

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 63-2103B
Date Received: 3/28/1990
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT M DONNELLY
4705 N 36TH
BOISE ID USA 83703

Phone: (208) 344-6397

KATHLEEN M DONNELLY
4705 N 36TH
BOISE ID USA 83703

Phone: (208) 344-6397

2. Date of Priority: 06/03/1909

3. Source: SPRINGS Trib. to: STEWART GULCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02E	21	NW SW SW	ADA	

5. Description of diverting works:

SPRINGBOX AND PIPELINE FOR GRAVITY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.1	
DOMESTIC	1/01	12/31	0.02	

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

8. Total consumptive use:

SCANNED

OCT 05 2006

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	28	NE	NW		DOMESTIC	
			NE	NW		IRRIGATION	1
			NW	NW		IRRIGATION	4
						Section Acres	5
						Total Acres	5

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:

Ownership changed by DB 5/17/2004

Property also known as: Lot 2, Blk 1; Lot 6 Blk 1; Lot 1, Blk 2 of Nibler Subdivision.

IRRIGATION PLACE OF USE CHANGE OCCURRED ABOUT 1983 & CLAIM REPRESENTS A TRANSFER. DOMESTIC USE FOR 2 HOMES UNDER ONE OWNER. DOMESTIC USE IN S.21 INCLUDES HOME & YARD. DOMESTIC USE IN S.28 IS INTERNAL & 1 ACRE IRRIGATION COVERS LARGE YARD AREA. FOUR ACRES OF IRRIGATION IN NWNW S.28 ARE PART OF QUAIL HOLLOW GOLF COURSE & ALSO IRRIGATED BY 2 NIBLER WELLS & GGRANDFATHER USE FROM STEWART GULCH (IN PROCESS OF FILING B.U. CLAIM FOR STEWART GULCH) DOMESTIC USE DESCRIBED IN CLAIM IS A CLARIFICATION OF LICENSE & DOES NOT REPRESENT ADDITIONAL WATER OR USES.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-02103, FEE PAID UNDER RECEIPT NO. W011756. LW 8-17-90.

15. Basis of Claim: License

THIS FORM FURNISHED COURTESY OF:

ALLIANCE TITLE & ESCROW CORP.

READ & APPROVED BY GRANTEE(S) 

(0200 & 0300)

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 98078096 SL/KM

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED, VANCROFT CORPORATION, AN IDAHO CORPORATION

organized and existing under the laws of the State of Idaho, with its principal office at 600 W. 76TH AVE., a corporation
ANCHORAGE, AK 99518 of County of , State of Idaho.
GRANTOR, hereby GRANT, BARGAIN, SELL AND CONVEY unto ROBERT M. DONNELLY AND
KATHLEEN M. DONNELLY, HUSBAND AND WIFE

GRANTEE(S), whose current address is: 4705 N. 36TH WAY, BOISE, ID 83703
the following described real property located in ADA County, State of Idaho, more particularly
described as follows, to-wit:

As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

Together with water right claim #A63-02103 Appurtenant thereto.

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 does hereby covenant to and with the said
Grantee(s), that Grantor is the owner 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 will warrant and defend
the same from all lawful claims whatsoever and reservations in the US Patent.

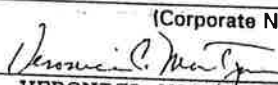
The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly
authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held
and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized
officers this 4th day of November, in the year of 1998.

(Corporate Seal)

VANCROFT CORPORATION

(Corporate Name)

By: 
VERONICA MONTGOMERY Vice President

Attest: _____
Secretary

STATE OF IDAHO
COUNTY OF ADA

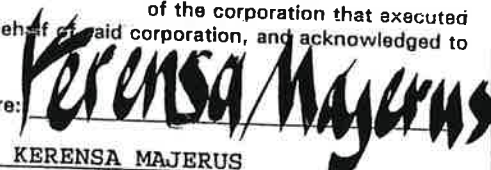
On this 5th day of November, in the year of 1998, before me, the undersigned, a Notary
Public in and for said State, personally appeared VERONICA MONTGOMERY

known or identified to me to be the Vice President
of the corporation that executed
the instrument or the person(s) who executed the instrument on behalf of said corporation, and acknowledged to
me that such corporation executed the same.

**KERENSA MAJERUS
NOTARY PUBLIC
STATE OF IDAHO**

SCANNED

MAY 17 2004

Signature: 

Name: KERENSA MAJERUS
(type or print)

Residing at: BOISE

My Commission Expires: 01/09/03

Exhibit "A"

Lot 2 Block 1, Lot 6 Block 1, Lot 1 Block 2 of Nibler Subdivision, filed in Book 59 of Plats, at Pages 5789-5791, records of the Ada County Recorder's Office, lying in Sections 21 and 28, township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho.

139.12 Acres

SCANNED
MAY 17 2004

4N 2E

63-2103B

21

SWSW

SESW

Lot 6 Blk 1
Parcel #0720

SWSE

Lot 1 Blk 2
Parcel #0820

Lot 2
Blk 1

NWNW

NENW

NWNE

Lot 1 Blk 2
Parcel #0900

Lot 1 Blk 2
Parcel #1050

28

1992



SCALE IN FEET

UNPLATTED

UNPLATTED

THIS PLAT

— — — — —

UNPLATTED

S 88° 17' 36" E
(January, 1990)

NOTE: See Sheet 2 of 3 for Details of N.38th Wey center-line and right-of-way and lot dimensions.

BLOCK ①

LOT 3

10

UNPLATTED

BASIS OF BEARING

CITY PARK

LOT 4

39' 23" W 1355.67

- Initial Point, Set 2" x 36" Galv. Pipe With Alum. Cap
- Found Brass Cap
- Found Aluminum Cap
- Set 5/8" x 30" Rebar w/Plastic Cap
- Set 1/2" x 24" Rebar
- Found 5/8" Rebar
- Found 1/2" x 24" Rebar

— — — — — Boundary Line
 — . — . — Section Line
 — — — — — 1/4 Section Line
 — — — — — 1/16 Section Line
 - - - - - Easement Line

1. All lots are hereby designated as having a permanent easement for public utilities, drainage, sewer and Boise City street lights over the ten (10) feet adjacent to any public street. This easement shall not preclude the construction of hard surfaced driveways and sidewalks to said streets.
2. Building setback dimensions in this subdivision shall conform to the applicable zoning regulations of the City of Boise, Ada County, Idaho in effect at the time of issuance of a building permit.
3. Any re subdivision of this plat shall comply with the applicable Zoning Regulations in effect at the time of the re subdivision.
4. This subdivision is not in an irrigation district and irrigation water shall not be provided to any lot.
5. Restricted Access: Except for Lots 3 and 4, Block 1, and Lots 2 and 3, Block 2, no lots in this subdivision shall be provided with a primary access to N. 36th Way, unless said primary access is specifically approved by the Ada County Highway District. This restricted access shall not prevent golf carts and golf course maintenance equipment from crossing N. 36th Way.
6. No new separate principle structures shall be permitted within this subdivision unless specifically approved by the City of Boise. This restriction shall not apply to accessory structures, including minor accessory or maintenance buildings related to the existing dwellings or the golf course, provided that proper building permits are obtained.
7. All new development within this subdivision is subject to the requirements of the Boise City Wildlife and Foothills Ordinance and Chapter 70 of the Uniform Building Code.
8. Except for accessory structures not intended for human habitation, any new development, separate principle structures, will require improvements to Ada County Highway District standards on North 36th Way, both adjacent to the proposed development and southwesterly of the proposed development to the boundary of the plat.
9. Lots 1 and 3, Block 2 are subject to an existing easement granted to the Northwest Boise Sewer District, Instrument No. 8850182.
10. A lot along N. 36th Way shall be subject to a temporary construction easement along N. 36th Way for the future widening and improvement of N. 36th Way, which easement shall cease to exist upon the completion of said widening. This easement shall be of varying width, sufficient for the construction of safe roadway access but not steeper than two (2) horizontal to one (1) vertical.

CENTERLINE SEWER EASEMENT DATA

LINE	BEARING	DISTANCE
1	N 49° 30' 38" E	200.23
2	N 08° 41' 44" E	399.58
3	N 66° 13' 01" E	399.63
4	N 62° 32' 38" E	376.17
5	N 24° 27' 09" E	409.16
6	N 22° 48' 35" E	418.97
7	N 45° 03' 29" E	285.53



VICTOR L. NIBLER
Owner
Boise, Idaho

BRIGGS ENGINEERING, INC.
Consulting Engineers
Boise, Idaho



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUN 15 1999

Department of Water Resources

DATE OF CLOSING: 11/6/98

RECEIVED
OCT 07 2003

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

SEE ATTACHED

☐ 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)

RECEIVED

JUN 18 1999

WATER RESOURCES
WESTERN REGION

☐ Water Right Number(s) _____
Assigned by IDWR: A63-02103B

☐ Name and Address of Former Owner/Claimant(s)(Seller): VANCROFT CORPORATION
600 W. 76TH AVENUE #101
ANCHORAGE, AK 99518

☐ New Owner/Claimant (Purchaser): ROBERT M. DONNELLY AND KATHLEEN M. DONNELLY

☐ New Mailing Address: 4705 N. 36TH WAY
BOISE, ID 83703

☐ New Telephone Number: (208) 344 - 6397

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

☐ Attach proof of ownership, describe proof attached: _____

(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) Robert M. Donnelly Date 6/10/99
Kathleen Donnelly Date 6/10/99

☐ Signature of Former Owner/Claimant(s) VANCROFT CORPORATION Date 11-5-98
By: Bonnie C. McGary, Vice Pres. Date 11-5-98

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

SCANNED

MAY 17 2004

RECEIVED
JUN 15 1999
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).

RECEIVED
JUN 15 1999
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).

RECEIVED
JUN 15 1999
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 townsite 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.

MAILED
JUN 15 1999
Mailed on
6-10-99
also sent copy to
Vancouver
in Anchorage.
AK.

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: A63-02103B
Date Received: 3/28/1990
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VANCROFT CORPORATION
Address: 3222 S. PASS COURT
BOISE, ID 83705
208-384-0414

2. Date of Priority: JUN 03, 1909

3. Source: SPRINGS Trib. to: STEWART GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02E	21	NW	SW	SW		ADA

5. Description of diverting works:
SPRINGBOX AND PIPELINE FOR GRAVITY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	02E	28	NE	NW		IRR	1.0
			NE	NW		DOMEST	
			NW	NW		IRR	4.0

A63-02103B

Page 1

Date: 08/21/90

SCANNED
MAY 17 2004

MICROFILMED
AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:

4 ACRES IN NWNW S.28 ALSO IRRIGATED BY GOLF COURSE RIGHTS

14. Remarks:

IRRIGATION PLACE OF USE CHANGE OCCURRED ABOUT 1983 & CLAIM REPRESENTS A TRANSFER. DOMESTIC USE FOR 2 HOMES UNDER ONE OWNER. DOMESTIC USE IN S.21 INCLUDES HOME & YARD. DOMESTIC USE IN S.28 IS INTERNAL & 1 ACRE IRRIGATION COVERS LARGE YARD AREA. FOUR ACRES OF IRRIGATION IN NWNW S.28 ARE PART OF QUAIL HOLLOW GOLF COURSE & ALSO IRRIGATED BY 2 NIBLER WELLS & GGRANDFATHER USE FROM STEWART GULCH (IN PROCESS OF FILING B.U. CLAIM FOR STEWART GULCH) DOMESTIC USE DESCRIBED IN CLAIM IS A CLARIFICATION OF LICENSE & DOES NOT REPRESENT ADDITIONAL WATER OR USES.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-02103, FEE PAID UNDER RECEIPT NO. W011756. LW 8-17-90.

15. Basis of Claim: LICENSE

Water Right Number: 4739

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A63-02103B

Date Received: 3/28/1990

Receipt No: W011756 *X 777727*

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VANCROFT CORPORATION 208-384-0414
Address: 3222 S. PASS COURT
BOISE, ID 83705

2. Date of Priority: JUN 03, 1909

3. Source: SPRINGS Trib. to: STEWART GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02E	21	NW	SW	SW		ADA

5. Description of diverting works:
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6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	02E	28	NE	NW		IRR	1.0
			NE	NW		DOMEST	
			NW	NW		IRR	4.0

A63-02103B

Page 1

Date: 08/17/90

*Added in Old Water Right No. field
63-02103*

SCANNED
MAY 17 2004

MICROFILMED
AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:

4 ACRES IN NWNW S.28 ALSO IRRIGATED BY GOLF COURSE RIGHTS

14. Remarks:

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(**ON 8/17/90 THIS CLAIM WAS SPLIT IN RESPONSE TO A CHANGE IN OWNERSHIP REQUEST. THIS CLAIM REPRESENTS ALL THE IRRIGATION USE AND THE DOMESTIC USAGE IN SECTION 28 AS PURCHASED BY THE NEW OWNERS, THE VANCROFT CORPORATION.***L.W)

#5 under modifying split claims.

