

1. I am an attorney duly licensed to practice law in the state of Idaho. I am one of the attorneys representing Pioneer Irrigation District, Jerry L. Tlucek, Mary Lou Tlucek, Shelly Tlucek, Byron Tlucek, Rebekah Tlucek, and Kevin Tlucek, in the above-referenced matter. I have access to the clients' files in this matter, and make this affidavit based upon personal knowledge, and in support of the Motion for Summary Judgment.

2. Attached hereto as Exhibit A is a true and correct copy of the original license for water right 63-02529, which I obtained from IDWR's website.

3. Attached hereto as Exhibit B is a true and correct copy of the Amended Notice of Claim (without attachments) for water right 63-02529 in the SRBA.

4. Attached hereto as Exhibit C is a true and correct copy of the Director's Report for water right 63-02529.

5. Attached hereto as Exhibit D is a true and correct copy of the original for water right license 63-03323, which I obtained from IDWR's website.

6. Attached hereto as Exhibit E is a true and correct copy of the Notice of Claim for water right 63-03323 in the SRBA.

7. Attached hereto as Exhibit F is a true and correct copy of the Director's Report for water right 63-03323.

8. Attached hereto as Exhibit G is a true and correct copy of the original for water right license 63-03324, which I obtained from IDWR's website.

9. Attached hereto as Exhibit H is a true and correct copy of the Notice of Claim for water right 63-03324 in the SRBA.

10. Attached hereto as Exhibit I is a true and correct copy of the Director's Report for water right 63-03324.

11. Attached hereto as Exhibit J is a true and correct copy of the original for water right license 63-10435, which I obtained from IDWR's website.

12. Attached hereto as Exhibit K is a true and correct copy of the Notice of Claim for water right 63-10435 in the SRBA.

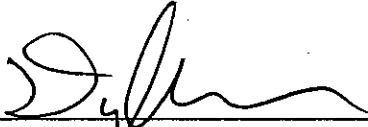
13. Attached hereto as Exhibit L is a true and correct copy of the Director's Report for water right 63-10435.

14. Attached hereto as Exhibit M is a true and correct copy of the quoted excerpts of the February 3, 2009, deposition in the above-referenced subcases of David R. Tuthill, Jr., Director of the Idaho Department of Water Resources.

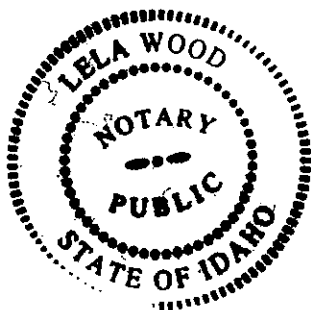
15. Attached hereto as Exhibit N is a true and correct copy of the relevant excerpts of IDWR's revised SRBA Claims Investigation Manual.

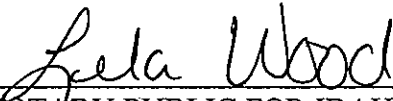
16. Attached hereto as Exhibit O is a true and correct copy of the quoted excerpts of the October 25, 2007, deposition in Subcase No. 63-03174 of Donald V. Shaff, Adjudication Bureau Chief of the Idaho Department of Water Resources.

Further your affiant sayeth naught.


Dylan B. Lawrence

SUBSCRIBED AND SWORN to before me this 11th day of March, 2009.




NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission Expires 5-31-2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2009, I caused a true and correct copy of the foregoing **AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** to be served by the method indicated below, and addressed to the following:

Representing: State of Idaho
David J. Barber
Office of the Attorney General
STATE OF IDAHO
700 West State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0010
Fax: (208) 854-8072

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Natural Resources Division Chief
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

UNITED STATES DEPARTMENT OF JUSTICE
Environment & Natural Resources
MSC 033
550 West Fort Street
Boise, ID 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Dylan B. Lawrence

EXHIBIT A

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

State of Idaho License and Certificate of Water Right

Water License No. 18448

Amount 87.1 second feet

Water District No.

Priority December 21, 1936

THIS IS TO CERTIFY that PIONEER IRRIGATION DISTRICT
of Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 21, 1936; that Permit No. 18448
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
87.1 second feet, was issued thereunder on February 6, 1943, showing that said works
were completed on the 27th day of May, 1942; and that on the 27th
day of May, 1942,

PIONEER IRRIGATION DISTRICT
of Caldwell, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use ~~the waters of~~ said subterranean
waters, ~~for the purpose of~~ for the purpose of irrigation and domestic
use, under Use Permit No. 18448 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4146, on the 6th day of February, 1943;

The right hereby confirmed dates from December 21, 1936;

The Point of Diversion ^{are} located as follows:

in the 1/4 Sec. 1/4, Sec. 1/4, Tp.

Name of Pump	No.	Division	Section	Twp.	Range	Amount	Sec.	Ft.
Shalp	25	SE NW	25	4 N	4 W	2.6		
Maple Grove	11	NE SE	11	3 N	3 W	4.3		
Flag	7	NW NW	7	3 N	1 W	2.4		
Orchard	20	NE NE	21	2 N	2 E	4.7		
Mason	14	SW SW	14	3 N	2 W	6.3		
Wid	15	SW NE	10	3 N	2 W	2.8		
Christensen	7	NW NE	33	4 N	2 W	1.9		
Wid	3	SW NE	27	4 N	2 W	1.8		
Wid	9	SE SW	35	4 N	2 W	2.5		
Wid	10	NE SW	36	4 N	2 W	1.4		
Indian Creek	18	SW NE	22	3 N	2 W	10.00		
Stevens	24	SE NE	26	4 N	4 W	1.5		
Horton	27	NE SE	25	4 N	3 W	3.6		
Sandy	1	SE SW	30	4 N	1 W	1.2		
Stephens Grkhard	19	NE NE	19	3 N	2 W	3.0		
Peterson	15	NW SW	4	3 N	2 W	2.2		
Franklin Road	12	SW SW	2	3 N	2 W	4.4		
Cemetery	17	SW SE	15	3 N	2 W	5.0		
New Frost	4	SE SW	34	4 N	2 W	2.3		
Gwinn	26	NE NW	27	4 N	2 W	2.2		
Dickens	2	NE SW	25	4 N	2 W	2.7		
J. Betts	6	SW NE	26	4 N	2 W	2.8		
A. Betts	5	SE NE	32	4 N	2 W	3.0		
Steele	22	NW NE	3	3 N	3 W	4.3		
Stoner	8	SW SE	1	3 N	2 W	2.8		

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 6th day of February, 1943

JAMES S. SEOFFORD
Commissioner of Reclamation

(SEAL)

State of Idaho **License and Certificate of Water Right**

Water License No. 18311

Amount 0.1 second foot

Water District No.

Priority July 27, 1936

THIS IS TO CERTIFY that ROY COWLEY
of Bonners Ferry, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 27, 1936; that Permit No. 18311
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.1 second feet, was issued thereunder on August 31, 1938, showing that said works
were completed on the 30th day of July, 1938; and that on the 7th
day of August, 1939,

ROY COWLEY
of Bonners Ferry, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Cow Creek
, a tributary of Kootenai River, for the purpose of irrigation and
domestic use, under Use Permit No. 18311 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4147, on the 8th day of February, 1943;
The right hereby confirmed dates from July 27, 1936;

The Point of Diversion is located 330 ft. distant from S $\frac{1}{2}$ corner Sec. 31, Twp. 62 N., R. 2 E.,
in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, Tp. 62 N., R. 2 E., B. M. Boundary County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.1
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
62 N.	2 E	31	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5	5

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 8th day of February, 1943

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 18446

Amount...87.1 second..feet

Water District No.

