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DEPARTMENT OF
WATER RESOURCES

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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 No. 21-02100
	)	
	)	STATE OF IDAHO'S OPPOSITION TO THE MOTION
	)	TO SET ASIDE PARTIAL DECREE
Case No. 39576	)	
	)	
	)	
	)	

The State of Idaho, by and through the undersigned deputy attorney general, hereby files its Opposition to the Motion to Set Aside Partial Decree in the above-entitled subcase.

I. STATEMENT OF FACTS

1. On January 17, 2006, the Director's Report for water right no. 21-02100 was issued. A certified copy of the Director's January 17, 2006 notice letter regarding water rights in Reporting Area 17, Basin 21 is attached hereto as Exhibit A. A certified copy of page 186 of the Basin 21

Director's Report for water right no. 21-02100 is attached hereto as Exhibit B.

2. Objections in Basin 21 were due on May 26, 2006. Responses were due on July 28, 2006. A certified copy of the Notice of Filing of Director's Report for Basin 21 for Irrigation and Other Water Rights is attached hereto as Exhibit C.

3. No objections were filed against water right no. 21-02100.

4. On February 2, 2007, the SRBA District Court issued a Partial Decree for water right no. 21-02100.

5. Over six months after the Partial Decree was issued, on August 29, 2007, the North Henry's Lake Homeowners Association ("Movant") filed its Motion to Set Aside Partial Decree.

II. STANDARD OF REVIEW

A. Idaho Rule of Civil Procedure 60(b)

In the SRBA, a motion to set aside a partial decree is treated similarly to a motion to set aside a final judgment pursuant to I.R.C.P. 60(b). AO1 § 14(d) ("Parties seeking to modify a partial decree shall comply with I.R.C.P. 60(a) or 60(b). Partial decrees are final judgments and cannot be modified by an administrative proceeding except as provided in I.C. § 42-222."); Order Recommending Partial Decree Be Set Aside, In re SRBA Case No. 39576 (Idaho 5th Dist. Ct. Jan. 19, 2004) (Subcase nos. 37-07311, 31-02375, and 31-02395). Idaho Rule of Civil Procedure 60(b) allows a court to relieve a party from a final judgment for the following reasons:

- (1) Mistake, inadvertence, surprise, or excusable neglect;
- (2) Newly discovered evidence, which by due diligence could not have been discovered in time to move for a new trial;
- (3) Fraud, misrepresentation, or other misconduct of an adverse party;
- (4) The judgment is void;

- (5) The judgment has been satisfied, released, or discharged; or
- (6) Any other reason justifying relief from the operation of the judgment.

B. Meritorious Defense Standard

In addition to satisfying the criteria of I.R.C.P. 60(b), the Movant must also allege facts which would constitute a meritorious defense to the action. *See Idaho State Police v. Real Prop. Situated in County of Cassia*, 144 Idaho 60, ___, 156 P.3d 561, 563 (2007). The meritorious defense requirement is not an alternative to I.R.C.P. 60(b), but rather, it is an additional prerequisite founded on the principle that “[i]t would be an idle exercise for the court to set aside a default if there is in fact no real justiciable controversy.” *Hearst Corp. v. Keller*, 100 Idaho 10, 12, 592 P.2d 66, 68 (1979).

C. Time Limitations

Idaho Rule of Civil Procedure 60(b) requires that a motion to set aside a judgment be made within a reasonable time, and for justifications (1), (2), (3), and (6), not more than six months after the judgment. The time limits of I.R.C.P. 60(b) are mandatory, and thus, any attempt to modify or set aside a judgment pursuant to justifications (1), (2), (3), or (6) will not be allowed where the six-month time limit has expired. *Gordon v. Gordon*, 118 Idaho 804, 806, 800 P.2d 1018, 1020 (1990).

D. Standard Applied to *pro se* Litigants

The general rule in Idaho is that *pro se* litigants are “held to the same standards and rules as those represented by an attorney.” *Litz v. Robinson*, 131 Idaho 282, 283, 955 P.2d 113, 114 (Ct. App. 1997). This principle extends to the SRBA in general and motions to set aside partial decrees in particular:

To otherwise give special consideration to a *pro se* litigant in determining whether or not to set aside a partial decree seriously impairs the administration and

progress of the SRBA. Ultimately, because of the monumental scope of the SRBA, if the SRBA is to be completed, there must be some semblance of finality for those water right claims that have been partially decreed, whether a *pro se* litigant is involved or not.

Order on Motion to Set Aside Partial Decrees and File Late Objections at 6, In re SRBA Case No. 39576 (Idaho 5th Dist. Ct. Jan. 1, 2001) (A.L. Cattle) (strictly construing the six-month time limits of I.R.C.P. 60(b) against *pro se* litigants seeking to set aside partial decrees).

III. DISCUSSION

A. The Movant Fails to Allege Sufficient Grounds to Set Aside the Partial Decree Under the Justifications Set Forth in Idaho Rule of Civil Procedure 60(b)

The Movant has failed to set forth any grounds or plead any facts that address any of the criteria set forth in I.R.C.P. 60(b)(1) through (6). Instead, the Motion to Set Aside Partial Decree dwells entirely on the merits of the contemplated late objection. This is insufficient. The Idaho Supreme Court has made it clear that in order “to be entitled to relief under I.R.C.P. 60(b), the moving party must allege grounds and plead facts bringing it within the terms of the rule.” *Puphal v. Puphal*, 105 Idaho 302, 306, 669 P.2d 191, 195 (1983). A motion to set aside a partial decree that ignores the requirements of I.R.C.P. 60(b), as is the case here, must be denied. *See id.*

B. The Movant’s Failure to File Its Motion Within the Mandatory Six-Month Time Limit Means that No Relief Can Be Granted Under Idaho Rule of Civil Procedure 60(b)(1), (2), (3), or (6)

The time limits of I.R.C.P. 60(b) are mandatory and cannot be avoided. The Idaho Supreme Court has made it clear that any attempt to modify or set aside a judgment pursuant to I.R.C.P. 60(b)(1), (2), (3), or (6) must be made within the requisite six-month window. *Gordon v. Gordon*, 118 Idaho 804, 806, 800 P.2d 1018, 1020 (1990); *see also* Order Recommending Partial Decree Be Set Aside, In re SRBA Case No. 39576 (Idaho 5th Dist. Ct. Jan. 19, 2004) (Subcase nos. 37-07311, 31-02375, and 31-02395).

Here, the Movant missed its window. On February 2, 2007, the SRBA District Court issued its Partial Decree for water right no. 21-02100. It was not until more than six months after the Partial Decree was issued, on August 29, 2007, that the Movant filed its Motion to Set Aside Partial Decree. The Movant is thus not entitled to relief under I.R.C.P 60(b)(1), (2), (3), or (6) as a matter of law.

C. The Movant's Filing of Its Motion to Set Aside the Partial Decree this Late in the Process Was Unreasonable

The reasonableness of the Movant's conduct is raised in at least two contexts under I.R.C.P. 60(b): First, in order to set aside a judgment due to mistake, inadvertence, surprise, or excusable neglect under I.R.C.P. 60(b)(1), the party's conduct must be weighed against "what a reasonably prudent person would do under similar circumstances." *Tyler v. Keeney*, 128 Idaho 524, 527, 915 P.2d 1382, 1385 (Ct. App. 1996). Second, all motions under I.R.C.P. 60(b) must be filed within a reasonable time, and as discussed above, a reasonable time for justifications (1), (2), (3), and (6) can be no longer than six months.

This Court has held that "an uncontested water right that proceeds to partial decree is subject to more scrutiny than in a typical non-SRBA case where a default judgment is ultimately entered." Memorandum Decision and Order on Motion to Set Aside Partial Decrees at 10, *In re SRBA Case No. 39576* (Idaho 5th Dist. Ct. May 1, 2001) (Subcase nos. 55-02373 *et al.*) (LU Ranching Co.). This is because the SRBA invokes its own unique set of procedures and safeguards not found in non-SRBA cases. Order on Motion to Set Aside Partial Decrees and File Late Objections at 6, *In re SRBA Case No. 39576* (Idaho 5th Dist. Ct. Jan. 1, 2001) (A.L. Cattle). That is:

In a non-SRBA case, the entry of a default or default judgment typically occurs when a party fails to take some required action. Although *AOI* incorporates the standards for setting aside a default and a default judgment and applies these

standards by analogy, water right claims that proceed uncontested through the SRBA are not entirely analogous to a default situation. First, uncontested claims are prosecuted by claimants who are usually active in their subcase but face no objectors. Second, although uncontested, the claims are still in fact “decided on the merits.” Idaho’s statutory scheme for the SRBA, together with *AOI* procedure, set forth a comprehensive process for adjudicating both uncontested and contested state based claims. This process affords additional procedures and safeguards not otherwise present in non-SRBA cases.

Id.; see also *LU Ranching Co. v. United States*, 138 Idaho 606, 67 P.3d 85 (2003) (finding that the procedures for giving notice to water rights claimants in the SRBA, under which claimants received notice of filing of report detailing all claims and instructions on how to access the report, as opposed to personal service of all potentially adverse claims, did not violate due process requirements).

Here, the Movant’s untimely interjection into this matter almost seven months after the entry of this Court’s Partial Decree is unreasonable under any circumstance. The Movant does not contend that it was not served with the notice of the commencement of the SRBA. In fact, the Movant timely filed a claim in the SRBA for a water right in the same Basin as the water right at issue here. See Exhibit D, Notice of Claim for water right no. 21-10015; Exhibit E, Amended Notice of Claim for water right no. 21-10015. As such, the Movant’s claim was reported in the same Director’s Report as that of the Idaho Department of Fish and Game. See Exhibit F, Director’s Report 21-10015. Accordingly, in addition to the notice of the filing of the Director’s Report for Basin 21 being included in the Docket Sheet, the Movant was also provided with actual notice by mail that the Director’s Report had been filed. Exhibit G, Affidavit of Service of Basin 21 Director’s Report (including the Movant on the official mailing list). The Movant does not dispute that it received the notice. In fact, the Movant filed an objection to its own water right recommendation in a timely manner pursuant to such notice. See Exhibit H, Claimant’s Objection 21-10015.

The Movant was clearly aware that the Director's Report for Basin 21 had been filed. The Movant was clearly aware that there was a process involved in objecting to recommendations within the Director's Report. The Movant should have reasonably understood that the objection process applied to all recommendations within the Director's Report. The Movant should have reasonably reviewed the Director's Report in more detail, and the Movant should have reasonably raised its objections to the above-entitled water right in a timely manner.

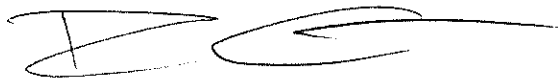
IV. CONCLUSION

The Motion to Set Aside Partial Decree fails to satisfy both the substantive and procedural requirements of I.R.C.P. 60(b), and thus, it should be denied.

RESPECTFULLY SUBMITTED this October 12, 2007.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division



DAVID I. STANISH
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on the October 12, 2007, I caused to be served the original and/or copy of this STATE OF IDAHO'S OPPOSITION TO THE MOTION TO SET ASIDE PARTIAL DECREE on each of the following persons by the indicated methods:

1. Original to:

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

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☒ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

North Henry's Lake Homeowners Assn
c/o Lana Esplin
3897 Teton Road
Island Park, Idaho 83429

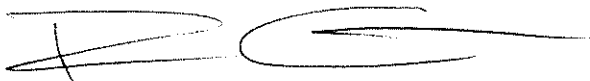
- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

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

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail



DAVID I. STANISH
Deputy Attorney General

EXHIBIT LIST

Exhibit A	Notice Letter regarding water rights in Reporting Area 17, Basin 21
Exhibit B	Page 186 of the Basin 21 Director's Report for water right no. 21-02100
Exhibit C	Notice of Filing of Director's Report for Basin 21 for Irrigation and Other Water Rights
Exhibit D	Notice of Claim for water right no. 21-10015
Exhibit E	Amended Notice of Claim for water right no. 21-10015
Exhibit F	Page 427 of the Basin 21 Director's Report for water right no. 21-10015
Exhibit G	Affidavit of Service of Basin 21 Director's Report
Exhibit H	Claimant's Objection 21-10015

Exhibit A



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 17, 2006

RE: Water Rights in Reporting Area 17, Basin 21
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right claim(s) in Basin 21 that designates the drainage area of the Henry's Fork River. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended water right claims in your area. Water rights for all domestic and/or stock water rights were recommended separately in earlier reports, and most of those now have been decreed by the SRBA Court.

