

RECEIVED

OCT 26 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 25 2010	
By _____	Clerk Deputy Clerk

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	)	ORDER GRANTING MOTION
	)	TO AMEND CLAIMS
Case No. 39576	)	
	)	SUBCASE NOS.: EXHIBIT A
_____	)	

I. PROCEDURAL BACKGROUND

Director's Reports were issued for these water rights in 2006. Many of the claimants filed *Objections* to the *Director's Report* recommendations. The timely *Objections* asked for changes to the claimants' recommendations on the theory that certain groundwater diverted through wells is water "recovered" from separate surface water rights of irrigation delivery entities. The American Falls Reservoir Dist. #2, A & B Irrigation Dist., Burley Irrigation Dist., Milner Irrigation Dist., Minidoka Irrigation Dist., North Side Canal Co. and Twin Falls Canal Company (hereafter "Surface Water Coalition") filed *Responses* supporting the *Director's Report* recommendations. Since 2006, the parties have been in negotiations over those issues. Recently, those settlement negotiations broke down, and the claimants filed *Motions to Amend Claims* (*Standard Forms 4*) on August 19, 2010. The claimants seek to amend the claims by seeking earlier priorities or obtaining provisions to define or administer the rights. The claimants asserted that diversions of groundwater from certain wells are connected to recovered, recaptured, or recharged water from natural flow surface water. Furthermore, the Claimants asserted that I.C. § 42-1425 and I.C. § 42-228 authorize the changes or support a provision to define or administer these rights.

The Surface Water Coalition opposed the *Motions to Amend Claims*. The Surface Water Coalition argued that individual claimants lack a "meritorious position" under I.R.C.P. 55(c) or a "valid position" under I.R.C.P. 15. They argued that 79 out of 105 individual ground water

claims are based on prior licenses. Other water rights involve transfer decisions by IDWR. The remaining claims are based on beneficial use, decrees, or statutory claims. The Surface Water Coalition argued that most of the proposed amendments attempt to move the priority to an earlier date than was previously licensed. Additionally, the Surface Water Coalition contended that the individual claimants seek water rights for the same water already claimed by the related water delivery entities. They argued that such claims have no basis in the law because the claims must be recognized as new waste water claims with junior priority dates.

The Surface Water Coalition argued that the proposed amendments fail to allege a “meritorious position” or a “valid position” because law of the case disfavors collateral attacks on licenses.

II. STANDARD OF REVIEW

This is a *Motion to Amend Claims*. The parties pointed out that *AOI* refers to both I.R.C.P. 55(c) (*AOI* 4.d.2.(e)) and I.R.C.P. 15(a) (*AOI* 4.d.2.(k)) for evaluating Amended Claims.

Under I.R.C.P. 15 (a), a court generally considers whether the amendments or additions sought state a valid claim. See *Black Canyon Racquetball Club, Inc. v. Idaho First Nat’l Bank N.A.*, 119 Idaho 171, 175, 804 P.2d 900, 904 (1991). The court does not usually consider the sufficiency of evidence supporting the claim when deciding a motion to amend. Consideration of the sufficiency of evidence is more properly determined at the summary judgment stage. *Thomas v. Medical Center Physicians, P.A.*, 138 Idaho 200, 61 P.3d 557 (2002).

The standard under I.R.C.P. 55(c) anticipates that the Court will consider three factors:

- 1) whether the default was willful;
- 2) whether setting aside the judgment would prejudice the opponent.
- 3) whether a meritorious position has been presented.

The Rule 55(c) standard looks at two additional factors not mentioned in Rule 15. These involve the timeliness of the motion. The court looks at whether the lateness of the motion was willful, and whether allowing the amendment to proceed will prejudice the opponent. It is useful to compare the two rules. Rule 15(a) looks at whether the amendment seeks to add a “valid claim.” Rule 55(c) looks at whether a “meritorious position” has been alleged.

The inquiry as to whether a “valid claim” exists under Rule 15 or a “meritorious position” exists under Rule 55(c) pose similar tests on the merits of the amendment. The

additional inquiries under Rule 55(c) are important if the parties dispute good cause for the lateness of the amendments or the prejudice to the opponents.

