

JAMES A. PENDLEBURY, Esq.
482 CONSTITUTION WAY, SUITE 316
IDAHO FALLS, ID 83401
PHONE: (208) 403-4237
FAX: (208) 529-4090
IDAHO STATE BAR NO. 6008

2006 MAY 11 AM 8:57
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

ATTORNEY FOR CLAIMANT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

IN AND FOR TWIN FALLS COUNTY, IDAHO

IN RE SRBA

CASE No. 39576

SUBCASE No: 35-02924

**AFFIDAVIT IN SUPPORT OF MOTION TO
FILE LATE CLAIM**

STATE OF IDAHO

SS.

COUNTY OF BONNEVILLE

Kevin Rhodehouse, being first sworn, states:

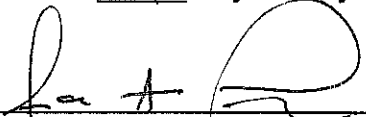
1. I am the petitioner in the above numbered subcase.
2. If called as a witness in open court, I would testify in accordance with the following.
3. On or about October 29, 2004, I purchased property in Jefferson County, Idaho. The water rights attached to this property are the subject of my petition in this matter. A warranty deed associated with my purchase of this property is attached as Exhibit A and is hereby incorporated into this affidavit.
4. Just prior to purchasing the property listed in Exhibit A, I became aware that the water rights to this property had not been resolved. As soon as I realized this, I began the process to bring this action before the Snake River Basin Adjudication to resolve this issue. Because of this I filed my late notice of claim.

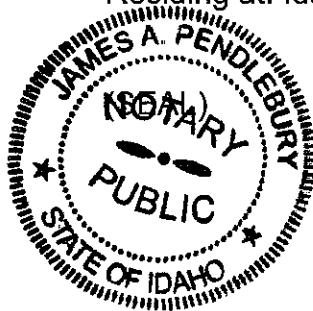
5. In my investigation regarding the water rights, I have found that there was a license and certificate of water right associated with the property listed in Exhibit A. A copy of this license and certificate of water right is attached herein as Exhibit B and is hereby incorporated in my affidavit.
6. The water right listed in Exhibit B has a priority date of July 21, 1965 and authorizes 1.11 c.f.s.
7. I am requesting that the SRBA grant me the water right associated with this subcase as the water right previously existed, and I would be harmed if the court were not to grant this. This harm would include loss of the use of this property for my business purposes and also a substantial loss should I later try to resale this property.

Dated this 9 day of May 2006.


Kevin Rhodehouse
Claimant

Subscribed and sworn to before me on this 9 day of May 2006.


NOTARY PUBLIC FOR IDAHO
My Commission Expires: 4/21/11
Residing at: Idaho Falls, Idaho



AFTER RECORDING MAIL TO:

Kevin Rhodehouse
4132 East 100 North
Rigby, ID 83442

Instrument # 335065
RIGBY, JEFFERSON, IDAHO
22004-11-02 04:30:00 No. of Pages: 2
RRecorded for : FIRST AMERICAN TITLE
CHRISTINE BOULTER Fee: 6.00
EEEx-Office Recorder Deputy
Index to: WARRANTY DEED

WARRANTY DEED

File No.: 102302-RI (kb)

Date: October 29, 2004

For Value Received, **Henry Fernandez and Ardith Fernandez, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Kevin Rhodehouse, a married man as his sole and separate property**, hereinafter called the Grantee, whose current address is **4132 East 100 North, Rigby, ID 83442**, the following described premises, situated in **Jefferson County, Idaho**, to-wit:

PARCEL 1:

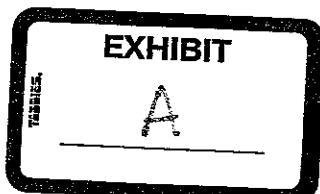
BEGINNING AT A POINT THAT IS N. 89°52'34" W. ALONG THE SECTION LINE 660.01 FEET AND N. 00°28'59" E. 468.16 FEET FROM THE S¼ CORNER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 37 E.B.M., JEFFERSON COUNTY, IDAHO; RUNNING THENCE N. 88°50'34" W. 447.85 FEET; THENCE N. 22°46'12" W. 191.19 FEET; THENCE S. 66°52'34" W. 384.65 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF A RAILROAD; THENCE N. 22°49'49" W. ALONG SAID RAILROAD RIGHT-OF-WAY 716.08 FEET; THENCE N. 72°47'44" E. 581.87 FEET; THENCE S. 23°13'45" E. 446.38 FEET; THENCE N. 66°46'15" E. 464.50 FEET; THENCE S. 00°28'59" W. 639.39 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN ACCESS EASEMENT 30 FEET IN WIDTH DESCRIBED AS FOLLOWS: BEGINNING AT THE S¼ CORNER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 37 E.B.M., JEFFERSON COUNTY, IDAHO; RUNNING THENCE N. 89°52'34" W. ALONG THE SECTION LINE 660.01 FEET; THENCE N. 00°28'59" E. 468.16 FEET; THENCE N. 88°50'34" W. 447.85 FEET; THENCE N. 22°46'12" W. 191.19 FEET; THENCE S. 66°52'34" W. 384.65 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF A RAILROAD; THENCE N. 22°49'49" W. ALONG SAID RAILROAD RIGHT-OF-WAY 716.08 FEET TO THE TRUE POINT OF BEGINNING; RUNNING THENCE N. 22°49'49" W. ALONG SAID RIGHT-OF-WAY LINE 30.15 FEET; THENCE N. 72°47'44" E. 581.66 FEET; THENCE S. 23°13'45" E. 30.17 FEET; THENCE S. 72°47'44" W. 581.87 FEET TO THE TRUE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

RECEIVED BY
ASSESSOR
FOR PLATING
Date 11/2/04 4:30



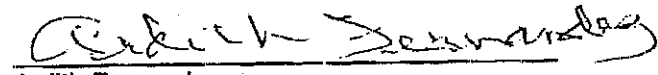
Date: 10/29/2004

Warranty Deed
- continued

File No : 102302-RI (kb)

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

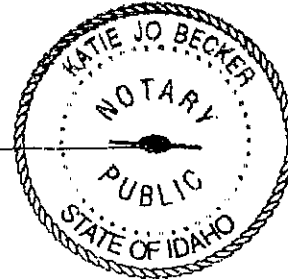

Henry Fernandez


Ardith Fernandez

STATE OF Idaho)
SS
COUNTY OF Jefferson)

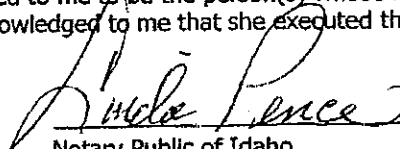
On this ^{29th} ~~First~~ day of ^{October} ~~November~~, 2004, before me, a Notary Public in and for said State, personally appeared **Henry Fernandez**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

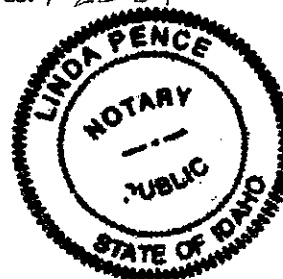

Katie Jo Becker
Notary Public for the State of Idaho
Residing at: Rexburg, ID
My Commission Expires: 11/08/2005



STATE OF Idaho)
SS
COUNTY OF ^{Bannock} ~~Jefferson~~)

On this **First day of November, 2004**, before me, a Notary Public in and for said State, personally appeared **Ardith Fernandez**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same.


Linda Pence
Notary Public of Idaho
Residing at: ^{PLATEAU, ID} ~~PLATEAU, ID~~
Commission Expires: ¹⁻²²⁻⁰⁹ ~~11-08-05~~



State of Idaho

License and Certificate of Water Right

35-2924

Water License No. G-32454 Priority July 21, 1965 Amount 1.11 c.f.s.

THIS IS TO CERTIFY that CLEMENTI-JACKSON, INC.

of Lewisville, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 21, 1965; that Permit No. G-32454 was issued under said application; that Certificate of Completion of Works with a carrying capacity of 1.11 second feet, was issued thereunder on March 21, 1968, showing that said works were completed on the 17 day of March, 1967; and that on the 17 day of March, 1967 CLEMENTI-JACKSON, INC. by Dale L.

Jackson, Director of Lewisville, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of Industrial-Processing plant under Use Permit No. G-32454 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~in~~ ~~the~~ ~~State~~ ~~of~~ ~~Idaho~~ ~~on~~ ~~the~~ ~~21~~ ~~day~~ ~~of~~ ~~March~~ ~~, 1968~~ ~~on~~ ~~the~~ ~~21~~ ~~day~~ ~~of~~ ~~March~~ ~~, 1968~~

The right hereby confirmed dates from July 21, 1965

The Point of Diversion is located in the SW 1/4 SW 1/4 Sec. 15 Twp. 4 N, R. 37 E, B.M. Jefferson County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.11 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Four-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N	37 E	15	SW 1/4 SW 1/4	Industrial-Processing plant	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer affixed at Boise, Idaho, this 21 day of March, 1968

R. Keith Hyman
State Reclamation Engineer

EXHIBIT

B