Note that you have until May 26, 2006, in which to review the recommendations for your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Fremont, Jefferson, Madison and Clark, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to the recommendation for your water right, your water right will be decreed toward the end of the year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 11th day of October, 2007

Exhibit B

01/12/2006

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

RIGHT NUMBER: 21-2100

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: SHERWOOD SPRING
UNNAMED STREAM

TRIBUTARY: HENRYS LAKE
TRIBUTARY: HENRYS LAKE

QUANTITY: 6.000 CFS

PRIORITY DATE: 02/03/1948

POINT OF
DIVERSION: T16N R43E S33 NESE Within FREMONT County
T16N R43E S33 NWSE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	6.000 CFS

PLACE OF USE: FISH PROPAGATION Within FREMONT County
T16N R43E S33 NWSE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 14th day of October, 2007

Exhibit C

**NOTICE OF FILING OF DIRECTOR'S REPORT
FOR BASIN 21
FOR IRRIGATION AND OTHER WATER RIGHTS**

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for irrigation and other water rights in Basin 21. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed water rights should be decreed in the SRBA.

This Director's Report includes the Director's recommendation for your water rights claimed in the SRBA. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other water rights claimed under state law, is available at the SRBA courthouse in Twin Falls and the locations listed at the end of this Notice. Copies of the report can be made, but you may be charged for copying and mailing.

Also included in this Director's Report are some small domestic and stockwater uses. The Director's Report for most small domestic and stockwater rights for IDWR Basin 21 was sent to the SRBA Court and individual water users on August 31, 1998. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from the 1998 report, it is reported in this Director's Report.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The enclosed description of your right is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You can agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed numerically by water right number.
- 2) **List of Claims Recommended to Be Disallowed** -- Water right claims to be recommended disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed in this Notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form ("Standard Form 1") available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection must be **received** by the SRBA Court on or before **May 26, 2006**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form ("Standard Form 2") available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA Web Site at www.srba.state.id.us.

Your response must be **received** by the SRBA Court on or before **July 28, 2006**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. Upon receipt of that list, the Court will hold a hearing on whether the water right recommendations should proceed to partial decree. The SRBA Court will hear the uncontested recommendations on **August 15, 2006**, at or about **1:30 P.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Web Site.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

What if a water right is not in this report? What if a water right claim is filed late? How do I get notice of IDWR's recommendation for a late claim?

A water right for Basin 21 may not be included in this Director's Report if it was not filed in time for IDWR to investigate and report. These water rights will be reported at a later time in IDWR's *Director's Report for Late Claims*. This report may include recommendations for Basin 21, as well as other basins. As the Director files Director's Reports for any remaining water rights in Basin 21, he may also recommend additional general provisions that could also apply to your water rights. This report is issued once per year, usually in February. It is the responsibility of all parties to check with the SRBA Court or IDWR to see when this report is filed. It is also the responsibility of all parties to check this report carefully for water rights to which they want to object. A notice of filing of this report will not be sent to you unless you have a late claim that is recommended in the report.

INSTRUCTIONS FOR REVIEWING WATER RIGHTS IN OTHER BASINS

How will I know when Director's Reports for other basins are filed?

Claimants can keep track of when future Director's Reports are filed by regularly reviewing the court's docket sheet or periodically inquiring of the SRBA court or IDWR as to when such reports are anticipated to be filed.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office in writing with your address change or if the ownership of your water right changes. You may download a copy of a change of ownership form from the IDWR Web Site at www.idwr.idaho.gov. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office and on the IDWR Web Site at www.idwr.idaho.gov. The IDWR web page provides information regarding your claims, mapping and other valuable information on the SRBA and IDWR. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are also available at the IDWR Eastern regional office in Idaho Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. Additional information regarding water right claims can be found on the SRBA Web Site at www.srba.state.id.us. Finally, you may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
(208) 736-3011

**Idaho Department of Water Resources
Western Region**
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

**Idaho Department of Water Resources
Southern Region**
1341 Fillmore, Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

Clark County Courthouse
320 W Main
PO Box 205
Dubois, ID 83423

Jefferson County Courthouse
PO Box 275
Rigby, ID 83442

Idaho Department of Water Resources
322 East Front Street
Box 83720
Boise, ID 83720-0098
(208) 287-6700
(800) 451-4129

**Idaho Department of Water Resources
Northern Region**
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

**Idaho Department of Water Resources
Eastern Region**
900 North Skyline, Suite A
Idaho Falls, ID 83402-3653
(208) 525-7161

Fremont County Courthouse
151 W 1ST N Rm 15
St Anthony, ID 83445

Madison County Courthouse
PO Box 389
Rexburg, ID 83440-0389

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 21.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water; for example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PLACE OF USE FOR IRRIGATION PROJECTS: Pursuant to Idaho Code Sections 42-219(2) and 42-1411(2)(b), IDWR has included GIS mapping for describing the place of use (digital boundary) for water rights meeting certain criteria (i.e. irrigation projects). The **PLACE OF USE** for irrigation projects is reported in digital format and uses GIS technology to particularly identify and display a geographic area encompassing the place of use with the aid of a computer. The GIS data is stored in digital format and contained on a CD-ROM and is properly marked for identification with the water right number. The CD-ROM will be retained by the SRBA Court. IDWR also retains a duplicate of the original CD-ROM. The electronic data contained on the CD-ROM is available for public use and is also accessible through the IDWR Web Site at www.idwr.idaho.gov. Upon request, IDWR will provide a copy of the CD-ROM with the electronic data to claimants.

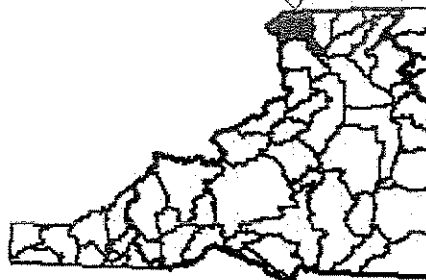
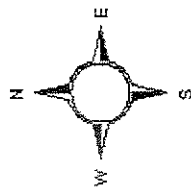
BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated by a remark under the priority date that reads:

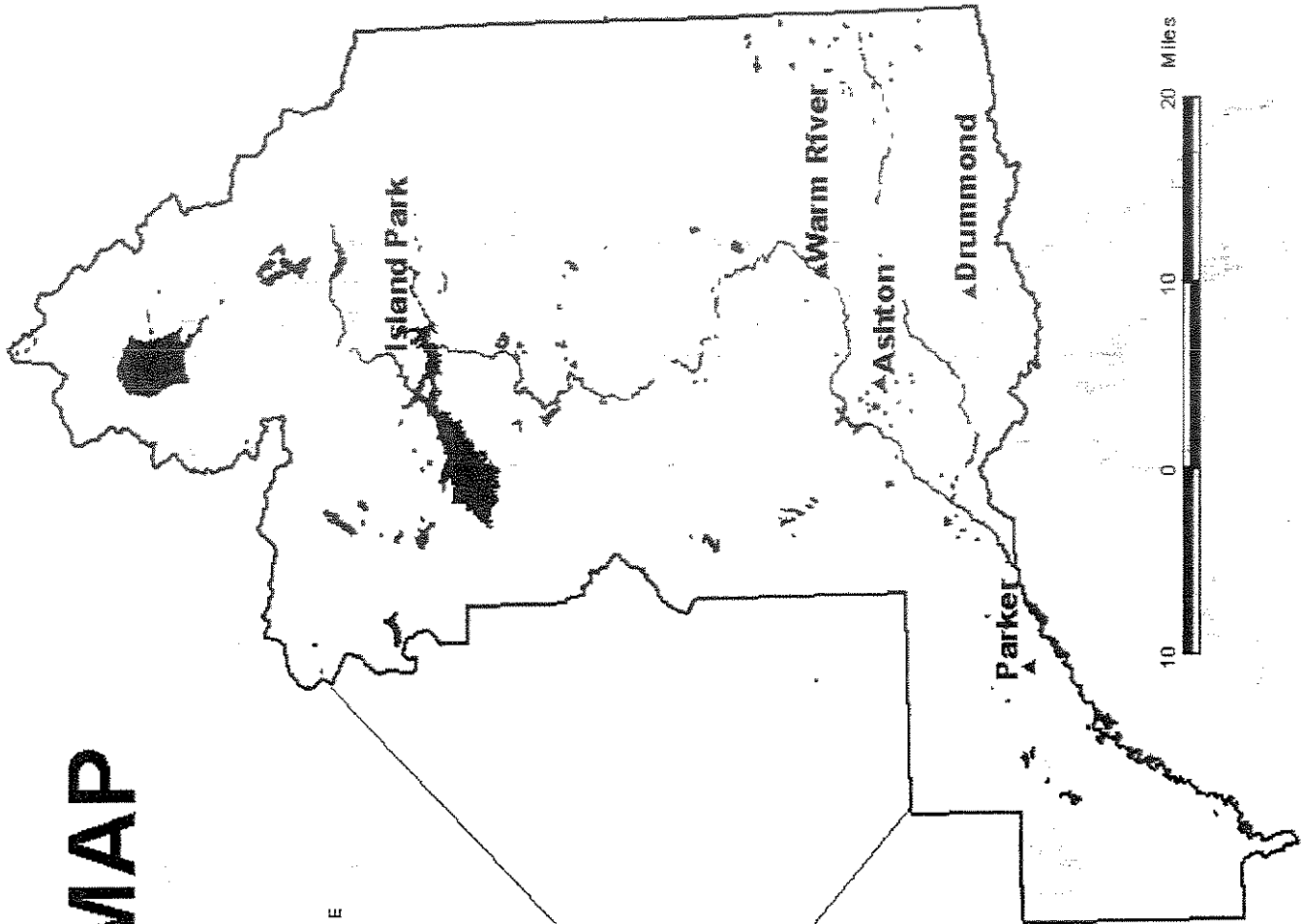
*4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT *
THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926,
DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND
KNOWN AS PUBLIC WATER RESERVE 107.

IDWR does not investigate or make recommendations regarding federal law based claims.

BASIN 21 MAP



SRBA BOUNDARY



Idaho Dept. of Water Resources
 Snake River Basin Adjudicator
 Administrative Offices
 Baseline Smith
 Sept 26, 2005

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 11th day of October, 2007

Exhibit D

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 THE CIVIL CASE NUMBER: 39576
OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.

Ident. Number: A21-10015
Date Received: 10/8/1988
Receipt No: E003211
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTH HENRY'S LAKE HOMEOWNERS ASSOC. 208-558-7244
Address: H.C. 66, BOX 49
ISLAND PARK, ID 83429

2. Date of Priority: SEP 15, 1904

3. Source: HOWE SPRINGS STREAM Trib. to: PITTSBURG CREEK
PITTSBURG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 of Lot	County
16N	43E	33	SE SE SW	FREMONT
		34	SW SW	FREMONT

5. Description of diverting works: PIPELINE TO PUMP TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	1.500		
IRRIGATION	04/15	10/15	1.500		

7. Total Quantity Appropriated is: 1.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 60.0 Acres Feet Per Annum. For IRRIGATION PURPOSES.

9. Non-irrigation uses: DOMESTIC USE FOR 211 HOMES.

A21-10015

RECEIVED
OCT 13 1988

Department of Water Resources
Eastern District Office

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 14 day of October 20, 1988

Date: 09/15/88

MICROFILMED
OCT 21 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	43E	4	NE NE		IRR DOMEST	2.0
					Section Acres	2.0
16N	43E	33	SW SE		IRR	5.0
			SW SE		DOMEST	
			SE SE		IRR	30.0
			SE SE		DOMEST	
					Section Acres	35.0
		34	SW SW		IRR	3.0
			SW SW		DOMEST	
					Section Acres	3.0
					Total Acres	40.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
NONE.

14. Remarks:
THIS RIGHT COMBINES THE 2 WATER RIGHTS IN THE DECREE OF HENRY'S LAKE LODGE VS. ALL UNKNOWN CLAIMANTS.
WATER RIGHTS WERE DEEDED TO NORTH HENRY'S LAKE HOMEOWNERS ASSOC. BY HENRY'S LAKE LODGE WITH GRANT DEED #360658 FREMONT COUNTY, DATED JULY 30, 1979.
POINT OF DIVERSION - HOWE SPINGS, SEC 34, T.16 N. R.43 E.
" " " - STREAM, SEC 33, T.16 N, R.43 E.
THE INDIVIDUAL LOT OWNERS ARE MEMBERS OF THE NORTH HENRY'S LAKE HOMEOWNERS ASSOC.

