

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 63-170D  
Date Received: 10/28/2006  
Receipt No:  
Received By:

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

1. Name of Claimant(s)
2. Date of Priority: 06/01/1868
3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 03N      | 02E   | 9       | SW NE 7               | ADA    |      |

5. Description of diverting works:

Concrete diversion dam, canal, earthen lateral ditch system.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/01 | 11/15 | 0.4    |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|----------|-------|---------|----------------|------------|-------|
| 04N      | 01W   | 24      | NE SW          | IRRIGATION | 40    |

SE SW IRRIGATION 40  
Section Acres 80  
Total Acres 80

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this  
of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

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

RECEIVED

APR 20 2006

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63-170A               | A63-00170A                   |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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) Boehm Corporation  
990 West Chinden Blvd.; Meridian, Idaho 83642
4. New Owner/Claimant(s) Wilson Properties, L.P.  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
 New Mailing Address 1101 W. River Street, Suite 150  
 City, State and ZIP Code Boise, Idaho 83702  
 New Telephone Number (208) 424-9322
5. Date you acquired the property February 1, 1999

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<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                             |                                                                |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>63-170A</u>                                                             |                                                                             |                                                                |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second, or acre-feet per annum) | Description<br>(acres, number and type of stock, horses, etc.) |
| Irrigation                                                                                                              | <u>0.4 cfs</u>                                                              | <u>80 acres (golf course)</u>                                  |
| Stock                                                                                                                   | _____                                                                       | _____                                                          |
| Domestic                                                                                                                | _____                                                                       | _____                                                          |
| Other                                                                                                                   | _____                                                                       | _____                                                          |
| Total                                                                                                                   | <u>0.4 cfs</u>                                                              | _____                                                          |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second, or acre-feet per annum) | Description<br>(acres, number and type of stock, horses, etc.) |
| Irrigation                                                                                                              | _____                                                                       | _____                                                          |
| Stock                                                                                                                   | _____                                                                       | _____                                                          |
| Domestic                                                                                                                | _____                                                                       | _____                                                          |
| Other                                                                                                                   | _____                                                                       | _____                                                          |
| Total                                                                                                                   | _____                                                                       | _____                                                          |

7. Signature of New Owner(s) or Claimant(s) Willkoy Properties LP  
(include title if applicable) Charles H. Willkoy, Mgr. Prop.

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 eg Date 4/20/2006 Fee 0  
 Receipted by NA Date N/A Receipt No. 0  
 Processed by eg AJ Date 5/26/06 WR \_\_\_\_\_ Date \_\_\_\_\_

READ & APPROVED *JEB*

Title File No.: B92-13211

**WARRANTY DEED****1398001624**

FOR VALUE RECEIVED

ROBERT L. GAMBLE and NANCY A. GAMBLE, husband and wife

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto  
BOHEM CORPORATION an Idaho CorporationGRANTEE(S), whose current address is: 990 W. CHINDEN BLVD., MERIDIAN, IDAHO 83642  
the following described real property in Ada County, State of Idaho,  
more particularly described as follows, to wit:

The East half of the Southwest quarter of Section 24, Township 4 North, Range 1 West of the Boise Meridian.

EXCEPT Ditch and Road Rights-of-Way.

AND FURTHER EXCEPTING

A strip of land 40 feet wide, being 40 feet on the Northerly side of the following described center line of said highway as surveyed and shown on the Official Plat of the Franklin Road F.A.S. 161-D(1) Highway Survey on file in the office of the Department of Public Works of the State of Idaho, and lying over and across the Southeast quarter Southwest quarter of Section 24, Township 4 North, Range 1 West, Boise Meridian.

Beginning at Station 680/32 of the said Highway Survey which station is a point on tangent approximately 1318.6 feet West from the South quarter corner of Section 24, Township 4 North, Range 1 West, Boise Meridian; thence running South 89°52' East 1318.6 feet to station 693/50.6 of said survey which station is an angle point of 0°14' left approximately coincident with the South quarter corner of Section 24, Township 4 North, Range 1 West, Boise Meridian.

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: April 10, 1992

*Robert L. Gamble*  
Robert L. Gamble*Nancy A. Gamble*  
Nancy A. GambleSTATE OF Idaho County of Ada, ss.On this 10th day of April  
In the year of 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert L. Gamble and Nancy A. Gamble

known or identified to me to be the person or persons, whose name or names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Signature: *Dianna L. Stork*  
Name: Dianna L. StorkResidence: Meridian, Idaho  
My commission expires 01/23/96

9222154

BOISE TITLE &amp; ESCROW

ADA COUNTY, ID. FOR  
J. DAVID NAVARRO  
RECORDER BY *J. Navarro*

'92 APR 10 AM 11 42

 **Boise Title & Escrow, Inc.**

079457KS

When Recorded Return To:  
Merrily Munther  
Penland Munther Boardman  
P.O. Box 199  
Boise, ID 83701

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

1999 FE - 1 PH 1: 58

RECORDED - REQUEST OF

FEE 9.00 DEPUTY [Signature]

99009789

ALLIANCE TITLE

WATER RIGHTS QUITCLAIM DEED AND ASSIGNMENT

FOR VALUE RECEIVED, John E. Boehm, whose address is 8150 W. Brookside Lane, Boise, Idaho ("Grantor"), does hereby convey, release, remise and forever quitclaim unto Boehm Corporation, an Idaho corporation, whose address is 990 W. Chinden Boulevard, Meridian, Idaho 83642 ("Grantee"), all of Grantor's right, title and interest in and to all water, water rights, ditches, ditch rights and all other entitlements to receive water for beneficial use upon that certain real property described in Exhibit A, attached hereto and a made a part hereof, including, without limitation: 1) all rights represented by any decree, license, permit, claim, permit application or storage entitlement; 2) all ditch and canal company and irrigation district shares and entitlements to receive water from any such company, association, district or other water delivery entity; 3) all ditch rights, easements and rights of way associated with any irrigation or other water delivery ditch, canal, lateral or pipeline; and 4) those water rights designated by the number 63-12092, 63-00170A, 63-04440 and 63-04975 in the records of the Idaho Department of Water Resources. Grantor also assigns to Grantee all of Grantor's right, title and interest in and to that certain Application for Drilling Permit, Idaho Department of Water Resources identification no. 63-94-W-0034-000, and that certain Notice of Claim to a Water Right Acquired under State Law, filed in the Snake River Basin Adjudication as claim no. A63-00170A.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 20th day of ~~February~~ January, 1999.

[Signature]  
John E. Boehm

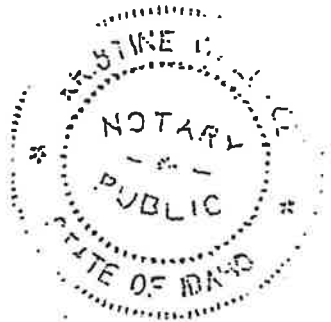
STATE OF IDAHO )

) ss.

County of Ada )

On this 26th day of January, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared John E. Boehm, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kristina A. Waller  
Notary Public for Idaho  
Residing at Boise, Idaho  
My commission expires: 2/9/99

EXHIBIT "A"

The East Half of the Southwest Quarter of Section 24,  
Township 4 North, Range 1 West of the Boise Meridian.

