

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: A63-21037
Date Received: 2/15/1990
Receipt No: M005917
Received By: 9 re

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONNA J. WELKER 208-466-8666
Address: RT. 1 8461 ROBISON
KUNA, ID 83634 *disconnected*

2. Date of Priority: JAN 26, 1920

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02W	13	SW	NE	SE		CANYON

5. Description of diverting works:
65' DEEP 6" CASING WITH 1 HP. MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		
IRRIGATION	03/15	11/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/ STORE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	02W	13	NE	SE		COMMER	
			NE	SE		IRR	1.0
						Section Acres	1.0

A63-21037

Page 1

Date: 02/15/90

MICROFILMED
SEP 03 1992

10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
 NONE

14. Remarks:
 IRR. IS LESS THAN 1/2 ACRE.

15. Basis of Claim: BENEFICIAL USE

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

14. Remarks:
IRR. IS LESS THAN 1/2 ACRE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Kenna Gulcher Date: 12-15-90
 _____ Date: _____

State of Idaho)
County of Conover) SS.

Subscribed and sworn (or affirmed) before me this 15 day

of Feb 19 90

John J. L. L. L.
Notary Public

Seal

Residing at Boise Id

My Commission Expires 4/2/84

MICROFILMED
SEP 03 1992

MICROFILMED
SEP 03 1992

SWNESE

3N2W13
SE



09/11/2006

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

RIGHT NUMBER: 63-21037

NAME AND ADDRESS: DONNA J WELKER
RT 1 8461 ROBINSON
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
4.500 AFY

PRIORITY DATE: 03/01/1939

POINT OF DIVERSION:

T03N R02W S13 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.020 CFS
4.50 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T03N R02W S13 NESE 1.00

1 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel Nos. R3110500000 and R3109300000.

Physical address of the place of use 4328 Garrity Blvd., Nampa, Idaho.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21037 V1

WATER RIGHT NUMBER: 63-21037 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA J WELKER RT 1 8461 ROBINSON KUNA, ID 83634 (208)466-8666

Priority Date: 03/01/1939

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.020 CFS	4.50 AF
	<u>Total Diversion:</u>	0.020 CFS	4.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 13, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of Use

IRRIGATION Within CANYON County

T03N R02W S13 NESE 1.0

Total Acres: 1

Conditions of Approval:

1. Parcel Nos. R3110500000 and R3109300000.
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.
3. J01 Physical address of the place of use 4328 Garrity Blvd., Nampa, Idaho.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21037 V1

Comments:

1. vmusic 9/11/2006 OWNERSHIP

Comment: TALKED TO DONNA WELKER. SHE WAS FORCED TO SELL THE PROPERTY. PART OF IT WAS TAKEN BY IMMINENT DOMAIN BY CITY OF NAMPAL TO WIDEN GARRITY BLVD. DID NOT KNOW THE NAME OF CURRENT OWNER BUT KNEW THAT A SQUEAKY CLEAN CAR WASH AND SUBWAY RESTAURANT WAS GOING IN ON PROPERTY.

2. vmusic 9/11/2006 EVIDENCE OF PRIORITY

Comment: DONNA WELKER COULD NOT PROVIDE ANY INFORMATION AND DOES NOT KNOW WHY SHE CLAIMED A 1929 PRIORITY DATE. THERE ARE NO STRUCTURES ON THE 1939 AERIAL THAT COULD POSSIBLY BE COMMERCIAL. AREA DOES LOOK IRRIGATED.

3. vmusic 9/11/2006 RECOMMENDATION

Comment: WILL DELETE COMMERCIAL USE, RECOMMEND FOR 1 ACRE OF IRRIGATION AND WILL ADVANCE THE PRIORITY DATE TO 1939.

4. vmusic 9/11/2006 FIELD EXAM FINDINGS

Comment: FOUND THE WELLS AND TALKED TO NEW OWNER. THEY DO NOT KNOW IF THEY WILL BE USING THE WELLS. NO CHANGE OF OWNERSHIP FILED. NEW OWNER CONFIRMED THAT CAR WASH WAS GOING IN. SEE EXAM NOTES. BUILDINGS HAD BEEN DEMOLISHED. PUMP AND PUMPHOUSE REMOVED. FOUND WELLS.

5. vmusic 9/11/2006 COMMERCIAL USE

Comment: DONNA DID NOT RUN BUSINESS ON SITE. SEVERAL BUSINESSES HAVE OPERATED THERE. SHE DID NOT HAVE KNOWLEDGE OF COMMERCIAL OPERATIONS TO PROVIDE INFORMATION FROM WHICH I COULD CALCULATE AN ANNUAL VOLUME FOR COMMERCIAL USE

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			04/25/2006	lharris	Active
Contacts	9/11/2006 11:31:58 AM	vmusic			Active
Priority Date	9/11/2006 11:32:32 AM	vmusic			Active
POD	9/11/2006 11:33:22 AM	vmusic			Active
Source	9/11/2006 11:51:19 AM	vmusic			Active
POU	9/11/2006 11:51:41 AM	vmusic			Active
Use	9/11/2006 12:01:45 PM	vmusic			Active
Season	9/11/2006 12:02:13 PM	vmusic			Active
Quantity	9/11/2006 12:03:13 PM	vmusic			Active
Summary			09/11/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/11/2006 11:31:59 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21037 V1

POD	9/11/2006 11:33:23 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
General	9/11/2006 11:32:33 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - 1939 AERIAL VERIFIES IRRIGATION
POD	9/11/2006 11:50:01 AM	vmusic	Updated shape
Source	9/11/2006 11:51:20 AM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FIELD EXAM 8-31-2006
POU	9/11/2006 11:51:42 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - FIELD EXAM 8-31-2006
POU	9/11/2006 11:52:46 AM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21037 V1

Use	9/11/2006 12:01:46 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 7. Can the change be verified as an accomplished transfer? (No) 8. Does the change include an enlargement of the Purpose of Use? (No) 12. Did the claimant file a transfer? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 8 - UNKNOWN WHEN CHANGES TOOK PLACE Description for Question 10,11,12 - CANNOT VERIFY USES.
Season	9/11/2006 12:02:14 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is Irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/11/2006 12:03:14 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - PUMP REMOVED. SEE FIELD EXAM NOTES Description for Question 10 - 1 AC X 4.5 AFA = 4.5 AFA