15. Basis of Claim: DECREED
Case Number: 7303
Court : SEVEN
Decree date: 6/04/1979

HENRY'S LAKE LODGE
Decree Plaintiff
vs
ALL UNKNOWN CLAIMANTS
Decree Defendant

A21-10015 Page 2 Date: 09/15/88

MICROFILMED
OCT 21 1992

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 X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of North Henry's Lake Homeowners Ass Organization, that I have signed the foregoing document in the space below as President of NHLHA Organization and that the statements contained in the foregoing document are true and correct.

Richard E. Hale
Signature of Authorized Agent

Pres - NHLHA
Title and Organization

9/30/88
Date

State of Montana)
Idaho)
County of Gallatin) SS.

Subscribed and sworn (or affirmed) before me this 30th day of September 19 88

Kathleen Clark
Notary Public

Seal

Residing at West Yellowstone
My Commission Expires 1-17-90

A21-10015

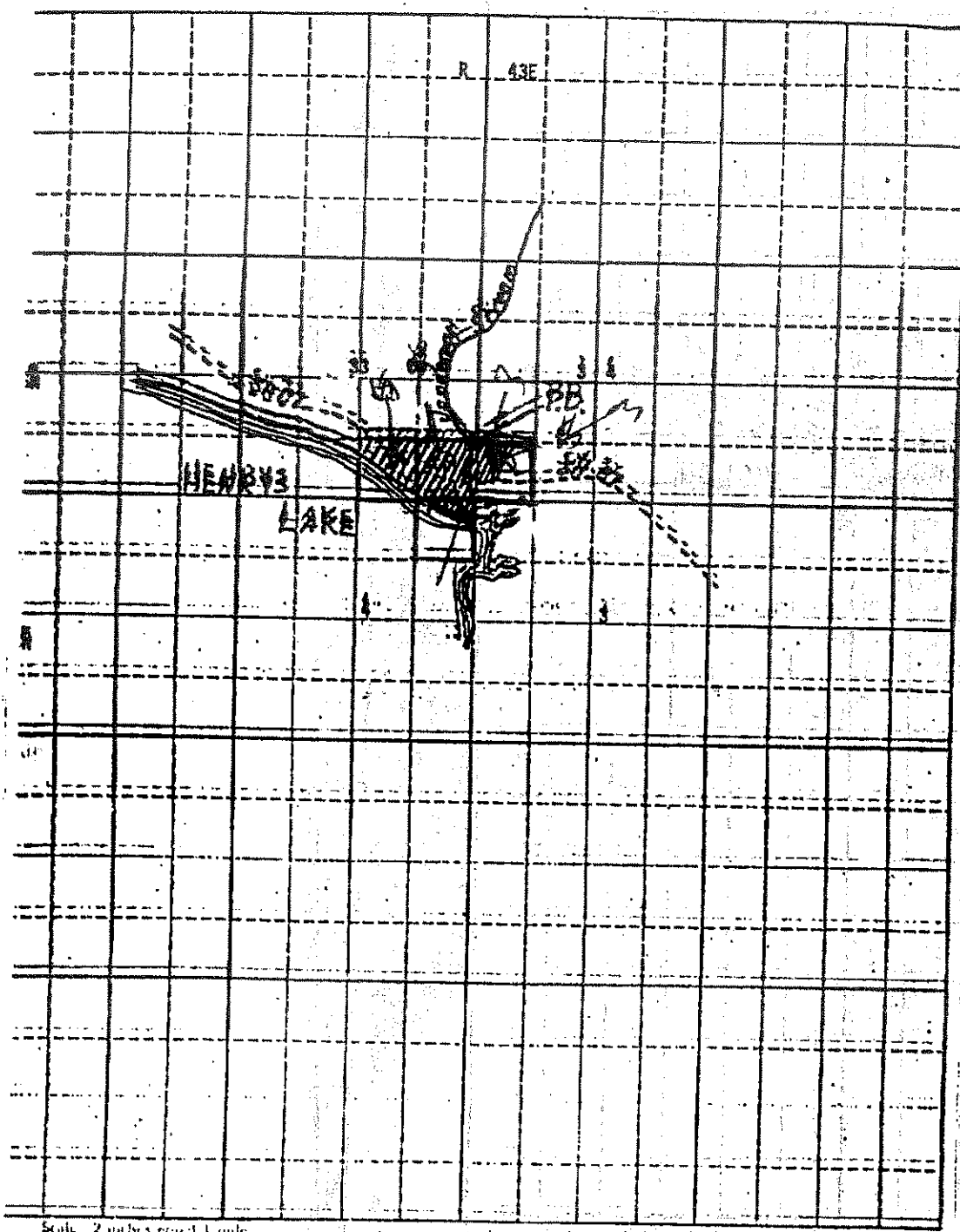
Page A21-30015

Date: 09/15/88

MICROFILMED

OCT 21 1992

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

The foregoing is a true and correct copy of the document on file in the Department of Water Resources.

Signed this 11th day of October, 2007

EXHIBIT D NOTICE OF CLAIM FOR WATER RIGHT NO. 21-10015

James B. Lee
(Applicant)

MICROFILMED

OCT 21 1992

Page 4 of 5

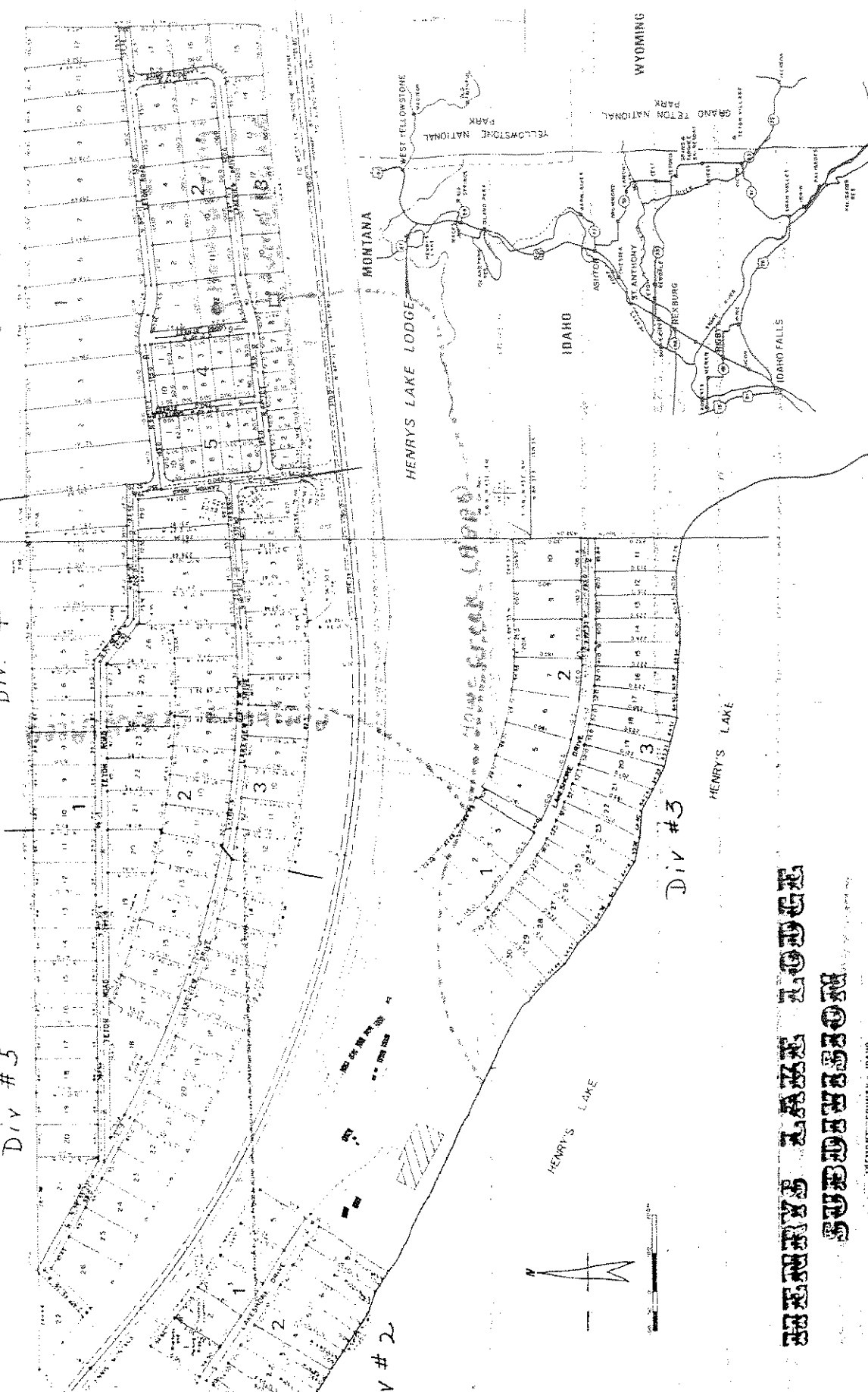
Div #1

Div #4

Div #5

Div #2

Div #3



HENRYS LAKE LODGE SUBDIVISION

TRENT COUNTY, IDAHO

FORSCHEM, PERKINS AND ASSOCIATES, P.A.
CONSULTING ENGINEERS
POCATELLO, IDAHO

The foregoing is a true and correct copy of
the document on file at the Department of
Water Resources.

Signed this 11th day of October, 2007
[Signature]

Exhibit E

RECEIVED

10/16/97

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

) Subcase 21-10015
) (Insert water right number)
)

Case 39576

) STANDARD FORM 4
)

) MOTION TO FILE:

) ☐ LATE NOTICE OF CLAIM

) ☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

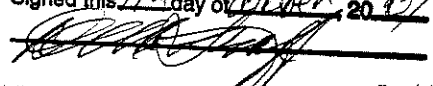
This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 11th day of October, 2007


SF. 4
Amended 10/16/97

(over)

Page 1

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Laña Esplin, Past Secretary NHLHA

My address is 3897 Teton Road

Island Park, ID 83429

My phone number is: Work _____ Home 208-558-7214 Cell 435-669-3674

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because: _____

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because North Henry's Lake Homeowners Association, Inc. was given bad advice when they combined their two water rights in 1988. Carter Fritschle from the Adjudication Office in Boise has suggested this claim needs to be changed to municipal and public use.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

1. Letter from the Idaho District Seven Health Department showing we are a Public Water System and subject to the regulatory requirements for public water systems.
2. Copy of Grant Deed of two water rights: Howe Springs for 1/2 c.f.s. and Unnamed Creek (known as Pittsburg Creek) for 1 c.f.s. and deeded to NHLHA, Inc. in 1979.
3. Copy of page one of Notice of Claim To A Water Right, dated September 9, 1988

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Utah

County of Washington

Lana Espino

(Insert name of person filing form)

being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Lana Espino

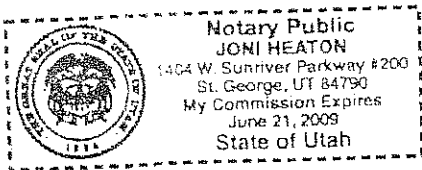
Signature of person filing motion

past secretary, NWHHA

Attorney signing in representative capacity

Subscribed and sworn to before me on May 1, 2006

(Insert Date)



Joni Heaton

Notary Public for State of Utah

Residing at: St. George, UT 84790

My Commission expires: 6/21/09

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on May 2, ~~2006~~ I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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. Copies to:

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

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Lana Espino

Signature of person or attorney mailing the form

05/01/2006

IDAHO DEPARTMENT OF WATER RESOURCES
Amended Notice of Claim

WATER RIGHT NO. 21-10015

Owner Type
 Current Owner

Name and Address

NORTH HENRYS LAKE HOMEOWNERS ASSN., INC.
 C/O LANA ESPLIN, PAST SECRETARY
 3897 TETON RD
 ISLAND PARK, ID 83429
 (208)558-7214

Priority Date: 09/15/1904
 Basis: Decreed
 Status: Active

Sources

- a. HOWE SPRINGS
- b. STREAM (PITTSBURG CREEK)

Tributary

PITTSBURG CREEK
 PITTSBURG CREEK

Beneficial Use

Municipal and Public
 Total Diversion

From

1/01

To

12/31

Diversion Rate Volume

1.5 CFS

1.5 CFS

Location of Point(s) of Diversion:

SESE	Sec. 33	Township 16N	Range 43E	FREMONT County
SWSW	Sec. 34	Township 16N	Range 43E	FREMONT County

Place(s) of use:

Place of Use Legal Description: MUNICIPAL FREMONT County:

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot
15N	43E	4		NENE	2				
16N		33		SWSE	5		SESE	30	
		34		SWSW	3				

Total Acres: 40

REMARKS: THIS RIGHT COMBINES THE 2 WATER RIGHTS IN THE DECREE OF HENRY'S LAKE LODGE VS. ALL UNKOWN CLAIMANTS. WATER RIGHTS WHICH WERE DEEDED TO NORTH HENRY'S LAKE HOMEOWNERS ASSOC. BY HENRY'S LAKE LODGE WITH GRANT DEED #360658 FREMONT COUNTY, DATED JULY 30, 1979. POINT OF DIVERSION - HOWE SPINGS, SEC 34, T.16 N. R.43 E. " " - STREAM, SEC 33, T.16 N, R.43 E. THE INDIVIDUAL LOT OWNERS ARE MEMBERS OF THE NORTH HENRY'S LAKE HOMEOWNERS ASSOC. PRIOR WATER RIGHT NUMBERS 21-00168 AND 21-00169.



