

5/8 NC

FND 5/8" PIN

FND 1/2" PIN
IN FENCE CORNER

1332.26

32

EXHIBIT

N

FOIE b7D

PROPERTY LINE

FENCE LINE

80.02 ACRES

FOR COPY

80.02 ACRES

POOR COPY

FOXTAIL GOLF COURSE

DE

2615.67

N00°40'31"E

2656.13'

LOT 24 BLK 1

PROPERTY LINE

2.95

FOUR LEAD PLUG & TACK

PROPERTY LINE

PK/WASHER

2.95

40.00

PK

DETAIL

FND. 15M W.M. R/W
PC 892+80.3
40.00

C-1

10.0'

2.1'

C-2

FND. S/S PLS 5082

34.71'

5.75'

1/4 COR. CPF 8140927

1/4 COR. CPF 96069243

MICROFILMED

DEC 02 1999
CORNER

N89°22'50"W
1264.96'

FOUND LEAD PLUG & TACK.
BODILY AND BUNDENSON SPRINGS SUB. NO. 2

SET P.K. ON SECTION LINE

508,2447

102715'22"

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12092

Priority: January 14, 1994

Maximum Diversion Rate:

1.60 CFS

This is to certify, that WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	1.60 CFS

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 24, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 01W 24	NESW 40.0	SESW 40.0		80.0

Total number of acres irrigated: 80.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

RECORDED

2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12092

CONDITIONS OF APPROVAL AND REMARKS

8. The right holder shall mitigate the groundwater diversion authorized under this right by directing water diverted from the Boise River under existing water rights into unlined ponds and causing it to seep into the ground. The volume of water directed into the ponds for mitigation purposes shall equal or exceed the volume of groundwater diverted under this right each year. The ponds shall be modified and/or constructed and the seepage shall be quantified in accordance with the plan proposed in a letter from Scanlan Engineering dated November 10, 1999. If the proposed mitigation proves to be inadequate or cannot be maintained, the Director retains jurisdiction to require modifications to maintain sufficient recharge in order to offset diversion from the aquifer under this right.
9. The Director retains jurisdiction to require measurement and reporting of the amount of surface water supplied to the ponds for mitigation purposes.
10. Water bearing zone to be appropriated is 157 to 172 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

29th day of November, 1999.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED
SEP 8 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT TO APPROPRIATE)
WATER NO. 63-12092 IN THE NAME OF)
WILSON PROPERTIES LP)
_____)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a permit to appropriate water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On November 18, 1999, the Department issued Permit to Appropriate Water No. 63-12092 (permit) to Wilson Properties LP (right holder) for the diversion and use of 1.60 cfs of ground water to irrigate 80 acres in Ada County.
2. The permit was issued as a preliminary order (order) of the Department pursuant to §67-5243, *Idaho Code*, and Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).
3. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) provides in pertinent part as follows:

Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

4. On November 26, 1999, the Department received a petition for reconsideration of the order (petition) from a representative of the right holder. In the petition the right holder's representative asks IDWR to change two of the approval conditions listed on the permit.

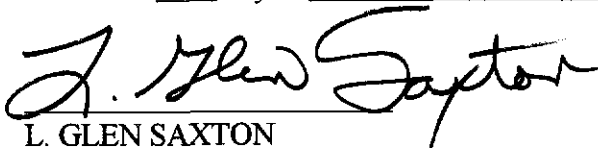
CONCLUSIONS OF LAW

1. The petition was filed timely.
2. The Department should grant the petition to provide an opportunity for evaluating the changes requested by the right holder.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order issuing Permit to Appropriate Water No. 63-12092 is **GRANTED** pursuant to §67-5243, *Idaho Code*.

Dated this 29th day of November, 1999.


L. GLEN SAXTON
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12092

Priority: January 14, 1994

Maximum Diversion Rate:

1.60 CFS

This is to certify, that WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 11/15	1.60 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 24, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01W	24	NESW 40.0	SESW 40.0		80.0

Total number of acres irrigated: 80.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2000.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

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SEP 5 1995

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12092

CONDITIONS OF APPROVAL AND REMARKS

8. The right holder shall mitigate the groundwater diversion authorized under this right by directing water diverted from the Boise River under existing water rights into unlined ponds and causing it to seep into the ground. The volume of water directed into the ponds for mitigation purposes shall equal or exceed the volume of groundwater diverted under this right each year. The ponds shall be modified and/or constructed and the seepage shall be quantified in accordance with the plan proposed in a letter from Scanlan Engineering dated November 10, 1999. If the proposed mitigation proves to be inadequate or cannot be maintained, the Director retains jurisdiction to require modifications to maintain sufficient recharge in order to offset diversion from the aquifer under this right.
9. The Director retains jurisdiction to require measurement and reporting of the amount of surface water supplied to the ponds for mitigation purposes.
10. Approval of this right does not authorize the deepening or enlargement of the existing well or the drilling of a new well.
11. Water bearing zone to be appropriated is 157 to 172 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

18th day of September, 1999.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED
JUL 22 1999

Hold

Ident. No. 63-12092

RECEIVED

SEP 27 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED *

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JOHN BOEHM Wilson Properties LP 424-9322
Address: 990 W CHINDEN 1101 W RIVER ST STE 150 208-887-4653
MERIDIAN ID 83642 BOISE ID 83702
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SESW Sec. 24, Township 04N, Range 01W
ADA County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|------------|-------|-------|-----|------|----|
| IRRIGATION | 03/15 | 11/15 | 35 | 1600 | |
5. Total quantity to be appropriated is:
1600 CFS (and/or) AF
35
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
Well, pump, sprinklers
 - Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - Proposed well diameter is 12 1/2 inches; proposed depth of well is 175 feet.
 - Is groundwater with a temperature greater than 85F being sought? NO
 - If well is already drilled, when? 3-21-1994
Drilling Firm Wes/G Phillips Drilling
Well was drilled for John Boehm
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).
8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
04N	01W	24	NESW 40	SESW 40		80

Total number of acres irrigated: 80

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DEC 02 1999

ORIGINAL Application of JAN. 14, 1994

* Revisions per Applicant's info 2/16/99 - 9/22/99.
N'entm updated.

-JL 9/23/99

9. a. Who owns the property at the point of diversion?

APPLICANT

b. Who owns the land to be irrigated or place of use?

APPLICANT

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing. /

10. Remarks: ¹⁵⁷ ¹⁷² WATER BEARING zone to be appropriated is 180 to 240 feet. *
~~Application being held pending withdrawal of drought moratorium~~

11. Map of proposed point of diversion and place of use attached? [✓]

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

John E. Bachman
Applicant

Received by G Date 1/14/94 Time 1 P Preliminary check by CYL/RZ 9/23/99

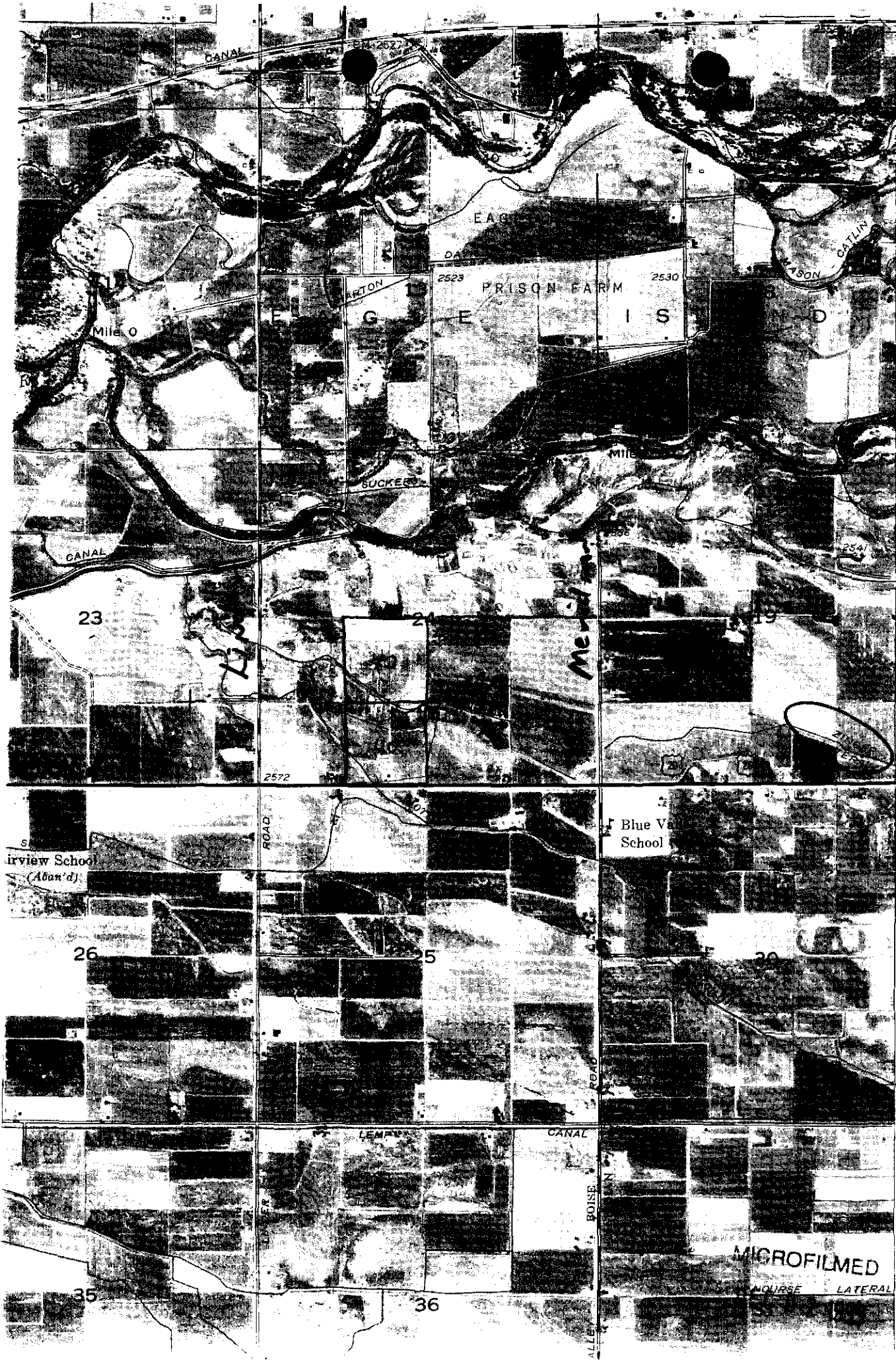
Fee \$ 65 Receipted by G # W017099 Date 1/14/94

