

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

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

2. Date of Priority: 03/29/1947

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

4. Point of Diversion:

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

5. Description of diverting works:

GRAVITY FLOW, UNDERGROUND PIPE, HEADGATES.

6. Water is used for the following purposes:

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

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

SCANNED
OCT 05 2006

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

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

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

CHANGE IN OWNERSHIP LG 10/19/05

15. Basis of Claim: Statutory Claim

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

RECEIVED

SEP 29 2005

WATER RESOURCES
WESTERN REGION

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

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

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

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

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

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

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

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

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

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

For Office Use Only

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



SECTION 4 TOWNSHIP 2N RANGE 1E

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Apr 7, 2005

NCS-143198

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

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

AMOUNT 18.00

6



WARRANTY DEED

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

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

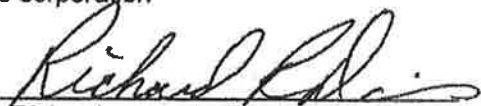
SUBJECT TO the matters set forth on Exhibit B attached hereto and incorporated by reference ("Permitted Exceptions").

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

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

BOISE RANCH GOLF COURSE, INC., an
 Idaho corporation

By:


 Richard R. Davis, President

WARRANTY DEED - 1

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State of Idaho)
) ss.
County of Ada)

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



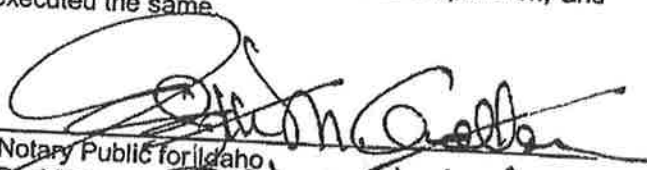

Notary Public for Idaho
Residing at Boise, Idaho
My Commission expires 10-14-10

EXHIBIT A

Legal Description of Premises

EXHIBIT A

C:\Documents and Settings\egration\Local Settings\Temporary Internet Files\OLK26\Warranty Deed GP01.DOC

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL A:

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

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

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

FURTHER EXCEPTING those portions lying within the following 3 plats:

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

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

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

More particularly described as follows:

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

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

PARCEL B:

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

PARCEL C:

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

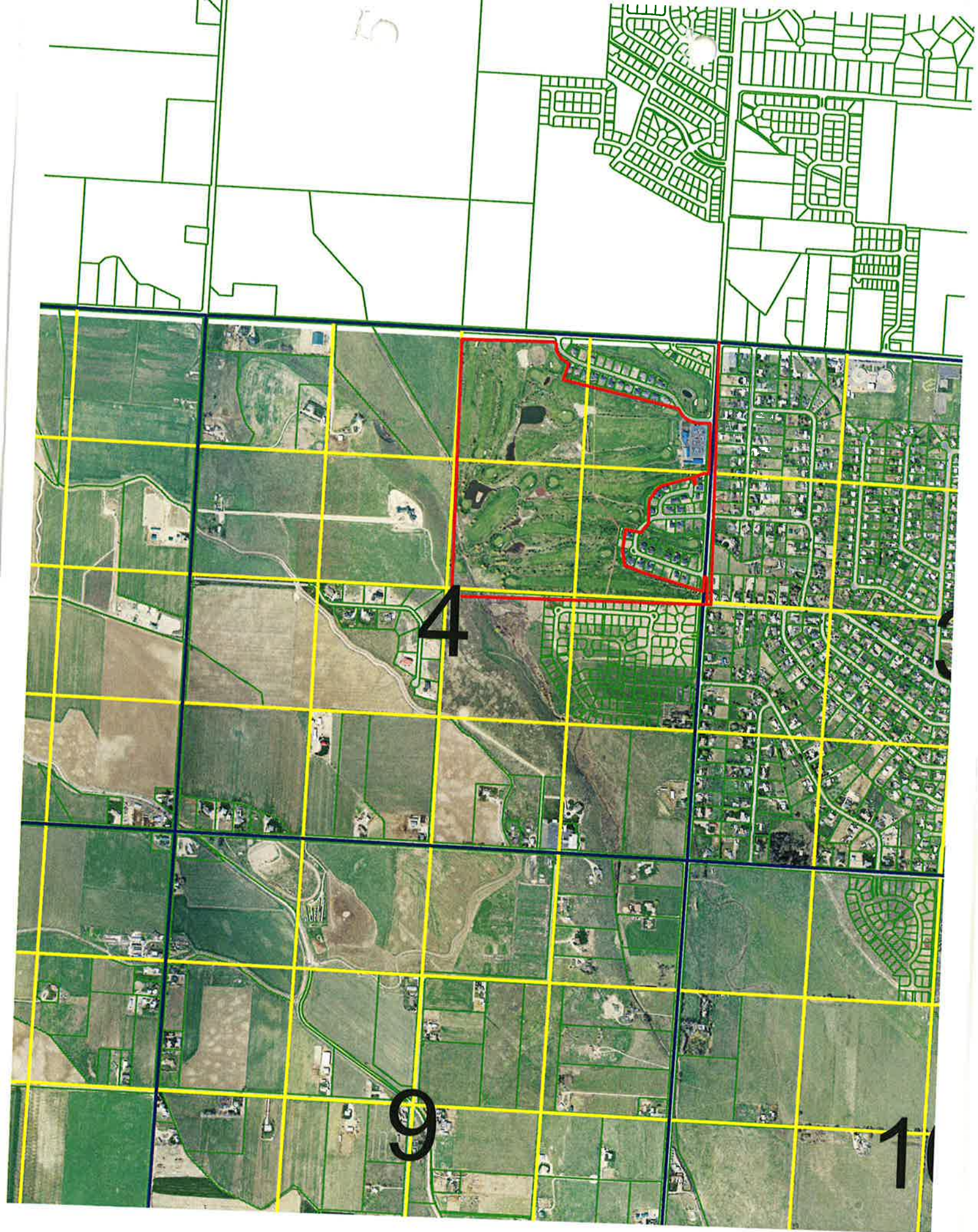
EXHIBIT B

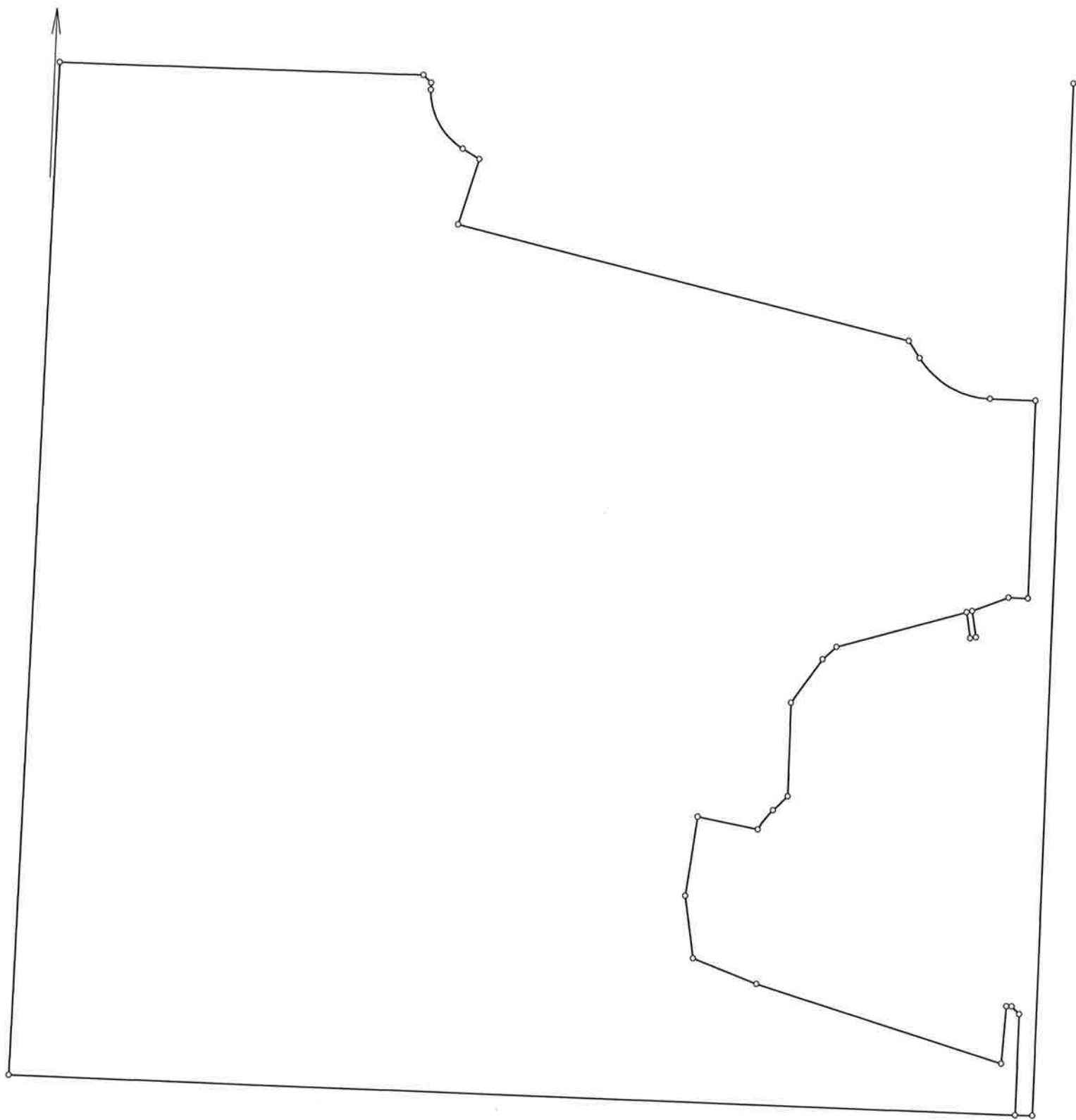
Permitted Exceptions

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

EXHIBIT B

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





Title:

Scale: 1 inch = 355 feet

File: WILSON PROPERTIES.des

Date: 10-19-2005

Data and Deed Call Listing of File: WILSON PROPE

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

001=N1374394.99M E2311423.04M
002=ROTATE +0.0000
003=S00.0615E 2702.64
004=S89.5631W 45.00
005=S89.5631W 2629.70
006=N00.2329E 2650.16
007=N89.4014E 956.01
008=S45.0531E 28.31
009=S00.2157E 17.99
010: Lt, R=175.00, Arc=183.47, Delta=60.0412
Bng=S30.2403E, Chd=175.19
011=S60.2436E 51.12
012=S15.3524W 179.58
013=S77.5256E 1217.83
014=S34.1247E 52.83
015: Lt, R=226.02, Arc=220.69, Delta=55.5634
Bng=S62.1105E, Chd=212.03
016=N89.5038E 119.26
017=S00.0615E 517.11
018=S89.5736W 49.83
019=S67.3557W 101.35
020=S10.0754E 69.48
021: Lt, R=25.00, Arc=15.36, Delta=35.1223
Bng=S78.1423W, Chd=15.12
022=N09.5937W 68.45
023=S72.3734W 351.67
024=S46.5914W 48.98
025=S33.3527W 140.08
026=S00.2118E 244.84
027=S44.3523W 53.16
028: Lt, R=225.00, Arc=64.31, Delta=16.2234
Bng=S36.2406W, Chd=64.09
029=N80.2110W 161.32□
030=S06.3702W 210.27
031=S09.2200E 163.94
032=S70.2248E 179.60
033=S74.2305E 674.51
034=N02.3741E 150.23
035=N89.4058E 13.60
036=S45.1737E 28.23
037=S00.0615E 263.30

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

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

001=N1374394.99M E2311423.04M
002=ROTATE +0.0000
003=S00.0615E 2702.64
004=S89.5631W 45.00
005=S89.5631W 2629.70
006=N00.2329E 2650.16
007=N89.4014E 956.01
008=S45.0531E 28.31
009=S00.2157E 17.99
010: Lt, R=175.00, Arc=183.47, Delta=60.0412
Bng=S30.2403E, Chd=175.19
011=S60.2436E 51.12
012=S15.3524W 179.58
013=S77.5256E 1217.83
014=S34.1247E 52.83
015: Lt, R=226.02, Arc=220.69, Delta=55.5634
Bng=S62.1105E, Chd=212.03
016=N89.5038E 119.26
017=S00.0615E 517.11
018=S89.5736W 49.83
019=S67.3557W 101.35
020=S10.0754E 69.48
021: Lt, R=25.00, Arc=15.36, Delta=35.1223
Bng=S78.1423W, Chd=15.12
022=N09.5937W 68.45
023=S72.3734W 351.67
024=S46.5914W 48.98
025=S33.3527W 140.08
026=S00.2118E 244.84
027=S44.3523W 53.16
028: Lt, R=225.00, Arc=64.31, Delta=16.2234
Bng=S36.2406W, Chd=64.09
029=N80.2110W 161.32□
030=S06.3702W 210.27
031=S09.2200E 163.94
032=S70.2248E 179.60
033=S74.2305E 674.51
034=N02.3741E 150.23
035=N89.4058E 13.60
036=S45.1737E 28.23
037=S00.0615E 263.30



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 12, 2005

Sent 9-12-05

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

Dear Waterusers:

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

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

X **Legal description of property.** Please complete showing the legal description by $\frac{1}{4}$ $\frac{1}{4}$ (40-acre tract), Section, Township and Range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat.