Station	Time	Frequency	Power	Notes
1. 1000	1000	1000	1000	1000
2. 1000	1000	1000	1000	1000
3. 1000	1000	1000	1000	1000
4. 1000	1000	1000	1000	1000
5. 1000	1000	1000	1000	1000
6. 1000	1000	1000	1000	1000
7. 1000	1000	1000	1000	1000
8. 1000	1000	1000	1000	1000
9. 1000	1000	1000	1000	1000
10. 1000	1000	1000	1000	1000
11. 1000	1000	1000	1000	1000
12. 1000	1000	1000	1000	1000
13. 1000	1000	1000	1000	1000
14. 1000	1000	1000	1000	1000
15. 1000	1000	1000	1000	1000
16. 1000	1000	1000	1000	1000
17. 1000	1000	1000	1000	1000
18. 1000	1000	1000	1000	1000
19. 1000	1000	1000	1000	1000
20. 1000	1000	1000	1000	1000
21. 1000	1000	1000	1000	1000
22. 1000	1000	1000	1000	1000
23. 1000	1000	1000	1000	1000
24. 1000	1000	1000	1000	1000
25. 1000	1000	1000	1000	1000
26. 1000	1000	1000	1000	1000
27. 1000	1000	1000	1000	1000
28. 1000	1000	1000	1000	1000
29. 1000	1000	1000	1000	1000
30. 1000	1000	1000	1000	1000
31. 1000	1000	1000	1000	1000
32. 1000	1000	1000	1000	1000
33. 1000	1000	1000	1000	1000
34. 1000	1000	1000	1000	1000
35. 1000	1000	1000	1000	1000
36. 1000	1000	1000	1000	1000
37. 1000	1000	1000	1000	1000
38. 1000	1000	1000	1000	1000
39. 1000	1000	1000	1000	1000
40. 1000	1000	1000	1000	1000
41. 1000	1000	1000	1000	1000
42. 1000	1000	1000	1000	1000
43. 1000	1000	1000	1000	1000
44. 1000	1000	1000	1000	1000
45. 1000	1000	1000	1000	1000
46. 1000	1000	1000	1000	1000
47. 1000	1000	1000	1000	1000
48. 1000	1000	1000	1000	1000
49. 1000	1000	1000	1000	1000
50. 1000	1000	1000	1000	1000
51. 1000	1000	1000	1000	1000
52. 1000	1000	1000	1000	1000
53. 1000	1000	1000	1000	1000
54. 1000	1000	1000	1000	1000
55. 1000	1000	1000	1000	1000
56. 1000	1000	1000	1000	1000
57. 1000	1000	1000	1000	1000
58. 1000	1000	1000	1000	1000
59. 1000	1000	1000	1000	1000
60. 1000	1000	1000	1000	1000
61. 1000	1000	1000	1000	1000
62. 1000	1000	1000	1000	1000
63. 1000	1000	1000	1000	1000
64. 1000	1000	1000	1000	1000
65. 1000	1000	1000	1000	1000
66. 1000	1000	1000	1000	1000
67. 1000	1000	1000	1000	1000

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 87.1 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			The lands under the irrigation system of said Pioneer Irrigation District, as more particularly described in said Permit No. 18448, and in the records in the office of the State Department of Reclamation		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 5th day of February, 1943

...JAMES S. SPOTFORD...
Commissioner of Reclamation

(SEAL)

63 2520

EXHIBIT B

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-02529

Date Received

Receipt Number

AMENDED

RECEIVED

MAR 03 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Attorney: Scott L. Campbell
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83706
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

Mailing Address PO Box 426, Caldwell, Idaho Zip 83606

2. Date of Priority (Only one (1) per claim) December 21, 1936

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: Please see Attachment A

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.

Please see Attachment B.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 87.10 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 87.10 (cfs) and/or (b) (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

10. Description of place of use:

- 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	

Total number of acres irrigated 34,204.61

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

12. Do you own the property listed above as place of use? Yes No ☒ X
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.
Please see Attachment C or None (☐)

14. Remarks:

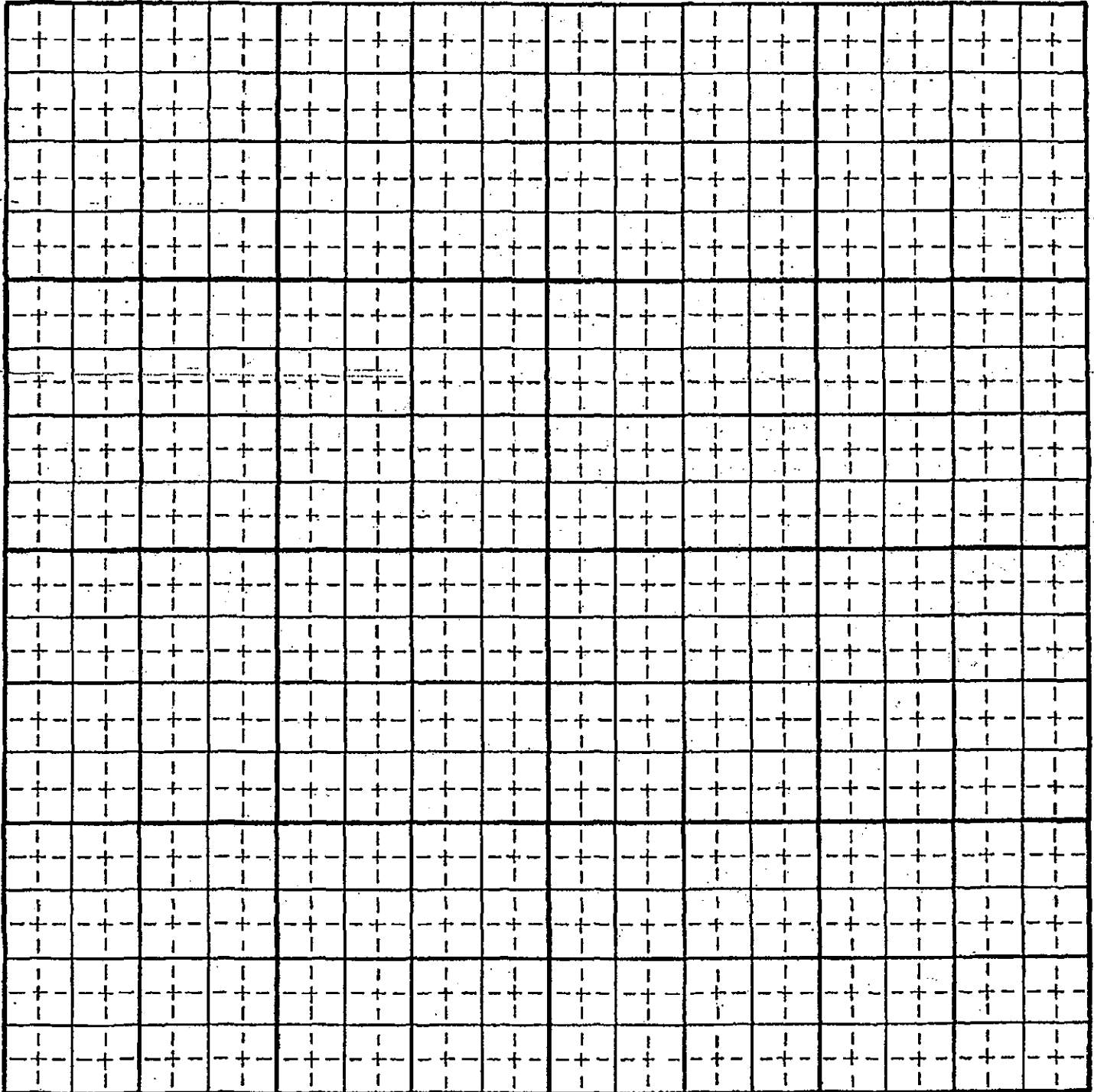
For irrigation of lands under canal system. Claimant is an irrigation district duly organized and existing under the laws of the State of Idaho. Claimant provides water delivery to privately owned lands within its service area.

Last Name Pioneer Irrigation District Ident No. 63-02529

BOI_MT1:562098.1

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

Scale: 2 inches equals 1 mile Please see attachments to initial claim filing for 63-00224.