Publication prepared by AT Date 2-8-96 Published in Idaho Statesman

Publication approved AT Date 3-7-96

* d'base update per applicant's Response MICROFILMED 3/96
" " " " 8/3/99 INFO
" " " " 8/23/99
DEC 02 1998

also see 9/23/99 Review Memo.



4838
4837
4836
4835
4834
4833
4832

T4N
R1W
Sec 24

NO govt
lots
-jr
6/18/99

63-12092

MICROFILMED
LATERAL

Ident. No. 63-12092

Comments: Date: 9/23/1999 User-ID: SLESTER

Subject: IDWR'S Additional Information

See 9-23-99 Review Memo for mitigation etc. details. Supplemental use at Foxtail Golf course is limited to 23 afa per mitigation via surface water to small ponds.

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SEP 22 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

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DEC 14 1999

Department of Water Resources

December 10, 1999

Todd Crockett
Foxtail Golf Course
990 West Chinden Boulevard
Meridian, ID 83642

Subject: Seepage Test and Mitigation – Water Right Permit 63-12092

Dear Todd:

Thank you for the seepage data that you provided by fax on December 8.

Test Description

I understand that you tested Pond No. 2 (the middle pond of the three-pond system). Testing consisted of isolating inflow and outflow from the pond, and then maintaining the pond level by periodically refilling the pond from the well. A flow meter on the well discharge determined how much water was added. Pond level measurements prior to each refilling were used to determine how much the pond seeped during the 17-day test period.

Evaporation was not measured directly. An evaporation value of 0.10 inches per day is assumed for calculation purposes. There was 0.13 inches of precipitation (rain) during the test period. The precipitation offset a portion of the evaporation loss.

Test data suggest that the Pond No. 2 seepage rate is approximately 1.4 inches per day, and that Pond No. 2 has a surface area of 0.18 acres. Data and calculations are attached.

Mitigation Requirement

Currently, the minimum annual supplemental irrigation requirement at Foxtail Golf Course is approximately 2.5 acre-feet per year. This calculation is based on

- 6-acre supplemental irrigated area (3 acres of greens, 3 acres of tees)
- 0.10 acre-inches per day per acre average application during supplemental irrigation season
- 50-day supplemental irrigation season (March 17 to April 15, October 20 through November 10).

Assuming that the ponds are kept full from March 17 to November 10 (239 days), a seepage rate of 1.4 inches per day will result in 28 acre feet of seepage loss per acre of pond. Therefore, the ponds need to be enlarged by approximately 0.1 acres (4,000 square feet) to mitigate the minimum annual supplemental irrigation requirement of 2.5 acre feet. However, the ponds should

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DEC 29 1999

probably be enlarged by more than 0.1 acres to provide flexibility in water use for both irrigation and early season pond filling.

Please note that the single measurement of Pond No. 3 seepage suggests a seepage rate of approximately 6 inches per day. If Pond No. 3 is enlarged, I suggest an additional seepage test be conducted next year to document seepage rate, as the seepage rate from this pond may be considerable higher than 1.4 inches per day. A higher seepage rate would provide more mitigation and subsequently allow more groundwater pumping.

Recommendations

1. Enlarge the pond system by at least 0.1 acre. Provide documentation of pond enlargement activities (photographs and area measurements) to Idaho Department of Water Resources.
2. Conduct a seepage test of the enlarged pond following the year 2000 irrigation season to more accurately quantify the seepage loss and corresponding mitigation volume.
3. Monitor pumping volume from the well to determine actual mitigation requirement.
4. If pumping volume exceeds mitigation volume, enlarge the pond as necessary.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Shelley Keen – Idaho Department of Water Resources
Charles Wilson – Wilson Properties
Mike Creamer – Givens Pursley

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DEC 24 1999

**FOXTAIL GOLF COURSE
POND NO. 2 SEEPAGE TEST RESULTS**

Date	Assumed Evaporation (inches)	Measured Precipitation (inches)	Pond 2 Change (inches)	Pond 2 Seepage (inches/day)	Water Added (gallons)	Water Added (acre inches)	Calculated Pond Area (Acres)
11/12/99	0.40	0.00	6.75	1.59	33,000	1.215	0.180
11/16/99	0.30	0.05	5.50	1.75	27,400	1.009	0.183
11/19/99	0.30	0.01	3.00	0.90	14,900	0.549	0.183
11/22/99	0.20	0.00	2.75	1.28	13,700	0.505	0.183
11/24/99	0.50	0.08	7.25	1.37			
11/29/99							
Total average	1.70	0.14	25.25	1.39	89,000		

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DEC 24 1999

Nov 5th - Thur 10th Pond #3 dropped 2 1/2 feet

Nov 5th - Thur 8th Pond #2 dropped 6 inches

Pond #2

Nov 12 Filled Pond 13100 gal

Nov 16 Pond 2 dropped 6 3/4 INCHS
filled pond 33000
Precip 0.05"

Nov 19 Pond 2 dropped 5 1/2 INCHS
filled Pond 27400 gal
Precip Trace

Nov 22 Pond 2 dropped 3 INCH
filled Pond 14900 gal

Nov 24 Pond 2 dropped 2 3/4 INCHS
filled Pond 13700 gal

Nov 29 pond 2 dropped 7 1/4 INCHS
filled pond 0 gals
Precip 0.08"

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DEC 2 1966



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

RE: Permit to Appropriate Water No. 63-12092

Dear Permit Holder:

In response to the petition for reconsideration Terry Scanlan submitted last week, the Department of Water Resources (Department) issued the enclosed Order Granting Petition for Reconsideration and has also revised Permit to Appropriate Water No. 63-12092. The revised permit excludes approval condition no. 10 from the original permit and extends the authorized development period under the permit to October 1, 2004. The revised permit, which supersedes the permit issued on November 18, 1999, is an **amended preliminary order** issued by the Department pursuant to section 67-5243, *Idaho Code*. **A preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

If you have questions, please contact me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosures

Cc: Terry Scanlan

RECEIVED

DEC 2 1999

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of December, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right 63-12092

WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702



Kari Lynn Townsend
Secretary

DEC 02 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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DEC 9 2 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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JUN 9 7 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

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NOV 26 1999

Department of Water Resources

November 23, 1999

Shelley Walter Keen
Water Rights Supervisor
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Subject: Preliminary Order – Permit No. 63-12092

Dear Shelley:

On behalf of Wilson Properties LP, this letter requests the following changes or clarification of the Conditions of Approval or Remarks for Permit No. 63-12092.

Condition No. 1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2000. We request that this condition be changed to October 1, 2004. As currently written, this condition would require full development of the permit within less than one year. Foxtail would like to develop mitigation and associated increases in production rate over the next several years.

Condition No. 10. Approval of this right does not authorize the deepening or enlargement of the existing well or the drilling of a new well. We request that this condition be changed to eliminate the words "or enlargement". Foxtail understands that a second well or deepening of the first well will require an amendment to their permit. However, they should be allowed to abandon their existing 6-inch well and replace it with a larger well (i.e., 8-inch, 10-inch, or 12-inch casing) completed to the same depth. A larger well will allow Foxtail to pump at a higher rate as authorized by the permit.