15. Basis of Claim: LICENSE

Water Right Number: 4739

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A63-02103
Date Received: 3/21/1990
Receipt No: W 01156
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VICTOR L. NIBLER 208-342-6333
Address: 4705 N. 36
BOISE, ID 83703

AND/OR

Name: RUTH E. NIBLER
Address: BOISE, ID 83703

2. Date of Priority: JUN 03, 1909

3. Source: SPRINGS Trib. to: STEWART GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02E	21	NW	SW	SW		ADA

5. Description of diverting works:
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6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 2 HOMES; SEE REMARKS

A63-02103

Page 1

Date: 03/21/90

MICROFILMED
AUG 18 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02E	21	SE	SW	DOMEST	
		28	NE	NW	IRR	1.0
			NE	NW	DOMEST	
			NW	NW	IRR	4.0
					Section Acres	5.0
					Total Acres	5.0

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:

4 ACRES IN NWNW S.28 ALSO IRRIGATED BY GOLF COURSE RIGHTS

14. Remarks:

IRRIGATION PLACE OF USE CHANGE OCCURRED ABOUT 1983 & CLAIM REPRESENTS A TRANSFER. DOMESTIC USE FOR 2 HOMES UNDER ONE OWNER. DOMESTIC USE IN S.21 INCLUDES HOME & YARD. DOMESTIC USE IN S.28 IS INTERNAL & 1 ACRE IRRIGATION COVERS LARGE YARD AREA. FOUR ACRES OF IRRIGATION IN NWNW S.28 ARE PART OF QUAIL HOLLOW GOLF COURSE & ALSO IRRIGATED BY 2 NIBLER WELLS & GRANDFATHER USE FROM STEWART GULCH (IN PROCESS OF FILING B.U. CLAIM FOR STEWART GULCH). DOMESTIC USE DESCRIBED IN CLAIM IS A CLARIFICATION OF LICENSE & DOES NOT REPRESENT ADDITIONAL WATER OR USES.

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Water Right Number: 4739

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: 2

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): Victor L. Hibler Date: 3-28-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28 day

of March 19 90

Lori Harris
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12-8-94



MICROFILMED

AUG 18 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2103B V2

WATER RIGHT NUMBER: 63-2103B V2

See COMMENTS
AS TO OBJECTION
RESOLUTION + SHOW
CAUSE ORDER.

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LEONARD DOBSON
	BOISE, ID
Original Owner	RUTH E NIBLER
	BOISE, ID 83703
Original Owner	VANCROFT CORP 3222 S PASS COURT BOISE, ID 83705 (208)384-0414
Original Owner	VICTOR L NIBLER 4705 N 36 BOISE, ID 83703 (208)342-6333
Directors Report Owner	BLUEGRASS LLC 4705 N 36TH BOISE, ID 83703 (208)344-7807
Directors Report Owner	KATHLEEN M DONNELLY 4705 N 36TH BOISE, ID 83703 (208)344-6397
Current Owner	KENNETH T HAM 1315 FALLING LEAF DR FRIENDSWOOD, TX 72546
Current Owner	MICHELLE L HAM 1315 FALLING LEAF DR FRIENDSWOOD, TX 72546

5/10/11
D.E. Complete

Priority Date: 06/03/1909

Basis: License

Status: Active

Source

SPRINGS

Tributary

STEWART GULCH CREEK

Beneficial Use

IRRIGATION

DOMESTIC

From To

03/01 to 11/15

01/01 to 12/31

Diversion Rate

0.080 CFS

0.020 CFS

Annual VolumeTotal Diversion:

0.080 CFS

Location of Point(s) of Diversion

SPRINGS

ADA County

SW1/4SW1/4

Sec. 21, Twp 04N, Rge 02E, B.M.

Place of UseIRRIGATION Within ADA County

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2103B V2

T04N R02E S28 NENW 0.1 T04N R02E S28 NWNW 4.0

Total Acres: 4.1

DOMESTIC same as IRRIGATION

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.
2. PARCEL NO. R6060420350.

Remarks:

Comments:

1. vmusic 4/2/2010 OBJ RESOLUTION

Comment: DID NOT ADD SOURCE REMARK RE RT NOT AUTHORIZED TO DIV FROM GEOTHERMAL SOURCE
PER ATTY ANDY W. QUANTITY CHANGED FROM 1 CFS [TOTAL FOR ENTIRE LICENSE BEFORE SPLITS] TO .08.

2. jshurte 5/10/2011 Obj resoltuion

Comment: Since the owner of this claim did not show to support not allowing the objection for this right to go through, a show cause order was issued that reduced the total amount allowed to .08 cfs from the previously recommended .10 cfs. The license for these rights - 63-2103A and 63-2103B or 63-2103 totalled .10 cfs and these two rights as recommended totalled .12 cfs. With this revision to this right the two now total the original licensed amount of .10 cfs. No response to the show cause order and the record has been changed.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2103B V1

WATER RIGHT NUMBER: 63-2103B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BLUEGRASS LLC 4705 N 36TH BOISE, ID 83703 (208)344-7807
Original Owner	LEONARD DOBSON
Original Owner	BOISE, ID RUTH E NIBLER
Current Owner	BOISE, ID 83703 KATHLEEN M DONNELLY 4705 N 36TH BOISE, ID 83703 (208)344-6397
Original Owner	VANCROFT CORP 3222 S PASS COURT BOISE, ID 83705 (208)384-0414
Original Owner	VICTOR L NIBLER 4705 N 36 BOISE, ID 83703 (208)342-6333

Priority Date: 06/03/1909

Basis: License

Status: Closed

<u>Source</u>	<u>Tributary</u>
SPRINGS	STEWART GULCH 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	0.080 CFS	
DOMESTIC	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

SPRINGS	SW1/4SW1/4	Sec. 21, Twp 04N, Rge 02E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R02E S28	NENW	0.1	T04N R02E S28	NWNW	4.0
---------------	------	-----	---------------	------	-----

Total Acres: 4.1

DOMESTIC same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2103B V1

1. PARCEL NO. R6060420350.
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:

Comments:

1. vmusic 3/24/2005 DOMESTIC USE
Comment: DOMESTIC USE ADDED BACK TO RECOMMENDATION PER PHONE CALL FROM R DONNELLY ON 6-29-05. HE SAID HE BOUGHT THIS HOUSE FROM VANCROFT ABOUT 4 OR 5 YEARS AGO. DID NOT KNOW ADDRESS BUT LOCATED ON 36TH NOT FAR FROM HIS HOUSE. HOUSE WAS TORN DOWN IN LAST FEW YEARS BUT WILL BE REBUILT. SPRING WATER USED ON THE PROPERTY.

SubCase:

SubCase Number: 63-2103B
Class: 2
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: vmusic
Basis of Claim: License
Date Filed: 6/21/2006 Objection Status: Decreed
Date Filed: 4/20/2006 Objection Status: Active

Water Supply Bank:

Exhibit "A"

04/08/2011

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

RIGHT NUMBER: 63-2103B

NAME AND ADDRESS: KENNETH T HAM
1315 FALLING LEAF DR
FRIENDSWOOD TX 72546

MICHELLE L HAM
1315 FALLING LEAF DR
FRIENDSWOOD TX 72546

SOURCE: SPRINGS

TRIBUTARY: STEWART GULCH CREEK

QUANTITY: 0.080 CFS

PRIORITY DATE: 06/03/1909

POINT OF
DIVERSION:

T04N R02E S21 SWSW 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	0.080 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R02E S28	NENW	0.10	T04N R02E S28	NWNW	4.00
---------------	------	------	---------------	------	------

DOMESTIC same as IRRIGATION

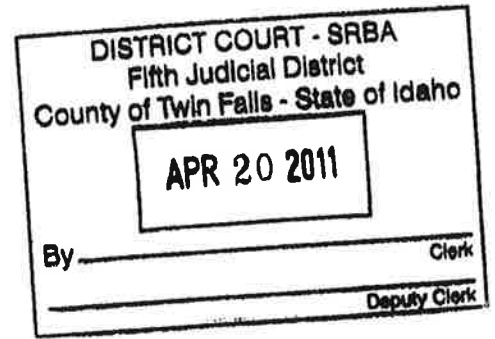
4.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

PARCEL NO. R6060420350.



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

In Re SRBA	)	Subcase 63-02103B
	)	
Case No. 39576	)	ORDER TO SHOW CAUSE
	)	

An objection was filed to the *Director's Report* for this water right claim by the Edwards Family, LLC, asserting: "This right together with 63-2103A are in excess of the licensed amount. Also, the place of use differs from the place of use in the License. Further this right may have been subject to the subsequent *Booth v. Smith* Decree." The *Director's Report* recommended the water right in the name of Bluegrass, LLC. On July 19, 2010, the attorney for Bluegrass LLC filed a *Motion for Leave to Withdraw as Counsel of Record* for the reason that Bluegrass LLC is not longer the owner of water right claim 63-2103B.

It is **hereby ordered** that the claimant or owner of water right claim 63-02103B shall appear before this Special Master on **Tuesday, May 10, 2011, at 10:00 AM** Mountain Time, at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho, to show cause why the relief sought in the objection should not be granted. Parties may participate by telephone by dialing 215-446-0193 and when prompted entering the code 675342.

Participation in the show cause hearing is **not mandatory**. However, failure to appear will result in the Claimant(S) being deemed to have consented to the water right being decreed with the elements as set forth in the attached Exhibit "A". If the Claimant participates in the hearing a trial date will be set. Therefore the parties need not

produce testimony or evidence in accordance with I.R.C.P. 6(c)(2)(B). Service of the ***Order to Show Cause*** shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

Dated April 20, 2011

A handwritten signature in black ink, appearing to read 'T.R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO
SHOW CAUSE was mailed on April 20, 2011, with sufficient first-class
postage to the following:

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

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

KENNETH T HAM
MICHELLE L HAM
1315 FALLING LEAF DR
FRIENDSWOOD, TX 72546

BLUEGRASS LLC
4705 N 36TH ST
BOISE, ID 83703
Phone: 208-344-7807



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

RIGHT NUMBER: 63-2103B

NAME AND ADDRESS: KENNETH T HAM
1315 FALLING LEAF DR
FRIENDSWOOD TX 72546

MICHELLE L HAM
1315 FALLING LEAF DR
FRIENDSWOOD TX 72546

BLUEGRASS LLC
4705 N-36TH
BOISE ID 83703

KATHLEEN M DONNELLY
4705 N-36TH
BOISE ID 83703

SOURCE: SPRINGS

TRIBUTARY: STEWART GULCH CREEK

QUANTITY: 0.080 CFS

PRIORITY DATE: 06/03/1909

POINT OF DIVERSION:

T04N R02E S21 SWSW 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	0.080 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R02E S28 NENW 0.10 T04N R02E S28 NWNW 4.00

DOMESTIC same as IRRIGATION

4.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

PARCEL NO. R6060420350.