EXCEPT THEREFROM

A strip of land 40 feet wide, being 40 feet on the  
Northerly side of the following described center line of  
said highway as surveyed and shown on the Official Plat of  
the Franklin Road F.A.S. 161-D(1) Highway Survey on file in  
the office of the Department of Public Works of the State  
of Idaho, and lying over and across the Southeast Quarter  
Southwest Quarter of Section 24, Township 4 North, Range 1  
West, Boise Meridian.

BEGINNING at Station 680/32 of the said Highway Survey  
which station is a point on tangent approximately 1,318.6  
feet West from the South Quarter corner of Section 24,  
Township 4 North, Range 1 West, Boise Meridian; thence  
running  
South 89 degrees 52' East 1,318.6 feet to Station 693/50.6  
of said Survey which station is an angle point of  
00 degrees 14' left approximately coincident with  
the South Quarter corner of Section 24, Township  
4 North, Range 1 West, Boise Meridian.

**ASSIGNMENT OF WATER RIGHT APPLICATIONS,  
PERMITS, LICENSES AND CLAIMS**

FOR VALUE RECEIVED, Boehm Corporation, an Idaho corporation (the "Assignor") hereby assigns to Wilson Properties, L.P., an Idaho limited partnership, and its successors and assigns (the "Assignee"), all of Assignors' right, title and interest in and to the following:

1. Approved Application for Permit to Appropriate the Public Waters of the State of Idaho, Idaho Department of Water Resources ("IDWR") identification no. 63-12092;
2. Application for Drilling Permit, IDWR identification no. 63-94-W-0034-000;
3. Notices of Claim to a Water Right, filed with IDWR for use of wastewater, IDWR identification nos. 63-04440 and 63-04975; and
4. Notice of Claim to a Water Right Acquired under State Law, filed in the Snake River Basin Adjudication as claim no. A63-00170A.

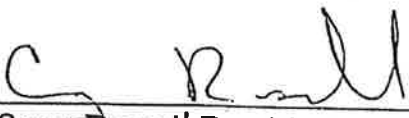
Assignor further agrees to execute any other documents necessary to effectuate this assignment.

Dated effective the 1<sup>st</sup> day of February, 1999.

"ASSIGNOR"

BOEHM CORPORATION, an Idaho corporation

By:

  
Casey Russel, President

9807948745

When Recorded Return To:

L.W. Grant, III  
Givens Pursley LLP  
277 N. 6th Street, Suite 200  
P.O. Box 2720  
Boise, ID 83701

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

1999 FE -1 PM 1:58

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

1999 FE -8 PM 1:57

RECORDED - REQUEST OF

FEE 1500 DEPUTY *Chapman*

99009790

ALLIANCE TITLE

RECORDED - REQUEST OF

FEE 1500 DEPUTY *Chapman*

99012397

## WARRANTY DEED

ALLIANCE TITLE

FOR VALUE RECEIVED, Boehm Corporation, an Idaho corporation, whose current address is 990 W. Chinden Boulevard, Meridian, Idaho 83642 the GRANTOR, does hereby GRANT, BARGAIN, SELL and CONVEY unto Wilson Properties, L.P., whose current address is 1101 West River Street, Suite 150, Boise, Idaho 83702, the GRANTEE, the real property in Ada County, State of Idaho, more particularly described on Exhibit A, attached hereto:

This conveyance hereby made is subject to the lien for real property taxes for the year 1999, and all years thereafter and also the matters described on the attached Exhibit B, which exhibit is made a part hereof. All as contained in the records of Ada County, Idaho.

TO HAVE AND TO HOLD said premises together with its appurtenances, including but not limited to: 1) all water and water rights and all other entitlements to receive water for beneficial use upon the Property including, without limitation, all rights represented by any decree, license, permit, claim, permit application or storage entitlement; 2) all ditch and canal company and irrigation district shares and entitlements to receive water from any such company, association, district or other water delivery entity; 3) all ditch rights, easements and rights of way associated with any irrigation or other water delivery ditch, canal, lateral or pipeline; and 4) those water rights designated by the number 63-12092, 63-00170A, 63-04440 and 63-04975 in the records of the Idaho Department of Water Resources (collectively, the "Property"), unto the said Grantee, and Grantee's heirs and assigns forever.

And the said Grantor, for itself and its assigns, does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of the Property; that the Property is free from all encumbrances, except those described herein; that Grantee, its heirs and assigns shall be entitled to the quiet and peaceable possession of the Property; and that Grantor will warrant and defend the same forever from all claims whatsoever, except those described herein.

Dated effective the 27 day of February, 1999.

"GRANTOR"

BOEHM CORPORATION, an Idaho corporation

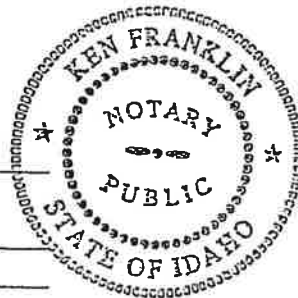
By: [Signature]  
Casey Russell President

STATE OF IDAHO           )  
                                  ) ss.  
County of Ada            )

On this 28<sup>th</sup> day of January, 1999, before me, a Notary Public in and for the State of Idaho, personally appeared CASEY RUSSELL known or identified to me to be the President of BOEHM CORPORATION, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

[Signature]  
Notary Public for Idaho  
Residing at: Boise  
My commission expires: 10/5/04



THIS DEED IS BEING RE-RECORDED TO REFLECT THE EFFECTIVE DATE OF THE 1ST DAY OF FEBRUARY, 1999 WHICH WAS INADVERTENTLY LEFT BLANK ON THE ORIGINAL RECORDING.

EXHIBIT "A"

The East Half of the Southwest Quarter of Section 24,  
Township 4 North, Range 1 West of the Boise Meridian.

EXCEPT THEREFROM

A strip of land 40 feet wide, being 40 feet on the  
Northerly side of the following described center line of  
said highway as surveyed and shown on the Official Plat of  
the Franklin Road F.A.S. 161-D(1) Highway Survey on file in  
the office of the Department of Public Works of the State  
of Idaho, and lying over and across the Southeast Quarter  
Southwest Quarter of Section 24, Township 4 North, Range 1  
West, Boise Meridian.

BEGINNING at Station 680/32 of the said Highway Survey  
which station is a point on tangent approximately 1,318.6  
feet West from the South Quarter corner of Section 24,  
Township 4 North, Range 1 West, Boise Meridian; thence  
running  
South 89 degrees 52' East 1,318.6 feet to Station 693/50.6  
of said Survey which station is an angle point of  
00 degrees 14' left approximately coincident with  
the South Quarter corner of Section 24, Township  
4 North, Range 1 West, Boise Meridian.

EXHIBIT B

The Land described herein is located within the boundaries of the SETTLERS Irrigation District and is subject to any Assessments levied thereby. For current status call 344-2471.

Right-of-way for NORTH SLOUGH and the Rights of Access thereto for Maintenance of said slough.

Easement, and the Terms and Conditions thereof:

In Favor of IDAHO POWER COMPANY  
Purpose POLE LINE EASEMENT  
Recorded MARCH 2, 1929  
Book/Page No. 12/14

Negative Easements, Conditions, Restrictions and Access rights contained in the Deed to the State of Idaho

Recorded SEPTEMBER 26, 1939  
Instrument No. 238/132  
Official Records.