If you have any questions, or require further clarification, please contact me at 383-4140.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

Cc: Charles Wilson
Tad Holloway
Mike Creamer

MICROFILMED

DEC 02 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 19, 1999

DIRK KEMPTHORNE
GOVERNOR

WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12092

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

MICROFILMED

DEC 07 1999

SK:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of **November, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 63-12092

**WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702**


Kari Lynn Townsend
Secretary

MICROFILMED
DEC 22 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

NOV 12 1999

Department of Water Resources

November 10, 1999

Shelley Walter Keen
Water Rights Supervisor
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Subject: Water Appropriation Application No. 63-12092 – Revised Mitigation Plan

Dear Shelley:

On behalf of Wilson Properties LP, thank you for your letter of October 18, 1999 regarding application 63-12092 and the associated mitigation plan. In order to proceed with processing of the permit, Wilson Properties proposes a revised mitigation plan. The new mitigation plan will consist of developing facilities to recharge groundwater on the property. The following steps are proposed.

1. A seepage test of the existing pond system will be conducted in November 1999 to determine pond seepage under existing conditions. The test will consist of filling the existing ponds to normal summer level, and then maintaining the full pond level by intermittently adding water from the well as needed. A flow meter on the well discharge will be used to determine the volume added. The test will be conducted for a two-week period. A rain gage will be monitored during the test period to determine any input from precipitation.
2. The existing pond system will be enlarged. The enlarged area of the pond will provide new mitigation. Mitigation will be estimated based on (1) the additional surface area of pond, (2) the number of days that the ponds hold water in any particular year, and (3) the previously measured seepage rate (inches of seepage per day per acre pond surface).
3. If enlarging the existing pond system does not provide adequate new mitigation to meet the supplemental irrigation needs at Foxtail, one or more new ponds will be excavated on the property. Water for the new pond(s) will be pumped from the existing ponds, either through the pressurized irrigation system or through a separate system. A totalizing flow meter will be used to measure flow into the new pond(s). Meter readings will be recorded on at least an annual basis. After the new pond(s) are initially filled, flow into the pond minus the pond evaporation (3 acre feet annually per acre of pond surface) will be considered to be mitigation water.
4. The amount of groundwater that can be pumped under 63-12092 shall be equal to (1) the calculated seepage rate from the existing ponds multiplied by the added surface area

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gained by enlarging the existing ponds and (2) the amount of water metered into the new pond minus the annual pond evaporation.

5. All excavation will occur within the existing irrigation place of use. Since open water evaporation losses are similar to evapotranspiration from turf, there will be no significant increase in consumptive use associated with the ponds.
6. Upon completion of the new mitigation facilities, measurements and calculations will be provided for your review. If necessary, mitigation calculations will be made each year to verify that the mitigation is adequate. Example calculations are provided on the attached sheet.

The above plan should satisfy the requirements outlined in your letter. We therefore request that you issue the permit based on this mitigation plan. If you have any questions, or require further clarification, please contact me at 383-4140.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

Cc: Charles Wilson
Tad Holloway
Mike Creamer

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DEC 02 1999

Example Mitigation Calculation (all numbers are assumed for example purposes only)

Mitigation from Enlarging Existing Ponds

Existing pond system area = 1.2 acres

Enlarged pond system area = 1.7 acres

Additional pond surface area = 1.7 acres - 1.2 acres = 0.5 acres

Measured seepage rate = 1.5 inches per day

Seepage period March 25 to November 10 (230 days)

Mitigation from pond enlargement = 230 days x 0.5 acres x 1.5 inches per day x 1 foot / 12 inches
= 14.7 acre feet (4.8 million gallons)

Mitigation from New Pond

New pond area = 0.2 acres

Annual evaporation loss = 0.2 acres x 3 feet per acre = 0.6 acre feet

Water added (based on flow meter) = 9 acre feet

Mitigation from New Pond = 9 acre feet - 0.6 acre feet = 8.4 acre feet

Amount that can be pumped under permit 63-12092 in this example is 23.1 acre feet (i.e., 14.7 + 8.4)

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DEC 11 2 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

RE: Application to Appropriate Water No. 63-12092

Dear Applicant:

The Department of Water Resources is processing your application to establish a new ground water right for the irrigation of Foxtail Golf Course when your surface water is not available early and late in the irrigation season. Because you have offered to mitigate for your proposed diversions, your application is being processed despite a hold on new permits for irrigation in the Treasure Valley. The purpose of the processing hold is to preserve the status quo in the Treasure Valley, to the maximum extent possible, while IDWR and other entities, including local city and county governments, study the impacts of population growth on the groundwater resources in the valley.

Your mitigation plan proposes to offset your groundwater diversions by taking credit for allowing 23 acre feet of your surface water to seep into the ground after it is diverted to a series of existing ponds. This practice apparently has been occurring for approximately ten years. The general concept of causing surface water to seep to offset groundwater depletion is acceptable to IDWR as mitigation. However, taking credit for your *historic* practice to offset *new* depletion is inconsistent with the objectives of the processing hold. Therefore, to allow me to continue processing your application, you will need to submit a mitigation plan that offers new recharge to offset the new groundwater depletion proposed in your application. I have already spoken with your engineering consultant, Terry Scanlan, and he indicated that you should be able to offer new mitigation by enlarging your existing ponds or creating new ponds to increase the amount of water seeping into the ground.

Because you will be offering new mitigation, I see no reason to limit your application to 23 acre feet. Instead your permit, if ultimately approved, should authorize you to divert groundwater equal to the additional amount of water that you can cause to seep into the ground each year. Also, I see no reason to restrict your diversion rate to something less than 1.60 cfs, which is the amount identified on your application and in the public notice given for your application.

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DEC 02 1999

Wilson Properties LP
October 18, 1999
Page 2

I will resume processing your application as soon as I receive your revised mitigation proposal. If you have any questions, please contact me at 208-327-7946.

Respectfully,

A handwritten signature in black ink, reading "Shelley Walter Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley Walter Keen
Water Rights Supervisor

CC: Terry Scanlan

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(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
P6312092	T04N R01W S24	GROUNDWATER																			
	:	:																			
		40 : 80																			
6300132K	BOISE RIVE :	02-1 :																			
6300132L	BOISE RIVE :	02-1 :																			
A6300132L	BOISE RIVE :	02-10 :																			
6300133K	BOISE RIVE :	02-1 :																			
6300133L	BOISE RIVE :	02-1 :																			
A6300133L	BOISE RIVE :	10 :																			
A6300134	BOISE R. :	08 : 04 :																			
6300170A	BOISE RIVE :	01-1 : I : I : I :																			
A6300170A	BOISE RIVE :	40 : 40 : 40 : 40 :																			
6300186	BOISE RIVE :	03-1 04-1 :																			
A6300186	BOISE RIVE :	08 : 04 :																			
A6300230F	BOISE RIVE :	08 05 40 40 : 35 35 : 40 40 40 40 : 40 40 40 40 : 480																			
A6300231	BOISE RIVE :	05 05 40 40 : 35 35 : 40 40 40 40 : 40 40 40 40 : 480																			
6302080	UNNAMED ST :	40 40 : 80																			
6303060	GROUNDWATE :	40 40 : 480																			
A6303060	GROUNDWATE :	05 05 40 40 : 35 35 : 40 40 40 40 : 40 40 40 40 : 480																			
A6303614B	BOISE RIVE :	05 05 40 40 : 35 35 : 40 40 40 40 : 40 40 40 40 : 480																			
A6303618B	BOISE RIVE :	05 05 40 40 : 35 35 : 40 40 40 40 : 40 40 40 40 : 480																			
6304059	UNNAMED DI :	24 :																			
A6304059A	NORTH SLOU :	06 :																			
A6304059B	NORTH SLOU :	10 :																			
6304180	GROUNDWATE :	01 :																			
6304181	GROUNDWATE :	01 :																			
6304440	WASTE WATE :	40 : 40 40 : 160																			
6304935	WASTE WATE :	15 :																			
A6304935	WASTE WATE :	11 :																			
6304975	WASTE WATE :	03 : 35 : 31 :																			
A6305262B	BOISE RIVE :	05 05 40 40 : 35 35 : 40 40 40 40 : 40 40 40 40 : 480																			
6305314	DRAIN NO. :	40 : 34 : 74																			
6307383	BOISE RIVE :	16 : 32 28 :																			
A6307383	GROUNDWATE :	32 :																			
6308176	BOISE RIVE :	03 :																			
A6308176	BOISE RIVE :	03 :																			
6308298	GROUNDWATE :	03 :																			
A6308298	GROUNDWATE :	03 :																			
6308608	GROUNDWATE :	39 16 : 30 : 85																			
A6308608	GROUNDWATE :	39 16 : 30 : 85																			
6309940	WASTE WATE :	04-02 :																			
A6309940	UNNAMED DR :	04-02 :																			
6310999	GROUNDWATE :	07-01 :																			
6311302	GROUNDWATE :	06-01 :																			
6312092	GROUNDWATE :	40 : 40 : 80																			
A6318792	GROUNDWATE :	02 :																			
A6320821	GROUNDWATE :	03 :																			
A6321706	BOISE RIVE :	06 :																			
A6330136	BOISE RIVE :	29 : 04 : 33																			

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 11/17/99

9/28/99

No. 163-12092 Name: Wilson Prep Corp. Officers ✓ Ad ok ✓ Govt Lots —

AREA OF CONCERN: No/Yes TVG Moratorium — — GWMA — TRUST/NON-TRUST —

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells N/A
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-079
Supp irr (+ other uses) - 100-101
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121-NA w/ mitigation plan
42-248 Area - (P84 (20s-70s, 81-86))
Swan Falls Flag
Trust - 051 (P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

~~STORAGE~~ - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: — / 01 / —

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response —
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE —
In-stream development - P52
WD - R04 (WD# —)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (81) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

OTHER CONDITIONS/REMARKS Water bearing zone = 157-172 feet. No new well
COMMENTS Partners info. or deepening/enlargement.

