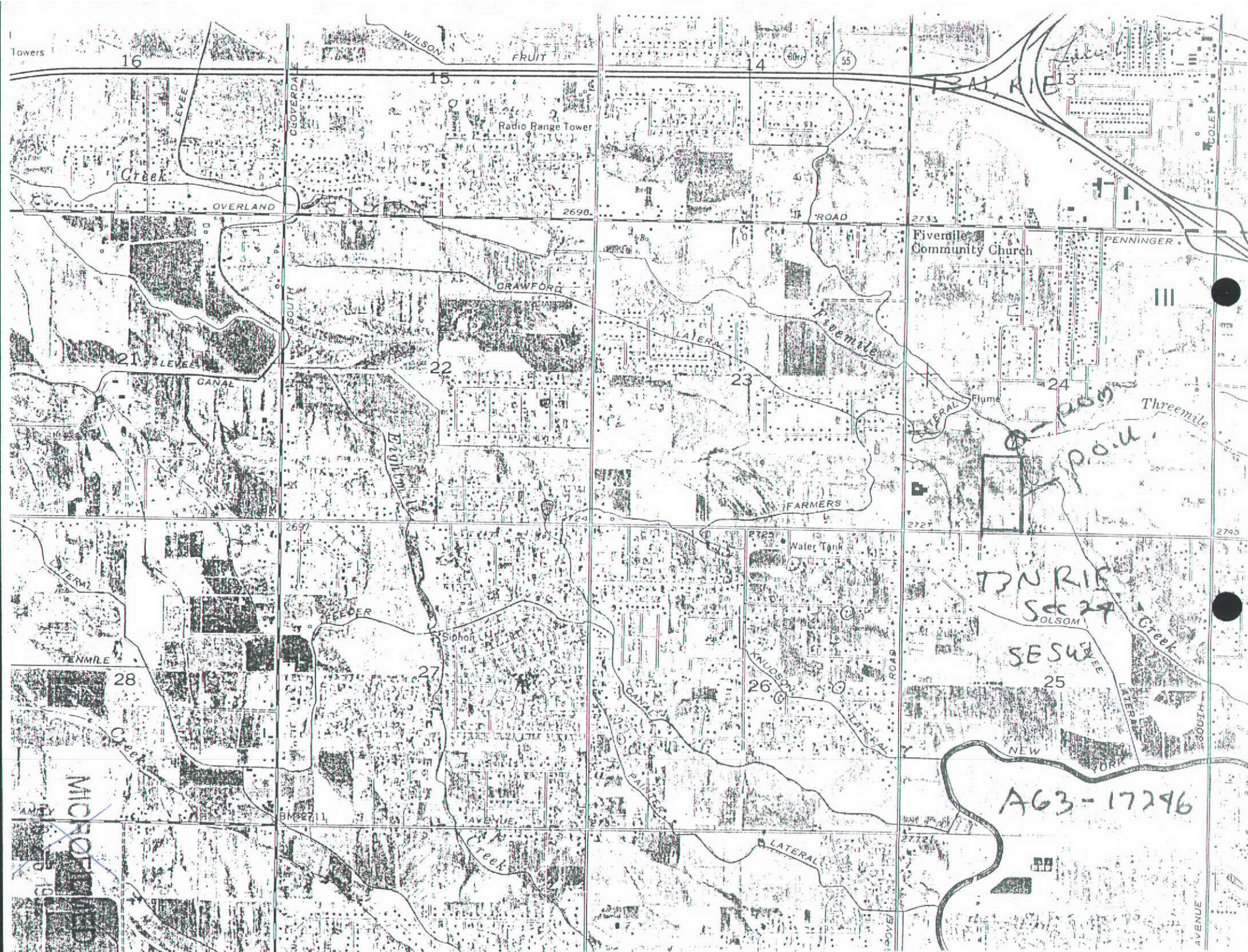




Idaho Dept of Water Resources

Calim No. 63-17246A
T03N, R01E, S 24
Prepared by: Sue Bock
Date: 06/18/2002

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



0 0.06 0.12 Miles



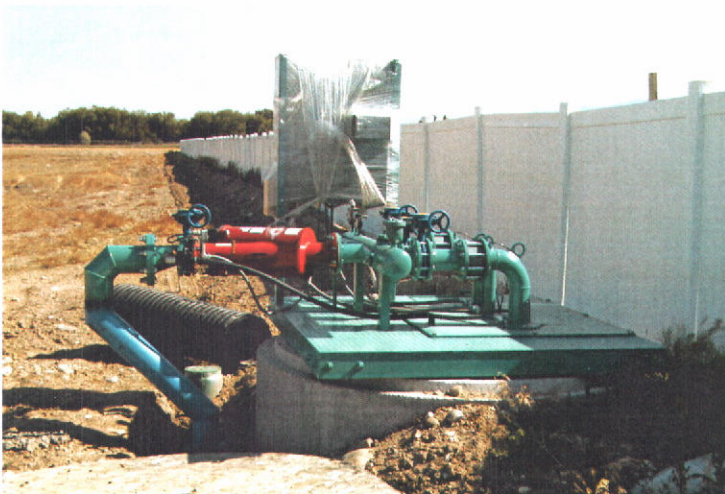
1987 NAPP



POD from 5 mile creek. This is a marshy area that feeds into a ditch. Photo taken facing east.



Photo of ditch flowing west toward claimant property.



Pressurized irrigation system that receives 5 mile creek water and N. Y. irr water.



POU facing North.



POU facing N.W.

BC

BC
Brighton
Corporation

Pat Hurley

208-287-0505

12426 West Explorer Drive, Suite 220
Boise, Idaho 83713
main: 208-378-4000
cell: 208-371-2113 fax: 208-377-8962
phurley@brightoncorp.com

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-17246A
Date Received: 8/10/1989
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRIGHTON CORPORATION
C/O PAT HURLEY
12426 W EXPLORER DR STE 220
BOISE ID USA 83713

Phone: (208)378-4000

2. Date of Priority: 03/15/1922

3. Source: FIVEMILE CREEK Trib. to: FIFTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01E	24	NE SW	ADA	

5. Description of diverting works:

DAM IN CREEK TO DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.35	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	24	SE	SW	IRRIGATION	17.5
Section Acres						17.5
Total Acres						17.5

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 9/6/2002

15. Basis of Claim: Beneficial Use

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

RECEIVED
SEP 05 2002
 WATER RESOURCES
 WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>63-17246A</u>					
<u>63-17243</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Providence Development Group, LLC
4. New Owner/Claimant(s) Brighton Corporation
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 12426 W. Explorer Drive, #220
- City, State and ZIP Code POOISE, ID 83713
- New Telephone Number 208 378-4000
5. Date you acquired the property Jan. 3, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) David W. Turnbull
(include title if applicable) DAVID W. TURNBULL, President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by DH Date 4-5-02 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

READ AND APPROVED


PROVIDENCE DEVELOPMENT GROUP, LLC
BY HARRY TEPPOLA, MANAGER


A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

175173 SC SMLA

WARRANTY DEED

For Value Received

LOUIS J. ALDECOA, an unmarried man, as his sole and separate property

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

PROVIDENCE DEVELOPMENT GROUP, LLC, a limited liability company

hereinafter referred to as Grantee, whose current address is

9550 BETHEL CT., BOISE, ID 83709

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A", Official Records of ADA County, Idaho.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 AU -3 PM 4:09

RECORDED - REQUEST OF
FEE 6.00 DEPUTY 

99077704

PIONEER TITLE

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that 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.

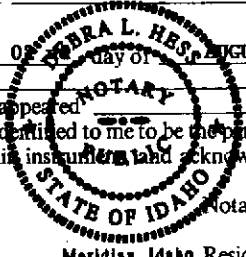
Dated: July 20, 1999.


LOUIS J. ALDECOA

ACKNOWLEDGMENT - Individual

STATE OF IDAHO, County of ADA, ss.