DISTRICT SEVEN HEALTH DEPARTMENT

PROMOTING THE HEALTH OF PEOPLE AND THEIR ENVIRONMENT

Main Office

254 E Street
Idaho Falls, ID 83402-3597
Phone: (208) 522-0310
Fax: (208) 525-7063
<http://www2.state.id.us/phd7>

25 April 2006

To: Lana Esplin
The North Henry's Lake Homeowner's Association
4317 South Windsong Way
St. George UT 84790

John Wagner
The North Henry's Lake Homeowner's Association
3877 Teton Road
Island Park ID 83429

Subject: Status of Regulatory Compliance at the North Henry's Lake Homeowner's Association; Public Water System No. ID 7220033

As far as our records indicate, the subject water system is in compliance with current established State of Idaho regulatory requirements for public water systems. The system tested positive for coliform bacteria in 2001; however, there have been no issues with the system since that time. There are no current violations to report.

The last bacteria sample was submitted in March of 2006, and was absent any bacteria contamination.

The last Nitrate sample was collected in October 2005, and the sample indicated the water contained nitrates at well below the standard set by the State of Idaho.

The system is also current with its State of Idaho drinking water fees.

John Moss
Senior REHS

Microfilm No. 360658 July 30, 1979
Darlene M. Calonge Fremont Co. Recorder
Fee \$4:00 Belva Hill Deputy
Recorded at Request of
Harry Landreth

GRANT DEED

THIS INDENTURE, Made this 5th day of June, 1979 by and between HENRY'S LAKE LODGE, INC., an Idaho corporation, with its principal office at Macks Inn, Idaho 83433, the party of the first part, and NORTH HENRY'S LAKE HOMEOWNERS ASSOCIATION, INC., an Idaho corporation, with its principal office at Macks Inn, Idaho 83433, the party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars and other valuable consideration to it in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns, forever, the following described water rights located in Fremont County, State of Idaho, to-wit:

One-half c.f.s. of the waters of Howe Springs located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 16 North, Range 43 East, Boise Meridian, with a priority date of September 15, 1904, at a point of diversion within said SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 16 North, Range 43 East, Boise Meridian, and this right includes within it State of Idaho water License no. 844, now renumbered on the records of the Idaho Department of Water Resources as License No. 21-2006, and one c.f.s. of the waters of an unnamed creek flowing from Pittsburg Canyon in Fremont County, Idaho, with a priority date of September 15, 1904, with points of diversion at various places within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said 34, Township 16 North, Range 43 East, Boise Meridian to use for domestic purposes, including the watering of livestock, fishponds, and in the irrigation of the following described property located in Fremont County Idaho, to wit:

Beginning at a point 349 feet East of the Northwest corner of the South Half of the Southeast Quarter of Section, 33, Township 16 North, Range 43 East, Boise Meridian, and running thence south 48 degrees 15' East 334 feet; thence South 32 degrees 50' West 404 feet thence Southeasterly along the highwater line of Henry's Lake to a point that is South 89 degrees 50'; West 1106 feet from the Southeast corner of Section 33, Township 16 North, Range 43 East, Boise Meridian; thence South 63 degrees 38' East 788.5 feet; thence North 89 degrees 50' East 1320 feet; thence North 1320 feet; thence West 3611 feet to the point of beginning, less the highway right of way.

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: A21-10015

Date Received: 10/8/1988

Receipt No: E003211

Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTH HENRY'S LAKE HOMEOWNERS ASSOC. 208-558-7244
Address: H.C. 66, BOX 49
ISLAND PARK, ID 83429
2. Date of Priority: SEP 15, 1904
3. Source: HOWE SPRINGS STREAM Trib. to: PITTSBURG CREEK
PITTSBURG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	43E	33	SE	SE			FREMONT
		34	SW	SW			FREMONT

5. Description of diverting works:
PIPELINE TO PUMP TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	1.500		
IRRIGATION	04/15	10/15	1.500		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum. FOR
IRRIGATION PURPOSES.

9. Non-irrigation uses:
DOMESTIC USE FOR 211 HOMES.

A21-10015

RECEIVED

OCT 13 1988

Department of Water Resources
Eastern District Office

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 11 day of October 20 1988

Date: 09/15/88

MICROFILMED

OCT 21 1992

Exhibit F

01/12/2006

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

RIGHT NUMBER: 21-10015

NAME AND ADDRESS: NORTH HENRYS LAKE HOMEOWNERS ASSN
C/O LANA ESPLIN SECRETARY
3897 TETON RD
ISLAND PARK ID 83429

SOURCE: HOWE SPRINGS

TRIBUTARY: PITTSBURG CREEK

QUANTITY: 1.500 CFS

PRIORITY DATE: 09/15/1904

POINT OF

DIVERSION: T16N R43E S33 SESE Within FREMONT County
T16N R43E S34 SWSW Within FREMONT County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

1.500 CFS

Domestic use is for 211 homes.

PLACE OF USE: DOMESTIC Within FREMONT County

T15N R43E S04

NENE

T16N R43E S33

SWSE

T16N R43E S33

SESE

T16N R43E S34

SWSW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 14th day of October, 2007



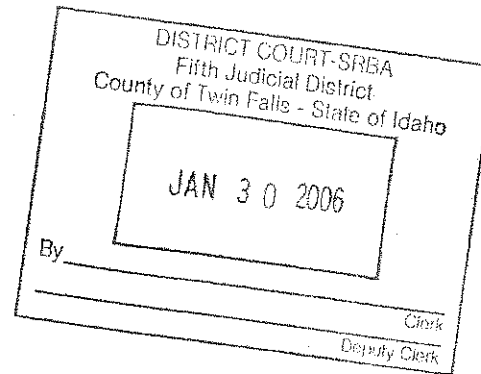
Exhibit G

COPY

LAWRENCE G. WASDEN
Attorney General
State of Idaho

CLIVE J. STRONG
Chief, Natural Resources Division

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Fax: (208) 287-6701
Idaho State Bar #2911



The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this, 16th day of October 2007
[Signature]

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)
)
)
)
)
)
)

**AFFIDAVIT OF SERVICE:
NOTICE OF FILING DIRECTOR'S
REPORT FOR BASIN 21 FOR
IRRIGATION AND OTHER WATER
RIGHTS**

STATE OF IDAHO)
) ss.
County of Ada)

I, Donald V. Shaff, being first duly sworn on oath, depose and state as follows:

1. I am the Adjudication Bureau Chief for the Idaho Department of Water Resources (IDWR). I am authorized by the Director to make this affidavit pursuant to Idaho

Code § 42-1701(3). I make this affidavit pursuant to the requirements of Idaho Code § 42-1411(7). The following actions were taken under my direction by IDWR.

2. The original Director's Report for Basin 21, for Irrigation and Other Water Rights ("Director's Report") was filed by IDWR with the SRBA District Court on January 17, 2006.

3. A Notice of Director's Report for Basin 21 for Irrigation and Other Water Rights, a copy of which is attached as Exhibit 1 and incorporated by this reference, was prepared by IDWR pursuant to Idaho Code § 42-1411(6) and orders of this Court. In this affidavit I will refer to this document as the "Notice."

4. The Notice and IDWR's individual recommendation(s) for each claimant's water right(s), were served on each of the persons on the mailing list, attached hereto as Exhibit 3 and incorporated by this reference, by deposit into the United States Postal Service before 5:00 p.m., on January 19, 2006. Exhibit 3 lists the names and last known addresses of all the claimants or their attorneys, if any, whose rights are recommended in the Director's Report as of the mailing date.

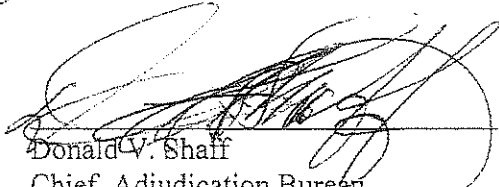
5. The General Provisions for Basin 21 (attached hereto as Exhibit 2 and incorporated by this reference) were served on each of the persons on Exhibit 3, by deposit into the United States Postal Service before 5:00 p.m., on January 19, 2006.

6. The Notice and a complete copy of the Director's Report on compact disc were served on the Office of the Attorney General for the State of Idaho and IDWR's Western, Eastern, Southern, and Northern Regional Offices, by deposit into the United States Postal Service before 5:00 p.m., on January 19, 2006.

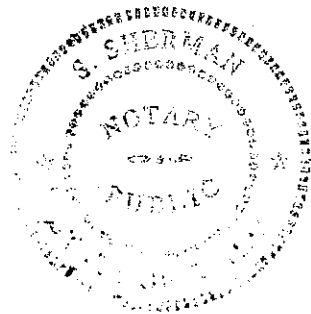
7. The Notice and a complete copy of the Director's Report on compact disc were mailed to the Clark, Fremont, Jefferson and Madison County Courthouses by deposit into the United States Postal Service prior to 5:00 p.m., on January 19, 2006.

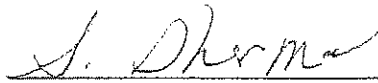
8. The Notice and a complete copy of the Director's Report on compact disc were hand-delivered on January 20, 2006 to U.S. Department of Justice, Environment & Natural Resources Division, 550 West Fort Street, MSC Box 033, Boise, ID 83706.

DATED this 24th day of January, 2006.


Donald V. Shaff
Chief, Adjudication Bureau
Idaho Department of Water Resources

SUBSCRIBED AND SWORN before me this 26th day of January, 2006.



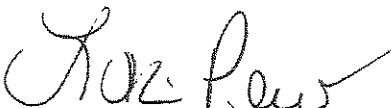

NOTARY PUBLIC FOR IDAHO
Residing at: Boise, ID
My commission expires: 11-14-2010

CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of January, 2006, I served a true and correct copy of this affidavit of service on the following persons by mailing in the U.S. Mail, with correct postage affixed thereto.

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 033
Boise, ID 83706

Chief, Nat'l Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449



person mailing document

EXHIBIT 1

**NOTICE OF FILING OF DIRECTOR'S REPORT
FOR BASIN 21
FOR IRRIGATION AND OTHER WATER RIGHTS**

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for irrigation and other water rights in Basin 21. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed water rights should be decreed in the SRBA.

This Director's Report includes the Director's recommendation for your water rights claimed in the SRBA. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other water rights claimed under state law, is available at the SRBA courthouse in Twin Falls and the locations listed at the end of this Notice. Copies of the report can be made, but you may be charged for copying and mailing.

Also included in this Director's Report are some small domestic and stockwater uses. The Director's Report for most small domestic and stockwater rights for IDWR Basin 21 was sent to the SRBA Court and individual water users on August 31, 1998. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from the 1998 report, it is reported in this Director's Report.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The enclosed description of your right is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You can agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed numerically by water right number.
- 2) **List of Claims Recommended to Be Disallowed** -- Water right claims to be recommended disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed in this Notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form ("Standard Form 1") available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection must be received by the SRBA Court on or before **May 26, 2006**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form ("Standard Form 2") available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA Web Site at www.srba.state.id.us.

Your response must be **received** by the SRBA Court on or before **July 28, 2006**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. Upon receipt of that list, the Court will hold a hearing on whether the water right recommendations should proceed to partial decree. The SRBA Court will hear the uncontested recommendations on **August 15, 2006**, at or about **1:30 P.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Web Site:

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

What if a water right is not in this report? What if a water right claim is filed late? How do I get notice of IDWR's recommendation for a late claim?