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21037 V1

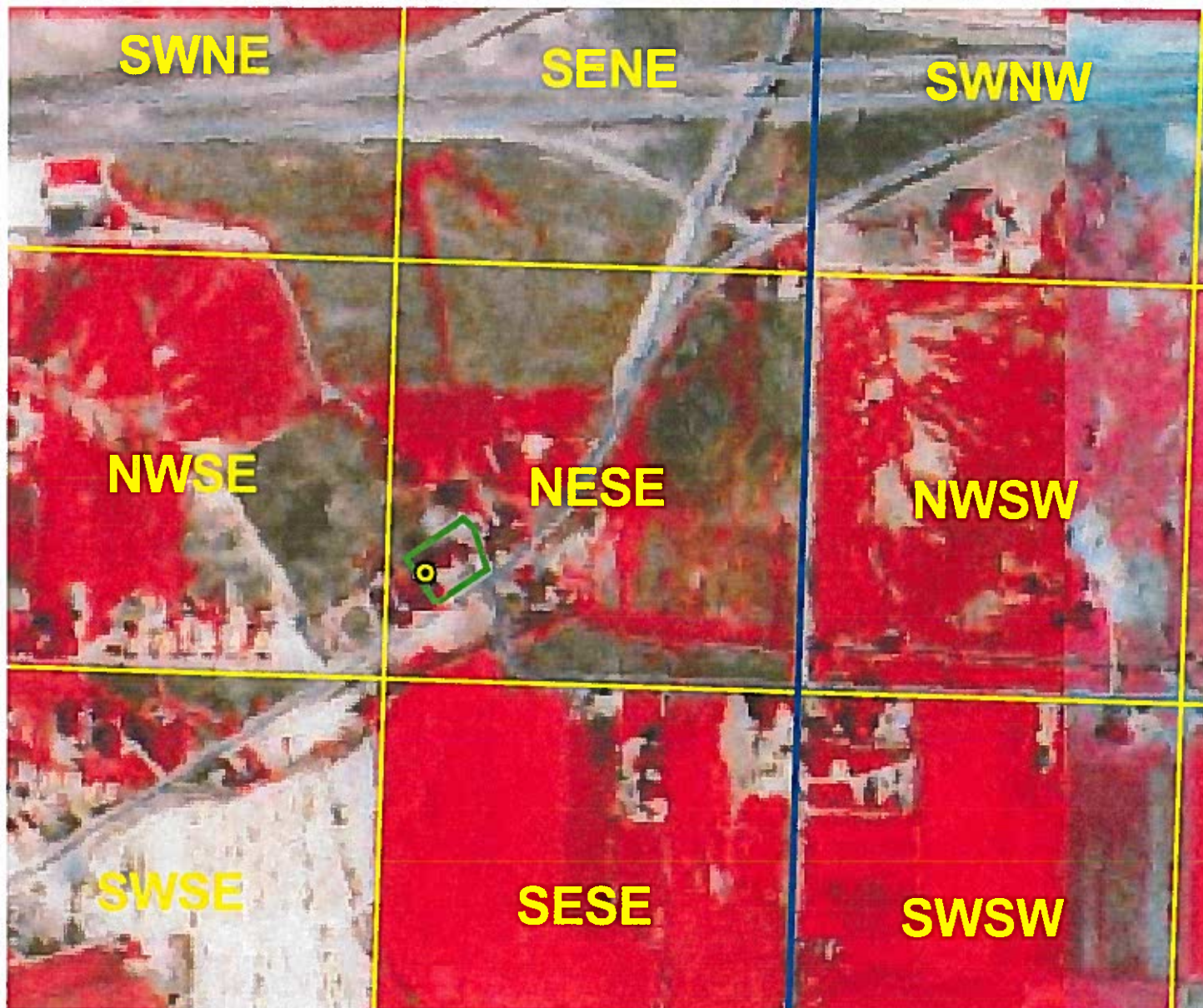
Summary	9/11/2006 12:07:54 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (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?
Summary	4/25/2006 7:31:09 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?

Water Supply Bank:



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 13
Water Right: 63-21037



0 1320 Feet

TOTAL IRRIGATED ACRES = 1



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 25, 2006

DONNA WELKER
4118 COMSTOCK AVE
NAMPA, ID 84687

RE: EVIDENCE OF PRIORITY, COMMERCIAL USE-
Snake River Basin Adjudication Claim No(s): A63-21037

Dear DONNA WELKER:

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer-generated printout of the claim(s) for your reference only. You indicated, when this claim was filed, that the water right(s) was based on a "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed printout. This claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

Additionally, you claimed a commercial use for which information is needed. Please complete the enclosed commercial use worksheet and return it with evidence of priority to my attention at 2735 Airport Way, Boise, ID 83705. If no evidence of this priority date or the commercial use is submitted, or we do not hear from you within the time limit below, your priority date and commercial use, as claimed, may not be recommended to the SRBA court for decree. This will jeopardize your water use under this right(s).

The required evidence supporting the priority date(s) and the commercial use must be submitted by May 5, 2006. Please call me at (208) 334-2190 as soon as possible if you have any questions not covered by this letter and the enclosed pamphlet.

Sincerely,

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet, Notice of Claim Report A63-21037,
Commercial Use Worksheet



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 25, 2006

DONNA WELKER
RT 1, 8461 ROBISON
KUNA, ID 84634

RE: EVIDENCE OF PRIORITY, COMMERCIAL USE-
Snake River Basin Adjudication Claim No(s): A63-21037

Dear DONNA WELKER:

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer-generated printout of the claim(s) for your reference only. You indicated, when this claim was filed, that the water right(s) was based on a "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed printout. This claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

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Sincerely,

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet, Notice of Claim Report A63-21037,
Commercial Use Worksheet



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 3, 2002

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Water Works, Inc., to assist us with this task.

