

8.9

AUG 09 2013

Attorneys for Hill Real Estate, LLC

In Re SRBA	)	SUBCASE NOS.: 63-32253
	)	
Case No. 39576	)	AFFIDAVIT OF SHELLEY M. DAVIS IN
	)	SUPPORT OF HILL REAL ESTATE,
	)	LLC'S MOTION TO SET-ASIDE AND
	)	ENTER CORRECTED PARTIAL DECREE

SHELLEY M. DAVIS, being first duly sworn upon oath, deposes and says:

2. Attached hereto as Exhibit 1 is a true and correct copy of the Notice of Claim filed by Pat Cayler on January 8, 1973.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Department of Water Resources beneficial use field report conducted on May 29, 1975 for the right.

FREE COPY 1

4. Attached hereto as Exhibit 3 is a true and correct copy of the water right license for water right no. 63-7709 which was split and is now represented as water right no. 63-32253.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Notice of Claim filed for water right no. 63-32253 on January 22, 1990.

6. Attached hereto as Exhibit 5 is a true and correct copy of the preliminary recommendation for water right no. 63-32253 submitted to the SRBA court on August 23, 2006.

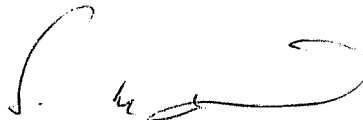
7. Attached hereto as Exhibit 6 is a true and correct copy of the Notice of Completed Administrative Proceeding submitted to the SRBA court on February 21, 2007.

8. Attached hereto as Exhibit 7 is a true and correct copy of the partial decree entered by the SRBA court for water right no. 63-32253 on January 14, 2009.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Warranty Deed provided by the Brocks to Hill Real Estate, LLC on April 17, 2006.

Dated this 8th day of August, 2013.

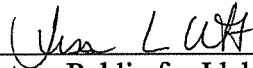
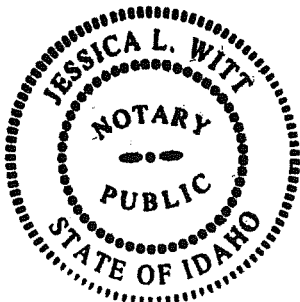
BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis

Attorneys for Hill Real Estate, LLC

SUBSCRIBED AND SWORN to before me this 8th day of August, 2013.



Notary Public for Idaho

Residing at: Boise, Idaho

Commission Expires: 2/20/2015

**AFFIDAVIT OF SHELLEY M. DAVIS IN SUPPORT OF HILL REAL ESTATE, LLC'S
MOTION TO SET-ASIDE AND ENTER CORRECTED PARTIAL DECREE**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 2013, I caused to be served a true and correct copy of the foregoing **AFFIDAVIT OF SHELLEY M. DAVIS IN SUPPORT OF HILL REAL ESTATE, LLC'S MOTION TO SET-ASIDE AND ENTER CORRECTED PARTIAL DECREE** by the method indicated below, and addressed to each of the following:

Original filed via U.S. Mail with:

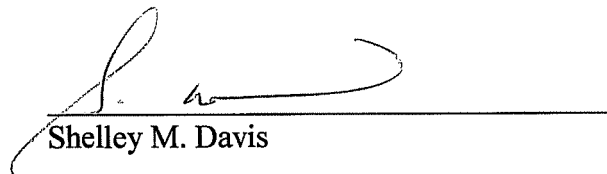
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax No. 208-736-2121

Copy mailed to:

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

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

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



Shelley M. Davis

EXHIBIT 1

Identification No. _____

Application No. 63-7709

STATE OF IDAHO

LICENSE ISSUED FOR 2.0 SEC. DEPARTMENT OF WATER ADMINISTRATION
LICENSE PAGE NO. _____

APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

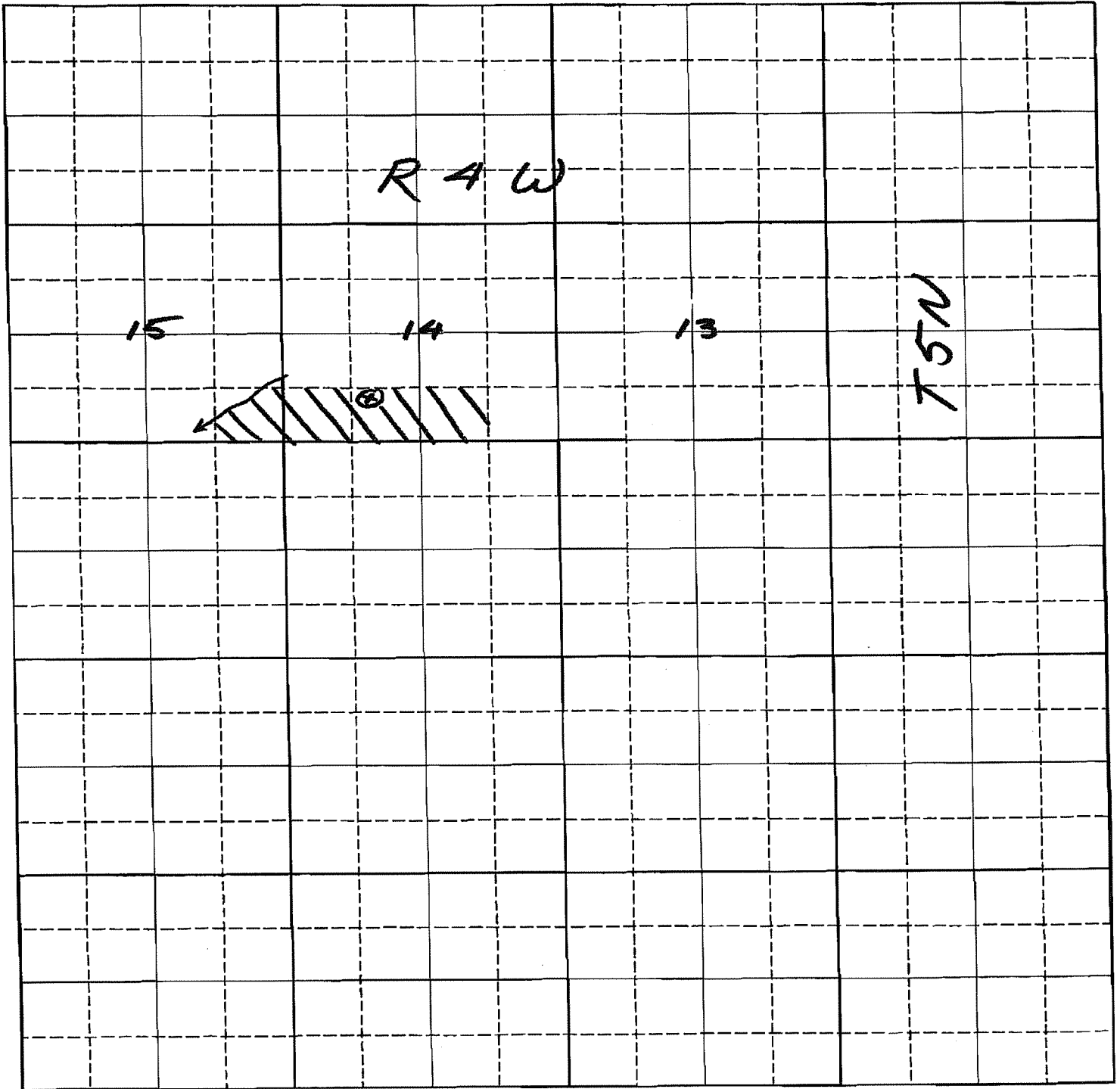
1. Name of applicant PAT R. CAYLER
post office address Route 5, Caldwell, Idaho
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14 Township 5 N.
Range 4 W. B.M. Canyon County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Notus Canal at a point in NW $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 14 Township 5 N. Range 4 W. B.M. _____
4. Water will be used for the following purposes:
Amount 2.0 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 2.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well with pump with open discharge
into ditch system.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 300 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 10,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered: _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water: _____
(5) If water is to be used for other purposes describe: _____

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Pat R. Campbell
(Applicant)

63 7700

EXHIBIT 2

DATE OF EXAM 29 May 1975

ACREAGE
Found _____
Recommended 124

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from MM 15 to Nov 15
Domestic Q= 2.0 c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes ✓ no _____ See remarks

Name source: ditch water Black Canyon SW 35 Canyon
twp. 5 N/S, Rge 4 E/W, B.M., Sec. 14, Sub. 1/4 1/4 1/4 County

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 1/4 County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 1/4 County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 1/4 County

Total Q measured 2.052 cfs Method of measurement Orifice & etc

Total Q recommended 2.0 cfs Meter No. _____ Type _____ Condition Good

Total V recommended _____

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

8" discharge w/ 5" orifice had 38" head pressure
at 9:00 PM 2.052 cfs

SYSTEM DESCRIPTION:

50 HP G.E. motor, md 560245VH4 Ser. No. KJT1031503
w/ 30 HP Layne Vert. line pump No. 45214

REMARKS:

had 53 inches of Black Canyon water. 90 acres
of it totally dependent on wild water. Layne for ditch
water was 1/20 (rain was missing) but water in ditch
the same) on the rest of land water is supplemented

