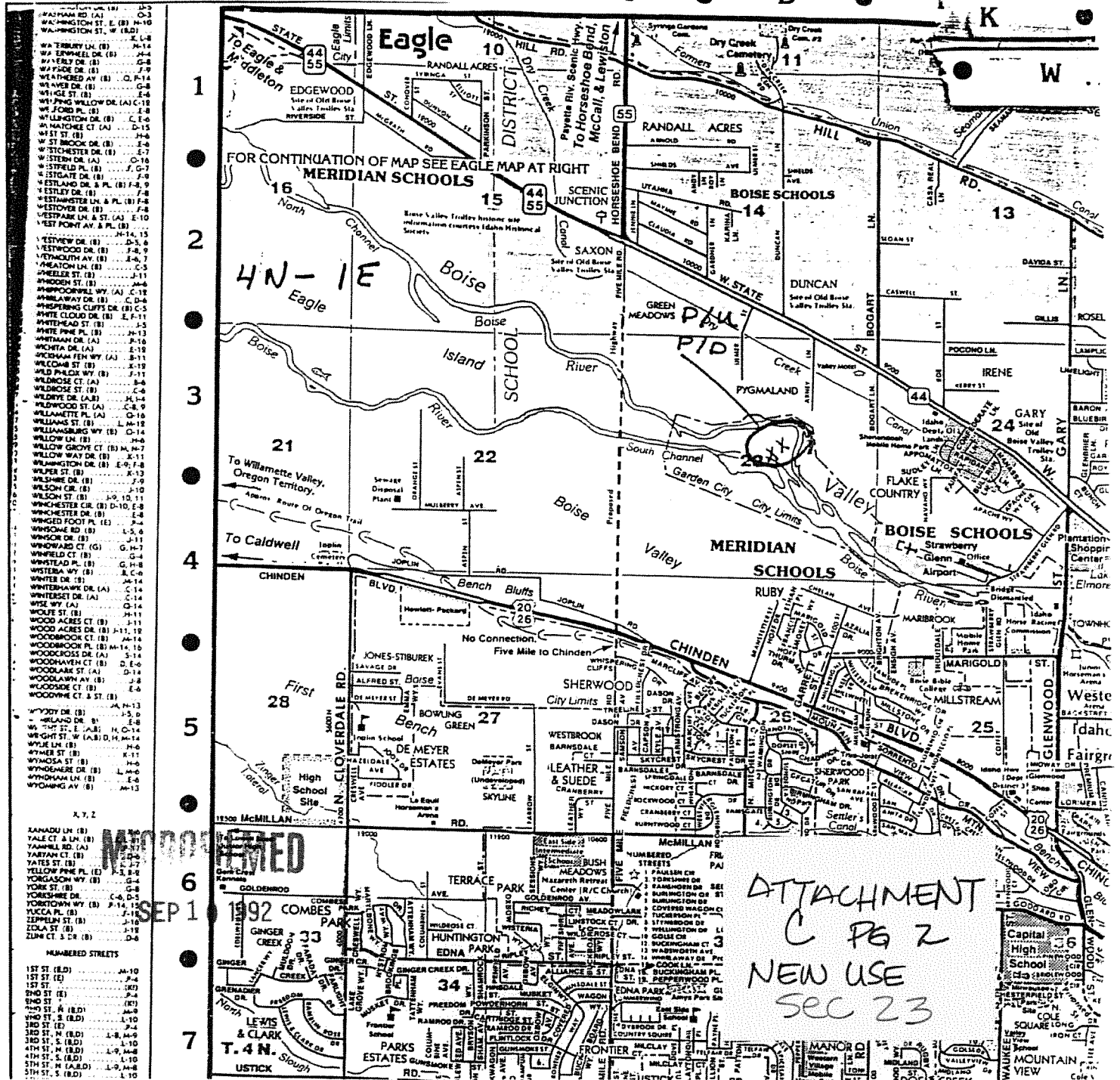
SEP 10 1992

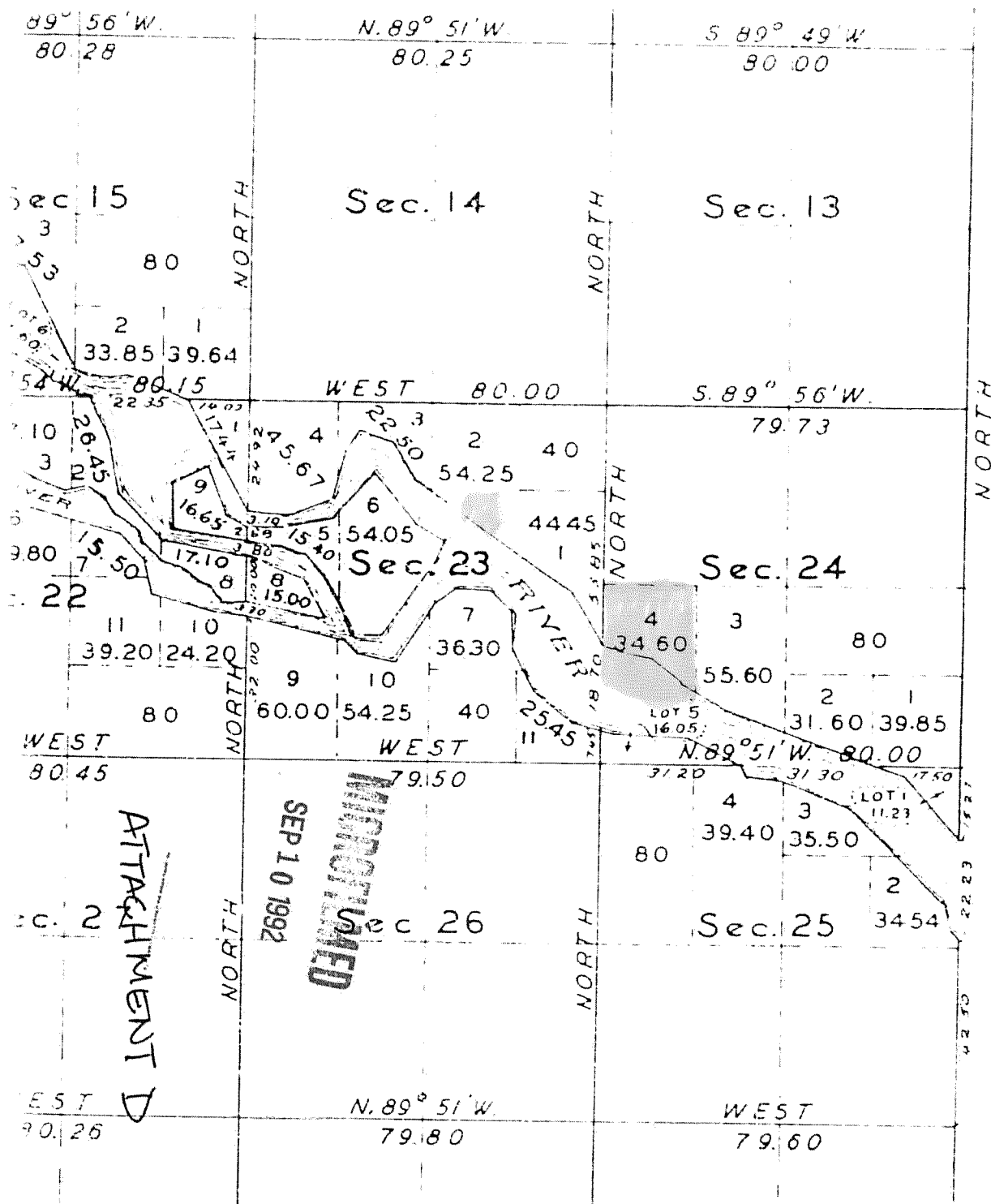
Sec 24

IN: City of Boise
 IN/NEAR Riverside Subdivision
 Ada COUNTY, Idaho
 DATE: 9/10/91 SHEET 2 OF 4
 APPLICATION BY: O'Neill Enterprises Inc.

NEW USE (POD)
 ATTACHMENT C

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





4N
1E

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: 63 - 3165 39576

Ident. Number

Date Received

Receipt Number

8-8-89

W004200

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
AUG 08 1989

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Meadow Creek Homeowner's Association c/o O'Neill Enterprises
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Phone (208) XXXXXXXXXX
871 E. Parkcenter Boulevard, Boise, Idaho 336-3430
Mailing Address XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Zip 83706

2. Date of Priority (Only one (1) per claim) August 11, 1959

3. Source of water supply (a) unnamed slough
which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4N. Range 1E. Section 24,
1/4 of 1/4 of 1/4, Govt. Lot, 3 B.M., County of Ada

Additional points of diversion if any: T.4N., R.1E., Section 24, Govt. Lot 4

b. If instream flow, beginning point of claimed instream flow is: N/A

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 enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Electric powered water lifter pump, open
discharge, gravity irrigation. The water is lifted via a Parma-type water
lifter, powered by a two phase, 7-1/2 horsepower electric motor. Discharge
from the pump is estimated to be 3-1/3 cfs. A second pump of approximately
the same size and capacity was pulled for repairs in late 1988. To date it
has not been replaced. However, it is anticipated that replacement will
occur in time for the 1990 irrigation season.

The domestic well (a small electric motor and pump) pumps from a casing.
The discharge quantity is approximately 10 to 20 gpm.

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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 2.5 or 283.5

For Domestic purposes from 1/1 to 12/31 amount 0.05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.5 (cfs) and/or (b) 283.5 (acre feet)

8. Total consumptive use claimed is approx. 170 acre feet per annum.

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

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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	24							20			40	3						63
												(lot 4)	(lot 3)						

Total number of acres irrigated 63

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 described above.
_____ or None ()