SEP 27 1999

IDA DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: JL DATE: 9/23/99 APPLICATION: 63-12092

REQUIRED INFORMATION

Assigned to Wilson 2/16/99, see Scanlan's 8/3/99 letter partnership.

- Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.) ☒
- Address: ☒
- Source: (See USGS Quad for names of water sources) ☒
- Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name) ☒
- County: ☒
- Quantity: (flow and/or volume) ☒
- Period of use: ☒
- Nature of proposed use: (Include description of use) ☒
- Description of diverting works: ☒
- Time required for beneficial use of water: ☒
- Place of use or acres irrigated: ☒
- Map: (show T, R, S, QQ &/or QQQ) ☒
- Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area) ☒
- Signature: (If applicant is corp., partnership, or municipality, title of signatory is required) ☒
- Correct fee paid ☒

Gov't. Lots:

N P/D
P/U

ADDITIONAL INFORMATION

ADVERTISE REMARK(S)

(Reviewer identify which remarks)

T FLAG CHANGED TO P FLAG

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☐ ☒ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium: *OK - see note 6/6/00*
- ☐ ☒ Surface water source, IDFG letter needed.
- ☐ ☒ Bull trout impact area, IDFG letter needed
- ☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ ☐ Mitigation plan: Check any that apply.
- ☒ ☐ immediate = acceptable plan required and submitted. *- see Scanlan's 8/3/99 letter*
- ☐ ☒ future = open areas, acceptance of condition of approval is in file. *- covered by mitigation plan*
- ☐ ☒ Send power requirement letter &/or fish farm requirement letter.
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

NOTE Initial processing 1994, held, released for advertising 1996 per Pt. 63 moratorium lifted, then re-held per "processing delay." Now OK to continue per mitigation plan etc.

Date Requested Date Response Received

PROCESSING

APP. NO.

63-12092

YES NO

☒ ☐
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health & Welfare

I.D. District Health

I.D. Fish & Game

I.D. Lands

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Service

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐
☐ ☒

Publication dates and paper recorded on application:

Final date for protest 3-4-96
☐ ☒

Protests received.

☒ ☐

Recommendations attached:

☒ ☐

Measuring device required:

☐ ☒

Water delivered by water master? District # _____

☒ ☐

Special conditions of approval or cover letter:

SEE 9/23/99 Review memo for details attached.
☒ ☒

See below for additional information

Recommended Date or Priority 1-14-1994Recommended by: Approved as noted - RLDate: 9-23-99ADDITIONAL INFORMATION:Boise R. water is primary source for this land.

Discussed w/ Reg. Mgr. 9/22/99 - he recommended
OK for .25 cfs/23 af/80 ac. suppl. use
per consultant's mitigation plan. To expedite per
applicant's request in case NEOL water when canals
shut off in October, am forwarding file without
signature.
MANAGER'S

from
 1994-
 1996
 Review
 process

MEMORANDUM

TO: File 63-12092

FROM: Steve Lester *SL*

DATE: September 23, 1999

RE : *Recommendations for Approval*

The application was filed in 1994 but held due to the local moratorium. Processing resumed in early 1996 with the lifting of the moratorium. Proper advertising without any protests occurred. Processing halted later in 1996 due to the "Basin 63 delay." Processing resumed earlier this year when the new owner initiated discussions based on a mitigation plan. Consultant Terry Scanlan provided the mitigation and other necessary details in his 8-3-99 letter.

The application was properly assigned to the new owner. Domestic drilling permit 63-94-W-0034-000 was upgraded to irrigation status with the 9-7-99 payment of \$165. Well construction staff has been notified of the drilling permit upgrade.

Re-advertising is not needed. The only significant differences from the original application are the applicant name, reduced rate of flow and modification of the water bearing zone from 180-240 feet to 157-172 feet (see well log). The zone difference does not trigger re-publication; this issue is addressed by the mitigation plan.

The mitigation plan identifies an existing pump capable of producing .35 cfs. The site already receives surface water from the river and from waste water. Settlers Irrigation District, the Zinger Lateral and North Slough No. 2 are involved with the surface water delivery, according to the applicant (also see application map). Some of the surface water will be (actually already is being) placed in three small unlined ponds with a total storage capacity of about 1.3 af (applicant's 5-10-99 letter). Scanlan's information states that the ponds can provide up to 23 afa of recharge. Since 80 acres are assumed to receive up to one inch/acre from surface water, a transfer should not be needed to allow some of the surface water to be used during the irrigation season for the recharge ponds (80 x .02 x 1.9835 yields about 3.2 af of storage per day).

The mitigation plan is based on about 40 days of ground water pumping for the irrigation season "shoulders." Even though the plan only describes a fraction of the 23 afa needed for about six acres at the golf course at this time, the applicant requested the flexibility to use .35 cfs, not to exceed 23 afa, for supplemental use for up to 80 acres at the site. Additional water beyond that rate and/or volume, if needed, will be requested in another application for permit. It seems reasonable to allow this flexibility.

The application has been amended based on correspondence, faxes and telephone calls between the consultant and the regional office. Yesterday the consultant telephonically confirmed that the applicant would accept the reduced rate and volume cap for the 80 acres and will file a new application if more water is needed later. Sufficient documentation exists to consider the filing to be properly amended. The amended version does not require additional fees or re-advertising.

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SEP 02 1999

Application 63-12092
September 23, 1999

Approve the application with *standard conditions plus the following limitations:*

1. Surface water must be used to the extent possible prior to the use of ground water.
2. Surface water cannot be removed from the place of use.
3. Diversion volume for supplemental use is limited to 23 afa for up to 80 acres.
4. A measuring device with rate of flow and volume totalizer features must be installed for the ground water pump.
5. The Director can require that surface water supplied to the mitigation ponds be measured (rate and annual volume) if necessary.
6. The Director can implement water measurement reporting requirements if necessary.
7. Allow one year for the project to be completed (since it is mostly if not entirely in place already).
8. Recharge ponds are limited to the existing ones (3) already constructed. Enlargement of the ponds or construction of new ponds is not authorized by this right.
9. Additional well construction (well deepening/enlargement or adding a new well) is not authorized.

Note: Applicant requested expedited decision-making in case the well is needed after surface water is not available during this irrigation season (mid-October?).

If questions or problems, please contact SL by 10-1-99 or Gary Spackman after that date.

Copy: Gary Spackman

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
6312092	T04N R01W S24 GROUNDWATER																	80
										40				40				
6300132K	BOISE RIVE :		02-1															
6300132L	BOISE RIVE :		02-1															
A6300132L	BOISE RIVE :		02-10															10
6300133K	BOISE RIVE :		02-1															
6300133L	BOISE RIVE :		02-1															
A6300133L	BOISE RIVE :		10															10
A6300134	BOISE R. :		08					04										12
*6300170A	BOISE RIVE :		01-1							1				1				1
*A6300170A	BOISE RIVE :		40			20				40				40				140
6300186	BOISE RIVE :						03-1	04-1										
A6300186	BOISE RIVE :		08					04										12
S A6300230F	BOISE RIVE :	05	05	40	40			35	35	40	40	40	40	40	40	40	40	480
A6300231	BOISE RIVE :	05	05	40	40			35	35	40	40	40	40	40	40	40	40	480
6302080	UNNAMED ST :														40	40		80
6303060	GROUNDWATE :																	
A6303060	GROUNDWATE :	05	05	40	40			35	35	40	40	40	40	40	40	40	40	480
A6303614B	BOISE RIVE :	05	05	40	40			35	35	40	40	40	40	40	40	40	40	480
A6303618B	BOISE RIVE :	05	05	40	40			35	35	40	40	40	40	40	40	40	40	480
6304059	UNNAMED DI :									24								24
A6304059A	NORTH SLOU :									06								6
A6304059B	NORTH SLOU :									10								10
6304180	GROUNDWATE :							01										1
6304181	GROUNDWATE :							01										1
*6304440	WASTE WATE :									40				40		40	40	160
6304935	WASTE WATE :							15										15
A6304935	WASTE WATE :							11										11
*6304975	WASTE WATE :									03				35		31		69
S A6305262B	BOISE RIVE :	05	05	40	40			35	35	40	40	40	40	40	40	40	40	480
6305314	DRAIN NO. :													40			34	74
6307383	BOISE RIVE :		16					32	28									76
A6307383	GROUNDWATE :							32										32
6308176	BOISE RIVE :				03													3
A6308176	BOISE RIVE :				03													3
6308298	GROUNDWATE :				03													3
A6308298	GROUNDWATE :				03													3
6308608	GROUNDWATE :													39	16		30	85
A6308608	GROUNDWATE :													39	16		30	85
6309940	WASTE WATE :							04-02										2
A6309940	UNNAMED DR :							04-02										2
6310999	GROUNDWATE :			07-01														1
6311302	GROUNDWATE :									06-01								1
A6318792	GROUNDWATE :			02														2
A6320821	GROUNDWATE :					03												3
A6321706	BOISE RIVE :							06										6
A6330136	BOISE RIVE :							29		04								33

