

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-32346
Date Received: 6/30/2006
Receipt No: W034414
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

2. Date of Priority: 03/15/1902

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
04N	01E	30	SE	NE		ADA	
04N	01W	24	SE	SE		ADA	

5. Description of diverting works:

Gravity diversion.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/13	3	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01W	24	NE	SW	IRRIGATION	34
			SE	SW	IRRIGATION	35
					Section Acres	69
					Total Acres	69

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This claim is based on 63-4975. This claim reflects an accomplished transfer of the place of use.

15. Basis of Claim: Beneficial Use

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-32346

Date Received 6-30-06

Receipt Number W034414

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

RECEIVED

JUN 30 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant(s) Wilson Properties LP Phone (208) 424-9322
Mailing Address 1101 W. River Street, Suite 150, Boise, ID Zip 83702
2. Date of Priority (only one (1) per claim) 3/15/1902
3. Source of water supply (a) Unnamed stream
which is tributary to (b) Sinks
4. a. Location of existing point of diversion is: Township 4N Range 1E Section 30 ,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of Ada
Additional points of diversion if any: Township 4N, Range 1W, Section 24, SESE, Ada County
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Gravity diversion.

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 3 or
 For purposes from to amount or
 For purposes from to amount or
 For purposes from to amount or

7. Total quantity claimed (a) 3 (cfs) and/or (b) (acre feet)

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

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

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1W	24									34			35					69

Total number of acres irrigated 69

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

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

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

13. Describe any other water rights used at the same place and for the same purposes as describe above.

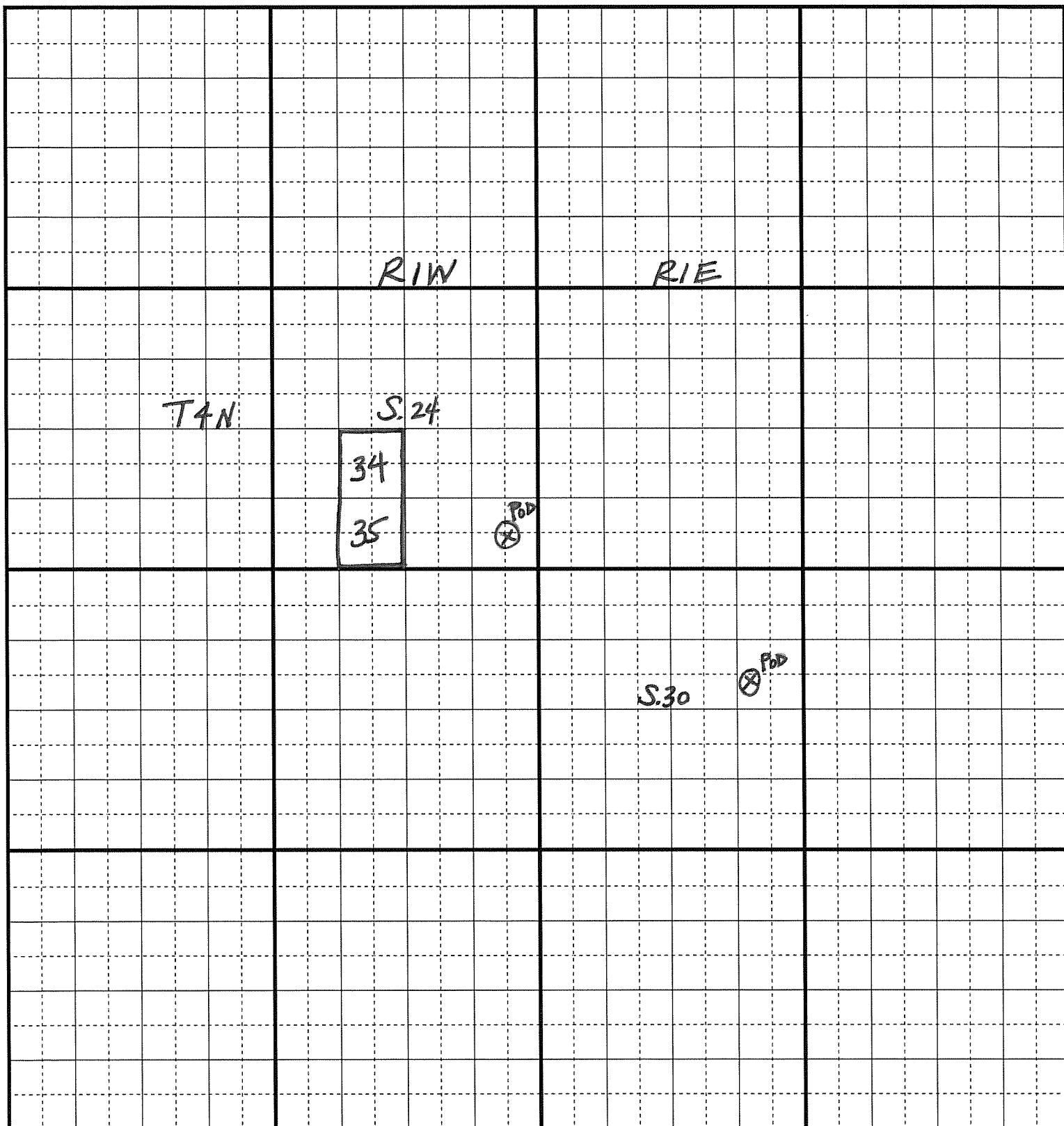
63-32345(63-4440), 63-12092, 63-32043, 63-170A or None ()