Last Name Pioneer Irrigation District

Ident No. 63-02529

BOI MT1:562098.1

Lawrence Affidavit

Exhibit B

Page 6 of 53

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-02529
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 3

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 _____
_____ Date _____

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

of Pioneer Irrigation District _____ Title _____ that I have signed the foregoing

document in the space below as President _____ of Pioneer Irrigation District _____
Title _____ Organization _____

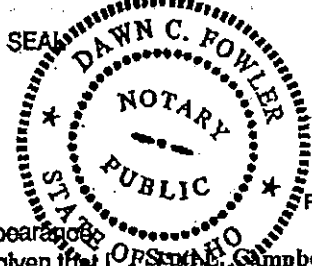
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Donald J. Dyer

Title and Organization President, Pioneer Irrigation District Date 2/23/05

State of Idaho/or _____ }
County of Canyon } SS.

Subscribed and sworn (or affirmed) before me this 23rd day of February, 2005



Notary Public Dawn C. Fowler

Residing at Boise, ID

My Commission Expires 7/16/2010

Please Print Name

17. Notice of Appearance

Notice is hereby given that OPSPINE Campbell 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 Scott R. Campbell

Address Moffatt Thomas, PO Box 829, Boise, Idaho 83701

Date 3/01/05

Last Name Pioneer Irrigation District Ident. Number 63-02529

EXHIBIT C

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

Page 194

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

EXHIBIT D

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

State of Idaho License and Certificate of Water Right

Water License No. 30870

Amount 2.4 c.f.s.

Water District No.

Priority January 2, 1963

THIS IS TO CERTIFY that KENNETH D. CASPER
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 2, 1963; that Permit No. 30870
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.4 second feet, was issued thereunder on February 11, 1965, showing that said works
were completed on the 10th day of August, 1964; and that on the 10th
day of August, 1964,

KENNETH D. CASPER

of Nampa, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. 30870 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8090, on the 11th day of February, 1965;
The right hereby confirmed dates from January 2, 1963;

The Point of Diversion is located Near NE corner of Sec. 27
in the 1/4 - 1/4, Sec. --, Tp. 1 N, R. 2 W, B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N	2 W	26	NW 1/4 NW 1/4	40	38
			SE 1/4 NW 1/4	40	38
			SW 1/4 NW 1/4	40	40
			NW 1/4 SW 1/4	40	26
		27	NE 1/4 SW 1/4	40	40
			NE 1/4 NE 1/4	40	30
			NW 1/4 NE 1/4	40	13
			SE 1/4 NE 1/4	40	22
			Total number of acres to be irrigated:		247

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
11th day of February, 1965.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

State of Idaho License and Certificate of Water Right

Water License No. 27435Amount 1.85 c.f.s.

Water District No. _____

Priority June 10, 1958

THIS IS TO CERTIFY that GUY D. MILLER - Assignee - MEHLENBACKER FARMS, Inc. of Paul, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 10, 1958; that Permit No. 27435 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.85 second feet, was issued thereunder on February 11, 1965, showing that said works were completed on the 14th day of September, 1962; and that on the 14th day of September, 1962,

GUY D. MILLER - Assignee - MEHLENBACKER FARMS, Inc. of Paul, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of unnamed drains, a tributary of sinks, for the purpose of irrigation, under Use Permit No. 27435 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 8089, on the 11 day of February, 1965; The right hereby confirmed dates from June 10, 1958;

The Point of Diversion is located in the SE ¼ NW ¼, Sec. 33, Tp. 7 S, R. 23 E, B. M. Lincoln County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.85 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Four-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S	23 E	33	NW ¼	160	160

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 11th day of February, 1965.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

EXHIBIT E

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

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

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

CIVIL CASE NUMBER: 39576
Ident. Number 63-03323
Date Received 10-12-06
Receipt Number W034785

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
OCT 12 2006
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Jerry L. Tlucek and Mary Louise Tlucek Phone (208) 495-2034
Mailing Address 15188 S. Can-Ada Road, Melba, ID Zip 83641

2. Date of Priority (Only one (1) per claim) 1/2/63

3. Source of water supply (a) Groundwater
which is tributary to (b)

4. a. Location of existing point of diversion is: Township 01N Range 02W Section 26,
NW 1/4 of NW 1/4 of 1/4, Govt. Lot, B.M., County of Canyon

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.

Well and pump to buried mainlines to wheel and/or hand lines.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 2.4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.4 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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	
01N	02W	26					3	38	40	38	40	36							195.0
01N	02W	27	35.5	18.5	3.5	33													90.5

Total number of acres irrigated 285.5

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

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.
63-3324 or None ()

14. Remarks:

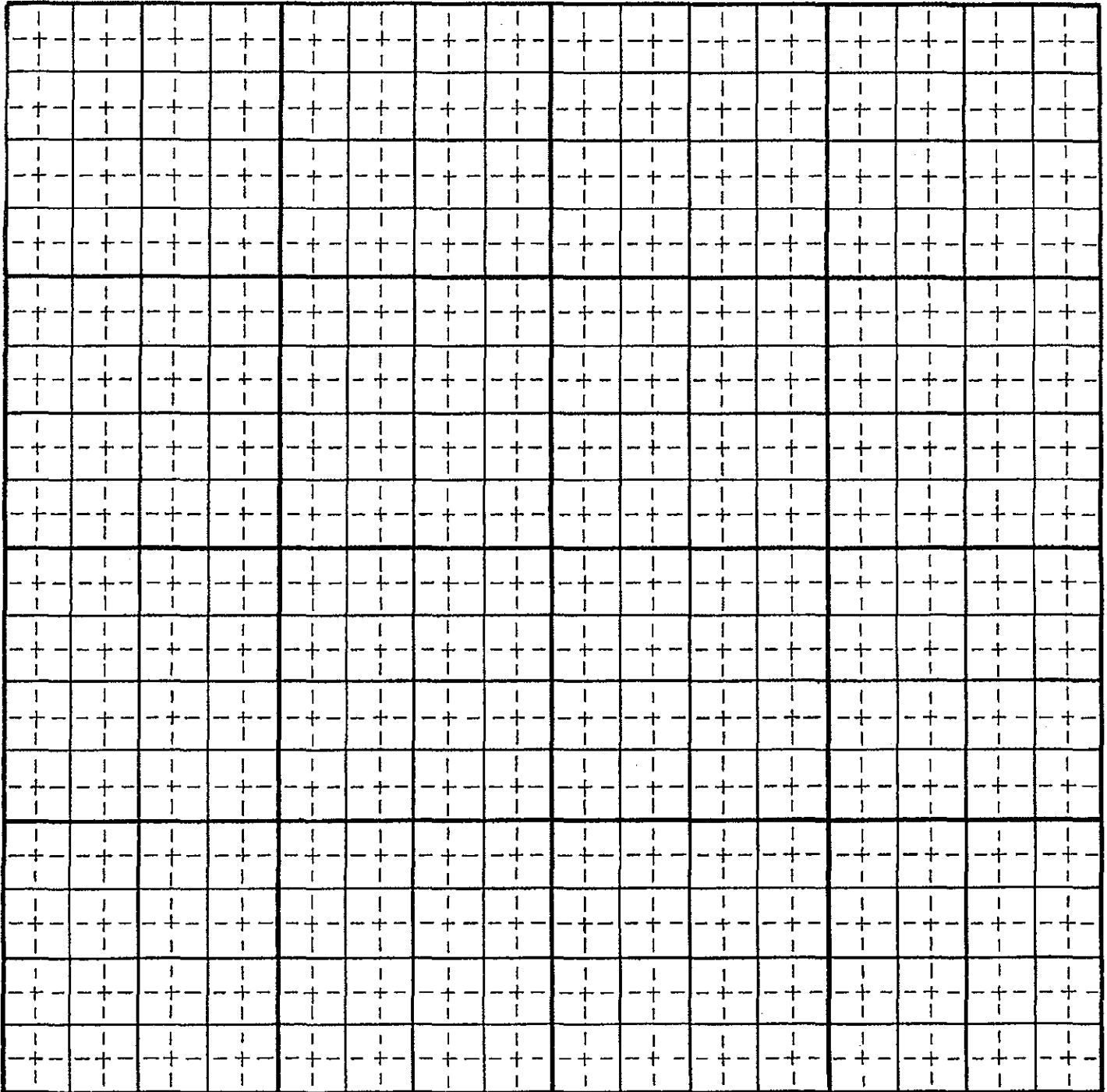
The point of diversion and place of use claimed herein were established prior to November 19, 1987, and accordingly qualify as accomplished transfers pursuant to Idaho Code Section 42-1425.