The purpose of this letter is to advise you that Water Works, Inc. might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Water Works, Inc. with access to your water diversion system so that their personnel can conduct this field examination. Water Works, Inc. will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. ~~Experience has shown that water users who~~ work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Water Works, Inc. to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte
Adjudication Section Supervisor
Western Regional Office

Desk top review/num

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- can't find
- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
 - ☒ Check fees paid
 - ☐ Well logs (if needed)
 - ☐ Copy of topo or NAPP
 - ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
 - ☐ Check POD & POU overlap, see below – include overlapping right for exam
 - ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63 21037

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER no change of ownership filed
- ☐ No change Address WBS Investments LLC
- ☐ NEW ADDRESS 7145 NW Progress St.
- ☐ How long owned property? Billings, OR 97124

Accompanied by: _____

PRIORITY DATE

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

Priority date, per claimant, is: 1-26-1920

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

no evidence submitted - advanced p. date to 1939
per aerial

Source: BW 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

none - pump removed, pump house demolished

OVERLAP REVIEW

Other water rights with the same point of diversion: *none*

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

WATER USES

deleted comment

☐ No change

☒ Different Uses

Use *irr* From *31* To *11/15* Amount *.02* CFS *4.5* AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

(1 ac)(4.5 afa) = 4.5 afa or (.02 x 1.9835 x 260) 10.31

TOTAL VOLUME - Groundwater only

☐ Incomplete on claim, the total is, Amount *.02* CFS *4.5* 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:

lot is .9 acres

☒ 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: none

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

Delivery System Narrative:

removed - not on site during field exam

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

physical address is 4328 Grubbs Blvd
Parcel #s R 3110500000 & R 3104300000

1- no evidence of priority. see memo in file.
Advanced priority date to 1939 per aerial.

2- no information re commercial use. Claimant did not run a business & does not know enough about the several businesses that have been there. Unable to verify commercial use & calculate afa. Delete commercial use

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

FIELD EXAMINER: W. J. Whelan



63-21037 - 2004 AERIAL PHOTO. DONNA OWNED THE 3 LOTS OUTLINED IN RED. THE PORTION OF THE LOTS OUTLINED IN GREEN IS THE CLAIMED POB. IT IS THE PART OF THE LARGE NORTHERN MOST LOT CLOSE TO THE ROAD AND THE LOT ADJACENT ON THE SOUTH.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-21037

09/11/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-23023	Claim	03N	02W	13	NE	SE		GROUND WATER	LESTER G SCHAFER
63-19866	Claim	03N	02W	13	NE	SE		GROUND WATER	LOIS J WILKERSON
63-21037	Claim	03N	02W	13	NE	SE		GROUND WATER	DONNA J WELKER
63-21038	Claim	03N	02W	13	NE	SE		GROUND WATER	DONNA J WELKER
63-7884	Water Right	03N	02W	13	NE	SE		GROUND WATER	WILLIAM A WILKERSON
63-23023	Water Right	03N	02W	13	NE	SE		GROUND WATER	LESTER G SCHAFER
63-19866	Water Right	03N	02W	13	NE	SE		GROUND WATER	LOIS J WILKERSON
63-21038	Water Right	03N	02W	13	NE	SE		GROUND WATER	DONNA J WELKER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-21037

09/11/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
21037	Claim	03N	02W	13	NE	SE		IRRIGATION	1/1	DONNA J WELKER
7884	Water Right	03N	02W	13	NE	SE		STOCKWATER		WILLIAM A WILKERSON
19866	Water Right	03N	02W	13	NE	SE		STOCKWATER		LOIS J WILKERSON
21037	Claim	03N	02W	13	NE	SE		COMMERCIAL		DONNA J WELKER
19866	Water Right	03N	02W	13	NE	SE		DOMESTIC		LOIS J WILKERSON
21038	Water Right	03N	02W	13	NE	SE		DOMESTIC		DONNA J WELKER
23023	Water Right	03N	02W	13	NE	SE		DOMESTIC		LESTER G SCHAFER

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NO. 63-21037
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: BASIS OF RECOMMENDATION
DATE: 4/27/2006
CC:

Donna Welker called in response to my evidence of priority letter and request for commercial information. Donna owns 3 lots adjacent to each other on Garrity. She claimed commercial and irrigation uses.

I found Surplus Tire, a dba registered with the state, at the pou address.

Donna said that she was forced to sell all of this Garrity Blvd property. She mentioned some of it was taken by eminent domain by the City of Nampa to widen Garrity. She didn't know the owners of the property now- thought it was a Roger Lang___ but said that a Subway and a Squeaky Car Wash was going in there. The buildings on site have all been torn down.

When I asked about the wells, she said that the property had been annexed by the City of Nampa but was not on city water yet. When she was by the property recently, she saw white barrels near the wells.

Donna does not remember why she claimed the 1920 priority date.

I found an abandonment log filed by the City of Nampa for road widening in the same QQ as the claimed pou and on Garrity Blvd. No address was provided. This supports what Donna said.