On this 02 day of AUGUST, in the year of 1999, before me
personally appeared DEBRA L. HESS, notary public
known or identified to me to be the person LOUIS J. ALDECOA IS
to the within instrument and acknowledged to me that he executed the same.


Notary Public: Debra L. Hess
Meridian, Idaho Residing at: MERIDIAN, IDAHO
Commission Expires 07-21-2003
My Commission Expires: 07/21/2003

SCHEDULE C

The land referred to in this Commitment is described as follows:

PARCEL I (PHASE I)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CORNER COMMON TO SECTIONS 25, 26, 23 AND THE SAID SECTION 24; THENCE
ALONG THE SOUTH BOUNDARY OF SAID SECTION 24 SOUTH 89 DEGREES 35'54" EAST, 843.80 FEET TO THE REAL POINT OF BEGINNING; THENCE
DEPARTING SAID SOUTH BOUNDARY NORTH 3 DEGREES 22'57" WEST, 349.86 FEET;
THENCE
NORTH 37 DEGREES 10'26" WEST, 37.16 FEET; THENCE
NORTH 4 DEGREES 31'54" WEST, 592.29 FEET; THENCE
NORTH 46 DEGREES 16'20" WEST, 206.94 FEET; THENCE
NORTH 31 DEGREES 09'18" WEST, 104.34 FEET; THENCE
NORTH 64 DEGREES 57'08" WEST, 239.03 FEET; THENCE
NORTH 38 DEGREES 55'57" WEST, 36.71 FEET TO A POINT ON THE NORTH BOUNDARY OF THE SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE
ALONG SAID NORTH BOUNDARY SOUTH 89 DEGREES 40'00" EAST, 1035.44 FEET TO THE SOUTHWEST 1/16 CORNER; THENCE
ALONG THE EAST BOUNDARY OF THE SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER SOUTH 00 DEGREE 31'15" WEST, 281.45 FEET THENCE
DEPARTING SAID EAST BOUNDARY NORTH 89 DEGREES 40'00" WEST, 495.56 FEET;
THENCE
SOUTH 4 DEGREES 31'54" EAST, 598.30 FEET; THENCE
SOUTH 26 DEGREES 18'20" EAST, 448.59 FEET; THENCE
SOUTH 00 DEGREE 24'06" WEST, 50.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 24; THENCE
NORTH 89 DEGREES 35'54" WEST, 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL II (PHASE II)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CORNER COMMON TO SECTIONS 25, 26, 23 AND THE SAID SECTION 24; THENCE
ALONG THE SOUTH BOUNDARY OF SAID SECTION 24 SOUTH 89 DEGREES 35'54" EAST, 1093.80 FEET TO THE REAL POINT OF BEGINNING; THENCE
DEPARTING SAID SOUTH BOUNDARY NORTH 00 DEGREE 24'06" EAST, 50.00 FEET;
THENCE
NORTH 26 DEGREES 18'20" WEST, 448.59 FEET; THENCE
NORTH 4 DEGREES 31'54" WEST, 598.30 FEET; THENCE
SOUTH 89 DEGREES 40'00" EAST, 495.56 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE
ALONG SAID EAST BOUNDARY SOUTH 00 DEGREE 31'15" WEST, 1047.41 FEET TO THE WEST 1/16 CORNER COMMON TO SAID SECTIONS 24 AND 25; THENCE
NORTH 89 DEGREES 35'54" WEST, 240.32 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

RECORDED - REQUEST OF

FEE 05 DEPUT

FOR VALUE RECEIVED, receipt of which is hereby acknowledged, FIRST SECURITY BANK OF IDAHO, N.A., Boise, Idaho, as Trustee of the JESSIE V. ACORDA TRUST AGREEMENT dated April 3, 1995

Does hereby Grant, Bargain, Sell and Convey unto PROVIDENCE DEVELOPMENT GROUP, LLC, an Idaho limited liability company, whose address is 9550 Bethel Court, Boise, ID 83709 the following described real property in the county of Ada, State of Idaho

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the heirs and assigns forever.

Dated:

FIRST SECURITY BANK OF IDAHO, N.A., Boise Idaho, as Trustee
of the JESSIE V. ACORDA TRUST AGREEMENT dated April 3, 1995

By:

Authorized Officer

State of Idaho)
) ss:
County of Ada)

On this 4th day of JANUARY, 2000 before me, the undersigned a Notary Public in and for said County and State personally appeared CALVIN KIDNEY known or identified to me on the basis of satisfactory evidence to be the authorized officer of First Security Bank of Idaho, N.A., said corporation known to me to be the Trustee of the Jessie V. Acorda Trust Agreement, and acknowledged to me the he executed the same on behalf of said corporation and that said corporation executed the same as Trustee.

Notary Public

Residing at:

Commission Expires: 10-5-04

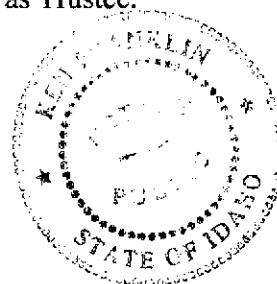


EXHIBIT "A"

The West Half of the Southeast Quarter of the Southwest Quarter of Section 24, in Township 3 North, Range 1 East of the Boise Meridian, Ada County, Idaho.

EXCEPT THEREFROM the parcel of land described as follows:

COMMENCING at a found aluminum cap marking the section corner common to Sections 23, 24, 25, and 26, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho; thence
South 89 degrees 35'54" East 2001.09 feet along the South boundary of said Section 24 to a found 5/8" iron pin marking the Southeast corner of the West Half of the said Southeast Quarter Southwest Quarter of Section 24; thence continuing
South 89 degrees 35'54" East 5.00 feet to a point; thence
North 00 degrees 28'09" East 27.08 feet (formerly 27.07 feet) to a set 5/8" iron pin marking a point on the Northerly right of way of West Victory Road, said pin also marking the REAL POINT OF BEGINNING; thence
North 89 degrees 46'13" West 140.00 feet along the said Northerly right of way of West Victory Road to a set 5/8" iron pin; thence
North 00 degrees 28'09" East 797.00 feet to a set 5/8" iron pin; thence
South 89 degrees 46'13" East 135.00 feet to a set 5/8" iron pin; thence
South 00 degrees 28'09" West 474.06 feet along the Easterly boundary of the said West Half Southeast Quarter Southwest Quarter of Section 24 to a found 1/2" iron pin; thence
South 89 degrees 31'51" East 5.00 feet to a set 5/8" iron pin; thence
South 00 degrees 28'09" West 322.92 feet to the POINT OF BEGINNING.

AND EXCEPTING the parcel deeded to Ada County Highway District by Instrument No. 9159315 recorded October 21, 1991.

THIS FORM FURNISHED COURTESY OF:

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 9- DEPUTY

ALLIANCE TITLE & ESCROW CORP.

2000 JAN 13 PM 3:58

100003599

ALLIANCE TITLE

READ & APPROVED BY GRANTEE(S):

SPACE ABOVE THIS LINE FOR RECORDING DATA

{6400; 6604}

Order No.: 99084869 KS

WARRANTY DEED

FOR VALUE RECEIVED PROVIDENCE DEVELOPMENT GROUP, LLC, an Idaho
limited liability company

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto BRIGHTON
CORPORATION, an Idaho corporation

GRANTEE(S), whose current address is: 12426 W. EXPLORER DRIVE #220, BOISE, ID 83713

the following described real property in ADA County, State of Idaho, more particularly
described as follows, to wit:

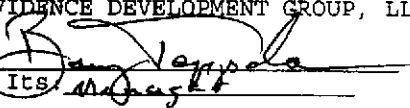
As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: January 03, 2000

PROVIDENCE DEVELOPMENT GROUP, LLC, an Idaho limited liability company

By:

Its 

STATE OF IDAHO County of Ada, ss.

