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DEPARTMENT OF
WATER RESOURCES

JON C. GOULD (ISB #5636)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Mace-Catlin Mutual Ditch Company, Inc.

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

)
) SUBCASE NOS. 63-134, 63-132, 63-133,
) 63-134A, 63-134B, 63-186A, 63-186B,
) 63-17205 and 63-31772
)
) AFFIDAVIT OF JON C. GOULD
) IN SUPPORT OF MOTION
) FOR SUMMARY JUDGMENT
)

STATE OF IDAHO)
) ss.
County of Ada)

JON C. GOULD, being first duly sworn upon his oath, deposes and says that:

1. That I am an attorney of record for Mace-Catlin Mutual Ditch Company (hereinafter "Mace-Catlin"), in this matter and make this Affidavit based upon my personal knowledge and am competent to testify to the matters contained herein.

2. I certify that the attached, as Exhibit A, is a true and correct photocopy of the Articles of Incorporation of Mace-Catlin.

3. I certify that the attached, as Exhibit B, is a true and correct photocopy of the BY-LAWS of Mace-Catlin Mutual Ditch Company, Incorporated.

4. I certify that the attached, as Exhibit C, is a true and correct photocopy of the Notice of Claim to Water Right for water right no. 63-132, submitted by the Mace-Catlin in 1989.

5. I certify that the attached, as Exhibit D, is a true and correct photocopy of the Notice of Claim to Water Right for water right no. 63-133, submitted by the Mace-Catlin in 1989.

6. I certify that the attached, as Exhibit E, is a true and correct photocopy of IDWR's recommendation for water right no. 63-132 in the name of Mace-Catlin dated December 12, 2005.

7. I certify that the attached, as Exhibit F, is a true and correct photocopy of IDWR's recommendation for water right no. 63-133 in the name of Mace-Catlin dated December 12, 2005.

8. I certify that the attached, as Exhibit G, is a true and correct photocopy of the State's Standard Form 1 Objection to water right no. 63-132.

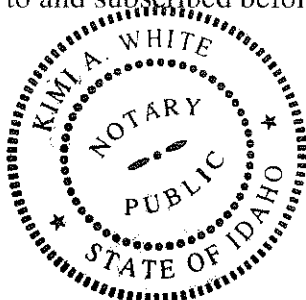
9. I certify that the attached, as Exhibit H, is a true and correct photocopy of the State's Standard Form 1 Objection to water right no. 63-133.

DATED this 13 day of March, 2008.

RINGERT CLARK CHARTERED

By J. J. Gould
JON C. GOULD

Sworn to and subscribed before me this 13th day of March, 2008.



Kim A. White
Notary Public for Idaho
Residing in Boise, Idaho
My Commission Expires: 04/01/10

CERTIFICATE OF SERVICE

I hereby certify that on this 13 day of March, 2008, I served a true and correct copy of the foregoing document by U.S. mail, postage pre-paid to the following:

United States Department of Justice
Environment and Natural Resource Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

David J. Barber
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Idaho Department of Parks
and Recreation
5657 Warm Springs Avenue
Boise, Idaho 83716

Ron Sali & Ron Sali Properties
Ron Sali Properties, Inc.
Represented by:
Michael C. Creamer
Givens Pursley
P.O. Box 2720
Boise, Idaho 83701-2720

Ron Sali
P.O. Box 448
Boise, Idaho 83701-0488

Ron Sali
919 South Linden Road
Eagle, Idaho 83616

Ron Sali Properties, Inc.
Profit Sharing Plan
100 N. 9th Street, Ste. 200
Boise, Idaho 83702-5700

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Hart Davis Ditch Company
c/o S. Bryce Farris
PO BOX 2773
Boise, Idaho 83701



JON C. GOULD

Exhibit A

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MACE-CATLIN MUTUAL DITCH COMPANY, INCORPORATED

ARTICLES OF INCORPORATION

99 APR 22 11:05:53

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, a majority of whom are citizens of the State of Idaho and of the United States, desiring to form a Non-Profit Corporation under the Non-Profit Corporate Law of Idaho particularly Title 30, Chapter 3, Idaho Code, do hereby certify:

ARTICLE 1: The name of the Corporation shall be "MACE-CATLIN MUTUAL DITCH COMPANY, INCORPORATED."

ARTICLE 2: The principal office of the Corporation is to be located in Ada County, Idaho at 1111 W. South Channel Road, Eagle, Idaho, 83616.

ARTICLE 3: The purposes for which this Corporation is formed are:

1. To purchase, store, distribute and use water that its shareholders are entitled to by virtue of water rights bestowed upon each shareholder by the State of Idaho, Department of Water Resources, and any and all water as a member in good standing with the Eagle Island Water Users Association, Incorporated as provided thereto.

2. To enter into contracts and obligations of any type or kind relative to the transaction of its ordinary affairs, for any or all of the corporate purposes or related thereto.

3. To fix, charge and collect from its members assessments for the purpose of paying debts of the Corporation and of paying expenses and conducting the business of the Corporation, and to have power to levy and collect the assessments for such shares in the manner and form and the extent provided by Idaho Code and in the Corporation's By-Laws, and as these articles hereinafter may be amended, but the Corporation shall not engage in any activities within the normal course of business that could result in profit, being a mutual water company and duly recognized by the Internal Revenue Service as a 501(c)12 organization.

4. To incur indebtedness without limit as to amount, and to draw, make, accept, endorse or transfer, assign, guarantee, execute and issue bonds, debentures, notes, checks, drafts, bills of exchange, negotiable instruments, and all other instruments for the payment of money, whether secured or unsecured; provided, however, the members (shareholders) shall not be personally liable for any such indebtedness so incurred.

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5. To have, exercise and employ all of the powers now or hereafter granted to corporations organized for the operation, control or management of an irrigation project or canal system or for the purpose of furnishing water to its members (shareholders) and not for profit or hire as provided in Idaho Code, and as it may be amended, and as are not in conflict with Title 30, Idaho Code, and acts amendatory thereto.

6. To do any act or thing necessary or convenient for the transaction of the aforesaid business and/or carrying into effect any of the aforesaid purposes and objects insofar as the same do not conflict with the laws of the State of Idaho.

ARTICLE 4: The names and addresses of the initial Board of Directors of the Corporation are as follows:

JAMES WROTEN

CHARLES LOBDELL

1111 W. SOUTH CHANNEL RD

2205 W. MACE RD

EAGLE, ID 83616

EAGLE, ID 83616

ARTICLE 5: No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article 3 hereof.

ARTICLE 6: The Board of Directors shall have the power to adopt a Code of By-Laws, and to repeal, amend, or adopt a new Code of By-Laws, by such vote as shall be provide in the By-Laws and shall have voting members (shareholders) as provided for in the By-Laws.

ARTICLE 7: No contract or other transaction between the Corporation and any other corporation, whether or not a majority of shares of capitol stock of such other corporation is owned by the Corporation, and no act of the Corporation shall in any way be affected or invalidated by the fact that any of the directors of the Corporation are pecunarily or otherwise interested in or are directors or officers of such other corporation; and directors individually or any firm of which such directors may be a member, may be a party to or may be pecunarily or otherwise interested in any contract or transaction of the Corporation; provided that the fact that he or such firm is so interested shall be disclosed or shall have been known to the Board of Directors or a majority thereof; and any director of the Corporation who is also a director or officer of any such other corporation, or who is so interested, may be counted as determining the existence of a quorum at any meeting of the Board of directors of the Corporation which

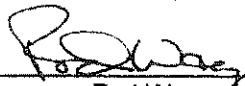
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HEREIN IS UNCLASSIFIED

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shall authorize such contract or transaction with the like force and effect as if he were not such director or officer of such corporation or not so interested.