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

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

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

_____ **This change in ownership appears to result in a splitting of the water right.** A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by $\frac{1}{4}$ $\frac{1}{4}$ with the number of acres in each $\frac{1}{4}$ $\frac{1}{4}$ (if applicable) and the point of diversion by $\frac{1}{4}$ $\frac{1}{4}$, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion. **Enclosed is a computer copy of this right for your review.**

X **Proof of ownership is needed.** This proof should be a copy of the **warranty deed** in your name which includes a description of this property by $\frac{1}{4}$ $\frac{1}{4}$, Section, Township and Range.

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

_____ **Other:**

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

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

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

Sincerely,

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

LG: lg

Enclosures

GIVENS PURSLEY LLP

RECEIVED

SEP 29 2005

WATER RESOURCES
WESTERN REGION

LAW OFFICES

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

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

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

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

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

Raymond D. Givens
RETIRED

James A. McClure
RETIRED
*Licensed in California

September 28, 2005

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

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

Dear Ms. Gagnon:

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

Please call me if you need anything else.

Sincerely,



John M. Marshall

JMM:amm

Enclosure

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

GIVENS PURSLEY LLP

LAW OFFICES

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

Deborah E. Nelson

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

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

Franklin G. Lee
David R. Lombardi
D. David Lorelio, Jr.
Emily A. MacMaster
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Patrick J. Miller
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Angela K. Nelson
Deborah E. Nelson

RECEIVED

JUN 21 2005

WATER RESOURCES
WESTERN REGION

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

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

June 20, 2005

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

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

Dear Sandy:

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

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

Sincerely,



Deborah E. Nelson

Enclosures

cc: Charles Wilson

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

NOTICE OF ERROR

REPLY

05/31/2005 RECEIVED
JUN 21 2005
WATER RESOURCES
WESTERN REGION

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

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

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

Water right number: 63-4607B

BOISE RANCH GOLF COURSE INC

6501 S CLOVERDALE RD

BOISE ID 83709

Telephone Number: (208)362-6501

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

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

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

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

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

DATE:

6/20/05

SIGNATURE:

Charles H. Wilson

Please print your name:

CHARLES H. WILSON

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

April 14, 2005

RECEIVED

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

APR 15 2005

Givens Pursley
Law Offices
PO Box 2720
Boise, ID 83701

Givens Pursley, LLP

Re: Water Right(s) 67-4607 B, 63-18152, 63-12097

-AJ -WR -APP FJ PERMIT OK CHANGED ON DATABASE

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

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

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

Sincerely,

Liberty Gagnon
Office Specialist 1

Enc.

Lg

Cc: IDWR State Office

CONFIRMATION COPY

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

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

RECEIVED

APR 13 2005

WATER RESOURCES
WESTERN REGION

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

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

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

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

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

OR

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

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

RECEIVED

APR 15 2005

GIVENS PURSLEY, LLP

RECEIVED

JUN 21 2005

WATER RESOURCES
WESTERN REGION

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

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

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

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

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

For Office Use Only

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

GIVENS PURSLEY LLP

LAW OFFICES

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

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

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

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

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

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

*Licensed in Texas

April 12, 2005

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

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

RECEIVED

APR 13 2005

WATER RESOURCES
WESTERN REGION

To Whom It May Concern:

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

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

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

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

Sincerely,

Deborah E. Nelson

Enclosures

cc: Charles Wilson, Wilson Properties, LP

DEN:kdt S:\CLIENTS\5142\2\DEN Ltr to IDWR re Filing Docs.DOC

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

RECEIVED

APR 13 2005

WATER RESOURCES
WESTERN REGION

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

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

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

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

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

OR

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

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

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

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

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

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

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

For Office Use Only

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



SECTION 4 TOWNSHIP 2N RANGE 1E

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Apr 7, 2005

NCS-143198

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

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

AMOUNT 18.00

6



WARRANTY DEED

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

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

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

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

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

BOISE RANCH GOLF COURSE, INC., an
 Idaho corporation

By:


 Richard R. Davis, President

WARRANTY DEED - 1

C:\Documents and Settings\egratton\Local Settings\Temporary Internet Files\OLK28\Warranty Deed GP01.DOC

State of Idaho)
) ss.
County of Ada)

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



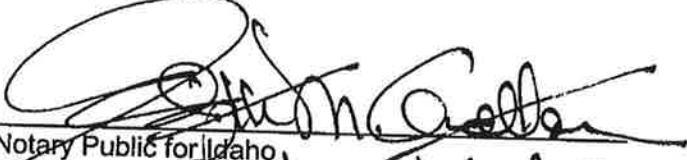

Notary Public for Idaho
Residing at Boise Idaho
My Commission expires 10-14-10

EXHIBIT A

Legal Description of Premises

EXHIBIT A

C:\Documents and Settings\gratton\Local Settings\Temporary Internet Files\OLK28\Warranty Deed GP01.DOC

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL A:

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

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

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

FURTHER EXCEPTING those portions lying within the following 3 plats:

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

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

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

More particularly described as follows:

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

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

PARCEL B:

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

PARCEL C:

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

EXHIBIT B

Permitted Exceptions

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

EXHIBIT B

S:\CLIENTS\5142\21\Warranty Deed GP01.DOC

RECEIVED

APR 13 2005

WATER RESOURCES
WESTERN REGION

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

Attorneys for Wilson Properties, LP

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

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

NOTICE OF APPEARANCE

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

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

GIVENS PURSLEY LLP

By



Deborah E. Nelson

Attorneys for Wilson Properties, LP

CERTIFICATE OF SERVICE

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

Original to:

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

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


Deborah E. Nelson

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

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

CIVIL CASE NUMBER: 39576

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

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

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

2. Date of Priority: MAR 29, 1947

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING

10. Place of Use:

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

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

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

CIVIL CASE NUMBER: 39576

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

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BOISE RANCH GOLF COURSE INC
Address: 6501 S CLOVERDALE RD
BOISE ID

208-362-6501

83709

2. Date of Priority: MAR 29, 1947

3. Source: TENMILE CREEK

Trib. to: FIFTEENMILE CREEK

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

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

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING

10. Place of Use:

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

10. Place of Use: Continued

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

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NEW YORK IRRIGATION DISTRICT

14. Remarks:

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

15. Basis of Claim: STATUTORY CLAIM



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JAN 14 1994

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

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

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A63-4607

☐ Name and Address of Former
Owner/Claimant(s)(Seller): Melvin Hodges
W. Lake Hazel Rd
Nampa Id.

☐ New Owner/Claimant
(Purchaser): Boise Ranch Golf Course, Inc.

☐ New Mailing Address: 6501 S. Cloverdale Rd.
Boise Id. 83709

☐ New Telephone Number: (208-6501)

☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

65% - 65 of 100 acres - in West 1/2
of NE 1/4

☐ Attach proof of
ownership, describe
proof attached: Copy of Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s): [Signature]

Date 1-13-94

Date _____

☐ Signature of Former
Owner/Claimant(s): _____

Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10/04/1994 By: mm

Further Action Needed:

Split Claim

Further Action Taken

Date: 10/06/1994 By: mm

Final Review and Data-Entry

Date: 10/06/1994 By: mm

Claim Numbers of Split, if any:

A63-04607A & A63-04607B

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

cc to Ka Dunn 1-13-94
[Signature]

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsit or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

THIS FORM FURNISHED COURTESY OF:

STEWART TITLE OF IDAHO, INC.

READ & APPROVED BY GRANTEE(S) 

SPACE ABOVE THIS LINE FOR RECORDING DATA
Order No.: 93037748 JH

WARRANTY DEED

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

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

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

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

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

EXCEPT

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

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

Dated: January 20, 1993


MELVIN D. HODGES


DOLORES D. HODGES

STATE OF IDAHO, County of Ada, ss.

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

Signature: _____

Name: _____



(Type or Print)

Residing At: _____

Boise

My Commission expires: _____

10-5-98

INFORMATION FOR REAL ESTATE 1099-S REPORT FILING

as Required by the Internal Revenue Service

SOLICITATION

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

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

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

INDIVIDUAL SELLER NAME

Last: HODGES First & Middle: MELVIN D.

Name Line 2: DOLORES D. HODGES

BUSINESS SELLER NAME

Name Line 1: _____

Name Line 2: _____

MAILING ADDRESS

Street: _____

City: _____ State: _____

Zip Code: _____

TRANSACTION INFORMATION

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

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

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

Answer Y for YES; N for NO: _____

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

CERTIFICATION

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

DATE: January 20, 1993


Seller's Signature

SETTLEMENT AGENT INFORMATION (to be completed by settlement agent)

Name: STEWART TITLE OF IDAHO, INC.

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

Tax Payer ID Number: 82-0327660

SUBSTITUTE FORM 1099

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

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

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

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

2. Date of Priority: MAR 29, 1947

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING

10. Place of Use:

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

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NEW YORK IRRIGATION DISTRICT

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of ADA) SS.

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

Ron Haverth
Notary Public

Seal

Residing at Boise, ID # 83703
My Commission Expires 12-8-94

STATE OF IDAHO

Section 42-225a, Idaho Code

Amended CLAIM TO A WATER RIGHT Amended

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

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

The extent and nature of said claim is as follows:

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

Amount 2.0 cfs Use Irrigation Period of Use: From Apr. 1 To Oct. 15
 Amount _____ Use _____ Period of Use: From _____ To _____
 Amount _____ Use _____ Period of Use: From _____ To _____
 (cfs, gpm) (dom., irri.) (both dates inclusive)

- (3) Total quantity of water claimed: 2.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) March 29, 1947

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

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

NW ¼ SE ¼, Sec. 4 Twp. 2N Rge. 1E B. M. County of Ada

Additional points of diversion:

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

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

[illegible]