III. ANALYSIS

A. Rule 15(a)

The court has discretion in allowing amendments under I.R.C.P. 15(a). That Rule establishes that “leave shall be freely given when justice so requires.” Rule 15(a) establishes a rather lenient standard for amending pleadings. The standard in *AOI 4.d.2(k)* sets forth the same standard.

It is undisputed that timely *Objections* filed by the claimants raised threshold issues of whether recharge or recovered water theories support a provision to define or administer these rights in a manner that connects them to surface water irrigation rights. The *Amended Claims* raise essentially the same issues first discussed in the *Objections*. Some of these issues are similar to those under consideration in subcases 01-23B, 01-297, 35-2543, and 35-4246 (Aberdeen-Springfield Canal Co.).

Previously, an *Order Partially Granting Aberdeen Springfield’s Motion for Summary Judgment and Denying Surface Water Coalition’s Motion for Summary Judgment* (Subcases 01-23B, *et.al.*) (June 11, 2009) ruled that *Amended Director’s Reports* for Aberdeen-Springfield’s claims correctly recognized recharge for irrigation as a valid purpose of use. The ruling concluded that IDWR correctly utilized I.C. § 42-1425 (accomplished transfer) allowing a change in use of part of Aberdeen-Springfield’s irrigation rights from “irrigation and other uses” to “recharge for irrigation.” The summary judgment decision upheld two canal company rights for irrigation and recharge for irrigation as purposes of use (01-23B and 01-297). The decision also upheld two canal company rights for groundwater with licensed priorities (35-2543 and 35-4246). The Aberdeen-Springfield subcases are currently before Judge Wildman on *Challenge*. Consequently, the SRBA Court may soon be addressing similar issues to those raised here.

Accordingly, it is appropriate to recognize that leave to amend the claims should be granted. Justice requires the court to consider these amendments, especially because the nature of recharge as a purpose of use is currently under consideration by the Presiding Judge. The court has also considered the question under the alternative analysis of Rule 55(c).

B. Rule 55(c)

1. **Lateness** Under the first part of Rule 55(c), a court looks at whether the lateness of the filing was willful. In the instant case, the inquiry is whether the claimants' original omission of the amended portions of the claims was willful. Claimants argued that their timely *Objections* gave notice that they were asserting recharge and recovered water issues. Furthermore, the claimants waited to file amendments because the parties were engaged in serious, structured settlement negotiations. Several years ago, the claimants, the Surface Water Coalition, and IDWR began meeting about the issues of recharge and recovered water. The parties to this litigation have known for years about the intent to file these amendments.

Since the claimants first raised the issues during their timely *Objections*, and since the claimants and the Surface Water Coalition have held repeated discussions about these issues for years, the court concludes that the untimeliness was not willful.

2. **Prejudice** The second portion of Rule 55(c) focuses on whether allowing the amendments would prejudice the opponents. The Surface Water Coalition argued that it would be prejudiced by having to litigate these issues since licenses exist which determined the priorities. Although the parties have persisted in settlement efforts for several years, the subcases are at a relatively early stage in the litigation process. Deadlines for discovery, summary judgment, and trials are many months away. In addition, the issues relating to recharge, recovered water and priority were timely raised by the *Objections*. The parties have been involved in litigation and settlement discussions on these issues for years. Therefore, it cannot be considered prejudice to the Surface Water Coalition to resolve the issues which are raised in the *Motion to Amend Claims*. The nuance provided by the amendments is focusing the issues during the claims process rather than during the objection process. This requires additional analysis by IDWR, but places no additional burdens on the parties that they did not have before.

Since the cases are at an early stage of litigation, since claimants raised the same issues asserted here as timely *Objections*, and since those issues remain unresolved, the filing of amendments does not create prejudice to other parties.