14. Remarks:

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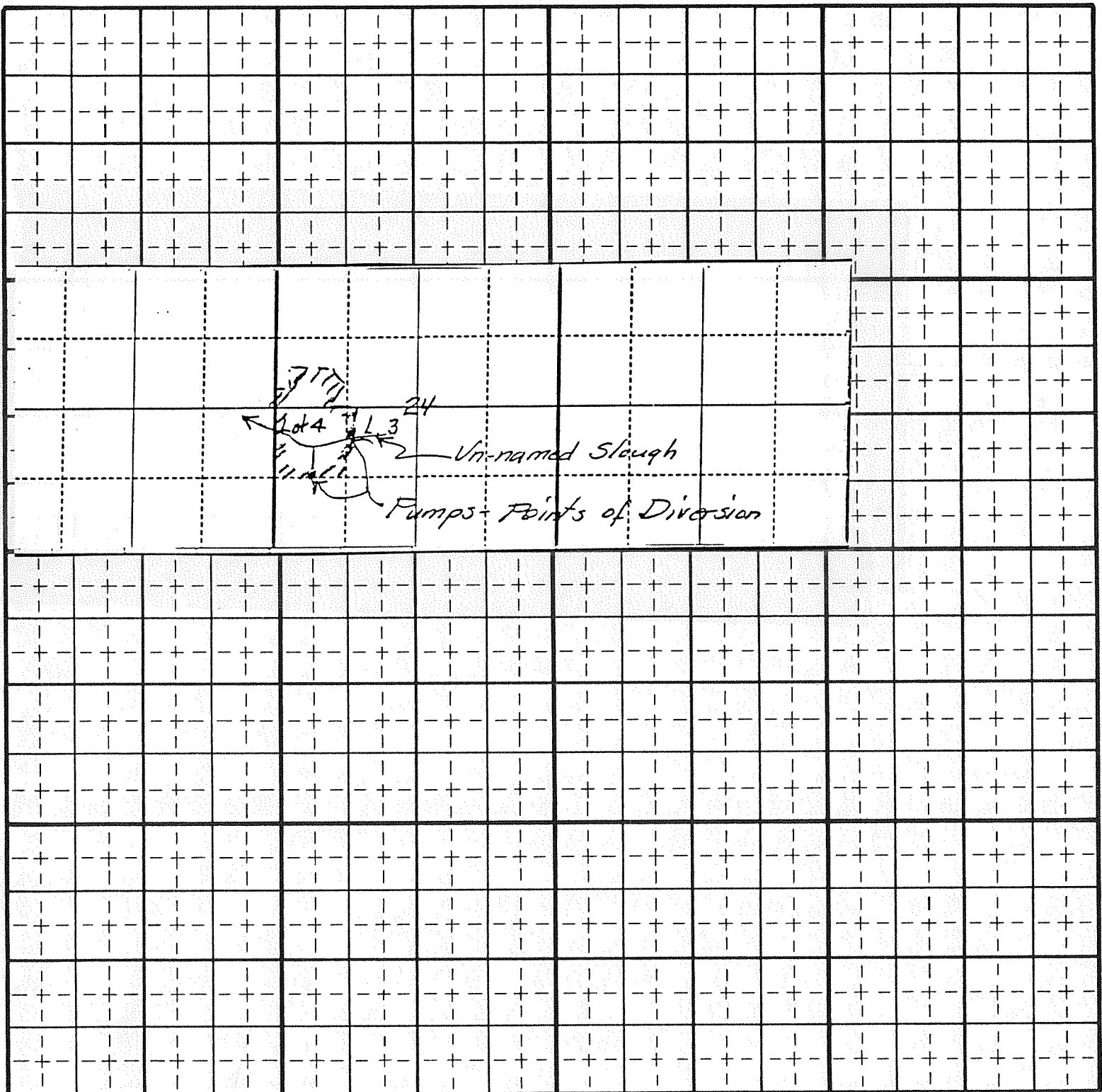
Copies: White -State, Yellow-Claimant

Last Name Wolfgram Meadow Creek HOA

Ident No. 63 - 3165

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

Scale: 2 inches equals 1 mile



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AUG 18 1992

POV

Meadow Creek HOA

Last Name Wolffgram

Ident No. 63 - 3165

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63 - 3165
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 X do not _____
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) Peter S. O'Neill Date August 8, 1989
Peter S. O'Neill Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8th day of August 19 89

SEAL

Notary Public _____

Residing at Boise, Idaho

My Commission Expires 5/3/91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ 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 _____

Address _____

Date _____



Meadow Creek HOA

Last Name Wolfgram Ident. Number 63 - 3165

MICROFILMED

AUG 18 1992

Copies White-State, Yellow-Claimant

Water Right Number - 63-03165

Prefix Translation: WATER RIGHT

Old (D) Number - 28099

+ - - - - Last Name - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

WOLFGRAM

ALFRED

1 - RT. 1 S. BOGART LN.

2 -

3 -

City- BOISE

State- ID Zip- 83703

Phone -

WOLFGRAM

MARGARET

1 - RT. 1 S. BOGART LN.

2 -

3 -

City- BOISE

State- ID Zip- 83703

Phone -

*** O - ORIGINAL OWNER ***

ELMS

H. F.

1 -

2 -

3 -

City-

State- Zip-

Phone -

ELMS

THELMA

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - +
08/11/1959+ - - Region - - - +
14 WESTERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
UNNAMED SLOUGH+ - - Tributary - - - - - +
BOISE RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)04N 01E 24 NW SW 4 (1) ADA
SW SW 3 (1) ADA+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 2.500 283.50

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2.500 283.50+ - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County04N 01E 24 SW NW 20.0 01 IRRIGATION (1) ADA
04N 01E 24 NW SW 4 40.0 01 IRRIGATION (1) ADA
04N 01E 24 SW SW 3 3.0 01 IRRIGATION (1) ADA

Total Acres: 63.0

MICROFILMED
AUG 18 1992

Water right number - 63-03165

Prefix Translation: WATER RIGHT

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 05/06/85 05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 05/06/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 08/28/1979	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

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AUG 1 8 1992

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME Meadow Creek HOA

CLAIM IDENT. NO. A63-03165

DATE RECEIVED 8/8/89 RECEIPT # W004200 AMOUNT \$ 450-

- | | YES | NO | Require Info? |
|---|-------------------------------------|--------------------------|---------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | * |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | * |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | * |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | * |
| 8. If required is a consumptive use entered? | ☒ | ☐ | * |
| Is the consumptive use correct? | ☒ | ☐ | * |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4 | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | * |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | * |
| 13. Are other water rights listed or "none" indicated?
(See Item No.'s 16 & 17 for checking other water rights) | ☒ | ☐ | * |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | * |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | * |
| 16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed?
(Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim) | ☒ | ☐ | * |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim?
(If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed. | ☒ | ☐ | * |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) | ☒ | ☐ | * |
| 19. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |

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23. Should this claim be data entered?

YES

NO

Claim reviewed by: Cyt Date 6/18/92

Claim data entered by: Cyt Date 6/18/92

Claim is being returned to claimant: ____ (Yes) ____ (No)

Claimant is being notified of modifications: ____ (Yes) ____ (No)

Comments: lot 4 - NWSW
lot 3 - SWSW
Non-irrigation - D/I Home
Note: NO other water rights identified on
this receipt.

Fee calc: \$ 50 claim
63 acreage
\$ 113

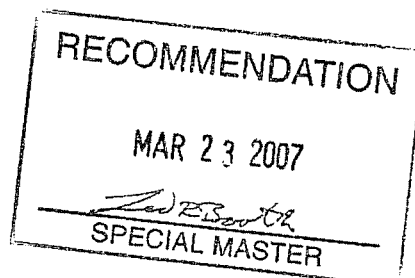
Payment 450
337 overpayment?

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 MAR 23 PM 4 19

RULE 54 (b) CERTIFICATE

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



RECEIVED DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
MAR 26 2007 FILED
DEPARTMENT OF WATER RESOURCES 2007 MAR 23 PM 4 19

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-03165

I. FINDINGS OF FACT

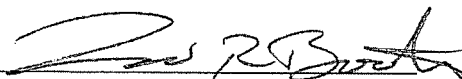
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On January 31, 2007 the claimant of the water right, the Meadow Creek Homeowners' Association, by and through its attorney Charles Honsinger, filed an objection to the *Director's Report*, objecting to the quantity recommended therein. On March 16, 2007, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-03165 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 22, 2007


Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2007 MAR 23 PM 4 19

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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

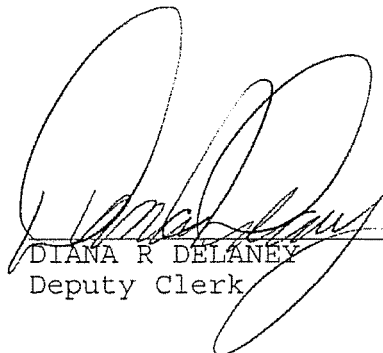
Water Right(s): 63-03165

On March 23, 2007, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 23, 2007.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAR 23 PM 4 19

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-03165

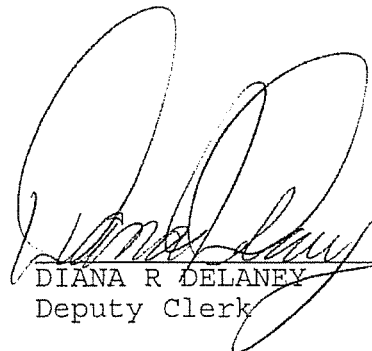
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 23, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MEADOW CREEK HOMEOWNERS ASSN
MEADOW CREEK HOMEOWNERS ASSN

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/23/07

**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	)	Subcase No. 63-3165
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

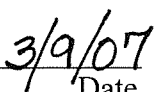
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

Meadow Creek Homeowners Association
c/o AMI

Charles L. Honsinger	Date
Attorney	

IDWR Concurrence:

Kay Walker Date
Senior Water Resource Agent

Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on _____, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Charles L. Honsinger
Ringert Clark Chartered
PO Box 2773
Boise, ID 83701

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3165

NAME AND ADDRESS:

MEADOW CREEK HOMEOWNERS ASSN
C/O AMI
PO BOX 5714
BOISE ID 83705

SOURCE:

Source:
UNNAMED DRAIN

Tributary:

BOISE RIVER

QUANTITY:

2.500 CFS~~1.250 CFS~~40.000 AFY~~20.000 AFY~~

PRIORITY DATE:

08/11/1959

POINT OF DIVERSION:

T04N R01E S24 Lot 4 NWSW
Within ADA CountyPURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

AESTHETIC

03/15 11/15

2.500 CFS~~1.250 CFS~~ kw

AESTHETIC STORAGE

03/15 11/15

40.00 AFY~~20.00 AFY~~

DIVERSION TO STORAGE

03/15 11/15

2.500 CFS~~1.250 CFS~~

PLACE OF USE:

AESTHETIC within ADA County

T04N R01E S24 Lot 4 NWSW

AESTHETIC STORAGE within ADA County

T04N R01E S24 Lot 4 NWSW

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 - License

Use of water under this water right will be regulated by the watermaster of State Water District No. 63.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Property is also known as Wolfgram Subdivision.

~~The right holder shall accomplish the change authorized by Transfer No. 3958 within one (1) year of the date of the approval.~~

~~Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.~~

~~Three years from the date of approval of Transfer No. 3958, the portion of the right specified for irrigation of one acre shall revert to the aesthetic use.~~

~~Use of water under this water right will be regulated by the watermaster of State Water District No. 63.~~

SF5 Right No. 63-3165

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3165

NAME AND ADDRESS:

MEADOW CREEK HOMEOWNERS ASSN
C/O AMI
PO BOX 5714
BOISE ID 83705

SOURCE:

Source:

Tributary:

UNNAMED DRAIN

BOISE RIVER

QUANTITY:

2.500 CFS

~~1.250 CFS~~

40.000 AFY

~~20.000 AFY~~

PRIORITY DATE:

08/11/1959

POINT OF DIVERSION:

T04N R01E S24 Lot 4 NWSW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

AESTHETIC

03/15 11/15

2.500 CFS

~~1.250 CFS~~

AESTHETIC STORAGE

03/15 11/15

40.00 AFY

~~20.00 AFY~~

DIVERSION TO STORAGE

03/15 11/15

2.500 CFS

~~1.250 CFS~~

PLACE OF USE:

AESTHETIC

within ADA County

T04N R01E S24 Lot 4 NWSW

AESTHETIC STORAGE

within ADA County

T04N R01E S24 Lot 4 NWSW

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 - License

take out per Becky. done 3/8/07 pw

X The right holder shall accomplish the change authorized by Transfer No. 3958 within one (1) year of the date of the approval.
Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
X Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
X Three years from the date of approval of Transfer No. 3958, the portion of the right specified for irrigation of one acre shall revert to the aesthetic use.
X Property is also known as Wolfgram Subdivision.