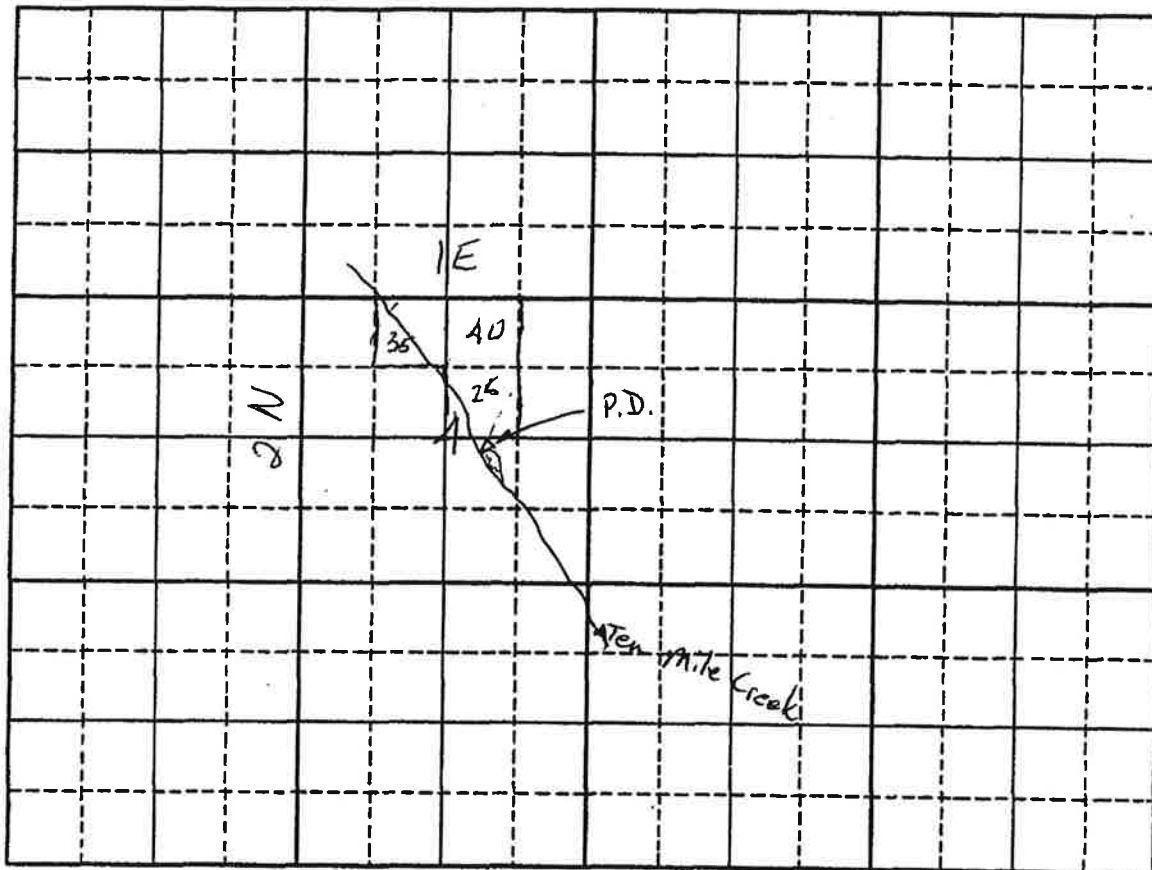
Total No. of acres 100

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

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

UNFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 14th day of April

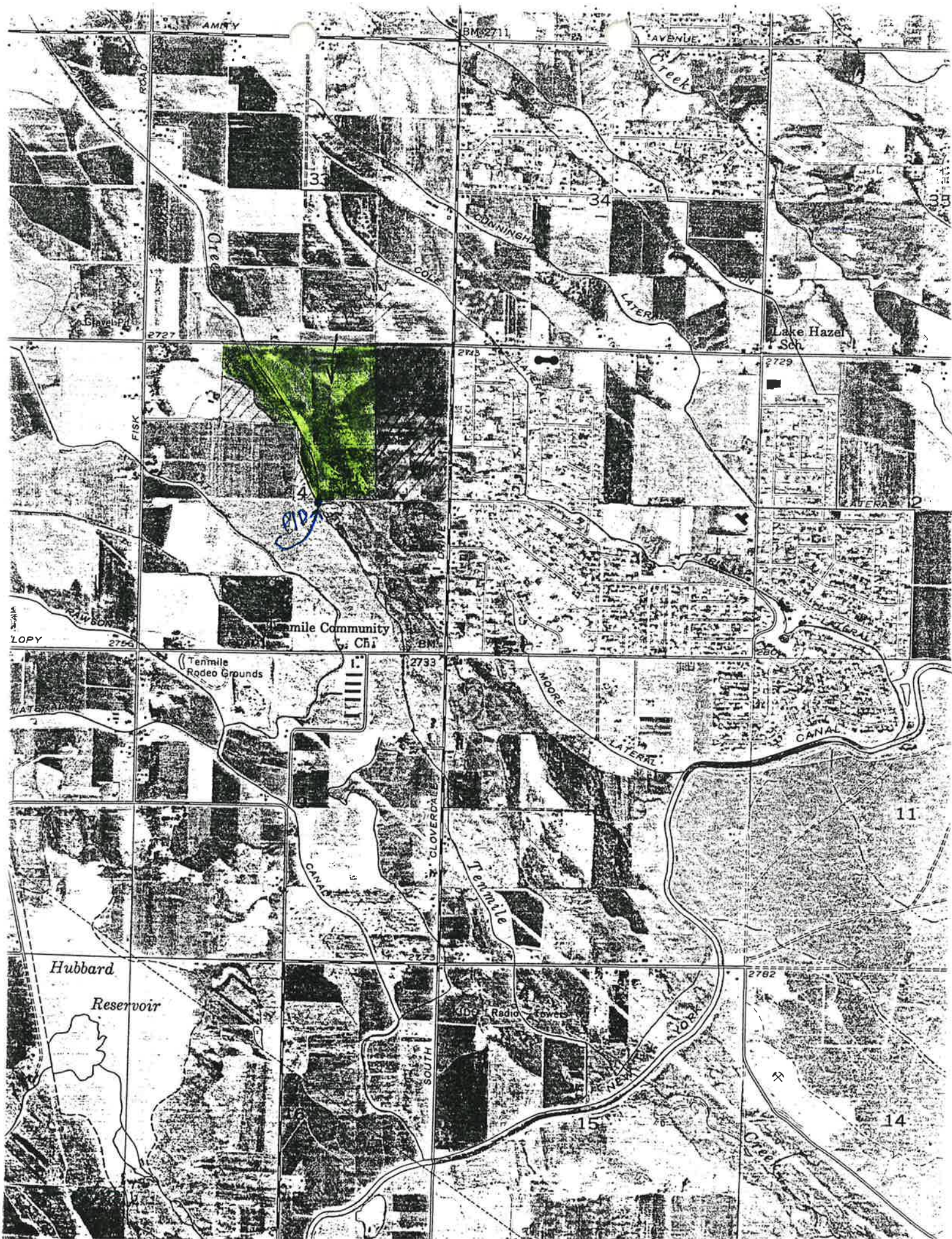
Melvin D. Hodges
(Claimant)

Marcia L. Brown
Notary Public
Residing at Boise, Idaho

My commission expires 8/10/79

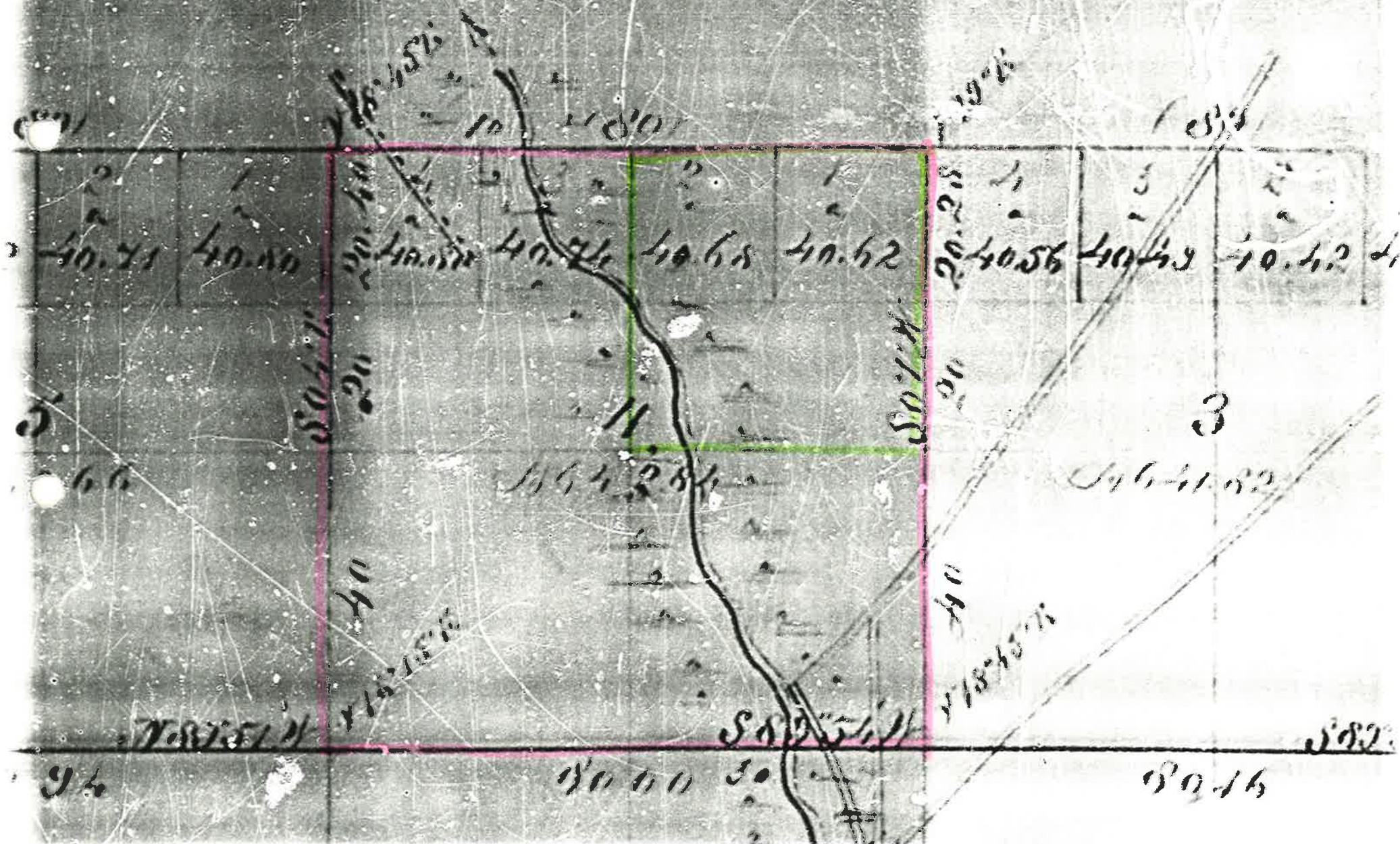
For Department Use Only

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





North Range S. 1/4 T. 1.



RECEIVED

JUL 24 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 23 2008	
By _____	Clerk _____
Deputy Clerk _____	

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-04607B

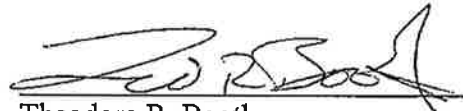
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

On April 21, 2006, the Boise-Kuna Irrigation District, through its attorney Shelly M. Davis, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. On June 4, 2008, the parties 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 63-04607B be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 23, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-04607B

JUL 23 2008

By _____
Clark
Deputy Clerk

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

SOURCE: TENMILE CREEK TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 1.30 CFS
292.50 AFY

PRIORITY DATE: 03/29/1947

POINT OF DIVERSION: T02N R01E S04 NWSE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-01 TO 11-15	1.30 CFS 292.50 AFY

PLACE OF USE: Irrigation
T02N R01E S04 LOT 2 (NWNE)40.0 Within Ada County
SWNE 25.0
65.0 Acres Total

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

The irrigation district has no duty to deliver water to the water right holder to fulfill 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

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

RECOMMENDATION

JUL 23 2008

John M. Melanson
SPECIAL MASTER

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 23 2008

By _____ Clerk

Deputy Clerk

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): 63-04607B

On July 23, 2008, 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 July 23, 2008.



DIANA R DELANEY
Deputy Clerk

County of Twin Falls - State of Idaho	
JUL 23 2008	
By _____	Clerk
_____	Deputy Clerk

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): 63-04607B

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 July 23, 2008, with sufficient first-class postage prepaid to the following:

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

BOISE KUNA IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

WILSON PROPERTIES LP

Represented by:
MICHAEL C CREAMER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

PAGE 1
07/23/08

WILSON PROPERTIES LP

Represented by:

MICHAEL P LAWRENCE

PO BOX 2720

BOISE, ID 83701

Phone: 208-388-1200

BOISE KUNA IRRIGATION DIST

Represented by:

SHELLEY M DAVIS

1010 W JEFFERSON, STE 102

PO BOX 2139

BOISE, ID 83701-2139

Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

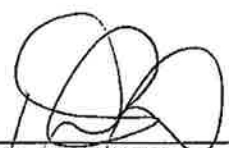
Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724



DIANA R DELANEY
Deputy Clerk

SF5 Right No. 63-4607B

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

RIGHT NUMBER: 63-4607B

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

SOURCE: TENMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 1.300 CFS
292.500 AFY

PRIORITY DATE: 03/29/1947

POINT OF DIVERSION:

T02N R01E S4 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.300 CFS
292.50 AFY

PLACE OF USE:

IRRIGATION in ADA County

T02N R01E S04 Lot 2 NWNE 40.00 T02N R01E S04 SWNE 25.00

65 ACRES TOTAL

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

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

The irrigation district has no duty to deliver water to the water right holder to fulfill this water right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

SF5 Right No. 63-4607B

CERTIFICATE OF MAILING

I certify that on June 3, 2008, 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:

BOISE KUNA IRRIGATION DIST.