Easement, and the Terms and Conditions thereof:

In Favor of IDAHO POWER COMPANY  
Purpose POWER LINE EASEMENT  
Recorded DECEMBER 29, 1981  
Instrument No. 8154483

Easement, and the Terms and Conditions thereof:

In Favor of IDAHO POWER COMPANY  
Purpose POWER LINE EASEMENT  
Recorded NOVEMBER 14, 1990  
Instrument No. 9061757

Easement, and the Terms and Conditions thereof:

In Favor of IDAHO POWER COMPANY  
Purpose UNDERGROUND POWER LINE EASEMENT  
Recorded DECEMBER 8, 1994  
Instrument No. 94106711

Claims against Grantor, its successors and assigns, brought by any adjacent landowner arising from discrepancies between the location of the existing fence in the southwest corner of the property described herein, as shown on the drawing attached hereto as Exhibit C, and made a part hereof, and the actual property boundaries as set forth in Exhibit A.



13

04N01W

NWSW

NESW

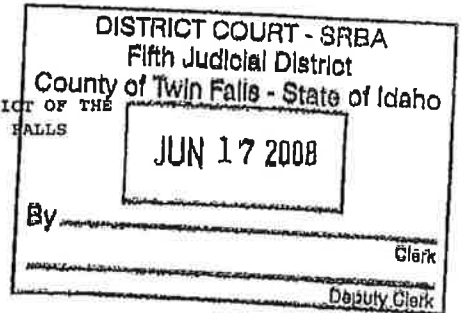
24

SWSW

SESW

25

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 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Case No. 39576 )  
Water Right 63-00170D

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

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.40 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1868

POINT OF DIVERSION: T03N R02E S09 LOT 7 (SWNE ) Within Ada County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-01 TO 11-15 | 0.40 CFS |

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

| PLACE OF USE: | Irrigation              | Within Ada County |
|---------------|-------------------------|-------------------|
|               | T04N R01W S24 NESW 40.0 | SESW 40.0         |
|               | 80.0 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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

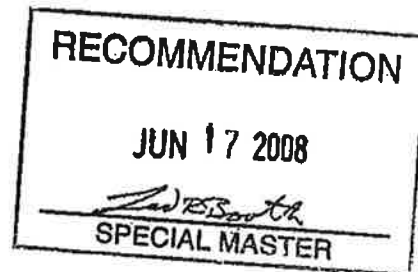
OTHER PROVISIONS (continued)

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



RECEIVED  
JUN 19 2008  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |             |
|-------------------------------------------------------------------------------------------|-------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |             |
| JUN 17 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     | ) SPECIAL MASTER'S REPORT    |
|                | )                            |
| Case No. 39576 | ) FINDINGS OF FACT AND       |
|                | ) CONCLUSIONS OF LAW         |
|                | )                            |
|                | ) FOR WATER RIGHTS 63-00170D |
|                | ) and 63-32345               |

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights 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 these water rights.

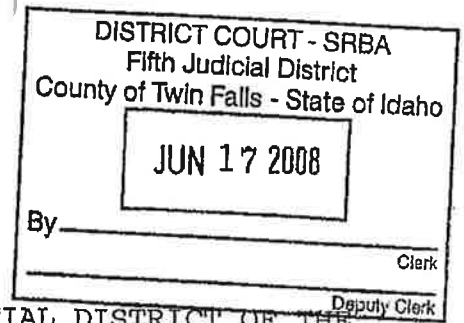
On June 20, 2007, the claimant of the water rights, Wilson Properties, LP, through its attorney Michael P. Lawrence, filed an objection to the *Director's Report* for water right 63-32345, asserting that the form of the recommended "wastewater" remark should be changed. Water right claim 63-00170D was identified by IDWR as an uncontested overlapping right. On June 11, 2008, the claimant withdrew its objection, thereby leaving no unresolved objections.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-00170D and 63-32345 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated June 17, 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

In Re SRBA )

Case No. 39576 )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

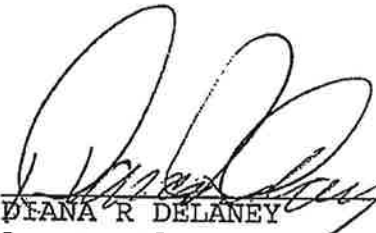
Water Right(s) : 63-00170D  
63-32345

On June 17, 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.

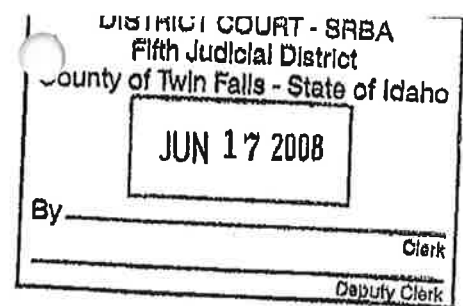
Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 17, 2008.

  
DIANA R DELANEY  
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1  
06/17/08



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): 63-00170D  
63-32345

CERTIFICATE OF MAILING

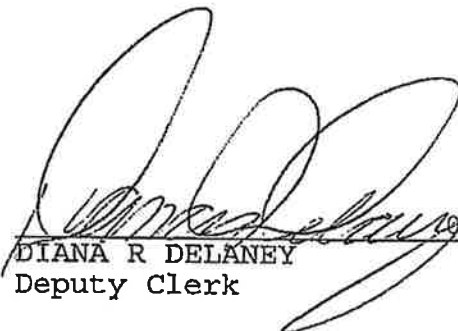
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 17, 2008, with sufficient first-class postage prepaid to the following:

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

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

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

CERTIFICATE OF MAILING

  
DIANA R DELANEY  
Deputy Clerk

PAGE 1

06/17/08

2008 JUN 11 PM 04:31  
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     | ) | ORDER VACATING                  |
|                | ) | INITIAL HEARING                 |
| Case No. 39576 | ) |                                 |
| _____          | ) | SUBCASE NOS: 63-00170D 63-32345 |

All parties to the above subcase(s) executed and filed a Stipulation/Standard Form 5 for the above water right(s). Since all parties to the above subcase(s) have reached an agreement as to all elements of the above water right(s) as set forth in the Stipulation/Standard Form 5, IT IS ORDERED that the INITIAL HEARING set for Thursday, June 26, 2008 at 09:00 AM (MT), is vacated.

IT IS SO ORDERED.

Dated: June 11, 2008

/S/ THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER VACATING  
INITIAL HEARING was mailed on June 11, 2008,  
with sufficient first-class postage to the following:

WILSON PROPERTIES LP

Represented by:

MICHAEL P LAWRENCE

PO BOX 2720

BOISE, ID 83701

Phone: 208-388-1200

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

WILSON PROPERTIES, LP

1101 W RIVER ST STE 150

BOISE, ID 83702

Phone: 208-424-9322

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

RECEIVED

JUN 13 2008

DEPARTMENT OF  
WATER RESOURCES

*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

Subcases: 63-32345, 63-00170D

**NOTICE OF WITHDRAWAL OF  
OBJECTION**

Wilson Properties LP ("Wilson Properties"), the claimant and objector in subcase number 63-32345, by and through its counsel, Givens Pursley, LLP, hereby withdraws its objection and stipulates that this Court should decree water right number 63-32345 as recommended. Pursuant to Idaho Rule of Civil Procedure 41(a)(1), this subcase may be dismissed without order of court because no other objection or response has been filed.