ARTICLE 8: Upon the dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)12 of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

IN WITNESS WHEREOF, we have hereunto subscribed our names this 14th day of April, 1999.



Rod Wagner



James Wroten



Charles Lobdell

The registered agent/registered office is: James Wroten
1111 W South Channel Rd
Eagle ID 83616

Exhibit B

CM

BY-LAWS
OF
MACE-CATLIN MUTUAL DITCH COMPANY, INCORPORATED

ARTICLE I
MEETINGS OF THE SHAREHOLDERS

SECTION 1. Shareholders' meetings shall be held at Eagle, Ada County, Idaho, or they may be held at such other place or places as shall be determined from time to time by the Board of Directors, and the place at which such meetings shall be held will be stated in the notice and call for such meetings.

SECTION 2. The annual meeting of the shareholders shall be held, commencing after the initial meeting of the incorporators of March 24, 1999, on the first Monday in the month of March. At this meeting, the directors for the year shall be elected, the officers shall present their annual reports and such other business may be transacted or may come before the meeting.

SECTION 3. At each regular or special shareholders' meeting, each shareholder shall be entitled to one vote, either in person or by proxy, for each share of voting stock standing registered in his or her name at the time of the closing of the transfer books for said meeting and shall have the right to a single vote for each of as many persons as there are directors to be elected.

In voting for the election of directors, each shareholder shall have the right to vote the number of shares of stock owned by him or her of record for each of as many persons as there are directors to be elected or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his or her shares of stock shall equal, or to distribute them on the same principal among as many candidates as he shall see fit: and such directors shall not be elected in any other manner.

However, when property receiving water by reason of the Stewart Decree or any portion thereof is subdivided into two (2) or more parcels or results in a subdivision development and the resulting parcels are less than 5 acres in size, such development or land area shall be represented by a single authorized delegate. The number of shares associated with said subdivided or developed land area shall never exceed the number as shown in Article II, Section 8 herein and shall be divided equally among those individuals having an interest in said subdivision development or land area. Said single delegate shall serve as proxy and represent the collective interests of all individuals having an interest in said subdivision development or land area and shall vote each interested party's shares as stipulated by said shareholder.

SECTION 4. Except to the extent prohibited by law, each shareholder entitled to vote may be represented at any regular or special meeting of shareholders by a duly executed proxy which shall be in writing and properly signed, but shall require no other attestation. No proxy shall be recognized unless executed within eleven months of the date of the meeting at which it is presented and the Secretary shall duly note in the minutes of the meeting the names of those shareholders represented by proxy and their respective proxy's name. No officer, director or employee of the corporation shall act as proxy for any other person at any meeting of the shareholders.

SECTION 5. A complete list of the shareholders entitled to vote at the ensuing election, arraigned in alphabetical order, shall be prepared by the Secretary at least five days before the meeting at which such election is to occur, and during the usual hours of business, and during the whole time of said election, shall be open to examination of any shareholder, and said list will for all purposes establish who is a shareholder and how many votes such shareholder is entitled to exercise.

Further, said list shall be final and not subject to change except by majority vote of the Board of Directors.

SECTION 6. Special meetings of the shareholders may be held whenever called by the Board of Directors, or by a majority of the members thereof, or by the President, and shall be called by the President or Vice President upon the request in writing of at least 40 percent of shareholders of the Corporation entitled to vote at such meeting. Calls for special meetings shall state the time, place and object or objects thereof, and no business other than that specified in the call shall be considered at any such meeting.

SECTION 7. A written or printed notice of every regular or special meeting of shareholders stating the time and place, and in case of special meetings, the objects thereof, shall be prepared and mailed by the Secretary, postage prepaid, to the last known post office address of each shareholder at least ten days before the date of any such meeting.

Notice of the time, place and purpose of any meeting of the shareholders shall not be required to be given to any shareholder who shall attend such meeting, in person or by proxy; and if any shareholder, in writing, filed with the records of the meeting, either before or after the holding thereof, shall waive notice of any shareholders' meeting, notice thereof need not be given to him. No notice of an adjourned meeting of the shareholders need be given.

SECTION 8. Except as may otherwise be provided by the Articles of Incorporation, a quorum at any annual or special meeting shall consist of those shareholders who are represented in person or by proxy, as provided by Section 42-2401, Idaho Code, subject to the limitations of Section 30-1-140 Idaho Code.

ARTICLE II
SHARES

SECTION 1. Except as set forth in Article I, Section 3, each individual property owner, corporation or agency who has irrigation rights determined by the Stewart Decree as administered by the State of Idaho, Department of Water Resources or who has been allotted storage space in Lucky Peak Reservoir under that certain contract between the United States of America, Bureau of Reclamation and Eagle Island Water Users Association, who is a member in good standing thereof, shall be entitled to purchase one (1) share of stock for each and every acre under irrigation upon payment in cash of the sum of one (\$1.00) dollar per share in United States currency.

SECTION 2. The Corporation shall operate and maintain a canal system for the benefit of its shareholders for the delivery of irrigation and stock water to its shareholders. It shall be the shareholders' responsibility to provide the funds necessary and sufficient to the Corporation for its ordinary and usual operation and maintenance expenses. Said expenses shall be determined by the Board of Directors at its annual meeting or at a special meeting called for herein. Assessments for each shareholder shall be made by the Secretary/Treasurer and approved by the Board of Directors prior to being mailed via first class United States postage to each shareholder. Assessments shall become immediately due and payable to the Corporation upon the receipt of said assessment by each shareholder.

SECTION 3. Each shareholder's assessment shall be prorated based upon the number of acres each shareholder has under irrigation. The assessment shall include any water shareholder has used either by decreed rights as determined by the Department of Water Resources or from Lucky Peak Reservoir storage rights as provided for in that certain agreement between the Bureau of Reclamation and Eagle Island Water Users Association.

SECTION 4. The shareholders shall notify the Watermaster of District 63, the amount of water, stored or otherwise, that they will require, either individually, or in groups, as the irrigation season progresses. The notice to the Watermaster shall be given in sufficient time to allow the Watermaster to deliver the water demanded. The Watermaster shall not be obligated to deliver water unless the demand for water shall be accompanied with sufficient payment therefor and as provided in these By-Laws.

SECTION 5. All shareholders of stock shall be subject to assessment in accordance with the laws of the State of Idaho for paying of storage space in Lucky Peak Reservoir subject to the terms of that certain contract between Eagle Island Water Users Association and the United States of America, Bureau of Reclamation; and for the other necessary expenses of the Corporation.

SECTION 6. Each shareholder of the Corporation whose stock has been paid for in full, shall be entitled to a certificate, or certificates, showing the amount of stock of the Corporation standing on the books in his name. Stock certificates shall be issued in numerical order from the Stock Certificate Book, shall bear the serial number and date of issuance, shall be signed by the President and Secretary, shall have affixed thereto the seal of the Corporation, and subject to statutory requirements, shall be in the form prescribed by the Board of Directors. A full record including the name and number of each certificate of stock, as issued, shall be duly recorded by the Secretary in the official Stock Certificate Book.