3. **Meritorious Position** The third prong of Rule 55(c) asks whether a "meritorious position" has been alleged. The amendments are based on I.C. § 42-1425

(accomplished transfer) and I.C. § 42-228 (recovery). The Surface Water Coalition asserted that neither of these statutes allows water users to move a previously licensed priority date nearly 100 years earlier by “recapturing” surface water from a separate water right owned by a separate entity. Furthermore, the Surface Water Coalition argued that prior licenses and transfers associated with these claims prohibit an assertion of different priorities.

Certainly the law of the case in the SRBA disfavors collateral attacks on licenses. The court recently held that “collateral attacks on license or transfer decisions are not appropriate in the SRBA.” *Order on Motion to Dismiss Objections & Request for Attorney Fees*, (Subcase Nos. 37-494, *et. al.*) (Oct. 10, 2008) (*Valley Club Order*) However, claimants noted that they are not arguing to overturn law of the case on collateral attacks on licenses. They asked the court to allow them to amend their claims to more accurately describe their assertions of recharge and recovered water. Claimants argued that the amendments allow IDWR the flexibility of considering both the priority date and possible language to define or administer the rights. The request is based in part on the status of the Aberdeen-Springfield case which poses similar theories.

In Aberdeen-Springfield, the *Order Partially Granting Aberdeen-Springfield’s Motion for Summary Judgment* upheld an *Amended Director’s Report* for subcase 01-23B which provided a purpose of use for recharge for irrigation. The *Amended Director’s Report* also identified “other provisions necessary for definition or administration.” That component stated in part: “The administration of this right is further defined and set forth in the Settlement Agreement Regarding Aberdeen-Springfield Canal Company’s Basin 01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315, recorded as instrument number 56378 in the Bingham County Recorder’s Office, Blackfoot, Idaho.”

Two of the subcases considered in the Aberdeen-Springfield litigation were also based on licenses. Subcases 35-2543 and 35-4246 were recommended based on licenses. In those subcases, the licenses were claimed by the canal company, not individual members or shareholders. Nevertheless, the handling of the priorities in those subcases may be instructive.

The court recognizes the novelty of claimants’ assertions. The court also notes the law of the case on licenses will undoubtedly have a profound impact on the *Amended Director’s Reports* and on the eventual determinations by this court. However, the court understands the importance of obtaining maximum technical and factual information from IDWR. Similarly, it is

important to provide the Director and the parties with flexibility in claiming and recommending such complicated water rights. That flexibility is especially important when IDWR analyzes some of the initial cases raising these issues. Therefore, the court concludes that a “meritorious position” has been raised to satisfy the requirements of Rule 55(c).

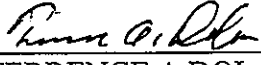
IV. FINDINGS

The court finds that the *Motions to Amend Claims* assert a valid request. The questions the *Amended Claims* raise are essentially identical to the issues asserted in the existing *Objections* timely filed. The court adheres to law of the case regarding collateral attacks on licenses, and transfers. However, it is important to note that the issues of recharge and recovered water are issues of first impression. Therefore, the court should allow as much flexibility as possible the first time it considers these overarching questions. With complicated claims, it is common that the *Director's Reports* rely on both technical information and legal concepts. Accordingly, *Director's Reports* often provide the court and parties with the extensive background and rich details needed for sifting through complex water rights. Those details and additional background material are important in every case, but especially in instances where overarching water issues are addressed for the first time.

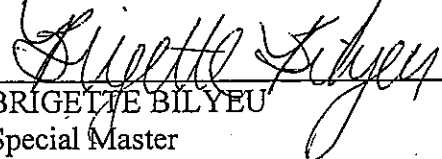
Therefore, the court concludes that under I.R.C.P. 15(a), “justice requires” that the claimants be allowed to amend their claims. In reaching this conclusion, the court also considered the factors established under I.R.C.P. 55(c). The court concludes that a “meritorious position” at this level of the proceedings has been alleged. The court has also considered the possibility of prejudice to other parties. Considerable time and effort have been exerted in settlement discussions and negotiations. Unfortunately, those efforts have not resulted in settlement. Additional time and effort will be required as these subcases go through the *Amended Director's Report* process and *Objections* and *Responses*. Although the parties have persisted in settlement efforts for several years, the subcases are at a relatively early stage in the litigation process. Deadlines for discovery, summary judgment motions, and trials are many months away. The parties raised identical issues about recovered water and recharge in the *Objections* which are still unresolved. Even if the court precluded the filing of *Amended Claims*, those issues would still need a resolution. The court finds that no prejudice will occur to other parties by allowing the *Amended Claims*.