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

Water Rights: 63-2103B

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

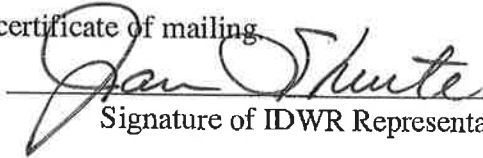
IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on _____, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Director of IDWR
PO Box 83720
Boise ID 83720

☒ hand-delivered

3. Copies to all parties to the subcase:

Kenneth T Ham
Michelle L Ham
1315 Falling Leaf Dr
Friendswood TX 72546

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Bluegrass LLC
Kathleen M Donnelly
4705 N 36th St
Boise ID 83703

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Signature of person mailing this document



Idaho Department of Water Resources

Adjudication Recommendation

63-2103B

(IRRIGATION)

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63

R02E



Prepared by Jan Shurte
On July 28, 2010
2004 Aerial Photography

0 0.05 0.1 0.2 Miles

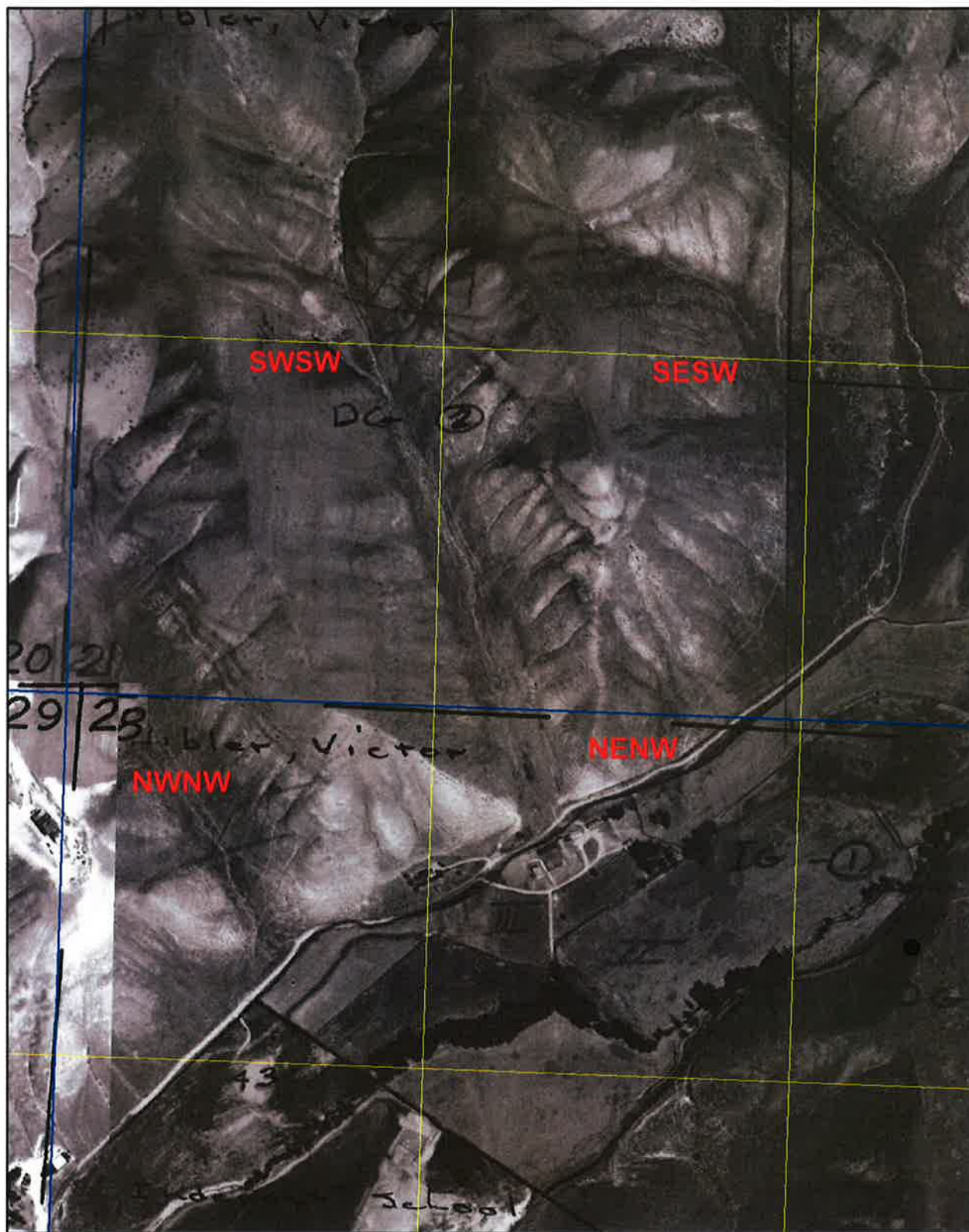
Shurte, Jan

From: Shurte, Jan
Sent: Thursday, July 22, 2010 11:20 AM
To: Harris, Lori
Subject: NCAP for 63-2103B

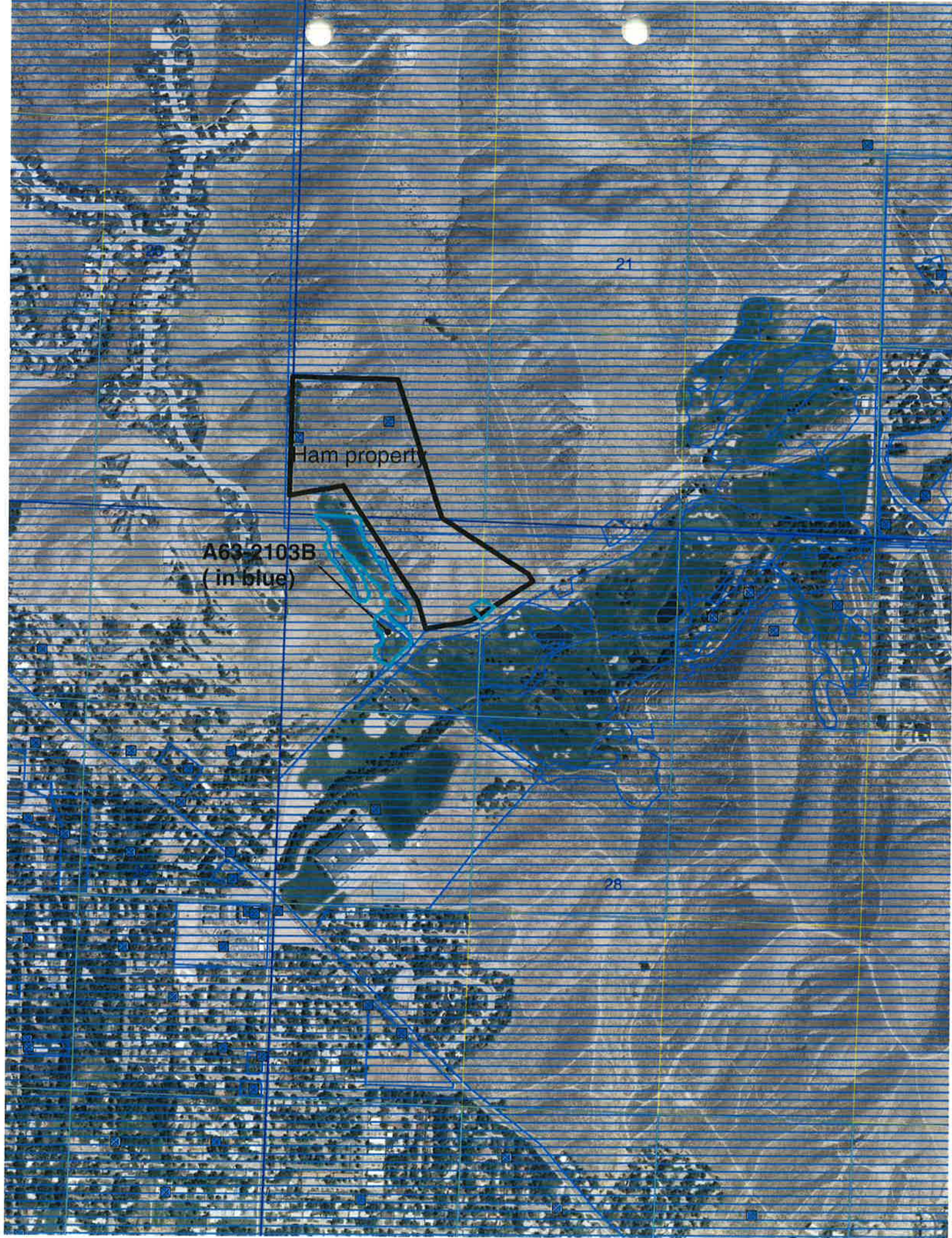
Hi Lori,

I know your gone for a couple of days, but when you get back Monday could you do an NCAP for me on the above number. It is an ownership change going from the Donnellys to Kenneth t. and Michelle L. Ham, 1315 Falling Leaf Drive, Friendswood, TX 72546. Phone numbers are 832-368-5016 or 281-451-5343. Just email it to me, I will sign it and email it back. I have the file here and will put copies in the file. Let me know if you have a problem with this.

Thanks,
Jan



CLAIMS 63-2103A & B --1964 AERIAL . FARM IN SECTION 28 NWNW AND NENW. LICENSE MAY BE IN ERROR RE LEGAL DESCRIPTIONS. THINK DOMESTIC USES MAY HAVE BEEN IN THE NENW S 28 AND/OR SESW S 21.



Ham property

A63-2103B
(in blue)

21

28

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 04/18/09 04:33 PM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
Title One

AMOUNT 6.00 2

109043642



Order No.: A0982422 AE/NH

WARRANTY DEED

FOR VALUE RECEIVED,

Bluegrass LLC, an Idaho Limited Liability Company,

the Grantor, does hereby grant, bargain sell and convey unto

Kenneth T. Ham and Michelle L. Ham husband and wife

whose current address is 1315 Falling Leaf Drive, Friendswood, TX 72546

the Grantee, the following described premises, in Ada County, Idaho, TO WIT:

A parcel of land being a portion of Lot 3, Block 1, Nibler Subdivision and unplatted land, located in the Southwest quarter of Section 21 and the Northwest quarter of Section 28, Township 4 North, Range 2 East, Boise Meridian, Boise City, Ada County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of Section 21, Township 4 North, Range 2 East, Boise Meridian, thence
North 00°03'10" East 126.10 feet along the West line of said Section 21 to an angle point on the boundary of Lot 3, Block 1, Nibler Subdivision, the Real Point of Beginning of this description; thence
North 00°03'10" East 806.00 feet along said West line to a point; thence
North 90°00'00" East 721.66 feet to a point; thence
South 19°00'00" East 986.93 feet to a point; thence
South 58°27'25" East 700.00 feet to a point; thence
South 34°00'00" East 57.23 feet to a point on the existing Northerly right-of-way of N. 36th Way;

Along said right-of-way the following:

South 56°00'00" West 443.26 feet to a point of curvature; thence
138.67 feet along a curve to the right, said curve having a radius of 335.00 feet, a central angle of 23°43'00", a tangent of 70.34 feet and a chord of 137.68 feet which bears
South 67°51'30" West to a point of tangency; thence
South 79°43'00" West 197.35 feet to a point of curvature; thence
30.44 feet along a curve to the left, said curve having a radius of 240.00 feet, a central angle of 07°15'58", a tangent of 15.24 feet and a chord of 30.42 feet which bears
South 76°05'01" West to a point on a curve being on the boundary common to Lots 2 and 3, Block 1, Nibler Subdivision;

Leaving said right-of-way and along said common boundary the following:

North 17°40'00" West 192.76 feet to a point; thence
North 34°24'20" West 937.80 feet to a point; thence
South 78°30'00" West 372.68 feet to the Real Point of Beginning of this description.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: 04/13/2009

Bluegrass LLC an Idaho Limited Liability Company

By Kathleen M. Donnelly
Kathleen Donnelly
Member

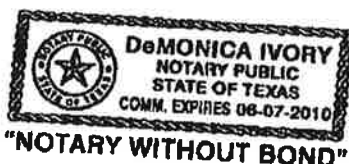
State of Texas
County of Harris

On this 13th day of April, in the year 2009, before me, the undersigned, personally appeared Kathleen Donnelly, known or identified to me to be the manager or member of the Limited Liability Company that executed the instrument or the person who execute the instrument on behalf of said Limited Liability Company, and acknowledged to me that such Limited Liability Company, executed the same.

DeMonica Ivory

Commission Expires:

Residing at: 1565 Holcombe Blvd Box 103
Houston, TX 77030



Form 42-248/42-1409(6) 12/2006

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

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 no 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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-021038 (AJ)					

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 division 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 claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

OR

D. 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 or equivalent **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)

Bluegrass LLC / Kathleen M. Donnelly
 4705 N 36th St. Boise, ID 83703

4. New Owner/Claimant(s)

Kenneth T. Ham and Michelle L. Ham
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1315 Falling Leaf Drive

City, State and ZIP Code

Friendswood, TX 77546

New Telephone Number

(832) 368-5016 or (281) 451-5343

Form 42-248/42-1409(6) 12/2006

5. Date you acquired the property

April 9, 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>63-021038</u>		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

[Signature]
 (title if applicable)
Owner Representative
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

Shurte, Jan

From: Ham, Kenneth T. (JSC-CB)[US NAVY] [kenneth.t.ham@nasa.gov]
Sent: Thursday, July 08, 2010 12:17 PM
To: Andy Waldera
Cc: Norb DeKerchove; mlham@me.com; Shurte, Jan
Subject: Re: Water Right Nos 63-02103A and 63-02103B

Thank you Andy. I feel a lot better. Norb, is this something you can do for us? There's a great dinner for you and Eve at the Melting Pot in the deal!