SECTION 7. Transfers of stock shall be made only upon the transfer books of the Corporation, kept at the office of the Corporation or respective transfer agents designated to transfer the stock, and before a new certificate is issued the old certificates shall be surrendered for cancellation. Before a new certificate is issued, all assessments against the shares therein represented must be fully paid. The secretary shall be allowed a fee of five dollars (US) to be paid by the party making the transfer.

SECTION 8. The following individuals that have irrigation rights as described herein are listed below together with the number of acres each has under irrigation.

<u>OWNER</u>	<u>ACRES</u>	<u>SHARES</u>
1. Jim Warren	100	100.0
2. Steve Rambo	9	9.0
3. Barry Peters	17.5	17.5
4. Don Coffey	10.5	10.5
5. Charles Porter	5	5.0
6. David Powers	28.5	28.5
7. Maxine Mace	30	30.0
8. Herb Carlson	40	40.0
9. Bob Kell	2.5	2.5
10. Charles Lobdell	5	5.0
11. Todd Lindsey	65	65.0
12. Don Newman	20	20.0
13. State of Idaho	315	315.0
14. Will Englund	5	5.0
15. Jon Wroten	27	27.0
16. Janis Meek	13	13.0
17. Kay Johnson & Ann Joslin	5	5.0
18. Mel Dennett	15	15.0
 TOTALS	 713.0 Acres	 713.0 Shares

The price for said stock shall be one dollar (\$1.00) per share, payable within thirty (30) days from the time notice is sent by mail by the Secretary advising that the stock is available for purchase. In the event that any person, corporation or agency authorized to purchase stock in the Corporation, refuses, after notice is given as above provided, to pay for said stock within thirty (30) days after the giving of the notice, the Secretary shall give a second notice to the refusing party, that at a time fixed by the Board of Directors, the refusing party's stock will be sold or otherwise disposed of by the Board of Directors. Within ten (10) days after the giving of said second notice, the Board of Directors may sell, or otherwise dispose of said stock to such person and upon such terms and in such manner as they deem to be just, or the Board may purchase said stock on behalf of the Corporation.

SECTION 9. In the event that that certain contract between the United States of America, Bureau of Reclamation and Eagle Island Water Users Association regarding Lucky Peak Reservoir storage water is amended or renewed which in any way affects this Corporation or is in conflict with its By-Laws, the By-Laws of this Corporation shall be amended so as to eliminate said conflict(s) and be made to conform to said amendments, changes or renewals thereof, if necessary.

SECTION 10. Registered shareholders only shall be entitled to be treated by the Corporation as the holders in fact of the stock standing in their respective names, and the Corporation shall not be bound to recognize any equitable or other claim to, or interest in, any share on the part of any other persons, whether or not it shall have express or other notice thereof, except as otherwise expressly provided by law.

SECTION 11. In case of loss or destruction of any certificate of stock, another may be issued in its place upon proof of such loss or destruction and upon the giving of a satisfactory bond or indemnity to the Corporation in such sum as the directors may provide, not exceeding double the value of the share.

SECTION 12. At the beginning of each irrigation season, the Secretary shall certify to the Watermaster of District 63, a list of all of the shareholders of the Corporation and the number of acres owned by each of them standing on the books and records of the Corporation at the time of the making of the list. In addition, the Secretary shall certify to the Watermaster of District 63, all transfers of ownership and the number of acres each shareholder of record owns. Only those persons contained on said lists shall be entitled to order water, and then not to exceed the amount of water to which each shareholder is entitled.

ARTICLE III
BOARD OF DIRECTORS

SECTION 1. The management of the affairs, property and interests of the Corporation shall be vested in a Board of Directors consisting of three (3) members to be selected from among the shareholders of the Corporation at the regular annual meeting of shareholders, and the persons so selected shall constitute the Board of Directors for the ensuing year or until qualified successors are elected.

SECTION 2. The Board of Directors shall have all power and authority conferred upon such Board by law, by the Articles of Incorporation and by these By-Laws, and the Board of Directors is given the power to do all lawful acts and things in furtherance of the business purposes of the Corporation.

SECTION 3. All vacancies in the Board of Directors shall be filled by the remaining director or directors, at any regular or special meeting. A director thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor and until a qualified successor is elected.

SECTION 4. Special meetings of the Board may be called at any time by the President, or in his or her absence or disability, by the Vice President or by any two directors, such call stating the time and place of such meeting and the purposes for which it is to be held.

SECTION 5. Notice of special meetings of the Board of Directors shall be given by the Secretary by mailing notice thereof to each member's last known post office address, postage prepaid, at least five (5) days before the time fixed for such meeting, such notice giving the time, place and objects thereof, and no business shall be transacted at such special meeting, except as shall be indicated in the notice. Notice of any meeting need not be given to a director if he shall waive notice in writing, filed within records of the meeting, either before or after the holding. Any

business may be transacted at any meeting at which every director is present, though without notice. Any meeting of the Board shall be a legal meeting, without any notice being given, if all the directors shall be present thereat.

SECTION 6. A majority of the whole Board of Directors shall be necessary to constitute a quorum for the transaction of business, and a majority of the members in attendance at any Board meeting shall, in the presence of a quorum, decide its action, except as otherwise provided in the By-Laws, or in the Articles of Incorporation, or as required by law; provided, however, that after resignation of more than a majority of the directors, the remaining directors, although less than a quorum, may meet and fill vacancies as herein provided.

SECTION 7. The directors shall receive no salary, but shall be paid their expenses actually and necessarily incurred in attending meetings of the Board of Directors. All such expenses shall be approved by the Board of Directors before payment, at a regular meeting of the Board of Directors at which a quorum is present.

ARTICLE IV ASSESSMENTS

SECTION 1. Revenue necessary for the payment of the indebtedness of the Corporation, and for carrying on the business of the Corporation, and for any other purpose which the directors may believe to be in the best interests of the Corporation, in conformity with the laws of the State of Idaho, shall be raised by assessments from time to time as required upon and against the shareholders.

SECTION 2. The directors shall give notice as provided in Section 42-1304, Idaho Code, to the shareholders of any assessments so levied, requiring each shareholder to pay to the Secretary or Treasurer, the amount of said assessment on a date to be fixed in said notice, and upon failure or refusal of the shareholders to pay the amount so assessed, after which a

lien shall be recorded at the office of the county recorder against said shareholders property.

Further, as provided in section 42-1307, Idaho Code, in case any assessment, as herein provided for is due and unpaid the Corporation may sue to collect the same, in the name of its secretary-treasurer as such, in any court of competent jurisdiction, and in addition to the amount due including all penalties and interest, and all costs incurred in said action, may collect a reasonable attorney's fee in such action to be fixed by the court.

Upon satisfactory payment of shareholder's assessment including any penalties, amounts in arrears and all expenses incurred by the Corporation, including recording fees or attorneys fees whether or not a court hearing resulted in any action brought by the secretary-treasurer on behalf of the Corporation, the shareholder shall have the right to be reinstated upon approval of the Board of Directors.

ARTICLE V

OFFICERS

SECTION 1. The officers of the Corporation shall be a President, Vice President, Secretary and Treasurer, who shall be elected for one year by the directors at their first meeting, after each annual meeting of the shareholders and who shall hold office until their qualified successors are elected. The President and Vice President shall be elected from among the directors. At the discretion of the Board, the office of Secretary may be united with that of Treasurer and both held by the same person.