On this 4TH day of January, in the year of 2000, before me, the undersigned, personally appeared BARRY TERPICA, known or identified to me to be the manager or member of the Limited Liability Company that executed the instrument or the person(s) who executed the instrument on behalf of said Limited Liability Company, and acknowledged to me that such Limited Liability Company executed the same.

Signature: [Signature]
Name: _____
(typed or printed)

Residing at: Bose
My Commission expires: 10/5/04

EXHIBIT "A"

A parcel of land located in the Southwest Quarter of the Southwest Quarter and West Half of the Southeast Quarter of the Southwest Quarter of Section 24, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the corner common to Sections 25, 26, 23 and the said Section 24, from which the Quarter corner common to said Sections 23 and 24 bears North 00 degrees 37'11" East, 2654.92 feet; thence North 00 degrees 37'11" East, 1327.28 feet to the South 1/16 corner; thence South 89 degrees 40'00" East, 296.39 feet to the REAL POINT OF BEGINNING; thence continuing South 89 degrees 40'00" East, 1035.44 feet to the Southwest 1/16 corner; thence South 89 degrees 42'11" East 665.87 feet to the Northeast corner of the West Half of the Southeast Quarter of the Southwest Quarter; thence along the East boundary of the West Half of the Southeast Quarter of the Southwest Quarter South 00 degrees 28'20" West (record South 00 degrees 28'09" West) 506.07 feet; thence departing said boundary North 89 degrees 46'13" West, 135.00 feet; thence South 00 degrees 28'20" West, 796.90 feet (record South 00 degrees 28'09" West, 797.00 feet) to a point on the northerly right-of-way of W. Victory Road; thence along said right-of-way North 89 degrees 46'13" West, 531.97 feet to a point on the East boundary of the Southwest Quarter of the Southwest Quarter; thence along said boundary South 00 degrees 31'15" West, 25.10 feet (record 25.06 feet) to the West 1/16 corner common to said Sections 24 and 25; thence along section line North 89 degrees 35'54" West, 490.32 feet; thence departing said section line North 03 degrees 22'57" West, 349.86 feet (record North 3 degrees 57' West, 350.2 feet); thence North 37 degrees 10'26" West, 37.16 feet (record North 37 degrees 42'30" West 37.2 feet); thence North 04 degrees 31'54" West, 592.29 feet (record North 5 degrees 12' West, 592.2 feet); thence North 46 degrees 16'20" West, 206.94 feet (record North 46 degrees 55' West, 207.2 feet); thence North 31 degrees 09'18" West, 104.34 feet (record North 31 degrees 43" West 104.6 feet); thence North 64 degrees 57'08" West, 239.03 feet (Record North 65 degrees 26' West 239.55 feet); thence North 38 degrees 55'57" West, 36.71 feet (record North 39 degrees 28'30" West 36.8 feet) to the POINT OF BEGINNING.

Premium Amount: \$ 3,450.00

S C H E D U L E - A

Order No.: 99084869 KS

Policy No.: 13 4036-106 6863

Date of Policy: JANUARY 13, 2000 at 3:58 P.M.

Amount of Insurance: \$ 1,360,000.00

1. Name of Insured:

BRIGHTON CORPORATION

2. The estate or interest in the land which is covered by this Policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

BRIGHTON CORPORATION, an Idaho corporation

4. The land referred to in this Policy is described as follows: situate in State of IDAHO, County of ADA:

A parcel of land located in the Southwest Quarter of the Southwest Quarter and West Half of the Southeast Quarter of the Southwest Quarter of Section 24, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the corner common to Sections 25, 26, 23 and the said Section 24, from which the Quarter corner common to said Sections 23 and 24 bears North 00 degrees 37'11" East, 2654.92 feet; thence North 00 degrees 37'11" East, 1327.28 feet to the South 1/16 corner; thence South 89 degrees 40'00" East, 296.39 feet to the REAL POINT OF BEGINNING; thence continuing South 89 degrees 40'00" East, 1035.44 feet to the Southwest 1/16 corner; thence South 89 degrees 42'11" East 665.87 feet to the Northeast corner of the West Half of the Southeast Quarter of the Southwest Quarter; thence along the East boundary of the West Half of the Southeast Quarter of the Southwest Quarter South 00 degrees 28'20" West (record South 00 degrees 28'09" West) 506.07 feet; thence departing said boundary

Order No.: 99084869 KS

North 89 degrees 46'13" West, 135.00 feet; thence
South 00 degrees 28'20" West, 796.90 feet (record South
00 degrees 28'09" West, 797.00 feet) to a point on
the northerly right-of-way of W. Victory Road; thence
along said right-of-way
North 89 degrees 46'13" West, 531.97 feet to a point on the
East boundary of the Southwest Quarter of the Southwest
Quarter; thence along said boundary
South 00 degrees 31'15" West, 25.10 feet (record 25.06 feet)
to the West 1/16 corner common to said Sections 24 and 25;
thence along section line
North 89 degrees 35'54" West, 490.32 feet; thence departing
said section line
North 03 degrees 22'57" West, 349.86 feet (record North 3 degrees
57' West, 350.2 feet); thence
North 37 degrees 10'26" West, 37.16 feet (record North 37 degrees
42'30" West 37.2 feet); thence
North 04 degrees 31'54" West, 592.29 feet (record North 5 degrees
12' West, 592.2 feet); thence
North 46 degrees 16'20" West, 206.94 feet (record North 46 degrees
55' West, 207.2 feet); thence
North 31 degrees 09'18" West, 104.34 feet (record North 31 degrees
43" West 104.6 feet); thence
North 64 degrees 57'08" West, 239.03 feet (Record North 65 degrees
26' West 239.55 feet); thence
North 38 degrees 55'57" West, 36.71 feet (record North 39 degrees
28'30" West 36.8 feet) to the POINT OF BEGINNING.

END OF SCHEDULE A

SCHEDULE B

ORDER NO.: 99084869 KS

POLICY NO.:13 4036-106 6863

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE BY REASON OF THE FOLLOWING:

[Exceptions]

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. General Taxes for the year 2000, a Lien but not yet due and payable.
8. The land described herein is located within the boundaries of the NEW YORK Irrigation District and is subject to any Assessments levied thereby. For current status call 378-1023.

Paid Current
9. Right-of-Way for Victory Road as to Parcel 120-S1124336400.
10. Any Rights, Interests, or Claims which may exist or arise by reason of the following facts shown on Record of Survey by Hubble Engineering, Job No. 4-98-047 dated December 9, 1999 and corrected December 23, 1999:

ATTACHED TO AND MADE A PART OF TICOR TITLE INSURANCE COMPANY
POLICY NO.: 13 4036-106 6863

Order No.: 99084869 KS

- A. Overhead power lines and power poles located on the Southwest corner;
- B. A ditch which meanders through the subject property;
- C. A fence which meanders outside and inside the property line along the West, North, and East side.

- 11. Agreement, and the Terms and Conditions contained therein:
Between PROVIDENCE DEVELOPMENT GROUP, LLC
and DENVER AND BARBARA PLATT
Recorded JANUARY 4, 2000
Instrument No. 100000605
Purpose WATER AND SEWER EASEMENT
- 12. Agreement, and the Terms and Conditions contained therein:
Between PROVIDENCE DEVELOPMENT GROUP, LLC
and GLENN AND DONNA JOHNSON
Recorded JANUARY 4, 2000
Instrument No. 100000608
Purpose WATER AND SEWER EASEMENT

END OF SCHEDULE B

THIS FORM FURNISHED COURTESY OF:

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 9- DEPUTY cfllbury

ALLIANCE TITLE & ESCROW CORP

2000 JA 13 PM 3:58
2000

100003599

ALLIANCE TITLE

READ & APPROVED BY GRANTEE(S):

SPACE ABOVE THIS LINE FOR RECORDING DATA

{6400; 6604}

Order No.: 99084869 KS

WARRANTY DEED

FOR VALUE RECEIVED PROVIDENCE DEVELOPMENT GROUP, LLC, an Idaho
limited liability company

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto BRIGHTON
CORPORATION, an Idaho corporation

GRANTEE(S), whose current address is: 12426 W. EXPLORER DRIVE #220, BOISE, ID 83713

the following described real property in ADA County, State of Idaho, more particularly
described as follows, to wit:

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: January 03, 2000

PROVIDENCE DEVELOPMENT GROUP, LLC, an Idaho limited liability company

By:

Its J. David Navarro
Agent

STATE OF IDAHO County of Ada, ss.