RECEIVED

FEB 23 2007

DEPARTMENT OF
WATER RESOURCES

RECEIVED - COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 FEB 23 AM 11 36

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

) Subcase No: 63-3165
)

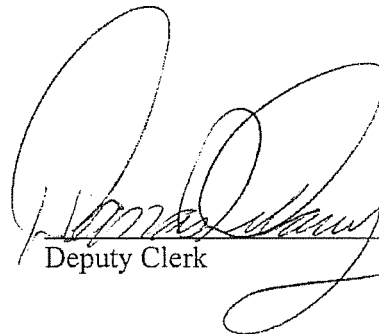
Case No. 39576
_____)

) NOTICE CHANGING LOCATION OF
) INITIAL HEARING

On January 30, 2007, this Court issued a *Notice Setting Subcase(s) For Initial Hearing* setting the Initial Hearing in this matter for March 19, 2007, at 4 p.m., at the Snake River Basin Adjudication Courthouse in Twin Falls, Idaho. Due to the Court's travel schedule, the location of this hearing has changed.

NOTICE IS GIVEN that the Initial Hearing for Subcase 63-3165 will be held March 19, 2007, at 4 p.m. (MT), at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho.

DATED February 23, 2007.



Deputy Clerk

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE CHANGING LOCATION OF INITIAL HEARING was mailed on February 23, 2007, with sufficient first-class postage to the following:

MEADOW CREEK HOMEOWNERS ASSN
MEADOW CREEK HOMEOWNERS ASSN

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

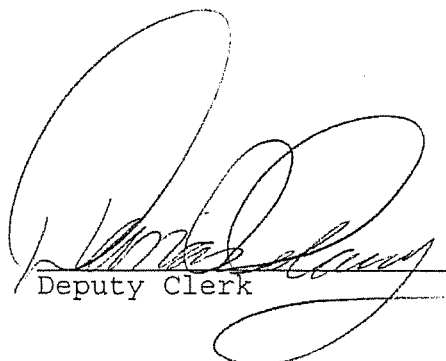
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

NOTICE CHANGING LOCATION

Page 1 2/23/07

FILE COPY FOR 01461

Deputy Clerk



02/23/2007

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

RIGHT NUMBER: 63-3165

NAME AND ADDRESS: MEADOW CREEK HOMEOWNERS ASSN
C/O AMI
PO BOX 5714
BOISE ID 83705

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 2.500 CFS
40.000 AFY

PRIORITY DATE: 08/11/1959

POINT OF DIVERSION:

T04N R01E S24 NWSW Lot 4 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	03/15 11/15	2.500 CFS
AESTHETIC STORAGE	03/15 11/15	40.00 AFY
DIVERSION TO STORAGE	03/15 11/15	2.500 CFS

PLACE OF USE:

AESTHETIC in ADA County
T04N R01E S24 Lot 4 NWSW
AESTHETIC STORAGE in ADA County
T04N R01E S24 Lot 4 NWSW

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 - License

The right holder shall accomplish the change authorized by Transfer No. 3958 within one (1) year of the date of the approval.

Use of water under this water right will be regulated by the watermaster of State Water District No. 63.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Three years from the date of approval of Transfer No. 3958, the portion of the right specified for irrigation of one acre shall revert to the aesthetic use.

Property is also known as Wolfgram Subdivision.

RECEIVED

JAN 31 2007

CLERK OF DISTRICT COURT

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2007 JAN 30 PM 11 46

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

) Subcase 63-03165

)

Case No. 39576

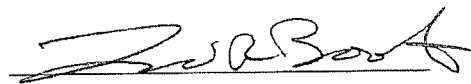
) ORDER GRANTING MOTION TO FILE

) LATE OBJECTION

)

This matter came before this Special Master upon a *Motion to File Late Objection* filed on November 22, 2006 by the Claimant Meadow Creek Homeowners' Association, by and through its attorney Charles L. Honsinger of Ringert Clark Chartered, LLP. Also filed were the *Memorandum in Support of Motion to File Late Objection*, the *Affidavit of John Everingham in Support of Motion to File Late Objection*, and the *Affidavit of Charles L. Honsinger in Support of Motion to File Late Objection*. A hearing on the matter was held on January 30, 2007. Pursuant to AO1 (10(j)), both the *Motion* and the *Notice of Hearing* on the *Motion* were reported on the docket sheet. Based upon the contents of the *Motion*, the *Memorandum* and *Affidavits* in support thereof, and the comments of counsel at the hearing, this Special Master finds that the requirements of I.R.C.P. 55(c) have been met, and the Motion is hereby **granted**. Counsel for the Claimant/Objector is instructed to file a Standard Form 1 Objection no later than Friday, February 2, 2007.

Dated January 30, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION was mailed on January 30, 2007, with sufficient first-class postage to the following:

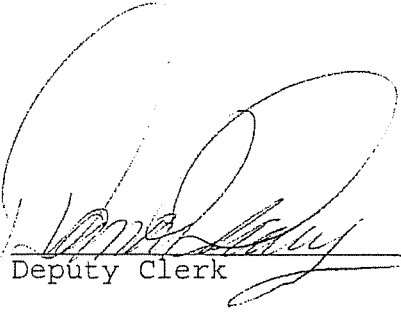
MEADOW CREEK HOMEOWNERS ASSN
MEADOW CREEK HOMEOWNERS ASSN

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER GRANTING LATE OBJECTION

Page 1 1/30/07 FILE COPY FOR 01461


Deputy Clerk

a
RECEIVED
JAN 31 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) A. Subcase 63-3165
) (Insert water right no.)
Case No. 39576)
)
)
)
)
)
)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: MEADOW CREEK HOMEOWNERS ASSOCIATION

Address: C/O AMI
P.O. Box 5714
Boise, ID 83705

Daytime Phone: 208 342-4591

Name & Address of Attorney, if any:
Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: MEADOW CREEK HOMEOWNERS ASSOCIATION

Address: C/O AMI
P.O. Box 5714
Boise, ID 83705

COPY

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: MEADOW CREEK HOMEOWNERS ASSOCIATION, C/O AMI
P.O. Box 5714, Boise, ID 83705
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 2.50 cfs, 40 acre-feet.
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: _____
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.

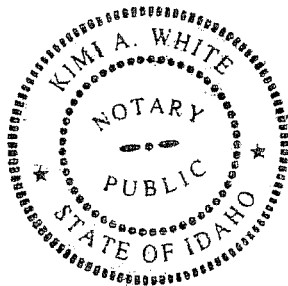
E. **REASONS SUPPORTING OBJECTION (S):** There appears to be no valid reason for reducing the quantity of the water right from the transfer application approved by IDWR.

VERIFICATION (must be completed)

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

Charles L. Honsinger

 Notary Public for Idaho
 Residing at: Boise, Idaho
 My Commission Expires: October



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on January 30, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

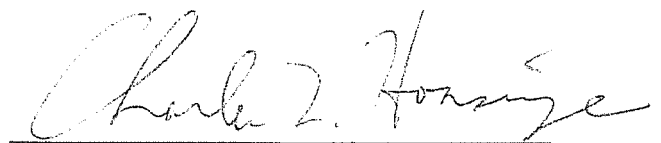
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

Shurte, Jan

From: Spencer, Nick
Sent: Tuesday, January 30, 2007 3:40 PM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: 63-3165 (Meadow Creek Homeowners Association)

Hi Jan. SM Booth this morning granted these folks' motion for leave to file a late objection. Charlie Honsinger will be filing/serving the objection today. Charlie left me a message after lunch. The basis of the objection essentially is that IDWR recommended only about half of what was claimed, even though there is a fairly recent transfer recognizing the full amount. He thinks therefore that we can't assert forfeiture and are bound by the transfer to recognize the full amount recognized by the transfer. Therefore he thinks this one ought to be easily resolvable. When you get a few minutes free could you have someone look at this file and let me know what we did and why we did it, so that I can call Charlie back? Thanks. NBS

Called & explained to Nick

Brown, Kimberly

From: Harvey, Becky
Sent: Thursday, November 30, 2006 10:32 AM
To: Brown, Kimberly
Subject: motion for late objection - 63-3165 (Meadow Creek Homeowners Assn)

Hi Kimberly:

FYI - Attorney Charlie Honsinger filed a late objection to this water right recommendation. The hearing on the motion to file a late objection is January 30, 2007 for 63-3165. Nick Spencer will participate by phone; you will not have to participate in that hearing. The court will set this for an initial hearing at some point after this motion is heard. Thanks!
Becky



WATERRIGHTS-#2
97458-v1-Propose...

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.

RINGERT
CLARK
CHARTERED
LAWYERS

Karl

November 27, 2006

Transmitted by Facsimile and by U.S. Mail

District Court Clerk
SRBA District Court
P.O. Box 2707
Twin Falls, Idaho 83303-2707
Fax: (208)736-2121

RECEIVED
NOV 28 2006
DEPARTMENT OF
WATER RESOURCES

Laura E. Burn
Jeffrey R. Christensen
David P. Claiborne
D. Blair Clark
S. Bryce Farns
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney, of Counsel
Samuel Kaufman (1921-1986)

Re: Subcase No. 63-3165

Dear Madam Clerk:

Enclosed please find a proposed Standard Form 1 Objection to be attached as Exhibit "A" to the Motion to File Late Objection filed on November 22, 2006 in Subcase Number 63-03165. The Exhibit was omitted due to a clerical error. Please attach the Exhibit to the Motion to File Late Objection. I apologize for any confusion my error may have caused.

Please contact me with any questions or concerns.

Sincerely,



Charles L. Honsinger

cc: Chase Hewes
Director of IDWR
Chief, Natural Resources Division
United States Department of Justice

Exhibit A

In Re SRBA	)	A.	Subcase	<u>63-3165</u>
	)			(Insert water right no.)
Case No. 39576	)			
	)			
	)			
	)			
	)			

Page 1

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: MEADOW CREEK HOMEOWNERS ASSOCIATION, C/O AMI
P.O. Box 5714, Boise, ID 83705
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 2.50 cfs, 40 acre-feet.
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: _____
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 OBJECTION (S): There appears to be no valid reason for reducing the quantity of the water right from the transfer application approved by IDWR.

F. VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

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.

Charles L. Honsinger

Subscribed and sworn to before me on: _____

Notary Public for _____
Residing at: _____
My Commission Expires: _____

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April _____, 2006, 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. Copies to:

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

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

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

Signature of Objector or attorney
mailing on Objector's behalf

**RINGERT
CLARK**
CHARTERED
LAWYERS

RECEIVED

NOV 22 2006

DEPARTMENT OF
WATER RESOURCES

Laura E. Brum
Jeffrey R. Christensen
David H. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kauffman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Ailyn L. Sweeney, of Counsel
Samuel Kauffman (1921-1986)

November 21, 2006

Clerk of the Court
Snake River Basin Adjudication
253 3rd Avenue North
Twin Falls, Idaho 83303

Re: Subcase Number 63-3165

Dear Clerk:

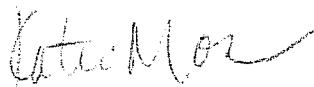
Enclosed for filing in the above-referenced matter, please find the following:

1. Original and one copy of the Motion to File Late Objection;
2. Original and one copy of the Memorandum in Support of Motion to File Late Objection;
3. Original and one copy of the Affidavit of John Everingham in Support of Motion to File Late Objection; and
4. Original and one copy of the Affidavit of Charles L. Honsinger in Support of Motion to File Late Objection.

Please file the originals and return the conformed copies to me in the enclosed pre-paid envelope.

Thank you for your assistance.