Wilson Properties further requests the Court vacate the June 26, 2008 initial hearing set for subcase number 63-32345 (and overlapping, but un-objected to, water right number 63-00170D).

DATED this 11<sup>th</sup> day of JUNE, 2008.

GIVENS PURSLEY LLP

By

  
Michael P. Lawrence

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of JUNE, 2008, 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**

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

☒ U. S. Mail  
☐ 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

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

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

  
Michael P. Lawrence

RECEIVED

MAY 26 2008

DEPARTMENT OF  
WATER RESOURCES

2008 MAY 23 PM 03:58  
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     | ) | ORDER SETTING SUBCASE(S)        |
|                | ) | FOR INITIAL HEARING             |
| Case No. 39576 | ) |                                 |
|                | ) | SUBCASE NOS: 63-00170D 63-32345 |

The Initial Hearing for this subcase will be held before  
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 26, 2008 at 09:00 AM (MT)  
IDAHO SUPREME COURT BUILDING  
451 WEST STATE STREET  
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to  
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity  
to meet with a representative of the Idaho Department of  
Water Resources (IDWR) and/or the objector in an attempt  
to reconcile any difference between the claim and the  
Director's Report. Bring any and all information you  
believe is relevant to your claim and/or objection. If  
the claim cannot be reconciled at the Initial Hearing,  
the court will set the subcase(s) for trial within 45  
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR  
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by  
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

I Certify that a true and correct copy of the ORDER SETTING  
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,  
with sufficient first-class postage to the following:

WILSON PROPERTIES LP

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

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

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

10/29/2006

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

RIGHT NUMBER: 63-170D

NAME AND ADDRESS: Wilson Properties, L.P.  
1101 W River Street, Suite 150  
Boise ID 83702

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1868

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 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          | 0.400 CFS       |
| Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. |                      |                 |

PLACE OF USE:

| <u>IRRIGATION Within ADA County</u> |      |       |                          |
|-------------------------------------|------|-------|--------------------------|
| T04N R01W S24                       | NESW | 40.00 | T04N R01W S24 SESW 40.00 |

80 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.

10/29/2006

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

---

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is also designated as Right No. 37 in the Boise River Stewart Decree and Boise River Water Distribution Report.

This right is dellivered via Settlers Irrigation District Canal.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-170D V1

WATER RIGHT NUMBER: 63-170D V1

|                   |                                                                              |
|-------------------|------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
| Current Owner     | Wilson Properties, L.P.<br>1101 W River Street, Suite 150<br>Boise, ID 83702 |

Priority Date: 06/01/1868

Basis: Decreed

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| BOISE RIVER   | SNAKE RIVER      |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/01 to 11/15          | 0.400 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.400 CFS             |                      |

Location of Point(s) of Diversion

|             |                 |                                    |
|-------------|-----------------|------------------------------------|
| BOISE RIVER | L7 (SW1/4NE1/4) | Sec. 9,   Twp 03N,   Rge 02E, B.M. |
| ADA County  |                 |                                    |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE   |    |    |    | Totals |      |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|------|----|----|----|--------|------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW | SW | SE |        |      |
| 04N | 01W | 24  |    |    |    |    |    |    |    |    |    |    |    |    | 40.0 |    |    |    | 40.0   | 80.0 |

Total Acres: 80

Conditions of Approval:

1. This right is also designated as Right No. 37 in the Boise River Stewart Decree and Boise River Water Distribution Report.
2. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-170D V1

3. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
4. This right is delivered via Settlers Irrigation District Canal.
5. 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:Comments:

1. jshurte 10/29/2006 Place of Use Acres  
 Comment: See comments in 63-170A.

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 10/28/2006 2:58:15 PM     | jshurte         |                           |                 | Active        |
| POD            | 10/28/2006 2:59:41 PM     | jshurte         |                           |                 | Active        |
| Source         | 10/28/2006 3:10:38 PM     | jshurte         |                           |                 | Active        |
| POU            | 10/28/2006 3:11:02 PM     | jshurte         |                           |                 | Active        |
| Use            | 10/28/2006 3:21:53 PM     | jshurte         |                           |                 | Active        |
| Season         | 10/28/2006 3:22:24 PM     | jshurte         |                           |                 | Active        |
| Quantity       | 10/28/2006 3:23:25 PM     | jshurte         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-170D V1

Summary

10/28/2006

jshurte

Active

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------|------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 10/28/2006 2:58:15 PM  | jshurte         | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Decreed Right                                                                                                                                                                                                                                                                                                                                                          |
| POD            | 10/28/2006 2:59:42 PM  | jshurte         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(No) 4. Does the Decree or License have a POD?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 8. Was a transfer filed?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>Description for Question 8 - Settlers ID Canal diversion - see file for evidence of why private individuals can file on this right. |
| POD            | 10/28/2006 3:09:30 PM  | jshurte         | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Source         | 10/28/2006 3:10:39 PM  | jshurte         | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                                 |
| POU            | 10/28/2006 3:11:03 PM  | jshurte         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required?                                                                                                                                                                 |
| POU            | 10/28/2006 3:17:30 PM  | jshurte         | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Use            | 10/28/2006 3:21:53 PM  | jshurte         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                  |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-170D V1

|          |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------|-----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season   | 10/28/2006 3:22:24 PM | jshurte | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(No) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(Yes) 18. Is a Period of Use remark and/or condition required?</p>                                                                             |
| Quantity | 10/28/2006 3:23:25 PM | jshurte | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p>                                                                |
| Summary  | 10/28/2006 3:24:26 PM | jshurte | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(Yes) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |

Water Supply Bank:

# **Water Right(s) 63-170D**

## **IDAHO DEPT OF WATER RESOURCES**

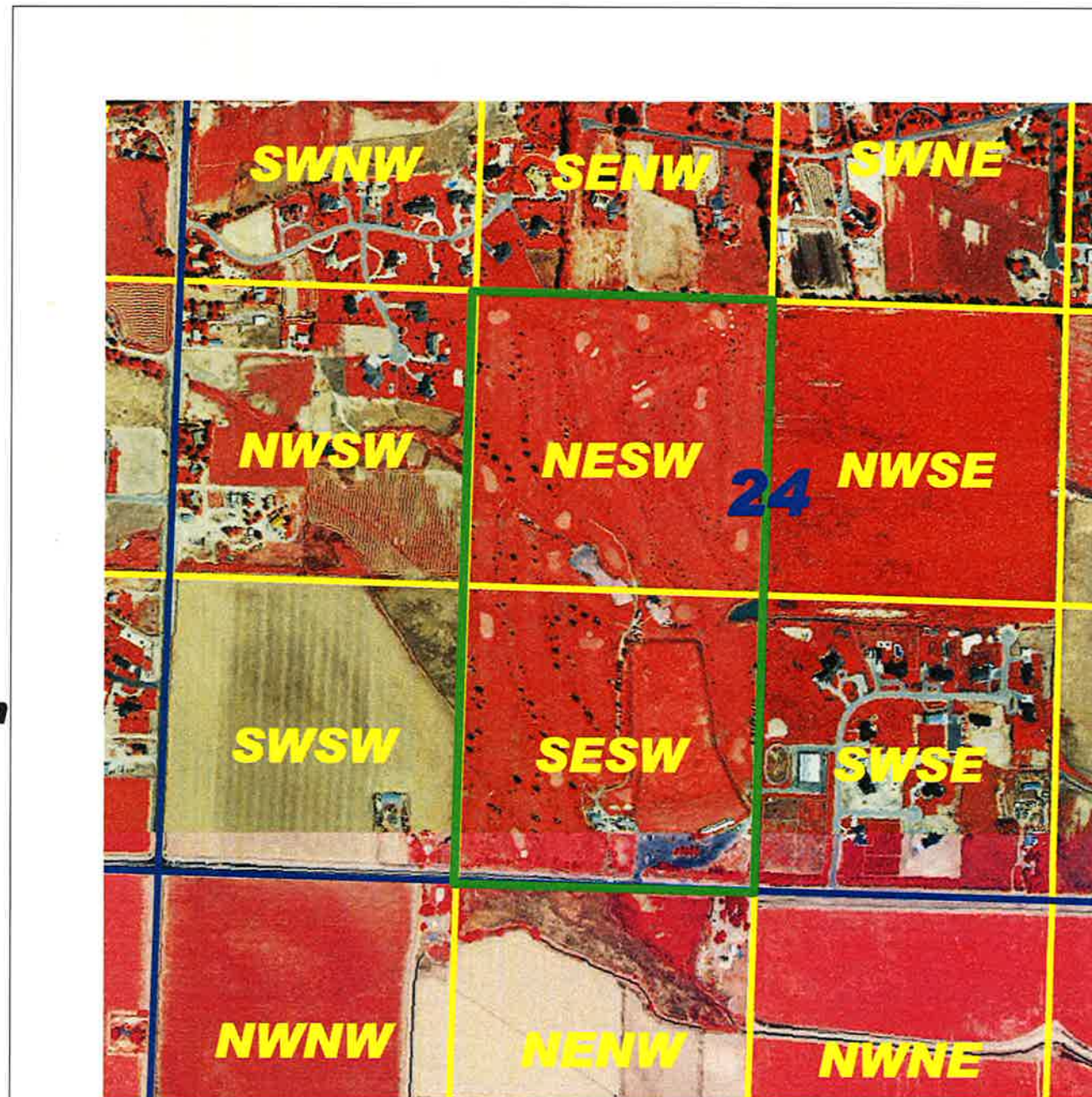
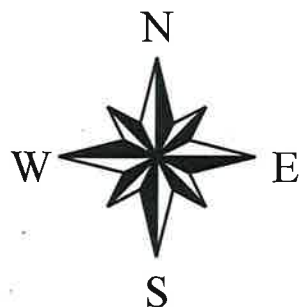
1987/1988 NAPP Photo  
Prepared by: J. Shurte  
Date: October, 2006

● **Point of Diversion**

□ **Place of Use**

□ **1/4 1/4 Lines**

□ **Section Lines**



SPRUIT  
TREE

170 - TOTAL - 3.7 CFS

170 A - .58 CFS

170 B - 2.7 CFS (UNDER 63-30130)

170 C - .02 CFS

170 D - .40 CFS

3.7 CFS TOTAL

**SEP 05 2006****WATER RESOURCES  
WESTERN REGION****LAW OFFICES**

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

**DEBORAH E. NELSON**

DIRECT DIAL: 208 388-1215  
EMAIL: [den@givenspursley.com](mailto:den@givenspursley.com)

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

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

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

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

September 1, 2006

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

Re: Proposed Split of Water Right No. 63-170A

Dear Jan:

As we discussed earlier this week, I am forwarding you the documents in my possession supporting Wilson Properties, L.P.'s request for the split of Water Right No. 63-170A among the three owners presently designated jointly as "current owners" of the right. The enclosed documents include a map from the IDWR backfile for Water Right No. 63-170A, which demonstrates division of the allowed 1.0 cfs as follows: 0.5 cfs on the parcel formerly owned by Merle Lindley; 0.4 cfs on the parcel formerly owned by Robert Gamble (now owned by Wilson Properties, L.P.); and 0.1 cfs on the property formerly owned by Leroy Brandt. This map is admittedly tough to read, so you may want to refer to the backfile itself for a better copy.

The enclosed documents also include a 1949 Application for Transfer of Water Right filed by John D. Bradley that describes the transfer of fifty inches of water (1.0 cfs) to be divided among three transferees in twenty-five-inch (0.5 cfs), twenty-inch (0.4 cfs), and five-inch (0.1 cfs) amounts. While the place of use for the twenty-five-inch transfer does not exactly match the parcel formerly owned by Merle Lindley, the places of use for the twenty-inch transfer and the five-inch transfer match the parcel currently held by Wilson Properties, L.P. (E½SW¼, Section 24, T4N, R1W, Boise Meridian) and the parcel formerly owned by Leroy Brandt (N½NE¼, Section 26, T4N, R1W, Boise Meridian).

Our research indicates Messrs. Lindley and Brandt sold their respective parcels some time ago. The Lindley parcel has been divided and is now owned by about seventeen different owners (see enclosed map). The Brandt parcel has been subdivided into a few hundred homes and home sites (see enclosed map). It is unknown whether Messrs. Lindley and Brandt reserved or conveyed their portions of Water Right No. 63-170A when they conveyed these lands to the current owners. In any event, the documentation is clear that the 1.0 cfs was divided among the

Ms. Jan Shurte  
September 1, 2006  
Page 2

three separate parcels as set forth above, with Wilson Properties, L.P. entitled to divert 0.4 cfs of current Water Right No. 63-170A.

Accordingly, Wilson Properties, L.P. asks that IDWR split and recommend Water Right No. 63-170A in three separate water rights, with Wilson Properties, L.P. retaining 0.4 cfs of the total 1.0 cfs. Please contact me if I can be of further assistance.