On this 4th day of January, in the year of 2000, before me, the undersigned, personally appeared BARRY TERPORA, known or identified to me to be the manager or member of the Limited Liability Company that executed the instrument or the person(s) who executed the instrument on behalf of said Limited Liability Company, and acknowledged to me that such Limited Liability Company executed the same.

Signature: [Signature]
Name: _____
(typed or printed)

Residing at: Bose
My Commission expires: 10/5/04

ORDER NO. 99084869 KS

EXHIBIT "A"

A parcel of land located in the Southwest Quarter of the Southwest Quarter and West Half of the Southeast Quarter of the Southwest Quarter of Section 24, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the corner common to Sections 25, 26, 23 and the said Section 24, from which the Quarter corner common to said Sections 23 and 24 bears North 00 degrees 37'11" East, 2654.92 feet; thence North 00 degrees 37'11" East, 1327.28 feet to the South 1/16 corner; thence South 89 degrees 40'00" East, 296.39 feet to the REAL POINT OF BEGINNING; thence continuing South 89 degrees 40'00" East, 1035.44 feet to the Southwest 1/16 corner; thence South 89 degrees 42'11" East 665.87 feet to the Northeast corner of the West Half of the Southeast Quarter of the Southwest Quarter; thence along the East boundary of the West Half of the Southeast Quarter of the Southwest Quarter South 00 degrees 28'20" West (record South 00 degrees 28'09" West) 506.07 feet; thence departing said boundary North 89 degrees 46'13" West, 135.00 feet; thence South 00 degrees 28'20" West, 796.90 feet (record South 00 degrees 28'09" West, 797.00 feet) to a point on the northerly right-of-way of W. Victory Road; thence along said right-of-way North 89 degrees 46'13" West, 531.97 feet to a point on the East boundary of the Southwest Quarter of the Southwest Quarter; thence along said boundary South 00 degrees 31'15" West, 25.10 feet (record 25.06 feet) to the West 1/16 corner common to said Sections 24 and 25; thence along section line North 89 degrees 35'54" West, 490.32 feet; thence departing said section line North 03 degrees 22'57" West, 349.86 feet (record North 3 degrees 57' West, 350.2 feet); thence North 37 degrees 10'26" West, 37.16 feet (record North 37 degrees 42'30" West 37.2 feet); thence North 04 degrees 31'54" West, 592.29 feet (record North 5 degrees 12' West, 592.2 feet); thence North 46 degrees 16'20" West, 206.94 feet (record North 46 degrees 55' West, 207.2 feet); thence North 31 degrees 09'18" West, 104.34 feet (record North 31 degrees 43" West 104.6 feet); thence North 64 degrees 57'08" West, 239.03 feet (Record North 65 degrees 26' West 239.55 feet); thence North 38 degrees 55'57" West, 36.71 feet (record North 39 degrees 28'30" West 36.8 feet) to the POINT OF BEGINNING.

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-17246A
Date Received: 8/10/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JESSIE ACORDA 208-362-1778
Address: 8440 W VICTORY
BOISE ID 83709

2. Date of Priority: MAR 15, 1922

3. Source: FIVE MILE CREEK Trib. to: FIFTEEN MILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	24		NE	SW		ADA

5. Description of diverting works:
DAM IN CREEK TO DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.350		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 7 HORSES OR RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	24	SE	SW		IRR	17.5

Section Acres 17.5

10. Place of Use: Continued

Total Acres 17.5

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
 NEW YORK IRRIG.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

RECEIVED

AUG 04 1998

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

A63-17246A

1. Water Right No(s).: (# A63-17246 & A63-17247)
Adjudication Claim No(s).: (# AJ 0749 NP)
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: JESSIE ACORDA
8440 W. VICTORY BOISE, ID 83709
4. New Owner/Claimant(s): STEPHEN J. GRACE & MARILYN A. GRACE
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address: 8440 WEST VICTORY RD.
City, State and ZIP Code: BOISE, IDAHO 83709
New Telephone Number: (208) 362-6726
5. Date you acquired the property: JULY 31, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 2.51 Number and type of stock HORSES - [#] 07 OR 07 CATIE
Diversion rate in CFS _____ Number of homes ONE (1) Other uses IRRIGATION W-LAWN & GARDEN STOCKWATER
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s):
Stephen J. Grace
Marilyn A. Grace
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

TRUSTEES DEED

This deed made this 3rd day of August, 1998 between First Security Bank, N.A. as Trustee of the JESSIE V. ACORDA TRUST AGREEMENT, Under agreement dated 3 April 1995, Grantor and party of the first part; and STEPHEN J. GRACE AND MARILYN GRACE, HUSBAND AND WIFE, whose address is 8440 WEST VICTORY ROAD, BOISE, IDAHO, 83709, Grantee and parties of the second part;

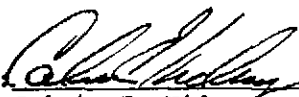
WITNESSETH, That the said party of the first part, for good and other valuable consideration, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey without warranty unto the said parties of the second part the following described real property situated in ADA County, State of IDAHO, to-wit:

A PARCEL OF LAND LYING INT HE SE1/4 SW1/4 OF SECTION 24, T.3N., R.1E., B.M., ADA COUNTY, IDAHO AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A":

Together with all and singular the tenements, hereditament, and appurtenances thereunto belonging, or other wise appertaining, and all estate, right, title, and interest in and to the said property.

TO HAVE AND TO HOLD all and singular the above-mentioned and described premises, together with appurtenances, unto the parties of the second part and their heirs and assigns forever.

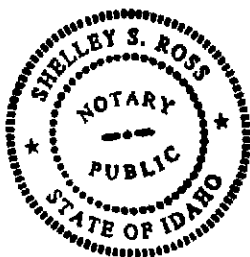
First Security Bank, N.A. as Trustee
for the JESSIE V. ACORDA TRUST
AGREEMENT, Under agreement dated 3
April 1995

BY 
Calvin E. Kidney
Assistant Vice President, Manager
Trust Real Estate

STATE OF IDAHO)
) ss.
County of ADA)

On this 3RD Day of AUGUST, 1998, before me, Shelley S. Ross, a Notary Public in and for said State, personally appeared Calvin E. Kidney known or identified to me to be the Assistant Vice President, Manager Trust Real Estate, of the corporation/fiduciary that executed the instrument as Trustee for the Jessie V. Acorda Trust Agreement, under agreement dated 3 April 1995 or the person who executed the instrument on behalf of said corporation/fiduciary and acknowledged to me that such corporation/fiduciary executed the same.