The Board of Directors may elect such other officers and appoint such agents as it may deem necessary or expedient, to hold office during its pleasure and to have such authority and perform such duties as shall be prescribed from time to time by the Board.

SECTION 2. PRESIDENT. The President shall preside at all meetings of shareholders and directors and shall have general supervision of the affairs of the Corporation; he or she shall sign all certificates of stock issued by the Corporation; shall sign or countersign, as may be necessary,

all such bills, notes, checks, contracts and other instruments as may pertain to the ordinary course of the Corporation's business, and shall sign, when duly authorized by the Board of Directors, all contracts, deeds, bonds, mortgages and other instruments of a special nature. Except when normal or ordinary expenses of less than \$500.00 are anticipated in which case, the Secretary/Treasure need not secure the President's signature on the check for payment.

SECTION 3. VICE PRESIDENT. The Vice President shall possess all of the powers and perform all the duties of the President, in the event of the death, absence, disability or refusal to act, of that officer, and shall have such other powers and discharge such other duties as may be assigned to him or her from time to time by the Board of Directors.

SECTION 4. SECRETARY. The Secretary shall keep full minutes of all meetings of the shareholders and directors; he or she shall give notice of meetings of shareholders and directors in accordance with provisions of these By-Laws; shall sign, with President, all certificates of stock issued by the Corporation and contracts and other documents requiring the Corporate Seal, shall affix the seal thereto; and shall perform such other duties as may be prescribed by the Board of Directors.

SECTION 5. TREASURER. The Treasurer shall have custody of and be responsible for all moneys and securities of the Corporation; he or she shall keep a full and accurate record of accounts in books belonging to the Corporation, showing the transaction of the Corporation, its accounts, liabilities and financial condition; shall deposit in the name of the Corporation all moneys, checks, and obligation that may come into his or her hands for the Corporation's accounts in such depository or depositories as are designated by the Directors; shall disburse the funds of the Corporations in payment of just demands against the Corporation or in accordance with the general or special discretions of the Board of Directors, taking proper vouchers for such disbursements.

He or she shall submit a full report of the financial condition of the Corporation to the annual meeting of the shareholder's and, generally,

shall perform all duties incident to the position of Treasurer, subject to the control of the Board of Directors.

He or she shall give such bonded indemnity as the Board of Directors may require for the faithful performance of the duties of his office and the restoration to the Corporation, in case of his death, resignation or removal from office, of all books, papers, voucher, money or other property of any kind whatsoever in his or her possession belonging to the Corporation.

SECTION 6. In the case of the absence or inability to act of any officer of the Corporation and of any person herein authorized to act in his or her place, the Board of Directors from time to time may delegate the powers and duties of such office to any other officer, or to any director or to any other person whom it may select.

SECTION 7. Vacancies in any office, arising from any cause, may be filled by the Directors at any regular meeting or any special meeting called for that purpose.

SECTION 8. The salaries of all officers and agents of the Corporation shall be fixed by the Board of Directors.

SECTION 9. Any officer elected by the Board of Directors may be removed at any time, with or without cause, by the affirmative vote of a majority of the whole Board of Directors.

SECTION 10. The Corporation shall provide liability insurance in the form of a bond in the amount of one million dollars indemnifying and insuring the Corporation's Officers and Board of Directors from any liability in the exercise of their duties and responsibilities on behalf of the Corporation and any of its Officers from any and all legal actions including third party actions brought against the Corporation or its Officers due to negligence for any reason whatsoever and in accordance to 30-3-88, Idaho Code.

ARTICLE VI

SECTION 1. The moneys of the Corporation shall be deposited in the name of the Corporation in such depository as may be designated by the Board of Directors and all amounts over \$500.00 shall be withdrawn therefrom only by check signed by the officer or officers designated by resolution of the Board of Directors.

SECTION 2. All books and papers of the Corporation in the possession of the Secretary-Treasurer or other officers of the Corporation shall be subject to inspection by the Directors or other shareholders after a notification period of 24 hours and during regular office hours.

ARTICLE VII

SECTION 1. These By-Laws or portions thereof may be altered, amended or repealed and new By-Laws may be adopted at any regular or special meeting of the shareholders upon a two-thirds vote of the shareholders voting in favor thereof.

ARTICLE VIII

SECTION 1. The seal of the Corporation shall consist of two concentric circles, between which shall appear the name of the Corporation, plus the word "Idaho", and in the center shall be inscribed the "Corporate Seal." An impression of said seal appears on the margin hereof.

We, the undersigned, being of majority of the directors in office of Mace-Catlin Mutual Ditch Company, Incorporated and the Secretary of said Corporation, do hereby certify that the above and foregoing By-Laws were duly and regularly adopted as the Code of By-Laws of said Corporation by the assent of the holders of a majority of the allotted shares of said Corporation on the _____ day of _____, 1999, and that said By-Laws as copied and transcribed above are true and correct.

ATTEST

Secretary

Rod Wagner

Jim Wroten

Charles Lobdell

Exhibit C

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

Date Received

Receipt Number

NUMBER: 39576
AC 3-00132
8-25-89
W4976

LA

RECEIVED
AUG 25 1966

AUG 25 1989

NOTICE OF CLAIM TO A WATER RIGHT

Department of Water Resources
Western Regional Office

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Mace Gatlin Ditch Company Phone (208) 939-0427

Mailing Address c/o Boyd Yee, 1811 Mace Road, Eagle, Idaho Zip 83616

2. Date of Priority (Only one (1) per claim) Stewart Decree #5, June 1, 1864

3. Source of water supply (a) Mace Catlin Ditch (Mason Catlin)

which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4N Range 1E Section 16

SE 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of ADA

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Headgates with gravity flow, pumps and pipelines, moveable canvas type dams, various sized impoundments with headgates.

MICROFILMED

AUG 14 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For domestic, livestock purposes from _____ to _____ amount _____ or _____

For and irrigation purposes from 4/1 to 10/30 amount 2.692 or _____

For _____ purposes from _____ to _____ amount _____

For _____ purposes from _____ to _____ amount _____

Stock only
4-1 to 10-30
0.19

7. Total quantity claimed (a) 2.692 (cfs) and/or (b) _____

8. Total consumptive use claimed is 1922.34 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic irrigation, 7 households, instream stockwater for 450 horses or

10. Description of place of use:
^{750 cows}

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	18			7	10.13	55	40	11	35	34		33.85	28	33.07	38.7	39.6	21.71	342.56
4N	1E	19		7.3				25											9.8
4N	1E	13			3.47	3.7									38.21	38.87	26	38.77	149.08
4N	1E	17									34.17								34.17
4N	1E	24	4.13	9.5															13.63

Total number of acres irrigated 549.24

11. In which county (ies) are lands listed above as place of use located? ADA

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Stewart Decree (#52, June 1, 1871, (#138, June 14, 1912, .44 cfs) or None ()
7.788 cfs,)

14. Remarks:
Members and officers of the Mace Catlin Ditch Company are listed on Attachment 1. Soil
types are sandy and gravelly and require more than 1 miner inch per acre. see Attachment 2.
Existing ditches reduce the amount of land available for agricultural use. Water loss
occurs through evaporation and seepage because of the length and expanse of the main and
diversionary ditches. Water is shared equally by all members. Instream stockwater is
used as indicated under the places of use.

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AUG 14 1992

Last Name Mace Catlin Ditch Ident No. _____

Copies: White - State, Yellow - Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 2 ea and one topographical map instead of grid.