Last Name Tlucek Ident No. 63-03323

BOI_MT2:622408.1

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

Scale: 2 inches equals 1 mile Please see attached map.



Last Name Tlucek Ident No. 63-03323

80I_MT2:622406.1

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-3323
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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

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 10/6/06

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

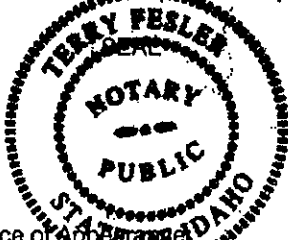
Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or IDAHO)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 6 day of October



Notary Public

Terry Fesler

Residing at

Eagle ID

My Commission Expires

7-21-08

Please Print Name

17. Notice of Appearance

Notice is hereby given that I,

Scott L. Campbell

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

Scott L. Campbell

Address P.O. Box 829, Boise, ID 83701-0829

Date

10/09/06

Last Name Tlucek

Ident. Number 63-03323

BOI_MT2:622406.1

Water Rights 63-03323 and 63-00324

Place of Use in Sections 26 and 27, Township 1 North, Range 2 West, Ada County, Idaho

- Point of Diversion
- Place of Use
- Section Line



Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas	Michael E. Thomas	Jason G. Murray
John W. Barrett	Patricia M. Olsson	Mark C. Peterson
R. B. Rock	Bradley J. Williams	Andrew J. Waldera
Richard C. Fields	Lee Radford	Tyler J. Anderson
John S. Simko	Michael O. Roe	Dylan B. Lawrence
John C. Ward	David S. Jensen	Russell G. Meccalf
D. James Manning	James L. Martin	Benjamin C. Ritchie
Gary T. Dance	C. Clayton Gill	Rebecca A. Rainey
Larry C. Hunter	Michael W. McGreaham	Robert E. Bakes, <i>of counsel</i>
Randall A. Peterman	David P. Gardner	Morgan W. Richards, <i>of counsel</i>
Mark S. Prusynski	Julian E. Gabiola	Willis C. Moffatt, 1907-1980
Stephen R. Thomas	Angela Schaefer Kaufmann	Kirk R. Helvie, 1956-2003
Glenna M. Christensen	Kimberly D. Evans Ross	
Gerald T. Husch	Paul D. McFarlane	
Scott L. Campbell	Jon A. Stenquist	
Robert B. Burns	Tyler J. Henderson	

RECEIVED

OCT 12 2006

WATER RESOURCES
WESTERN REGION

October 10, 2006

Boise
Idaho Falls
Pocatello
Twin Falls

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Idaho Department of Water Resources Western
Region Office
2735 Airport Way
Boise, ID 83705

Re: SRBA Claims for Water Right 63-3323 and 63-3324
(In the Names of Jerry and Mary Louise Tlucek)
MTBR&F File No. 22377.1

To Whom It May Concern:

Enclosed please find an original and one copy of the Snake River Basin Notice of Claim to a Water Right for each of water rights 63-3323 and 63-3324, both of which are in the names of Jerry and Mary Louise Tlucek. Also enclosed is the requisite filing fee in the amount of \$772.00 (claim fee of \$100 for each claim plus acreage fee of \$572 (286 acres x \$2 per acre)). Please file the originals and return the receive-stamped copies in the enclosed, self addressed stamped envelope.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh

Enclosures

cc: Jerry Tlucek (w/encls.)

BOI_MT2:629454.1

EXHIBIT F

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

Page 597

EXHIBIT G

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

State of Idaho

License and Certificate of Water Right

Water License No. G-30871Amount 2.03 c.f.s.

Water District No. _____

Priority January 2, 1963

THIS IS TO CERTIFY that KENNETH D. CASPER
 of Mampa, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated January 2, 19 63; that Permit No. G-30871
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.03 second feet, was issued thereunder on February 11, 19 65, showing that said works
 were completed on the 10th day of August, 19 64; and that on the 10th
 day of August, 19 64,

KENNETH D. CASPER

of Mampa, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-30871 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8091, on the 11 day of February, 19 65;
 The right hereby confirmed dates from January 2, 19 63;

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec. 26, Twp. 1 N, R. 2 W, B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 2.03 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N	2 W	26	NW 1/4 NW 1/4	40	38
			SE 1/4 NW 1/4	40	38
			SW 1/4 NW 1/4	40	40
			NW 1/4 SW 1/4	40	26
			NE 1/4 SW 1/4	40	40
			NE 1/4 NE 1/4	40	30
			NW 1/4 NE 1/4	40	13
			SE 1/4 NE 1/4	40	22
		27	Total number of acres to be irrigated:		247

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
11th day of February, 19 65.

RALPH W. THOMAS
 Deputy State Reclamation Engineer.

(SEAL)

63 3324

State of Idaho
License and Certificate of Water Right

Water License No. G-25387 Amount 2.63 c.f.s.
Water District No. _____ Priority January 6, 1955

THIS IS TO CERTIFY that BYRON TELFORD
of Idaho Falls, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 6, 19 55; that Permit No. G-25387
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.63 second feet, was issued thereunder on February 24, 19 65, showing that said works
were completed on the 23rd day of January, 19 60; and that on the 23rd
day of January, 19 60,

BYRON TELFORD

of Idaho Falls, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean flow, for the purpose of irrigation
under Use Permit No. G-25387 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8092, on the 24 day of February, 19 65;
The right hereby confirmed dates from January 6, 19 55;
The Point of Diversion is located

in the SW 1/4 SW 1/4 Sec. 7, T₁₀ N., R. 27 E., B. M. Butte County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.63 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	29 E.	3	NW 1/4 NE 1/4	40	40
			W 1/4 NE 1/4	80	80
			NE 1/4 NW 1/4	40	10
			SE 1/4 NW 1/4	40	25
6 N.	29 E.	25	SE 1/4	160	160
			NE 1/4 SW 1/4	40	40
			NW 1/4 SW 1/4	40	20
			S 1/4 SW 1/4	80	80
		34	S 1/4 SW 1/4	80	80
			SW 1/4 SE 1/4	40	30
6 N.	30 E.	30	SW 1/4	160	160

Total number of acres to be irrigated: 725
The well produced 4.8 c.f.s., less 1.3 c.f.s. to Swamp Creek, less
25% loss in Little Lost River. 2.63 c.f.s. allowed for diversion
from Little Lost River at Telford diversion.

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
24th day of February, 19 65.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

EXHIBIT H

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-03324

Date Received 10-12-06

Receipt Number W034785

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
OCT 12 2006
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Jerry L. Tlucek and Mary Louise Tlucek Phone (208) 495-2034

Mailing Address 15188 S. Can-Ada Road, Melba, ID Zip 83641

2. Date of Priority (Only one (1) per claim) January 2, 1963

3. Source of water supply (a) Groundwater
which is tributary to (b)

4. a. Location of existing point of diversion is: Township 01N Range 02W Section 26,
SW 1/4 of NW 1/4 of 1/4, Govt. Lot, B.M., County of Canyon

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.

Well and 200 h.p. pump to holding pond to buried mainlines to wheel and/or hand lines.