On Jul 8, 2010, at 15:31, "Andy Waldera" <AJW@moffatt.com> wrote:

> Mr. Ham,
>
> You have your water right. Neither the Donnellys nor Quail Hollow, LLC
> are trying to retain or lay claim to it. What you have inherited,
> however, is a legal challenge to the water right from the Edwards
> Family, LLC. This legal challenge existed prior to your purchase of
> the land and water right, and remains to this day.
>
> You should authorize Norb to fill out a Notice of Change in Ownership
> Form on your behalf, to which he will attach the property deed. This
> form should be filed with the Idaho Department of Water Resources ASAP
> because: (1) it is supposed to be filed within 120 days of closing;
> and (2) without it, the Department and the SRBA Court still consider
> the Donnellys to be the owner of your water right.
>
> You and/or Norb should contact Jan Shurte at the Department as listed
> in my letter so that she can provide real time assistance and
> instruction.
>
> Regards,
>
> Andy
>
> -----Original Message-----
> From: Ham, Kenneth T. (JSC-CB)[US NAVY]
> [mailto:kenneth.t.ham@nasa.gov]
> Sent: Thursday, July 08, 2010 3:13 AM
> To: Norb DeKerchove; Andy Waldera
> Cc: mlham@me.com
> Subject: Re: Water Right Nos 63-02103A and 63-02103B
>
> Norb and Mr. Waldera
>
> Obviously this is the first we've heard of this issue. We were under
> the clear impression that all water rights for the land including the
> spring were transferred to us with the property sale.
>
> Michelle and I have read through the letter and simply don't
> understand the bottom line. Is the golf course attempting to claim the
> spring or do we simply have to fill out a form? I can speak orbital
> mechanics but legalese still eludes me...

Shurte, Jan

From: Ham, Kenneth T. (JSC-CB)[US NAVY] [kenneth.t.ham@nasa.gov]
Sent: Friday, July 09, 2010 2:36 PM
To: Norb DeKerchove
Cc: Shurte, Jan; mlham@me.com
Subject: Re: Ham-Water Right Change Form and Deed

You are the best Norb! I wasn't sure how I was going to get this done from back woods Ireland. We are soooooo taking you to dinner. Thanks!!!

On Jul 9, 2010, at 21:31, "Norb DeKerchove" <norb@cableone.net> wrote:

> Hello Jan,
> Per our conversation earlier today, I am submitting the Notice of
> Change in Water Right Ownership along with the Warranty Deed. I have
> signed as the owner representative as we discussed. The Hams asked
> that I handle this matter in a previous email which you were copied on
> and I have included below.
>
> Sent: 7/8/10 at 12:17 by Ken Ham: Thank you Andy. I feel a lot
> better. Norb, is this something you can do for us?
>
> Please let me know you are in receipt of the form and deed and if
> there is anything else you need at the moment please let me know.
>
> Thank you very much for your help Jan.
>
> Sincerely,
>
> Norb DeKerchove
> Associate Broker
> Group One Real Estate
> 913 W. River St., Suite 300
> Boise, ID 83702
> 208.321.5502 o
> 208.321.5504 f
> <http://norb.group-one.com>
> norb@cableone.net<<mailto:norb@cableone.net>>
>
> <Water Rights_Deed_Ham_070910.pdf>

>
> We are currently in the UK speaking with parliament and will be
> talking to congress next week. We won't be able to get any paperwork
> to anyone in the states for at least a week.
>
> Can either of you simplify the issue for us? Thanks - ken & Michelle
>
>
>
> On Jul 8, 2010, at 3:11, "Norb DeKerchove" <norb@cableone.net> wrote:
>
>> Hi Ken and Michelle,
>> Hope this finds you both well. Are you still on a whirlwind tour??
>> There is a water rights issue at 36th Street that Mr. Waldera wanted
>> to bring to your attention. He has outlined the details in the
>> attached letter, which I told him I would forward to you.
>> Questions you may have should go to Mr. Waldera, since this is his
>> area of expertise and he has been involved, for some time apparently,
>> with the Donnelly's, who were the owners of the parcel y ou
>> purchased.
>> I spoke with him on the phone this morning and he kno ws this stuff
>> well.
>>
>> Let me know if there is anything I can do.
>>
>> Best,
>>
>>
>> Norb DeKerchove
>> Associate Broker
>> Group One Real Estate
>> 913 W. River St., Suite 300
>> Boise, ID 83702
>> 208.321.5502 o
>> 208.321.5504 f
>> <http://norb.group-one.com>
>> norb@cableone.net<<mailto:norb@cableone.net>>
>>
>>

>> From: Debby Long [<mailto:DLL@moffatt.com>]
>> Sent: Wednesday, July 07, 2010 4:35 PM
>> To: vias@msn.com; norb@cableone.net
>> Cc: Andy Waldera; Shurte, Jan; Charlie Honsinger; Hofstetter Law
>> Office
>> Subject: 2010-07-07 to Mr. DeKerchove and Ms. Surmelis re Water Right
>> Nos 63-02103A and 63-02103B
>>
>> Dear Ms. Surmelis and Mr. DeKerchove,
>>
>> Please find attached correspondence from Andrew Waldera concerning
>> property located in the North 36th Street corridor in Boise, Idaho.
>> Please contact Mr. Waldera if you have questions. He can be reached
>> at 208-385-5418 or ajw@moffatt.com<<mailto:ajw@moffatt.com>>.
>>
>> Thank you for your attention.
>>
>> Debby Long, PLS
>> Administrative Assistant to

>> Scott L. Campbell and Andrew J. Waldera Moffatt Thomas Barrett Rock &
>> Fields, Chtd.
>> Direct Dial 208-385-5323
>>
>>
>>
>> NOTICE: This e-mail, including attachments, constitutes a
>> confidential attorney-client communication. It is not intended for
>> transmission to, or receipt by, any unauthorized persons. If you have
>> received this communication in error, do not read it. Please delete
>> it from your system without copying it, and notify the sender by
>> reply e-mail or by calling (208) 345-2000, so that our address record
>> can be corrected.
>> Thank you.
>>
>> NOTICE: To comply with certain U.S. Treasury regulations, we inform
>> you that, unless expressly stated otherwise, any U.S. federal tax
>> advice contained in this e-mail, including attachments, is not
>> intended or written to be used, and cannot be used, by any person for
>> the purpose of avoiding any penalties that may be imposed by the
>> Internal Revenue Service.
>>
>> No virus found in this incoming message.
>> Checked by AVG - www.avg.com
>> Version: 8.5.439 / Virus Database: 271.1.1/2985 - Release Date:
>> 07/07/10 06:36:00
>> <1697894_1_2010-07-07 to Donnelly DeKerchove and Surmelis re Water
>> Right Nos 63-02103A and 63-02103B.PDF>
>
> NOTICE: This e-mail, including attachments, constitutes a confidential
> attorney-client communication. It is not intended for transmission to,
> or receipt by, any unauthorized persons. If you have received this
> communication in error, do not read it. Please delete it from your
> system without copying it, and notify the sender by reply e-mail or by
> calling (208) 345-2000, so that our address record can be corrected.
> Thank you.
>
> NOTICE: To comply with certain U.S. Treasury regulations, we inform
> you that, unless expressly stated otherwise, any U.S. federal tax
> advice contained in this e-mail, including attachments, is not
> intended or written to be used, and cannot be used, by any person for
> the purpose of avoiding any penalties that may be imposed by the
> Internal Revenue Service.
>

WATER RIGHT NUMBER: 63-2103B V2

Priority Date: 06/03/1909
Basis: License
Status: Active

<u>Location of Point(s) of Diversion</u>		
SPRINGS	SW1/4SW1/4	Sec. 21, Twp 04N, Rge 02E, B.M.
ADA County		

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2103B V2

Total Acres: 4.1

DOMESTIC same as IRRIGATION

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.
2. PARCEL NO. R6060420350.

Remarks:

Comments:

1. vmusic 4/2/2010 OBJ RESOLUTION
Comment: DID NOT ADD SOURCE REMARK RE RT NOT AUTHORIZED TO DIV FROM GEOTHERMAL SOURCE
PER ATTY ANDY W. QUANTITY CHANGED FROM 1 CFS [TOTAL FOR ENTIRE LICENSE BEFORE SPLITS] TO .08.

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

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/02/2010	vmusic	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 63-2103B V2

Summary	4/2/2010 2:23:54 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 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?
POD	6/10/2010 10:54:22 AM	mciscell	Bulk Generate Shape From PLS

Water Supply Bank:



CLAIMS 63-2103A & B --1939 AERIAL . FARM IN SECTION 28 NWNW AND NENW. LICENSE MAY BE IN ERROR RE LEGAL DESCRIPTIONS. THINK DOMESTIC USES MAY HAVE BEEN IN THE NENW S 28 THOUGH ARE THERE SOME STRUCTURES SEEN IN SESW?

1921

07/11/2007

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

RIGHT NUMBER: 63-2103B

NAME AND ADDRESS: BLUEGRASS LLC
4705 N 36TH
BOISE ID 83703

KATHLEEN M DONNELLY
4705 N 36TH
BOISE ID 83703

SOURCE: SPRINGS

TRIBUTARY: STEWART GULCH CREEK

This water right does not authorize the diversion of a low temperature
geothermal resource or other geothermal resource.

QUANTITY: 0.100 CFS

PRIORITY DATE: 06/03/1909

POINT OF
DIVERSION:

T04N R02E S21 SWSW 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	0.080 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R02E S28	NENW	0.10	T04N R02E S28	NWNW	4.00
---------------	------	------	---------------	------	------

DOMESTIC same as IRRIGATION

4.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

PARCEL NO. R6060420350.

RECEIVED

AUG 23 2006

Department of Water Resources
Adjudication Bureau

1272

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

JUN 22 2006

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)

A. Subcase 63-02103B

(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: Bluegrass, LLC and David Hendrickson

Address: 4705 N. 36th Street

Boise, Idaho 83703

Daytime Phone: 208-344-7807

Name & Address of Attorney, if any:

Scott Campbell & Andrew Waldera
Moffatt Thomas Barrett Rock & Fields
PO Box 827
Boise, Idaho 83701

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

Name: Edwards Family LLC

Address: 4106 Sand Creek Street

Boise, Idaho 83703

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

11. **Recommendation**

- ☒ 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)
) ss.
County of Ada)

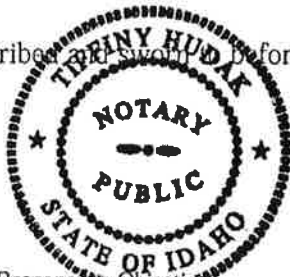
Andrew Waldera, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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 of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____



June 21, 2006
Timothy Hudak
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 9/16/09

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 June 21, 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: Bluegrass, LLC
Address: 4705 N. 36th Street, Boise, Idaho 83703

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

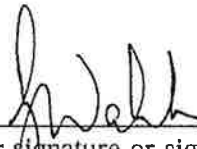
Name: Edwards Family LLC
Address: 4106 Sand Creek Street, Boise, Idaho 83703

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 44449
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
APR 24 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

Case 39576

A. Subcase 63-2103B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Edwards Family LLC

Address: 4106 Sand Creek Street

Boise, Idaho 83703

Daytime Phone: 208-342-7548

Name & Address of Attorney, if any:

Dana Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

208-424-7800

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

Name: Bluegrass LLC/Kathleen M. Donnelly

Address: 4705 North 36th

Boise, Idaho 83703

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: See Section E
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: See Section E
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: See Section E
10. **I object because:**
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** This right together with 63-2103A are in excess of the licensed amount. Also, the place of use differs from the place of use in the License. Further this right may have been subject to the subsequent *Booth v. Smith* Decree.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Dana L. Hofstetter, 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

Dana Hofstetter

Attorney signing in representative capacity

Subscribed and sworn to before me on: April 20, 2006



Sue E. Giberman

Notary Public for the State of Idaho

Residing at: Boise Idaho

My Commission expires: 2-25-09

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 21, 2006, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
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:

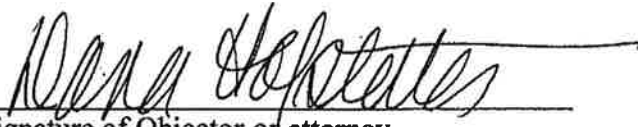
Name: Bluegrass LLC/Kathleen M. Donnelly
Address: 4705 North 36th Street
Boise, Idaho 83703

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

12/07/2005

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

RIGHT NUMBER: 63-2103B

NAME AND ADDRESS: BLUEGRASS LLC
4705 N 36TH
BOISE ID 83703

KATHLEEN M DONNELLY
4705 N 36TH
BOISE ID 83703

SOURCE: SPRINGS

TRIBUTARY: STEWART GULCH CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 06/03/1909

POINT OF DIVERSION:

T04N R02E S21 SWSW 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	0.080 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within ADA County