Sincerely,



Katie Moser

Enclosures

Charles L. Honsinger (#5240)
Ringert Clark, Chartered, LLP
P.O. Box 2773
Boise, ID 83702
(208)342-4591

RECEIVED

NOV 27 2006

CLERK OF DISTRICT COURT

Attorneys for Claimant Meadow Creek Homeowners Association

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

SUBCASE NUMBER 63-03165

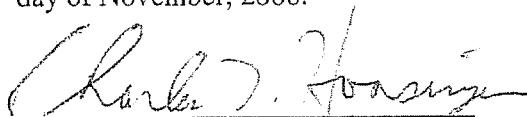
MOTION TO FILE LATE OBJECTION

MOTION

COMES NOW SRBA Claimant Meadow Creek Homeowners Association (hereinafter "MCHOA"), by and through its attorneys, Ringert Clark, Chartered, and hereby files this Motion to File Late Objection to the recommendation of water right number 63-03165 claimed in the SRBA by MCHOA. This motion is filed pursuant to I.R.C.P. 7(b). The grounds for this motion are that MCHOA has good cause pursuant to the standards of I.R.C.P. 55(c) for not having filed its objection earlier. A copy of the Objection that MCHOA seeks to file is attached hereto as Exhibit "A". This Motion is supported by the Memorandum and Affidavits filed contemporaneously herewith.

Oral argument on this motion is requested.

Respectfully submitted this 21st day of November, 2006.


Charles L. Honsinger
Ringert Clark, Chartered

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Motion for Late Objection was made this 21st day of November, 2006, by faxing and mailing a copy thereof, postage prepaid, to each of the parties listed below.

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098
FAX: (208)327-5400

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724



Person Serving Document

Charles L. Honsinger (#5240)
Ringert Clark, Chartered, LLP
P.O. Box 2773
Boise, ID 83702
(208)342-4591

NOV 22 2015
CLERK OF DISTRICT COURT

Attorneys for Claimant Meadow Creek Homeowners Association

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	)	SUBCASE NUMBER 63-3165
	)	
Case No. 39576	)	MEMORANDUM IN SUPPORT OF MOTION
	)	TO FILE LATE OBJECTION
_____	)	

COMES NOW, SRBA Claimant Meadow Creek Homeowners Association (hereinafter "MCHOA), by and through its attorneys of record, Ringert Clark, Chartered, and hereby submits this memorandum in support of the Motion to File Late Objection submitted contemporaneously herewith. This Memorandum is submitted pursuant to I.R.C.P. 7(b)(3), and is supported by the Affidavit of John Everingham and the Affidavit of Charles L. Honsinger filed herewith, and the claims to water rights and recommendations thereof already on file herein.

FACTS

The Idaho Department of Water Resources (hereinafter "IDWR") issued the License for Water Right no. 63-3165 on October 3, 1973. Honsinger Affidavit, Exhibit A. The license specified that the water right was licensed for a flow rate of 2.50 cfs and volume of 283.5 acre-feet for irrigation purposes. *Id.* MCHOA filed Notice of Claim to Water Right No. 63-3165 in the Snake River Basin Adjudication on August 8, 1989. Honsinger Affidavit, Exhibit B. The claim was for 2.5 cfs for irrigation purposes and .05 cfs for domestic purposes with a total claimed flow rate of 2.5

cfs and a volume of 283.5 acre-feet. *Id.* The address listed for the claimant on the SRBA claim was “c/o O’Neill Enterprises, 871 E. Parkcenter Boulevard, Boise, Idaho 83706.” *Id.* On April 20, 1992, IDWR. On May 14, 1992, MCHOA filed an Application for Transfer of Water Right requesting a change in the purpose of water right No. 63-3165 from irrigation to aesthetic and aesthetic storage. Honsinger Affidavit, Exhibit C. The address of the applicant listed on the transfer application was the same as on the previously filed SRBA claim. *Id.* IDWR approved the Application on August 13, 1992 with a total of 2.48 cfs for aesthetic purposes, .02 cfs for irrigation purposes, 2.48 cfs for diversion to storage purposes, and 40 acre-feet for aesthetic storage purposes. *Id.*

MCHOA did not manage the water rights claimed on its behalf in the SRBA until late 1993, when O’Neill Enterprises, Inc. (the subdivision developer) turned over such management to the MCHOA Board. Affidavit of John Everingham. The members of the MCHOA Board at the time were unaware of the need to notify IDWR of their change in address. Affidavit of John Everingham. As a result, according to IDWR records, the address for the owner of water right no. 63-3165 continued to be listed as “c/o O’Neill Enterprises, 871 E. Parkcenter Boulevard, Boise, Idaho 83706”.

In or about late of 2005, IDWR filed its recommendation of water right no. 63-3165 and mailed a Notice of Filing of Director’s Report to MCHOA at the 871 E. Parkcenter Blvd. address. However, MCHOA did not any longer receive mail at such address and the Notice was returned to IDWR. Affidavit of Charles L. Honsinger, Exhibit D. IDWR’s Adjudication Field Report establishes that the recommending IDWR reduced the quantity of the licensed water right based upon the agent’s assumption that only one-half of the water right was needed for the recommended use. Honsinger Affidavit, Exhibit E. The agent did not state that the unrecommended portion of the

water right had been forfeited. Recently, MCHOA requested that their attorney review the status of their water rights in the SRBA, discovered that it had not received Notice of the recommendation filed in the SRBA for water right no. 63-3165, and found that the water right's elements were diminished from that which was licensed and confirmed by transfer approval. Affidavit of John Everingham.

ARGUMENT

The legal standard for filing a late objection to a water right recommended in the SRBA is set forth in the *Order on Motion to Set Aside Partial Decrees and File Late Objections*, Subcase Nos. 65-19812 *et. al.*, *In Re SRBA*, (January 31, 2001, SRBA District Court) (hereinafter "A.L. Cattle Decision"). That decision holds that motions to file late objections should be reviewed under the standards by which a default judgment may be set aside pursuant to I.R.C.P. 55(c). *Id.*, at p. 6. "The I.R.C.P. 55(c) Standard takes into account the following factors: 1) whether the default was willful; 2) whether setting aside the judgment would prejudice the opponent; and 3) as with a Rule 60(b) motion, whether a meritorious position has been presented." *Id.*, at p. 7. MCHOA's Motion to File a Late Objection meets all three criteria.

1. MCHOA's Failure to File an Objection was not Willful

MCHOA was recommended only 1.25 cfs and 20.0 AFY of the 2.50 cfs and 40.0 AFY which MCHOA thought were the elements of its water right, and which were approved by IDWR pursuant to the 1992 transfer application. Because it did not receive Notice of the recommendation, MCHOA did not, and could not have been expected to file an objection to the recommendation. Its lack of objection due to lack of notice simply cannot be construed in any way as willful.

2. Granting the Motion to File Late Objection Will Not Prejudice any Party

As no other party has objected to the recommendation of water right no. 63-3165, there is no other party in the subcase whom may be prejudiced. Presumably, the court will set a response deadline to permit any party to respond to MCHOA's objection if such party feels it necessary. Accordingly, there is no prejudice to any party for granting MCHOA's Motion to File a Late Objection.

3. MCHOA's Position is Meritorious

To establish that its position with respect to water right no. 63-3165 is meritorious, MCHOA must allege detailed facts, which if established, would constitute a defense to the action. A.L. Cattle Decision, *supra*, at 13.

Under Idaho law, a water right can only be lost through forfeiture, abandonment, or adverse possession. *State v. Hagerman Water Right Owners (In Re SRBA Case No. 39576)*, 130 Idaho 736, 741 (1997). The IDWR agent recommending water right no. 63-3165 in the SRBA did not specify any legal basis for the reduced recommendation of certain elements of the water right. There are no facts in the Adjudication Field Report establishing that (1) the water right had not been used for a period of five years or more (forfeiture); (2) that MCHOA had intended to abandon the water right (abandonment); or (3) that the water right had been adversely possessed. Accordingly, the water right simply cannot legally be recommended with elements that are less than those claimed pursuant to the approved transfer. Moreover, even if forfeiture of the water right were alleged, such forfeiture could not occur during the pendency of a claim before the SRBA District Court pursuant to the "Forfeiture Tolling Rule." *Memorandum Decision and Order on Challenge; and, Order of Partial Decree (Wood v. Trout)*, at pp. 8 - 11 (Subcase No. 65-05663B) (May 9, 2002) at fn.6, pp. 14 -15,

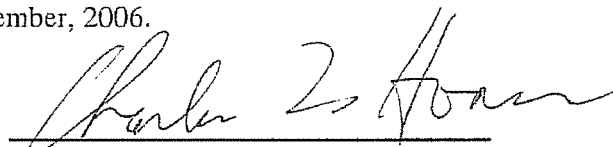
citing Order on Challenge (Consolidated Issues) of "Facility Volume" Issue and "Additional Evidence" Issue (Subcases 36-02708 et al.) (Dec. 29, 1999).

Obviously, the facts underlying MCHOA's position, if established, will constitute a defense to IDWR's recommendation of only a portion of water right no. 63-3165. Accordingly, MCHOA has pled a meritorious defense as required by the standards set forth in the A.L. Cattle Decision, *supra*.

CONCLUSION

MCHOA has established that its failure to file an objection was not willful, that granting its motion to file a late objection will not prejudice any party, and that it has pled a meritorious defense. Therefore, this Court should grant MCHOA's Motion to File Late Objection, and assign the subcase to the appropriate Special Master for processing in the SRBA

DATED this 21st day of November, 2006.



Charles L. Honsinger
Ringier Clark, Chartered

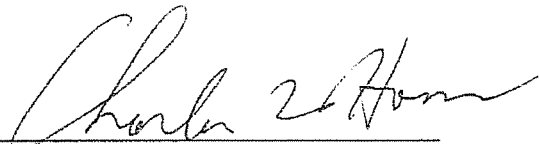
CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Memorandum in Support of Motion to File Late Objection was made this 21st day of November, 2006, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724



Person Mailing Document

Charles L. Honsinger (#5240)
Ringert Clark, Chartered, LLP
P.O. Box 2773
Boise, ID 83702
(208)342-4591

NOV 22 2013
CLERK OF DISTRICT COURT

Attorneys for Claimant Meadow Creek Homeowners Association

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	)	SUBCASE NUMBER 63-3165
	)	
Case No. 39576	)	AFFIDAVIT OF JOHN EVERINGHAM IN
	)	SUPPORT OF MOTION TO FILE LATE
	)	OBJECTION
_____	)	
STATE OF IDAHO	)	
	) ss	
COUNTY OF ADA	)	

JOHN EVERINGHAM, being first duly sworn upon his oath, deposes and says that:

1. I am on the Board of Directors of the Meadow Creek Homeowners Association (hereinafter "MCHOA"). I served as a Board Member for one year at the time of the Board's formation in late 1993, and have served again beginning in early 2006. Additionally, I have been involved in the management of MCHOA affairs by my participation on other committees between my two periods of service on the MCHOA Board.

2. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.

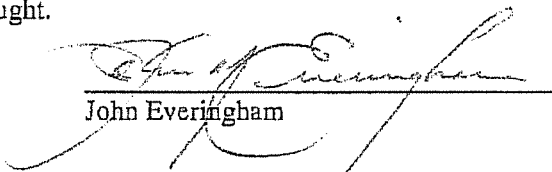
3. MCHOA's water rights were managed by O'Neill Enterprises, Inc. (the subdivision

developer) until approximately late 1993. When the MCHOA Board was created in or about late 1993, management of MCHOA's water rights was turned over to the MCHOA Board. However, I do not recall any discussion or documents related to notification of IDWR regarding the change of management and associated change of mailing address.