Represented by:
CHARLES F. MC DEVITT
420 W BANNOCK ST.
P.O. BOX 2564
BOISE, ID 83701

WILSON PROPERTIES LP

Represented by:
MICHAEL C. CREAMER
601 W. BANNOCK ST.
P.O. BOX 2720
BOISE, ID 83701-2720

WILSON PROPERTIES LP

Represented by:
MICHAEL P. LAWRENCE
PO BOX 2720
BOISE, ID 83701

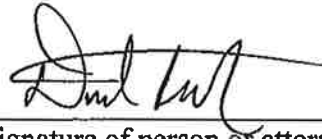
BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M. DAVIS
1010 W. JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing form



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

David A. Jarvis
Labat-Anderson, Inc.
1961 Stout Street, 8th Floor
Denver, Colorado 80294

Telephone (303) 844-1485
Facsimile (303) 844-1350
E-mail: David.Jarvis2@usdoj.gov

RECEIVED

JUN 09 2008

DEPARTMENT OF
WATER RESOURCES

June 3, 2008

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

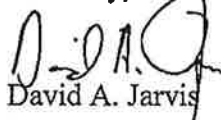
Re: SRBA Case No. 39576
Subcase No. 63-04607B

Dear Ms. Delaney:

Enclosed for filing in the above listed subcase is the following document:

1. STANDARD FORM 5 - STIPULATED ELEMENTS OF A WATER RIGHT

Sincerely,



David A. Jarvis
Paralegal

Enclosure

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. 63-4607B
	)	
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:
Wilson Properties, LP

OBJECTOR:
Boise-Kuna Irrigation District


Michael C. Creamer Date 5/22/08
Attorney for Claimant


Shelley M. Davis Date 5/14/08
Attorney for Objector

RESPONDENT:
Bureau of Reclamation

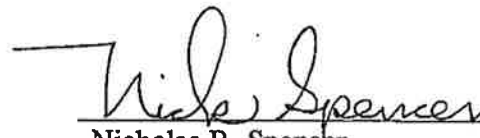


David W. Gehlert, USDOJ 6/3/08
Attorney for BOR Date

IDWR Concurrence:



Donald V. Shaff 5-13-08
Adjudication Bureau Chief Date



Nicholas B. Spencer 5-13-08
Deputy Attorney General Date
Attorney for IDWR

2008 JUN 02 AM 11:15
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	NOTICE SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-04607B

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, JUNE 24, 2008 at 10:30 AM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

Dated: JUNE 02, 2008

/S/ DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

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

Page 1 6/02/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JUNE 02, 2008, with sufficient first-class postage to the following:

BOISE KUNA IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

WILSON PROPERTIES LP

Represented by:
MICHAEL C CREAMER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

WILSON PROPERTIES LP

Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

Shelley M. Davis, ISB # 6788
BARKER ROSHOLT & SIMPSON LLP
205 N. 10th Street, Ste. 520
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

RECEIVED

MAR 06 2008

DEPARTMENT OF
WATER RESOURCES

Attorneys for Boise-Kuna Irrigation District, Objector

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 Nos. 63-4607B and 63-4175
	)	
Case No. 39576	)	SECOND STIPULATION TO VACATE
	)	AND RE-SET TRIAL SETTING
	)	
	)	
	)	
	)	

COMES NOW, Counsel for the Objector Boise-Kuna Irrigation District, Shelley M. Davis of the law firm Barker Rosholt & Simpson, LLP, Counsel for the Objector Boise-Kuna Irrigation District, Chas. F. McDevitt of the law firm McDevitt & Miller, LLP, Counsel for the Claimant Wilson Properties, LLP, Michael P. Lawrence of the law firm Givens Pursley, LLP, Counsel for the Claimant AV/CB, LLC, Wyatt Johnson of the firm Angstman, Johnson & Associates, PLLC, and counsel for the United State Department of Justice, David Gehlert, and hereby stipulate to vacate the trial in the above entitled sub-cases currently set for March 19, 2008, and re-set the trial to be held May 22, 2008 beginning at 9:00 a.m.

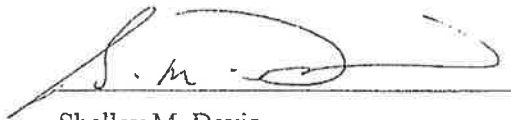
Counsel for the Objector has another trial scheduled in the Third Judicial District in and for the County of Washington, and cannot appear at the trial scheduled for the above-entitled sub-cases

set for the same date. All counsel have agreed to re-set the trial to May 22, 2008, for the convenience of Objector Boise-Kuna Irrigation District's counsel.

A proposed order approving Counsel's stipulation is transmitted with this Stipulation for the Court's consideration.

Dated this 3rd day of March, 2008.

BARKER RSHOLT & SIMPSON LLP



Shelley M. Davis
Attorney for Boise-Kuna Irrigation District

Dated this 4th day of March, 2008.

MCDEVITT & MILLER, LLP



Chas. F. McDevitt
Attorney for Boise-Kuna Irrigation District

Dated this ____ day of March, 2008.

GIVENS PURSLEY, LLP

Michael P. Lawrence
Attorney for Wilson Properties, LP

Dated this ____ day of March, 2008.

ANGSTMAN, JOHNSON AND ASSOCIATES, PLLC

set for the same date. All counsel have agreed to re-set the trial to May 22, 2008, for the convenience of Objector Boise-Kuna Irrigation District's counsel.

A proposed order approving Counsel's stipulation is transmitted with this Stipulation for the Court's consideration.

Dated this ____ day of March, 2008.

BARKER ROSHOLT & SIMPSON LLP

Shelley M. Davis
Attorney for Boise-Kuna Irrigation District

Dated this ____ day of March, 2008.

MCDEVITT & MILLER, LLP

Chas. F. McDevitt
Attorney for Boise-Kuna Irrigation District

Dated this 5th day of March, 2008.

GIVENS PURSLEY, LLP



Michael P. Lawrence
Attorney for Wilson Properties, LP

Dated this ____ day of March, 2008.

ANGSTMAN, JOHNSON AND ASSOCIATES, PLLC

set for the same date. All counsel have agreed to re-set the trial to May 22, 2008, for the convenience of Objector Boise-Kuna Irrigation District's counsel.

A proposed order approving Counsel's stipulation is transmitted with this Stipulation for the Court's consideration.

Dated this ____ day of March, 2008.

BARKER ROSHOLT & SIMPSON LLP

Shelley M. Davis
Attorney for Boise-Kuna Irrigation District

Dated this ____ day of March, 2008.

MCDEVITT & MILLER, LLP

Chas. F. McDevitt
Attorney for Boise-Kuna Irrigation District

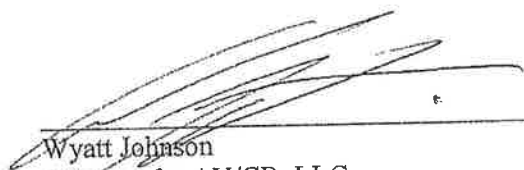
Dated this ____ day of March, 2008.

GIVENS PURSLEY, LLP

Michael P. Lawrence
Attorney for Wilson Properties, LP


Dated this ____ day of March, 2008.

ANGSTMAN, JOHNSON AND ASSOCIATES, PLLC



Wyatt Johnson
Attorney for AV/CB, LLC

Dated this ____ day of March, 2008.

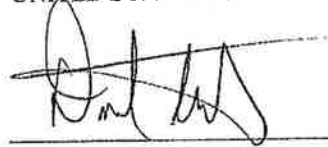
UNITED STATES DEPT. OF JUSTICE

David Gehlert
Attorney for United States Bureau of Reclamation

Wyatt Johnson
Attorney for AV/CB, LLC

Dated this 5th day of March, 2008.

UNITED STATES DEPT. OF JUSTICE

A handwritten signature in black ink, appearing to read "David Gehlert", is written over a horizontal line.

David Gehlert
Attorney for United States Bureau of Reclamation

CERTIFICATE OF SERVICE

I hereby certify that on this 5 day of March 2008, I served a true and correct copy of the foregoing **SECOND STIPULATION TO VACATE AND RE-SET TRIAL SETTING** on the following VIA FACSIMILE or U.S. MAIL, postage prepaid:

1. Via FACSIMILE to:

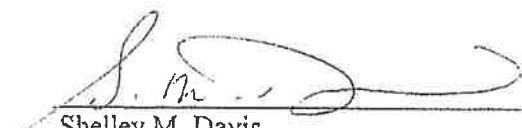
Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
Fax No. (208) 736-2121

2. Via US MAIL, postage prepaid to the following:

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724
Fax No. (208) 378-5305

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

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



Shelley M. Davis
Attorney for Boise-Kuna Irrigation District

Michael C. Creamer [ISB No. 4030]
Michael P. Lawrence [ISB No. 7288]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com

Attorneys for Wilson Properties LP

**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: 63-4607B

NOTICE OF SERVICE

Wilson Properties LP ("Claimant"), through its counsel Givens Pursley LLP, and pursuant to Rules 33(a)(5) and 34(d) of the Idaho Rules of Civil Procedure, hereby gives notice to all parties and counsel of record that Wilson Properties LP's First Set of Interrogatories, Requests for Admission, and Requests for Production to The United States of America and Boise-Kuna Irrigation District were served upon all parties of record.

Dated this 14th day of November 2007.

GIVENS PURSLEY LLP


Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November 2007, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
Fax: 208-736-2121

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

SERVICE

Shelley M. Davis
Barker, Rosholt & Simpson, LLP
1010 W. Jefferson Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Fax: 208-344-6034

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

Bruce Castleton
950 W. Bannock, Ste. 610
Boise, ID 83702
Fax: 208-383-9516

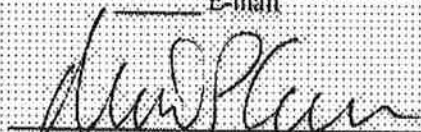
☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
Fax: 208-378-5102

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098
Fax: 208-287-6700

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail


Michael P. Lawrence

Michael C. Creamer [ISB No. 4030]
 Michael P. Lawrence [ISB No. 7288]
 GIVENS PURSLEY LLP
 601 West Bannock Street
 P.O. Box 2720
 Boise, Idaho 83701-2720
 Office: (208) 388-1200
 Fax: (208) 388-1300
 www.givenspursley.com

Attorneys for Wilson Properties LP

**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: 63-4607B

**WILSON PROPERTIES LP'S
 FIRST SET OF INTERROGATORIES,
 REQUESTS FOR ADMISSION, AND
 REQUESTS FOR PRODUCTION TO
 BOISE-KUNA IRRIGATION DISTRICT**

Wilson Properties LP ("Claimant"), through its counsel Givens Pursley LLP, hereby requires Boise-Kuna Irrigation District to answer this First Set of Interrogatories, Requests for Admission, and Requests for Production within thirty days from the date of service herein, and in conformance with all provisions of the Idaho Rule of Civil Procedure.

GENERAL INSTRUCTIONS

A. Definitions and General Instructions

1. The term "you" or "your" refers to Boise-Kuna Irrigation District, its principals or Board members, agents, employees, representatives, investigators, consultants, experts, attorneys, predecessors in interest and any other Person acting on its behalf.

**WILSON PROPERTIES LP'S FIRST SET OF
 INTERROGATORIES, REQUESTS FOR
 ADMISSION, AND REQUESTS FOR PRODUCTION
 TO BOISE-KUNA IRRIGATION DISTRICT - 1**
 S:\CLIENTS\142\23\1st Discovery Request - Wilson Properties.DOC

2. The term "Recommendation" means the Director's Report recommendation filed by the Director of the Idaho Department of Water Resources for water right number 63-4607B in the Snake River Basin Adjudication Court.

3. The term "Wilson Properties' point of diversion" means the point of diversion listed in the Recommendation.

4. The term "Ten Mile Creek" means the source listed in the Recommendation.

5. The term "document" shall mean any kind of written, printed, typed, graphic, electronic, computerized, or photographic matter of any kind or nature including, but not limited to, statements, however, produced or reproduced, and all mechanical and electronic sound recordings and written transcripts thereof, however produced or reproduced, whether in your control or not, and including without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not.

6. The term "identify" when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address and job title or job capacity of the person who prepare it or who has knowledge of it; the name, address, and job title or job capacity of the recipient thereof; and the Bates number or other identifier as applicable.

7. The term "identify" when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

8. The term "identify" when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification

of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

9. In answering these interrogatories and requests for production, please furnish all information which is known or available to you including, but not limited to, information known of your personal knowledge, information obtainable by the diligent search of sources of information available to you, and all information in the possession of, or available to, any person or persons acting on your behalf or under your control or under the control of any of your attorneys, agents, employees, experts, independent contractors, investigators, representatives, or others with whom you have a relationship and from whom you are capable of deriving information, documents, or material.

10. Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents.

11. If any documents requested by a Request for Production or which should be produced in response to an interrogatory cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portions.

12. If any of the documents requested herein were at one time in existence, but are no longer in existence, please so state, specifying for each document:

- (a) The type of document;
- (b) The types of information contained therein;
- (c) The date upon which it ceased to exist;
- (d) The circumstances under which it ceased to exist;

(e) The identity of all persons having knowledge of the circumstances under which it ceased to exist; and

(f) The identity of each person having knowledge of the contents thereof.

13. With respect to any documents called for by this request but withheld due to any claim or privilege, list for each such document:

(a) The paragraph to which the document is otherwise responsive;

(b) Its title and general subject matter;

(c) Its date;

(d) The name(s) and title(s) of its author or preparer;

(e) The name(s) and title(s) of the person(s) for whom it was prepared, and all person to whom it was sent or shown; and

(f) The nature of the privilege claimed.

14. If you assert a privilege as to a portion of any category of the material described, please produce the remainder of that category as to which you do not assert a privilege.

15. Please produce the documents and things for inspection and copying on the 14th day of December 2007, at 9:00 a.m. at the law offices of Givens Pursley LLP, 601 W. Bannock Street, Boise, Idaho 83702, or at such other time and place as may be mutually agreed by the parties. Inspection and copying will be conducted by the undersigned attorneys or their agents and will continue from time to time and from day to day until completed.