BOL_MT2:622407.1

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 2.03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.03 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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	
01N	02W	26					3	38	40	38	40	36							195.0
01N	02W	27	35.5	18.5	3.5	33													90.5

Total number of acres irrigated 285.5

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

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.
63-3323 or None ()

14. Remarks:

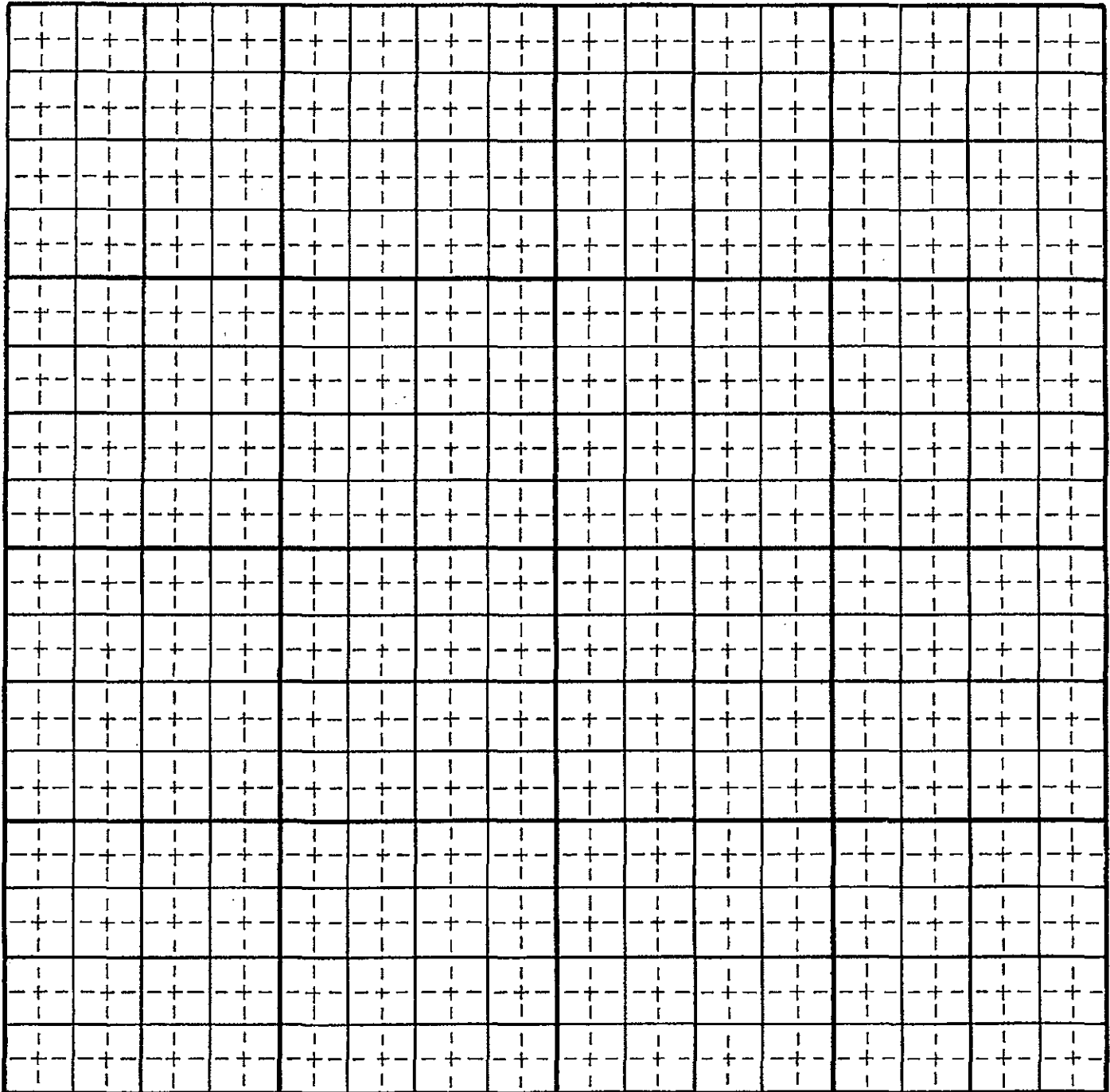
The place of use claimed herein was established prior to November 19, 1987, and accordingly qualifies as an accomplished transfer pursuant to Idaho Code Section 42-1425.

Last Name Tlucek Ident No. 63-03324

BOI_MT2:622407.1

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

Scale: 2 inches equals 1 mile Please see attached map.



Last Name Tlucek

Ident No. 63-03324

BOI_MT2:622407.1

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-3324
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 1

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

Signature of Claimant (s) *Greg L. Smith* Date 10/06/06

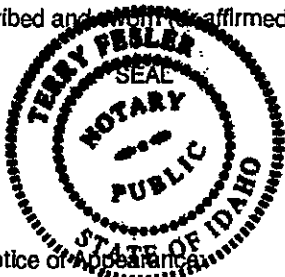
Date _____

For Organizations: I do solemnly swear or affirm that I am _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or IDAHO)
County of ADA) SS.

Subscribed and sworn to (affirmed) before me this 6 day of October



Notary Public *Terry Fisher*

Residing at Eagle Id

My Commission Expires 7-21-08

Please Print Name

17. Notice of Appearance
Notice is hereby given that I, Scott L. Campbell 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 *Scott L. Campbell*

Address P.O. Box 829, Boise, ID 83701-0829

Date 10/09/06

Last Name Thucek Ident. Number 63-03324

BOI_MT2:622407.1

Water Rights 63-03323 and 63-00324

Place of Use in Sections 26 and 27, Township 1 North, Range 2 West, Ada County, Idaho

- Point of Diversion
- Place of Use
- Section Line



EXHIBIT I

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

Page 598

EXHIBIT J

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10435

Priority: May 9, 1987

Maximum Diversion Rate: 0.74 CFS
Maximum Diversion Volume: 306.0 AF

This is to certify, that RICHARD L. REINEKE
JANICE I. REINEKE

RT. 1 BOX 125
MELBA, ID 836410000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 22, 1987; and has submitted Proof of Beneficial Use on July 18, 1988. An examination indicates that the works have a diversion capacity of .740 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.74 CFS	306.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENW, Sec. 18, Township 01S, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	01W	18	NWNE 4	NENW 34	LOT 1(NWNW) 30	68
Total number of acres irrigated:						68

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

MICROFILMED

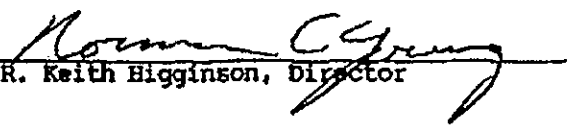
JAN 09 1991

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10435

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 12TH
day of DECEMBER, 1970.

acting for


R. Keith Higginson, Director



RECEIVED

JAN 23 1971

EXHIBIT K

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-10435

Date Received 9-14-06

Receipt Number W034681

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 14 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Byron Tlucek, Kevin Tlucek, Rebekah Tlucek & Shelley Tlucek Phone (208) 941-6144Mailing Address 4619 S. Can-Ada Road, Melba, ID Zip 836412. Date of Priority (Only one (1) per claim) May 9, 19873. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 01S Range 01W Section 18,
NE 1/4 of NW 1/4 of _____ 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.

Water is pumped from the groundwater well (approximately 363' deep) using a 60-horsepower pump into an eight inch (8") gravity flow line, which transports the water to a holding pond. From there, the water flows into a weir box for measurement and then into a cement ditch, where the water is commingled with water obtained from the nearby canal operated by the Boise-Kuna Irrigation District. The cement ditch transports the water to the place of use for irrigation using hand lines and a wheel line.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.74 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.74 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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	
01S	01W	18		4			34	30											68

Total number of acres irrigated 68

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.