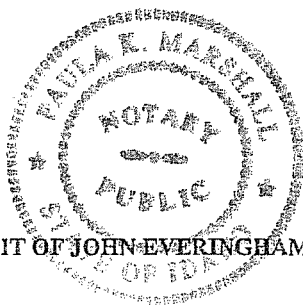
4. In late 1993 through the end of my first term of service as a Board Member, the Board was unaware of the necessity to inform the Idaho Department of Water Resources ("IDWR") of the change in address occasioned by the change in water right management responsibilities. During my latest term of service, the Board has likewise been unaware of the requirement to inform IDWR of the change of address. It is my understanding from speaking with other Board Members that the Board has been unaware of such requirement during the entire term of its existence.

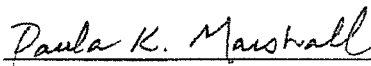
5. In October of 2006, the MCHOA Board requested that its attorney review SRBA filings related to the MCHOA water rights. It was not until that time that the Board discovered that it had not received notice of the recommendation previously filed in the SRBA for water right no. 63-3165. Additionally, it was not until that time that the Board discovered that the water right's elements were diminished from that which was originally claimed in the SRBA.

Further your affiant sayeth naught.


John Everingham

Sworn to and subscribed before me this 20th day of November, 2006.




Notary Public for Idaho
Residing in Boise, Idaho
My Commission Expires: 8-17-08

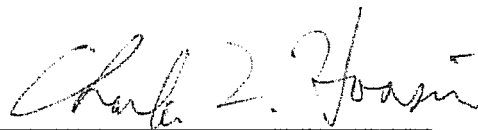
CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Affidavit of John Everingham in Support of Motion to File Late Objection was made this 21st day of November, 2006, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724

A handwritten signature in cursive script, appearing to read "Charles E. Hoas", is written over a horizontal line.

Person Mailing Document

RECEIVED

NOV 22 2006

DEPARTMENT OF
WATER RESOURCES

Charles L. Honsinger (#5240)
Ringert Clark, Chartered, LLP
P.O. Box 2773
Boise, ID 83702
(208)342-4591

Attorneys for Claimant Meadow Creek Homeowners Association

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

SUBCASE NUMBER 63-3165

AFFIDAVIT OF CHARLES L. HONSINGER IN
SUPPORT OF MOTION TO FILE LATE
OBJECTION

STATE OF IDAHO

COUNTY OF ADA

) ss

CHARLES L. HONSINGER, being first duly sworn upon his oath, deposes and says that:

1. I am the attorney for the Meadow Creek Homeowners Association (hereinafter "MCHOA") in the above referenced litigation.

2. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.

3. Attached hereto as Exhibit "A" is a true and accurate copy of the License for water right no. 63-3165 obtained from the Idaho Department of Water Resources (hereinafter "IDWR") SRBA claim file for water right no. 63-3165.

4. Attached hereto as Exhibit "B" is a true and accurate copy of the SRBA Notice of

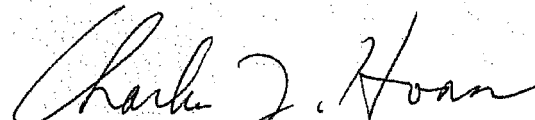
Claim to Water Right No. 63-3165 obtained from IDWR's SRBA claim file for water right no. 63-3165.

5. Attached hereto as Exhibit "C" is a true and accurate copy of Approved Application for Transfer of Water Right No. 3958 obtained from IDWR's SRBA claim file for water right no. 63-3165.

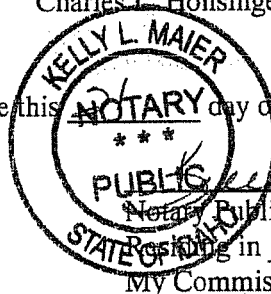
6. Attached hereto as Exhibit "D" is a true and accurate copy of the returned envelope within which the Notice of Filing of Director's Report for Water Right No. 63-3165 was sent to MCHOA, and which was obtained from IDWR's SRBA claim file for water right no. 63-3165.

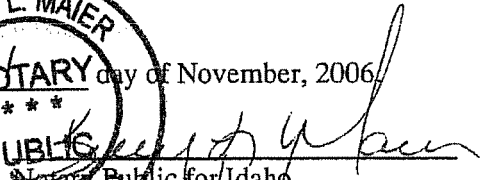
7. Attached hereto as Exhibit "E" is a true and accurate copy of IDWR's Adjudication Field Report for Water Right No. 63-3165 obtained from IDWR's SRBA claim file for water right no. 63-3165.

Further your affiant sayeth naught.


Charles L. Honsinger

Sworn to and subscribed before me this 26 day of November, 2006.




Notary Public for Idaho
Residing in 31208, Idaho
My Commission Expires:

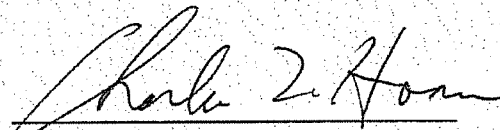
CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Affidavit of Charles L. Honsinger in Support of Motion to File Late Objection was made this 21st day of November, 2006, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

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

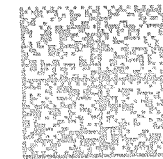
United States Department of Justice
Environment and Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724


Person Mailing Document

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

RECEIVED
DEC 27 2005
DEPARTMENT OF
WATER RESOURCES

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$0
0004389393 DEC
MAILED FROM ZIP CO

RECEIVED

DEC 28 2005

WATER RESOURCES
WESTERN REGION

re: Notice of Filing of
Director's Report

Not at this
Address -

UNK

MEADOW CREEK HOMEOWNERS
ASSN
C/O O NEILL ENTERPRISES
871 E PARKCENTER BLVD
BOISE ID 83706

ATTEMPTED,
NOT KNOWN

12-31-05

10/28/2005

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

RIGHT NUMBER: 63-3165

NAME AND ADDRESS: MEADOW CREEK HOMEOWNERS ASSN
C/O O NEILL ENTERPRISES
871 E PARKCENTER BLVD
BOISE ID 83706

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 1.250 CFS
20.000 AFY

PRIORITY DATE: 08/11/1959

POINT OF DIVERSION:
T04N R01E S24 NWSW Lot 4 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	03/15 11/15	1.250 CFS
AESTHETIC STORAGE	03/15 11/15	20.00 AFY
DIVERSION TO STORAGE	03/15 11/15	1.250 CFS

PLACE OF USE: AESTHETIC Within ADA County
T04N R01E S24 Lot 4 NWSW
AESTHETIC STORAGE Within ADA County
T04N R01E S24 Lot 4 NWSW

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 - License

The right holder shall accomplish the change authorized by Transfer No. 3958 within one (1) year of the date of the approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

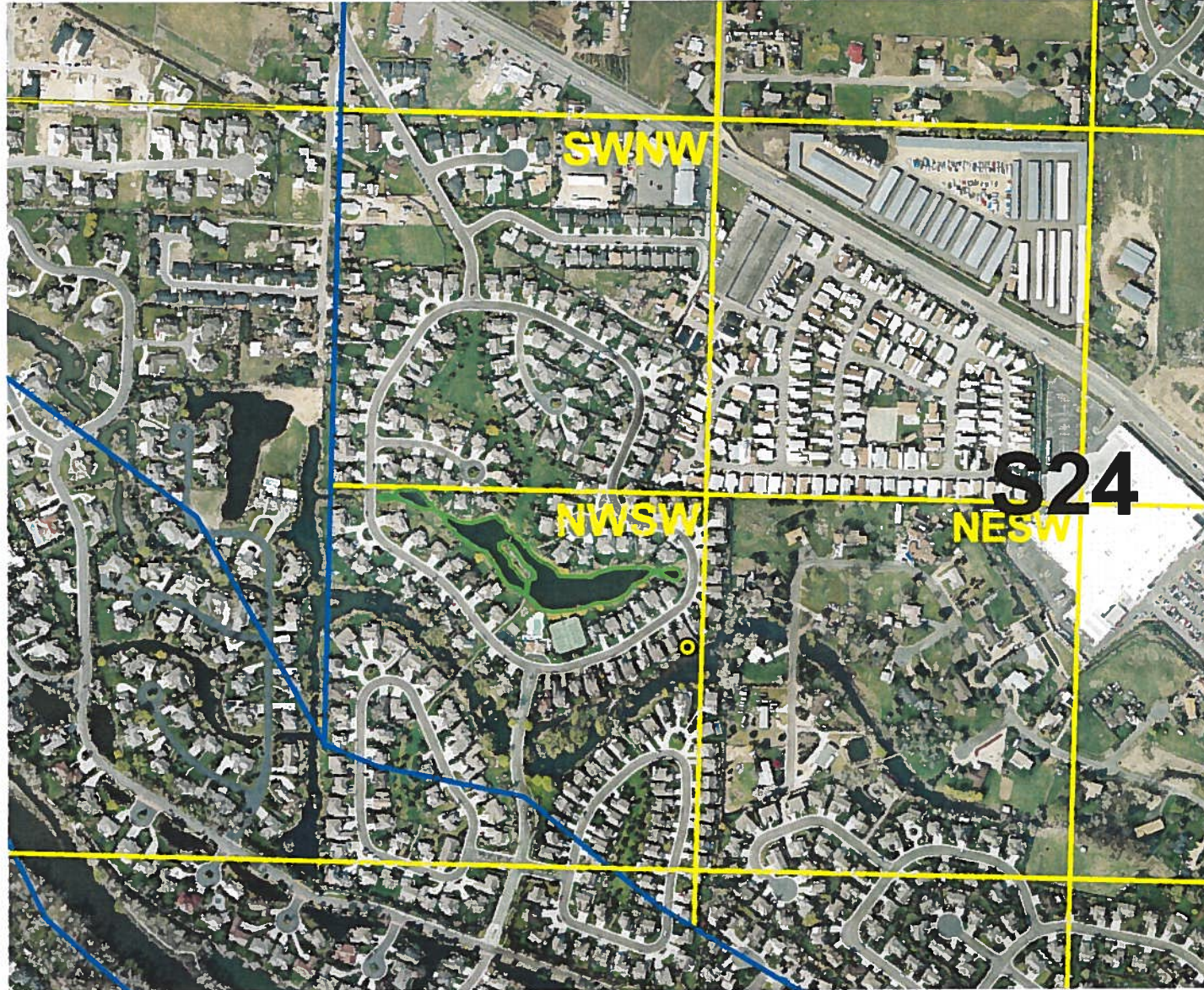
A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Three years from the date of approval of Transfer No. 3958, the portion of the right specified for irrigation of one acre shall revert to the aesthetic use.

Use of water under this water right will be regulated by the watermaster of State Water District No. 63.

Property is also known as Wolfgram Subdivision.

Idaho Department of Water Resources



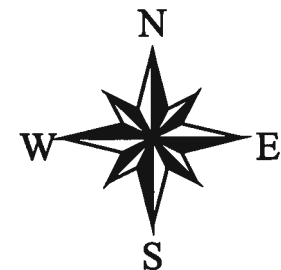
**T04N, R01E,
S24**

Claim No: 63-3165

Prepared By: Kimberly Brown

Date: October 28, 2005

-  **Place of Use**
-  **Section Lines**
-  **1/4 1/4**
-  **Point of Diversion**



300 0 300 600 Feet


2003 NAPP

Field Exam Date 10-28-05

(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 \$450.00
- ☐ 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 N/A

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-3165

Owner: Meadow Creek Homeowners Assoc. Phone No. (208) 336-3430

Current Address: c/o O'Neill Enterprises, 871 E. Porlecenter Blvd

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER "Woffgram Subdivision"
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? Boise 83706

Accompanied by: N/A

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: 8/11/59

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

Source: Unnamed Drain Tributary to Boise River

- ☒ 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? _____

Transfer #3958, which was approved in 1992, authorized the diversion of 0.02 cfs for irrigation purposes for three years, after which the irrigation would revert to aesthetic use. Therefore, I¹ removed

the irrigation point of diversion, which was located in lot 2 (SW E), S23; from my recommendation.