T04N R02E S28	NENW	0.1	T04N R02E S28	NWNW	4.0
---------------	------	-----	---------------	------	-----

DOMESTIC same as IRRIGATION

4.1 ACRES TOTAL

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

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

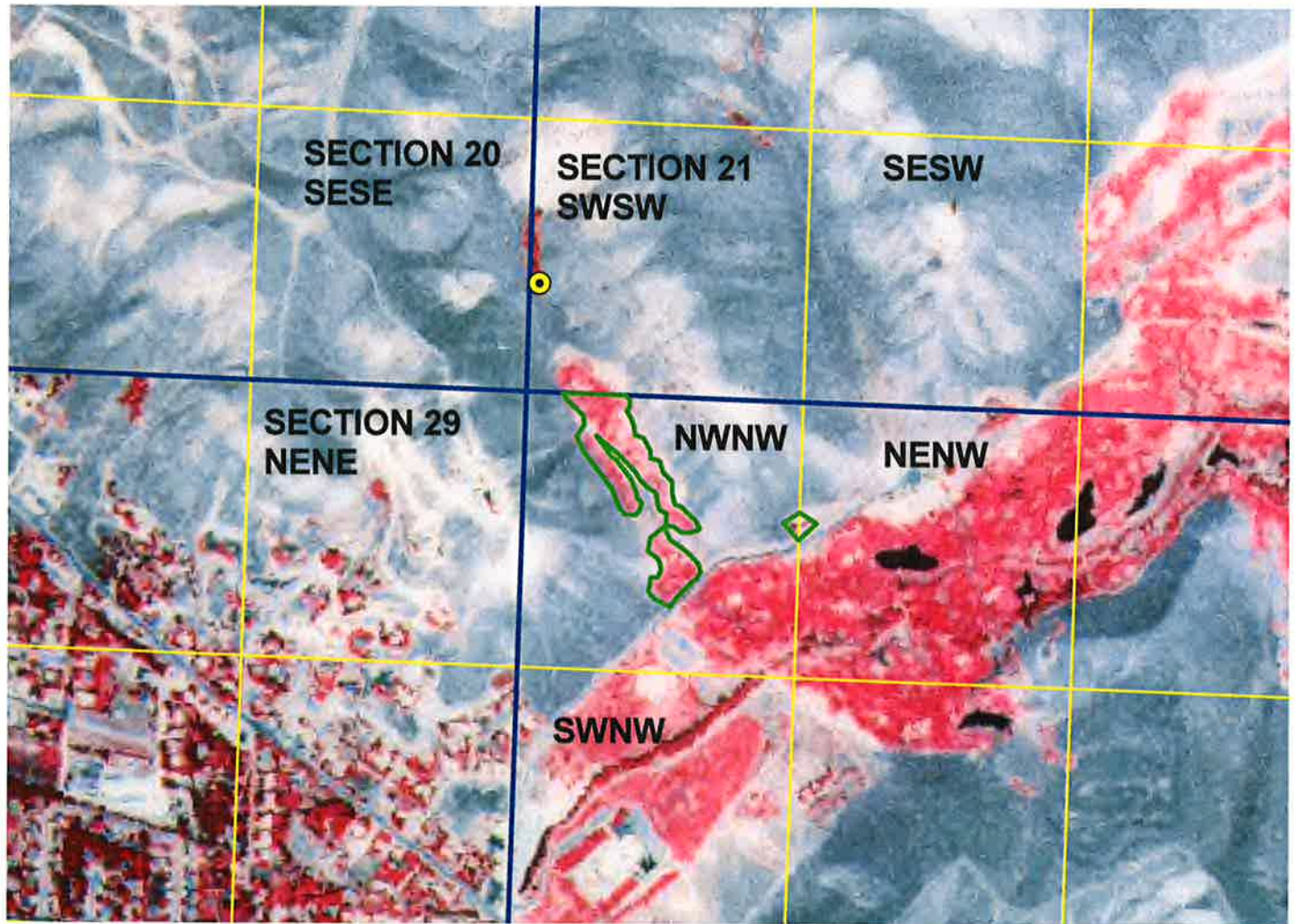
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

PARCEL NO. R6060420350.



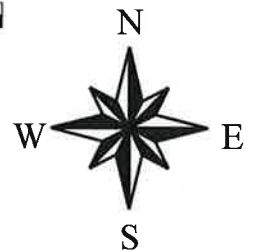
State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTIONS 21 and 28
Water Right (s): 63-2103B



1320 0 1320 2640 Feet

IRRIGATED ACRES = 4.1



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: March 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2103B V1

WATER RIGHT NUMBER: 63-2103B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT M DONNELLY 4705 N 36TH BOISE, ID 83703 (208)344-6397
Original Owner	LEONARD DOBSON BOISE, ID
Original Owner	RUTH E NIBLER BOISE, ID 83703
Current Owner	KATHLEEN M DONNELLY 4705 N 36TH BOISE, ID 83703 (208)344-6397
Original Owner	VANCROFT CORP 3222 S PASS COURT BOISE, ID 83705 (208)384-0414
Original Owner	VICTOR L NIBLER 4705 N 36 BOISE, ID 83703 (208)342-6333

Priority Date: 06/03/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	STEWART GULCH 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	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

<u>Location of Point(s) of Diversion</u>		
SPRINGS	SW1/4SW1/4	Sec. 21, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

IRRIGATION Within ADA County

T04N R02E S28	NENW	0.1	T04N R02E S28	NWNW	4.0
---------------	------	-----	---------------	------	-----

Total Acres: 4.1

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2103B V1

2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. X35 Rights 63-2103B, 63-4307, 63-21875 AND 63-9758 when combined shall not exceed a total diversion rate of 2.20 cfs and the irrigation of 110 acres.

Remarks:

1. Explanatory THE PLACE OF USE IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

Comments:

1. vmusic 3/24/2005 BASIS FOR RECOMMEDATION
Comment: SEE MEMO IN FILE

2. vmusic 3/24/2005 POU
Comment: ACC TRX IN POU IN ABOUT 1983 FOR GOLF COURSE. CURRENTLY THE POU FOR QUAIL HOLLOW GOLF COURSE

3. vmusic 3/24/2005 DOMESTIC USE
Comment: DOMESTIC USE EITHER NOT DEVELOPED UNDER LICENSE OR FORFEITED. NO HOUSE SEEN IN LICENSED POU IN AERIAL REVIEW FOR FOLLOWING YEARS - 1939, 1964, 1987, 1994, 2000. DOMESTIC NOT RECOMMENDED.

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	3/24/2005 9:57:51 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/24/2005 10:30:17 AM	vmusic	Edited point location
Source	3/24/2005 10:31:04 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2103B V1

POU	3/24/2005 10:33:25 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - POU TRANSFERRED FROM SESE SEC 21 IN ABOUT 1983 AS PART OF WHAT IS QUAIL HOLLOW GOLF COURSE Description for Question 13 - AERIAL PHOTOS
Contacts	3/24/2005 9:57:33 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
POD	3/24/2005 9:58:41 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (Yes) 10. Is a POD remark and/or condition required?
POU	3/24/2005 11:07:09 AM	vmusic	Edited shape boundary
POD	3/24/2005 10:29:19 AM	vmusic	Edited point location
Use	3/24/2005 11:09:02 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (No) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 7. Can the change be verified as an accomplished transfer? (No) 8. Does the change include an enlargement of the Purpose of Use? (No) 12. Did the claimant file a transfer? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - NO DOMESTIC USE DEVELOPED UNDER LICENSE IN CLAIMED POU FOR DOEMSTIC. ACC TRX FOR IRRIGATION IN 1983.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2103B V1

Quantity	3/24/2005 11:14:26 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Season	3/24/2005 11:09:53 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	3/24/2005 11:06:19 AM	vmusic	Edited shape boundary
Summary	3/24/2005 11:34:20 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 4. Is any portion of the claim be recommended? (Yes) 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?
POU	3/24/2005 11:07:25 AM	vmusic	Edited shape boundary



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

October 5, 2005

Robert and Kathleen Donnelly
4705 N 36th St
Boise, ID 83703

RE: CLAIM NO. 63-2103B and LICENSE NO. 63-9758

Dear Mr. and Mrs. Donnelly,

This correspondence is pursuant to my conversations with Mr. Donnelly in the past several months regarding the Snake River Basin Adjudication (SRBA) water right claim and the license referenced above.

In your correspondence dated July 12, 2005, you indicated that claim no. 63-2103B was in the name of Bluegrass LLC. Because a water right is a type of property right, IDWR requests that the ownership be in the name of the legal owner. Enclosed is a change of ownership form with instructions for 63-2103B. **Please fill it out, enclose the deed and return to IDWR to my attention.** I already have the plat map. The \$25 fee is waived for changes of ownership for claims in the SRBA. This will allow us to recommend the claim referenced above to the SRBA Court in the correct name

An SRBAS claim was not required for licensed right 63-9758 because the proof of beneficial use was submitted after the commencement of the SRBA in November 1987. Hence, the fee to change the ownership for this license is \$25. Enclosed is a change of ownership form with instructions. **Please fill out the form, return it and the \$25 fee to IDWR to my attention.** I have the deed and plat map.

Please call if you have additional questions.

Sincerely,

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: change of ownership form with instructions [2]



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

May 17, 2004

ROBERT M DONNELLY
KATHLEEN M DONNELLY
4705 N 36TH WAY
BOISE ID 83703

Re: Notice of Claim to a Water Right No. 63-2103B

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 claim, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DB: db

Enclosure

SCANNED

MAY 17 2004

RECEIVED

OCT 07 2003

WATER RESOURCES
WESTERN REGION

Date: 2 Oct 03

From: Bob Donnelly
Member Bluegrass LLC
4705 N 36th Way
Boise, ID 83703
PH: 208 368 3134

To: Idaho Department of Water Resources

Subject: Change in Water Right Ownership

I am resubmitting the request for water rights transfer that was filed for me by the previous owner, but had an incorrect property description attached. The current attachment A is correct.

Thank You

Bob Donnelly

SCANNED
MAY 17 2004

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

Return Service Requested

63-2103B

4037

21875



ADDRESSEE
UNKNOWN

VANCROFT CORPORATION
3222 S PASS COURT
BOISE ID 83705

Found

DAAGTMS 2342076632



No Sur Packet!

PRESORTED
FIRST CLASS



RECEIVED

JUN 14 2002

WATER RESOURCES
WESTERN REGION

SCANNED
MAY 17 2004



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

August 7, 2001

ROBERT M DONNELLY
KATHLEEN M DONNELLY
4705 N 36TH WAY
BOISE ID 83703

RE: Notice of Change of Water Right Ownership Claim No. 63-2103B

Dear Property Owners:

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (copy enclosed), however, we are unable to complete this ownership change at this time. The legal description on the information submitted does not match that of the claim. Please check your records for additional information showing the legal description that applies to the green outlined area of the enclosed map. We have plotted the attached Parcel I and II descriptions on the map for your reference. They do not match the claimed lands of the above referenced water right number.

Due to our findings, we cannot change the ownership into you name until further information is submitted. If you have any additional information concerning this water right, then we may be able to complete the ownership change.

Thank you for your patience and cooperation, as we have had several water right changes to process. Please feel free to contact Ron Howerton at this office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region

DB: db

Enclosures

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Date Aug. 20, 1990

[Vancroft Corporation]
3222 S. Pass Court
[Boise, ID 83705]

Notice of Claim No.(s) AG3-02103B, AG3-04037, AG3-21875

Dear Claimant:

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

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Linda A. Werner

Linda A. Werner
Sr. Water Resource Agent

Enclosure(s)

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AUG 18 1992

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[✓] Water Right Number(s): A63-04037, A63-02103, A63-21875

[] Name and Address of Former Claimant(s): Victor L. s/o Ruth E. Niblen

4705 N. 36th

Buick ID. 83703

[✓] New Claimant(s): Vancouver Corporation

[✓] New Mailing Address: 3222 South Pass Court

Buick ID. 83705

New Telephone Number: (208) 384-0414

[✓] Does the change in ownership result in a splitting of the water right claimed? ✓ yes no

If yes, then describe the portion of the water right that is now claimed by the new owner:

For A63-02103 - all except 50% of domestic (on .02 cfs) for home & yard in 555W S.21 goes to new owner

Other claims A63-04037 & A63-21875 are conveyed in entirety.

[✓] 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 claimant.)

[✓] Signature of New Claimant(s): Mari Montgomery Jordan
President

Date: 6/18/90

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JUN 18 1990

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

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: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

WARRANTY DEED

FOR VALUE RECEIVED, VICTOR L. NIBLER and RUTH NIBLER, husband and wife (the "Grantor"), does hereby grant, bargain, sell and convey unto VANCROFT CORPORATION, an Idaho corporation whose address is 3222 South Pass Court, Boise, Idaho 83705 (the "Grantee"), the real property located in Ada County, Idaho, and described on Exhibit A hereto and incorporated herein, together with its appurtenances, including any and all water rights, (hereinafter the "Premises").