A water right for Basin 21 may not be included in this Director's Report if it was not filed in time for IDWR to investigate and report. These water rights will be reported at a later time in IDWR's *Director's Report for Late Claims*. This report may include recommendations for Basin 21, as well as other basins. As the Director files Director's Reports for any remaining water rights in Basin 21, he may also recommend additional general provisions that could also apply to your water rights. This report is issued once per year, usually in February. It is the responsibility of all parties to check with the SRBA Court or IDWR to see when this report is filed. It is also the responsibility of all parties to check this report carefully for water rights to which they want to object. A notice of filing of this report will not be sent to you unless you have a late claim that is recommended in the report.

INSTRUCTIONS FOR REVIEWING WATER RIGHTS IN OTHER BASINS

How will I know when Director's Reports for other basins are filed?

Claimants can keep track of when future Director's Reports are filed by regularly reviewing the court's docket sheet or periodically inquiring of the SRBA court or IDWR as to when such reports are anticipated to be filed.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office in writing with your address change or if the ownership of your water right changes. You may download a copy of a change of ownership form from the IDWR Web Site at www.idwr.idaho.gov. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office and on the IDWR Web Site at www.idwr.idaho.gov. The IDWR web page provides information regarding your claims, mapping and other valuable information on the SRBA and IDWR. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are also available at the IDWR Eastern regional office in Idaho Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. Additional information regarding water right claims can be found on the SRBA Web Site at www.srba.state.id.us. Finally, you may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
(208) 736-3011

**Idaho Department of Water Resources
Western Region**
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

**Idaho Department of Water Resources
Southern Region**
1341 Fillmore, Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

Clark County Courthouse
320 W Main
PO Box 205
Dubois, ID 83423

Jefferson County Courthouse
PO Box 275
Rigby, ID 83442

Idaho Department of Water Resources
322 East Front Street
Box 83720
Boise, ID 83720-0098
(208) 287-6700
(800) 451-4129

**Idaho Department of Water Resources
Northern Region**
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

**Idaho Department of Water Resources
Eastern Region**
900 North Skyline, Suite A
Idaho Falls, ID 83402-3653
(208) 525-7161

Fremont County Courthouse
151 W 1ST N Rm 15
St Anthony, ID 83445

Madison County Courthouse
PO Box 389
Rexburg, ID 83440-0389

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 21.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water; for example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PLACE OF USE FOR IRRIGATION PROJECTS: Pursuant to Idaho Code Sections 42-219(2) and 42-1411(2)(h), IDWR has included GIS mapping for describing the place of use (digital boundary) for water rights meeting certain criteria (i.e. irrigation projects). The **PLACE OF USE** for irrigation projects is reported in digital format and uses GIS technology to particularly identify and display a geographic area encompassing the place of use with the aid of a computer. The GIS data is stored in digital format and contained on a CD-ROM and is properly marked for identification with the water right number. The CD-ROM will be retained by the SRBA Court. IDWR also retains a duplicate of the original CD-ROM. The electronic data contained on the CD-ROM is available for public use and is also accessible through the IDWR Web Site at www.idwr.idaho.gov. Upon request, IDWR will provide a copy of the CD-ROM with the electronic data to claimants.

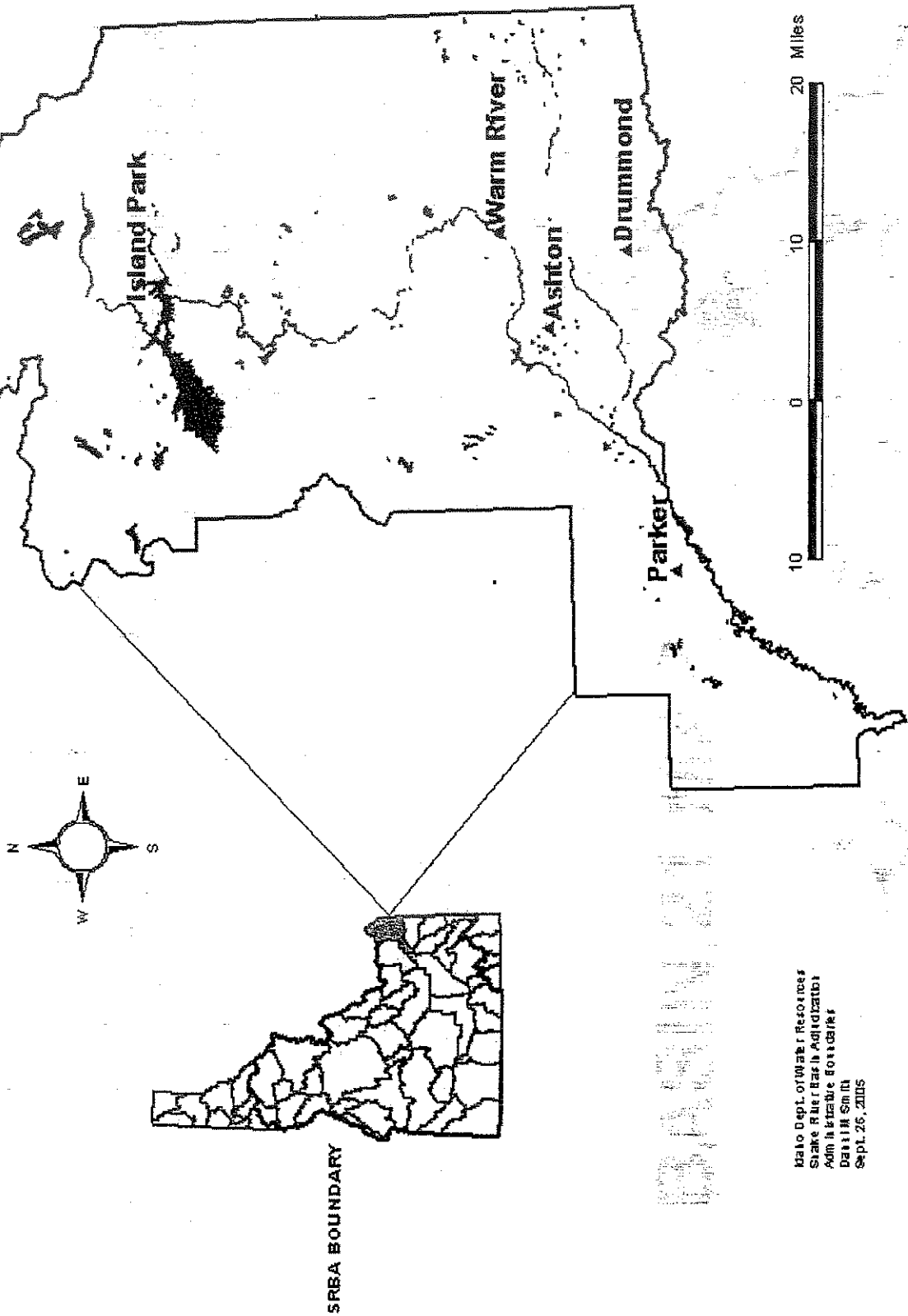
BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated by a remark under the priority date that reads:

*4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT *
THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926,
DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND
KNOWN AS PUBLIC WATER RESERVE 107.

IDWR does not investigate or make recommendations regarding federal law based claims.

BASIN 21 MAP



Mont. Dept. of Water Resources
 Snake River Basin Adjudicator
 Admin. & Technical Services
 Darius Smith
 Sept. 26, 2005

EXHIBIT 2

BASIN 21 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 21:

The following water rights from the following sources of water in Basin 21 shall be administered separately from all other water rights in Basin 21 in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
None	None

The following water rights from the following sources of water in Basin 21 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
None	None

Except as otherwise specified above, all other water rights within Basin 21 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

EXHIBIT 3

A BAR
3333 N HWY 20
ISLAND PARK ID 83429

ALLS WELL ASSN
C/O BENJAMIN WIDMMAN OR MURIEL
C THOMAS
2813 E PINEHAVEN DR
ISLAND PARK ID 83429

ARCADIA RESERVOIR & CANAL CO
C/O GEORGE NEDROW
1361 N 3125 EAST
ASHTON ID 83420

BADDLEY EKINS PETERSON TRUST
PO BOX 192
SUN VALLEY ID 83353

BANK OF EASTERN IDAHO
PO BOX 1487
IDAHO FALLS ID 83403-1487

BIG TWELVE WATER ASSN
C/O CAROL MCALPIN
24 SULLIVAN DRIVE
MORAGA CA 94556

BIG TWELVE WATER ASSN
C/O MIKE WHIMPEY
1862 S 400 W
OREM UT 84058

BISHOPS CABINS
PO BOX 775
ASHTON ID 83420

BOOM CREEK CANAL CO
PO BOX 754
ASHTON ID 83420

BOY SCOUTS OF AMERICA
GRAND TETON COUNCIL
574 4TH ST
IDAHO FALLS ID 83401

BRG LIMITED PARTNERSHIP
1908 E 500 N
ST ANTHONY ID 83445

C & B TIMBER PARTNERSHIP
C/O R CARL BATES & ERNEST
CARLSON
PO BOX 622
ASHTON ID 83420

CHESTER CANAL & IRRIGATING CO
PO BOX 82
CHESTER ID 83421

CITY OF ASHTON
PO BOX 689
ASHTON ID 83420

CITY OF DRUMMOND
1 MAIN DRUMMOND
ASHTON ID 83420

CITY OF ST ANTHONY
420 N. BRIDGE STREET SUITE A
ST ANTHONY ID 83445

CLAYMORE MGMT
7050 UNION PARK AVE SUITE 600
MIDVALE UT 84047

CLAYMORE MGMT
C/O MIKE PARKINSON
1049 N 3000 E
SUGAR CITY ID 83448

CLEMENT ENTERPRISESS
PO BOX 99
LEWISVILLE ID 83431

CONANT CREEK CANAL CO
PO BOX 344
ASHTON ID 83420

CORP PRES BISHOP LDS CHURCH
REAL ESTATE DIVISION/NRS
50 E NORTH TEMPLE ST
12 TH FLOOR
SALT LAKE CITY UT 84150-6320

CRAPO FARMS INC
1908 E 500 N
ST ANTHONY ID 83445

DEAN SCHWENDIMAN & SONS INC
PO BOX 57
NEWDALE ID 83436

DEWEY CANAL CO
C/O DENNIS ASLETT, FISH & GAME
301 N 2100 E
ST ANTHONY ID 83445

DJ&J FARMS AN IDAHO GENERAL
3215 N 2000 W
REXBURG ID 83440

E J STEINKE RANCHES INC
804 N SATURN AVE
IDAHO FALLS ID 83402

EAGLE RIDGE RANCH LLC
2880 N 55 W
IDAHO FALLS ID 83402

EGBERT FARMS
C/O Z J OR KEVIN EGBERT
PO BOX 844
ASHTON ID 83420

EGIN BENCH CANALS INC
PO BOX 15
ST ANTHONY ID 83445

ELK CREEK RANCH INC.
C/O ANN ZOLLINGER PRES
116 N CENTER
REXBURG ID 83440

ENTERPRISE IRRIGATION DIST
PO BOX 29
TETON ID 83451

ESTATE OF T ROSS CLEMENT
PO BOX 99
LEWISVILLE ID 83431

FLAT ROCK CLUB
C/O JERRY CRABS
PO BOX 90
MACKS INN ID 83433

FLYING A RANCH INC
C/O CLEN P ATCHLEY
4054 E 1300 N
ASHTON ID 83420

FREMONT COUNTY DISTRICT 4
PO BOX 195
PARKER ID 83438

FREMONT-MADISON JOINT SCHOOL
147 N 2ND W
ST ANTHONY ID 83445

G E S INVESTMENTS CO LLC
370 ABBEY LN
PROVIDENCE UT 84332

GALE W & ELLEN C CLEMENT FAMILY
PO BOX 99
LEWISVILLE ID 83431

GEORGE MAROTZ FARMS INC
1383 N 4200 E
ASHTON ID 83420

GIOR LP
265 S STATE ST
MORGAN UT 84050

GIVENS PURSLEY LLP
C/O JEFFREY C FEREDAY
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701