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



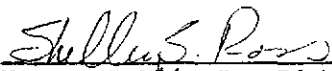

Notary Public For Idaho
Residing at Boise, Idaho
My Commission Expires: 9/28/02

EXHIBIT "A"

Commencing at a found Aluminum Cap marking the Section Corner common to Sections 23, 24, 25, and 26, T.3N., R.1E., B.M., Ada County, Idaho; thence S.89°35'54"E. 2001.09 feet along the south boundary of said Section 24 to a found 5/8" iron pin marking the SE Corner of the W1/2 of the said SE1/4 SW1/4 of Section 24; thence continuing S.89°35'54"E. 5.00 feet to a point; thence N.0°28'09"E. 27.08 feet (formerly 27.07 feet) to a set 5/8" iron pin marking a point on the northerly right of way of W. Victory Road, said pin also marking the REAL POINT OF BEGINNING;

thence N.89°46'13"W. 140.00 feet along the said northerly right of way of W. Victory Road to a set 5/8" iron pin;

thence N.0°28'09"E. 797.00 feet to a set 5/8" iron pin;

thence S.89°46'13"E. 135.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 474.06 feet along the easterly boundary of the said W1/2 SE1/4 SW1/4 of Section 24 to a found 1/2" iron pin;

thence S.89°31'51"E. 5.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 322.92 feet to the point of beginning, containing 2.51 acres, more or less.

SUBJECT TO:

Any easements or rights of way of record or in use.

RECORD OF SURVEY No. 4337

FOR

FIRST SECURITY BANK

A PARCEL OF LAND LYING IN THE SE 1/4 SW 1/4 OF SECTION 24,
T3N., R1E., B.M., ADA COUNTY, DND
1998

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT DOLAN & PERLEY, PLLC, IS A LICENSED LAND SURVEYOR IN THE STATE OF DAKOTA, AND THAT THIS IS AN ACCURATE REPRESENTATION OF SURVEY AS MADE BY ME AND MY CO-SURVEYOR WITH THE CORNER PERMANENT AND FLAG ACT - DND CODE 95-405, SURVEY 95-405.



DOLAN & PERLEY, PLLC, 9710

CERTIFICATE OF COUNTY RECORDER

INSTRUMENT NO. 98070737

STATE OF DAKOTA
COUNTY OF ADA

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF DOLAN & PERLEY, PLLC, SURVEY NO. 98070737, DND CODE 95-405, DND OF 1-22-03.

RECORDED

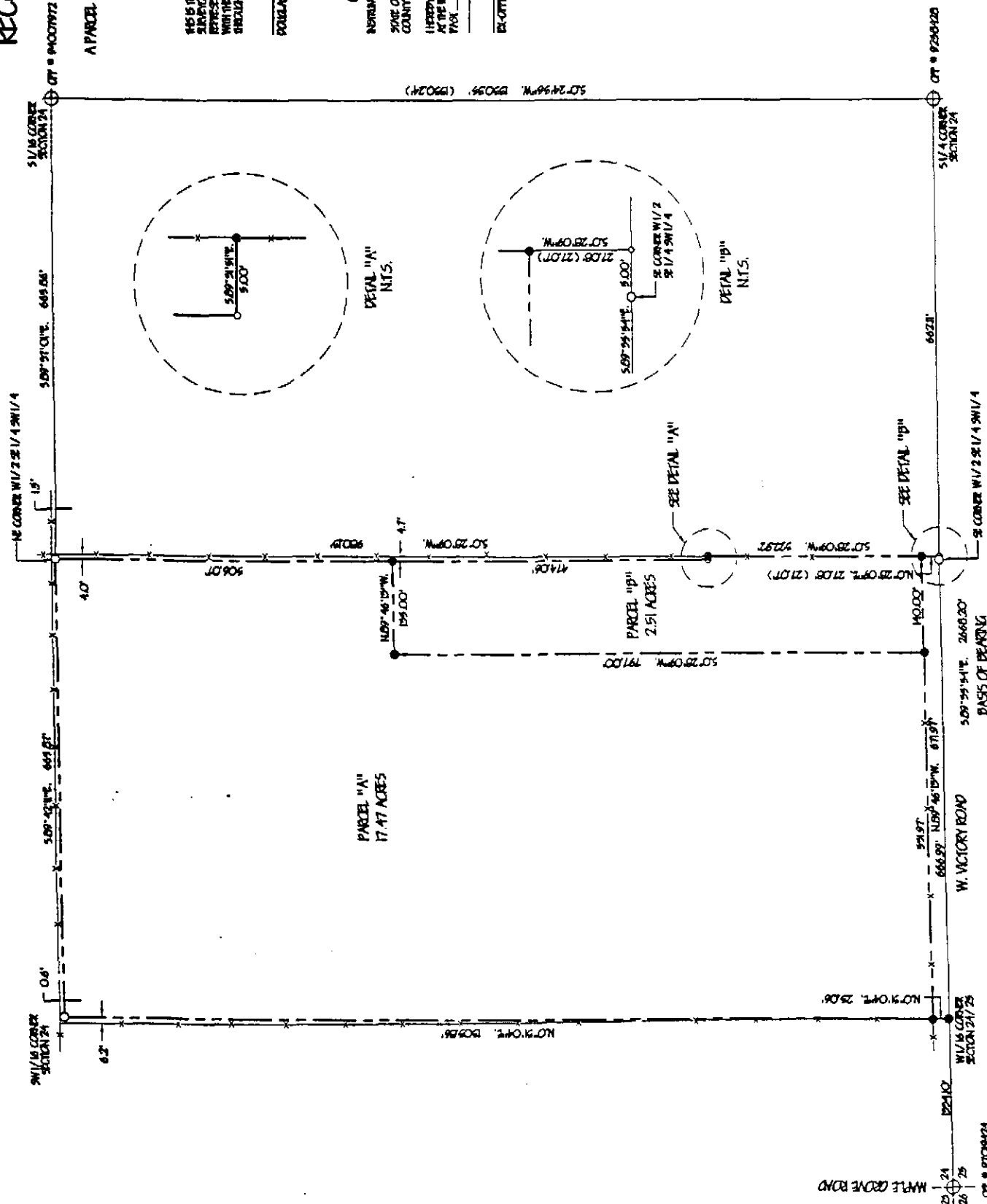


LEGEND

- PROPERTY BOUNDARY
- EXISTING FENCE LINE
- FOUND ALIAS OF BOUNDARY
- FOUND 9/8" BENT PIN
- FOUND 1/2" BENT PIN
- SET 9/8" BENT PIN
- CALC. POINT
- DATA OF RECORD

NOTE: No. 24-220-000

MARKS LAND SURVEYING
DOLAN & PERLEY, PLLC, S.D.
6405 US HWY 80
PO BOX DND 0704
(306) 516-1105





Colleen Marks, L.S. 7045 • 6405 Ustick Road • Boise, ID 83704 • (208) 378-7703

PROPERTY DESCRIPTION
PARCEL "A"

A parcel of land lying in the W1/2 SE1/4 SW1/4 of Section 24, T.3N., R.1E., B.M., Ada County, Idaho and being more particularly described as follows:

Commencing at a found Aluminum Cap marking the Section Corner common to Sections 23, 24, 25, and 26, T.3N., R.1E., B.M., Ada County, Idaho; thence S.89°35'54"E. 1334.10 feet along the south boundary of said Section 24 to a set 5/8" iron pin marking the W1/16 Corner common to said Sections 24 and 25; thence N.0°31'04"E. 25.06 feet to a set 5/8" iron pin marking a point on the northerly right of way of W. Victory Road, said pin also marking the REAL POINT OF BEGINNING;

thence continuing N.0°31'04"E. 1303.86 feet to a found 5/8" iron pin marking the SW1/16 Corner of said Section 24;

thence S.89°42'11"E. 665.87 feet to a found 5/8" iron pin marking the NE Corner of the said W1/2 SE1/4 SW1/4 of Section 24;

thence S.0°28'09"W. 506.07 feet along the easterly boundary of the said W1/2 SE1/4 SW1/4 of Section 24 to a set 5/8" iron pin;

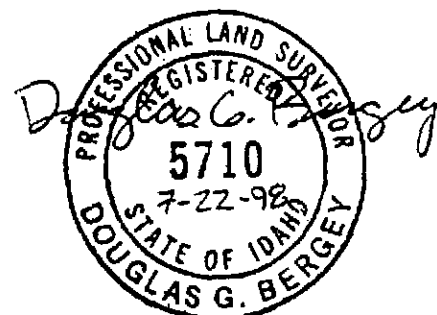
thence N.89°46'13"W. 135.00 feet to a set 5/8" iron pin;

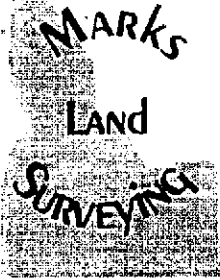
thence S.0°28'09"W. 797.00 feet to a set 5/8" iron pin marking a point on the said northerly right of way of W. Victory Road;

thence N.89°46'13"W. 531.97 feet along the said northerly right of way of W. Victory Road to the point of beginning, containing 17.47 acres, more or less.