THEREFORE, the *Motions to Amend Claims* are **granted**. Deadlines for *Amended Director's Reports* and for *Objections and Responses* were previously set, and this *Order* makes no changes to those deadlines. The Court presumes that the *Amended Directors' Report* will consider whether any changes injured a water right pursuant to I.C. § 42-1425. The Court also assumes that there are no other requests for remand.

DATED: October _____, 2010.



TERRENCE A DOLAN
Special Master
Snake River Basin Adjudication



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

EXHIBIT A

ALLREC

Subcase Nos:

01-00001J	01-10472	21-10286	22-00513	22-11003	35-04246
01-00002A	01-10474	21-10463	22-00514	22-11004	
01-00047E	01-10475	21-10527	22-00537C	22-11044	
01-00048	01-10476	21-10560	22-00538C	22-11070	
01-00052A	01-10477	21-10890	22-00549	22-11185	
01-00052B	21-00048	21-10892	22-00591	22-11259	
01-00053A	21-00049	21-10921	22-00592	22-11260	
01-00092A	21-00060B	21-10930	22-00593	22-11329	
01-00092B	21-00073B	21-10944	22-00594	22-11666	
01-00116BB	21-00073D	21-11088	22-00656	22-12520	
01-00131A	21-00073F	21-12358	22-00658	22-12647	
01-00132A	21-00073J	21-12858	22-00659	22-12656	
01-00133A	21-00075	21-12889	22-00660	22-13164	
01-00141	21-00109C	21-12896	22-00673	22-13165	
01-00146A	21-00141	21-12902	22-02131	22-13343	
01-00146B	21-00148	21-12908	22-02147	22-13344	
01-00147	21-00159	21-12910	22-02171	22-13347	
01-00148	21-00165	21-12911	22-02180	22-13388	
01-00157A	21-02000	21-12912	22-02192	22-13412	
01-00157B	21-02035	21-12919	22-02200	22-13461	
01-00158B	21-02037	21-12921	22-02222	22-13466	
01-00193A	21-02103	21-12923	22-02226	22-13467	
01-00193B	21-02118	21-12934	22-02287	22-13468	
01-00232	21-02119	21-12946	22-02294	22-13469	
01-00247	21-02121	21-12952	22-02303B	22-13470	
01-00259	21-02122	21-12954	22-07015	22-13471	
01-00260	21-02129	21-12955	22-07022	22-13472	
01-00261	21-02154	21-12957	22-07032	22-13475	
01-00263	21-02156	21-12961	22-07035	22-13480	
01-00264	21-02161	21-13018	22-07057	22-13505	
01-00266	21-04114	21-13019	22-07174	22-13506	
01-00298	21-04155	22-00163A	22-07190	22-13522	
01-00304	21-07007	22-00195	22-07198	22-13592	
01-00306	21-07024	22-00196	22-07204	27-02125A	
01-00324	21-07027	22-00205	22-07207B	27-02126	
01-04046	21-07033	22-00207A	22-07225	27-07005	
01-04047	21-07046	22-00235	22-07236	27-07065	
01-04049	21-07049	22-00344	22-07259	27-07089	
01-04051	21-07050	22-00354	22-07269	27-07093	
01-04061	21-07060	22-00421	22-07276	27-07095	
01-10046	21-07089	22-00422	22-07287	27-07098	
01-10048	21-07104	22-00454	22-07324	27-07260	
01-10049	21-07138	22-00455	22-07326	27-07306	
01-10050	21-07152	22-00456	22-07440	27-07315	
01-10057	21-07170	22-00457	22-07593	27-07561	
01-10060	21-07173	22-00469	22-07672	35-02315	
01-10062	21-07175	22-00476	22-10170	35-02543	
01-10091	21-07194	22-00477	22-10775	35-02670B	
01-10092	21-07300A	22-00492	22-10904	35-02670C	
01-10471	21-07564	22-00512	22-10906	35-02670D	