GRIFFEL REVOCABLE LIVING TRUST
4098 E 1200 N
ASHTON ID 83420

GWEN ROBERTSON LIVING TRUST
484 N 2100 E
ST ANTHONY ID 83445

HARSHBARGER LIVING TRUST
DON HARSHBARGER TRUSTEE
637 NORTH 2800 EAST
ST ANTHONY ID 83445

HARTMAN RANCH LLC
JERRY R TAFT FAMILY LTD PART
JOHN TAFT CORP
PO BOX 3403
VENTURA CA 93006

HENRYS FORK RANCH PARTNERSHIP
C/O SYLVAN F SEELY
1175 S 5 W
REXBURG ID 83440

HESS FARMS INC
3431 E 1200 N
ASHTON ID 83420-5611

HIDDEN ESTATES SUBDIVISION
C/O GALE ALTMAN
829 HIDDEN ESTATES LN
ST ANTHONY ID 83445

HOLDEN KIDWELL HAHN & CRAPO
C/O GARY MEIKLE
PO BOX 50130
IDAHO FALLS ID 83405

HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405-0130

HOPKINS RODEN CROCKETT-HANSEN
C/O C TIMOTHY HOPKINS
PO BOX 51219
IDAHO FALLS ID 83405-1219

IDAHO DEPARTMENT OF JUVENILE
2220 E 600 N
ST ANTHONY ID 83445

ISLAND PARK LAND & CATTLE CO
ASHTON ID 83420

ISLAND PARK PROPERTIES LC
163 N 600 E
OREM UT 84057

ISLAND PARK WATER CO
PO BOX 2521
IDAHO FALLS ID 83401

LOOSCO FARMS
C/O LYNN LOOSLI
3140 E 1100 N
ASHTON ID 83420

LOUISE CLEMENT LTD PARTNERSHIP
PO BOX 70
LEWISVILLE ID 83431

LYLE O LENZ ESTATE
PO BOX 296
ASHTON ID 83420

MADISON COUNTY
PO BOX 396
REXBURG ID 83440

MATSUURA BROTHERS
C/O GLENN MATSUURA
426 N 150 W
BLACKFOOT ID 83221

MELVIN HARRIS INC
PO BOX 158
TETON ID 83451

MICHAEL & CATHERINE LEGGE
C/O HOLDEN KIDWELL HAHN & CRAPO
IDAHO FALLS ID 83401

MICKELSEN 7 RANCH
5057 N 5TH W
IDAHO FALLS ID 83401

NATURAL GUARDIAN LTD
2880 N 55 W
IDAHO FALLS ID 83402

NEW SWEDEN TRAILER PARK
3536 W 17 N
IDAHO FALLS ID 83402

NORTH FORK CLUB
PO BOX 108
MACKS INN ID 83433

NORTH FORK HIGHLANDS PROPERTY
444 B ST
IDAHO FALLS ID 83402

NORTH FORK RESERVOIR CO
C/O RAY W RIGBY SEC
PO BOX 250
REXBURG ID 83440

NORTH FREMONT CANAL SYSTEMS
C/O LON ATCHLEY
PO BOX 241
ASHTON ID 83420

NORTH FREMONT COUNTY
C/O JAMES HARRELL
PO BOX 670
ASHTON ID 83420

NORTH HENRYS LAKE HOMEOWNERS
C/O LANA ESPLIN SECRETARY
3897 TETON RD
ISLAND PARK ID 83429

NORTH HENRYS LAKE PROPERTY
C/O MELISSA BUEHLER
3924 HWY 87
ISLAND PARK ID 83429

NORTH PINEHAVEN WELL GROUP #5
2780 CRAIG DR
SALT LAKE CITY UT 84109

OH WELL ASSN
2846 E PINEHAVEN DR
ISLAND PARK ID 83429

PALMER SUMMER HOME WATER CO
C/O MARIAN TAYLOR
PO BOX 2654
IDAHO FALLS ID 83403

PAMELA J CARTY REVOCABLE TRUST
C/O PAMELA J CARTY
3381 NW PANORAMA DR
BEND OR 97701-5461

PATRICIA B DITTMAN REVOCABLE
C/O PAMELA J CARTY
3381 NW PANORAMA DR
BEND OR 97701-5461

PAUL CHERRY FARMS
PO BOX 447
ASHTON ID 83420

PINEHAVEN PLANNING BOARD
3494 E PINEHAVEN DR
ISLAND PARK ID 83429

PLESNER RANCH LLC
455 HICKORY CIR
IDAHO FALLS ID 83404

PONDS LODGE LLC
6000 E WILDHORSE LN
BOISE ID 83712

RALPH A THOMPSON SUBDIVISION
9044 S 5TH W
IDAHO FALLS ID 83404

RANCHO MC CREA WATER & SEWER
PO BOX 328
ISLAND PARK ID 83429

RANKIN MOTEL
C/O BYRON GROVER
PO BOX 628
ASHTON ID 83420

RED FEATHER IRREVOCABLE TRUST
2346 E IONA RD
IDAHO FALLS ID 83401

RIGBY THATCHER ANDRUS RIGBY &
PO BOX 250
REXBURG ID 83440

RLF I LLC RLF II LLC RLF III LLC RLF IV
CO RICHARD D DIVINE
PO BOX 2601
CRESTED BUTTE CO 81224

SALEM UNION CANAL CO LTD
C/O JERRY DALLING
1419 N 7TH N
SUGAR CITY ID 83448

SAWTELLE CLUB INC
C/O RANDALL PORTER PRES
PO BOX 277
REXBURG ID 83440

SCHREINER FARMS IDAHO LLC
C/O GARY KELLY
1038 E BUTTE RD
MENAN ID 83434-5122

SEELEY BROTHERS
C/O ALVIN H SEELEY
PO BOX 654
ASHTON ID 83420

SIDNEY H ELIASON TRUST
PO BOX 73
SWAN VALLEY ID 83449-0073

SLASH E RANCH
C/O JAMES T COLE
2135 HUNTINGTON DR STE 202
SAN MARINO CA 91108

SOUTHEAST IDAHO CANAL CO
PO BOX 15
ST ANTHONY ID 83445

SQUIRREL CEMETERY MAINTENANCE
2383 E 214 N
ST ANTHONY ID 83445

SQUIRREL CREEK IRRIGATION &
C/O MARTIN BERGMAN
PO BOX 277
ASHTON ID 83420

ST ANTHONY LAUNDRY
C/O HARRIS OR BETTY MOON
PO BOX 288
ST ANTHONY ID 83445

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

STATE OF IDAHO
DEPT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050

STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0065

STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 7129
BOISE ID 83707

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

STIMSON ISLAND PARK LLC
5623 WILLOWCREEK RD
N. LAS VEGAS NV 89031

STURM FAMILY ENTERPRISES
4050 N 3600 E
ASHTON ID 83420

STURM FARMS INC
BOX 236
ASHTON ID 83420

SWAN LAKE WELL ASSN
2806 W PINEHAVEN DR
ISLAND PARK ID 83429

THE ESTATE OF OTTO W GARZ
C/O JIMMY R ROKER
513N 4200 E
RIBGY ID 83442

THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY ID 83333-8411

THE NATURE CONSERVANCY
WESTERN RESOURCE OFFICE
2424 SPRUCE ST STE 100
BOULDER CO 80302-4617

THE ROGER K WOOD ESTATE TRUST
PO BOX 92
REXBURG ID 83440

THE SALISBURY CORP
3940 HWY 87
ISLAND PARK ID 83429

THE SALISBURY CORP
5518 THE TOLEDO
LONG BEACH CA 90803

THE SILKEY CANAL WATER USERS
PO BOX 57
CHESTER ID 83421

THOMPSON RANDALL PROPERTY
C/O BARRY ANDRUS
532 E STOKES AVE
DRAPER UT 84020

THOMPSON RANDALL SUBDIVISION
C/O BARRY ANDRUS
532 E STOKES AVE
DRAPER UT 84020

TRIANGLE B RANCH
C/O RICHARD BLANCHARD
PO BOX 131
CHESTER ID 83421

TRUDE RANCH LIMITED
1630 SHERIDAN RD #9G
WILMETTE IL 60091

TRUST AGREEMENT FOR CAMP
2185 S 3600 W
WEST VALLEY UT 84119

UNION PACIFIC RAILROAD CO
REAL ESTATE DEPT
1800 FARNAM ST
OMAHA NE 68102

UNITED STATES OF AMERICA ACTING
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

UNITED STATES OF AMERICA ACTING
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

UNITED STATES OF AMERICA ACTING
USDI BUREAU OF LAND
MANAGEMENT
IDAHO STATE OFFICE
BOISE ID 83709-1657

UTAH POWER & LIGHT CO
1407 W NORTH TEMPLE SUITE 110
SALT LAKE CITY UT 84140

VALLEY VIEW RENTAL AND SALES
C/O WENDEL WINEGAR
5152 N HWY 20

VALRKC IRRIGATED FARM LLC
1916 N BEACH
BOISE ID 83706

WARM RIVER CORP INC
PO BOX 593
ASHTON ID 83420

ISLAND PARK ID 83429

WASHINGTON MUTUAL BANK
1301 FIFTH AVE RBB 1204
SEATTLE WA 98101

WELL ENDOWED
C/O JAMES LANSCH
2830 E PINEHAVEN DR
ISLAND PARK ID 83429

WILCOX BROTHERS LLC
C/O TERRY WILCOX
1110 GOLDEN BEAUTY DR
REXBURG ID 83440

WILD ROSE RANCH INC
3778 HWY 87
ISLAND PARK ID 83429

ZOLLINGER FAMILY TRUST
PO BOX 276
REXBURG ID 83440

KENNETH E ABEGGLEN
2445 E 244 N
ST ANTHONY ID 83445

CINDY ABEGGLEN
844 HIDDEN ESTATES LN
ST ANTHONY ID 83445

ZANE ABEGGLEN
844 HIDDEN ESTATES LN
ST ANTHONY ID 83445

CAROL ALBERTSON
801 N 4700 E
ASHTON ID 83420

KATHY ALBERTSON
801 N 4700 E
ASHTON ID 83420

TRACY ALBERTSON
801 N 4700 E
ASHTON ID 83420

WILLIAM ALBERTSON
801 N 4700 E
ASHTON ID 83420

CONNIE ALFIERI
3780 LAVA LANE
ISLAND PARK ID 83429

MIKEL ALFIERI
3780 LAVA LANE
ISLAND PARK ID 83429

GALE ALTMAN
829 HIDDEN ESTATES LN
ST ANTHONY ID 83445

ANNA JANE ANDERSON
1802 E 300 N
ST ANTHONY ID 83445

ALICE PERNELLA ANDERSON
4179 E 1100 N
ASHTON ID 83420

ARTHUR M ANDERSON
4179 E 1100 N
ASHTON ID 83420

VELMA ANDERSON
4179 E 1100 N
ASHTON ID 83420

SHIRLEY R ARNOLD
3975 COBBLE COURT
POCATELLO ID 83201

VERL DEE ARNOLD
3975 COBBLE COURT
POCATELLO ID 83201

RICHARD D BAKER
1379 BAKER RD
ASHTON ID 83420

SUSAN B BAKER
1379 BAKER RD
ASHTON ID 83420

BRIAN L BALLARD
LAWSON & PEEBLES
PO BOX 297
KETCHUM ID 83340

CHARLES BARBER
2422 N 2300 E
LAYTON UT 84040

JOHN BARBER
2422 N 2300 E
LAYTON UT 84040

MELANIE BARBER
2422 N 2300 E
LAYTON UT 84040

MITZI BARBER
2422 N 2300 E
LAYTON UT 84040

KENT L BATEMAN
2130 S MILLIGAN RD
IDAHO FALLS ID 83402

LADAWN BAUM
1408 N 3600 E
ASHTON ID 83420

REX BAUM
1408 N 3600 E
ASHTON ID 83420

CLARK BAUM
1408N 3600 E
ASHTON ID 83420

RUSSELL O BAUM
PO BOX 7
ASHTON ID 83420

VERONICA BAUM
PO BOX 7
ASHTON ID 83420

DANIEL BEARD
755 W 4000 N
REXBURG ID 83440

WILLIS B BENJAMIN
252 9TH ST
IDAHO FALLS ID 83401

MARTIN A BENOWITZ
6930 LOS VIENTOS SERENOS
ESCONDIDO CA 92025

EVADA BITTER
9336 S 15TH W
IDAHO FALLS ID 83402

HARVARD A BITTER
9336 S 15TH W
IDAHO FALLS ID 83402

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GAY N BLANCHARD
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GAIL BLANCHARD
PO BOX 145
CHESTER ID 83421