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of Mace Catlin Ditch Co. Secretary-Treasurer Title _____ that I have signed the foregoing

document in the space below as Secretary-Treasurer of Mace Catlin Ditch Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date 8/25/89

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25 day of August 19 89

SEAL

Notary Public Lori Harris

Residing at Boise, Idaho

My Commission Expires 12-8-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

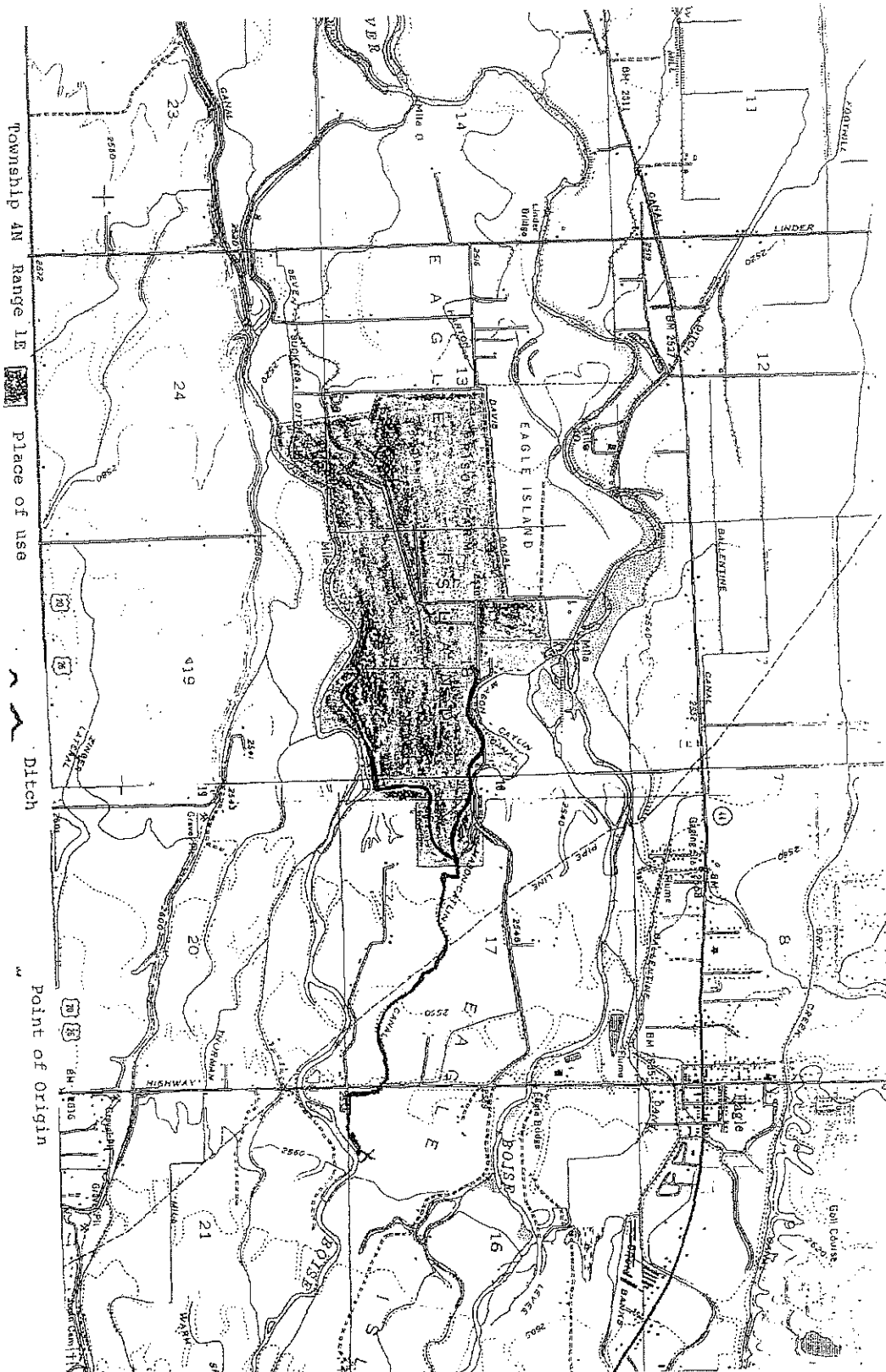
Signature _____

Address _____

Date _____

Last Name Mace Catlin Ditch Ident. Number _____

Copies White-State, Yellow-Claimant



Mace Catlin Ditch

Attachment 1

Item 1

Members of the Mace Catlin Ditch Company as of September 1, 1989.

Mrs. Herman Andregg
1501 Mace Road
Eagle, Idaho 83616
Phone # 939-0356

Boyd Yee, Secretary-Treasurer, Mace Catlin Ditch Company
1811 Mace Road
Eagle, Idaho 83616
Phone # 939-0427

Herb Carlson, Sr., Director, Mace Catlin Ditch Company
1812 Hill Road
Eagle, Idaho 83616
Phone # 939-6979

C.H. Lobdell
10024 W. Edna Street
Boise, Idaho 83704
Phone # 323-7757

Walt Minnick
1430 Shenandoah Drive
Boise, Idaho 83712
Phone # 345-3036

State of Idaho
Department of Parks and Recreation
Statehouse Mail
2177 Warm Springs Ave.
Boise, Idaho 83702
Phone # 334-3360

L.C. Mace, President, Mace Catlin Ditch Company
800 Mace Road
Eagle, Idaho 83616
Phone # 939-6346

Mace Catlin Ditch Company

MICROFILMED
AUG 14 1992

111--Moulton fine sandy loam. This soil is deep and poorly drained. It formed in acid igneous alluvium on low alluvial terraces adjacent to the Boise River flood plain. Slope ranges from 0 to 2 percent. The elevation is 2,500 to 2,900 feet. The average annual precipitation is 11 inches, the average annual temperature is 51 degrees F, and the frost-free period is about 150 days.

Typically, the surface layer is grayish brown fine sandy loam about 12 inches thick. The subsoil is light brownish gray fine sandy loam about 12 inches thick. The substratum in the upper 9 inches is light brownish gray fine sandy loam; below that, to a depth of 60 inches or more, it is grayish brown very gravelly loamy sand.

Included in mapping are small areas of Baldock loam; Bissell loam, 0 to 2 percent slopes; Bram silt loam; Chance fine sandy loam; Falk fine sandy loam; Goose Creek loam; Notus soils; and Tindahey fine sandy loam, 0 to 2 percent slopes. These included soils make up about 15 percent of this map unit.

Permeability is moderately rapid. The root zone extends to a depth of 60 inches or more. The available water capacity is high. Runoff is ponded to slow, and the hazard of erosion is slight. Flooding is a hazard only during periods of high runoff.

In most areas, this soil is used for irrigated crops and pasture. The major crops are field corn, corn silage, wheat, and alfalfa hay. Sweet corn, barley, and oats are also grown. In some areas, this soil is used as rangeland and wildlife habitat. In some areas, it is used for residential and urban development.

Wetness is the major limitation to farming. The water table, which occurs at a depth of 1 1/2 to 3 feet, hinders the growth of some deep-rooted crops. In some areas this soil is protected from flooding by dikes and levees.

Furrow, border, corrugation, and sprinkler irrigation systems can be used on this soil. The border and corrugation systems are well suited to alfalfa, small grains, and pasture. Furrow irrigation is well suited to row crops. Sprinkler irrigation is well suited to most crops.

