

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, June 13, 2024 10:06 AM
To: david@gardnercompany.net; Michael P. Lawrence
Cc: Miller, Nick
Subject: Ownership Change for Water Right Nos. 63-7864 and 63-35388
Attachments: Ownership Change 63-7864 and 63-35388.pdf

Dear Interested Parties:

Please see the attached letter regarding corrections to a change in ownership for water right nos. 63-7864 and 63-35388. If you have any questions about this matter, please reach out to Nick Miller.

Sincerely,



Lynne Evans (she/her)
Administrative Assistant I
IDWR – Western Region
2735 W Airport Way, Boise ID 83705
lynne.evans@idwr.idaho.gov | (208) 605-4622

SUPPORT DATA
IN FILE # 63-7864



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

June 12, 2024

M K GATZIOLIS TRUST AND
J G COLLIAS
3811 CLEMENT RD
BOISE, ID 83704

JAMES J GATZIOLIS AND
LILY COLLIAS
621 GEORGINA AVE
SANTA MONICA, CA 90402-1913

KC GARDNER CO LC
201 S MAIN ST STE 2000
SALT LAKE CITY, UT 84111-2298
Via Email to: david@gardnercompany.net

RE: Change in Water Right Ownership: 63-7864 (Split into 63-35388)

Dear Water Right Holders:

The Idaho Department of Water Resources (Department) is sending this letter to inform you of a correction to an ownership change for a water right in your name. In March of 2023, the Department sent a letter notifying you that it had processed a notice of change in water right ownership for water right 63-7864. That change in ownership process incorrectly documented a 40-acre portion of that water right being conveyed to KC Gardner Co LLC. Subsequently, it has come to light that the change in ownership resulted in an 80-acre portion of 63-7864 being conveyed to KC Gardner at the time. The attached reports reflect the corrected ownership change of the 80-acre portion to KC Gardner LLC.

Note that the 80-acre portion has since been conveyed from KC Gardner LLC to Brisbie LLC and that change will be reflected following processing of an application for transfer currently on file with the Department by Brisbie LLC.

Lastly, it appears the remaining 240 acres of land associated with 63-7864 is no longer owned by Gatziolis/Collias¹, so it is likely ownership of that portion of 63-7864 may also have changed, but the Department cannot update its records until it receives a notice of change in ownership from the new owner of the water right.

Please feel free to contact me if you have questions on this matter.

Sincerely,

Nick Miller
Manager, IDWR Western Region

Enclosures: Proof reports for 63-7864 and 63-35388 as of May 17, 2024

CC: Brisbie LLC c/o Michael P. Lawrence, Givens Pursley LLP - mpl@givenspursley.com

¹ Ada County Tax records depict the land has been conveyed to KC Gardner LLC.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/17/2024

Water Right 63-7864

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	M K GATZIOLIS TRUST J J GATZIOLIS TRUSTEE 3811 CLEMENT RD BOISE, ID 83704 (208) 375-4465
Current Owner	LILY COLLIAS 621 GEORGINA AVE SANTA MONICA, CA 90402-1913 () -
Current Owner	JAMES J GATZIOLIS 621 GEORGINA AVE SANTA MONICA, CA 90402-1913 (708) 214-7130
Current Owner	J G COLLIAS 3811 CLEMENT RD BOISE, ID 83704 (208) 375-4465

Priority Date: 9/10/1973

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	4.600 CFS	1,080.0 AF
	<u>Total Diversion</u>		4.600 CFS	1,080.0 AF

Source and Point(s) of Diversion:

GROUND WATER SESWNE Sec. 1, Twp 01N, Rge 01E, ADA County

Place Of Use:

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	1			40.0	40.0				40.0	40.0				40.0	40.0			240.0

POU Total Acres: 280.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/17/2024

Conditions of Approval:

- | | | |
|----|-----|--|
| 1. | C18 | This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code. |
| 2. | F04 | Point of diversion is on line dividing T1N, R1E, S1, SWSE and T1N, R1E, S1, NWSE . |
| 3. | S39 | The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right. |

Comments:

1 MMINICUC 5/20/1996 POD
WELL LOCATION HAS NOT CHANGED. GPS WAS USED TO LOCATE THE WELL, WHICH APPEARS TO BE ON THE LINE BETWEEN SESWNE & NENWSE OF T01N, R01E, S. 1. GPS LOCATION WAS PLATTED ALMOST EXACTLY WHERE TOPO HAS WELL INDICATED. NO OTHER WELLS IN SECTION (NO WELL LOGS, NO OTHER WATER RIGHTS W/POD IN S. 1). FIELD EXAM FOUND NO OTHER WELL SITES. CORRECTION ONLY. CFS WELL WAS MEASURED AT 6.127 CFS (B/U EXAM), EXAMINER REC'D 6.17, 6.14 WAS LICENSED. I'M SURE THERE'S A REASON, BUT I COULDN'T FIND IT. DIFFERENCE IS WITHIN IDWR TOLERANCE FOR MEASUREMENTS.

2 Sidney.Palmer 3/24/2023 Split Right
Split into 63-35388.

3 Sidney.Palmer 3/24/2023 POU
Updated Shape

4 nmiller 5/17/2024 POU
Updated Shape

5 nmiller 5/17/2024 Ownership Change Correction
Updated record to reflect 80 acre portion to KC Gardner in 2022 processed in 2023.

Dates and Other Information:

Decreed Date: 2/16/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: EXC
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/17/2024

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/17/2024

Water Right 63-35388

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KC GARDNER CO LC 201 S MAIN ST STE 2000 SALT LAKE CTY, UT 84111-2298 (208) 246-8909

Priority Date: 9/10/1973

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	1.540 CFS	360.0 AF
	<u>Total Diversion</u>		1.540 CFS	360.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SESWNE	Sec. 1, Twp 01N, Rge 01E, ADA County
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Place Of Use:

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	6							40.0	40.0									80.0
									L4	L5									

POU Total Acres: 80.0

Conditions of Approval:

- | | | |
|----|-----|--|
| 1. | C18 | This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code. |
| 2. | F04 | Point of diversion is on line dividing T1N, R1E, S1, SWSE and T1N, R1E, S1, NWSE . |
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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/17/2024

Comments:

- | | | |
|---|--|-----------------------------|
| 1 | Sidney.Palmer 3/24/2023
This right is the result of split from 63-7864. | Split Right |
| 2 | Sidney.Palmer 3/24/2023
Updated Shape | POU |
| 3 | nmiller 5/17/2024
Updated Shape | POU |
| 4 | nmiller 5/17/2024
Updated record to reflect 80 acre portion of 63-7864 to KC Gardner in 2022 processed in 2023. | Ownership Change Correction |

Dates and Other Information:

Decreed Date: 2/16/2007
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State or Federal: S
Owner Name Connector: AND
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A