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
	4		NW	SW	24	4N	1E		"Elmore Drain"

Description of diverting works

See Transfer No. 3958.

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

Use Aesthetic From 3/15 To 11/15 Amount 1.25* CFS _____ AFA _____
Use Division to Storage From _____ To _____ Amount 1.25 CFS _____ AFA _____
Use Aesthetic Storage From _____ To _____ Amount _____ CFS 20.0* AFA _____

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____
☒ Changes found, the new total is, Amount _____ CFS 20.0 AFA _____
☒ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

The license was for 63 acres of irrigation and 2.5 cfs.

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 is also known as
Wolfgang Subdivision.

Transfer No. 3958, approved in 1992, states that "The right holder shall accomplish the change authorized by ... [this] transfer ... within one (1) year of the date of ... [this] transfer ..."

* 2 Storage ponds = 4 AC.
ArcView calculations show that the one pond developed is 2 acres. Therefore, half of the diversion rate # Annual volume are being recommended.

was developed. The other pond was not developed in the SWNW, S24 - only a common area exists (see 1994 & 2003 NAPP images in file). Only the existing pond in the NW8W, S24 is being recommended in the SRBA.

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	
4N	1E	24											X 14						

Overlap with other water rights: _____

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

Delivery System Narrative: See Transfer No. 3958.

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

(OVER)

~~Season of use is 3/1 to 11/15. (Applicable only to irrigation use, which was removed.)~~

Place of use is also known as Wolfgram
Subdivision.

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 CONDUCTED: 10-28-05 (in office review)

FIELD EXAMINER: Kimberly Brown

Idaho Department of Water Resources

**T04N, R01E,
S24**

Claim No: 63-3165

Prepared By: Kimberly Brown

Date: October 6, 2005



Wolfgang Subd
Place of Use



Section Lines

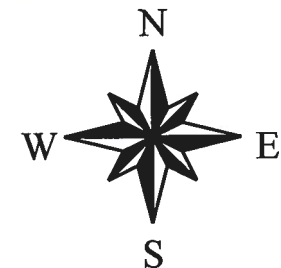


1/4 1/4



Point of Diversion

Pond = 2 ACRES



300 0 300 600 Feet



1994 NAPP

SWNW

**#63-3165
1995 NAPP**

S24

NWSW

NESW

NW

SWSW

SESW



Brown, Kimberly

From: Keen, Shelley
Sent: Thursday, April 21, 2005 2:27 PM
To: Brown, Kimberly
Subject: RE: #A63-3165 Transfer Remark

Kimberly,

Sorry to take so long to handle this one.

Transfer 3958, which was approved in 1992, authorized the diversion of 0.02 cfs for irrigation purposes for three years, after which the irrigation use would revert to aesthetic use. Today I removed the irrigation use from the database and added 0.02 cfs to the aesthetic use. I also removed the irrigation point of diversion, which was in Lot 2 (SWNE), S23, T4N, R1E, B.M.

Shelley

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

From: Brown, Kimberly
Sent: Tuesday, April 12, 2005 12:55 PM
To: Keen, Shelley
Subject: #A63-3165 Transfer Remark

Shelley,

I am reviewing 63-3165 and found an interesting remark: **"Three years from the date of approval of the Transfer, the portion of the right specified for irrigation of one acre shall revert to the aesthetic use."** Since I could not find anything in the back-file that shows that the one acre of irrigation reverted back to aesthetic use in 1995ish, Lori Graves suggested that I contact you and ask how this is tracked and/or changed. -Kimberly

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3165

02/11/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2406	Claim	04N	01E	23	SW	NE		IRRIGATION	10/29248	DRAINAGE DIST NO 2
2406	Water Right	04N	01E	23	SW	NE		IRRIGATION	10/29248	DRAINAGE DIST NO 2
16019	Water Right	04N	01E	23	SW	NE		DOMESTIC		IRENE A WHITAKER
~~3165~~	~~Claim~~	~~04N~~	~~01E~~	~~23~~	~~SW~~	~~NE~~	~~2~~	~~IRRIGATION~~	~~1/1~~	~~MEADOW CREEK HOMEOWNERS' ASSOCIATION~~
~~3165~~	~~Water Right~~	~~04N~~	~~01E~~	~~23~~	~~SW~~	~~NE~~	~~2~~	~~IRRIGATION~~	~~1/1~~	~~MEADOW CREEK HOMEOWNERS ASS~~
10863	Water Right	04N	01E	23	SW	NE	2	IRRIGATION	4.4/4.4	TIMBRE WOLFE
10348	Claim	04N	01E	23	SW	NE	2	RECREATION		WOODS OWNERS ASSOCIATION
10348	Water Right	04N	01E	23	SW	NE	2	RECREATION		IDAHO FOREST INDUSTRIES INC
10348	Claim	04N	01E	23	SW	NE	2	AESTHETIC		WOODS OWNERS ASSOCIATION
11108	Water Right	04N	01E	23	SW	NE	2	AESTHETIC		THE WOODS ASSN INC
1562A	Water Right	04N	01E	23	SW	NE	2	AESTHETIC		WANDA JOYCE
1562B	Water Right	04N	01E	23	SW	NE	2	AESTHETIC		VIC BERTAGONOLLI
2406	Claim	04N	01E	24	SW	NW		IRRIGATION	28/29248	DRAINAGE DIST NO 2
2406	Water Right	04N	01E	24	SW	NW		IRRIGATION	28/29248	DRAINAGE DIST NO 2
17713	Claim	04N	01E	24	SW	NW		COMMERCIAL		BEVERLY SCHMIERER
2576	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
2605	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
2874	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
2954	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
2956	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
2989	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
3164	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
7067	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
7577	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
7998	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
19456	Claim	04N	01E	24	SW	NW		MUNICIPAL		UNITED WATER IDAHO INC
3502	Claim	04N	01E	24	SW	NW		DOMESTIC		STATE OF IDAHO
9144	Claim	04N	01E	24	SW	NW		DOMESTIC		SHENANDOAH PARK INVESTORS

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3165

02/11/2005

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3502	Water Right	04N	01E	24	SW	NW		DOMESTIC		STATE OF IDAHO
4694	Water Right	04N	01E	24	SW	NW		DOMESTIC		WILLIAM M GORNIK
15987	Water Right	04N	01E	24	SW	NW		DOMESTIC		HELEN D WEBBERLEY
22175	Water Right	04N	01E	24	SW	NW		DOMESTIC		WILLIAM L GREIN
3502	Claim	04N	01E	24	SW	NW		FIRE PROTECTION		STATE OF IDAHO
~~3165~~	~~Claim~~	~~04N~~	~~01E~~	~~24~~	~~SW~~	~~NW~~		~~AESTHETIC~~		~~MEADOW CREEK HOMEOWNERS ASSOCIATION~~
~~3165~~	~~Water Right~~	~~04N~~	~~01E~~	~~24~~	~~SW~~	~~NW~~		~~AESTHETIC~~		~~MEADOW CREEK HOMEOWNERS ASSOCIATION~~
~~3165~~	~~Claim~~	~~04N~~	~~01E~~	~~24~~	~~SW~~	~~NW~~		~~AESTHETIC STORAGE~~		~~MEADOW CREEK HOMEOWNERS ASSOCIATION~~
2406	Claim	04N	01E	24	NW	SW		IRRIGATION	11/29248	DRAINAGE DIST NO 2
161J	Water Right	04N	01E	24	NW	SW		IRRIGATION		CONSUMERS WATER CORP
2406	Water Right	04N	01E	24	NW	SW		IRRIGATION	11/29248	DRAINAGE DIST NO 2
17587	Water Right	04N	01E	24	NW	SW		DOMESTIC		JOAN E ALLAN
21630	Water Right	04N	01E	24	NW	SW		DOMESTIC		JOHN CHURCH
17592	Claim	04N	01E	24	NW	SW		AESTHETIC		JOAN E ALLAN
17592	Claim	04N	01E	24	NW	SW		AESTHETIC STORAGE		JOAN E ALLAN
~~3165~~	~~Claim~~	~~04N~~	~~01E~~	~~24~~	~~NW~~	~~SW~~	~~4~~	~~AESTHETIC~~		~~MEADOW CREEK HOMEOWNERS ASSOCIATION~~
~~3165~~	~~Water Right~~	~~04N~~	~~01E~~	~~24~~	~~NW~~	~~SW~~	~~4~~	~~AESTHETIC~~		~~MEADOW CREEK HOMEOWNERS ASSOCIATION~~

RECEIVED

JUN 08 2004

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

June 4, 2004

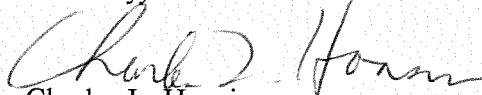
Ms. Jan Shurte
IDWR Western Regional Offices
2735 Airport Way
Boise, ID 83705-5082

Re: SRBA Claim to Water Right No. 63-3165 in the name of Meadow Creek
Homeowners Association

Dear Jan:

At the request of my client, Meadow Creek Homeowners Association, I have reviewed the above referenced SRBA claim and claim file. During my review, I observed that the Adjudication Claim Report from IDWR's data base specifies that the only uses under the claim are Aesthetic, Aesthetic Storage, and Irrigation, and that the amended claim is based on approved transfer no. 3958. In reviewing the transfer, I found that the approved uses listed were Aesthetic, Aesthetic Storage, Irrigation, and Diversion to Storage. Can you please either change your records to reflect that the "Diversion to Storage" use is claimed under water right no. 63-3165 by my client, or inform me of the reasons that the use should not be included in the claim? Thank you for your attention to this detail.

Sincerely,


Charles L. Honsinger

cc: Eldon Hattervig
AMI

Brown, Kimberly

From: Nelson, Dan
Sent: Friday, May 28, 2004 4:58 PM
To: Brown, Kimberly
Cc: Lester, Steve
Subject: Copy of File 63-3165

4N 1E

Meadowcreek Homeowners Ass.

Hello Kimberly,

I made a copy of one of your files for Charlie Honsingers office. I put the copy in the pickup basket. I included you Steve, because you are the office day person Tuesday. They called at 4:15 and wanted to send a runner to copy it. In order to get out of the office by 5:00 I went ahead and copied it.

Dan Nelson
Western Region

MEMORANDUM

TO: File 63-03165

FROM: Sharla

DATE: August 11, 1992

RE: Transfer Review (No. 3958)

The above referenced transfer proposes to change the point of diversion, place of use and nature of use under this right. The 63 acres previously irrigated under the right have been taken out of production for a housing development. The domestic water is supplied by City of Garden City. The transfer proposes to change the nature to aesthetic use within the subdivision (storage ponds). For a period of three (3) years, 0.02 cfs will be used for irrigation of one acre for re-vegetation of an island in the river channel.

Stream channel alteration permits have been filed. An application for permit has been filed for the off-season use (#63-11791).

Advertising was completed correctly. Proof of ownership of the lands from which the transfer is occurring is included in the file (Attachments A).

The transfer should be approved with the following conditions:

- T07 The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- R39 A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Three years from the date of approval of this transfer, the portion of the right specified for irrigation of one acre shall revert to the aesthetic use.