The use of this soil for residential development is limited by wetness and the hazards of flooding and frost action.

Wetness limits this soil for use as septic tank absorption fields. If effluent is discharged into the water table, contamination of nearby water supplies is a hazard.

Digging and trenching are hampered by wetness. It may be necessary to use pumps at excavation sites when the water table is high.

Flooding and wetness are the major limitations to the use of this soil as sites for houses. A high water table affects houses with basements unless drainage is provided.

The hazard of frost action limits the construction of roads, driveways, and other paved surfaces. Suitable subgrade material can help offset this limitation.

This map unit is in capability subclass IIIw, irrigated.

MICROFILMED

AUG 14 1992

112—Notus soils. This map unit consists of very deep, somewhat poorly drained soils on flood plains and low terraces along the Boise River. These soils formed in coarse, acid igneous recent alluvium. The slope ranges from 0 to 3 percent. The elevation is 2,500 to 2,900 feet. The average annual precipitation is 11 inches, the average annual temperature is 51 degrees F, and the frost-free period is about 150 days.

This map unit consists mainly of Notus sandy loam and Notus gravelly loamy coarse sand. Included in mapping are small areas of Baldock loam; Chance fine sandy loam; Falk fine sandy loam; Moulton fine sandy loam; Tindahay fine sandy loam, 0 to 2 percent slopes; and areas of very gravelly loamy sand. These included soils make up about 15 percent of this map unit.

In a typical profile of Notus sandy loam, the surface layer is light brownish gray sandy loam about 2 inches thick. The underlying material in the upper part is pale brown loamy sand about 10 inches thick. In the lower part it is very pale brown very gravelly sand to a depth of 60 inches or more. Notus gravelly loamy coarse sand is similar except for the texture of the surface layer.

Permeability is moderately rapid. The root zone extends to a depth of 60 inches or more. The available water capacity is low. Runoff is very slow, and the hazard of erosion is slight. These soils are subject to occasional flooding.

In most areas, these soils are used for irrigated crops and pasture. The major crops are field corn, corn silage, wheat, and alfalfa hay. Sweet corn and barley are also grown. In some areas, these soils are used for residential and urban development.

The moderately rapid permeability, wetness, and the hazard of flooding are the major limitations to agriculture. The permeability and a water table at a depth of 3 to 5 feet hamper the growth of deep-rooted crops and lower irrigation efficiency. In most years, flooding is likely during periods of high runoff in spring.

Furrow, border, corrugation, and sprinkler irrigation systems can be used on these soils. The border and corrugation systems are well suited to alfalfa, small grains, and pasture. Furrow irrigation is well suited to row crops. Sprinkler irrigation is well suited to most crops.

The use of these soils for residential development is limited mainly by the hazard of flooding from March through May, by wetness, and by the sandy texture.

The flood hazard and wetness limit these soils for use as septic tank absorption fields. Nearby water supplies can be contaminated by effluent because of the shallowness to ground water.

Digging and trenching are hampered by the flood hazard and wetness. It may be necessary to use pumps at excavation sites when the water table is high. Excavations can be damaged by floodwater. Outbanks can collapse if excavations extend into the coarse-textured substratum.

The hazard of flooding is the major limitation to the use of these soils as sites for houses. Houses with basements are affected by the high water table during the peak of the irrigation season.

The hazard of flooding is the major limitation to the use of these soils as sites for construction of roads and streets.

This map unit is in capability subclass IVs, irrigated.

MICROFILMED

AUG 14 1992

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 RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576

AG 3-00133

8-25-89

W4976

20

RECEIVED

AUG 25 1989

NOTICE OF CLAIM
TO A

WATER RIGHT

Department of Water Resources
Western Regional Office

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Mace Catlin Ditch Company Phone (208) 939-0427

Mailing Address c/o Boyd Yee, 1811 Mace Road, Eagle, Idaho Zip 83616

2. Date of Priority (Only one (1) per claim) Stewart Decree #52, June 1, 1871

3. Source of water supply (a) Mace Catlin Ditch (Mason Catlin)
which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4N Range 1E Section 16,
SE 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of ADA

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgates with gravity flow, pumps and
pipelines, moveable canvas type dams, various sized impoundments with headgates.

MICROFILMED

AUG 14 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For domestic, livestock, purposes from _____ to _____ amount _____ or _____

For and irrigation purposes from 4/1 to 10/30 amount 7.788 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.788 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1922.34 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic irrigation, 7 households, instream stockwater for 450 horses or

10. Description of place of use:
750 cows,

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	18			7	10.13	5.5	40	11	35	34		38.85	28	33.17	38.7	34.6	21.71	342.56
4N	1E	19		1.3				2.5											9.8
4N	1E	13			3.47	3.7									38.27	38.57	26	38.7	149.08
4N	1E	17									34.17								34.17
4N	1E	24	4.13	9.5															13.63

Total number of acres irrigated 549.24

11. In which county (ies) are lands listed above as place of use located? ADA

MICROFILMED

12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

AUG 14 1992

13. Describe any other water rights used at the same place and for the same purposes as described above.
Stewart Decree #5, June 1, 1864, 2.692 cfs, #138, June 14, 1912, .44 cfs, or None ()

14. Remarks:
Members and officers of the Mace Catlin Ditch Company are listed on Attachment 1. Soil types are sandy and gravelly and require more than 1 miner inch per acre. see Attachment 2.
Existing ditches reduce the amount of land available for agricultural use. Water loss occurs through evaporation and seepage because of the length and expanse of the main and diversionary ditches. Water is shared equally by all members. Instream stockwater is used as indicated under the places of use.

Last Name Mace Catlin Ditch Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one): Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree XX

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 2 ea and one topographical map instead of grid.

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary-Treasurer
of Mace Catlin Ditch Company, that I have signed the foregoing
document in the space below as Secretary-Treasurer of Mace Catlin Ditch
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date 8/25/89