The Grantor does hereby covenant to and with the Grantee, that Grantor is the owner in fee simple of the Premises; that the Premises are free and clear from all encumbrances except as set forth on Exhibit B attached hereto and incorporated herein (the "Permitted Exceptions") and that Grantor will warrant and defend the same from all other claims whatsoever.

TO HAVE AND TO HOLD the Premises unto the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed effective this 8 day of June, 1990.

Ada County, Idaho ss
Request of

"Grantor"

SECURITY TITLE
TIME 10:45 A.M.

DATE 6-11-90

JOHN BASTIDA
RECORDER

By

Deputy

Victor L. Nibler

Ruth E. Nibler

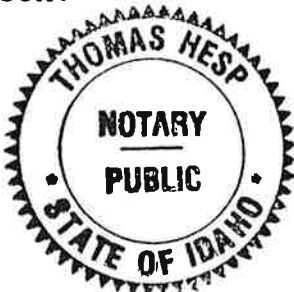
STATE OF IDAHO

County of Ada

ss.

On this 8 day of June, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Victor L. Nibler and Ruth E. Nibler, husband and wife, 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.

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



Thomas Hesp

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 11/29/95

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MAY 17 2004

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EXHIBIT A

DESCRIPTION OF PROPERTY

The NW 1/4, and the W 1/2 NE 1/4, Section 28, and the SW 1/4 and the W 1/2 SE 1/4, and the W 1/2 NE 1/4, and the NE 1/4 NE 1/4, Section 21, Township 4N, Range 2E, Boise Meridian, Boise, Ada County, Idaho excepting therefrom the following:

Commencing at the Quarter corner common to Section 28 and 29, T. 4N, R. 2E, B.M.; thence South 89°53' East 50 feet to the REAL PLACE OF BEGINNING; Thence North 497.3 feet; thence North 8°58'40" East 464.16 feet; thence North 43°06' East 870.8 feet; thence South 58°14' East 1632.0 feet; thence South 39°23' West 951.72 feet; thence North 89°53' West 1451.2 feet to the REAL PLACE OF BEGINNING. A parcel of land containing 50.58 acres, more or less. (SEE WARRANTY DEED, Instrument No. 404319, December 6, 1956.)

And further excepting therefrom the following:

Commencing at the Quarter corner common to Section 28 and 29, T. 4N, R. 2E, B.M.; thence North along the Section line 898.2 feet to an iron pin, the REAL PLACE OF BEGINNING; thence North 301.3 feet to an iron pin; thence South 46°54' East 205.9 feet to an iron pin; thence South 43°06' West 220.0 feet to the PLACE OF BEGINNING. A parcel of land containing 0.52 acres, more or less. (SEE WARRANTY DEED, Instrument No. 506934, July 10, 1961.)

And further excepting therefrom the following:

Commencing at the Southwest corner of the Northwest 1/4 of Section 28, T. 4N, R. 2E, B.M.; thence North 00°30'30" East along the West Section Line of said Section 28, a distance of 87.38 feet to a point, also said point being the REAL POINT OF BEGINNING; thence South 53°30'30" East, a distance of 9.28 feet to a point; thence South 40°45'40" East, a distance of 64.43 feet to a point; thence North 0°30'30" East, a distance of 463.69 feet to a point; thence North 09°30'12" East, a distance of 464.17 feet to a point; thence North 43°37'00" East, a distance of 870.80 feet to a point; thence North 46°23'00" West, a distance of 50.23 feet to a point; thence South 43°37'00" West, a distance of 996.51 feet to a point; thence South 00°30'30" West, a distance of 810.82 feet to the REAL POINT OF BEGINNING.

A parcel of land containing 2.4039 acres, more or less. (SEE QUITCLAIM DEED, Instrument No. 8710730.)

And further excepting therefrom the following:

Commencing at the Brass Cap marking the Southwest corner of the North 1/2 of Section 28, T. 4N, R. 2E, B.M.; thence South 89°39'23" East 4034.27 feet along the Southerly boundary of the said North 1/2 of Section 28 to an iron pin marking the Southeast corner of the West 1/2 of the Northeast 1/4 of the said Section 28; thence North 00°01'58" East 2644.81 feet along the Easterly boundary of the said West 1/2 of the Northeast 1/4 of Section 28 to an iron pin, marking the Southeast corner of the West 1/2 of the Southeast 1/4 of the said Section 21; thence North 68°49'12" West 1498.94 feet to a point, also said point being the REAL POINT OF BEGINNING; thence North 77°41' East 162.90 feet to a point; thence South 24°14' East 163.90 feet to a point; thence South 09°44' East 116.70 feet to a point; thence South 25°51' East 66.40 feet to a point; thence South 32°30' West 45.10 feet to a point; thence South 82°13' West 64.70 feet to a point; thence South 76°23' West 83.60 feet to a point; thence South 84°38' West 74.61 feet to a point; thence South 72°11' West 161.01 feet to a point; thence North 02°37'32" West 280.03 feet to a point; thence North 45°31' East 189.06 feet to the POINT OF BEGINNING. A parcel of land containing 2.4039 acres, more or less. (SEE WARRANTY DEED, Instrument No. 8742940.)

And further excepting therefrom the following:

NIBLER'S 4 ACRE HOMESITE

Commencing at the Section corner common to Sections 20, 21, 28 and 29, T. 4N, R. 2E, B.M.; Thence S 89°26'15" E. 1875.64 feet along the line common to Sections 21 and 28 to a point on the Southwesterly property line of this parcel, said point being the REAL POINT OF BEGINNING; Thence N. 35°30'51" W. 116.81 feet to a point; Thence N. 54°29'09" E. 427.89 feet to a point; Thence S. 35°30'51" E. 398.67 feet to a point; Thence along a curve to the right 51.76 feet, having a central angle of 19°07'56", a radius of 155.00 feet, tangents of 26.12 feet, and a chord of 51.52 feet which bears S. 38°26'59" W. to a point; Thence S. 48°00'57" W. 62.81 feet to a point; Thence along a curve to the right 111.04 feet, having a central angle of 16°57'56", a radius of 375.00 feet, tangents of 55.93 feet, and a chord of 110.63 feet which bears S. 56°29'55" E. to a point; Thence S. 64°58'53" W. 208.90 feet to a point; Thence N. 35°30'51" W. 261.23 feet to the REAL POINT OF BEGINNING.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 1990 and subsequent years.
2. Reservations in U.S. Patent recorded in Book 1 of Patents at Page 60, Book 4 of Patents at Page 5, Book 6 of Patents at Page 78, Book 6 of Patents at Page 104, Book 6 of Patents at Page 112, as follows: "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with local customs, laws and decisions of Courts, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law ... and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States."
3. Power line easement as granted by Frank Dobson and Lulu B. Dobson, his wife to Idaho Power Company, a corporation, by instrument recorded September 19, 1930, in Book 12 of Miscellaneous at Page 437, as Instrument No. 141535, of Official Records; including the right from time to time to cut, trim, and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation, or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. The exact location and extent of said easement is not disclosed of record.
4. Power line easement as granted by Frank Dobson and Lulu B. Dobson, his wife to Idaho Power Company, a corporation, by instrument recorded February 27, 1931, in Book 12 of Miscellaneous at Page 547 as Instrument No. 143612, of Official Records; including the right from time to time to cut, trim, and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation, or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. The exact location and extent of said easement is not disclosed of record.
5. Power line easement as granted by Western Loan & Investment Co. to Idaho Power Company, a corporation, by instrument recorded March 18, 1939, in Book 16 of Miscellaneous at Page 223, as Instrument No. 188931, of Official Records; including the right from time to time to cut, trim, and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation, or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. The exact location and extent of said easement is not disclosed of record.

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6. Easement as granted by Victor L. Nibler and Ruth E. Nibler to The Mountain States Telephone and Telegraph Company by instrument recorded March 2, 1967, as Instrument No. 659097, of Official Records; for operation, maintenance and repair of its lines. The exact location and extent of said easement is not disclosed of record.
7. An easement for the purpose shown below and rights incidental thereto as contained in a document.
Purpose: sewer and water lines and other utility facilities, whether above ground or underground and a road and related improvements providing public ingress to and egress from
Recorded: August 23, 1978
Instrument No.: 7845243 of Official Records
The exact location and extent of said easement is not disclosed of record.
8. An easement for the purpose shown below and rights incidental thereto as contained in a document.
Purpose: access and utilities
Recorded: July 24, 1987
Instrument No.: 8742940 of Official Records
The exact location and extent of said easement is not disclosed of record.
9. Power line easement as granted by Victor L. Nibler and Ruth E. Nibler, his wife to Idaho Power Company, a corporation, by instrument recorded October 1, 1987, as Instrument No. 8755532, of Official Records ... including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
10. Power line easement as granted by Victor L. Nibler and Ruth E. Nibler, his wife to Idaho Power Company, a corporation, by instrument recorded November 18, 1983, as Instrument No. 8362310, of Official Records ... including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
11. An easement for the purpose shown below and rights incidental thereto as contained in a document.
Purpose: locating, establishing, constructing,

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AUG 18 1992

maintaining, repairing, and operating
underground sanitary sewer lines

Recorded: January 14, 1988

Instrument No.: 8802157 of Official Records

Said instrument was corrected and recorded October 12, 1988 as
Instrument No. 8850182.

12. Underground power line easement as granted by Victor L. Nibler and Ruth E. Nibler, his wife to Idaho Power Company, a corporation by instrument recorded May 2, 1988 as Instrument No. 8820687 of Official Records.

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AUG 18 1992

MEMORANDUM TO CLAIM FILES

TO: CLAIM FILE NOS. 63-2103A & B
FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: BASIS FOR RECOMMENDATION
DATE: 3/24/2005
CC:

Water rt. # 63-2103 was a license with a priority date of 1909, irrigation and domestic uses, source was an unnamed spring with the pod in the SWSW sec 21, T4N R2E and the pou in the SWSE sec 21 for use on 5 acres.

When Victor Nibler sold property to Vancroft, he conveyed a portion of this license. The ownership change documents are not clear as to where the places of use are that were conveyed. The claims state that the claims represent an accomplished change in pou in 1983. The claims were later conveyed to Robert Donnelly.

The claims are messed up and do not represent the license at all.

63-2103A

63-2103A is claimed for 0.02 cfs for a home and yard in NWSWSW Sec. 21. I reviewed aerial photos from 1939, 1964, 1987 and 1994 – no home was present in the claimed location. The QQ section is in the foothills and there has been no development. All uses were licensed in the SWSE of Sec. 21 and because domestic uses cannot be transferred, I will recommend the A portion as disallowed.

63-2103B

I reviewed aerial photos from 1939, 1964, 1987 and 1994 – no home was present in the claimed location - SWSW of Sec. 21. Nor was a home evident in the aerial in the licensed QQ, SWSE Sec. 21. I don't think the domestic use was developed under this license. If it was, it was forfeited somewhere prior to 1939.

Re the licensed irrigation use – there is clearly irrigation in the SWSE Sec. 21. The claim states that the irrigation is used on the Quail Hollow Golf Course and the irrigation use in this QQ has been claimed under 63-4037 and 63-21875, both used on the golf course. I will recommend the irrigation portion with combined use limits when used with 63-4037, 63-21875 and 63-9758.

VLM

Ron's map of
Metes + bounds
for deed.

Parcel II

S21

NWSWSW

Parcel I

1987 NAPP PHOTO
T04N, R02E

NWNW

A63-02103B

NENW

S28

03/24/2005

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

RIGHT NUMBER: 63-2103B

NAME AND ADDRESS: ROBERT M DONNELLY
4705 N 36TH
BOISE ID 83703

KATHLEEN M DONNELLY
4705 N 36TH
BOISE ID 83703

SOURCE: SPRINGS

TRIBUTARY: STEWART GULCH CREEK

QUANTITY: 0.080 CFS

1 Gfs 63-4037
(Rights 63-2103B, 63-4307, 63-21875 AND 63-8758 when combined shall not exceed a total diversion rate of 2.20 cfs and the irrigation of 110 acres.)