SUBJECT TO:

Any easements or rights of way of record or in use.





Colleen Marks, L.S. 7045 • 6405 Urtlek Road • Boise, ID 83704 • (208) 378-7703

PROPERTY DESCRIPTION
PARCEL "B"

A parcel of land lying in the SE1/4 SW1/4 of Section 24, T.3N., R.1E., B.M., Ada County, Idaho and being more particularly described as follows:

Commencing at a found Aluminum Cap marking the Section Corner common to Sections 23, 24, 25, and 26, T.3N., R.1E., B.M., Ada County, Idaho; thence S.89°35'54"E. 2001.09 feet along the south boundary of said Section 24 to a found 5/8" iron pin marking the SE Corner of the W1/2 of the said SE1/4 SW1/4 of Section 24; thence continuing S.89°35'54"E. 5.00 feet to a point; thence N.0°28'09"E. 27.08 feet (formerly 27.07 feet) to a set 5/8" iron pin marking a point on the northerly right of way of W. Victory Road, said pin also marking the REAL POINT OF BEGINNING;

thence N.89°46'13"W. 140.00 feet along the said northerly right of way of W. Victory Road to a set 5/8" iron pin;

thence N.0°28'09"E. 797.00 feet to a set 5/8" iron pin;

thence S.89°46'13"E. 135.00 feet to a set 5/8" iron pin;

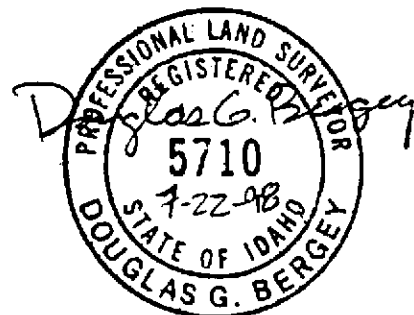
thence S.0°28'09"W. 474.06 feet along the easterly boundary of the said W1/2 SE1/4 SW1/4 of Section 24 to a found 1/2" iron pin;

thence S.89°31'51"E. 5.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 322.92 feet to the point of beginning, containing 2.51 acres, more or less.

SUBJECT TO:

Any easements or rights of way of record or in use.



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-17246
Date Received: 8/10/1989
Receipt No: W004309
Received By: SNL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JESSIE ACORDA 208-362-1778
Address: 8440 W. VICTORY
BOISE, ID 83709

2. Date of Priority: MAR 15, 1922

3. Source: FIVE MILE CREEK Trib. to: FIFTEEN MILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	24		NE	SW		ADA

5. Description of diverting works:
DAM IN CREEK TO DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
STOCKWATER	03/15	11/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/20 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	24	SE	SW		STOCK	
			SE	SW		IRR	20.0
						Section Acres	20.0

A63-17246

Page 1

Date: 08/10/89

MICROFILMED
AUG 26 1992

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NEW YORK IRRIG.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jessie Roush Date: 8-10-89

Date: _____

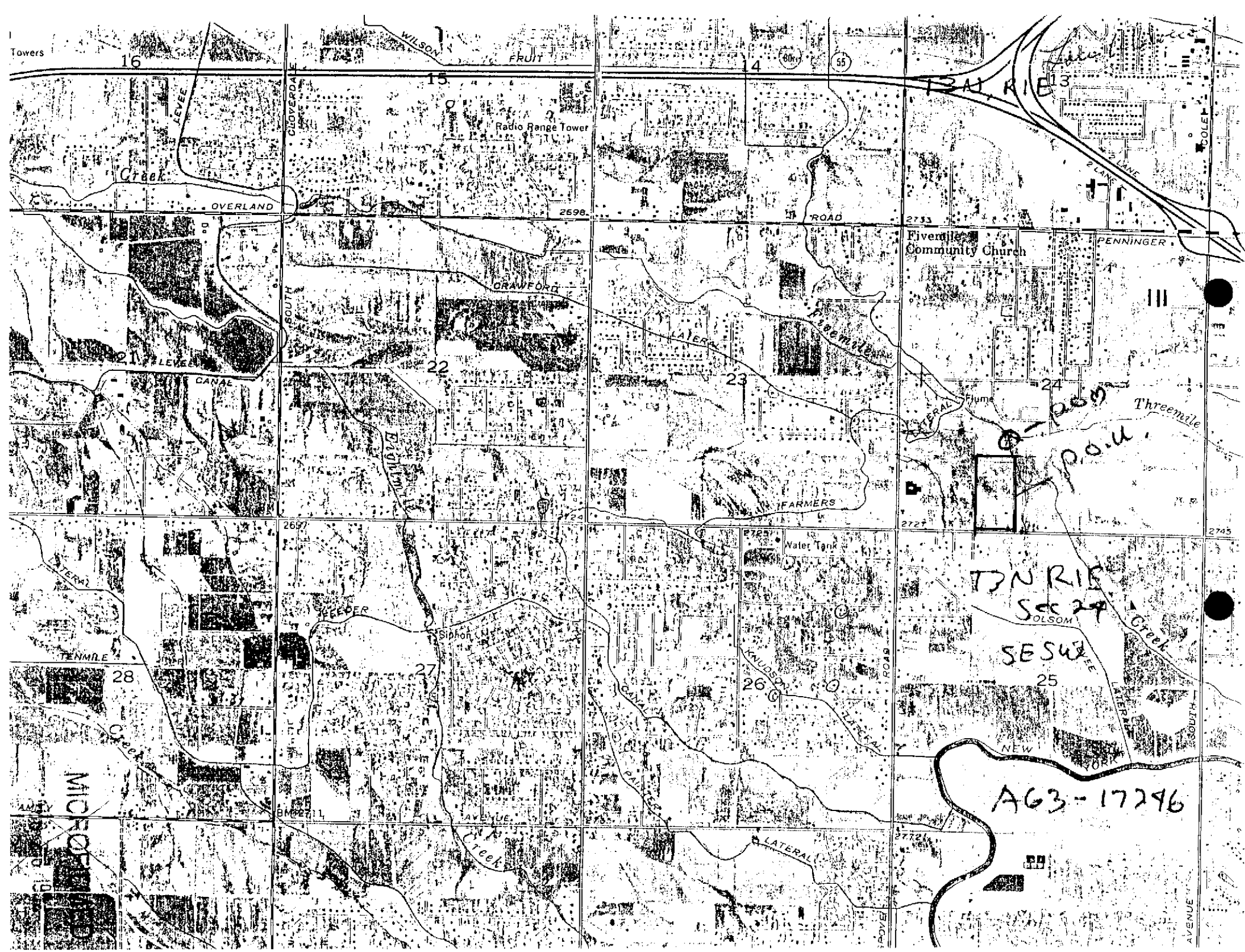
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of Aug 19 89

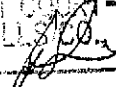
Eldon L. Roush
Notary Public

Seal

Residing at Eldon L. Roush
Residing at Boise, Idaho
My Commission Expires September 8, 1994



2006 AUG 16 AM 9:07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 

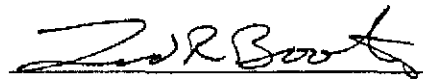
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	) Subcase 63-17246A
	)
Case No. 39576	) ORDER GRANTING MOTION TO
	) AMEND STANDARD FORM 1
_____	) OBJECTION

On May 15, 2006, the New York Irrigation District, by and through their attorneys of record McDevitt & Miller, LLP, filed a *Motion to Amend Standard Form 1 Objection*, together with a proposed *Amended Standard Form 1 Objection*. Pursuant to Idaho Rule of Civil Procedure 15(a), and good cause appearing, the *Motion* is hereby **granted**.