proposal
Supplemental
water

NO P/O overlap

different well than proposed

Settler's
claim for
portion of
BOR's Lucky Peak
Storage Right

MICROFILMED

SEP 22 1999

*down. change to William (Foxcroft) in process
See Settler's Inv. Dist. - note g.w. (well) A63-63060 = T4N R2W S.26
for Settler's service area



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 9/22/99

TO: Terry Scanlon

FROM: Steve Lester

fax 383-4156

DOCUMENT DESCRIPTION: "Foxtail" Appl. 63-12092: Disinfect with
Residual mg/L, conclusion: recommend .35 cfs, 23 ATA, 80 acrs suppl.
irrig. per current mitigation plan. For more rate &/or volume, will need
a) NEW Application for permit with relevant mitigation details, or
b) Full mitigation plan now for rate/volume desired in excess of
.35/23.

TOTAL PAGES SENT: 5 + COVER SHEET

CONTACT: _____

Will assume ok to proceed with .35 cfs/23 ATA for
80 acrs unless hear otherwise from you within 30 days.

- Steve L.

Terry called back later - ok to go
with .35 cfs/23 ATA

MICROFILMED

DEC 3 2 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

✓ W005687
9-1-99.

September 3, 1999

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Application for Permit 63-12092 – Wilson Properties (Foxtail Golf Course)

Dear Steve:

Per your request, enclosed please find a check for \$165 to upgrade drilling permit no. 63-94-W-0034-000.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Enclosure

Cc: Charles Wilson
Tad Holloway
Mike Creamer

MICROFILMED

DEC 3 2 1999

CONVERSATION MEMORANDUM

DATE 9/3/99

FILE _____

NAME OF PARTY

Terry Scanlan

EMPLOYEE

FR

RE:

Foxtrail

Response to my fax of

CAN IHR approve full appl. with condition
that can use .35 ct up to 23 Apr,
but would need another specific mitigation details
("phase 2") to divert beyond that limit?

May not need more than that but want
flexibility just in case. Will propose more
seepage ponds i/w more testing to better
define seepage rates etc.

Discuss w Gary then tell Gary.

He pencil \$165 R.P. upgrade late today.
get receipts # from Debbie.

MICROFILMED

DEC 02 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

✓
FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 8/31/99

TO: TERRY Scanlon

FROM: Fove Lester

fax 383-4156

DOCUMENT DESCRIPTION: Wilson Prop. 63-12092 ("Foxtail") -
Thanks for your 8/3 letter. Here's follow up thoughts will
go with recommendations unless hear otherwise from you soonest.
Also - must have d.p. \$165 upgrade before permit approval,
not after.

TOTAL PAGES SENT: 01 + COVER SHEET

CONTACT: _____

Give me a call if want to discuss. I'm gone
9/2-9/9 field trip.

Thanks,
MICROFILMED
DEC 02 1999
Fave

9/1/99

Left msg for Terry -
got my fax? let's
discuss
-F

Appl. 63-12092

NOTES

-R 8/31/99

Given

- 1) 80 ACRES w/ surface water @ max .02 cfs/acre:
 $80 \times .02 \times 1.4835 = 3.2$ AF/day can be stored
in ponds without transfer appl. (detail of
diversion system").
- 2) ponds capacity ≈ 1.25 AF total, transfer
appl. therefore N/A. $\rightarrow$ per Holloway's letter
- 3) Scanlan info:
(a) pump .35 cfs capacity @ 6" well,
40 days/yr. suppl. irrig.

$$.35 \times 40 \times 1.4835 = 20.8 \text{ AFA max suppl. irrig.}$$

(b) ^{produced}
Recharge from ponds @ 23 AFA

IDWR conclusion - Regional office should recommend approval of
63-12092 for:

.35 cfs, up to 23 AFA for
suppl. irrig. for 80 acres during irig season

CANNOT forward appl to S.O. for final action
until \$165 d.p. ^{upgrade} paid

MICROFILMED

DEC 02 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

AUG 04 1999

WATER RESOURCES
WESTERN REGION

August 3, 1999

Mr. Steve Lester 
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Application for Permit 63-12092

Dear Steve:

On behalf of Wilson Properties L.P., an Idaho Limited Partnership, this letter is a response to your letter of June 18, 1999 regarding the above referenced application for permit. Responses listed below correspond to the item numbers in your letter.

- ✓ 1. Upon approval of the application for permit, Wilson Properties will submit \$165 to upgrade drilling permit no. 63-94-W-0034-000.
- ✓ 2. Please change the application to indicate a water-bearing zone of 157 to 172 feet.
- ✓ 3. Wilson Properties is a limited partnership. Charles H. Wilson is the only General Partner. As a result, he is the only person with signatory authority for the partnership.
- ✓ 4. Groundwater will be used for supplemental irrigation only.
- ✓ 5. A proposed mitigation plan is attached.
- ✓ 6. The print-out of the application provided with your letter is correct, except that the water-bearing zone is 157 to 172 feet.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Enclosure

Cc: Charles Wilson
Tad Holloway
Mike Creamer

MICROFILM

DEC 02 1999

**Mitigation Plan for Foxtail Golf Course
Irrigation Water Right Application 63-12092**

1. Foxtail Golf Course is currently irrigated using surface water delivered through the Zinger Lateral and North Slough No. 2. The sources of this water are the Boise River (delivered by the Settlers Irrigation District) and wastewater from upstream irrigators. Surface water is typically available for irrigation use from mid April until early November.
2. A supplemental irrigation water supply is needed at Foxtail because the golf course greens and tees require irrigation when surface water is not available (primarily early April). The volume of supplemental irrigation water used each year is a very small percentage of the total annual irrigation demand for the entire golf course.
3. Pending application for permit 63-12092 has proposed diversion of groundwater for supplemental irrigation of the golf course. This application is being held from processing due to the on-going administrative hold on water right applications in the Boise River. However, processing of the application can proceed if a suitable mitigation plan can be implemented to offset the depletion from the aquifer caused by the pumping. Therefore, in order for processing of the application to continue, the applicant (Wilson Properties LP) proposes to mitigate for the use of groundwater.
4. Mitigation will be accomplished by annually recharging the aquifer with a volume of water equal to (or greater than) the volume pumped out of the aquifer for supplemental irrigation use. Recharge will occur through golf course ponds that are currently used for short-term (i.e., less than 24-hour) irrigation storage.
5. The water used for recharge will be Boise River water supplied under water rights 63-00170A, 63-04440 and 63-04975.
6. Average annual supplemental irrigation requirement at Foxtail Golf Course is approximately 2.0 acre-feet per year. This calculation is based on
 - 6-acre supplemental irrigated area (3 acres of greens, 3 acres of tees)
 - 0.10 acre-inches per day per acre average application during supplemental irrigation season
 - 40-day supplemental irrigation season (March 15 to April 14, November 1 through November 10).
7. The source of groundwater proposed for supplemental irrigation is an existing domestic well that is screened from 157 to 172 feet. This well is equipped with a pump capable of producing approximately 0.35 cfs (0.7 acre feet per day) for supplemental irrigation use. Note that the pump capacity is approximately equal to the estimated supplemental irrigation demand. A fee of \$165 will be provided to upgrade the drilling permit for this well from domestic to irrigation.