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25 day of August 19 89

SEAL

Notary Public Lori Harris

Residing at Boise, Idaho

My Commission Expires 12-8-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

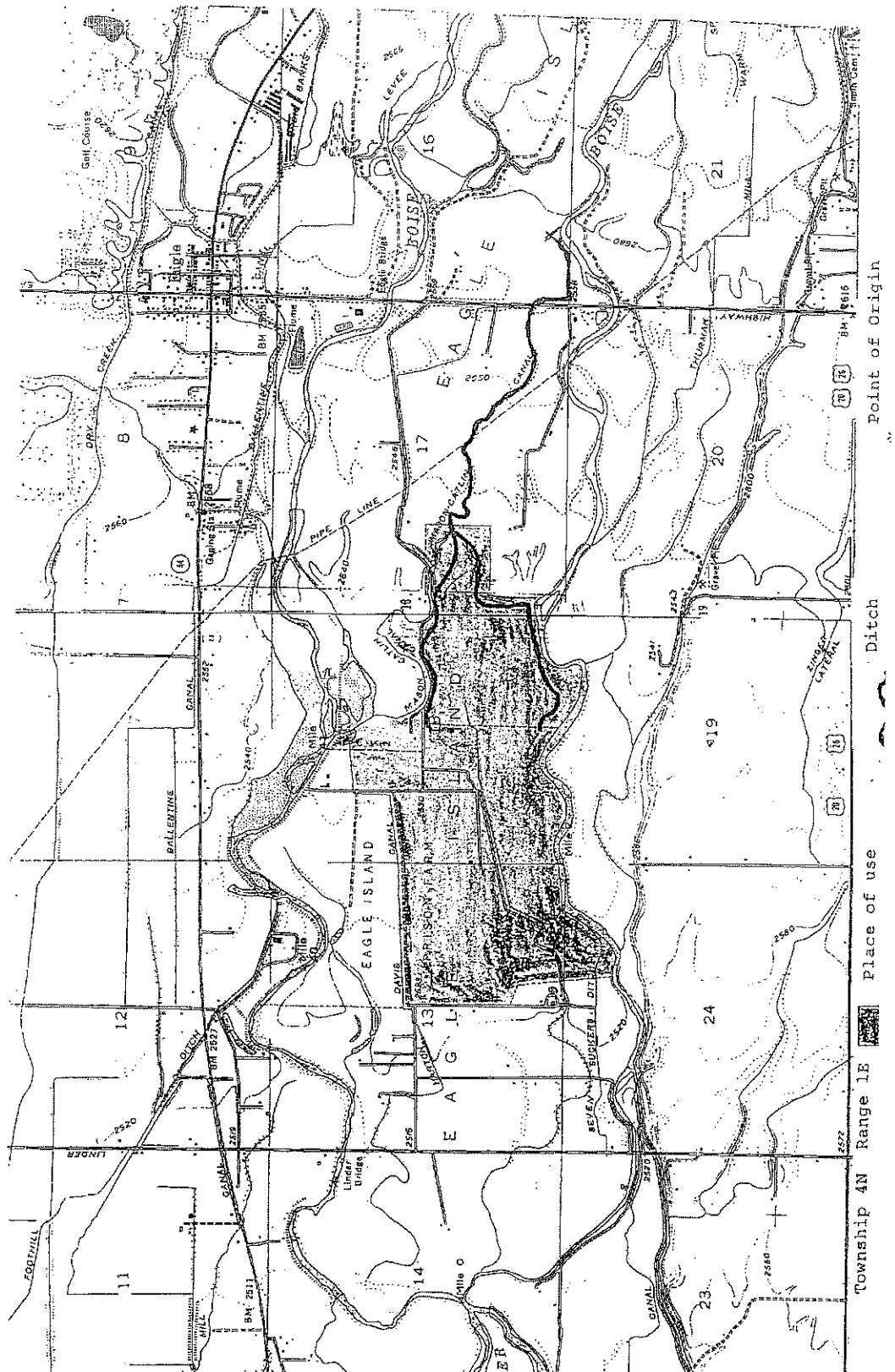
Address _____

Date _____

MICROFILMED
AUG 14 1992

Last Name Mace Catlin Ditch Ident. Number _____

Copies White-State, Yellow-Claimant



Attachment 1

Item 1

Members of the Mace Catlin Ditch Company as of September 1, 1989.

Mrs. Herman Andregg
1501 Mace Road
Eagle, Idaho 83616
Phone # 939-0356

Boyd Yee, Secretary-Treasurer, Mace Catlin Ditch Company
1811 Mace Road
Eagle, Idaho 83616
Phone # 939-0427

Herb Carlson, Sr., Director, Mace Catlin Ditch Company
1812 Hill Road
Eagle, Idaho 83616
Phone # 939-6979

C.H. Lobdell
10024 W. Edna Street
Boise, Idaho 83704
Phone # 323-7757

Walt Minnick
1430 Shenandoah Drive
Boise, Idaho 83712
Phone # 345-3036

State of Idaho
Department of Parks and Recreation
Statehouse Mail
2177 Warm Springs Ave.
Boise, Idaho 83702
Phone # 334-3360

L.C. Mace, President, Mace Catlin Ditch Company
800 Mace Road
Eagle, Idaho 83616
Phone # 939-6346

Mace Catlin Ditch Company

MICROFILMED

AUG 14 1992

Attachment 2



United States
Department of
Agriculture

Soil
Conservation
Service

118 W. Franklin
Meridian, Idaho 83642

July 19, 1989

Boyd Yee, Secretary/Treasurer
Mace Catlin Ditch Company
1811 Mace Road
Eagle, Idaho 83619

Dear Mr. Yee,

SUBJECT: Soils Information

The major soil types included in section 17-18-19 T.4N - R.1E are 111 Moulton Fine Sandy Loam and 112 Notus Soils. Both of these soils have a sandy surface texture and gravelly sandy sub-surface texture. The intake or permeability rates for these soils range from 2.0 inches per hour to 6.0 inches per hour, where as a typical silt loam soil may range from 0.6 inches per hour to 2.0 inches per hour.

From this information alone, it would be easily assumed that the normal 1 inch per acre water right may not be adequate.

If you need further information feel free to contact our office at 888-1890.

Sincerely,

Michael Liechty
Soil Conservation Technician

Attachment

Mace Catlin Ditch Company

MICROFILMED
AUG 14 1992



The Soil Conservation Service
is an agency of the
Department of Agriculture

Exhibit E

12/12/2005

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

RIGHT NUMBER: 63-132

NAME AND ADDRESS: MACE CATLIN DITCH CO
C/O BOB KELL
1820 MACE RD
EAGLE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.692 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1864

POINT OF
DIVERSION: T04N R01E S16 SESWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
-----------------------	----------------------	-----------------

STOCKWATER		
------------	--	--

IRRIGATION	03/01 11/15	2.692 CFS
------------	-------------	-----------

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

546 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 546 ACRES WITHIN THE
BOUNDARY OF THE MACE-CATLIN DITCH COMPANY.

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

WATER IS DELIVERED THROUGH THE MASON-CATLIN CANAL
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-133, 63-382B, 63-31312, 63-31313.
DESIGNATED AS RIGHT NO 5 IN THE STEWERT DECREE AND THE BOISE
RIVER WATER MASTERS RECORDS

Exhibit F

12/12/2005

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

RIGHT NUMBER: 63-133

NAME AND ADDRESS: MACE CATLIN DITCH CO
C/O BOB KELL
1820 MACE RD
EAGLE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 7.788 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1871

POINT OF

DIVERSION: T04N R01E S16 SESWSW Within ADA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

7.788 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

546 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 546 ACRES WITHIN THE BOUNDARY OF THE MACE-CATLIN DITCH COMPANY.

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 FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-132, 63-382B, 63-31312, 63-31313. DESIGNATED AS RIGHT NO 52 IN THE STEWERT DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
WATER IS DELIVERED THROUGH THE MASON-CATLIN CANAL

Exhibit G

COPY

SRBA



706 APR 21 AM 10:19

FILED
TWIN FALLS CO., IDAHO

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

In Re SRBA

A. Subcase Number: 63-00132

(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: State of Idaho, Department of Parks and Recreation
Address: 5657 Warm Springs Avenue
Boise, Idaho 83716
Daytime Phone: (208) 334-2400

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

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

Name: MACE CATLIN DITCH COMPANY
Address: c/o Bob Kell
1820 Mace Rd
Eagle, ID 83616

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: State of Idaho, Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, Idaho 83716
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 1.647 c.f.s. for the land within Eagle Island State Park.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: Not applicable.
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: The IDP&R lands need to be separately stated.

11. 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 OBJECTION(S):

The State of Idaho acquired the real property on Eagle Island for a prison farm in 1929. When the State of Idaho closed the prison farm, the Idaho Department of Parks and Recreation, (hereinafter "IDP&R"), and the Idaho Department of Fish and Game, (hereinafter "IDF&G"), acquired most of the old prison farm.