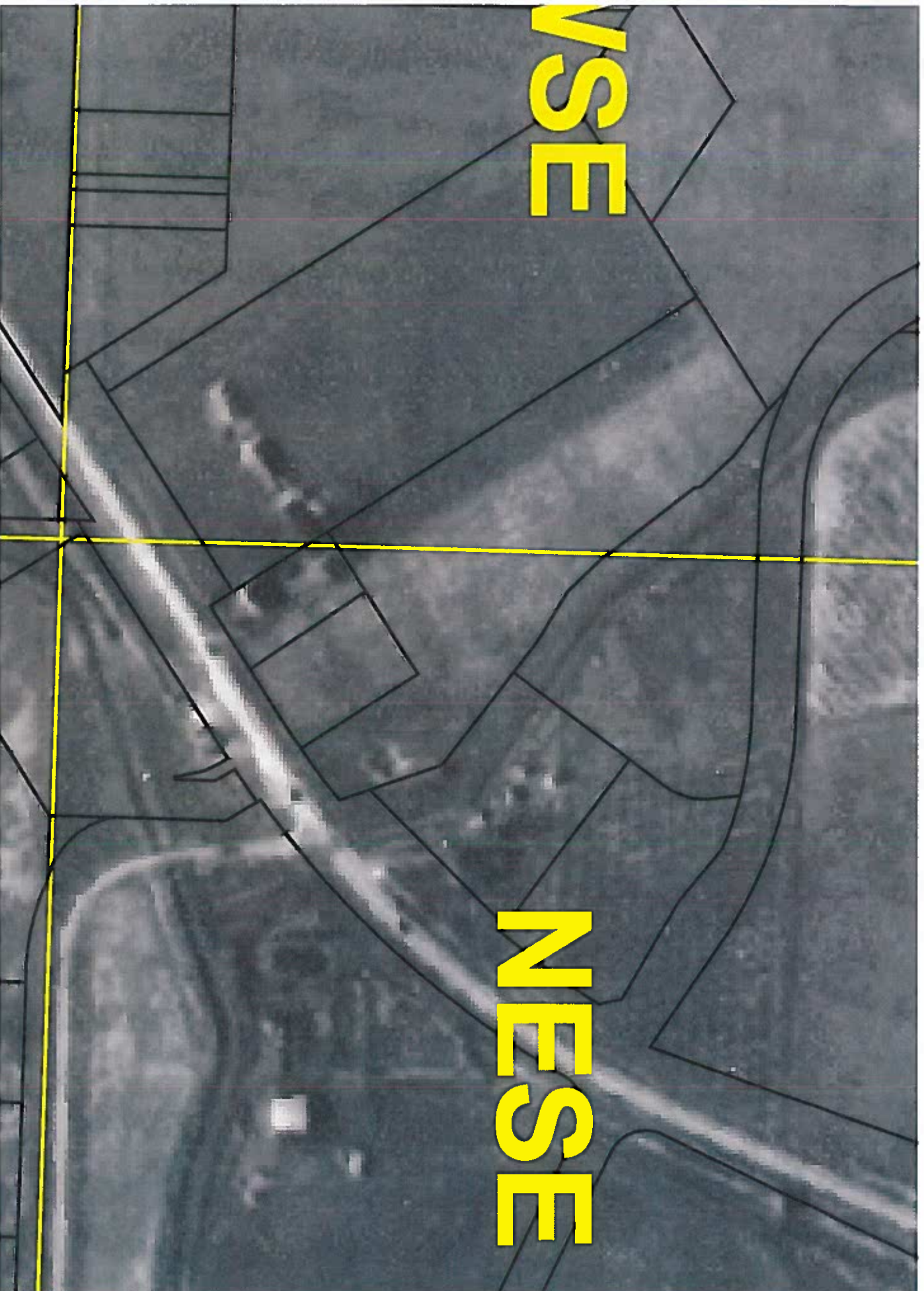
It sounds like the well and water use has been abandoned. IDWR attempted to do a field exam in 2002 but was not able to connect with the owner. Will send a contractor there to confirm use and that wells have been abandoned.

VLM

Donna's phone # 466-8015



63-21037 -- PER CANYON CO TAX LOT INFO, DONNAL WELKER OWNS THREE ADJOINING PARCELS. BELIEVE THE WEST PARCEL IN THE POU FOR DOMESTIC RT 63-21038. AREA IN GREEN IS LIKELY POU FOR 63-21037.



63-21037 -- 1939 AERIAL. LOOKS LIKE A STRUCTURE ON THE EAST PARCEL.
CULTIVATION EVIDENT. WILL ADVANCE PRIORITY DATE TO 1939 IF SO INFO RECEIVED FROM CLAIMANT.

63

Form 238(4)-2

ID NUMBER 892683-837948

RECEIVED

DEC 21 2005

WATER RESOURCES
WESTERN REGION

State of Idaho Department of Water Resources

AUTHORIZATION TO ABANDON A WELL

*van note: don't think
this is correct
well.*

1. WELL OWNER INFORMATION:

Date 11-08-05 Phone Number 208-468-5830
 Name City of Nampa
 Mailing Address 411 Third St
 City Nampa State ID Zip Code 83651

2. WELL LOCATION:

Township: 3N Range: 2W Section: 13 1/4 NE 1/4 SE 1/4
 Gov't Lot No. _____ County Canyon
 Street Address of well site: Garrity St.
 City Nampa Lot _____ Block _____ Subdivision Name: _____
 GPS Location: Lat: _____ Long: _____

3. TYPE OF WELL:

☒ DOMESTIC ☐ MONITORING ☐ IRRIGATION ☐ OTHER _____
 (Describe)

4. WELL INFORMATION: (Well depth, measured, casing size & static water level required)

Well Tag Number: _____
 Previous Drilling Permit Number: _____
 Water Right Number: _____
 Well Log on File? ☐ Yes ☒ No
 *Casing Size: 6" *Material: 250 Steel
 Temperature: ☒ <85°F ☐ >85°F Flowing Artesian? ☐ Yes ☒ No
 *Static Water Level: 78' (measured) * Well Depth 300' (measured)

5. REASON FOR ABANDONMENT OF WELL

In way of development of new road

6. PROPOSED METHOD OF ABANDONMENT:

(This Application must be reviewed prior to commencement of abandonment)

Backfill with holeplug through water, then granular bentonite
to surface. Cut off casing below ground

7. Drilling Company proposing abandonment Hiddleston Drilling

8. License Number 35 Date of abandonment 11-08-05

9. APPLICANTS SIGNATURE John Sullivan DATE: 12-8-05

Title Representative

(Owner, Firm Representative, Other)

SCANNED

JAN 31 2006



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]

SURPLUS, TIRE & WHEEL

4328 1/2 GARRITY
NAMPA, ID 83687

Type of Business: ASSUMED BUSINESS NAME

Status: CURRENT 02 Oct 2002

State of Origin: IDAHO

Date of 02 Oct 2002

Origination/Authorization:

File Number: D58763

Amendments:

Amendment filed 02 Oct 2002 ORIGINAL FILING

[View Document Online](#)
[Download \(TIFF format\)](#)

Amendment filed 02 Dec 2002 AMEND ASSUMED
BUSINESS NM

[View Document
Online](#)
[Download \(TIFF
format\)](#)

Amendment filed 03 Jun 2003 AMEND ASSUMED
BUSINESS NM

[View Document
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format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

CANCELLATION OR AMENDMENT OF CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly)

FILED EFFECTIVE

03 MAY 30 PM 4:13

To the SECRETARY OF STATE, STATE OF IDAHO

SECRETARY OF STATE

Pursuant to Section 53-507 and 53-508, Idaho Code, the undersigned gives notice of the action(s) indicated below:

1. The assumed business name is: Surplus Tire & Wheel
2. The assumed business name was filed with the Secretary of State's Office on 10/2/2002 as file number D58763.
3. ☒ Cancellation. The persons who filed the certificate no longer claim an interest in the above assumed business name and cancel the certificate in its entirety.
4. ☐ The assumed business name is amended to: _____
5. ☐ The true names and business addresses of the entity or individuals doing business under the assumed business name are amended as follow:

Add:	Delete:	Name:	Address:
☒	☐	<u>Melvin Reid</u>	<u>4328 1/2 garitty Ave Nampa</u>
☐	☒	<u>Jason Shaw</u>	<u>28 N Happy Valley Rd Nampa</u>
☐	☐	_____	_____

6. ☐ The type of business is amended to read:

☐ Retail Trade	☐ Manufacturing	☐ Transportation and Public Utilities
☐ Wholesale Trade	☐ Agriculture	☐ Finance, Insurance, and Real Estate
☐ Services	☐ Construction	☐ Mining
7. ☐ The name and address to which future correspondence should be addressed is changed to read:

4328 garitty Nampa Idaho 83687

8. Name and address for this acknowledgment copy is:

4328 1/2 garitty
Nampa ID
83687

Signature: Melvin ReidPrinted Name: Melvin ReidCapacity: Proprietor

(see instruction # 9 on back of form)

Secretary of State use only

IDAHO SECRETARY OF STATE
05/30/2003 05:00
CK: CRH CT: 150010 BH: 603400
1 @ 10.00 = 10.00 ASSUM AMEN # 2

9 Corp/Korrie Information Services, Inc. Revised 04/2003

```

+++++
+                                     PERSONAL PROPERTY INQUIRY                                     +
+++++
+ 01                                002-03 FIRE-   FLOOD-   REAP 05 APPR CAM  +
+++++
+          NAMES                      +                                     +
+    SURPLUS STORE                    +                                     +
+    WELKER, DONNA                    +                                     +
+                                     +                                     +
+                                     +          VALUES                      +
+                                     +          59          500          +
+                                     +          71          25          +
+          MAILING ADDRESS            +                                     +
+                                     +                                     +
+    4328 GARRITY BLVD                +                                     +
+    NAMPA          ID 83687           +                                     +
+                                     +                                     +
+    13-3N-2W SE 5R31093-000- -0      +                                     +
+    4328 GARRITY BLVD          NA  + TOTAL          525          +
+++++
+    STATUS-   COMB N   TRAN N   DEL N   FARM N   DECL N   INDUST N   PPD      +
+    PRIOR ACCOUNT      -   -   -   PARCEL 5P5P63925000 0 HOMEOWNERS ? NO  +

```

REAL PROPERTY INQUIRY

```
+++++
01 5R31105-000- -0 002-03 SCH131+ 21 80,800 .53
+++++
42 30,700
+++++
WELKER, DONNA J +
+
+
+
+
+
4328 GARRITY BLVD +
NAMPA ID 83687 +
+++++
13-3N-2W SE + TOTAL 111,500 .53
TX 4-E W OF HWY IN N1/2 SE ++++++
LS TX 4E-1 + SURVEY INST 9703756
+ DRAIN DR VALUE APPR TLH
+ CLASS CM REAP 01 MAN 00 UNIT 0
+ PARCEL 5RN00000137580 H/O N C/B N
4328 GARRITY BLVD, NA + PRIOR ACCOUNT 4R31105-000- -0
+ 02 MH on Property NO
```

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-21037

04/25/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
21037	Claim	03N	02W	13	NE	SE		IRRIGATION	1/1	DONNA J WELKER
7884	Water Right	03N	02W	13	NE	SE		STOCKWATER		WILLIAM A WILKERSON
19866	Water Right	03N	02W	13	NE	SE		STOCKWATER		LOIS J WILKERSON
21037	Claim	03N	02W	13	NE	SE		COMMERCIAL		DONNA J WELKER
19866	Water Right	03N	02W	13	NE	SE		DOMESTIC		LOIS J WILKERSON
21038	Water Right	03N	02W	13	NE	SE		DOMESTIC		DONNA J WELKER
23023	Water Right	03N	02W	13	NE	SE		DOMESTIC		LESTER G SCHAFFER

Parallel to R 31098-000

Dam .04 CF

3N 2W S 13 ~~SE~~ NESE

A63-21037
Donna Welker
Rat 1 8461 Robison
Kuna Id 83634

1. commercial use for storage
2. evidence of priority
3. theoretical on pump
4. What is commercial used for?

Mr. ~~Robison~~ Disconnected.

Field Exam Date 8/31/2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED

SEP 08 2006

WATER RESOURCES
WESTERN REGION

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-21037

Owner: Donna J Welker Phone No. (208) 466-8665

Current Address: Rt 1, 8461 Robinson, Kuna, Id 83634

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER WSB Investment LLC, Principle: Roger Langeliers
- ☐ No change Address
- ☒ NEW ADDRESS 7145 NW Progress Ct, Hillsboro, OR 97124
- ☒ How long owned property? 2005

Accompanied by: Not accompanied

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: 1-26-1920

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

Source: groundwater 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:

west well
east well

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SW	NE	SE	13	3N	2W	Canyon	N 43° 35.698' W 116° 31.078'
		SW	NE	SE	13	3N	2W	Canyon	N 43° 35.703' W 116° 31.060'

Description of diverting works

(2) POD, both wells: ① west well: 6" casing, 15" above ground level, submersible pump (unknown Hp), no other info on OVERLAP REVIEW well ② east well: 6" casing, 2" above ground (no additional info)
Other water rights with the same point of diversion: None

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 Irrigation From _____ To _____ Amount _____ CFS _____ AFA
Use Commercial 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)

west well: 6" casing, 40 psi (irrigation std) - No
east well: 6" casing, 40 psi (irrigation std)

wells listed on IDWR drillers log in that quarter grant to obtain average depth & stat

NON-IRRIGATION USES:

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

PLACE OF USE:

- ☐ No Change
- ☐ Changes shown below:

with buildings being demolished & no irrigation having taken place since property sold, I wasn't sure what you would want to do

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: None

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

Delivery System Narrative: At the present time, there is no delivery system.

⊗ No ID tags attached due to possibly being abandoned in

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

west well
east well

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Id. Dept. of Water Resources listing of Driller Reports does not show any other wells in that quarter - quarter. There are 36 wells in the surround area in the quarter though. We do not have any additional information on the wells besides the size of the casing + height casing is above ground.

** See attachment for additional information obtained from phone conversations.

There was no means to measure the capacity of the wells (no electricity to run pumps, + no discharge). Could not calculate theoretical measurement since there was no information know on the well + pump.