MICROFILMED

SEP 10 1992

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 63-03165 and A63-03165

Notice is hereby given that Meadow Creek Homeowners Association of Boise, has applied to the Department of Water Resources for a change of point of diversion, place of use, and nature of use of the water of Unnamed Slough tributary to Boise River. The right sought to be changed is evidenced by license and adjudication claim and is recorded as follows:

Amount: 2.50 cfs

Priority: 8/11/1959

Point(s) of Diversion: Lot 3 (NESW) and Lot 4 (NWSW), Sec. 24, T04N, R01E, Ada County. The water is used for irrigation purposes 3/15 to 11/15 in SWNW, Lot 4 (NWSW), and SWSW, Sec. 24, T04N, R01E, 63 acres total.

TO BE CHANGED AS FOLLOWS

Amount: 2.48 cfs Diversion to Storage
2.48 cfs Aesthetic
.02 cfs Irrigation
40.0 a.f. Aesthetic Storage

2.50 cfs and 40 a.f. total

Point(s) of Diversion: Lot 4 (NWSW), Sec. 24 and Lot 2 (SWNE), Sec. 23, T04N, R01E, Ada County. The water will be used for aesthetic purposes 3/15 to 11/15 in SWNW and Lot 4 (NWSW), Sec. 24 and for 3 years to irrigate 1 acre in Lot 2 (SWNE), Sec. 23, all in T04N, R01E. The unnamed drains to be used are locally known as Elmore Drain and Riverside Creek. The amount of water used under this proposal will not increase from the original amount.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before June 22, 1992.

R. Keith Higginson
Director

Published in the Idaho Statesman on 6/4 and 6/11/1992.

MILB

SEP 10



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 13, 1992

Bill Selvage
O'Neill Enterprises, Inc.
871 E. Parkcenter Blvd.
Boise, ID 83706

RE: Transfer application

Dear Bill:

Enclosed are:

1. Your receipt for transfer application fee, for your files.
2. The modified transfer application reflecting the temporary transfer of .02 cfs for a 3-year period. I arbitrarily selected 3 years; if a different time span is correct, this can be easily changed.

I have kept the ownership documentation here and will re-assemble everything when the transfer application returns. The application for permit is already being processed, and the amended adjudication claim will be reviewed and data-entered as soon as possible.

Please have Mr. O'Neill review and initial the changes, which have been made in black ink. If either of you have any questions, please call.

Return the application to this office as before.

Thanks again for your cooperation.

Sincerely,

Cindy Hodges
Sr. Water Resource Agent

Enclosure

SEP 10 1992

May 13, 1992

To: Transfer file 63-03165 for Meadow Creek Homeowners
From: Cindy Hodges, Sr. Water Resource Agent
RE: Additional comments/Conditions of approval

This transfer is primarily to change the nature of use of license 63-03165, from irrigation to aesthetic. However, the applicants have also agreed to temporarily transfer .02 cfs of the right for irrigation of up to one acre for a period of up to three years, in order to accomplish the re-vegetation of an island in the Boise River channels just downstream. At the end of the three-year period, the applicants wish this portion of the right to default to the original place of use, and assume the changed nature of use identified in the balance of the transfer. The irrigation portion will be used by Victor Bertagnolli, who was unable to obtain a new appropriation from the Boise River system.

DRAFT CONDITION:

THREE YEARS FROM THE DATE OF APPROVAL OF THIS TRANSFER, THE IRRIGATION PORTION OF THIS WATER RIGHT SHALL AUTOMATICALLY REVERT BACK TO THE ORIGINAL PLACE OF USE, AND SHALL ASSUME THE CHANGE IN NATURE OF USE CONSISTENT WITH THE BALANCE OF THE WATER RIGHT.

PON

MICROFILMED

SEP 10 1992

EXHIBIT A
LEGAL DESCRIPTION OF THE PREMISES

Lot 1, Block 1

Lot 1, Block 2

Lot 1, Block 3

Lot 1, Block 4

Lot 12, Block 5

Lot 6, Block 6

Lots 1, 4, 11, 23, 27, 34 and 37, Block 7

Lots 3, 4, 6, 14, 31, 34, 44, 45, 46 and 51, Block 8

of Amended Wolfgram Subdivision No. 1, according to the official plat recorded as Instrument No. 9230042 of records of Ada County, Idaho.

28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

WATERMASTER COMMENT
LETTER

INITIAL REVIEW BY: 82

1. Right number 63-03165 * Applicant MEADOW CK. HOMEOWNERS ASSOC.

2. Type of right: ☐ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other NATURE OF USE

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments NO EXPANSION; probable decrease in
CONV. USE FROM IRRIG. TO AESTHETIC

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NONE

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 63 Comment letter sent ☐ Yes ☐ No

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☐ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions* _____

4. By _____ Date _____

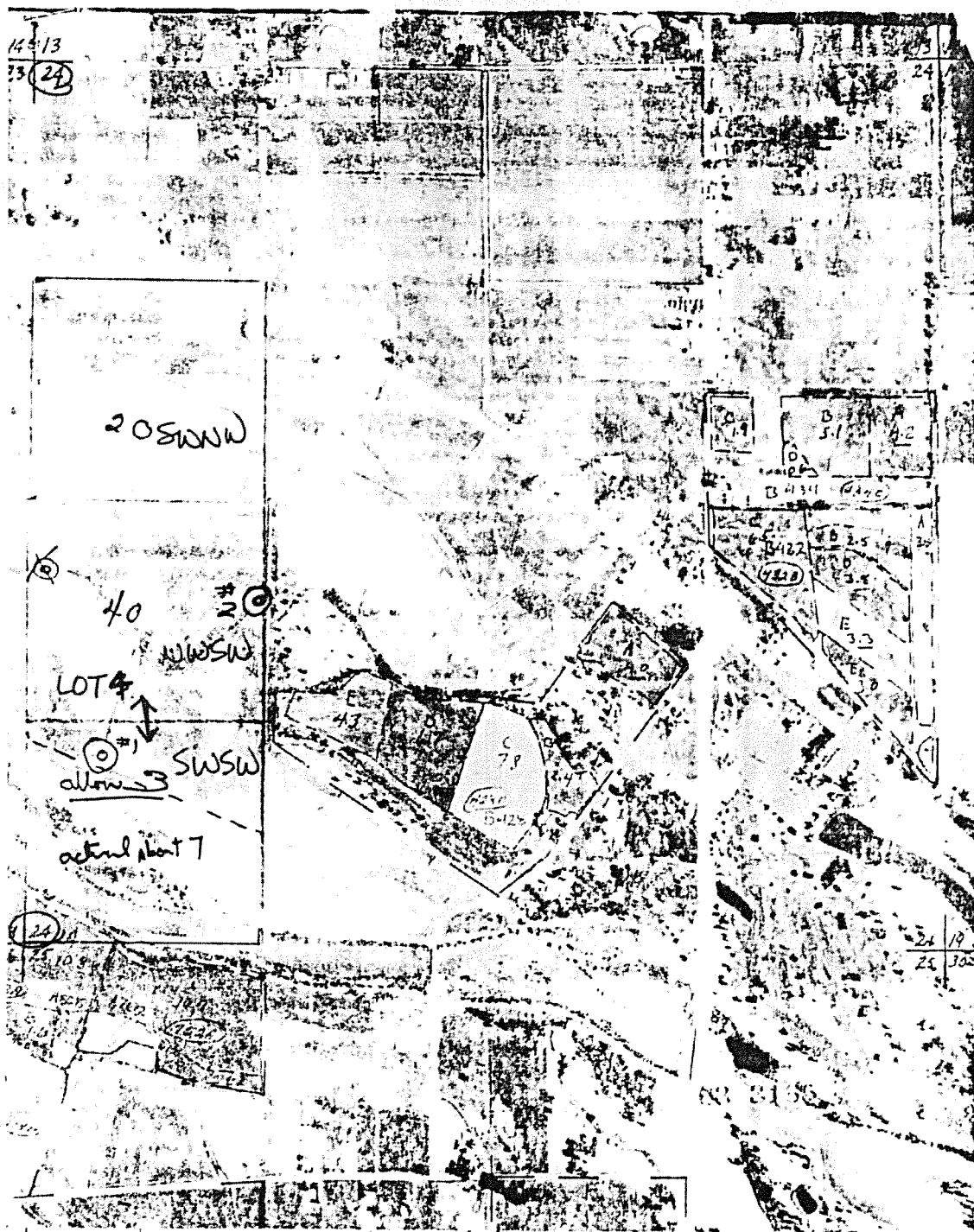
* All uses within Watermaster Districts require special conditions.

* SRBA ^{claim} has been filed to match license. claim is being reviewed for
data entry & is available at Reg. if needed.

APPL. 63-11791 unn. drain
ground water filed for same
aesthetic use 1/1-12/31. Pending.

← S.24 unn. drain AKA Elmore drain
S.23 unn. drain AKA Riverside CK.

ATTACHMENTS A & F



		6	63
		3	
		7	

MICROFILMED

SEP 10 1992

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 28099/63-3165 Priority August 11, 1959 Amount 2.50 cfs

THIS IS TO CERTIFY, that ALFRED & MARGARET WOLFGRAM
of Boise, Idaho, have, ~~xxx~~ complied with the terms and conditions of Permit
No. 28099/63-3165 issued pursuant to Application for Permit dated August 11, 1959,
and has submitted proof to the Department of Water Administration on August 6, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.78 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed slough
tributary of the Boise River, is hereby confirmed in the following amounts:
Amount 2.50 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 2.50 cfs of water be diverted at
any one time, said waters to be diverted within ~~536~~ Lots 3 & 4 of Sec. 24,

Twp. 4 N, Rge. 1 E, B.M.

in the county of Ada; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 283.5 acre feet per year or _____
4.5 acre feet per acre.

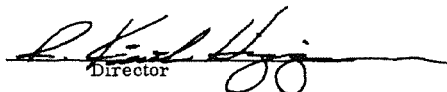
Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4 N	1 E	24							20		40	3							63
											(lot 4)	(lot 3)							

Total number of acres irrigated 63

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 3 day of
October, 19 73.


Director

63 3165

*With them called a well
in appointment - Potomac*

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 28099/63-3165

REPORT ON PROOF OF Alfred & Margaret Wolfram

63 3155

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF EXAMINER

Permit No. 28099/63-3165

This proof is for 2.5 cfs In Water District No. 282

1. Name of applicant Alfred & Margaret Wolfgram, Rt. #1, S. Bogart Lane, Boise, Idaho

2. Source of water supply: un-named slough, tributary of the Boise River

3. Location of point of diversion: Is in the Lots 3 & 4 of Section 24

T. 4 N R. 1 E County of Ada OK

4. Describe works as they exist, giving dimensions and capacities of same:

pumps, and ditches

PROOF - electric powered water lifter pumps, open discharge, gravity irrigation -

General Electric Motor 7.5 HP 230 Volts Ser # XNLT 92006
V - Belt drive to submerged pump. Water is lifted
8" into an 8" pipe where it is carried 25' south

5. Water is used for: irrigation to an East West diversion (open ditch)

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

PERMIT
EWS T. 4 N, R. 1 E, Sec. 24 SW 1/4, Lots 3 & 4 (W 1/2 SW 1/4) 63 acres

2 pumps, both systems similar with same type
pump & Motor as listed above. One is inaccessible to
get the pump information

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

This examination was made on the day of , 19

(Signed) [Signature] Examiner.

DATE EXAMINATION RECORDS

71 Both people work. Call before
making exam and note on
agreement by: IEB.

by: _____

by: _____

by: _____

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Permit No. 28099/63-3165

Examination for b/u - Alfred & Margaret Wolfgram

County Ada

Quantity: 2.5 cfs Sec. 24 T. 4N R. 1E

Source: unnamed slough, trib. of Boise R.