MICROFILMED

DEC 3 7 1999

8. Average annual recharge from ponds under existing conditions is estimated to be 23 acre-feet. This calculation is based on
 - Three unlined ponds with a total surface area of 1.2 acres
 - ponds hold water for 230 days each year (March 25 to November 10)
 - assumed seepage rate of 1 inch per day (0.08 feet per day).
9. The rate of recharge could be more accurately determined by seepage testing of the ponds after the 1999 irrigation season. However, seepage testing is not proposed at this time because the estimated recharge rate from the ponds is ten times greater than the estimated supplemental groundwater requirement. The calculation of estimated recharge volume is dependent primarily on the estimate of seepage rate. The 1.0 inches per day seepage rate assumed in the above calculation is conservative, as it is 3 to 20 times lower than the typical seepage rate values of general soil groups provided on page 36 of IDWR's "Guidelines for the Evaluation of irrigation Diversion Rates" (Hubble, 1991). Since the seepage rate assumed in the above calculation is relatively low for an unlined pond, seepage testing is not warranted unless the groundwater diversion capacity is increased. If groundwater diversions exceed 0.5 cfs or 10 acre feet annually, seepage testing will be conducted to prove that the recharge rate from the ponds is adequate.
10. Application 63-12092 proposes diversion of 1.6 cfs of groundwater for irrigation of 80 acres, while the supplemental irrigation use described in this mitigation plan is estimated at only 0.3 cfs for irrigation of 6 acres. However, the applicant does not propose amending the application at this time because Foxtail desires the flexibility to use groundwater on any of the 80 acres to the extent that the depletions can be offset by recharge. As long as the on-going "water right moratorium" requires mitigation for supplemental water use, the applicant will mitigate groundwater depletion through recharge on at least an acre-foot for acre-foot basis.

RECORDED

JUL 2 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 18, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

RE: APPLICATION FOR PERMIT NO. 63-12092

Dear Sir or Ms.:

The above referenced application for a well to irrigate 80 acres for Foxtail Golf Course can be processed based on acceptable additional information. Please respond to the following items to facilitate processing.

OK
9/17/99 ✓ 1. If the well to be used matches the domestic well drilled under approved drilling permit no. 63-94-W-0034-000, please submit \$165 to upgrade that drilling authorization from domestic (\$35 at time of drilling) to irrigation (\$200).

✓ 2. That six-inch well reveals a water bearing zone of 157 to 172 feet (see attached well log). The original water right filing lists a water bearing zone of 180 to 240 feet. If the domestic well will be used for irrigation, please confirm if the well will be deepened or otherwise modified. Without modifications, that well used for the proposed irrigation will change the water bearing zone in application 63-12092 to 157-172 feet. If the domestic well will not be used for irrigation, please confirm the proposed water bearing zone to be developed for irrigation use.

✓ 3. Charles Wilson is identified in the assignment of application as the general partner. Who are the other partners for the applicant?

✓ 4. Right no. 63-12092, if approved, will include conditions of approval requiring that surface water will continue to be used as the primary irrigation source for the site. Please confirm that your intention is to use ground water for supplemental irrigation only as needed.

✓ 5. A mitigation plan is needed in order to process the application. The mitigation plan should identify the methods by which impacts on the aquifer, and thus on the Boise River, will be offset ("make-up water"). The mitigation plan should describe the use of surface water and its link to any ground water pumping.

MICROFILMED

JUL 12 1999

June 18, 1999

Page 2

It is possible that one or more of the surface water rights, including Settlers Irrigation District rights, serving the property may need to be altered ("application for transfer" or change of water rights) as part of a mitigation plan.

✓ 6. Last but not least, please review the enclosed printout of your application to confirm that it is correct. Application revisions should be made prior to any legal notice prepared by this office to avoid additional delays if processing resumes.

Your reply within thirty days will be appreciated. Feel free to contact me at your convenience if you have any questions or need more information.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

cc: Tad Holloway, General Manager, Foxtail Golf Course

MICROFILMED

DEC 07 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W025318

Date: 6/10/1999
Time: 11:07:17

Received From: WILSON PROPERTIES

Type of Payment	Program A cct	Amount
APPLICATION FOR PERMIT 63-12092	62103	25.00
CHECK 1182	229 21 1155	25.00
Total \$		25.00

OK ✓ JAMS Receipt code for assignment

Region: WESTERN

Signature: 

Assignment fee
MICROFILMED e 63. 12092
DEC 02 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

RECEIVED

JUN 10 1999

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 6/3/99

TO: Interested Parties
for Foothill Golf Course
424-9020

FROM: Steve Lester

DOCUMENT DESCRIPTION: Assignment of Appl. for Permit # 63-12092 -
Application is personal property to be assigned to new owner.
Assignment fee is \$25 in this case.
Assignment & payment should be sent to this office, attn.
Steve Lester

TOTAL PAGES SENT: 01 + COVER SHEET

CONTACT: _____

TO: Buzz GRANT

What do you suggest we do?
Thanks

OK
MICROFILMED
JUN 10 1999

JUN - 4 1999

Department of Water Resources

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701

TELEPHONE: 208 388-1200

FACSIMILE: 208 388-1201

1300

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorenak
Roy Lewis Eiguren
Jeffrey C. Fereday
L. W. Grant III
Richard W. Jankowski
Karl T. Klein
David R. Lombardi

Kimberly D. Maloney
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Aaron H. Nemec
W. Hugh O'Riordan
Kenneth L. Pursley

Conley Ward
Steven R. Weeks
Stephanie C. Westermeyer
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

February 16, 1999

RECEIVED

FEB 17 1999

WATER RESOURCES
WESTERN REGION

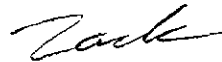
Idaho Department of Water Resources
Western Region Office
attn: ~~Denise~~ *Karilynn*
2735 Airport Way
Boise, ID 83705-5082

Matter: Wilson Properties, L.P. .
Subject: Notice of Change of Water Right Ownership
Our file: 5142-3

Ladies and Gentlemen:

Enclosed for filing please find a State of Idaho Notice of Change of Water Right Ownership. Please note that it is executed by Charles H. Wilson, a General Partner of Wilson Properties, L.P., and that a Warranty Deed and a Water Rights Quitclaim Deed and Assignment are attached as evidence of the change of ownership. If there is any problem with this filing, please let me know as soon as possible. Thank you.

Sincerely,



Zack Vestal
Real Estate Document Clerk

Enclosure

ZRV

S:\SEC\IS282\Letters\foxtail h2o rights ownership change.wpd

MICROFILMED

DEC 02 1999



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 02/01/99

RECEIVED

FEB 17 1999

WATER RESOURCES
WESTERN REGION

RECEIVED

JUN - 4 1999

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 4N Range 1W
Section 24 E 1/2 of SW 1/4 of 1/4 Govt Lot BM
Lot n/a Block n/a Subdivision/Townsite n/a
If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s) Assigned by IDWR: 63-12092; 63-94-W-0034-000; 63-04440; ⁶³64-04975

☐ Name and Address of Former Owner/Claimant(s)(Seller): Boehm Corporation
990 West Chinden Blvd.
Meridian, ID 83642

☐ New Owner/Claimant (Purchaser): Wilson Properties, L.P.

☐ New Mailing Address: 1101 W. River Street, Suite 150
Boise, ID 83702

☐ New Telephone Number: (208) 424 - 9322

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ 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: Warranty Deed; Water Rights Quitclaim Deed and Assignment

(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) Wilson Properties, L.P. Date _____
by: Charles H. Wilson Date _____
Charles H. Wilson, general partner

☐ Signature of Former Owner/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

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

DEC 02 1998

298079487-KS

When Recorded Return To:

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

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 FE -1 PM 1:58

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 FE -8 PM 1:57

RECORDED-REQUEST OF

FEE 1500 DEPUTY *Alabam*

99009790

ALLIANCE TITLE

RECORDED-REQUEST OF

FEE 1500 DEPUTY *Alabam*

99012397

WARRANTY DEED

ALLIANCE TITLE

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

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

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

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

MICROFILMED

DEC 02 1999

Dated effective the 1st day of February, 1999.

"GRANTOR"

BOEHM CORPORATION, an Idaho corporation

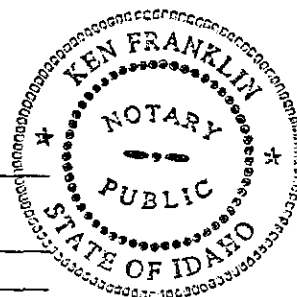
By: [Signature]
Casey Russell, President

STATE OF IDAHO)
) ss.
County of Ada)

On this 28th day of January, 1999, before me, a Notary Public in and for the State of Idaho, personally appeared CASEY RUSSELL known or identified to me to be the President of BOEHM CORPORATION, an Idaho corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

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



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

MICROFILMED
DEC 02 1999

EXHIBIT "A"

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

EXCEPT THEREFROM

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

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

MICROFILMED

DEC 02 1999

EXHIBIT B

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

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

Easement, and the Terms and Conditions thereof:

In Favor of IDAHO POWER COMPANY

Purpose POLE LINE EASEMENT

Recorded MARCH 2, 1929

Book/Page No. 12/14

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

Recorded SEPTEMBER 26, 1939

Instrument No. 238/132

Official Records.