16. Each document requested to be produced shall be provided in a manner which preserves its sequential relationship with other documents being produced and shall include the file folder and folder tabs associated with its file location. If the file location is not apparent on the folder and tabs, the document shall be accompanied by information indicating from where

the file was taken and such additional information as is necessary to enable the Claimant to determine the document's original pre-production location.

B. Instructions Regarding Supplementation

1. These interrogatories, requests for admission and requests for production are deemed continuing in nature, and your responses are to be supplemented as additional information and knowledge becomes available or known to you as provided in Rule 26(e) of the Idaho Rules of Civil Procedure.

2. Where knowledge or information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insureds, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

**INTERROGATORIES, REQUESTS FOR ADMISSION,
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

REQUEST FOR ADMISSION NUMBER 1: Please admit that Ten Mile Creek is a natural waterway.

INTERROGATORY NUMBER 1: If your response to Request for Admission Number 1 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 1.

REQUEST FOR PRODUCTION NUMBER 1: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 1 and Interrogatory Number 1.

REQUEST FOR ADMISSION NUMBER 2: Please admit that Ten Mile Creek was a natural waterway in existence prior to the establishment of Boise-Kuna Irrigation District and its predecessors.

INTERROGATORY NUMBER 2: If your response to Request for Admission Number 2 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 2.

REQUEST FOR PRODUCTION NUMBER 2: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 2 and Interrogatory Number 2.

REQUEST FOR ADMISSION NUMBER 3: Please admit that Ten Mile Creek may at any time during the irrigation season contain natural water flow (i.e., water that is not waste water) at Wilson Properties' point of diversion.

INTERROGATORY NUMBER 3: If your response to Request for Admission Number 3 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 3.

REQUEST FOR PRODUCTION NUMBER 3: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 3 and Interrogatory Number 3.

REQUEST FOR ADMISSION NUMBER 4: Please admit that some portion of surface water used for irrigation under Boise-Kuna Irrigation District's water rights seeps below the root zone of crops.

INTERROGATORY NUMBER 4: If your response to Request for Admission Number 4 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 4.

REQUEST FOR PRODUCTION NUMBER 4: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 4 and Interrogatory Number 4.

REQUEST FOR ADMISSION NUMBER 5: Please admit that Boise-Kuna Irrigation District does not regulate water that seeps below the root zone of crops.

INTERROGATORY NUMBER 5: If your response to Request for Admission Number 5 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 5.

REQUEST FOR PRODUCTION NUMBER 5: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 5 and Interrogatory Number 5.

REQUEST FOR ADMISSION NUMBER 6: Please admit that Boise-Kuna Irrigation District does not exert any form of physical control over water that seeps below the root zone of crops.

INTERROGATORY NUMBER 6: If your response to Request for Admission Number 6 is anything other than an unqualified admission, please set forth each and every fact you are aware

of that supports or tends to support, in whole or in part, your response to Request for Admission Number 6.

REQUEST FOR PRODUCTION NUMBER 6: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 6 and Interrogatory Number 6.

REQUEST FOR ADMISSION NUMBER 7: Please admit that Boise-Kuna Irrigation District does not regulate water flowing into Ten Mile Creek.

INTERROGATORY NUMBER 7.1: If your response to Request for Admission Number 7 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 7.

INTERROGATORY NUMBER 7.2: If your response to Request for Admission Number 7 is anything other than an unqualified admission, please identify and describe any and all means of water regulation and measurements of water flowing into Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 7: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 7 and Interrogatory Numbers 7.1 and 7.2.

REQUEST FOR ADMISSION NUMBER 8: Please admit that Boise-Kuna Irrigation District does not regulate water flowing through Ten Mile Creek.

INTERROGATORY NUMBER 8.1: If your response to Request for Admission Number 8 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 8.

INTERROGATORY NUMBER 8.2: If your response to Request for Admission Number 8 is anything other than an unqualified admission, please identify and describe any and all means of water regulation and measurements of water flowing through Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 8: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 8 and Interrogatory Numbers 8.1 and 8.2.

REQUEST FOR ADMISSION NUMBER 9: Please admit that Boise-Kuna Irrigation District does not regulate water flowing out of Ten Mile Creek.

INTERROGATORY NUMBER 9.1: If your response to Request for Admission Number 9 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 9.

INTERROGATORY NUMBER 9.2: If your response to Request for Admission Number 9 is anything other than an unqualified admission, please identify and describe any and all means of water regulation and measurements of water flowing out of Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 9: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 9 and Interrogatory Numbers 9.1 and 9.2.

REQUEST FOR ADMISSION NUMBER 10: Please admit that Boise-Kuna Irrigation District does not exert any form of physical control over water flowing into Ten Mile Creek.

INTERROGATORY NUMBER 10.1: If your response to Request for Admission Number 10 is anything other than an unqualified admission, please set forth each and every fact you are

aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 10.

INTERROGATORY NUMBER 10.2: If your response to Request for Admission Number 10 is anything other than an unqualified admission, please identify any and all control structures and measurements of water flowing into Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 10: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 10 and Interrogatory Numbers 10.1 and 10.2.

REQUEST FOR ADMISSION NUMBER 11: Please admit that Boise-Kuna Irrigation District does not exert any form of physical control over water flowing through Ten Mile Creek.

INTERROGATORY NUMBER 11.1: If your response to Request for Admission Number 11 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 11.

INTERROGATORY NUMBER 11.2: If your response to Request for Admission Number 11 is anything other than an unqualified admission, please identify any and all control structures and measurements of water flowing through Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 11: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 11 and Interrogatory Numbers 11.1 and 11.2.

REQUEST FOR ADMISSION NUMBER 12: Please admit that Boise-Kuna Irrigation District does not exert any form of physical control over water flowing out of Ten Mile Creek.

INTERROGATORY NUMBER 12.1: If your response to Request for Admission Number 12 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 12.

INTERROGATORY NUMBER 12.2: If your response to Request for Admission Number 12 is anything other than an unqualified admission, please identify any and all control structures and measurements of water flowing out of Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 12: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 12 and Interrogatory Numbers 12.1 and 12.2.

REQUEST FOR ADMISSION NUMBER 13: Please admit that Ten Mile Creek at Wilson Properties' point of diversion may at any time during the irrigation season contain water that percolates to the surface from ground water.

INTERROGATORY NUMBER 13: If your response to Request for Admission Number 13 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 13.

REQUEST FOR PRODUCTION NUMBER 13: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 13 and Interrogatory Number 13.

INTERROGATORY NUMBER 14: Have you conducted, or relied upon, any study, evaluation, or analysis of irrigation return flows in Ten Mile Creek?

REQUEST FOR PRODUCTION NUMBER 14: If your response to Interrogatory Number 14 is in the affirmative, please produce all documents regarding any study, evaluation, or analysis conducted or relied upon.

INTERROGATORY NUMBER 15: Have you conducted, or relied upon, any study, evaluation, or analysis of natural water flows in Ten Mile Creek?

REQUEST FOR PRODUCTION NUMBER 15: If your response to Interrogatory Number 15 is in the affirmative, please produce all documents regarding any study, evaluation, or analysis conducted or relied upon.

INTERROGATORY NUMBER 16: Please identify the lay witnesses who you may call to testify at the trial or hearing of this matter. In addition to the identity of any lay witness who you may call, the Claimant requests:

- a) The subject matter upon which each witness is expected to testify;
- b) The substance of the testimony to which each witness is expected to testify;
- c) The underlying facts and data upon which each witness's testimony is based.

INTERROGATORY NUMBER 17: Please identify the expert witnesses who you may call to testify at the trial or hearing of this matter. In addition to the identity of any expert witness who you may call, the Claimant requests:

- d) The subject matter upon which each expert is expected to testify;
- e) The substance of the opinions to which each expert is expected to testify;
- f) The underlying facts and data upon which each expert opinion is based.

REQUEST FOR PRODUCTION NUMBER 16: Please produce the curriculum vitae of each person identified in your response to Interrogatory Number 17.

REQUEST FOR PRODUCTION NUMBER 17: Please produce each and every document upon which the persons identified in your responses to Interrogatory Numbers 16 and 17 will base their testimony.

REQUEST FOR PRODUCTION NUMBER 18: Please produce each and every document upon which you relied in preparing your responses to Interrogatory Numbers 16 and 17.

REQUEST FOR PRODUCTION NUMBER 19: Please identify and produce any and all water discharge and/or water flow measurements or estimates of which you are aware for Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 20: Please identify and produce each and every document that supports or tends to support, in whole or in part, the statement "The source of this right [water right number 63-4607B] is waste water."

Dated this 14th day of November 2007.

GIVENS PURSLEY LLP



Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of November 2007, the foregoing was filed, served, or copied as follows:

Shelley M. Davis
Barker, Rosholt & Simpson, LLP
1010 W. Jefferson Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Fax: 208-344-6034

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

Bruce Castleton
950 W. Bannock, Ste. 610
Boise, ID 83702
Fax: 208-383-9516

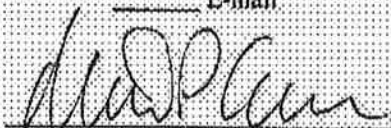
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Director of IDWR
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☐ Hand Delivered
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Michael P. Lawrence

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Attorneys for Wilson Properties LP

**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: 63-4607B

**WILSON PROPERTIES LP's
 FIRST SET OF INTERROGATORIES,
 REQUESTS FOR ADMISSION, AND
 REQUESTS FOR PRODUCTION TO THE
 UNITED STATES OF AMERICA**

Wilson Properties LP ("Claimant"), through its counsel Givens Pursley LLP, hereby requires the United States of America acting through the Department of Interior, Bureau of Reclamation (the "Bureau"), to answer this First Set of Interrogatories, Requests for Admission, and Requests for Production within thirty days from the date of service herein, and in conformance with all provisions of the Idaho Rule of Civil Procedure.

GENERAL INSTRUCTIONS

A. Definitions and General Instructions

1. The term "you" or "your" refers to the Bureau, its officials, agents, employees, representatives, investigators, consultants, experts, attorneys, predecessors in interest and any other Person acting on its behalf.

**WILSON PROPERTIES LP's FIRST SET OF
 INTERROGATORIES, REQUESTS FOR
 ADMISSION, AND REQUESTS FOR PRODUCTION
 TO THE UNITED STATES OF AMERICA - 1**

S:\CLIENTS\5142\23\1st Discovery Request to BOR - Wilson Properties.DOC

2. The term "Recommendation" means the Director's Report recommendation filed by the Director of the Idaho Department of Water Resources for water right number 63-4607B in the Snake River Basin Adjudication Court.

3. The term "Wilson Properties' point of diversion" means the point of diversion listed in the Recommendation.

4. The term "Ten Mile Creek" means the source listed in the Recommendation.

5. The term "document" shall mean any kind of written, printed, typed, graphic, electronic, computerized, or photographic matter of any kind or nature including, but not limited to, statements, however, produced or reproduced, and all mechanical and electronic sound recordings and written transcripts thereof, however produced or reproduced, whether in your control or not, and including without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not.

6. The term "identify" when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address and job title or job capacity of the person who prepare it or who has knowledge of it; the name, address, and job title or job capacity of the recipient thereof; and the Bates number or other identifier as applicable.

7. The term "identify" when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

8. The term "identify" when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification

of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

9. In answering these interrogatories and requests for production, please furnish all information which is known or available to you including, but not limited to, information known of your personal knowledge, information obtainable by the diligent search of sources of information available to you, and all information in the possession of, or available to, any person or persons acting on your behalf or under your control or under the control of any of your attorneys, agents, employees, experts, independent contractors, investigators, representatives, or others with whom you have a relationship and from whom you are capable of deriving information, documents, or material.

10. Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents.

11. If any documents requested by a Request for Production or which should be produced in response to an interrogatory cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portions.

12. If any of the documents requested herein were at one time in existence, but are no longer in existence, please so state, specifying for each document:

- (a) The type of document;
- (b) The types of information contained therein;
- (c) The date upon which it ceased to exist;
- (d) The circumstances under which it ceased to exist;

(e) The identity of all persons having knowledge of the circumstances under which it ceased to exist; and

(f) The identity of each person having knowledge of the contents thereof.

13. With respect to any documents called for by this request but withheld due to any claim or privilege, list for each such document:

(a) The paragraph to which the document is otherwise responsive;

(b) Its title and general subject matter;

(c) Its date;

(d) The name(s) and title(s) of its author or preparer;

(e) The name(s) and title(s) of the person(s) for whom it was prepared, and all person to whom it was sent or shown; and

(f) The nature of the privilege claimed.

14. If you assert a privilege as to a portion of any category of the material described, please produce the remainder of that category as to which you do not assert a privilege.

15. Please produce the documents and things for inspection and copying on the 14th day of December 2007, at 9:00 a.m. at the law offices of Givens Pursley LLP, 601 W. Bannock Street, Boise, Idaho 83702, or at such other time and place as may be mutually agreed by the parties. Inspection and copying will be conducted by the undersigned attorneys or their agents and will continue from time to time and from day to day until completed.