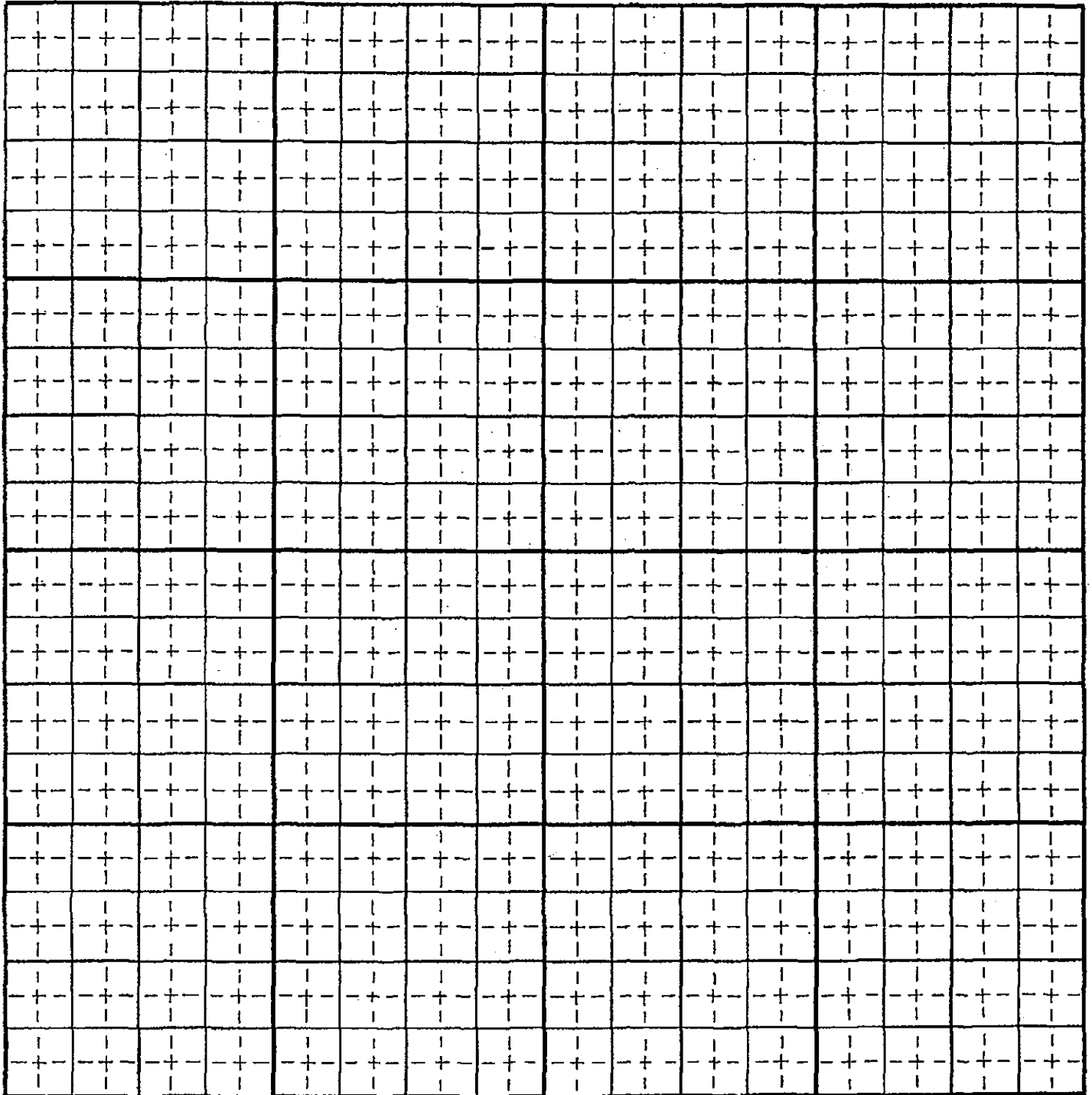
13. Describe any other water rights used at the same place and for the same purposes as described above.
This water right supplements water obtained from Boise-Kuna Irrigation District. or None ()

14. Remarks:

Last Name Tluczek Ident No. 63-10435

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

Scale: 2 inches equals 1 mile Please see attached map.



Last Name Tlucek

Ident No. 63-10435

BOI_MT2:624690.1

Lawrence Affidavit

Exhibit K

Page 31 of 53

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-10435
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 One (1)

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 9-8-06

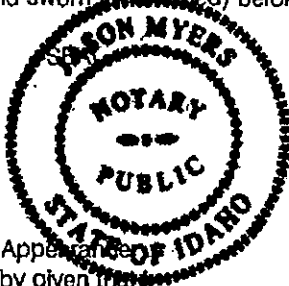
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____ }
County of Ada } ss.

Subscribed and sworn (affirmed) before me this 8th day of September
Notary Public [Signature]
Residing at Kuna
My Commission Expires 4-17-12



17. Notice of Appearance
Notice is hereby given that Scott L. Campbell 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 Scott L. Campbell
Address P.O. Box 829, Boise, ID 83701-0829
Date 9/13/06

Last Name Tlucek Ident. Number 63-10435

EXHIBIT L

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

EXHIBIT M

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

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 NOS.
) 63-02529	63-03163		
	Case No. 39576.	) 63-03274	63-03323
		) 63-03324	63-09109
		) 63-10435	
		)	

DEPOSITION OF DAVID R. TUTHILL, JR.

Moffatt, Thomas, Barrett, Rock & Fields, Chartered
101 South Capitol Boulevard
Tenth Floor
Boise, Idaho

Tuesday, February 3, 2009
Beginning at 9:30 o'clock a.m.

(ELECTRONIC COPY)

Deposition of David R. Tuthill, Jr.

1 of a water right.

2 So my expectation is that field examinations
3 were not conducted on any of these rights at issue. I
4 do not see evidence of a field exam in the files.

5 Q. What does the Department see as kind of its
6 legal basis for making recommendations based upon, you
7 know, just the terms of the license and the aerial
8 photos that it may have in its system, as opposed to
9 actually making a field exam physically at the facility
10 or the site?

11 A. Well, for each license, we already have made a
12 field exam in the past.

13 Q. Right.

14 A. So we do not find a need to renew that field
15 exam, in most cases, if all of the components appear to
16 be matching. That would be a duplication of effort that
17 we have not found to be required.

18 Q. And you mentioned, when there is this sort of
19 more desktop review, as opposed to a physical site
20 inspection, that the Department may look at aerial
21 photos.

22 It seems, to me, that might be good for seeing
23 if places of use have changed, you know, either gone
24 outside the previous place of use or gotten smaller over
25 time.

1 Assuming the place of use has stayed the same,
2 how would the aerial photo let you know about annual
3 diversion volume and how much water is being applied to
4 that particular place of use?

5 A. Well, we have a computational ability to
6 measure evapotranspiration. So we can remotely measure
7 the amount of water actually consumed by the crops.

8 We have not done that in this area, but we have
9 done that in many areas. Our experience, through those
10 remote computations and matching that information with
11 on-the-ground measurements, which we do in some areas,
12 and comparing those data with the amounts of water that
13 we have allowed for diversion volumes, has led to an
14 understanding that the 4.5 acre-feet per acre that we
15 allow for an area like this, in my experience, always
16 overstates the amount of water that is actually diverted
17 from the source for the beneficial use.

18 It could be that there is an exception because
19 we have not looked at every system. But every system
20 that I have looked at has resulted in a determination
21 that the amount allowed for beneficial use is a very
22 generous cap on that beneficial use.

23 It would be highly unusual to see an amount
24 diverted which exceeds that cap that we have identified.
25 So we have not found a need to go out and measure and

1 compute.

2 Instead, we are open to a claimant providing
3 additional information that would indicate that that cap
4 is not sufficient. We are open to that today, in these
5 matters.

6 Q. I have a couple of things to follow up on
7 there. Thank you for that comprehensive answer. I
8 think the question that generated it was just focused on
9 the capabilities of the Department's field examiner when
10 they are not making measurements out in the field but
11 are just looking at terms of licenses and photos.

12 You mentioned that there is some technology --
13 it was not used in this basin -- that may allow some
14 estimation of actual beneficial use.

15 I mean, is it still safe to assume, though,
16 that the aerial photos that were relied upon -- as I
17 mentioned before, maybe they can help identify whether
18 place of use has changed.

19 But that information, the photos themselves, do
20 not really let the field examiner know that a particular
21 quantity of water has been used on the ground.

22 A. A field examination would not reveal that
23 either. For a volume, the only way to really determine
24 the volume is to make a measurement of an annual
25 diversion from a well.

1 Q. So with that beneficial use back-drop on all
2 water rights, what are the more general goals and
3 purposes of the Department in putting these specific
4 annual diversion volume figures on the individual water
5 rights in the SRBA?

6 A. One goal is to require a level of efficiency in
7 the application of water. The 4.5 acre-feet per acre
8 amount anticipates an efficiency of at least 60 to 70
9 percent in the irrigation system.

10 The reason that we removed the acre-foot amount
11 from the surface diversions in the Lemhi was that those
12 diversions could not achieve that level of efficiency.