(Subcase list: ALLREC)

10/22/10

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND CLAIMS was mailed on October 25, 2010, with sufficient first-class postage to the following:

FREMONT-MADISON JOINT SCHOOL - *Rigby*
DISTRICT #215
147 NORTH 2ND W
ST ANTHONY, ID 83440
Phone: 208-624-7542

COMMITTEE OF NINE
MILNER IRRIGATION DISTRICT
Represented by:
BARKER, RÖSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

C & L FARMS
DEL RAY HOLM
HOLM BROS. PARTNERSHIP, HOLM
R & M FARMS PARTNERSHIP
THEODORE L DEFFINGER
Represented by:
BLAIR J GROVER
2105 CORONADO ST
IDAHO FALLS, ID 83404-7495
Phone: 208-523-5171

AMERICAN FALLS RESERVOIR
Represented by:
C THOMAS ARKOOSH
CAPITOL LAW GROUP, PLLC
301 MAIN ST
PO BOX 32
GOODING, ID 83330
Phone: 208-934-8872

SHOSHONE BANNOCK TRIBES
SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

BAKER FARMS INC
BARBARA S WALTERS
BETTY J JENSEN
BLACKFOOT IRRIGATION
BLACKFOOT IRRIGATION CO
BOOM CREEK CANAL CO
BOYD E HOWARD
BRADY & KARIN SCOTT
BRG LIMITED PARTNERSHIP
BRIAN LOOSLI
BYU IDAHO
CANYON CREEK CANAL CO
CANYON CREEK CANAL CO INC
CANYON CREEK LATERAL
CANYON CREEK LATERAL DITCH
CAROL OSTERMILLER
CHESTER CANAL & IRRIGATING
CITY OF NEWDALE
CONANT CREEK CANAL CO
CONSOLIDATED FARMERS CANAL CO
CORBETT SLOUGH DITCH CO
CRAPO FARMS INC
DALE C MURDOCK
DANIEL S HESS
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

(Certificate of mailing continued)

DAVID B HATCH
DAVID BRENT HATCH
DAVID SCHWENDIMAN
DAVID V SCHWENDIMAN
DEANNA STECKLEIN
DEE REYNOLDS
DELL MILLER
DENNIS FRANSEN
DEWEY CANAL CO
DIANE P SCHWENDIMAN
DJ & J FARMS
DKJ FARMS
DKJ FARMS LLC
DONALD STAKER
DOUG HILLAM
DOUGLAS K SAKOTA
EASTERN IDAHO AGRICULTURAL
EGIN BENCH CANALS INC
ENTERPRISE IRRIGATION DIST
EVVA L LENZ
FRANCES CRAWLEY
FRANCES S CRAWLEY
FREMONT COUNTY DISTRICT 4
FREMONT MADISON IRRIG. DIST.

Represented by:

JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

FREMONT MADISON IRRIGATION
FREMONT-MADISON IRRIGATION
FREMONT-MADISON JOINT SCHOOL
GREGORY H WOOD
HELEN B EVANS
HELEN EVANS
HESS FARMS INC
HOWARD JENSEN FARMS
ISLAND WARD CANAL COMPANY
JAMES NASH
JAY LENZ
JAY P LENZ
JERALIE NASH
JILL D SMITH
JOSEPH J JENSEN
KARIN SCOTT
KATHLEEN EVANS
KEITH ERIKSON
KENNETH & DOUGLAS SAKOTA
KLINGLER BROS
LA JEAN PIEPER
LA VERELLE STECKLEIN
LAVERELLE STECKLEIN
LISA WELLS

Represented by:

JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

(Certificate of mailing continued)