Directions: T84, Garrity Exit in Nampa, south on
Garrity past McDonalds, property south of McDonald,
north of Shell gas station + 4301 Garrity
POD: 75' north of Garrity, located in center of property,
wells being in line with each other + 120' apart

POU: Property south of McDonald, all the way to Commercial Ave, +
AFTER EXAM THE FILE SHOULD CONTAIN: across the street + north of 4301 Garrity

- ☒ 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: _____

9-8-2006

FIELD EXAMINER: _____

Judy Hemmerway

63-21037 Welker

Field Inspector: Sandy Hemenway

Phone Conversation 8/29/06:

Canyon County Assessors Plat Room (208) 454-7431 did not show the current owner in their files.

Nampa City Engineering, Daniel Badger (208) 468-5469 stated that this property was included in the Garrity Project, and to contact the project manager John Stone (208) 867-5704. John Stone stated that the Welkers buildings were demolished and the pump house, but he was not sure if the wells had been abandoned. He gave me John Wakelan, with Qualitree, name and number (208) 467-6175/378-8100. John Wakelan stated that the wells were still on the property, had not been abandoned, and gave directions to property, and location of wells.

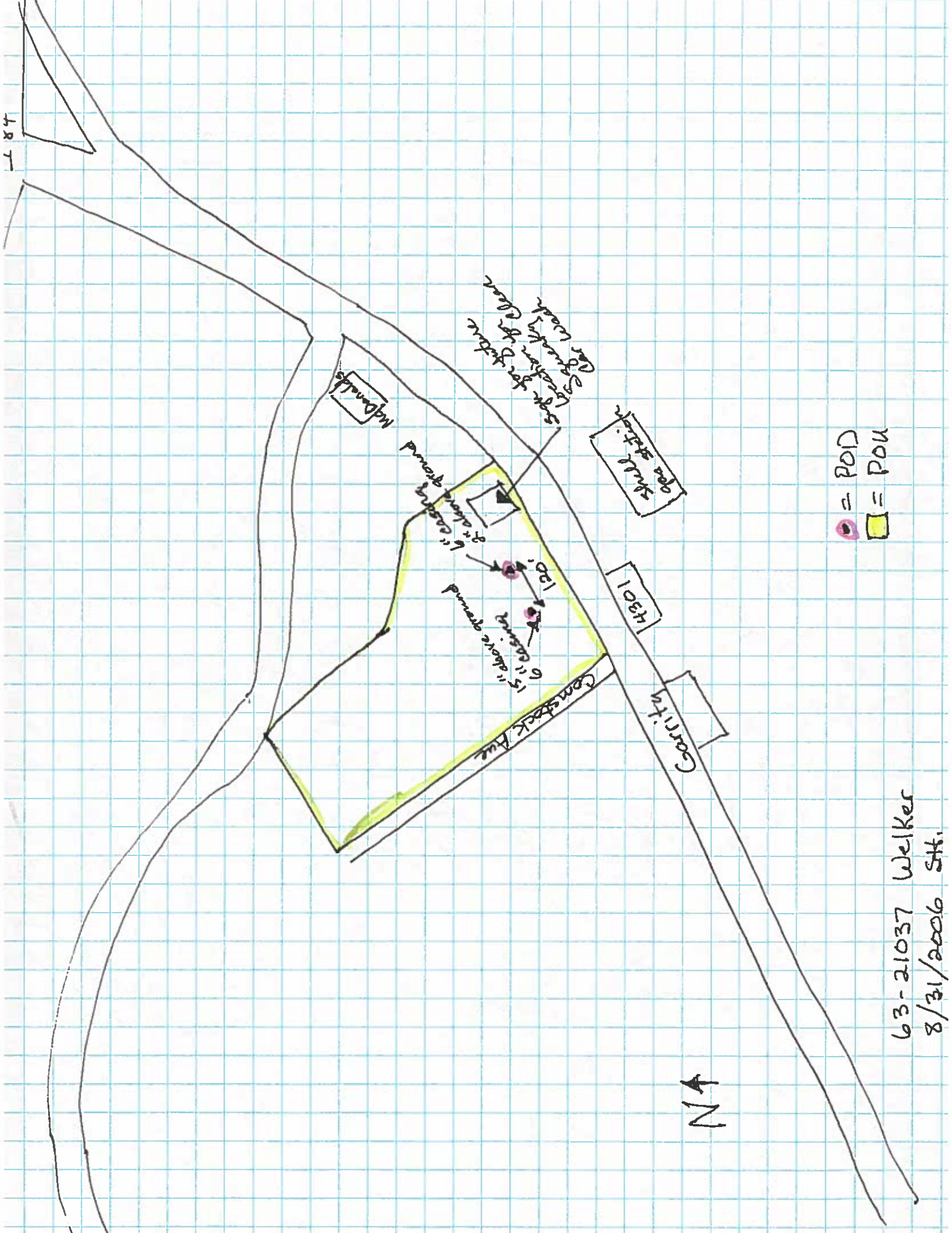
Phone Conversation 8/31/06:

At the time of field exam, there is a sign on the property: " Available contact Arlen Gingrich 880-0586." I called Arlen, and he stated that the current owner is WSB Investment LLC, Principle: Roger Langeliers Construction 62885 Mercury Pl., Bend, OR. 97701 (541) 318-6200 (this number is a good business number), or 7145 NW Progress Ct. Hillsboro, OR 97124. (DEX white page/yellow page search also shows Roger Langeliers 61893 Broken Top Dr. Bend, OR 97702-1168 (541) 617-5906.

Arlen stated that this piece of property is currently connected to City of Nampa water and sewer. That they had talked about abandoning the wells in 30 – 60 days, but had also thought about utilizing the well for either irrigating the landscaping, or hooking up to the "Squeaky Clean Car Wash" for the clean rinse water, which is due to be constructed on the property soon.). I called and left a message on Roger Langeliers voice mail to confirm his intentions with the wells.