13 The efficiencies might be 25 percent with the
14 long delivery systems and ditch losses, et cetera. So
15 the acre-foot amount there was insufficient for the
16 existing systems.

17 For a groundwater system in the Boise River
18 Basin, there is an expectation of efficient use. Having
19 a diversion volume does require that water be delivered
20 with at least that level of efficiency.

21 It is conceivable, without this type of
22 limitation, that water could be distributed over land
23 with a very low efficiency and a very high loss rate and
24 exceed the acre-foot limitation.

25 As a practical matter, we do not see that

1 because there is a cost to pumping groundwater. So
2 water users have an incentive to be efficient, based on
3 cost, if for no other reason.

4 But that has been one driving force behind
5 adding volumetric limitations to water diversions in
6 Idaho.

7 Q. It sounds like part of the goal -- maybe most
8 of the goal is to promote more efficient irrigation
9 systems. Is that a fair summary of the Department's
10 ultimate purpose in including these?

11 A. Yes.

12 MR. LAWRENCE: All right. Thanks. Do you
13 folks want to take a break?

14 MR. BARBER: It's up to the witness, as far as
15 I'm concerned.

16 BY MR. LAWRENCE:

17 Q. Director?

18 A. Please, proceed.

19 Q. To kind of branch off of what you just
20 mentioned, you referenced the irrigation efficiency.
21 That is probably a good segue into discussing just the
22 development of the 4.5-acre-foot-per-acre standard, in
23 general.

24 I have here in my notes the particular portion
25 of your previous deposition where you went through this.

1 Dr. Rick Allen, who is a professor at the University of
2 Idaho, Kimberly; and those updates have served to refine
3 the data and information.

4 We find, generally, that the 4.5 acre-feet per
5 acre, for example, in the Boise River Basin, has been
6 sufficient, based on the crop needs in this Basin.

7 Q. I mean, as far as the climate aspect of it
8 goes, were the climate assumptions in the
9 4.5-acre-foot-per-acre standard based upon a particular
10 set of years that were averaged? I will start with that
11 question.

12 A. Yes. Corey and Sutter used the years available
13 at that time, in the '70s. Dr. Allen has used a broader
14 set of information.

15 The numbers have not changed all that much over
16 the years. They have been refined somewhat, but there
17 hasn't been a great deal of change in the data sets over
18 the years.

19 Q. As far as the climate aspect goes, are there
20 margins for error or, you know, conservatism principles
21 incorporated in?

22 I know you have said, on a number of occasions,
23 that the 4.5-acre-foot-per-year standard, itself, is
24 very conservative and that there is room for error and
25 it will not usually act as an actual restriction on a

1 water user.

2 As far as the climate data goes, is it geared
3 towards trying to address, you know, the worst case
4 scenario, as far as a real hot and dry year; or is it
5 supposed to provide enough water for four out of five
6 years? Nine out of ten years?

7 Can you answer that question, if I have
8 articulated it in some reasonable way?

9 A. The period of use was originally computed on an
10 80 percentile basis. So March 15 to November 15 would
11 be adequate, given the parameters identified for 80
12 percent of the time.

13 We moved to a broader data set and a 90
14 percentile computation, and that resulted in an
15 extension of the period of time to March 1 as a start
16 time and still November 15 as an end time. So that is
17 based on a 90 percentile adequacy.

18 Q. That sounds, to me, like it relates to kind of
19 the margin for error being built into the season of use.

20 But as far as kind of the climatological basis
21 that is incorporated into the standards, they relied
22 upon a set of years for that, as opposed to, you know,
23 making assumptions about what a really bad, hot, dry
24 year might be.

25 Correct me if I have mischaracterized what you

1 as 3 acre-feet per acre. They are all less than 3
2 acre-feet per acre.

3 So while surface diversions can greatly exceed
4 4.5 acre-feet per acre, due to system inefficiencies,
5 any time a water payer is paying for pumping costs, we
6 do not find diversions, in my experience, that exceed 3
7 acre-feet per acre.

8 So efficiency is encouraged by pumping costs,
9 and not just power but equipment. So that is what leads
10 me to describe 4.5 acre-feet per acre as being plenty of
11 water, in my experience.

12 I am not sure I directly addressed your
13 question, though.

14 Q. Well, that is okay. I can get back to that.
15 There were a couple of things you just mentioned in your
16 answer that I would like to follow up on.

17 Something that you and Scott discussed the
18 first time around and that you have referenced a couple
19 of times here is the difference between groundwater and
20 surface water systems.

21 You have said a couple of times, I believe, in
22 the context of the Lemhi Adjudication and then, maybe,
23 just in general, the annual diversion volumes are not
24 included on recommendations of surface diversions
25 because they cannot meet the efficiency.

1 Why doesn't the Department simply have a
2 standard that is more forgiving for surface systems and
3 include that?

4 I mean, what makes it fundamentally different
5 about groundwater diversions that there still needs to
6 be an annual diversion volume limitation and not one on
7 surface sources, aside from the fact that they are
8 different irrigation efficiencies?

9 A. My understanding of how this system grew and
10 how the policy evolved in Idaho is that we acknowledge
11 that, historically, rivers were diverted, canals were
12 built with horses, and canal losses were great.

13 While, on one hand, that provides for a very
14 inefficient system, on the other hand, it provides for
15 groundwater recharge that is hugely valuable around the
16 state.

17 So as a state policy, we have chosen not to
18 restrict those types of diversions, as evidenced in the
19 way we have adjudicated water rights, as we discussed,
20 in the Lemhi, Payette, and the Snake River Basin.

21 So that leads to a standard relative to
22 historic use of surface water that the state has chosen
23 not to change and not -- or we have chosen not to force
24 these systems to improve efficiency, recognizing that,
25 on the other hand, on the other side of the coin,

1 improved efficiency is less recharge to the groundwater
2 systems.

3 On the other hand, when it comes to diverting
4 water from groundwater, we have historically, at least
5 since the 1970s, recognized that there is a higher
6 requirement for efficiency because, once the groundwater
7 is put in the system, as it is removed from the system,
8 it is difficult to replace that water back in the
9 groundwater system.

10 So there is a higher expectation of efficiency
11 for groundwater diversions than for surface water
12 diversions. That, since the 1970s, has been reflected
13 in quantity limitations to the licenses.

14 Prior to that, we had not done that. The
15 expectation for a higher efficiency for groundwater has
16 existed for a long time. The encouragement of
17 efficiency for a groundwater system is reflected in the
18 acre-foot limitation.

19 It is also, as a practical matter, encouraged
20 by economics where there is a cost to diverting from the
21 groundwater.

22 So in my experience, we have not needed to
23 enforce the 4.5-acre-foot limitation in this basin and
24 in other limitations in other basins, in part, because
25 the economics enforces a restriction on diversion

1 1983. Is that related?

2 A. Yes. That is the update to the Corey and
3 Sutter Report from the 1970s. Dr. Allen has continued
4 to work in this area.

5 The 1983 report was part of his dissertation
6 process. He subsequently left to work at Utah State and
7 then came back to Kimberly. He continues to work in
8 this area, in Idaho.

9 Q. I think, in the previous deposition, you
10 mentioned some updates in the 1996 to 1997 time frame.
11 I do not think you and Scott really went into what those
12 updates were. Can you summarize what the updates were
13 that occurred in the late '90s?

14 A. Yes. We reviewed our standard guidelines for
15 seasons of use at that time and modified and developed a
16 new season of use guideline and modified our season of
17 use recommendations at that time.

18 Q. So in other words, identifying, for particular
19 areas of the state, what the standard season of use
20 should be?

21 A. Yes. Prior to that, for example, in this area,
22 it had been March 15 to November 15. We did extend the
23 season to March 1st.

24 Q. Has that update that was implemented in '96 or
25 '97 been applied in the SRBA?

1 Q. Now, as far as preserving flexibility goes, in
2 the irrigation context, when the 4.5-acre-foot standard
3 was developed, was there -- or is there -- any need,
4 from the Department's perspective, to preserve any
5 flexibility due to, you know, changing conditions in one
6 form or another?