Sincerely,

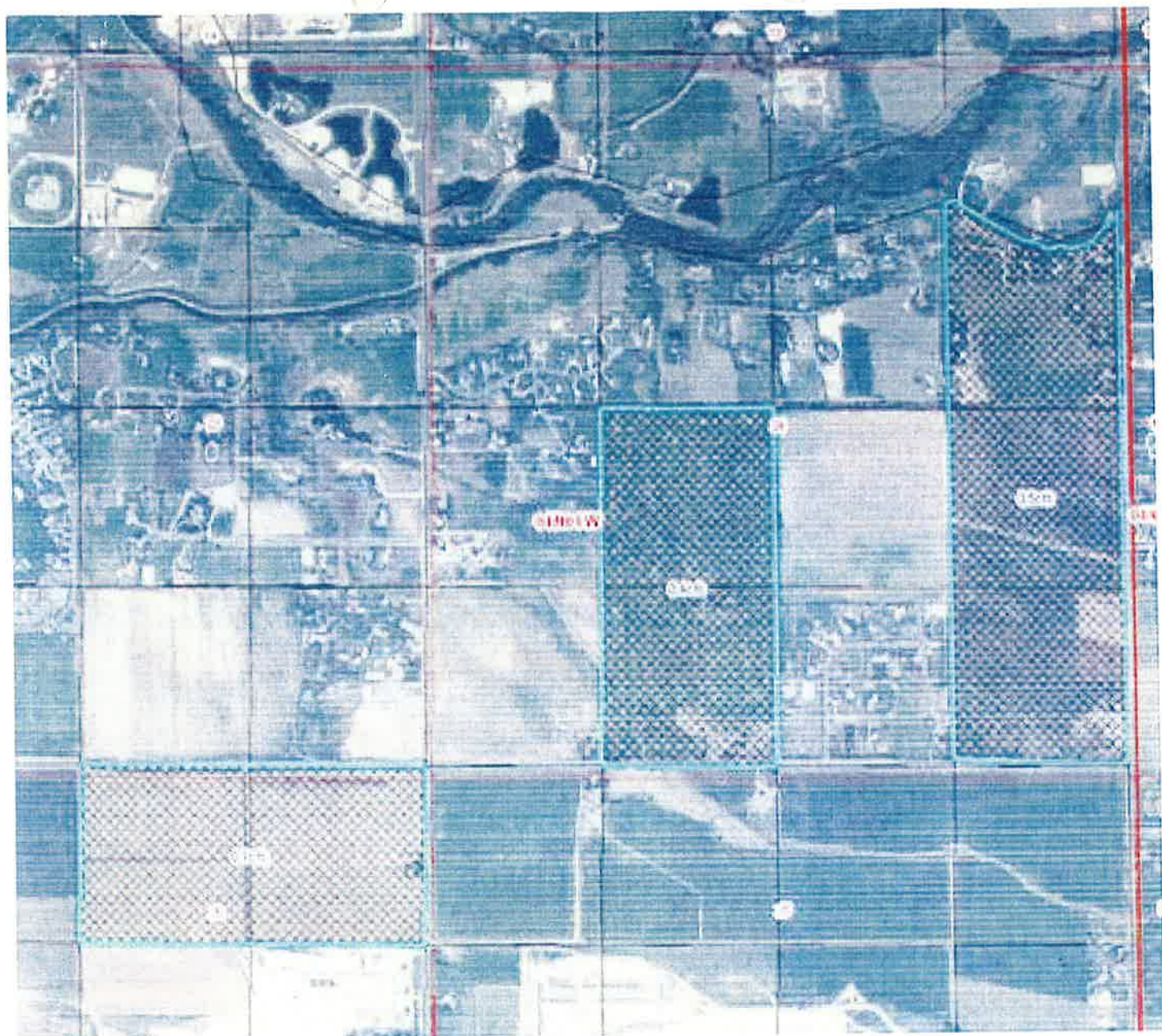


Deborah E. Nelson

Enclosures: Color Map Showing Division of 1.0 cfs  
1949 Application for Transfer of Water Right  
Map of Lindley Parcel  
Map of Brandt Parcel

cc: Charles Wilson

BVS/DEN:kdt S:\CLIENTS\5142\10\DEN ltr to Jan Shurte.DOC



# Application for Transfer of Water Right

STATE OF IDAHO.

County of Ada

ss.

**JOHN D. BRADLEY,**  
President of Aircraft Service Co., being first duly sworn, deposes and says:

That his name is **John D. Bradley**; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Boise, Idaho

President of Aircraft Service Co., which company is

That he is the owner and using a certain water right, bearing date of priority of **June 1 1868**.for **185 inches** of the waters of **Boise River**County of **Ada**, State of Idaho, decreed to **H. D. Goodman and Dora Goodman**by decree of Judge, **Geo. H. Stewart** of the **Seventh** Judicial District of the State ofIdaho, in and for the County of **Canyon**, in the case of **Farmers' Cooperative Ditch Co.**vs. **Riverside Irr. Dist. Ltd. et al**, said decree bearing date of **January 18, 1906**

(or obtained by virtue of License No. \_\_\_\_\_, issued by the State Engineer or the Commissioner of

Reclamation of the State of Idaho, dated \_\_\_\_\_, 19\_\_\_\_, bearing date of priority

of \_\_\_\_\_, 19\_\_\_\_) for the purpose of irrigating the following described lands situate, lying

and being in water District No. **12A** in the County of **Ada** and State of Idaho, to-wit:

**Certain lands in Sec. 30 and 31, T. 4 N. R. 2 E. B. M., more particularly described in that certain Warranty Deed dated February 28, 1945, between Dora Goodman, a widow, as Grantor, and Aircraft Service Co., as grantee, which deed is recorded in Book 282 of Deeds at page 118, records of Ada County, Idaho;**

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e.

**By purchase of the lands to which said water is appurtenant.**

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the **SE 1/4 NE 1/4** ofSection **5**, Township **3 N.**, Range **2 E.**, B. M.; and con-ducted to the above described lands through **the Thurman Mill Ditch or slough**

as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of **50 inches**

of said water upon the above described land, and to convey and use same upon the following tract, situate,

lying and being in the County of **Ada** and State of Idaho, to-wit: **25 inches** to lands owned by **Chas. H. Schmelzer and wife**, to-wit: **E 1/2 SE 1/4 Sec. 24, T. 4 N. R. 1 W. B. M.**; **5 acres** of Lot 1 in Sec. 24, T. 4 N. R. 1 W. B. M.; **5 inches** to lands owned by **Leon H. Winward and June L. Winward, husband and wife**, to-wit: **N 1/2 NE 1/4 Sec. 26, T. 4 N., R. 1 W. B. M.**; **20 inches** to lands owned by **A. C. Ripley and Dolly V. Ripley, husband and wife**, to-wit: **E 1/2 SW 1/4 Sec. 24, T. 4 N. R. 1 W. B. M.**

That his reasons for desiring to make such transfer are as follows:

**To apply the water to higher beneficial use.**

MICROFILMED

That he intends to divert and convey said 50 inches ~~amount~~ of water to the tract of land last above described in the following manner, to-wit: by diverting the water into the Settlers Irrigation District Canal at NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 9, T. 3 N., R. 2 E. B.M. and conveying the same through the Settlers Canal, 25 inches for Schmelzer to be then diverted through the Zinger Lateral, 5 inches for Winward through the North Slough Lateral, and 20 inches for Ripley through the Zinger Lateral,

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

AIRCRAFT SERVICE CO., a corporation

By *John D. Bradley* Applicant

Subscribed and sworn to before me this

A. D. 1949

25 day of January  
*R. D. O'Neil*  
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water now diverted? Boise River

Where is the diversion point now located? SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 5, T. 3 N. R. 2 E. B. M.

Through what ditch is it now conducted? Thurman Mill Ditch

How much land is now irrigated by the water sought to be transferred? 50 acres

Give the description: What is commonly known as Bradley Air Port owned by Aircraft Service Co., and located upon a portion of Sec. 30 and 31, in T. 4 N. R. 2 E. B. M., Ada County, Idaho.

What is the total amount of water in inches, or second feet, dedicated to said land? 1 inch

What kind of crops are being raised? hay

How much water per acre is now required to irrigate said land? 1 inch

What will be the effect on the land now irrigated, if the use of water on it is discontinued? no irrigation is contemplated for the reason it largely consists of an airport, landing strips and Aircraft service buildings.

Give location of new point of diversion, if change is to be made NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 9, T. 3 N. R. 2 E. B.M.

Through what ditch will it be conducted after transfer? Settlers Irrigation District Canal.