LITTLE FARMS
LYNN EVANS
MADISON SCHOOL DIST #321
MADISON SCHOOL DISTRICT # 321
MADISON SCHOOL DISTRICT #321
MARY B HESS
MEADOW LAKE COURT LLC
MEADOW LARK COURT LLC
MELANIE SCHWENDIMAN
MONA WALTERS
NEW LAVASIDE DITCH CO LIMITED
NEW LAVASIDE DITCH CO LTD
NIKKI REYNOLDS
NORMAN HILLAM
NORTH FORK RESERVOIR CO
NORTH FREMONT CANAL
NORTH FREMONT CANAL SYSTEMS
NORTH FREMONT COUNTY CEMETERY
PARSONS DITCH CO
PATRICE WALTERS
PATRICIA MILLER
PEOPLES CANAL & IRRIGATION CO
PINCOCK BYINGTON DITCH CO
PINCOCK GARNER DITCH ASSN

Represented by:

JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

PIONEER DITCH CO
PORTIA R LOOSLI
RAY S BAKER
REESE J GODFREY
REXBURG IRRIGATION CO
REXBURG IRRIGATION COMPANY
RICHARD F SMITH
RICHARD LINDSAY
RICHARD PIEPER
RIVERSIDE CANAL CO
RIVERSIDE FARMS
RLF I LLC RLF II LLC
RLF I LLC, RLF II LLC,
ROBERT SCOTT WOOD
RON LINDSAY
RONALD LINDSAY
ROXANA CANAL CO
RYAN ORME
S LYNN LOOSLI
SALEM UNION CANAL CO LTD
SAUREY-SOMMER CANAL CO
SAUREY-SOMMER CANAL COMPANY
SHAWN J WALTERS
SOUTHEAST IDAHO CANAL CO

Represented by:

JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

(Certificate of mailing continued)

SQUIRREL CREEK IRRIGATION &
STEVEN MURDOCK
STEWART DITCH
SUSAN FRANSEN
TETON IRRIGATION & MFG CO
TETON ISLAND FEEDER CANAL CO
TETON NEWDALE CEMETERY DIST
THE UNITED CANAL CO
UNITED CANAL CO
VAL E SCHWENDIMAN
VAL HAMMOND
VAL SCHWENDIMAN
W JEFFREY WALTERS
W SHERMAN WHITTEN
WAHOO INC
WALTERS PRODUCE INC
WALTERS READY MIX INC
WARREN J WALTERS
WATSON CANAL CO
WEARYRICK DITCH CO
WILFORD IRRIGATION & MFG CO
WILLIAM E WELLS
WOODMANSEE JOHNSON CANAL CO
WOODMANSEE-JOHNSON CANAL CO

Represented by:

JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD

Represented by:

JOHN K SIMPSON
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

GEORGE BROWN
JAMES WOOD

Represented by:

JOSEPH F BROWN
4094 S FEDERAL WAY STE K102
BOISE, ID 83716
Phone: 208-965-2224
ORDER GRANTING

JAMES T LEHMAN
KAREN LEHMAN

Represented by:

JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

ALBERT & CHRISTINE WADA
BRENT STOLWORTHY
CLYDE M WILSON
DARWIN BROWN
FRANK S & AGNES H WADA
GERALD J BUTIKOFER
JAY L & MERRI LYNN STOLWORTHY
KENT B CORNELISON
KENT SEARLE
LDS CHURCH
LINDEN J & LOIS J BUTIKOFER
MERLE & ULENE BUTIKOFER
MURDOCH-WILSON FARMS
PAUL & ALICE HEYREND
WAYNE HANSEN

Represented by:

KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

ASHTON DEVELOPMENT LLC

Represented by:

LYNN HOSSNER
PROS ATTY FREMONT CNTY
109 NORTH SECOND WEST
ST ANTHONY, ID 83445
Phone: 208-624-3782

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

(Certificate of mailing continued)

ABERDEEN AMERICAN FALLS
ABERDEEN-SPRINGFIELD
ABERDEEN-SPRINGFIELD CANAL CO
BINGHAM GROUND WATER DIST, ETAL
BINGHAM GROUND WATER DISTRICT
BONNEVILLE JEFFERSON GROUND
CLARK JEFFERSON GROUND WATER
IDAHO GROUND WATER
IGWA