16. Each document requested to be produced shall be provided in a manner which preserves its sequential relationship with other documents being produced and shall include the file folder and folder tabs associated with its file location. If the file location is not apparent on the folder and tabs, the document shall be accompanied by information indicating from where

**WILSON PROPERTIES LP's FIRST SET OF
INTERROGATORIES, REQUESTS FOR
ADMISSION, AND REQUESTS FOR PRODUCTION
TO THE UNITED STATES OF AMERICA - 4**

S:\CLIENTS\5142\23\1st Discovery Request to BOR - Wilson Properties.DOC

the file was taken and such additional information as is necessary to enable the Claimant to determine the document's original pre-production location.

B. Instructions Regarding Supplementation

1. These interrogatories, requests for admission and requests for production are deemed continuing in nature, and your responses are to be supplemented as additional information and knowledge becomes available or known to you as provided in Rule 26(e) of the Idaho Rules of Civil Procedure.

2. Where knowledge or information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insureds, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

**INTERROGATORIES, REQUESTS FOR ADMISSION,
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

REQUEST FOR ADMISSION NUMBER 1: Please admit that Ten Mile Creek is a natural waterway.

INTERROGATORY NUMBER 1: If your response to Request for Admission Number 1 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 1.

REQUEST FOR PRODUCTION NUMBER 1: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 1 and Interrogatory Number 1.

REQUEST FOR ADMISSION NUMBER 2: Please admit that Ten Mile Creek was a natural waterway in existence prior to the establishment of Boise-Kuna Irrigation District and its predecessors.

INTERROGATORY NUMBER 2: If your response to Request for Admission Number 2 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 2.

REQUEST FOR PRODUCTION NUMBER 2: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 2 and Interrogatory Number 2.

REQUEST FOR ADMISSION NUMBER 3: Please admit that Ten Mile Creek may at any time during the irrigation season contain natural water flow (i.e., water that is not waste water) at Wilson Properties' point of diversion.

INTERROGATORY NUMBER 3: If your response to Request for Admission Number 3 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 3.

REQUEST FOR PRODUCTION NUMBER 3: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 3 and Interrogatory Number 3.

**WILSON PROPERTIES LP'S FIRST SET OF
INTERROGATORIES, REQUESTS FOR
ADMISSION, AND REQUESTS FOR PRODUCTION
TO THE UNITED STATES OF AMERICA - 6**

S:\CLIENTS\142\3\1st Discovery Request to BOR - Wilson Properties.DOC

REQUEST FOR ADMISSION NUMBER 4: Please admit that some portion of surface water used for irrigation under Boise-Kuna Irrigation District's water rights seeps below the root zone of crops.

INTERROGATORY NUMBER 4: If your response to Request for Admission Number 4 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 4.

REQUEST FOR PRODUCTION NUMBER 4: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 4 and Interrogatory Number 4.

REQUEST FOR ADMISSION NUMBER 5: Please admit that the Bureau does not regulate water that seeps below the root zone of crops.

INTERROGATORY NUMBER 5: If your response to Request for Admission Number 5 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 5.

REQUEST FOR PRODUCTION NUMBER 5: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 5 and Interrogatory Number 5.

REQUEST FOR ADMISSION NUMBER 6: Please admit that the Bureau does not exert any form of physical control over water that seeps below the root zone of crops.

INTERROGATORY NUMBER 6: If your response to Request for Admission Number 6 is anything other than an unqualified admission, please set forth each and every fact you are aware

of that supports or tends to support, in whole or in part, your response to Request for Admission Number 6.

REQUEST FOR PRODUCTION NUMBER 6: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 6 and Interrogatory Number 6.

REQUEST FOR ADMISSION NUMBER 7: Please admit that the Bureau does not regulate water flowing into Ten Mile Creek.

INTERROGATORY NUMBER 7.1: If your response to Request for Admission Number 7 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 7.

INTERROGATORY NUMBER 7.2: If your response to Request for Admission Number 7 is anything other than an unqualified admission, please identify and describe any and all means of water regulation and measurements of water flowing into Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 7: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 7 and Interrogatory Numbers 7.1 and 7.2.

REQUEST FOR ADMISSION NUMBER 8: Please admit that the Bureau does not regulate water flowing through Ten Mile Creek.

INTERROGATORY NUMBER 8.1: If your response to Request for Admission Number 8 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 8.

INTERROGATORY NUMBER 8.2: If your response to Request for Admission Number 8 is anything other than an unqualified admission, please identify and describe any and all means of water regulation and measurements of water flowing through Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 8: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 8 and Interrogatory Numbers 8.1 and 8.2.

REQUEST FOR ADMISSION NUMBER 9: Please admit that the Bureau does not regulate water flowing out of Ten Mile Creek.

INTERROGATORY NUMBER 9.1: If your response to Request for Admission Number 9 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 9.

INTERROGATORY NUMBER 9.2: If your response to Request for Admission Number 9 is anything other than an unqualified admission, please identify and describe any and all means of water regulation and measurements of water flowing out of Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 9: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 9 and Interrogatory Numbers 9.1 and 9.2.

REQUEST FOR ADMISSION NUMBER 10: Please admit that the Bureau does not exert any form of physical control over water flowing into Ten Mile Creek.

INTERROGATORY NUMBER 10.1: If your response to Request for Admission Number 10 is anything other than an unqualified admission, please set forth each and every fact you are

aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 10.

INTERROGATORY NUMBER 10.2: If your response to Request for Admission Number 10 is anything other than an unqualified admission, please identify any and all control structures and measurements of water flowing into Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 10: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 10 and Interrogatory Numbers 10.1 and 10.2.

REQUEST FOR ADMISSION NUMBER 11: Please admit that the Bureau does not exert any form of physical control over water flowing through Ten Mile Creek.

INTERROGATORY NUMBER 11.1: If your response to Request for Admission Number 11 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 11.

INTERROGATORY NUMBER 11.2: If your response to Request for Admission Number 11 is anything other than an unqualified admission, please identify any and all control structures and measurements of water flowing through Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 11: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 11 and Interrogatory Numbers 11.1 and 11.2.

REQUEST FOR ADMISSION NUMBER 12: Please admit that the Bureau does not exert any form of physical control over water flowing out of Ten Mile Creek.

INTERROGATORY NUMBER 12.1: If your response to Request for Admission Number 12 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 12.

INTERROGATORY NUMBER 12.2: If your response to Request for Admission Number 12 is anything other than an unqualified admission, please identify any and all control structures and measurements of water flowing out of Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 12: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 12 and Interrogatory Numbers 12.1 and 12.2.

REQUEST FOR ADMISSION NUMBER 13: Please admit that Ten Mile Creek at Wilson Properties' point of diversion may at any time during the irrigation season contain water that percolates to the surface from ground water.

INTERROGATORY NUMBER 13: If your response to Request for Admission Number 13 is anything other than an unqualified admission, please set forth each and every fact you are aware of that supports or tends to support, in whole or in part, your response to Request for Admission Number 13.

REQUEST FOR PRODUCTION NUMBER 13: Please produce each and every document that supports or tends to support, in whole or in part, your response to Request for Admission Number 13 and Interrogatory Number 13.

INTERROGATORY NUMBER 14: Have you conducted, or relied upon, any study, evaluation, or analysis of irrigation return flows in Ten Mile Creek?

REQUEST FOR PRODUCTION NUMBER 14: If your response to Interrogatory Number 14 is in the affirmative, please produce all documents regarding any study, evaluation, or analysis conducted or relied upon.

INTERROGATORY NUMBER 15: Have you conducted, or relied upon, any study, evaluation, or analysis of natural water flows in Ten Mile Creek?

REQUEST FOR PRODUCTION NUMBER 15: If your response to Interrogatory Number 15 is in the affirmative, please produce all documents regarding any study, evaluation, or analysis conducted or relied upon.

INTERROGATORY NUMBER 16: Please identify the lay witnesses who you may call to testify at the trial or hearing of this matter. In addition to the identity of any lay witness who you may call, the Claimant requests:

- a) The subject matter upon which each witness is expected to testify;
- b) The substance of the testimony to which each witness is expected to testify;
- c) The underlying facts and data upon which each witness's testimony is based.

INTERROGATORY NUMBER 17: Please identify the expert witnesses who you may call to testify at the trial or hearing of this matter. In addition to the identity of any expert witness who you may call, the Claimant requests:

- d) The subject matter upon which each expert is expected to testify;
- e) The substance of the opinions to which each expert is expected to testify;
- f) The underlying facts and data upon which each expert opinion is based.

REQUEST FOR PRODUCTION NUMBER 16: Please produce the curriculum vitae of each person identified in your response to Interrogatory Number 17.

REQUEST FOR PRODUCTION NUMBER 17: Please produce each and every document upon which the persons identified in your responses to Interrogatory Numbers 16 and 17 will base their testimony.

REQUEST FOR PRODUCTION NUMBER 18: Please produce each and every document upon which you relied in preparing your responses to Interrogatory Numbers 16 and 17.

REQUEST FOR PRODUCTION NUMBER 19: Please identify and produce any and all water discharge and/or water flow measurements or estimates of which you are aware for Ten Mile Creek.

REQUEST FOR PRODUCTION NUMBER 20: Please identify and produce each and every document that supports or tends to support, in whole or in part, the statement "The source of this right [water right number 63-4607B] is waste water."

Dated this 14th day of November 2007.

GIVENS PURSLEY LLP


Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November 2007, the foregoing was filed, served, or copied as follows:

Shelley M. Davis
Barker, Rosholt & Simpson, LLP
1010 W. Jefferson Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Fax: 208-344-6034

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☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

Bruce Castleton
950 W. Bannock, Ste. 610
Boise, ID 83702
Fax: 208-383-9516

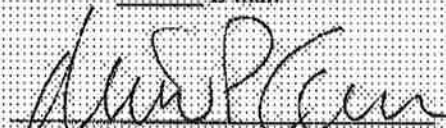
☐ U. S. Mail
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United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
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☐ E-mail


Michael P. Lawrence

**WILSON PROPERTIES LP'S FIRST SET OF
INTERROGATORIES, REQUESTS FOR
ADMISSION, AND REQUESTS FOR PRODUCTION
TO THE UNITED STATES OF AMERICA - 14**

S:\CLIENTS\514223\1st Discovery Request to BOR - Wilson Properties.DOC

FAX

TO: '12082876700@venali.net'

FROM: Lori Anderson

FAX: 12082876700

DATE: Wed, 14 Nov 2007 14:31:17 -0700

RE: Wilson Properties Discovery Requests

MESSAGE

On behalf of Michael Lawrence, I am attaching Wilson Properties LP's First Set of Interrogatories, Requests for Admission and Requests for Production to the United States of America and Boise-Kuna Irrigation District along with the Notice of Service. Please contact me should have difficulty receiving these discovery requests.

Lori Anderson
Assistant to Jeffrey C. Fereday,
Deborah E. Nelson & Michael P. Lawrence
Givens Pursley, LLP
601 W. Bannock St.
Boise, ID 83702
Direct Dial: (208) 388-1234
Facsimile: (208) 388-1300
www.givenspursley.com

If this fax does not transmit fully or is difficult to read, please contact me at (208) 388-1200.

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.

pt 2

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON



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(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

FACSIMILE COVER SHEET

DATE: December 14, 2007

RE: *SRBA Sub-Case 63-4607B*

TO: IDWR – Document Depository **FACSIMILE#:** (208) 287-6700

FROM: Shelley M. Davis

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 4

☒ **X** Original will not be sent.
☐ Original will be sent by first class mail
☐ Original will be sent by Federal Express.

MESSAGE:

Please see attached Notices of Service of Boise-Kuna Irrigation District's Answers to Wilson Properties' First Discovery Requests.

CONFIDENTIALITY NOTICE - THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY/CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL (208) 338-0700, AND RETURN THIS FACSIMILE TO US AT THE ABOVE ADDRESS. WE APPRECIATE YOUR COOPERATION.

Shelley M. Davis, ISB # 6788
 BARKER ROSHOLT & SIMPSON LLP
 205 N. 10th Street, Ste. 520
 P.O. Box 2139
 Boise, ID 83701-2139
 Telephone: (208) 336-0700
 Facsimile: (208) 344-6034

Attorneys for Boise-Kuna Irrigation District, Objector

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 Nos. 63-4607B

Case No. 39576)

**NOTICE OF SERVICE OF BOISE-KUNA
 IRRIGATION DISTRICT'S ANSWERS TO
 WILSON PROPERTIES' FIRST
 DISCOVERY REQUESTS**

Please take notice that on this 14th day of December 2007, the Objector, Boise-Kuna Irrigation District, served upon the Claimant's counsel **NOTICE OF SERVICE OF BOISE-KUNA IRRIGATION DISTRICT'S ANSWERS TO WILSON PROPERTIES' FIRST DISCOVERY REQUESTS** together with a copy of this notice to the parties listed below, via

~~facsimile:~~ *hand delivery.*

Mike Lawrence, Givens Pursley, LLP
 601 W. Bannock Street
 Boise, ID 83701-2720
 Fax No. (208) 388-1300

United States Department of Justice
 Environment & Nat'l Resources Div
 550 W Fort Street, MSC 033
 Boise, ID 83724
 Fax No. (208) 378-5305

DATED THIS 14th day of December 2007.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in dark ink, appearing to read 'S. M. Davis', is written over a horizontal line.