Phone Conversation 9/8/06:

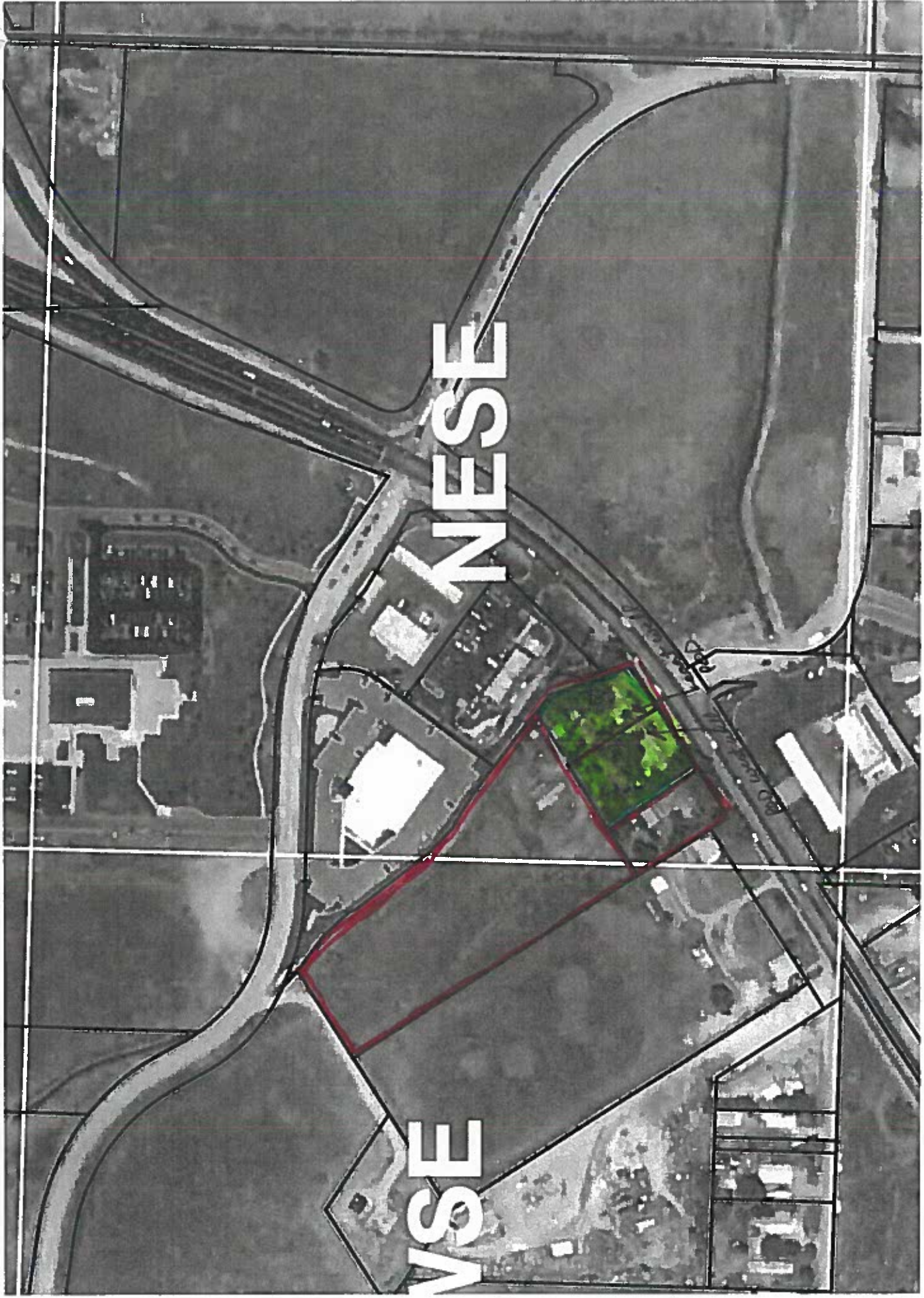
Called (541) 318-6200 and left another voice mail for Roger Langeliers to find out what his intentions are with the wells.



● = POD
 ■ = POH

63-21037 Welker
 8/31/2006 Sht.

N ↑



63-21037 -- 2004 AERIAL PHOTO. DONNA OWNED THE 3 LOTS OUTLINED IN RED. THE PORTION OF THE LOTS OUTLINED IN GREEN IS THE CLAIMED POU. IT IS THE PART OF THE LARGE NORTHERN MOST LOT CLOSE TO THE ROAD AND THE LOT ADJACENT ON THE SOUTH.