PRIORITY DATE: 06/03/1909

POINT OF DIVERSION:

T04N R02E S21 SWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03/01 11/15	0.080 CFS
<i>add</i>	<i>domestic</i>	<i>02</i>	
PLACE OF USE:	IRRIGATION Within ADA County		
	T04N R02E S28 NENW 0.1	T04N R02E S28 NWNW 4.0	

4.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

THE PLACE OF USE IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

6/29/05
Mr. Donnelly - bought from Vancraft 8-5 yrs. House was there then. Bulldozed & will be rebuilt.
46- N 36th
4650 N 36th - barn associated w/ the house

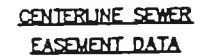
Water Right 63-2103B

R6060420350

PORTIONS OF THE SW 1/4 OF SECTION 21, THE WEST 1/2 OF
THE SE 1/4 OF SECTION 21, AND THE NW 1/4 OF SECTION 28;
AND ALL OF THE WEST 1/2 OF THE NE 1/4 OF SECTION 28.
T.4N., R.2E., B.M., ADA COUNTY, IDAHO

500 250 0 500 1000 1500

SCALE IN FEET



LINE	BEARING	DISTANCE
1	N 49° 30' 38" E	202.23
2	N 68° 41' 44" E	399.58
3	N 66° 13' 01" E	332.63
4	N 62° 32' 38" E	376.17
5	N 24° 27' 09" E	409.16
6	N 22° 46' 35" E	41E.37
7	N 45° 03' 23" E	285.53

1. All lots are hereby designated:
 - a. For public utilities, drainage, lights over the ten (10) foot or this easement shall not preclude surfaced driveways and walkways.
2. Building setback dimensions in the applicable zoning require Ada County, Idaho in effect building permit.
3. Zoning Regulations of this plat:
4. This subdivision is in effect if water will not be provided to:
5. Restricted Access: Except for and 3, Block 2, no lots in this primary access to M. 36th way, specifically approved by the Ada restricted access shall not preclude maintenance equipment from:
6. No new separate principles: This subdivision shall not be specific. This restriction shall not be of a minor accessory or maintenance dwellings or the golf course, are obtained.
7. All new development within the requirements of the Boise City, and Chapter 70 of the:
8. Except for accessory, are new development, are improvements to Ada County, 36th way, both adjacent to the southerly of the proposed the plot.
9. Lots 1 and 3, Block 2 are to the Northwest Boise Sewer
10. All lots fronting 36th way, temporary construction easement widening and improvement of easement to exist upon the completion shall be of varying: section of state roadway proper to one (1) vertical.

LEG
Initial F.
Golv. Pipe
Found E:
Found W:
Set 5/8"
Set 1/2"
Found S,
Found N,
— Boundary
— Section:
— 1/4 Sect
— 1/16 Sect
— Easement:

NOT



http://208.186.142.152 - Ada County Assessor--- Microsoft Internet Explorer

**Ada County Assessor**

Open Table in Spreadsheet - Excel

Zoom	Parcel	Category	Street Address	Description	Zoning	Tax Code	Acres	Total Value	Year
1	R6060420350	Bare_Land	N 36TH ST BOISE, ID 83703-0000	PAR #0350 OF LOT 3 BLK 1 NIBLER SUB	R-1A	02-10	0.23	31500	2005

End of Results

Legend First Parcel Key Map Bookmarks Create PDF Help Exit

Map Legend

Setting

Major Streets

MINOR ARTERIAL

MAJOR COLLECTOR

SECTION

PRINCIPAL ARTERIAL

INTERSTATE

Other

Minor Streets

LOCAL

PARKS

PRIVATE

RESIDENTIAL

Other

Street Names (minor)

Addresses

☐ Parcels

☐ Ada-OQ2003

☐ Schools

☐ Parks

☐ City Limits

☐ Kuna

☐ Boise

☐ Garden City

☐ Eagle

☐ Star



Map center: 43° 39' 38.17" N, 116° 13' 41.7" W

Powered by GeoCortex

Scale: 1:438 go Map Tool: Zoom In Active Layer: Parcels

Cursor Location: 2498645.01251815, 727341.9719991293 Internet

Done Internet

start

Contacts - Mic...

Microsoft Outlook

Ada County As...

http://208.186....

ArcView GIS 3.2a

Document1 - M...

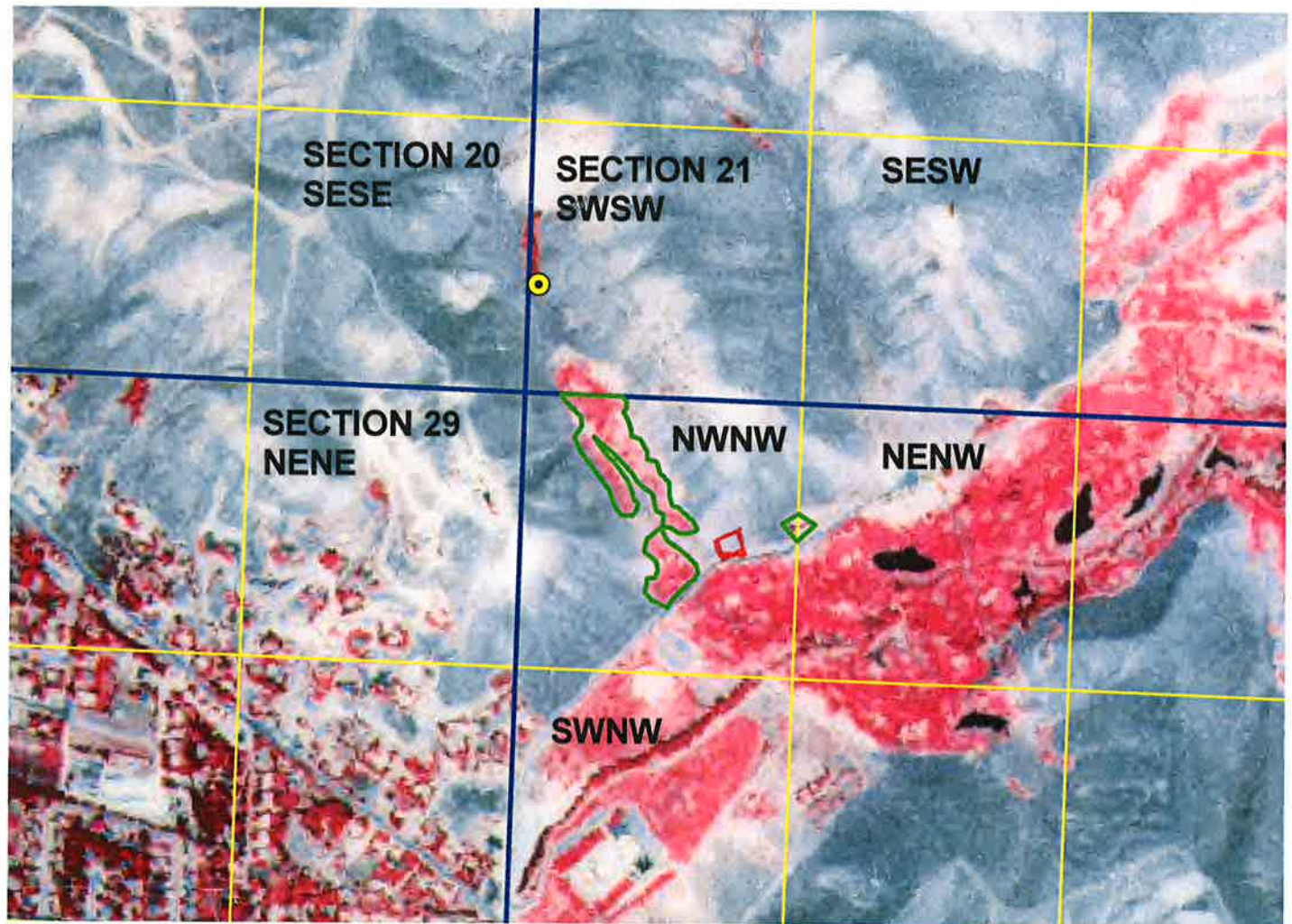
8:57 AM



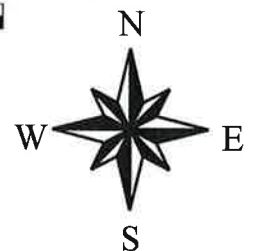
State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTIONS 21 and 28
Water Right (s): 63-2103B

*view note: this
may be returned by
claimant to cates
domestic row is
a different from
a claimed.*



1320 0 1320 2640 Feet



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: March 2005

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2103B

03/24/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-2103	Claim	04N	02E	21	SW	SW		SPRINGS STEWART GULCH CREEK	RUTH E NIBLER
63-2103A	Claim	04N	02E	21	SW	SW		SPRINGS STEWART GULCH CREEK	ROBERT M DONNELLY
63-2103B	Claim	04N	02E	21	SW	SW		SPRINGS STEWART GULCH CREEK	ROBERT M DONNELLY
63-2103	Water Right	04N	02E	21	SW	SW		SPRINGS	LEONARD DOBSON

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2103B**

03/24/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-2103B	Claim	04N	02E	28	NE	NW		IRRIGATION	1/5	ROBERT M DONNELLY
63-4037	Claim	04N	02E	28	NE	NW		IRRIGATION	5/60	VANCROFT CORP
63-21875	Claim	04N	02E	28	NE	NW		IRRIGATION	10/55	VANCROFT CORP
63-4037	Water Right	04N	02E	28	NE	NW		IRRIGATION	5/60	VICTOR L NIBLER
63-9758	Water Right	04N	02E	28	NE	NW		IRRIGATION	31/110	DAVID HENDRICKSON
63-2576	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2605	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2874	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2954	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2956	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2989	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-3164	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7067	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7577	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7998	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-19456	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2103B	Claim	04N	02E	28	NE	NW		DOMESTIC		ROBERT M DONNELLY
63-2103B	Claim	04N	02E	28	NW	NW		IRRIGATION	4/5	ROBERT M DONNELLY
63-4037	Claim	04N	02E	28	NW	NW		IRRIGATION	20/60	VANCROFT CORP
63-4037	Water Right	04N	02E	28	NW	NW		IRRIGATION	20/60	VICTOR L NIBLER
63-9758	Water Right	04N	02E	28	NW	NW		IRRIGATION	17/110	DAVID HENDRICKSON
63-2576	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2605	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2874	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2954	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2956	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2989	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-3164	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2103B

03/24/2005

2

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-7067	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7577	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7998	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-19456	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 03-2103 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?

Priority date, per claimant, is: _____

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

Source: unnamed spring 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? _____

location from old license

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

*see licensed & claims***OVERLAP REVIEW**Other water rights with the same point of diversion: *no*

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

*NA***WATER USES**☒ No change☐ Different Uses*delete*Use *dom* From _____ To _____ Amount _____ CFS _____ AFA _____Use *irr* From *3/1* To *11/15* Amount *-1* CFS *22.5* AFA _____

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

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount *NA* CFS _____ AFA _____☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change*no domestic use*☒ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:*acc. inf in POU in x 1203*

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: 63-4037, 63-21875, 63-9758

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

Delivery System Narrative: see claims & licenses 63-2103 and 63-9758

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

acc box in POU 1993

POU Quail Hollow Golf Course

Q when combined w/ 63-4037, 63-21875 & 63-9758

not > .02 cfs & 4.5 acs.

ACRES when combined w/ 4037, 21875, 9758 = 100 acres.

per ADA CO-
Assessed ✓
23 al.
no house

see memo in file

Dom. use probably intended for parcel # R6060420350
or 0060420332?
to 2AC.

AFTER EXAM THE FILE SHOULD CONTAIN:

- NA C
- ☒ 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:

3/29/05

FIELD EXAMINER:

Wick VMLC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2103B

WATER RIGHT NUMBER: 63-2103B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT M DONNELLY 4705 N 36TH BOISE, ID 83703 (208)344-6397
Original Owner	LEONARD DOBSON BOISE, ID
Original Owner	RUTH E NIBLER BOISE, ID 83703
Current Owner	KATHLEEN M DONNELLY 4705 N 36TH BOISE, ID 83703 (208)344-6397
Original Owner	VANCROFT CORP 3222 S PASS COURT BOISE, ID 83705 (208)384-0414
Original Owner	VICTOR L NIBLER 4705 N 36 BOISE, ID 83703 (208)342-6333

Priority Date: 06/03/1909

Basis: License

Status: Active

Source

SPRINGS

Tributary

STEWART GULCH CREEK

Beneficial Use

DOMESTIC

IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
1/01	to 12/31	0.020 CFS	
3/15	to 11/15	0.100 CFS	
<u>Total Diversion:</u>		0.100 CFS	

Location of Point(s) of Diversion

SPRINGS

ADA County

NW1/4SW1/4SW1/4

Sec. 21, Twp 04N, Rge 02E, B.M.