7 A. What is happening is I am expecting that
8 climate change will occur. We appear to be in climate
9 change. I would expect that, over time, the season of
10 use will perhaps lengthen some and that the growing
11 units will perhaps modify some.

12 More impactful than these slow climatological
13 changes and crop changes are efficiencies in
14 application.

15 So what I have observed is, over time, enough
16 improvement in efficiency of application that any
17 increase in crop requirement would be masked by the
18 improvement in efficiency.

19 Already, our computation of ET for alfalfa is
20 high enough to allow almost any crop to grow with that
21 same amount of use because alfalfa uses almost all of
22 the energy from the sun as it is growing.

23 So I would think it highly unlikely that a
24 scenario could be envisioned where more than 4.5
25 acre-feet per acre would be required.

1 and maybe someone higher up in the adjudication section
2 of the Department. What is just that kind of general
3 process like?

4 A. Well, resolution of an objection is unique to
5 that objection. We have a huge variety of resolutions
6 that are available. If the objection is relative to a
7 policy, then the policy-maker is involved.

8 If the resolution is related to a factual
9 matter, then the fact-finder is involved. In these
10 particular cases, because we are discussing a policy
11 matter, the policy-makers are more involved.

12 Q. Can you describe who those policy-makers are?
13 I mean, who are we talking about?

14 A. Well, in this case, because this is a
15 fundamental policy of the agency, it is appropriate for
16 the Director to be involved. I am not involved in many
17 objection resolutions.

18 Q. Right. I imagine, when it comes to whether
19 somebody's place of use overlaps by .2 acres with
20 federal land, that is not something you need to get
21 involved in.

22 In this case, is it fair to say that you are
23 the decision-maker, as far as pursuing these annual
24 diversion volume limitations?

25 A. Yes.

EXHIBIT N

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

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cfs for irrigation, and runs that same 10 cfs through a small hydropower facility, the total rate of diversion would be 10 cfs, not 20.)

A. Irrigation.

"Irrigation" is the spreading of water on land to materially increase the productiveness of the land for raising crops. The particular crop to be raised does not need to be identified in the recommendation, but may be necessary to conduct a Hubble analysis. The number of acres irrigated needs to be identified in the recommendation.

1. Instantaneous Quantity.

If not otherwise determined by a license or reasonable decree the agent must determine an instantaneous quantity for irrigation. Idaho Code § 42-220 provides that no more than an inch per acre may be decreed under a water right unless it is shown that a greater amount of water is necessary. The quantity, alone or as combined, to be recommended for most irrigation rights is an inch per acre. Claims to flows in excess of the statutory standard of an inch per acre have been referred to generally as "excessive flow" claims. Excessive flow claims can be of two types - a single water right for more than an inch per acre, or multiple rights that total more than an inch per acre.

The agent should complete the excess irrigation requirement worksheet to determine if more than an inch per acre is reasonably required. The agent should use the Hubble analysis to determine if the excess amount is necessary due to field requirements. If so the claim should include a remark identifying the per acre rate of diversion at the field headgate. It may be that the excess flow is required for conveyance loss, which is discussed in subsection Q of this section.

The quantity to be recommended should, in the first instance, be the quantity based upon the irrigation system used at the time the adjudication commenced. However, if the water user demonstrates that in the past a reasonable water system used more water to accomplish the same purpose, the agent should recommend a quantity consistent with the needs under the historic system. Use the Hubble analysis to calculate this quantity.

Adjudication Memo #32 sets forth standard remarks for claims to be recommended with excessive flows for irrigation (D02, D03, D04, D08).

The agent should not recommend less than an inch per acre unless (1) the claim is for less than an inch per acre, or (2) historic use has always been less than an inch per acre. When a claimant claims much less water than would appear to be reasonably necessary to irrigate the number of acres claimed the agent should make further inquiry to ensure that the water use is beneficial.

2. Annual Volume.

The agent should recommend an annual volume for all groundwater irrigation rights. Use the "Field Headgate Requirement" map for this determination if the information is not otherwise determined in a license, transfer or reasonable decree.

Annual volume may also be recommended if there is a need to protect junior priority rights on a stream, spring or other source with limited quantities of water and should be recommended if contained in a license, transfer or reasonable decree.

B. Municipal.

Municipal use is defined by statute:

"Municipal purposes" refers to water for residential, commercial, industrial, irrigation of parks and open space, and related purposes, excluding use of water from geothermal sources for heating, which a municipal provider is entitled or obligated to supply to all those users within a service area, including those located outside the boundaries of a municipality served by a municipal provider.

Idaho Code § 42-202B(4). Further relevant definitions are also contained in this section .

1. Instantaneous Quantity.

If not otherwise determined by a license or reasonable decree the agent must determine an instantaneous quantity for this purpose.

The amount of water to be recommended for a municipal water right should be at least the amount actually diverted by the municipal provider, and should not exceed the full constructed capacity of the municipal system. The total amount recommended should equal the amount that is reasonably necessary to provide for the existing uses plus the reasonably anticipated future needs of the municipality.

2. Annual Volume.

Municipal water rights should not be recommended with an annual volume unless contained in a license, transfer or reasonable decree.

C. Stockwatering.

Stockwatering use refers to the diversion of water for drinking by domestic livestock or wildlife. This use can be either instream (or "in situ"), in which case the diversion is made by the animal itself, or out-of-stream stock watering use. In the case of wildlife there must be some type of human intent to divert the water to create a water right. Thus, drinking from a natural source by natural wildlife does not constitute stockwatering.

EXHIBIT O

TO AFFIDAVIT OF DYLAN B. LAWRENCE IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

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.
Case No. 39576.) 63-03174
)
)
_____)

DEPOSITION OF DONALD V. SHAFF

Law Offices of
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
101 South Capitol Boulevard, 10th Floor
Boise, Idaho 83702
Thursday, October 25, 2007
Beginning at 9:00 o'clock a.m.

QnA COURT REPORTING

Lori A. Pulsifer, CSR, RMR, CRR
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(ELECTRONIC COPY)

Deposition of Donald V. Shaff

1 4, the Department did not list all of the elements of
2 the water right when it issued the license?

3 A. The Agency issued the license according to the
4 laws existing in 1967, listing all of the elements that
5 it was required to show on a license issued in 1967.

6 Q. Thank you. Turn to page 6, again, that same
7 sentence that says, quote, "Moreover, annual volume
8 descriptors further define the right, helping to settle
9 the matter for future administration," end quote. What
10 do you mean by the term "settle the matter"?

11 A. Again, the Agency would have precise knowledge
12 of the maximum annual diversion volumes for the most
13 presently consumptive water rights in this State.

14 Q. Well, I am confused by that answer. You
15 indicated that municipal water rights do not have an
16 annual diversion volume in the recommendations unless
17 they had that element in licenses; is that correct?

18 A. Correct.

19 Q. And municipal water rights include irrigation;
20 correct?

21 A. They may.

22 Q. Do you know of any municipal water right that
23 does not include irrigation as an authorized purpose
24 under the right?

25 A. I believe the statutes provide a description of

1 municipal water uses. The definition may include
2 irrigation.

3 I am convinced there are some water rights for
4 municipal use within the Snake River Basin Adjudication
5 that, at this time, do not use the municipal potable
6 water supply to irrigate parks and ball fields with that
7 water supply. May somebody irrigate their lawn with the
8 potable water? Yes, they may. I do.

9 Q. So that is irrigation; right?

10 A. It is irrigation. Yes, sir.

11 Q. And that is the same type of irrigation that is
12 used under a ground water right for irrigation purposes;
13 correct?

14 A. Right.

15 Q. Mr. Shaff, Exhibit 1 to Exhibit No. 1 is a
16 document that has a line item which is one of the
17 Department's forms that you indicated was generated
18 through your process. It has Item 8, total consumptive
19 use.

20 MR. BAXTER: Now, Scott, I don't think I
21 addressed this issue on my previous questioning.

22 MR. CAMPBELL: It doesn't matter. He just
23 talked about the most consumptive type of water right,
24 and I want to explore that issue.

25 MR. BAXTER: Well, I think that talking about