The Clerk of the Court is instructed to file the *Amended Objection*, which shall replace the objection previously filed on April 21, 2006.

Dated August 14, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND STANDARD FORM 1 OBJECTION was mailed on August 16, 2006, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

BRIGHTON CORP

C/O PAT HURLEY
12426 W EXPLORER DR STE 220
BOISE, ID 83713
Phone: 208-378-4000

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

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

In Re SRBA)

Case No. 39576)

A. Subcase **63-17246A**

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:
David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

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

Name: New York Irrigation District
C/O Chas F. McDevitt
McDevitt & Miller LLP
Address: 420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Brighton Corp.
Address: c/o Pat Hurley
12426 W. Explorer Dr., Ste 220
Boise, ID 83713

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

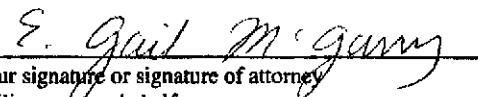
Name: Name: New York Irrigation District
C/O Chas F. McDevitt, McDevitt & Miller LLP
Address: P.O. Box 2564-83701, Boise, ID 83702

4. Copies to:

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

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

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


Your signature or signature of attorney
mailing on your behalf

06/18/2002

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

RIGHT NUMBER: 63-17246A

NAME AND ADDRESS: JESSIE ACORDA
8440 W VICTORY
BOISE ID 83709

SOURCE: FIVEMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 0.35 CFS

PRIORITY DATE: 03/15/1922

POINT OF DIVERSION:

T03N R01E S24 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.350 CFS

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S24 SESW 17.5

17.5 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL:

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NEW YORK
IRRIGATION DISTRICT.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

In Re SRBA) A. Subcase 63-17246A
(Insert water right number)
Case No. 39576) **STANDARD FORM 1**
OBJECTION

Name: New York Irrigation District
Address: 6616 Overland Road
Boise, ID 83709
Daytime Phone: 208-378-1023

Name & Address of Attorney, if any:
Chas F. McDevitt & Miller LLP
McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

Name: Brighton Corp.
c/o Pat Hurley
Address: 12426 W. Explorer Dr., Ste 220
Boise, ID 83713

Name: Jessie Acorda
Address: 8440 W. Victory Rd.
Boise, ID 83709

1. ☐ **Name and Address**
Should be: _____

2. ☒ **Source**
Should be: The waste waters claimed belong to the Boise-Kuna Irrigation District.

3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
X This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with
the elements described above.

REASONS SUPPORTING OBJECTIONS(S):

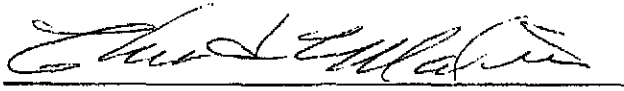
There has been no lawful appropriation of this right. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

VERIFICATION

State of Idaho)
)ss.
County of Ada)

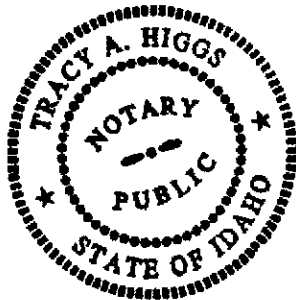
Chas F. McDevitt, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: 4-21-06 Tracy A. Higgs



Notary Public for State of ID
Residing at: Boise ID
My Commission Expires: 6/2007

CERTIFICATE OF MAILING

I certify that on April 21st, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Brighton Corp.
c/o Pat Hurley
Address: 12426 W. Explorer Dr., Ste 220
Boise, ID 83713

Original Owner:

Name: Jessie Acorda
Address: 8440 W. Victory Rd.
Boise, ID 83709

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Heather Herder, Legal Assistant
McDEVITT & MILLER LLP



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 6, 2002

BRIGHTON CORPORATION
% PAT HURLEY
12426 W EXPLORER DR, SUITE 220
BOISE ID 83713

Re: Notice of Claim to a Water Right No. 63-17243 & 63-17246A

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

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

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jesse Acorda
8440 W Victory
Boise ID 83709

Re: Original Notice of Claim to a Water Right No. A63-17246

Renumbered to Notice of Claim to a Water Right No. A63-17246A

Dear Claimant:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure

DATE: 02/27/01
PAGE: 105

W of Horse Property

when looking @
"B" told them I'd
need E.O.P.
+ Sunday

O. → Sent C.O.O.
 6/17
 also on
 63-17243

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-17246A panel # 5112434604

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Requested E.O.P.

Priority date, per claimant, is: _____

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

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: located in the SESU
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			2E	SW	2d	3N	1E		✓

Description of diverting works

Water comes through ditch from marshy area
 across property channel on 63-17248 & miles SW/New York
 IRR water

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

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

63-21610 - B.O.R. 10.00 cfs
 63-17243 - Louis Aldecoa .38 cfs - SWSW of 24 P.O.O.

WATER USES☒ No change☐ Different Uses

Use IRR From 3/1 To 11-15 Amount .35 CFS AFA
 Use _____ From _____ To _____ Amount _____ CFS AFA
 Use _____ From _____ To _____ Amount _____ CFS AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
 Types _____ Additional comments: _____

PLACE OF USE:

- ☒ No Change
☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-17246B

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

Delivery System Narrative: Brighton Corp has put in a pressurised
suction system to take water from this
right + New York DRR water to cover property

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Attempted Flow measurement + manning however
because ditch has "back flow" neither was possible.
Ditch is sufficient to serve these rights.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 6-12-02