14. Remarks: The claim number was assigned by IDWR; the claim is based on water right 63-4975. This claim reflects an accomplished transfer of the place of use

Last Name Wilson Properties LP Ident. No. 63-32346

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

Scale: 2 inches equals 1 mile



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

If applicable provide IDWR Water Right Number 63-04975

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

(a.) by signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ X

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant(s) _____ Date _____

_____ Date _____

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

_____ Title

of Wilson Properties LP, that I have signed the foregoing

_____ Organization

document in the space below as Partner of Wilson Properties LP

_____ Title _____ Organization

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

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

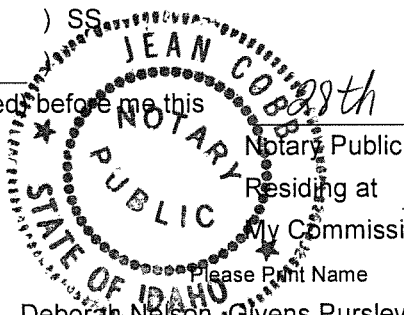
Title and Organization Partner, Wilson Properties LP Date 6/28/06

State of Idaho/or _____)

County of Ada) SS

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

SEAL



Notary Public

Residing at Boise Idaho

My Commission Expires 4/25/2011

17. Notice of Appearance:

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

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

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

Signature Deborah E. Nelson

Address 601 W. Bannock Street, Boise, ID 83702

Date 6/28/06

Last Name Wilson Properties LP Ident. Number 63-32346

Idaho Department of Water Resources Receipt

Receipt ID W034414

Payment Amount \$169.00 Date Received 6/30/2006 4:07:07 PM Region Western Status ☐
Payment Type Check Check Number 47034

Payer GIVENS PURSLEY LLP

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

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$169.00	ADJUDICATION FILING FEE	0337		42503	1155



Signature Line (Dept. Representative)

Dan N.

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

Contact:

08/17/2006

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

Property Address:

990 W. Chinden Blvd.
Meridian

Requests:

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

In addition, please verify:

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

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32346 V1

WATER RIGHT NUMBER: 63-32346 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	DEBORAH E NELSON GIVENS PURSLEY LLP P O BOX 2720 BOISE, ID 83701-2720 (208)388-1200
Current Owner	WILSON PROPERTIES LP 1101 W RIVER ST STE 150 BOISE, ID 83702 (208)424-9322

Priority Date: 03/15/1902

Basis:

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/13	3.000 CFS	
	<u>Total Diversion:</u>	3.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4NE1/4	Sec. 30, Twp 04N, Rge 01E, B.M.
ADA County		
UNNAMED STREAM	SE1/4SE1/4	Sec. 24, Twp 04N, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	24									34.0			35.0					69.0

Total Acres: 69

Conditions of Approval:

1. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32346 V1

3. P03 No beneficial use found.

Remarks:

Comments:

1. kbrown 9/11/2006 Reason for Disallowal

Comment: On 9/6/06, IDWR field examiner Dan Nelson visited the Foxtail Golf Course to determine the location and irrigated acres associated with this claim. Mr. Nelson was unable to locate the point where wastewater was being diverted in the Number 2 North Slough and believes that the water being claimed is actually from the Lee Drain. Based on the field investigation, the Lee Drain appears to have been covered up or piped to make way for a new subdivision. According to Mr. Nelson's Field Examination Memorandum, it is very difficult to trace the old ditch paths because this area is being heavily developed. Most of the old ditches have been piped to allow for homes to be put onto the properties. There are several places that could have, and still do, carry wastewater to the Number 2 North Slough; but these appear to be part of the Settler Irrigation District delivery system. Therefore, all of the water being diverted to the golf course appears to be Settler Irrigation District live water, or water under their control. Based on these findings, this claim is being disallowed.

2. kbrown 9/11/2006 Remarks from Notice of Claim

Comment: This claim is based on 63-4975. This claim reflects an accomplished transfer of the place of use.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			07/14/2006	lharris	Disallowed
Contacts	9/11/2006 9:47:18 AM	kbrown			Disallowed
Summary			09/11/2006	kbrown	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	7/14/2006 10:25:01 AM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32346 V1

Contacts	9/11/2006 9:47:19 AM	kbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: Disallowed.
Summary	9/11/2006 9:51:22 AM	kbrown	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

GIVENS PURSLEY LLP

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

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

Gary G. Allen
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Conley E. Ward
Robert B. White
Terri R. Yost

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

Via Facsimile and U.S. Mail

October 31, 2006

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

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

To Whom It May Concern:

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

Sincerely,



Deborah E. Nelson

Enclosures

cc: Charles Wilson

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

09/30/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-32346

WILSON PROPERTIES LP

1101 W RIVER ST STE 150

BOISE ID 83702

Telephone Number: (208)424-9322

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

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

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

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

DATE:

10/31/06

SIGNATURE:

[Signature]

Please print your name:

Deborah Nelson (attorney representative)

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

FAX COVER SHEET

DATE: Tuesday, October 31, 2006

PAGES (INCLUDING COVER): 4

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

From:

DEBORAH E. NELSON
GIVENS PURSLEY LLP
601 West Bannock Street
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
Email: den@givenspursley.com
Web: www.givenspursley.com

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

TO: Idaho Department of Water Resources
Western Regional Office

SEND TO FAX PHONE: 334-2348

MESSAGE:

Please see attached.

— Deb

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

CONFIDENTIALITY NOTICE

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

GIVENS PURSLEY LLP

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Via Facsimile and U.S. Mail

October 31, 2006

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

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

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Sincerely,



Deborah E. Nelson

Enclosures

cc: Charles Wilson

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

09/30/2006

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REPLY

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YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-32346

WILSON PROPERTIES LP

1101 W RIVER ST STE 150

BOISE ID 83702

Telephone Number: (208)424-9322

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

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

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

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

DATE:

10/31/06

SIGNATURE:

[Signature]

Please print your name:

Deborah Nelson (Attorney Representative)

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

DISALLOWED

rec'd. new claim

7/31/06

-KB

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32346

WATER RIGHT NUMBER: 63-32346 ✓

Owner Type

Current Owner

Name and Address

WILSON PROPERTIES LP ✓
1101 W RIVER ST STE 150
BOISE, ID 83702
(208)424-9322

Priority Date: 03/15/1902 ✓

Basis: Beneficial Use ✓

Status: Active

Source

UNNAMED STREAM ✓

Tributary

SINKS

Foxtail Golf Course
Property Address:
990 W. Clinden Blvd.
83646

Beneficial Use

IRRIGATION ✓

From To
03/15 to 11/13 ✓

Diversion Rate

3.000 CFS ✓

Annual Volume

Total Diversion:

3.000 CFS ✓

Location of Point(s) of Diversion

UNNAMED STREAM ✓
ADA County ✓

SE1/4NE1/4 ✓

Sec. 30, Twp 04N, Rge 01E, B.M. ✓

UNNAMED STREAM ✓
ADA County ✓

SE1/4SE1/4 ✓

Sec. 24, Twp 04N, Rge 01W, B.M. ✓

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01W	24	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	69.0
											34.0			35.0					

Total Acres: 69 ✓

Conditions of Approval:

Comments: 1. This claim is based on 63-4975. This claim reflects an accomplished transfer of the place of use.