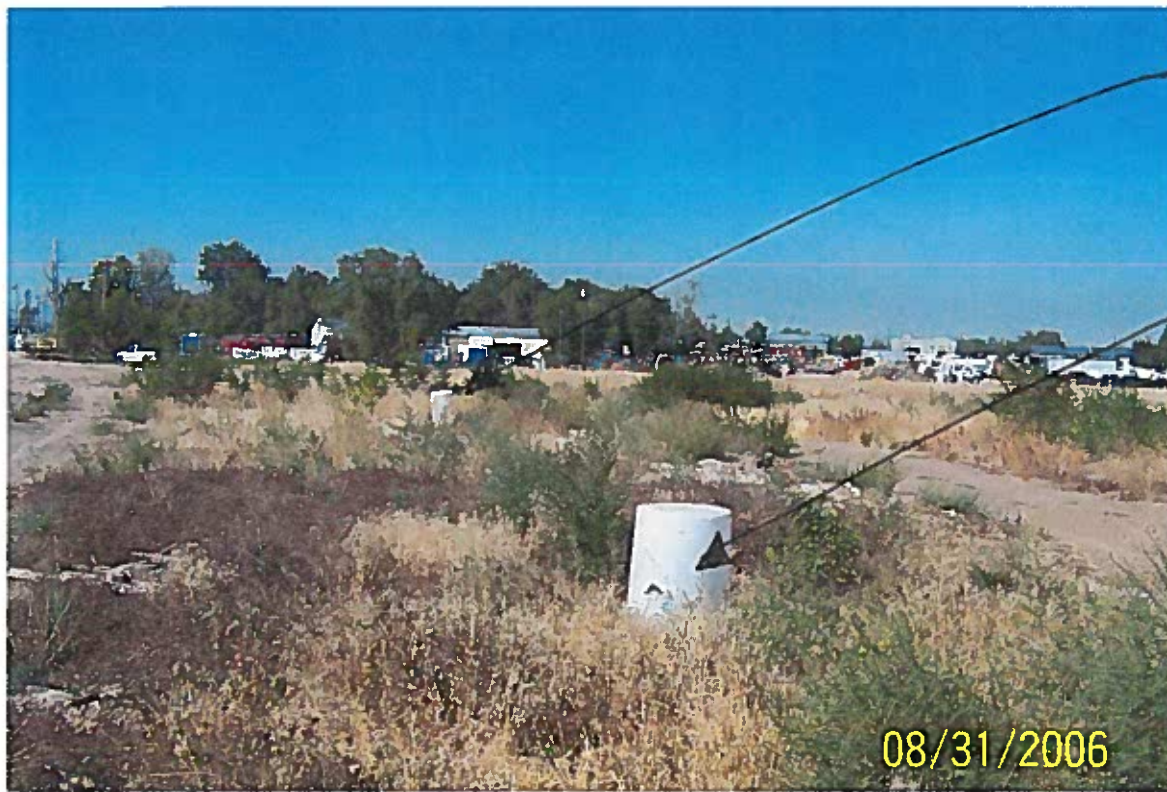
POD

west well

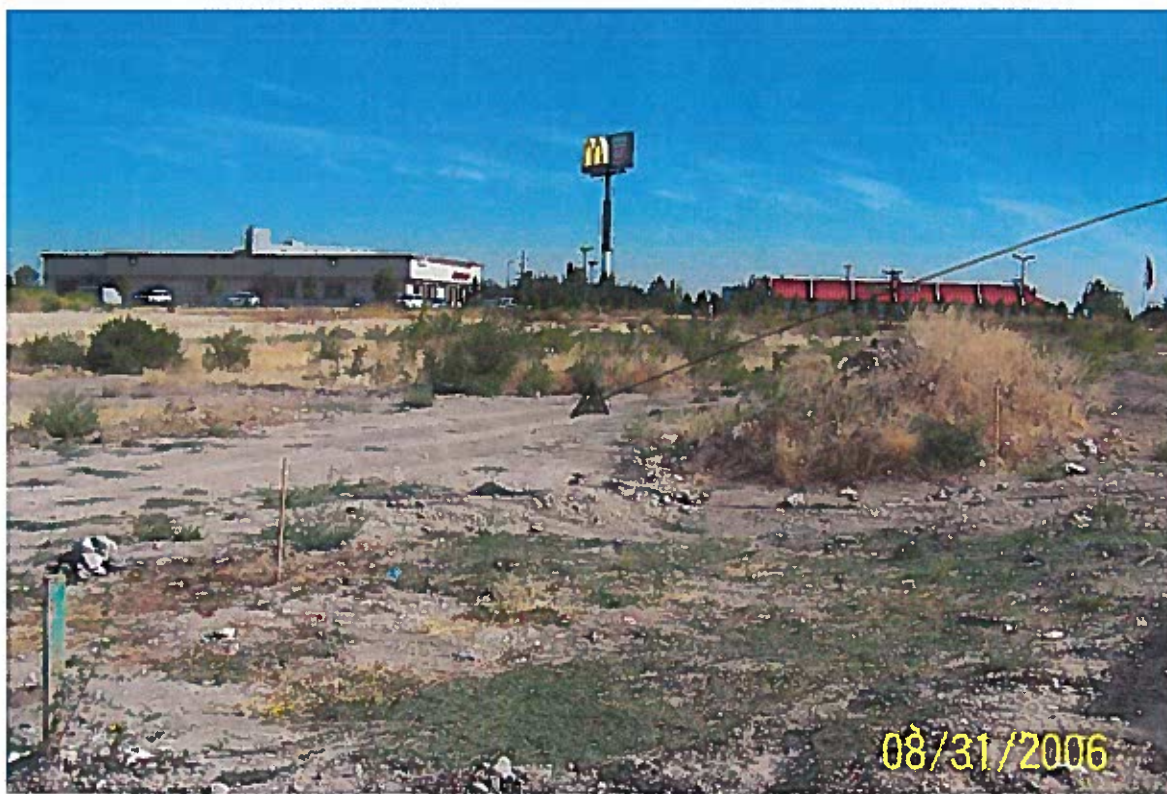
6" casing
15" above ground

east well
6" casing
2" above ground

120' apart



SH



POU

SH

63-21037 Welku



East
Well
6" casing
2" above
ground
(no other
info.)

SH



West
Well
6" casing
15" above
ground
(no other
info)

63-21037 Welker

SH



Marketing
Agent
handling
property
(all previous
existing
buildings -
house, pump
house - were
demolished)

SH



Commercial
business
being
constructed
on the
property
possibly
utilizing
water for
clear water
rinse

SH

63-21037 Welken

Received 7/31/06
Requested colored
maps

MEMORANDUM TO SUBCONTRACTOR

TO: *Sandy H.*
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: 63-21037
DATE: 4/27/2006
CC: CLAIM FILE

This claim is for 1 acre of irrigation and commercial use. The address on the claim is not the place of use. The site address is 4328 Garret Blvd, Nampa. I talked to the claimant, Donna Welker, who told me that the property had been sold, the buildings on site demolished, and the wells looked like they were being abandoned. Donna owns or owned 3 lots adjacent to each other.

~~So, there is no contact person - please visit the site and confirm the following:~~

Contact: WSB Investment LLC Principle: Roger Langelions
Please: *Construction 7145 NW Progress Ct, Hillsboro, OR 97124*
(541) 318-6200

1 - verify whether there are any buildings on site and what activity you observe there. *No buildings, no activity*

2 - attempt to locate the 2 wells or determine if there is recent activity that indicates the wells have been abandoned. I found a recent application by the City of Nampa to abandon a well Garret to widen the road but there is no address.

** See phone conversation attached*

Thanks.

VLM

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21037

WATER RIGHT NUMBER: 63-21037

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA J WELKER RT 1 8461 ROBINSON KUNA, ID 84634 (208)466-8668

Priority Date: 01/26/1920
Basis: Beneficial Use
Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.020 CFS	
COMMERCIAL	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4SE1/4 Sec. 13, Twp 03N, Rge 02W, B.M.
CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	02W	13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.0
																			1.0

Total Acres: 1

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	02W	13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

Conditions of Approval:

1. IRR. IS LESS THAN 1/2 ACRE.

Remarks:

WSB Investment LLC
Principle: Roger Langebiers
Construction
7145 NW Progress Ct.
Hillsboro, OR 97124
~~314~~
(541) 318-6200