P.D.: Lots 3 & 4

Use: irrigation

~~Extent:~~

~~Project:~~

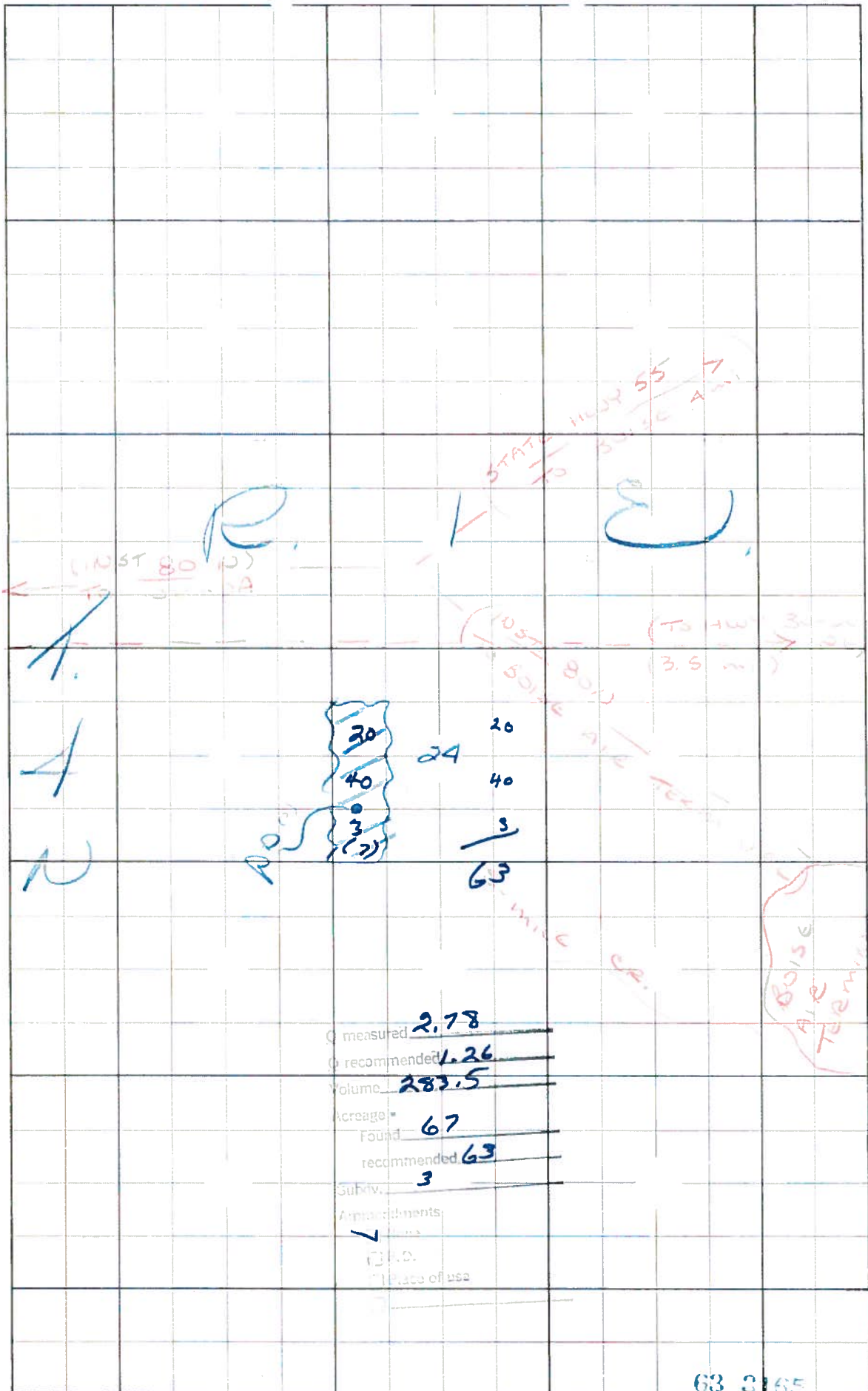
~~Completion of Work:~~

~~Other Rights:~~

Filed: 8-11-59 Made: 8-6-69
 Due: 8-14-70 Priority: 8-11-59

By: CHK gms
BB

63 3165



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

14 13
23 24

13 14
24 25

20

40

#20

#1

allow 3

actual about 7

E 4.3
D 4.7
C 7.8
(4280)
B428

C 1.4
B 5.1
A 4.2
D 1.6
B 4.34
(4346)
E 2.5
B 4.27
(4348)
D 3.8
A 3.5
E 3.3
F 3.0

24 19
25 30

63 3165

LICENSE ISSUED FOR 250 PER. ET.
LCLNSE P: 0.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Identification No. _____
RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Alfred and Margaret Wolfigram
b) Post Office Address Route 1, South Bogart Lane, Boise, Idaho
2. Permit Number 28099
3. Date of Priority that you are prepared to establish August 1, 1959
4. a) Source from which water was appropriated unnamed slough
Lots 3 and 4
b) Location of the point of diversion: W//////////M, Section 24
Township 4 N, Range 1 E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 2.5 for irrigation purposes from April 1 to October 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 2.5 c.f.s. cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: estimated
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: NA
b) Describe the agreement or understanding by which you take water from the works: NA
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Electric powered water lifter pumps, open discharge, gravity irrigation
b) Describe the type and size of measuring device which you have installed at your point of diversion: none required none installed
c) Give well drillers name and address and date the well was completed NA

62-3165
28099 EXAM TYPED
10-31-69
JMT

of use _____

sion: _____

[illegible]

Total number of acres irrigated _____ 83

10. Remarks: _____

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

8-1-69✓
(Date)

Alfred Halfgren
(Signature)
Margaret Halfgren

State of Idaho)
County of Ada) ss.

On this 1st day of August, 19 69, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Boise, Idaho

My commission expires July 9, 1970

63-3165 **Application For Permit** **To Appropriate the Public Waters of the State of Idaho**

APPLICATION No. 36059
PERMIT No. 28099
DISTRICT No.

Assigned to: Officer Margaret Weyman
Dist 1 - Se. Bogalton
Boise
Idaho

1. Name of Applicant: H. F. or Thelma Elms

Postoffice address: Rt. #1, Boise,

County: Ada

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
(b) Treasury stock:

- (c) Bond to be issued:
(d) Other resources:

2. Quantity of water claimed: 2.5

cubic feet per second.

3. Source of water supply: Un-named slough

which is a tributary of
Boise River

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the Lots 3 and 4
of section 24 , T. 4 N , R. 1 E. , B. M., County of Ada

5. Water is to be used for Irrigation

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

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.

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

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$500

8. Kind of works: Pumps and ditches

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

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

11. Ditch: Width at bottom 2 feet; width at water line 4 feet; depth of water 1 feet;
dimensions of flume:

Diameter of pipe inches; length of conduit 0.5 miles.

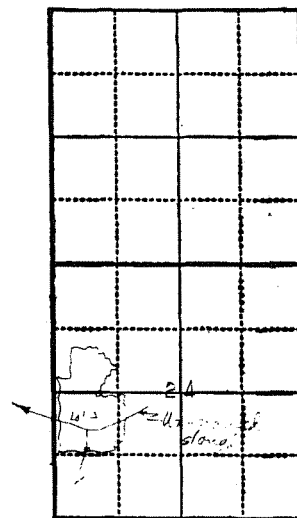
Average grade per mile 5 feet.

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

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

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

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



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

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

s/ H. F. Elms Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 3:45 P.M. August 11, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 28099
Recorded in Book 99 Page 28099 Approved August 14, 1959

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

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

Work to begin on or before October 14, 1959 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before February 14, 1962

The whole of said work to be completed on or before August 14, 1964

Beneficial use of water appropriated in accordance herewith, to be made on or before August 11, 1970

WITNESS My hand this 14th day of August, 1959

3/ GEO. N. CARTER
State Reclamation Engineer.

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

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

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 14th.....

day of August, 1959.

STATE OF IDAHO

Countersigned:

(SEAL)

(SEAL) By s/ ARNOLD WILLIAMS By s/ ROBERT E. SMYLLIE
Governor.

By S/ ROBERT E. SMYLLIE
Governor.

REMARKS: Course, sandy soil requires more than 1 miners inch per acre

14.

[illegible]

Permit No. 28099
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that H. F. or THELMA ELMS - Assignee - ALFRED and MARGARET WOLFGAM of Boise, County of Ada, and State of Idaho, the holder of Permit No. 28099, issued upon Application No. 36059 bearing date of priority of August 11, 1959, authorizing the diversion of 2.5 second feet of waters of Unnamed slough County of Ada, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.5 second feet of the waters of Unnamed slough tributary of Boise River that the point of diversion of said waters Lots 3 and 4, Sec. 24, T. 4 N., R. 1 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 63 acres in the SW 1/4, Lots 3 and 4, Sec. 24, T. 4 N., R. 1 E., B.M.

Witness my hand this 14th day of August, A. D. 1964.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: August 12, 1964

NAME OF APPLICANT H.F. or, Helma Elms

Form No. 0

R I E

T
4
N

Ditch →

Un-named Slough

Pumps - Points of Diversion

Permit Map No. 28099
As approved AUG 14 1959
GEO. N. CARTER
State Registration Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

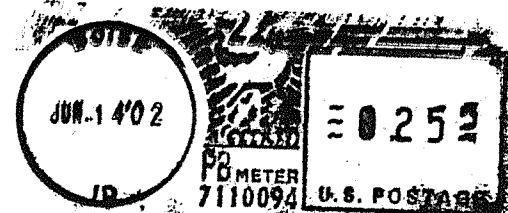
28099

for

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



63-3165

* Vacant
1621dm



UNABLE TO DELIVER
AS ADDRESSED

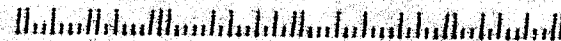
MEADOW CREEK
% O NEILL ENTERPRISES
6137 E GATEWAY CT
BOISE ID 83716

RECEIVED

JUN 20 2002

WATER RESOURCES
WESTERN REGION

DAAGTME 837055082



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

①
6137 E. Gateway Ct
Boise 83716

②
100 N. 9th St
Boise 83702

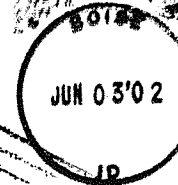
*sent here
6-14-02*

*VHP
605*

63-3165

MEADOW CREEK Home on Way
C/O O NEILL ENTERPRISES
871 E PARKCENTER BLVD
BOISE ID 83706

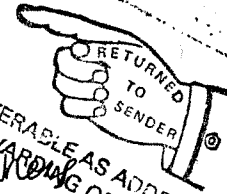
PRESORTED
FIRST CLASS



POSTAGE
PB METER
7110094

U.S. POSTAGE

0.255



RETURNED
TO
SENDER
UNDELIVERABLE AS ADDRESSED—
NO FORWARDING ORDER ON FILE

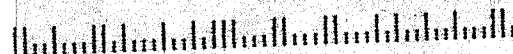
RECEIVED

JUN 07 2002

WATER RESOURCES
WESTERN REGION

83720-0098

83706





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED
AUG 24 1992

Department of Water Resources
Western Regional Office

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 17, 1992

MEADOW CREEK HOMEOWNERS ASSOCIATION
% O'NEILL ENTERPRISES
871 E PARKCENTER BLVD
BOISE ID 83706

RE: Transfer of Water Right No. 63-03165

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3958) Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

MICROFILMED
OCT 02 1996