Shelley M. Davis
Attorney for Boise-Kuna Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December 2007, I served a true and correct copy of the foregoing **NOTICE OF SERVICE OF BOISE-KUNA IRRIGATION DISTRICT'S ANSWERS TO WILSON PROPERTIES' FIRST DISCOVERY REQUESTS** along with a copy of the Notice of Service of a Discovery Document on the following VIA FACSIMILE or U.S. Mail, postage prepaid:

1. Notice of Service of Discovery Document VIA FACSIMILE to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
Fax No. (208) 736-2121

2. Requests and Notice of Service of Discovery Document VIA FACSIMILE to:

Mike Lawrence, Givens Pursley, LLP (VIA HAND DELIVERY)
601 W. Bannock Street
Boise, ID 83701-2720
Fax No. (208) 388-1300

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724
Fax No. (208) 378-5305

3. Notice of Service of Discovery Document VIA U.S. MAIL to:

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

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



Shelley M. Davis
Attorney for Boise-Kuna Irrigation District

Michael C. Creamer [ISB No. 4030]
 Michael P. Lawrence [ISB No. 7288]
 GIVENS PURSLEY LLP
 601 West Bannock Street
 P.O. Box 2720
 Boise, Idaho 83701-2720
 Office: (208) 388-1200
 Fax: (208) 388-1300
 www.givenspursley.com

Attorneys for Wilson Properties LP

**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: 63-4607B

**WILSON PROPERTIES LP
 DISCLOSURE OF WITNESSES**

Wilson Properties LP, the claimant in subcase number 63-4607B, by and through its counsel, Givens Pursley, LLP, hereby discloses the following individuals who may testify as witnesses at trial in this matter:

1. Terry Scanlan and/ or Scott King. Mr. Scanlan is a Principal Engineer/ Hydrogeologist and Mr. King is a Senior Project Engineer at SPF Water Engineering LLC. One or both of these individuals are expected to testify about water flow measurements and the source(s) of water in Ten Mile Creek, as well as other relevant facts concerning claim 63-4607B and Ten Mile Creek.

2. Todd Crockett. Mr. Crockett is the golf course superintendent for Boise Ranch Golf Course and is expected to testify about the timing, extent, and nature of irrigation under

claim 63-4607B and the quantities of water in Ten Mile Creek during the irrigation season and non-irrigation season.

3. Unnamed Idaho Department of Water Resources water right agent. This individual is expected to testify about the basis for the Department's recommendation for claim 63-4607B and other relevant facts about this water right and about Ten Mile Creek.

The claimant reserves the right to call any and all other parties' witnesses, including those witnesses disclosed or otherwise permitted to testify in joint subcase number 63-4175.

DATED this 31st day of October, 2007.

Respectfully submitted,

GIVENS PURSLEY LLP

By



Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of October 2007, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
Fax: 208-736-2121

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

SERVICE

Shelley M. Davis
Barker, Rosholt & Simpson, LLP
1010 W. Jefferson Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Fax: 208-344-6034

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

Bruce Castleton
950 W. Bannock, Ste. 610
Boise, ID 83702
Fax: 208-383-9516

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
Fax: 208-378-5102

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098
Fax: 208-287-6700

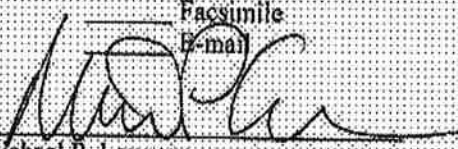
☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

IDWR Document Depository
PO Box 83720
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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


Michael P. Lawrence

FAX

TO: '12082876700@venali.net'

FROM: Lori Anderson

FAX: 12082876700

DATE: Wed, 31 Oct 2007 14:48:14 -0600

RE: 5142#23# Disclosure of Witnesses

MESSAGE

Attn Clerk:

On behalf of Michael Lawrence, I am attaching Wilson Properties LP Disclosure of Witnesses for filing. Please contact me should you have difficulty receiving this document.

Lori Anderson
Assistant to Jeffrey C. Fereday,
Deborah E. Nelson & Michael P. Lawrence
Givens Pursley, LLP
601 W. Bannock St.
Boise, ID 83702
Direct Dial: (208) 388-1234
Facsimile: (208) 388-1300
www.givenspursley.com

If this fax does not transmit fully or is difficult to read, please contact me at (208) 388-1200.

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.

Egbert, Sandy

From: Harvey, Becky
Sent: Wednesday, October 31, 2007 5:07 PM
To: Shurte, Jan; Egbert, Sandy
Subject: FW: From " "(Fax Message NO.7305)



2007103114485601

7.tif

see number 3 - IDWR water agent...

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

From: Boardman, Anne On Behalf Of IDWR Fax
Sent: Wednesday, October 31, 2007 3:05 PM
To: Adjudication (State Office)
Subject: FW: From " "(Fax Message NO.7305)

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

From: idwrfax@idwr.idaho.gov [mailto:dwrfax@idwr.idaho.gov]
Sent: Wednesday, October 31, 2007 1:49 PM
To: IDWR Fax
Subject: From " "(Fax Message NO.7305)

This E-mail was sent from "State_507_BW" (Aficio 2045e).

Queries to: webmaster@idwr.idaho.gov

2007 SEP 19 PM 4 42

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) Subcases 63-04175 and 63-04607B
Case No. 39576) TRIAL SCHEDULING ORDER
_____) ORDER OF JOINT TRIAL

A Scheduling Conference was held on September 11, 2007. Pursuant to I.R.C.P. 42(a), and because there is a common question of fact regarding the origin of water in Ten Mile Creek -- which is the source of water for both of the above-captioned water rights -- it is **ordered** that the trials in subcases 63-04175 and 63-04607B shall be held jointly. The following dates shall govern the conduct of these subcases through trial:

October 31, 2007	5:00 PM	Disclosure of Witnesses. Disclosure of all witnesses, except impeachment witnesses, shall be completed by this deadline. All non-disclosed witnesses, except impeachment witnesses, shall be excluded from testifying in the trial unless permitted by the Special Master in the interests of justice. I.R.C.P. 16(e)(6)(J).
December 14, 2007	5:00 PM	Discovery Served and Responses Completed. Deadline for completion of all discovery, meaning that all discovery is served and response is complete, including the taking of depositions of lay and expert witnesses, all interrogatories, request for production / inspections and admissions. Motions to compel should be filed accordingly so as to accommodate this deadline.
January 8, 2008	5:00 PM	Hearing on Motion for Summary Judgment. Motions for summary judgment shall be filed, notice for hearing, and actually heard by this deadline. The filing and service of the motion, affidavits, and briefing shall be conducted in compliance with I.R.C.P. 56(c).

February 5, 2008 10:30 AM Final Pre-Trial Conference. Pursuant to I.R.C.P. 16, a final pre-trial conference will be held at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

February 21, 2008 9:00 AM Trial. The trial be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower-level conference room.

Dated September 19, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the TRIAL SCHEDULING ORDER was mailed on September 19, 2007, with sufficient first-class postage to the following:

AV-CB LLC

Represented by:
BRUCE J CASTLETON
950 W BANNOCK, STE 610
BOISE, ID 83702
Phone: 208-383-9511

WILSON PROPERTIES LP

Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

WILSON PROPERTIES LP

Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

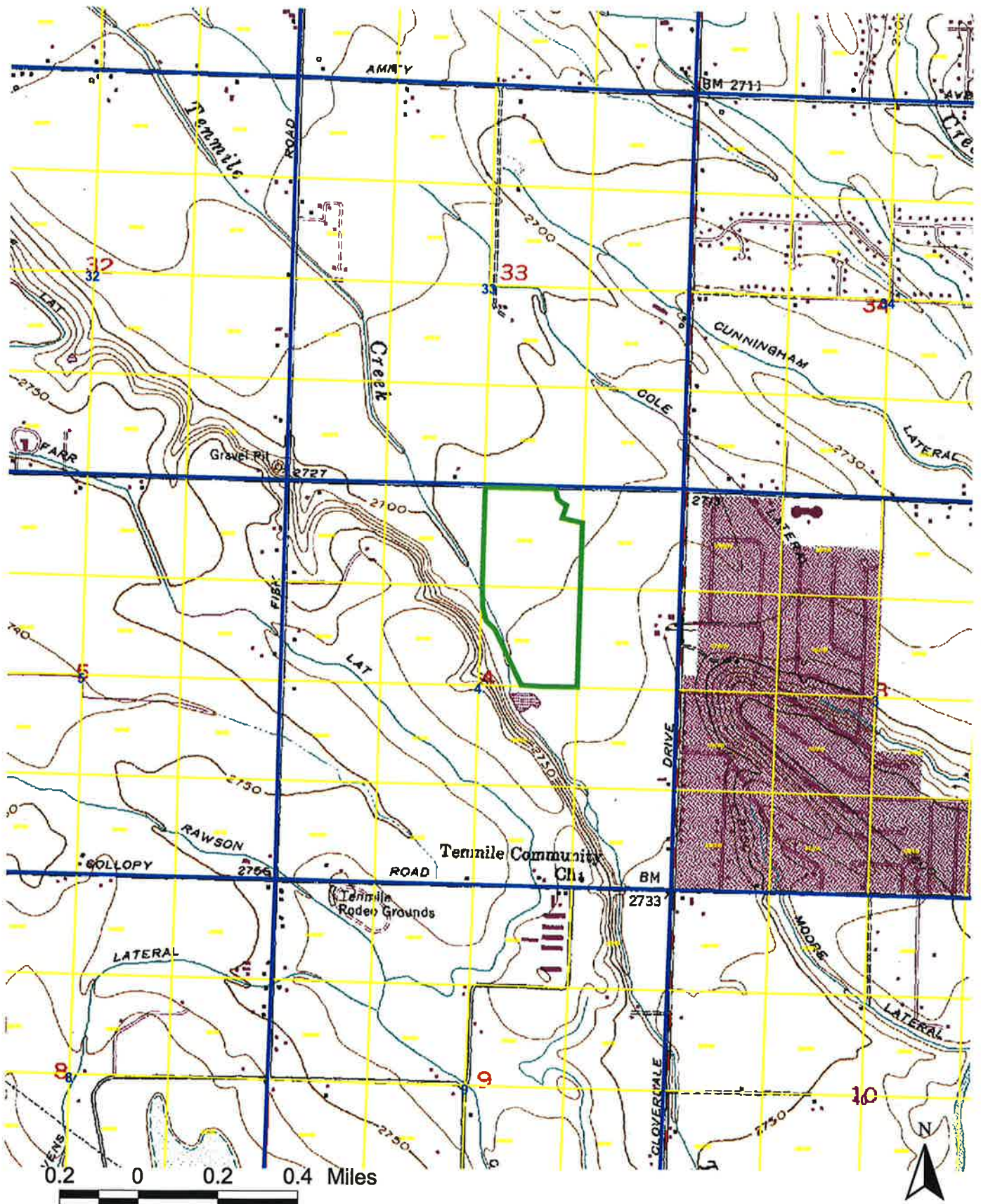
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

63-4607B



John M. Marshall [ISB No. 5628]
Michael P. Lawrence [ISB No. 7288]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com

NOV 21 2006

DEPARTMENT
OF REVENUE

Attorneys for Wilson Properties LP

**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

Sub Case No.: 63-4607B

NOTICE OF APPEARANCE

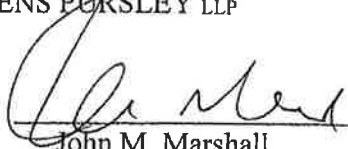
YOU WILL PLEASE take notice that John M. Marshall of the firm Givens Pursley LLP, hereby enters his appearance as attorney of record for claimant Wilson Properties LP in the above entitled action.

DATED this 20th day of November 2006.

Respectfully submitted,

GIVENS PURSLEY LLP

By


John M. Marshall

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November 2006, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE

Shelley M. Davis
Barker, Rosholt & Simpson, LLP
1010 W. Jefferson Suite 102
P.O. Box 2139
Boise, ID 83701-2139

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

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

☒ U. S. Mail
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☐ Overnight Mail
☐ Facsimile
☐ E-mail

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

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☐ Overnight Mail
☐ Facsimile
☐ E-mail

IDWR Document Depository
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☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


John M. Marshall

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

In Re SRBA)

Case No. 39576)

A. Subcase 63-4607B
(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Boise – Kuna Irrigation District
Address: c/o Shelley M. Davis
Barker Rosholt & Simpson, LLP
205 N. 10th Street, Ste. 520
Boise, ID 83702

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
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. VERIFICATION (Must be Completed)

State of Idaho)
County of Ada) ss.