William E. Welsh, Watermaster for the Boise River, prepared a "Statement of Water Rights for Eagle Island Penitentiary Farm on Boise River," which summarized the water rights on Eagle Island acquired by the State of Idaho. A copy of this Statement is attached. Water Right No. 63-132 was originally designated as right no. 5 in the Stewart Decree. The State of Idaho owned 1.815 c.f.s. of water right no. 5. Since the IDF&G holds 0.168 c.f.s. of water right no. 63-132K, the remainder held by the IDP&R is the amount of 1.647 c.f.s. The IDP&R has not found any transfer of the water right to the Mace-Catlin Ditch Co.

Thus, water right no. 63-132 needs to be split further to reflect the separate ownership of the IDP&R. This split will need to revise the place of use description.

F.

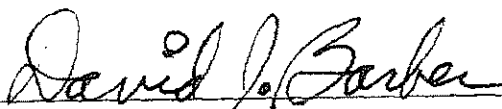
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

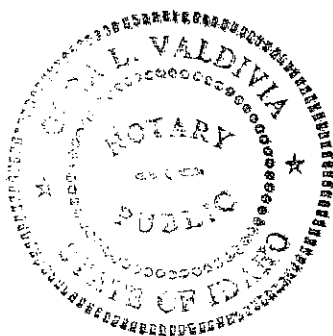
That the State of Idaho, Department of Parks & Recreation, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Parks & Recreation which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on: April 20, 2006
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

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 April 20, 2006, I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

1. Original to:

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

FEDERAL EXPRESS
OVERNIGHT DELIVERY

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

MACE CATLIN DITCH COMPANY
c/o Bob Kell
1820 Mace Rd
Eagle, ID 83616

U.S. MAIL

3. Copies to:

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

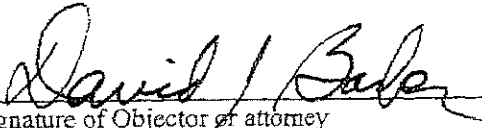
STATEHOUSE MAIL

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

U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf

STATEMENT OF WATER RIGHTS FOR EAGLE ISLAND PENITENTIARY FARM ON BOISE RIVER

By Wm. E. Walsh, Watermaster, Boise River

In the case of the Farmers' Cooperative Ditch Company vs. the Riverside Irrigation District, Ltd., et al, commonly referred to as the Stewart Decree, are found the following awards:

Number	Date	Name	Amount Decreed Second Feet	Inches
5	6-1-64	Catlin & Mace	2.86	143
6	6-1-64	T. C. Catlin	3.30	165
52	6-1-71	Catlin & Mace	7.86	393

Upon examining an agreement now on file in the office of the Secretary of State which was entered into by the various parties of interest in the Catlin & Mace Ditch just immediately prior to the time of the purchase of the Penitentiary Farm by the State of Idaho, I find that rights numbers 5 and 52 were divided among these various users as follows: Also right Number 6.

Name	Inches	Date of Priority	Number
Charles P. Mace and Mary Mace	8.03	June 1, 1864	5
Charles P. Mace and Mary Mace	22.05	June 1, 1871	52
Frank Mace and Josie A. Mace	10.70	June 1, 1864	5
Frank Mace and Josie A. Mace	29.38	June 1, 1871	52
Benjamin Mace and Grace J. Mace	8.33	June 1, 1864	5
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Grover Mace and Cora B. Mace	24.30	June 1, 1871	52
A. G. Coker and Margaret C. Coker	5.35	June 1, 1864	5
A. G. Coker and Margaret C. Coker	14.65	June 1, 1871	52

Name	Inches	Date of Priority	Number
Karl Fischer, A Bachelor	249.45	June 1, 1871	52
Karl Fischer, A Bachelor	165.00	June 1, 1864	6

It is also noted that there is in this same file a stock certificate issued to the State of Idaho by the Hart-Davis Ditch Company for 165 shares which covers the 165 inches of water represented in right number 6. The abstract on file in the office of the Secretary of State shows that the State of Idaho purchased the T. C. Catlin Farm as described in the agreement referred to above from Karl Fischer, together with all water rights appurtenant thereto.

Therefore, the water rights now belonging to the State of Idaho for the Eagle Island Penitentiary Farm are as follows:

Number	Date	Name	Amount Decreed Second Feet	Inches
5	June 1, 1864	Catlin & Mace	1.815	90.75 ✓
6	June 1, 1864	T. C. Catlin	3.30	165.00
52	June 1, 1871	Catlin & Mace	<u>4.99</u>	<u>249.5</u>
		TOTAL	10.105	505.25

17 12 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

Exhibit H

COPY

RECEIVED
JUL 10 1993
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

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

In Re SRBA)
)
)
Case No. 39576)
)
)
)
_____)

A. Subcase Number: 63-00133
(Insert water right number)

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Name: State of Idaho, Department of Parks and Recreation
Address: 5657 Warm Springs Avenue
Boise, Idaho 83716
Daytime Phone: (208) 334-2400

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

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

Name: MACE CATLIN DITCH COMPANY
Address: c/o Bob Kell
1820 Mace Rd
Eagle, ID 83616

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: State of Idaho, Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, Idaho 83716
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 4.918 c.f.s. for the land within Eagle Island State Park.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: Not applicable.
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: The IDP&R lands need to be separately stated.

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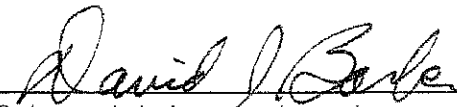
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State of Idaho)
) ss.
County of Ada)

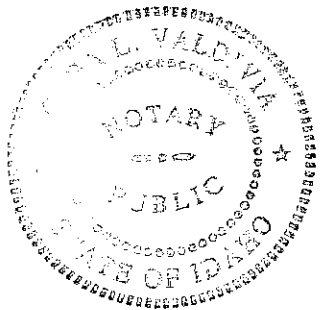
DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

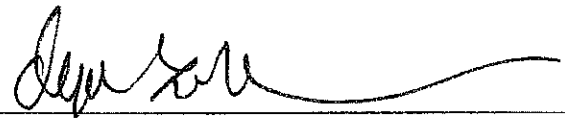
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LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: April 20, 2006
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

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FEDERAL EXPRESS
OVERNIGHT DELIVERY

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c/o Bob Kell
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U.S. MAIL

3. Copies to:

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

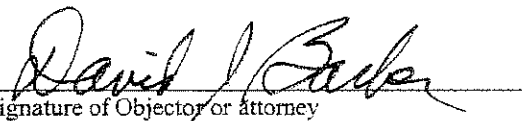
STATEHOUSE MAIL

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

U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)


Signature of Objector or attorney
Mailing on Objector's behalf

2 A

STATEMENT OF WATER RIGHTS FOR EAGLE ISLAND PENITENTIARY FARM ON BOISE RIVER

By Wm. E. Welsh, Watermaster, Boise River

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It is also noted that there is in this same file a stock certificate issued to the State of Idaho by the Hart-Davis Ditch Company for 165 shares which covers the 165 inches of water represented in right number 6. The abstract on file in the office of the Secretary of State shows that the State of Idaho purchased the T. O. Catlin Farm as described in the agreement referred to above from Karl Fischer, together with all water rights appurtenant thereto.

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		TOTAL	10.105	505.25