How much water will be required per acre to irrigate the land to which this water is transferred?

1 inch

Do you claim any other water right for the land from which you seek to abandon the use of this water?

no

If so, give amount, date and source

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. For Schmelzer land, 45 inches, Right # 92, Boise River, date 10/17/1884, E $\frac{1}{2}$  SE $\frac{1}{4}$ , and E. 30 acres of Lot 1 in Sec. 24 T. 4 N. R. 1 W.B.M.; Ripley land, 40 in., Right # 122 Boise River, date 6/1/1891, E $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 24, T. 4 N. R. 1 W.B.M.; Signed *J. D. Bradley* Applicant. Winward land, 70 in., Right # 92, Boise River, date 10/17/1884, N $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 26, T. 4 N., R. 1 W.B.M.

STATE OF IDAHO,

County of ADA

ss.

Fay Smith and Earl Coffey  
being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing in Ada County, that he is a user of water from Thurman Mill Ditch, in Water District No. 12A, County of Ada, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Aircraft Service Co. and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this

day of

A. D. 19 48

Robert White  
Notary Public for Idaho  
Residing at Boise, Idaho

STATE OF IDAHO,

County of Ada

ss.

I, Wm. E. Welsh, Watermaster of Water District No. 12A, County of Ada, State of Idaho, whose postoffice address is Boise, Idaho, have read or heard read the foregoing affidavit and petition of Aircraft Service Co. and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons: The land to which this water was originally decreed has been converted to an air field (Bradley Airport or Aircraft Service Co.) and is no longer needed for irrigation purposes.

Wm. E. Welsh, Watermaster Dist. No. 12-A  
Dated at Boise, Idaho, this 7th day of February, 1949

# Brandt Property; NENE & NWNE, Section 26, 4N, 1W



## Legend

### Major Streets

- MINOR ARTERIAL
- MAJOR COLLECTOR
- SECTION
- PRINCIPAL ARTERIAL
- INTERSTATE
- Other

### Minor Streets

- LOCAL
- PARKS
- PRIVATE
- RESIDENTIAL
- Other
- Street Names (minor)

- Water
- Parcels
- Ada-OQ2005

- Schools
- Parks
- City Limits

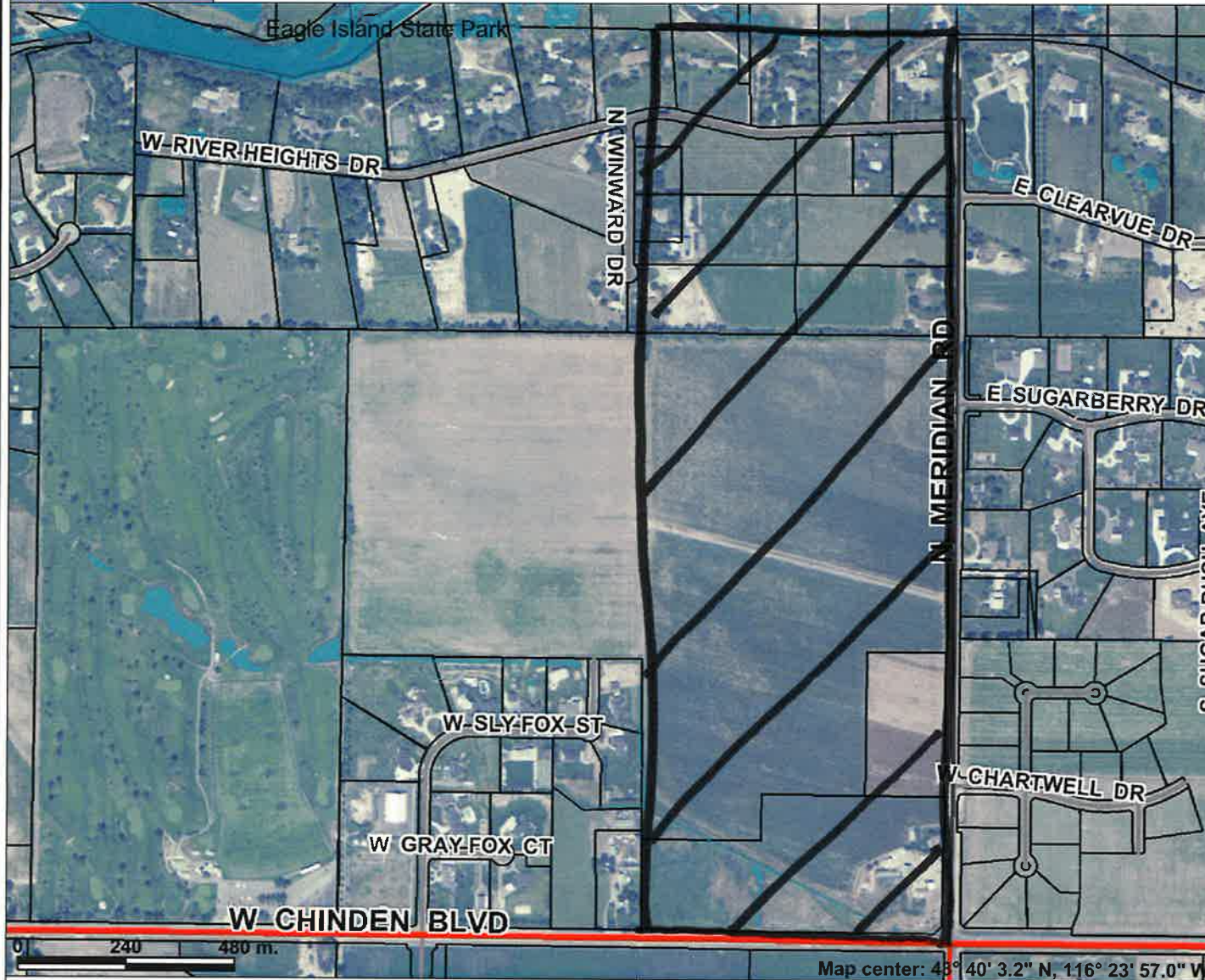
- Kuna
- Boise
- Garden City
- Eagle
- Star
- Meridian
- Other



Scale: 1:7,904

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

# Lindley Property; SENE & E2SE Section 24, 4N,1W



## Legend

- Neighborhood
- Major Streets
- MINOR ARTERIAL
- MAJOR COLLECTOR
- SECTION
- PRINCIPAL ARTERIAL
- INTERSTATE
- Other
- Minor Streets
- LOCAL
- PARKS
- PRIVATE
- RESIDENTIAL
- Other
- Street Names (minor)
- Water
- Parcels
- Ada-OQ2004
- Schools
- Parks
- City Limits
- Kuna
- Boise
- Garden City
- Eagle
- Star
- Meridian
- Other



Scale: 1:13,391

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 43° 40' 3.2" N, 116° 23' 57.0" W

NOTE: other portions of this right (63-170B)  
for 2.7 cfs comb. with 169E (12.78 cfs)  
is rec. under 63-30130 for a total of  
15.48 cfs - no over claiming of 170.  
02/23/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 63-170A

WATER RIGHT NUMBER: 63-170A

Owner Type Name and Address  
Current Owner MERLE H LINDLEY  
25588 PAR DR  
CADLWELL, ID 83607-8448  
(208)888-2432

Original Owner RICHARD Z JOHNSON

Current Owner BOISE, ID  
LEROY E BRANDT  
1085 S TEN MILE RD  
MERIDIAN, ID 83642  
(208)888-3994

Original Owner JOSEPH PERRAULT

Original Owner BOISE, ID  
CONSUMERS WATER CORP

Current Owner BOISE, ID  
ROBERT L GAMBLE  
990 W CHINDEN BLVD  
MERIDIAN, ID 83642  
(208)888-2470

Priority Date: 06/01/1868

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

1.000 CFS

Annual VolumeTotal Diversion: 1.000 CFSLocation of Point(s) of Diversion

BOISE RIVER

NW1/4NW1/4

Sec. 9, Twp 03N, Rge 02E, B.M.