Easement, and the Terms and Conditions thereof:

In Favor of IDAHO POWER COMPANY

Purpose POWER LINE EASEMENT

Recorded DECEMBER 29, 1981

Instrument No. 8154483

Easement, and the Terms and Conditions thereof:

In Favor of IDAHO POWER COMPANY

Purpose POWER LINE EASEMENT

Recorded NOVEMBER 14, 1990

Instrument No. 9061757

Easement, and the Terms and Conditions thereof:

In Favor of IDAHO POWER COMPANY

Purpose UNDERGROUND POWER LINE EASEMENT

Recorded DECEMBER 8, 1994

Instrument No. 94106711

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

MICROFILMED

SEP 2 1993

34°44'W N89°33'42"W
6.97' FND 5/8" PIN 496.69'

N89°34'17"W
1332.26'

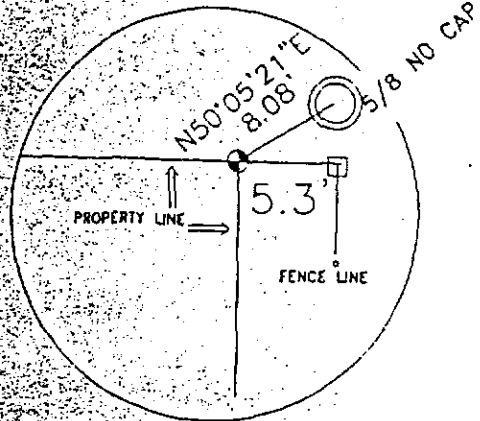
N50°05'21"E
8.08' 5/8 NO

EXHIBIT C

SPRINGS SUB. NO. 2



FND 1/2" PIN
IN FENCE CORNER



80.02 ACRES

FOOT COPY

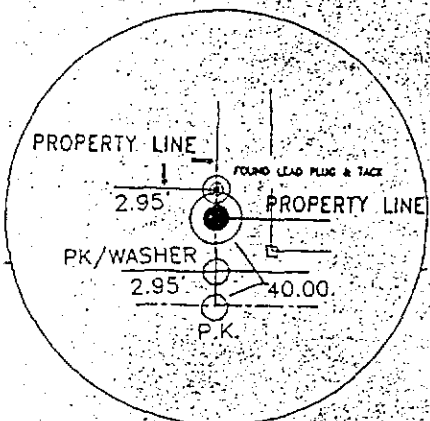
FOXTAIL GOLF COURSE

2608.61'
S00°43'51"W

2611.56'

2615.67'
N00°40'31"E
2656.13'

LOT 24 BLK 1



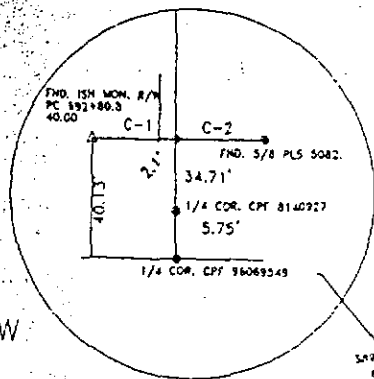
FOUND LEAD PLUG & TACK
BODILY AND BLUNDERSON SPRINGS SUB. NO. 2
SET P.K. ON SECTION LINE

15.7'
FENCE CORNER

N89°22'50"W
1264.96'

MICROFILM

DETAIL



N89°25'23"W
62.00'

99079487KS

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

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 FE -1 PM 1:58

RECORDED - REQUEST OF

FEE 9.00 DEPUTY [Signature]

99009789

ALLIANCE TITLE

WATER RIGHTS QUITCLAIM DEED AND ASSIGNMENT

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

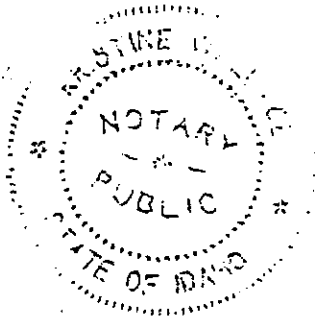
IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 20th day of ~~February~~ January, 1999.

[Signature]
John E. Boehm

STATE OF IDAHO)
) ss.
County of Ada)

On this 21st day of January, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared John E. Boehm, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Kristina A. Wallace
Notary Public for Idaho
Residing at Burley Idaho
My commission expires: 2/9/99

EXHIBIT "A"

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

EXCEPT THEREFROM

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

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

MICROFILMED
DEC 12 1983

FAX COVER SHEET

DATE: Thursday, June 3, 1999

TIME: 5:05 PM (Mountain Time)

PAGES (INCLUDING COVER): 2

ORIGINAL TO FOLLOW: ☐ Yes ☐ No

OUR FILE NUMBER: 5142-3

MATTER: Foxtail Golf Course

SEND TO FAX PHONE: 208-334-2348

TO:

Denise Buffington
IDWR - Western Region

MESSAGE:

Denise—

Please add this assignment to the change of ownership file.

Thank you.

- Michael C. Creamer

From:

MICHAEL C. CREAMER
GIVENS PURSLEY LLP
Suite 200, Park Place
277 North Sixth Street
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: (208) 388-1200
Direct Dial: (208) 388-1247
Fax: (208) 388-1300

If transmission is incomplete, call Tina M. Adornetto at (208) 388-1225.

***** CONFIDENTIALITY NOTICE *****

THIS FACSIMILE MAY CONTAIN CONFIDENTIAL INFORMATION THAT IS PROTECTED BY THE ATTORNEY-CLIENT OR WORK PRODUCT PRIVILEGE. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) NAMED ABOVE. IF YOU ARE NOT A NAMED RECIPIENT OR AN EMPLOYEE RESPONSIBLE FOR DELIVERING THE FACSIMILE, YOU ARE INSTRUCTED NOT TO DELIVER, DISTRIBUTE OR COPY THIS FACSIMILE, NOR SHOULD YOU DISCLOSE ITS CONTENTS OR TAKE ANY ACTION IN RELIANCE ON THE INFORMATION IT CONTAINS. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE TO ARRANGE FOR THE RETURN OF THE TRANSMITTED DOCUMENTS TO US. THANK YOU.

REC'D 2 1999

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

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

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

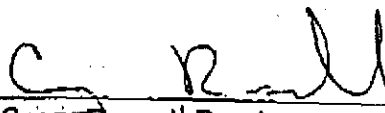
Assignor further agrees to execute any other documents necessary to effectuate this assignment.

Dated effective the 1st day of February, 1999.

"ASSIGNOR"

BOEHM CORPORATION, an Idaho corporation

By:


Casey Russell, President



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMP THORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE:

6/3/99

TO:

Interested Parties

for Foxtrail Golf Course

424-9020

FROM:

Steve Lester

DOCUMENT DESCRIPTION:

Assignment of Appl. for Permit # 63-12092 -

Application is personal property to be assigned to new owner.

Assignment fee is \$25 in this case.

Assignment & payment should be sent to this office, attn.

Steve Lester

TOTAL PAGES SENT:

01

+ COVER SHEET

CONTACT:

MICROFILMED

DEC 8 2 1999

CONVERSATION MEMORANDUM

DATE 6/3/99
FILE 63-12092

NAME OF PARTY Tad Hollum Foxtail Mng. 887-4653
EMPLOYEE Jr

RE: Processing

WRQ1, WQ2, WQ5, Appals - ~~Ø~~ Foxtail

J.
63-94-W-034-00 - Buchan d/i well
↑

said that's previous owner

N- of Chindow 6th. Linden + Meridian Rds.,
Imp. Hw e Zingen Lotstral

See 63-12092 ... no info e golf course but but is
J. Buchan, Zingen Lot. closeby (topo).

D'base - no assignment completed or in process, it
appears.

Later he called back Attorney is working
on assignment.

MICROFILMED

DEC 02 1999



RECEIVED

MAY 13 1999

Department of Water Resources

990 W. Chinden Blvd.
Meridian, ID 83642

887-GOLF (4653)

May 10, 1999

Mr. Norm Young
Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83706

RECEIVED

MAY 26 1999

WATER RESOURCES
WESTERN REGION

Dear Mr. Young:

I would like to thank you for your time and input regarding our application for an irrigation well at Foxtail Golf Course, Wednesday, April 28. As we discussed, we currently have an application for an irrigation well (I believe application number IDWR 63-94-W-0034-000) filed and are in the process of trying to get approval for the well.

Currently we receive irrigation water from Zinger Lateral Water District. We seem to have adequate water during the irrigation season in a normal water year. We do, however, need water before and after the Water District season. We need it in March, April, October and November, each year, when the weather is still warm and dry and in the heat of the summer.

We would use the well to fill our ponds so as to be able to water our tees, greens and fairways before and after the water season, to supplement the water district in the heat of the summer and during the dry years. We have three ponds on the golf course. Two of our ponds are settling ponds, which hold approximately 144,500 gallons of water and the third pond holds approximately 262,000 gallons of water.