Remarks:

Comments:

ADD: P03 > no beneficial use found.
P13

DISALLOWED

Field Exam Date 9-11-06

in-office review

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$169.00
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-32346

Owner: Wilson Properties, LP Phone No. 424-9322

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

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

Accompanied by: in-office verification

PRIORITY DATE

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

Priority date, per claimant, is: _____

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

Source: _____ Tributary to _____

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

POINT OF DIVERSION

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

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

Description of diverting works

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 _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

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

NON-IRRIGATION USES:

- ☐ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
☐ Changes shown below:

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

Overlap with other water rights: _____

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

Delivery System Narrative: _____

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

JUSTIFICATION FOR DISALLOWAL -

* See field examiner, Dan Nelson's, Field Examination Memorandum for explanation of disallowal of claim.

ADD: POB & PIB - no beneficial use found.

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: 9.11.06 (in-office review)

FIELD EXAMINER: Kimberly Brown

DISALLOWED

MEMORANDUM

TO: ADJUDICATION FILE 63-32346

FROM: DANIEL A. NELSON

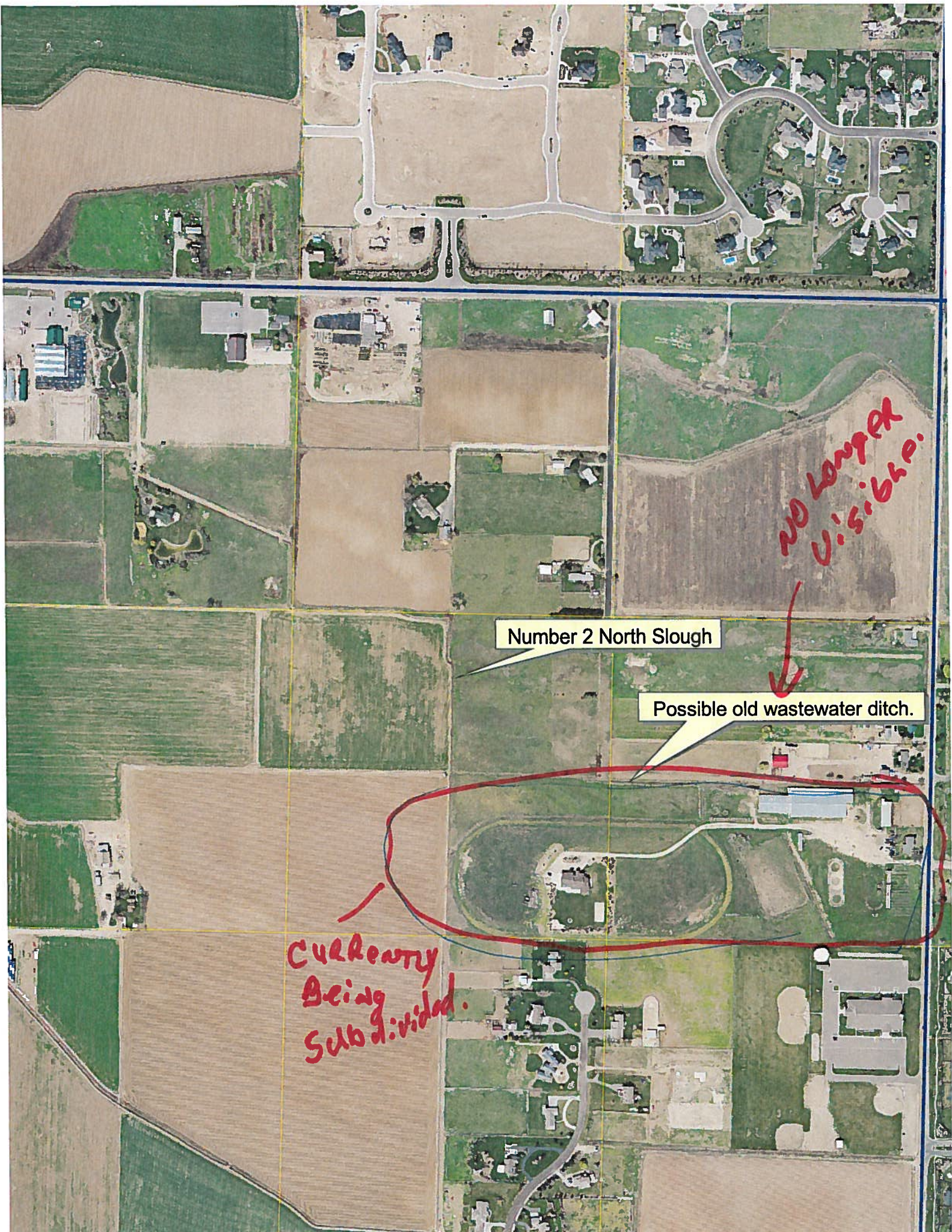
DATE: 9/7/06

SUBJECT: FIELD EXAMINATION