JACQUELINE BLANCHARD
PO BOX 145
CHESTER ID 83421

COLLEEN BLANCHARD
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CHESTER ID 83421

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DONEY CROWLEY BLOOMQUIST
108 S WASHINGTON
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428 EMERALD COURT
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4530 E 1100 N
ASHTON ID 83420

DALE E BOLLINGER
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ASHTON ID 83420

LYNN BOWMAN
1611 SADORUS HILL RD
ASHTON ID 83420

ROBERT W BOYD
1122 E BUTTE RD
MENAN ID 83434

SUSAN J BOYD
1122 E BUTTE RD
MENAN ID 83434

LLOYD BRATT
PO BOX 637
ASHTON ID 83420

JENNIFER S BROOKS
337 FREEDOM AVE
ORANGE CA 92865

THOMAS J BROOKS
337 FREEDOM AVE
ORANGE CA 92865

PATRICIA BROWN
255 WARREN
POCATELLO ID 83201

ROSEMARY BROWN
PO BOX 177
CHESTER ID 83421

THOMAS BROWN
PO BOX 177
CHESTER ID 83421

NEVA BROWN
PO BOX 72
CHESTER ID 83421

CAROL BURK
979 E EVENING STAR LN
TEMPE AZ 85283

STEVEN BURK
979 E EVENING STAR LN
TEMPE AZ 85283

JEFF BUSTER
248 W 2ND N
ST ANTHONY ID 83445

W HAL BUSTER
430 N 7TH E
ST ANTHONY ID 83445

BLAIR CALAWAY
248 N 1900 E
REXBURG ID 83440

VELMA CALAWAY
248 N 1900 E
REXBURG ID 83440

ROLLAND T CALDWELL
3372 N HWY 20
ISLAND PARK ID 83429

LOUISE CLEMENT
PO BOX 99
LEWISVILLE ID 83431

JAMES T COLE
3949 BLUEBIRD LN
ISLAND PARK ID 83429-5113

SUSAN B COLE
3949 BLUEBIRD LN
ISLAND PARK ID 83429-5113

JAMES T COLE
ISLAND PARK
ID ID 83429

SUSAN B COLE
ISLAND PARK
ID ID 83429

NANCY L COLE
PO BOX 128
CHESTER ID 83421

SHERMAN COLE
PO BOX 128
CHESTER ID 83421

DEBORAH COLEMAN
755 NORTHRUP
IDAHO FALLS ID 83401

M DALE CORDINGLEY
1334 N 3350 E
ASHTON ID 83420

ROBBY CORDINGLEY
3182 E 1300 N
ASHTON ID 83420

CANDEE COVERLEY
975 N 3300 E
ASHTON ID 83420

RODERICK COVERLEY
975 N 3300 E
ASHTON ID 83420

MICHAEL D CRAPO
2005 CHARLOTTE DR
IDAHO FALLS ID 83402

GLENN W DALLING
590 W 1ST S
SUGAR CITY ID 83448

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CHESTER ID 83421

DEANNA DANSIE
PO BOX 163
CHESTER ID 83421

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5779 W 4500 N
REXBURG ID 83440

JOYCE BURNICE DAVIES
5779 W 4500 N
REXBURG ID 83440

WAYNE C DAVIS
PO BOX 346
RIGBY ID 83442

DE LOIS DAVIS
PO BOX 91
CHESTER ID 83421

LAURA K DOLEZAL
PO BOX 14
CHESTER ID 83421

MICHAEL DOLEZAL
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CHESTER ID 83421

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BELLEVUE WA 98006

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NORMAN DOUGLASS
PO BOX 127
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4150 N BIG SPRINGS LOOP RD
ISLAND PARK ID 83429-5052

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2880 W 3200 S
REXBURG ID 83440

LINDA EDSTROM
2880 W 3200 S
REXBURG ID 83440

RICK EGAN
PO BOX 421
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C/O BRAD EGBERT
1134 BOND AVE
REXBURG ID 83440-1810

KEVIN EGBERT
PO BOX 844
ASHTON ID 83420

Z J EGBERT
PO BOX 844
ASHTON ID 83420

FRED F EHLERT SR
HC 66 BOX 40
ISLAND PARK ID 83429

SID ELIASON
BOX 73
SWAN FALLS ID 83449

WILLIAM ENGET
248 W 2ND N
ST ANTHONY ID 83445

CARL ETTER
1138 E BUTTE RD
MENAN ID 83434

MELISSA ETTER
1138 E BUTTE RD
MENAN ID 83434

BLAIR FISHER
PO BOX 264
REXBURG ID 83440

JEANIE FISHER
PO BOX 264
REXBURG ID 83440

ROBERT J FISHER
PO BOX 607
ST ANTHONY ID 83445

SHARON A FISHER
PO BOX 607
ST ANTHONY ID 83445

CARLA-RAE FLINT
2060 W 21ST AVE
APACHE JUNCTION AZ 85220

GLEN C FLOYD
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CHESTER ID 83421

MARLENE B FLOYD
PO BOX 82
CHESTER ID 83421

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3296 E 1200 N
ASHTON ID 83420

SUSAN FRANSEN
3296 E 1200 N
ASHTON ID 83420

JOHN E FREEMAN
4777 PINION
ISLAND PARK ID 83429-5009

MARY N FREEMAN
4777 PINION
ISLAND PARK ID 83429-5009

DONNA T FUCHS
3857 E 500 N
RIGBY ID 83442

ROBERT E FUCHS
3857 E 500 N
RIGBY ID 83442

H LYNN GALBRAITH
471 E 200 S
KAYSVILLE UT 84037

EVELYN GARCIA
1111 TETON
CALDWELL ID 83605

JOHN L GIBBONS
15935 LEMOLO SHORE DR NE
POULSBO WA 98370

KRISTEN M GIBBONS
15935 LEMOLO SHORE DR NE
POULSBO WA 98370

GLENN GOFF
585 N 2300 E
ST ANTHONY ID 83445

MERLE GOFF
585 N 2300 E
ST ANTHONY ID 83445

LILA GOLD
1960 E 350 N
ST ANTHONY ID 83445

FLOYD GREENHALGH
PO BOX 66
CHESTER ID 83421

LLOYD L GRIFFEL
4309 E 1200 N
ASHTON ID 83420

FRED W GRIFFEL
708 IDAHO
ASHTON ID 83420

HENRY GRIFFEL
PO BOX 684
ASHTON ID 83420

MARY C GRIFFEL
RT 2
ASHTON ID 83420

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DILLON MT 59725-1128

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DECORAH IA 52101

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501 HILLCREST DR
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LU GENE HANSEN
771 SHILOH WAY
MURRAY UT 84107

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MENAN ID 83434-5120

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3644 E 800 N
MENAN ID 83434

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195 KIM WAY
CRESCENT CITY CA 95531

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CHESTER ID 83421

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275 S 2 E
REXBURG ID 83440

MARY B HESS
275 S 2 E
REXBURG ID 83440

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1427 N 3000 E
ASHTON ID 83420-5010

ROBERT G HIGH
1427 N 3000 E
ASHTON ID 83420

DENNIS G HILL
126 W 450 N
BLACKFOOT ID 83221

KRISTINE S HILL
126 W 450 N
BLACKFOOT ID 83221

DOUG HILLAM
1342 N 3650 E
ASHTON ID 83420

NORMAN HILLAM
PO BOX 208
ASHTON ID 83420

RANDY J HILLMAN
5518 N 4000 W
REXBURG ID 83440

DONALD P HINCKLEY
PO BOX 13
MACKS INN ID 83433

SHARON P HINCKLEY
PO BOX 13
MACKS INN ID 83433

GREGG HINKLE
2553 E YELLOWSTONE HWY
ST ANTHONY ID 83445

DEWAYNE P HODGES
182 N 4100 E
RIGBY ID 83442

ADELLA MAY HODGES
228 N 4000 E
RIGBY ID 83442-5758

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PO BOX 1259
KETCHUM ID 83340

TERRY HOGUE
PO BOX 1259
KETCHUM ID 83340

THOMAS L HOLCOMB
PO BOX 314
ASHTON ID 83420

J STANLEY HORTON
3896 HENRYS LAKE CIR
ISLAND PARK ID 83429-5058

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2264 N FREEWATER
BOISE ID 83713

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PO BOX 98
NEWDALE ID 83436

DOROTHY HUFFMAN
PO BOX 98
NEWDALE ID 83436

HUGH JENSEN
5453 W 4000 N
REXBURG ID 83440

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2112 S MILLIGAN
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CHARLES KANE
3761 HWY 87
ISLAND PARK ID 83429

JOYCE KING
2382 BRODERICK DR
WEST JORDON UT 84084

DERBA S KIRSCHNER
1152 E BUTTE RD
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DAVID P KLEPICH
491 N 2100 E
ST. ANTHONY ID 83445

ROBERTA H KLEPICH
491 N 2100 E
ST. ANTHONY ID 83442

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1238 WILLARD AVE
POCATELLO ID 83201

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3010 YALE KILGORE RD
ISLAND PARK ID 83429

ROSE KOPFINGER
3010 YALE KILGORE RD
ISLAND PARK ID 83429

DAVID KUHN
205 PEVERO DR
IDAHO FALLS ID 83402

NEIL KUNZ
625 E 2 N
ST ANTHONY ID 83445

KEVIN LEE
1165 BARNEY DAIRY RD
REXBURG ID 83440-3545

ROBERT R LEE
1165 BARNEY DAIRY RD
REXBURG ID 83440-3545

JENNIE B LEE
2323 S HOLMES RD
IDAHO FALLS ID 83401

BENNETT LEE
4054 S 15TH E
IDAHO FALLS ID 83401

EVVA L LENZ
3443 E 1200 N
ASHTON ID 83420

JAY P LENZ
3443 E 1200 N
ASHTON ID 83420

NORBERT R LENZ
PO BOX 582
ASHTON ID 83420

THELMA LENZ
PO BOX 582
ASHTON ID 83420

CHERI LEWIS
PO BOX 2292
KETCHUM ID 83340

RICHARD LEWIS
PO BOX 2292
KETCHUM ID 83340

CURTIS LOOSLI
3140 E 1100 N
ASHTON ID 83420

PORTIA R LOOSLI
3140 E 1100 N
ASHTON ID 83420

S LYNN LOOSLI
3140 E 1100 N
ASHTON ID 83420

CURTIS LOOSLI
PO BOX 859
IDAHO FALLS ID 83405

GLADE LYON
138 S 5TH ST
ASHTON ID 83420

KATIE LYON
138 S 5TH ST
ASHTON ID 83420

RUTH A LYON-BATEMAN
2130 MILLIGAN RD
IDAHO FALLS ID 83402

DOROTHY J MAC KAY
760 E TARGHEE ST
ST ANTHONY ID 83445

GLEN W MAC KAY
760 E TARGHEE ST
ST ANTHONY ID 83445

COLLEEN MARSHALL
397 MAGPIE LN
PO BOX 731
LYMAN WY 82937

JAMES G MARSHALL
397 MAGPIE LN
PO BOX 731
LYMAN WY 82937

LEON MARTINDALE
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ASHTON ID 83420-0206

KENNETH R MATTHEWS
2813 W RIVER RD
PO BOX 426
ST ANTHONY ID 83445

DE ANNE MATTHEWS
PO BOX 426
ST ANTHONY ID 83445

MADELINE MAUPIN
1885 PARKWOOD ST APT 211
IDAHO FALLS ID 83401-6137

THEONE MAUPIN
1885 PARKWOOD ST APT 211
IDAHO FALLS ID 83401-6137

ERMA MC CULLOCH
3168 E 1300 N
ASHTON ID 83420

JOHN L MC CULLOCH
3168 E 1300 N
ASHTON ID 83420

CARLA MC DONALD
PO BOX 118
Chester ID 83421

MICHAEL E MC DONALD
PO BOX 118
Chester ID 83421

DONALD J MERRICK
909 MEADOWBROOK
POCATELLO ID 83201

PEARLE V MERRICK
909 MEADOWBROOK
POCATELLO ID 83201

DON MICKELSEN
1260 TWIN BUTTE RD
MENAN ID 83434-5118

DON MICKELSEN
1934 MELODY ST
IDAHO FALLS ID 83402

DON MICKELSON
1934 MELODY ST
IDAHO FALLS ID 83402

DELL MILLER
1721 E 500 N
ST ANTHONY ID 83445

NELDA STEWART MILLER
1993 S 675 E
BOUNTIFUL UT 84010

PATRICIA MILLER
210 N CENTER-PARKER
ST ANTHONY ID 83445

CANDYCE MILLER
PO BOX 36
CHESTER ID 83421

VERL MILLER
PO BOX 36
CHESTER ID 83421

RALPH D MILLER
PO BOX 60
CHESTER ID 83421

LINDA MILLER
PO BOX 68
CHESTER ID 83421

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1564 SADORUS HILL RD
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JIMMY L MOON
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ASHTON ID 83420