ADA County

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |      |    |      | NW |    |    |    | SW   |    |    |      | SE |    |    |    | Totals |
|-----|-----|-----|------|------|----|------|----|----|----|----|------|----|----|------|----|----|----|----|--------|
|     |     |     | NE   | NW   | SW | SE   | NE | NW | SW | SE | NE   | NW | SW | SE   | NE | NW | SW | SE |        |
| 04N | 01W | 24  | 40.0 |      |    | 20.0 |    |    |    |    | 40.0 |    |    | 40.0 |    |    |    |    | 140.0  |
| 04N | 01W | 26  | 40.0 | 40.0 |    |      |    |    |    |    |      |    |    |      |    |    |    |    | 80.0   |

Rt #37  
#155 Quantity  
545 204

2N" .48  
25" .50 cfs E 1/2 SE  
+ E 30 ac of Lot 1  
6.24

5" .10 cfs N 1/2 NE  
2.26

20" .10 cfs E 1/2 SW  
0.24

for 170A

Total Acres: 220

Conditions of Approval:

Remarks:

1. General A POWER OF ATTORNEY PROVIDES WRITTEN AUTHORIZATION FOR THE CHAIRMAN OF SETTLERS IRRIG. DIST. TO FILE THIS CLAIM. THIS WATER RIGHT IS EVIDENCED BY TRANSFER NO 736.

Comments:

Dates and Other Information:

Claim Received Date: 9/8/1989  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector: OR  
Water District Number: 63  
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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-170A V1

WATER RIGHT NUMBER: 63-170A V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
|-------------------|------------------------------------------------------------------------------|
| Current Owner     | MERLE H LINDLEY<br>25588 PAR DR<br>CADLWELL, ID 83607-8448<br>(208)888-2432  |
| Original Owner    | RICHARD Z JOHNSON<br><br>BOISE, ID                                           |
| Current Owner     | LEROY E BRANDT<br>1085 S TEN MILE RD<br>MERIDIAN, ID 83642<br>(208)888-3994  |
| Original Owner    | JOSEPH PERRAULT<br><br>BOISE, ID                                             |
| Original Owner    | CONSUMERS WATER CORP<br><br>BOISE, ID                                        |
| Current Owner     | ROBERT L GAMBLE<br>990 W CHINDEN BLVD<br>MERIDIAN, ID 83642<br>(208)888-2470 |

Priority Date: 06/01/1868  
Basis: Decreed  
Status: Active

Source  
BOISE RIVER

Tributary  
SNAKE RIVER

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 3/15 to 11/15         | 1.000 CFS             |                      |
| <u>Total Diversion:</u> |                       | 1.000 CFS             |                      |

Location of Point(s) of Diversion

BOISE RIVER  
ADA County

L7 (SW1/4NE1/4)

Sec. 9, Twp 03N, Rge 02E, B.M.

Place of Use  
IRRIGATION

*Handwritten note: XPER TRANSFERRED 134 TO E1/2 SE 1/4 NE 1/4*

| Twp | Rge | Sec | NE   |      |    |      | NW |    |    |    | SW   |    |    |      | SE |    |    |    | Totals |
|-----|-----|-----|------|------|----|------|----|----|----|----|------|----|----|------|----|----|----|----|--------|
|     |     |     | NE   | NW   | SW | SE   | NE | NW | SW | SE | NE   | NW | SW | SE   | NE | NW | SW | SE |        |
| 04N | 01W | 24  | 40.0 |      |    | 20.0 |    |    |    |    | 40.0 |    |    | 40.0 |    |    |    |    | 140.0  |
| 04N | 01W | 26  | 40.0 | 40.0 |    |      |    |    |    |    |      |    |    |      |    |    |    |    | 80.0   |

*Needs River  
Base  
Remarks*

*3/15 to 11/15  
0.545*

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-170A V1

Total Acres: 220

Conditions of Approval:

1. 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:

Comments:

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: 63  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 02/23/2005                | lharris         | Active        |
| Contacts       | 3/24/2005 7:51:19 AM      | jshurte         |                           |                 | Active        |
| Priority Date  | 3/24/2005 8:05:56 AM      | jshurte         |                           |                 | Active        |
| POD            | 5/2/2005 3:04:03 PM       | jshurte         |                           |                 | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-170A V1

|               |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------|----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD           | 5/2/2005 3:04:03 PM  | jshurte | (Yes) 1. Is the basis of this claim a Decree or License?<br>(No) 4. Does the Decree or License have a POD?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(Yes) 10. Is a POD remark and/or condition required?                                                                                                      |
| POD           | 5/2/2005 3:02:51 PM  | jshurte | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                            |
| Contacts      | 3/24/2005 7:51:19 AM | jshurte | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: In office verification                                                                                                                                                                                                                                                                                                                                     |
| Priority Date | 3/24/2005 8:05:56 AM | jshurte | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required? |
| Summary       | 2/23/2005 8:56:50 AM | lharris | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?                                                                                                                                                                          |

Water Supply Bank:

XXXV.

That the defendants H. D. GOODMAN and DORA GOODMAN be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Ditch or slough, for use upon lands situated in Secs. 31 and 32, T. 4 N. R. 2 E. B.M., in the following amount and from the following date;

63 0170 135 inches, from June 1, 1868; and hereby designated as Right No. 37.  
 And be adjudged to pay \$12.95 costs in addition to the costs incurred by them.

XXXVI.

That the defendant T. T. JOHNSON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Sec. 12, and SE  $\frac{1}{4}$  of Sec. 2, T. 4 N. R. 4 W. B.M., for use upon the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ , and lots 2 and 3 in Sec. 3, T. 4 N. R. 4 W. B.M., in the following amount from the following date;

63 0171 160 inches, from June 1, 1868; and hereby designated as Right No. 38.  
 And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXXVII.

That the defendants C. B. ROSS, C. H. ALLEN, EDGAR DILLEY and W. H. ROSS, be and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the NE corner of Sec. 21, through what is known as the Haas canal, for use upon lands in Secs. 16, 17, 20 and 21, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0172 427 inches, from June 1, 1868; and hereby designated as Right No. 39.  
 And be adjudged to pay \$29.89 costs in addition to the costs incurred by them.

XXXVIII.

That the defendant S. S. GRAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the head of the Middleton Mill ditch, on NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ , Sec. 13, T. 4 N. R. 1 W. B.M., for use upon the N.  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of Sec. 10, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0173 70 inches, from June 1, 1868; and hereby designated as Right No. 40.  
 And be adjudged to pay \$4.90 costs in addition to the costs incurred by him.