On 9/6/2006, I visited the Foxtail Golf Course, a.k.a. Wilson Properties LP, to determine the location and acres irrigated for the above adjudication claim. Scott King, SPF Engineers, and Todd Crockett, manager Foxtail Golf Course accompanied me on the field exam. Kimberly Brown, the agent recommending these rights, also accompanied me on this field exam to attain a better understanding on how the system worked. During this visit, we searched for the point of diversion for the above claim. Unfortunately, we could not directly find a specific point where wastewater was being diverted in the Number 2 North Slough. We tried to follow the original maps, and believe that the water being claimed was from the Lee Drain. The Lee Drain appears to have been covered up or piped to make way for a new subdivision.

This area is currently being heavily developed, so it is very difficult to trace the old ditch paths. Most of the old ditches have been piped to allow for homes to be put onto the properties. There are several places that could have and still does carry wastewater to the Number 2 North Slough, but these all appear to be part of the Settler Irrigation District delivery system. I don't feel that we can recommend this right, because all the water being diverted to the golf course seems to be Settler Irrigation District live water, or water still under their control. **Therefore, I would suggest that this claim be disallowed.**

There is an accompanying claim that does appear to be still used, and should be recommended. Please see water right 63-32345.



NO longer
visible.

Number 2 North Slough

Possible old wastewater ditch.

currently
being
subdivided.

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

Contact:

08/17/2006

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

Property Address:

990 W. Chinden Blvd.
Meridian

Requests:

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

In addition, please verify:

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

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

#63-32345
2000 NAPP

NENW NENE

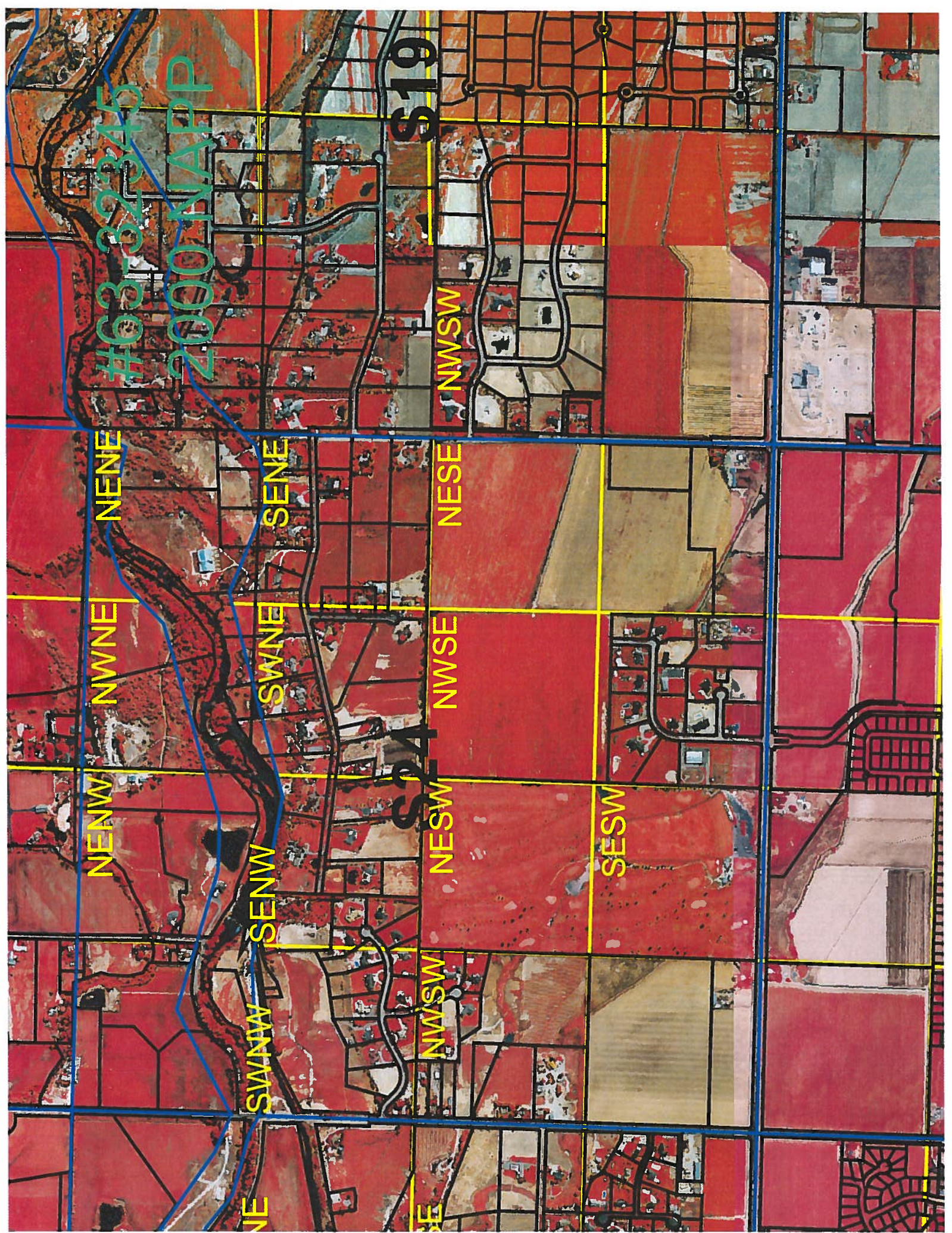
SWNW SENW

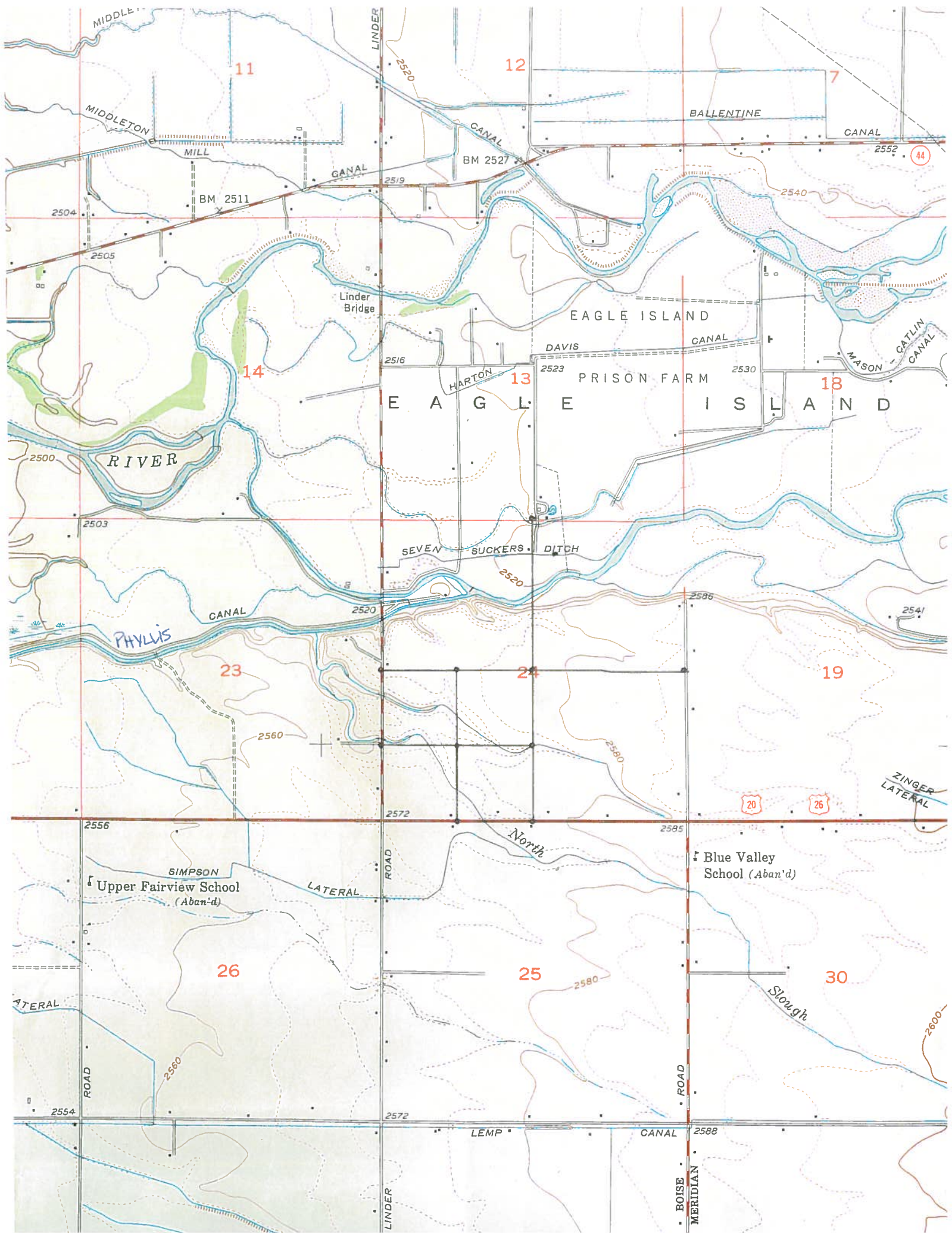
NWSW NESW
NWSE NESE

SESW

\$19

NWSW





IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4975

WATER RIGHT NUMBER: 63-4975

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

Priority Date: 03/15/1902
Basis: Statutory Claim
Status: Active

Source

Tributary

WASTE WATER

NORTH SLOUGH DITCH NO 2

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

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	24								3.0				35.0				31.0	69.0

Total Acres: 69

Conditions of Approval:

Remarks:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



AMENDED CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that JOHN R. PINKSTON AND/OR ROBERT L. GAMBLE

(Name of Claimant)

990 West Chinden, Meridian, ID 83642

(Mailing Address)

Telephone No. 888-2470

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1902

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

wastewater tributary to North Slough #2 Ditch

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
<u>3.0</u>		<u>irrigation</u>		Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 3.0 TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ NE ¼, Sec. 30 Twp. 4N Rge. 1E B.M., County of Ada

Additional points of diversion: SESE, Sec. 24, T. 4N, R. 1W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Wastewater ditch collects water and dumps into live water ditch and gravities to place of use.

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1W	24									3			35			31		69