Place of Use

DOMESTIC Within ADA County

T04N R02E S28 NENW

IRRIGATION Within ADA County

T04N R02E S28 NENW 1.0

T04N R02E S28 NWNW 4.0

Total Acres: 5

no shoulder remark
3/1 - 11/15

0.092
10.45
22.5
22.5
0.092

4.1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2103B

Conditions of Approval:

Remarks:

1. General IRRIGATION PLACE OF USE CHANGE OCCURRED ABOUT 1983 & CLAIM REPRESENTS A TRANSFER. DOMESTIC USE FOR 2 HOMES UNDER ONE OWNER. DOMESTIC USE IN S.21 INCLUDES HOME & YARD. DOMESTIC USE IN S.28 IS INTERNAL & 1 ACRE IRRIGATION COVERS LARGE YARD AREA. FOUR ACRES OF IRRIGATION IN NWNW S.28 ARE PART OF QUAIL HOLLOW GOLF COURSE & ALSO IRRIGATED BY 2 NIBLER WELLS & GGRANDFATHER USE FROM STEWART GULCH (IN PROCESS OF FILING B.U. CLAIM FOR STEWART GULCH) DOMESTIC USE DESCRIBED IN CLAIM IS A CLARIFICATION OF LICENSE & DOES NOT REPRESENT ADDITIONAL WATER OR USES.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-02103, FEE PAID UNDER RECEIPT NO. W011756. LW 8-17-90.
2. General Ownership changed by DB 5/17/2004
3. Explanatory Property also known as: Lot 2, Blk 1; Lot 6 Blk 1; Lot 1, Blk 2 of Nibler Subdivision.

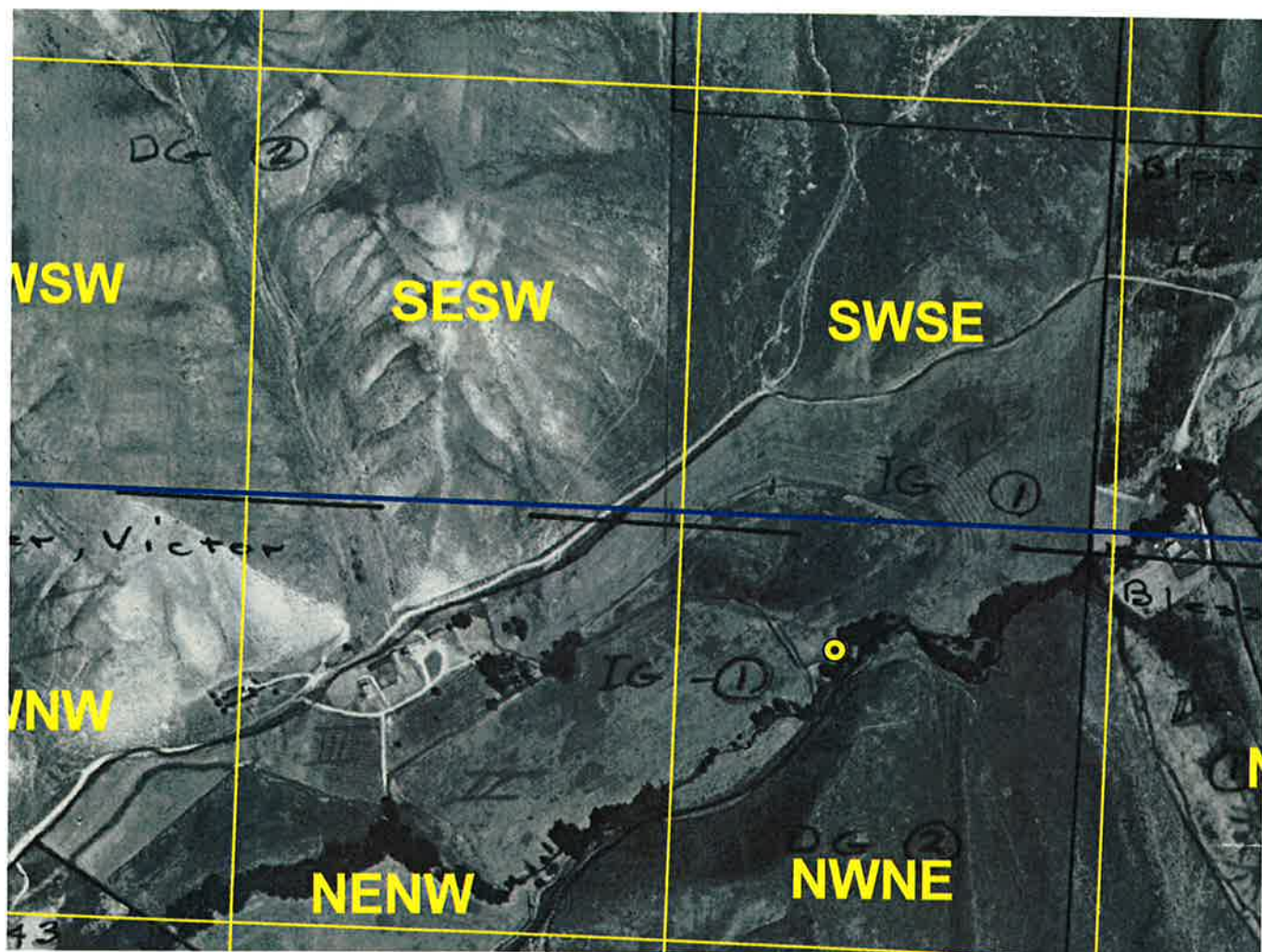
Comments:

when combined w/ 63-4037, 63-21875 & 63-9758
not to > .02 cfs/ac. \$ 4.5 afa
acc. tax in PM- 1983

Verification Log:

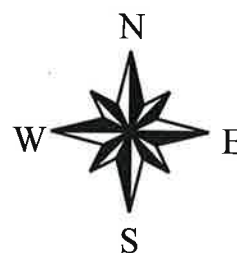
<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

quail hollow view - 63-2103 license review.
Claimed by R Donnelly for 2 homes and
irrigation of golf course. Acc trx of irrigation in 1983.



63-2103 --1939 aerial - no homes in SWSE Sec 21.
 Domestic portion of license not developed or
 forfeited for non use from 1939 until claim was filed in 1990.

- B63p2pod.shp
- Section.shp
- Townrange.shp
- T04n02e.shp
- Quarter.shp



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2103B

WATER RIGHT NUMBER: 63-2103B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT M DONNELLY 4705 N 36TH BOISE, ID 83703 (208)344-6397
Original Owner	LEONARD DOBSON BOISE, ID
Original Owner	RUTH E NIBLER BOISE, ID 83703
Current Owner	KATHLEEN M DONNELLY 4705 N 36TH BOISE, ID 83703 (208)344-6397
Original Owner	VANCROFT CORPORATION 3222 S PASS COURT BOISE, ID 83705 (208)384-0414
Original Owner	VICTOR L NIBLER 4705 N 36 BOISE, ID 83703 (208)342-6333

Priority Date: 06/03/1909

Basis: License

Status: Active

Source

SPRINGS

Tributary

STEWART GULCH CREEK

Beneficial Use

DOMESTIC

IRRIGATION

From To

1/01 to 12/31

3/15 to 11/15

Diversion Rate

0.020 CFS

0.100 CFS

Annual VolumeTotal Diversion: 0.100 CFSLocation of Point(s) of Diversion

SPRINGS

ADA County

NW1/4SW1/4

Sec. 21, Twp 04N, Rge 02E, B.M.

Place of UseDOMESTIC Within ADA County

T04N R02E S28 NENW

IRRIGATION Within ADA County

T04N R02E S28 NENW 1.0 T04N R02E S28 NWNW 4.0

Total Acres: 5

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2103B

Conditions of Approval:

Remarks:

1. General IRRIGATION PLACE OF USE CHANGE OCCURRED ABOUT 1983 & CLAIM REPRESENTS A TRANSFER. DOMESTIC USE FOR 2 HOMES UNDER ONE OWNER. DOMESTIC USE IN S.21 INCLUDES HOME & YARD. DOMESTIC USE IN S.28 IS INTERNAL & 1 ACRE IRRIGATION COVERS LARGE YARD AREA. FOUR ACRES OF IRRIGATION IN NWNW S.28 ARE PART OF QUAIL HOLLOW GOLF COURSE & ALSO IRRIGATED BY 2 NIBLER WELLS & GGRANDFATHER USE FROM STEWART GULCH (IN PROCESS OF FILING B.U. CLAIM FOR STEWART GULCH) DOMESTIC USE DESCRIBED IN CLAIM IS A CLARIFICATION OF LICENSE & DOES NOT REPRESENT ADDITIONAL WATER OR USES.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-02103, FEE PAID UNDER RECEIPT NO. W011756. LW 8-17-90.
2. General Ownership changed by DB 5/17/2004
3. Explanatory Property also known as: Lot 2, Blk 1; Lot 6 Blk 1; Lot 1, Blk 2 of Nibler Subdivision.

Comments:

 Ada County *
 Unnamed springs *
 Irrigation and domestic *
 1/10 of 1 cu. ft. per sec. *
 Priority 6-3-1909 *

S T A T E O F I D A H O

Water License No. 4739

WHEREAS, On the 3rd day of June, A. D. 1909, LEONARD DOBSON, of Boise, R. F. D. #5, County of Ada, State of Idaho, duly made application (No. 6794) to me for a permit to use 8/10 of one cubic foot per second of the waters of an unnamed springs, County of Ada, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 7th day of June, A. D. 1909, Permit No. 4739, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 7th day of June, A. D. 1910, and for the application to beneficial use of said water on or before the 7th day of June, A. D. 1911, and,

WHEREAS, On the 7th day of June, A. D. 1910, LEONARD DOBSON, the holder of said permit duly made proof of the completion of adequate works for the diversion of 8/10 of one cubic foot per second of said waters, as evidenced by my Certificate No. 4739, dated October 30th, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 8/10 of one cubic foot per second of water, with date of priority of June 3rd, 1909, and,

WHEREAS, On the 7th day of June, A. D. 1910, LEONARD DOBSON, the holder of said permit duly made proof of the application to beneficial use of 1/10 of one cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to LEONARD DOBSON, of Boise, County of Ada, State of Idaho, the holder and owner of said Permit No. 4739, a perpetual right, dating from June 3rd, 1909, to the use of 1/10 of one cubic foot per second of the waters of unnamed springs, in the County Ada, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 21, Township 4 North, Range 2, East of the Boise Meridian, and conducted to and upon 5 acres in the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 21, Township 4 North, Range 2, East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 30th day of October, A. D. Nineteen hundred and eleven.

A. E. Robinson,
 State Engineer

63 2103

(SEAL)

application
 was BCF for
 no apps.

02
 PR
 5ac?

1 cfs 140ac.
 no 504

POD:
 SWSE 21

POU:
 SWSE 21

no house in
 SWSE 21
 in 1939
 1964?
 may be 2
 houses in NW 1/4
 (map could be
 wrong)

No. 6794.

63-2103

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Leonard Dobson.

Postoffice address: Boise, R.F.D. No. 5.

County: Ada

State: Idaho

2. The quantity of water claimed is equivalent to a flow of .8 cubic foot per second.

3. Source of water supply: Unnamed springs.

County of Ada

4. Location of point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, T. 4 N.R. 2 E.B.M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 40 acres.

(b) In the following legal subdivisions: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21, T. 4 N.R. 2 E.B.M.

6. Estimated cost of works: About \$250.00

7. Description of works for diversion:

I. Kind of works: Pipe from springs to point of use.

II. Dimensions of works;

(a) Conduit pipe. Diameter of pipe: 1 inch. Average grade per mile is 100 feet.

Length of conduit is 1/2 mile, and it crosses the following quarter sections

SW $\frac{1}{4}$ Sec. 21, T. 4 N.R. 2 E.B.M., to land described in 5 I (b) above which is the point of intended use.

8. The time required for the completion of the construction of such work is 1 year.

9. Time required for the complete application of the water to the proposed use is 1 additional year.

BE IT KNOWN, That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Leonard Dobson.

Applicant.

By E.E. Garrett..Agent.

APPROVAL OF STATE ENGINEER.

The number of this permit is 4739.

Date of first receipt of application: 10.30 a.m. June 3, 1909.

Returned to applicant for correction: June 4, 1909.

Corrected applicant received: June 7, 1909

Recorded in Book 13. Page 4739. Approved June 7, 1909

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

Work to begin on or before August 6, 1909, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 7, 1909.

The whole of said work to be completed on or before June 7, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to June 7, 1911.

Witness my hand this seventh day of June, 1909.

Jas. Stephenson, Jr.

State Engineer.

Printed and for sale by the Statesman Printing Co., Boise, Idaho.

-SEC.

SEC.

-SEG-

- SEC-

-SEG-

Гр. 4	и	в	2	с	вм
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-SEC-

SEC

SEC.

- SEC-

SEC.

SEC

SEC.

SEC

SEC:

SEG

- SEC

-SEE-

4739