IGWA INC

MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER DIST
NORTH SNAKE GROUND WATER DIST

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

CLYDE WHITE
COMMITTEE OF NINE
F DAVE RYDALCH

Represented by:
RAY W. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

LAYNE HARRIS

LENA HARRIS

R LAYNE HARRIS

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

A & B IRRIGATION DISTRICT
ABERDEEN-SPRINGFIELD
BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT

Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION

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

MINIDOKA IRRIGATION DISTRICT

Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318
Phone: 208-678-3250

CANYON CREEK CANAL CO - Rigby
C/O CON CRAPO
1509 N CANYON CREEK RD
NEWDAL, ID 83436
Phone: 208-458-4298

ORDER GRANTING

Page 13
10/25/10

(Certificate of mailing continued)

CONSOLIDATED FARMERS CANAL CO - *Rigby*
C/O DELL RAYBOULD SEC
3215 N 2000 W
REXBURG, ID 83440
Phone: 208-356-6837

REXBURG IRRIGATION COMPANY - *Rigby*
C/O DONALD DAY
975 S 5500 W
REXBURG, ID 83440
Phone: 208-356-6405

JACK R CRAWLEY - *Rigby*
C/O JACK R CRAWLEY
PO BOX 86
TETON, ID 83451

NORTH FREMONT CANAL SYSTEMS - *Rigby*
C/O LON ATCHLEY
PO BOX 241
ASHTON, ID 83420
Phone: 208-652-3332

ABERDEEN-AMERICAN FALLS - ~~WYBURN~~ *Budge*
GROUND WATER DISTRICT
P O BOX 70
AMERICAN FALLS, ID 83211
Phone: 208-226-2562

BINGHAM GROUND WATER DISTRICT - *Budge*
P O BOX 42
PINGREE, ID 83262-0042
Phone: 208-684-5413

UPPER VALLEY IRRIGATORS ASSOC.
P O BOX 8
REXBURG, ID 83440
Phone: 208-356-4912

EGIN BENCH CANALS INC - *Rigby*
PO BOX 15
ST ANTHONY, ID 83445
Phone: 208-624-3381

ASHTON DEVELOPMENT LLC - *Hossner*
PO BOX 150
ASHTON, ID 83420
Phone: 208-652-3699

KENNETH T & DOUGLAS K SAKOTA - *Rigby*
KENNETH T SAKOTA
PO BOX 163
REXBURG, ID 83440

R LAYNE HARRIS - *R. Harris*
PO BOX 63
NEWDALE, ID 83436
Phone: 208-458-4936

MELVIN SCHWENDIMAN - *Rigby*
PO BOX 74
NEWDALE, ID 83436
Phone: 208-458-4376

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234
Phone: 208-378-5322

RONALD MURDOCK - *Rigby*
1065 W 125 N
BLACKFOOT, ID 83221
Phone: 208-684-4749

DEE REYNOLDS - *Rigby*
1344 N 3550 E
ASHTON, ID 83420
Phone: 208-652-7431

CRAPO FARMS INC - *Rigby*
RIVERSIDE FARMS
1908 E 500 N
ST ANTHONY, ID 83445
Phone: 208-624-3293

ORDER GRANTING

Page 14
10/25/10

(Certificate of mailing continued)

BRADY SCOTT - Rigby
214 E 450 N
FIRTH, ID 83236

GREGORY H WOOD - Rigby
2906 N 8000 E
TETON, ID 83451
Phone: 208-458-4164

W SHERMAN WHITTEN - Rigby
315 N 400 E
BLACKFOOT, ID 83221
Phone: 208-785-0589

EVVA L LENZ - Rigby
3443 E 1200 N
ASHTON, ID 83420
Phone: 208-652-7349

RAY S BAKER - Rigby
78 N 2500 E
TETON, ID 83451
Phone: 208-458-4329

VAL SCHWENDIMAN - Rigby
9633 E HWY 33
NEWDALE, ID 83436
Phone: 208-458-4513