REESE G MOON
PO BOX 783
ASHTON ID 83420

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2030 HEATHER LN
IDAHO FALLS ID 83406

ARLEN MORTENSEN
26 CEDAR HILLS DR
POCATELLO ID 83201

JAMES NASH
3301 HWY 20
ASHTON ID 83420

JERALIE NASH
3301 HWY 20
ASHTON ID 83420

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1619 SAWMILL CREEK RD #6
SITKA AK 99835

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1250 N 3100 E
ASHTON ID 83420

BETTY E NEDROW
1250 N 3100 E
ASHTON ID 83420

GEORGE NEDROW
1361 N 3125 EAST
ASHTON ID 83420

JOHN NEDROW
3079 E 1200 NORTH
ASHTON ID 83420

JAMES R NEDROW
3085 E 1200 N
ASHTON ID 83420

J RICHARD NEDROW
3280 E 1200 N
ASHTON ID 83420

JACK E NEIL
1001 MEADOWBROOK LN
POCATELLO ID 83201

PAULA L NEIL
1001 MEADOWBROOK LN
POCATELLO ID 83201

KEITH F NYBORG
2467 E HWY 33
SUGAR CITY ID 83448-1127

RAIJA NYBORG
2467 E HWY 33
SUGAR CITY ID 83448-1127

WAYNE A OBERHANSLEY
3682 E 1000 N
ASHTON ID 83420

JERROLD OLEFSKY
1237 VIA MIL CUMBRES
SOLANA BEACH CA 92075

PHYLLIS C OLEFSKY
1237 VIA MIL CUMBRES
SOLANA BEACH CA 92075

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1003 N 2950 E
CHESTER ID 83421

BRENDA OPSAHL
1003 N 2950 E
CHESTER ID 83421

RICH E ORME
200 N 7 E
ST ANTHONY ID 83445

DEANNA ORME
4334 E 1000 N
ASHTON ID 83420

LARRY D ORME
4334 E 1000 N
ASHTON ID 83420

BRAD S ORME
PO BOX 481
SUGAR CITY ID 83448

PAMELA ANN OSTBERG
PO BOX 12
CHESTER ID 83421

REX OSTBERG
PO BOX 12
CHESTER ID 83421

LOWELL C PALMER
1692 E 300 N
ST ANTHONY ID 83445

LUCILLE A PALMER
1692 E 300 N
ST ANTHONY ID 83445

DAVID PARKE
PO BOX 532
ST ANTHONY ID 83445

MARY LOU PARKE
PO BOX 532
ST ANTHONY ID 83445

ROBERT L PEARSON
1331 E 65TH S
IDAHO FALLS ID 83404

CHRISTINE R PETERSEN
4355 ILENE CIR
IDAHO FALLS ID 83406

TED G PETERSEN
4355 ILENE CIR
IDAHO FALLS ID 83406

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C/O BEN PETERSON
403 N 2700 E
ST ANTHONY ID 83445

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PO BOX 82
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6533 W 6000 N
REXBURG ID 83440

SIRI L PINNOCK
6533 W 6000 N
REXBURG ID 83440

JOHN H PINNOCK
6543 W 6000 N
REXBURG ID 83440

CARL B PLESNER
455 HICKORY CIR
IDAHO FALLS ID 83404

DALE PLESNER
572 9TH ST
IDAHO FALLS ID 83404

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CHESTER ID 83421

TRAVIS N POTTER
PO BOX 22
CHESTER ID 83421

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15750 E POWERS DR
AURORA CO 80015

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3536 W 17 N
IDAHO FALLS ID 83402

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1344 N 3550 E
ASHTON ID 83420

NIKKI REYNOLDS
1344 N 3550 E
ASHTON ID 83420

ELEANOR REYNOLDS
3210 E 1300 N
ASHTON ID 83420

MAC F REYNOLDS
3210 E 1300 N
ASHTON ID 83420

DAN W REYNOLDS
3700 E 1171 N
ASHTON ID 83420

RUTH J REYNOLDS
3700 E 1171 N
ASHTON ID 83420

LON J RICH
117 STARCREST
IRVINE CA 92612

MARY ANN RICH
117 STARCREST
IRVINE CA 92612

LEOLA C RIGBY
2131 N 3000 W
REXBURG ID 83440

RAY W RIGBY
2131 N 3000 W
REXBURG ID 83440

HAROLD L RIGBY
2234 W 2000 N
REXBURG ID 83440

LOLA C RIGBY
2234 W 2000 N
REXBURG ID 83440

ALDEN L RIGBY
3156 W 3000 N
REXBURG ID 83440

ALICE M RIGBY
3156 W 3000 N
REXBURG ID 83440

JERRY R RIGBY
PO BOX 250
REXBURG ID 83440

TRAVIS RIGBY
PO BOX 66
TETONIA ID 83452

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1001 W ISLAND RD
MORGAN UT 84050

MARCELENE H ROBINSON
1001 W ISLAND RD
MORGAN ID 84050

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390 N E EMERSON
BEND OR 97701

SUSAN M ROGERS
390 N E EMERSON
BEND OR 97701

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2190 E 500 E
ST ANTHONY ID 83445

GAYLE RUMSEY
498 N 1500 E
ST ANTHONY ID 83445

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4262 MEADOW CREEK RD
ISLAND PARK ID 83421

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PO BOX 101
CHESTER ID 83421

SHIRLEY SCAFE
1010 GRAINVILLE RD
ASHTON ID 83420

WALTER SCAFE
1010 GRAINVILLE RD
ASHTON ID 83420

ANTHONY SCARPELLI
3415 SNOWSHOE LANE
ISLAND PARK ID 83429

MARIE SEELEY
33 S 5TH W
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7364 MOORE CREST CT
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BANCROFT ID 83217-0036

LARRY SIMMONS
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IDAHO FALLS ID 83401

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2346 E IONA RD
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655 N 2650 E
ST ANTHONY ID 83445

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KETCHUM ID 83340

SALLIE SLOCUM
PO BOX 2292
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FRANKLIN N SMITH
1800 IDLEWILD DR NUMBER 44
RENO NV 89509

GEORGE E SMITH
2224 US HWY 87 E TRLR 202
BILLINGS MT 59101-6610

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1142 N 3500 E
ASHTON ID 83420

JERRY STEINMAN
PO BOX 359
ASHTON ID 83420

RUDY STEINMAN
PO BOX 359
ASHTON ID 83420

NELLIE G STEPHENS
PO BOX 175
ASHTON ID 83420

RENEE STEVENS
AKA RENEE BIRCH
150 N 2400 E
ST ANTHONY ID 83445

CARMA F STRANGE
PO BOX 64
CHESTER ID 83421

BEVERLY J TAYLOR
1192 E BUTTE RD
MENAN ID 83434-5123

WILLIAM NEIL TAYLOR
1192 E BUTTE RD
MENAN ID 83434-5123

HELEN THOMPSON
3333 N HWY 20
ISLAND PARK ID 83429

WILMA D THREET
PO BOX 556
ASHTON ID 83420

JOHN R F TOENJES
PO BOX 918
ASHTON ID 83420

PAULA L TOENJES
PO BOX 918
ASHTON ID 83420

FABER F TWAY
PO BOX 1114
BOISE ID 83701-1114

PAULINE A TWAY
PO BOX 1114
BOISE ID 83701-1114

CHARLES E VANCE
1732 BETH DR
POCATELLO ID 83201

JOAN M VANCE
1732 BETH DR
POCATELLO ID 83201

FRANK VANDERSLOOT
2880 N 55 W
IDAHO FALLS ID 83401

FRANK L VANDERSLOOT
C/O MELALEUCA INC
3910 S YELLOWSTONE HWY
IDAHO FALLS ID 83402

DAVID VANEK
9395 POCATELLO CREEK RD
POCATELLO ID 83201

GRETCHEN VANEK
9395 POCATELLO CREEK RD
POCATELLO ID 83201

FRANCES A WADSWORTH
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IDAHO FALLS ID 83401

THOMAS J WADSWORTH
256 3RD ST
IDAHO FALLS ID 83401

LARRY P WARDLE
3559 S 950 E
BOUNTIFUL UT 84010

DERRALD J WATERS
4 N 740 W
BLACKFOOT ID 83221

LEE O WATERS
946 S BELLIN RD
IDAHO FALLS ID 83402

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PO BOX 12
MENAN ID 83434

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13726 GREENVIEW DR
SUN CITY AZ 85375

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1123 E BUTTE RD
MENAN ID 83434-5123

PHYLLIS C WILLIAMS
1950 CARMEL DR
IDAHO FALLS ID 83402

ANNA WILSON
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CHESTER ID 83421

JACK WILSON SR
PO BOX 69
CHESTER ID 83421

ELAINE WINEGAR
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ISLAND PARK ID 83429

WENDELL WINEGAR
PO BOX 144
ISLAND PARK ID 83429

REED WINTERS
PO BOX 66
CHESTER ID 83421

LESLIE F WIXOM
1551 FRONTAGE RD
BLACKFOOT ID 83221

TRACY D. WOHLSCHEGEL
278 WILLIAMSBURG CIRCLE
IDAHO FALLS ID 83404

JOSEPH W WORRELL
PO BOX 126
CHESTER ID 83421

PAOLA P WORRELL
PO BOX 43
CHESTER ID 83421

JOSEPH KENNIE WORRELL
PO BOX 81
CHESTER ID 83421

LAWRENCE J YBARRONDO
PO BOX 3399
JACKSON WY 83001

LOUISE YOUNG
275 12TH ST
IDAHO FALLS ID 83401

GORDON ZOLLINGER
BOX 8
ISLAND PARK ID 83429

BRENT ZOLLINGER
PO BOX 78
ISLAND PARK ID 83429

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 11th day of October, 2007

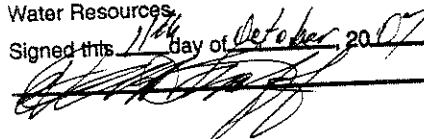


Exhibit H

RECEIVED

MAY

DEPARTMENT OF
WATER RESOURCES

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

InReSRBA

A. Subcase 21-10015

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: North Henry's Lake Homeowners Association, Inc.
c/o Lana Esplin, Past Secretary

Address: 3897 Teton Road

Island Park, Idaho 83429

Daytime Phone: 208-558-7214, 435-369-3674 (cell)

Name & Address of Attorney, if any:

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

Name: North Henry's Lake Homeowners Association, Inc.

Address: c/o Lana Esplin, Secretary

3897 Teton Road

Island Park, Idaho 83429

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 11th day of October, 2007

D. I object to the following elements as recommended in the Director's Report.

(Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source(s)**
Should be: a. Howe Springs Tributary - Pittsburg Creek
b. Stream (Pittsburg Creek) Tributary - Pittsburg Creek
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: Municipal and Public
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Municipal Fremont County
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S):

This claim is for two water rights: Howe Springs and Stream, (known as Pittsburg Creek), which were combined into one water right for the North Henry's Lake Homeowners Association in 1988. The water rights are for 215 homes and listed as a Public Water System No. ID 7220033. The purpose of use needs to be changed to Municipal as shown by supporting documents attached.

F.

VERIFICATION (must be completed)

State of Utah)
)ss.
County of Washington)

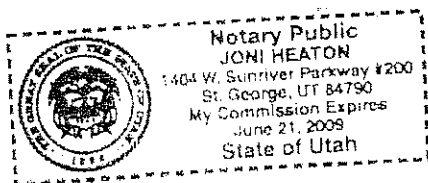
Lana Espino, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Lana Espino
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 2nd, 2006



Joni Heaton
Notary Public for State of Utah
Residing at: St. George
My Commission Expires: 6/21/09

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on May 2, 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: NHLHA c/o Mike Weigand, President
Address: 3888 Teton Rd.
Island Park, ID 83429

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

Lana Esplin, past secretary NHLHA
Signature of objector or attorney
mailing on Objector's behalf

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 11th day of October, 2007