MICROFILMED

DEC 3 2 1999

As I understand it, our application is in the planning stages of being processed. I would like to know what we could do to expedite the process for approval of our application or explore other options to get an irrigation well at Foxtail Golf Course.

Thank you very much for your time and help in this matter. I look forward to hearing from you.

Sincerely,
Foxtail Golf Course

A handwritten signature in cursive script that reads "Tad Holloway".

Tad Holloway
General Manager

MAILED
JUN 11 1989

~~MORTGAGE HOLD DO NOT ADVERTISE~~

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: CJH DATE: 2/4/94 APPLICATION: 63-12092

REQUIRED INFORMATION

Ice:

ir

WR0749NP
No. 63-12092

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/31/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO		DIVERSION RATE	DIVERSION VOLUME
C	JOHN BOEHM	01/14/1994	IRRIGATION	03-15	11-15	1.600 CFS	
TOTAL DIVERSION:						1.600 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion: T04N R01W S24 SESW

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				SUM
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
04N	01W	24	:													80.0
															TOTAL ACRES	80.0

Pou County: ADA

Other Water Rights Listing Overlapping Place(s) of use:
63-00170A 63-04440 63-04975

Remarks: Water bearing zone to be appropriated is 180 to 240 feet.

Dates: App. Received: 01/14/1994 Priority Date: 01/14/1994
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 01/14/94 GRAVES 01/25/94 HODGES 06/24/94 CURTIS 01/31/96 SLESTER

*Free
advertising with
Remarks*

P J - 82 4/31/96

PROCESSING

APPLICATION NO. 63-12092

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☐
☐ ☐
☐ ☐
☐ ☐

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☐
☐ ☐
☐ ☐
☐ ☐

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☐ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest 3-4-96

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority _____

Recommended by: _____

Date _____

STATE OFFICE REVIEW

See below for additional information. By _____

Date _____

ADDITIONAL INFORMATION

Flu. overlaps w/ Statutory claims using wastewater:

RESPONSE FORM

Boise River Basin Moratorium Application

RECEIVED

JAN 31 1996

WATER RESOURCES
WESTERN REGION

Name of Applicant: John E Boehm

Address: 990 W CHINDEN
MERIDIAN IDAHO 83642

Water Right No.: 63-12092

Do you wish to proceed with development of the
water right as proposed in the application?
(If the response is no, please complete
and return the enclosed withdrawal form.)

X Yes No

If the source of water that you propose to
appropriate is ground water, what aquifer
level do you propose to develop to obtain water?

180 ft to 240 ft

Signature: John E Boehm

Printed Name: John E Boehm

Please return this form to:

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

MICROFILMED

DEC 31 1999

PHILIP E. BATT
GOVERNORKARL J. DREHER
DIRECTOR

May 19, 1995

**Distribution: Applicants Whose Water Right Applications Were Held
Without Action Under the Boise River Basin
Moratorium**

Dear Applicant:

As you might be aware, on May 3, 1995 the Director of the Department of Water Resources, Mr. R. Keith Higginson, signed an Amended Moratorium Order which provides for the processing of previously held applications within the Boise River Basin, with certain restrictions. Enclosed for your information is a copy of the Order.

As provided in the Order, this office will resume the processing of these applications in order of priority at a rate of 30 applications per month. Depending on how many applicants wish to proceed with development of their projects, the processing of the 338 presently-held applications could require as much as a year. To enable you to make an estimate as to when your application(s) will be processed, please be advised that 244 of the applications have priority (receipt) dates of 1992; 32 are dated 1993; 37 are dated 1994; and 25 are dated 1995.

As new applications are received, they are sorted into two groups. Those that would not have been held back under the moratorium are processed immediately. To assure fairness in processing, those that would have been held back under the moratorium, such as irrigation applications, are placed at the end of the moratorium processing line.

Note that the Order requires that all applications held under the moratorium will be advertised (or re-advertised if previously advertised), in order to enable neighboring water users to examine the proposed uses in view of water availability information gained during recent drought years. There will be no additional charge to the applicants for this process. For applications that propose use of ground water, the advertisement must include an indication of the depth interval from which the applicant proposes to withdraw water.

Please find enclosed a Profile Report which provides information from our water rights data base describing each of your moratorium-held applications. In addition we have included one response form for each application, which enables you to indicate whether you wish to proceed with processing of your water right application(s).

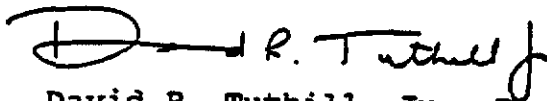
MICROFILMED

May 19, 1995

In case you no longer intend to develop a water use as described on an application, please complete and return the enclosed Withdrawal Form. Because of the time and effort already devoted to researching water availability in the Boise River basin, the Department will not be able to provide refunds of fees for applications that are withdrawn.

If you have questions about this process, or if you need assistance in completing the response form, please feel free to contact this office at (208) 334-2190. Response forms received no later than May 31, 1995, will be used in compiling the applications that will be advertised during June.

Sincerely,



David R. Tuthill, Jr., P. E.
Manager, Western Region Office

Enclosures

Amended Moratorium Order
Profile Report(s)
Response Form(s)
Application Withdrawal Form(s)



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 25, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JOHN BOEHM
990 W CHINDEN
MERIDIAN ID 83642

RE: Application for Permit #63-12092

Dear Applicant:

Your application for permit to appropriate ground water for irrigation purposes was received on 1/14/94. Your application cannot be processed at this time.

Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on 5/15/1992 concerning water right applications proposing new consumptive uses of public water. Irrigation is considered a consumptive use. The moratorium has been lifted in some areas of the state, but remains in place for the Boise River Basin.

This office will hold your application pending future decisions on the moratorium, and will inform you of any changes. Delays related to department decisions do not affect the date of priority or seniority of your application.

If you have any questions, please feel free to contact this office at 334-2190.

Sincerely,

A handwritten signature in cursive script that reads 'Cindy Hodges'.

Cindy Hodges
Sr. Water Resource Agent

MICROFILMED

DEC 8 1994

RECEIVED

FEB 27 1996

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$41.88

Account Number 04762800		Identification NOTICE OF APPLICATION FOR WATER RIGHT 63-12092	
Ordered By Sue Taylor	P.O. Number	Rate NT	Run Dates February 15 & 22, 1996
Sue Taylor IDAHO DEPARTMENT OF WATER RESOURCES Western Region 2735 Airport Way Boise, Idaho 83705-5082		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 4293

LEGAL NOTICE
NOTICE OF APPLICATION
FOR WATER RIGHT

The Following application(s) have been
filed to appropriate the public waters of the
State of Idaho:

63-12092

BOEHM, JOHN
990 W CHINDEN
MERIDIAN, ID 83642Source: GROUNDWATER
Division Pt: SESW Sec 24 T04N R01W in
ADA County.(Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)

Date Filed: 1/14/1994

in: ADA County

T04N R01W S24 NESW SESW
Water bearing zone to be appropriated is
100 to 240 feet.

Permits will be subject to all prior water
rights. Protests may be submitted based on
the criteria of Sec. 42-203A, Idaho Code.
Any protest against the approval of this
application must be filed with the Director,
Dept. of Water Resources, Western Region,
2735 Airport Way, Boise, Idaho 83705
together with a protest fee of \$25.00 on or
before MARCH 4, 1996. The protestant must
also send a copy of the protest to the ap-
plicant.

KARL J. DREHER, Director
Pub. Feb. 15 & 22, 1996 4293

LINDA PORTER

being duly
sworn, deposes and says: That she is the Principal Clerk of The
Idaho Statesman, a daily newspaper printed and published at Boise,
Ada County, State of Idaho, and having a general circulation therein
and which said newspaper has been continuously and uninterruptedly
published in said County during a period of twelve consecutive
months prior to the first publication of the notice, a copy of which is
attached hereto; that said notice was published in The Idaho
Statesman in conformity with Section 60-108, Idaho Code as
amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of FEBRUARY 15, 1996

and ending with the issue of FEBRUARY 22, 1996

Linda Porter

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 22nd day of FEBRUARY in the year of
1996, before me, a Notary Public, personally appeared
LINDA PORTER

known or identified to
me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that she executed the same.

MICROFILMED

FEB 27 1996

Notary Public for Idaho
Residing at Boise, Idaho

My commission expires: 11-27-99

63-12092

BOEHM, JOHN
990 W CHINDEN
MERIDIAN, ID 83642

Source: GROUNDWATER

Diversion Pt: SESW Sec 24 T 04N R 01W in ADA County.

```

Use:  IRRIGATION      (      1.600 CFS)
      Total Diversion: (      1.600 CFS)

```

Date Filed: 1/14/1994

In: ADA County
T04N R01W S24 NESW SESW

80.0 ACRES TOTAL

Water bearing zone to be appropriated is 180 to 240 feet.

MICROFILMED

DEC 02 1999