FIELD EXAMINER: *Due Bode*

Idaho Dept of Water Resources

Calim No. 63-17246A

T03N, R01E, S 24

Prepared by: Sue Bock

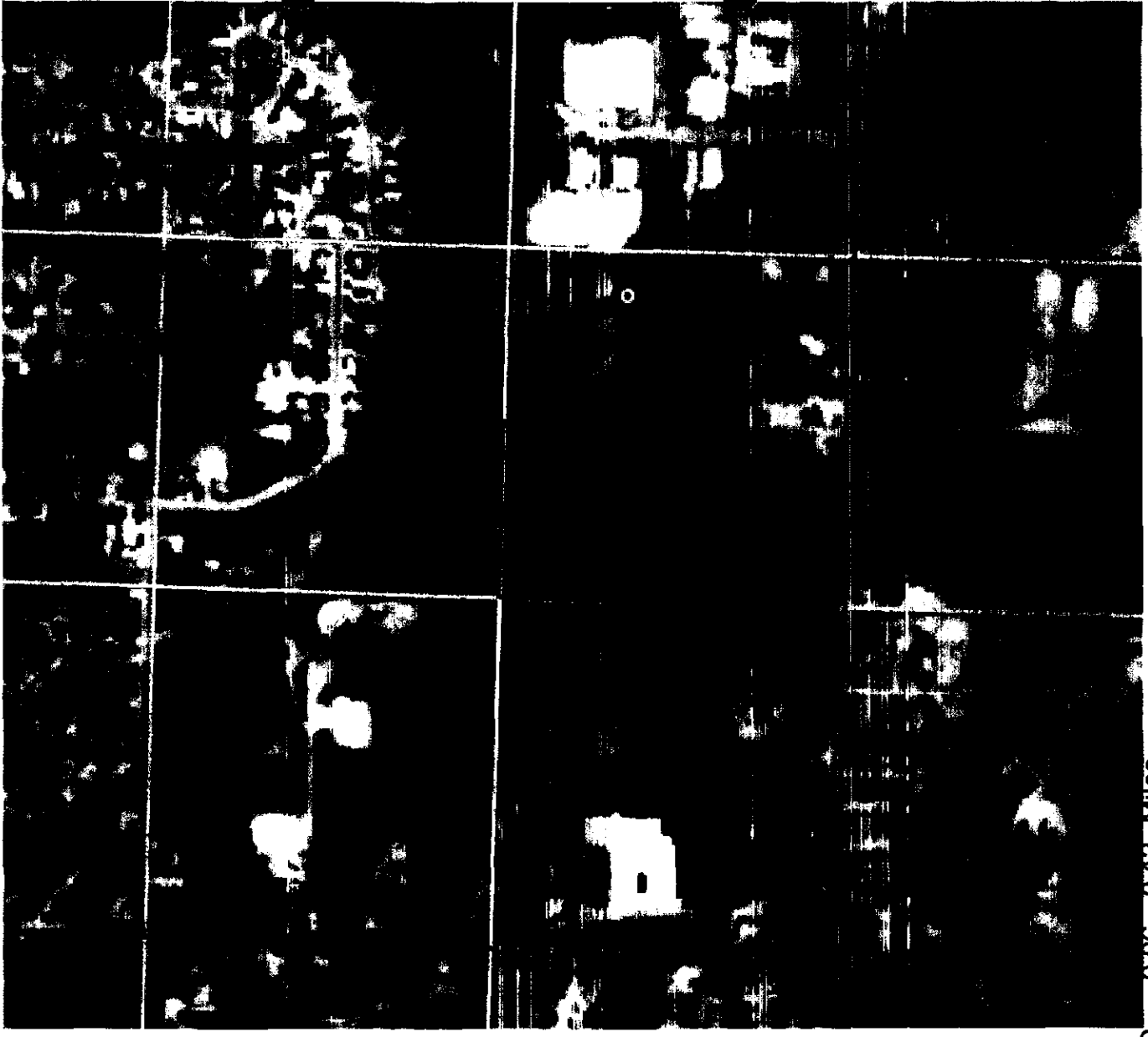
Date: 06/18/2002

⊙ Point of Diversion

□ Place of Use

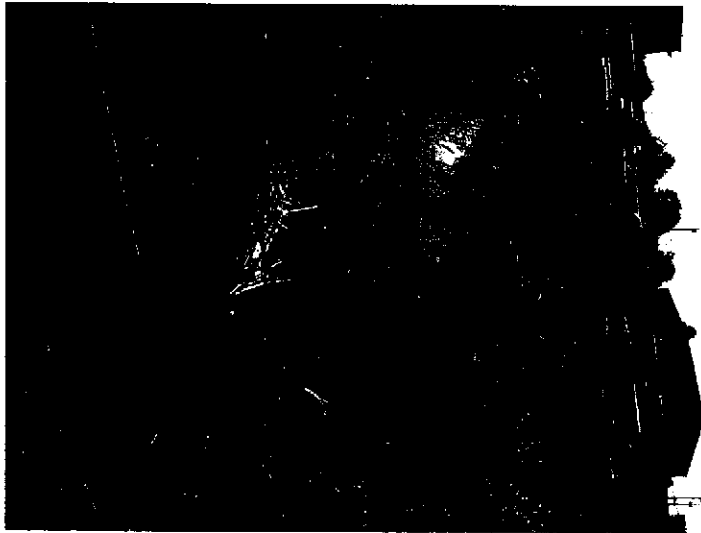
□ Section Lines

□ Quarter Quarter Lines



0 0.06 0.12 Miles

1987 NAPP



POD from 5 mile creek. This is a marshy area that feeds into a ditch. Photo taken facing east.



Photo of ditch flowing west toward claimant property.



Pressurized irrigation system that receives 5 mile creek water and N. Y. irr water.



POU facing North.



POU facing N.W.

AFFIDAVIT

RECEIVED

AUG 27 2002

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Jessie Acorda & Stephen & Mairlyn Grace)
Idaho Department Of Water Resources)
A63-17246A & A63-17246B)
State of Idaho)

County of ADA)

We, Stephen & Marilyn Grace being first duly sworn,

deposes and says: That from the Priority Date of March 15, 1922 Thru June 01, 1963 Thru July 31, 1998 Thru Todays Date of August 28, 2002. That this property and water rights have been used for growing crops, and for the raising of farm animals such as sheep, cows, and horses from the date of March 15, 1922 Thru to Todays Date of August 28, 2002.

This Adjudication Claim No(S): (#AJ0749NP) have been used consistently , thru these years for the irrigation of crops and for the stockwater of many types of animals, and lawn & garden.

Please accept this information, not only from the current owners but also from the (2) brothers and one Sister still here in Boise , Id.

Edward F Aspitarte
(Signature)

Subscribed and sworn to before me this

day _____ of _____, 20____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.

AFFIDAVIT

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Jessie Acorda & Stephen & Mairlyn Grace)
Idaho Department Of Water Resources)
A63-17246A & A63-17246B)
State of Idaho)

RECEIVED

AUG 27 2002

WATER RESOURCES
WESTERN REGION

County of ADA)

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Please accept this information, not only from the current owners but also from the (2) brothers and one Sister still here in Boise , Id.

John H. Aspartar
(Signature)

Subscribed and sworn to before me this

day _____ of _____, 20____.

(Notary Public)

Residing at _____.

My Commission Expires _____.

SEAL

AFFIDAVIT

RECEIVED

AUG 27 2002

WATER RES.
WESTERN REC'D

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Jessie Acorda & Stephen & Mairlyn Grace)
Idaho Department Of Water Resources)
A63-17246A & A63-17246B)
State of Idaho)

County of ADA)

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Please accept this information, not only from the current owners but also from the (2) brothers and one Sister still here in Boise , Id.

Gloria Tribble
(Signature)

Subscribed and sworn to before me this

day _____ of _____, 20____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17246

WATER RIGHT NUMBER: 63-17246

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JESSIE ACORDA 8440 W VICTORY BOISE, ID 83709 (208)362-1778

Priority Date: 03/15/1922

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
FIVEMILE CREEK	FIFTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	3/15	11/15	0.020 CFS	
IRRIGATION	3/15	11/15	0.400 CFS	
	<u>Total Diversion:</u>		0.420 CFS	

Location of Point(s) of Diversion

FIVEMILE CREEK	NE1/4SW1/4	Sec. 24, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	24													X				

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	24																	20.0

Total Acres: 20

Conditions of Approval:Remarks:

$$A = 17.5$$

$$B = \frac{2.5}{20.0}$$

Spec OK.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17246

1. General SEE CLAIM NOS. A63-17246A & A63-17246B.

Comments:

Dates and Other Information:

Claim Received Date: 8/10/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17246B

WATER RIGHT NUMBER: 63-17246B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHEN J GRACE 8440 W VICTORY RD BOISE, ID 83709 (208)362-6726
Current Owner	MARILYN A GRACE 8440 W VICTORY RD BOISE, ID 83709 (208)362-6726
Original Owner	JESSIE ACORDA 8440 W VICTORY BOISE, ID 83709 (208)362-1778

Priority Date: 03/15/1922

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
FIVEMILE CREEK	FIFTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	3/15 to 11/15	0.020 CFS	
IRRIGATION	3/15 to 11/15	0.050 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of Diversion

FIVEMILE CREEK	SE1/4SW1/4	Sec. 24, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	24												X					

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	24												2.5					2.5

Total Acres: 2.5

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-17246B

Conditions of Approval:

Remarks:

1. General NOTE: CLAIMANT PURCHASED 2.51 ACRES. (PER CLAIMANT 9/14/98).
1/12/99 AMENDMENT: ORIGINAL CLAIM INCORRECTLY LISTED WRONG P/D LEGAL.

Comments:

Dates and Other Information:

Claim Received Date: 8/10/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False