No. of acres 69

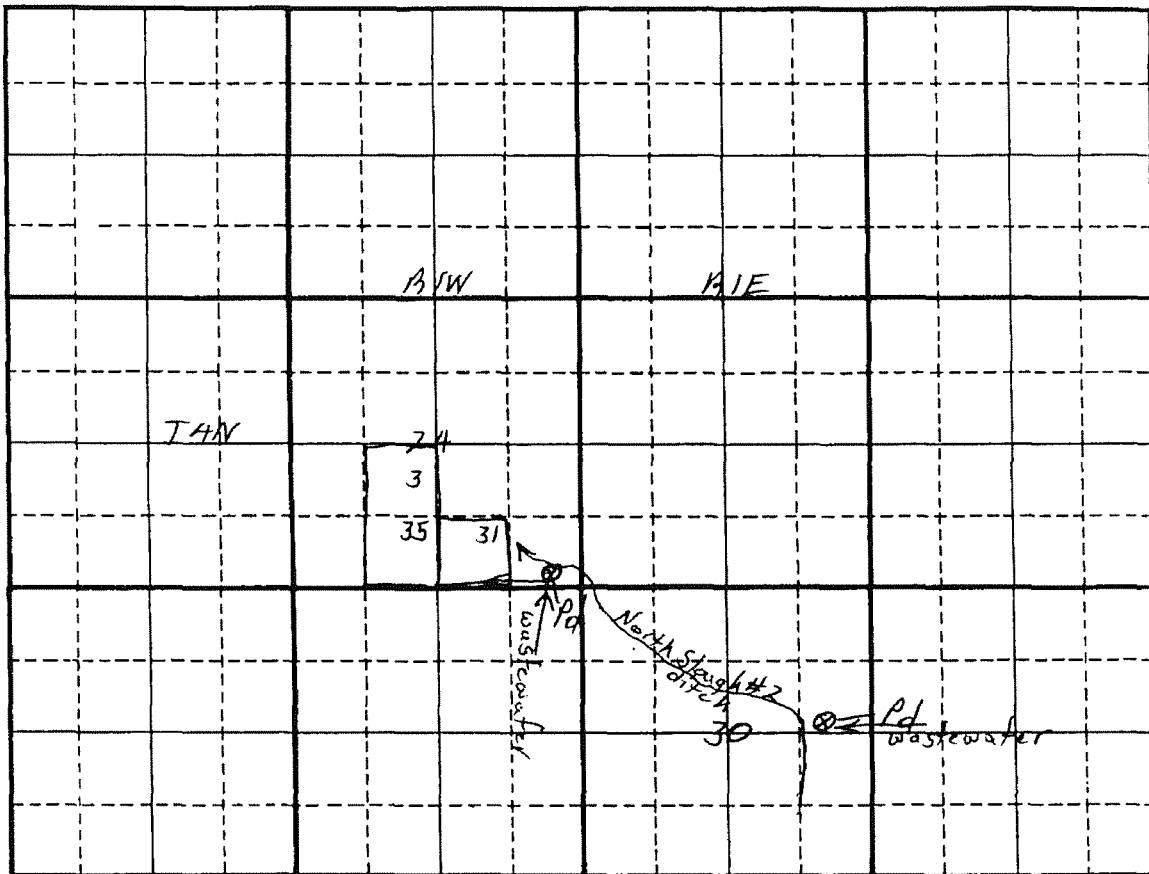
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

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

MICROFILMED

(B) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 17 day of March, 1983.

Robert F. Gamble
John R. Pimbleton
Nancy M. Northway
Notary Public
Residing at Bose

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by LS Date 3/17/83 Exception filed by: _____ Date _____
Prelim. check by LS Date 3/23/83 Forwarded to claimant by: _____ Date _____
\$30.00 fee received by LS Date 3/17/83 # 27852
Published in Idaho Statesman
Dates 3/31 & 4/7/83 4/28 & 5/5 & 5/10 & 5/13

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32346**

07/14/2006

1

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

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32346**

07/14/2006

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4975	Water Right	04N	01W	24	SE	SW		IRRIGATION	35/69	JOHN R PINKSTON
12092	Water Right	04N	01W	24	SE	SW		IRRIGATION	34.7/73.7	WILSON PROPERTIES LP
1614B	Claim	04N	01W	24	SE	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
1618B	Claim	04N	01W	24	SE	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
1262B	Claim	04N	01W	24	SE	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
17563	Water Right	04N	01W	24	SE	SW		STOCKWATER		NANCY A GAMBLE
2576	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2605	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2874	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2954	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2956	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
2989	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
3164	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
7067	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
7577	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
7998	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
19456	Claim	04N	01W	24	SE	SW		MUNICIPAL		UNITED WATER IDAHO INC
17563	Water Right	04N	01W	24	SE	SW		DOMESTIC		NANCY A GAMBLE



RECEIVED

JUN 30 2006

WATER RESOURCES
WESTERN REGION

LAW OFFICES

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

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.
Bradley V. Sneed
H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

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

Via Hand Delivery

June 30, 2006

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

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

Dear Sir or Madam:

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

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

Sincerely,

Deborah E. Nelson

Enclosures

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