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

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

[Signature]
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06

Connie L. Wensman



SF. 2 - Response to Objection
Amended 10/16/97

Notary Public for: Idaho
Residing at: Mendon
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

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

3. One copy to the party who filed the objection at the following address:

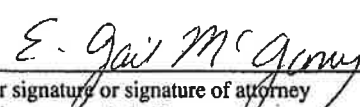
Name: Boise - Kuna Irrigation District
Address: c/o Shelley M. Davis
Barker Rosholt & Simpson, LLP
205 N. 10th Street, Ste. 520
Boise, ID 83702

4. Copies to:

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

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

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


Your signature or signature of attorney
mailing on your behalf

RECEIVED

OCT 21 2006

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 63-4607B

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise-Kuna Irrigation District

Address: 129 N. School Ave.

Kuna, ID 83634

Daytime Phone: 922-5608

Name & Address of Attorney, if any:

Shelley M. Davis

Barker Rosholt & Simpson, LLP

205 N. 10th Street, Ste. 520, Boise ID 83702

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

Name: Wilson Properties LP

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

Boise ID, 83702

SCANNED
OCT 05 2006

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

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

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

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

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

F. VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Ada)

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

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

(Signature of person filing objection)

S. M. D.

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 19, 2008

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



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

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

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

10/19/2005

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

RIGHT NUMBER: 63-4607B
NAME AND ADDRESS: WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702
SOURCE: TENMILE CREEK TRIBUTARY: FIFTEENMILE CREEK
QUANTITY: 1.300 CFS
292.500 AFY
PRIORITY DATE: 03/29/1947
POINT OF DIVERSION:

T02N R01E S4 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION Within ADA County

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

65 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 19, 2005

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

Dear Claimant(s):

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

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

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

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

SCANNED
OCT 05 2006

05/05/2005

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

RIGHT NUMBER: 63-4607B
NAME AND ADDRESS: BOISE RANCH GOLF COURSE INC
6501 S CLOVERDALE RD
BOISE ID 83709
SOURCE: TENMILE CREEK TRIBUTARY: FIFTEENMILE CREEK
QUANTITY: 1.300 CFS
292.500 AFY
PRIORITY DATE: 03/29/1947

POINT OF DIVERSION:
T02N R01E S4 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION Within ADA County
T02N R01E S04 Lot 2 NWNE 40.0 T02N R01E S04 SWNE 25.0

65 ACRES TOTAL

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

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

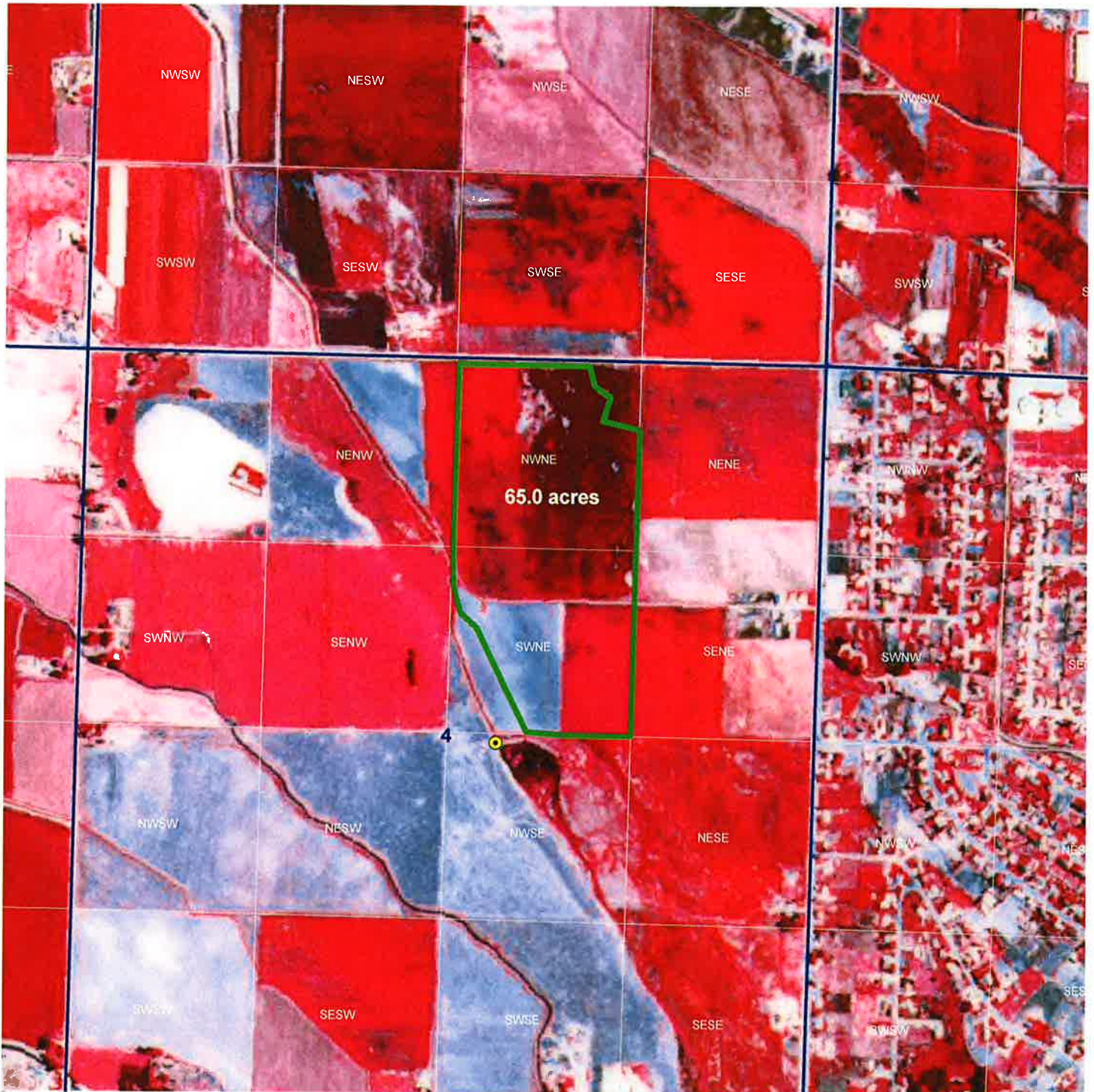
EXPLANATORY MATERIAL: Beneficial Use

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

Idaho Department of Water Resources

63-4607B

T02N R01E S4



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



IDWR

Prepared by: Sandy Egbert

Date: 5-5-05

1987 NAPP Photography

600 0 600 1200 1800 2400 Feet

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4607B V1

WATER RIGHT NUMBER: 63-4607B V1

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

Priority Date: 03/29/1947

Basis: Beneficial Use

Status: Active

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

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

Location of Point(s) of Diversion

TENMILE CREEK	NW1/4SE1/4	Sec. 4, Twp 02N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

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

Total Acres: 65

Conditions of Approval:

1. E11 Use of this right is combined with water from New York Irrigation District.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

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

Comments:

1. segbert 5/5/2005 Forfeiture

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

2. segbert 5/5/2005 POD

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

3. segbert 5/5/2005 POD

Comment: Updated shape

4. segbert 5/5/2005 POU

Comment: Updated Shape

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

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

Verification Log:

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

Adjudication Recommendation Report 63-4607B V1

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4607B V1

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

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4607B

WATER RIGHT NUMBER: 63-4607B

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

4607A
.7 CFS
NEW 3500000

Priority Date: 03/29/1947 ✓

Basis: Statutory Claim*Beneficial Use*Status: Active ✓Source

TENMILE CREEK

Tributary

FIFTEENMILE CREEK

Beneficial Use

IRRIGATION

From To4/01 to 10/15
3-1 to 11-15Diversion Rate

1.300 CFS ✓

Annual Volume

292.5

Total Diversion:

1.300 CFS ✓

Location of Point(s) of Diversion

TENMILE CREEK ✓

ADA County

NW1/4SE1/4 ✓

Sec. 4, ✓ Twp 02N, Rge 01E, B.M. ✓

Place of Use

IRRIGATION

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

Total Acres: 65

Conditions of Approval:Remarks:

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

New York Survey Dist

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

Comments:Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

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

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary? *not notarized*
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information *- Original claim was notarized. This is ok.*
- ☒ Check POD & POU overlap, see below – include overlapping right for exam *LCraig Barton 2-25-05*
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-04607 B

Owner: _____ Phone No. _____

Current Address: _____

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

Accompanied by: _____

PRIORITY DATE

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

see affidavit from former owner in file

Priority date, per claimant, is: water has not been put to use

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

by golf course

see letter in file from Deborah Nelson

Source: _____ Tributary to _____

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

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

none**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

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

WATER USES☐ No change☐ Different UsesUse _____ From 3/1 To 11/15 Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☒ Incomplete on claim, the total is, Amount _____ CFS 292.5 AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)4.5 x 65 acres = 292.5
1.3 x 1,983.5 x 260 = 670.4**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

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

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

Overlap with other water rights: _____

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

Delivery System Narrative: _____

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

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

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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: 5-5-05

FIELD EXAMINER: Sandy Egebert

Receipt Details for ID W002310

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

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

Account Information:

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

Comment ADJUDICATION FEE**Fee Detail:**

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

Refund(s):

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

Water Right Information:

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

[Print Report](#)

GIVENS PURSLEY LLP

LAW OFFICES

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

Deborah E. Nelson

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

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

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

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

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

*Licensed in Texas

RECEIVED

MAR 24 2005

WATER RESOURCES
WESTERN REGION

March 23, 2005

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

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

Dear Sandy:

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

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

Sincerely,



Deborah E. Nelson

Enclosure

cc: Charles Wilson

DEN:kdt S:\CLIENTS\5142\1\DEN to Egbert (IDWR) re historical use).DOC

GIVENS PURSLEY LLP

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
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RECEIVED

MAR 24 2005

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 27 2005

Givens Pursley, LLP

Gary G. Allen
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Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
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RETIRED

James A. McClure
RETIRED

*Licensed in Texas

March 18, 2005

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

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

Dear Mr. Hodges:

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

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

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

Sincerely,

Deborah E. Nelson

Melvin Hodges
March 18, 2005
Page 2

ACKNOWLEDGMENT

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


Melvin Hodges

Date: 3-21-05

CONVERSATION MEMORANDUM

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

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

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

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

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

Deb Nelson 388-1215

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

VLM

Shurte, Jan

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

Hey Jan,

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

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

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

Let me know if you have any questions.

Thanks Jan.

Craig



Boise Ranch Golf
2-25-05.doc

February 25, 2005

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

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

Dear Sir or Madam,

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

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

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

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

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

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

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

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

63-12097 - GW Application

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

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

: Possible Amended Claim

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

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

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

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

9-29-04 : conflicting statements on if water was used or not recently.

4-30-04 : Waiver of Deed Shows Golf Course Bought Property in 1993.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 28, 2004

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

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

Dear Sir or Madam:

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

T02N R01E S4 NE1/4 NW1/4

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

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

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

Respectfully submitted,

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

April 4, 2004

Dear Mr. Saxton,

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

Respectively,

Ken Wheeler
Golf Course Superintendent
Boise Ranch Golf Course

AJ5809NP
No. A63-04607B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/29/00
PAGE: 85

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

Water Source: TENMILE CREEK

Tributary to: FIFTEENMILE CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T02N R01E S04 NWSE

ADA County

Place of use Legal Description for: IRRIGATION

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

POU County: ADA

Non-Irrigation Uses: INSTREAM STOCKWATERING

Other Rights: NEW YORK IRRIGATION DISTRICT

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

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

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

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

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

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

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. Ab 3-04607B

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

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

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

VERIFICATION CODES

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

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

WR5809NP
No. 63-04607

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/21/95
PAGE: 6

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

Water Source: TENMILE CREEK

Tributary to: FIFTEENMILE CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T02N R01E S04

NWSE ✓

ADA County

Place of use Legal Description for: IRRIGATION

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

Pou County: ADA

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

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

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

Misc: Water District Number: Field Exam Fee:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

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

BOISE

ID 83709

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

Dear Claimant(s):

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

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

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

Adjudication Section
Department of Water Resources
Western Region Office

lh
Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1994

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

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

Dear Mr. and Ms. Hodges:

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

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

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

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

Sincerely,

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

Maria Minicucci

Water Agent, Adjudication Bureau

MM:m
Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Date: October 6, 1994

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

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

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

[]

Dear Claimant(s):

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

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

Sincerely,

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

Enclosure