Examiner's Signature Erwin Ballou Date 29 May 75

Checked by _____ Date _____

Approved by _____ Date _____

MAI PROPERTY

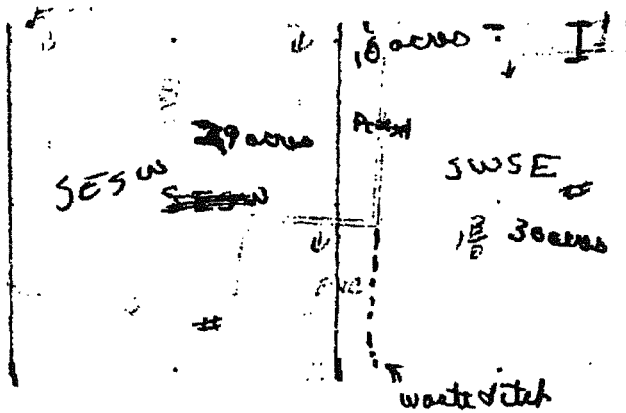
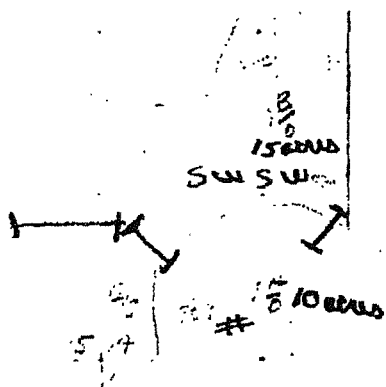
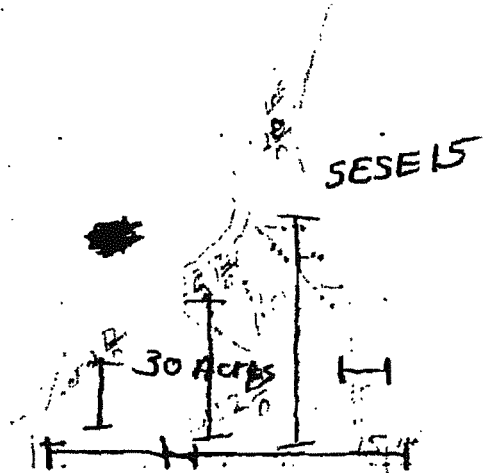
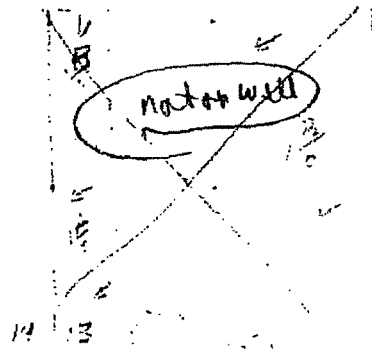
APPLICANT'S NAME

OUT R. Cuyler

Lot 4, Section 13, Lots 2, 3 and 4 Section 14; Lot 1, Section 15, SESE of North

and all in Township 5 North, Range 4 West of the Boise Meridian

1
30
15
10
29
10
30
124



supplemental water

4. CONCRETE
DITCH

LEGEND	SOIL TYPE	SLOPE	CROSSLAND
SCALE 1" = 1/4"	1 2 3 4 5 6	A 1 TO 2 % 3 TO 7 % C 7 % 15 TO 20 %	0 No appreciable 1 Less than 25% 2 25 to 75% 3 Over 75%

U. S. DEPARTMENT OF AGRICULTURE
Farm Home Administration

Position 8

EXHIBIT 3

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7709 Priority Jan. 8, 1973 Amount 2.0 cfs

THIS IS TO CERTIFY, that PAT R. CAYLER
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 63-7709 issued pursuant to Application for Permit dated January 8, 1973,
and has submitted proof to the Department of Water Resources on November 27, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.05 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov. 15</u>	at <u>2.0</u> cfs and	<u>558 acre feet or</u>
			<u>4.5 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 2.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
558 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 14,
Twp. 5 N, Rge. 4 W, B.M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	4W	14										25	29				40		94
		15																30	30

Total number of acres irrigated 124

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
October, 19 75.

Director

EXHIBIT 4

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 63-32253
Date Received: 1/22/1990
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RICHARD C BROCK Phone: (208)459-4755
19768 GOODSON RD
CALDWELL ID USA 83607

JUDITH A BROCK Phone: (208)459-4755
19768 GOODSON RD
CALDWELL ID USA 83605

2. Date of Priority: 01/08/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
05N	04W	14	SW	NE	SW	CANYON	

5. Description of diverting works:

370' DEEP, 16" CASING, SURFACE 50HP PUMP, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.95	542.7

7. Total Quantity Appropriated is:

1.95 C.F.S. and/or 542.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	04W	14	SE	SW	IRRIGATION	40
			SW	SE	IRRIGATION	15
			SW	SW	IRRIGATION	35.6
					Section Acres	90.6
05N	04W	15	SE	SE	IRRIGATION	30
					Section Acres	30
					Total Acres	120.6

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

P/U MUST HAVE BEEN DESCRIBED INCORRECTLY ON LIC. BECAUSE IT HASN'T CHANGED.
P/D IS JUST ABOVE 1/4 LINE ADDRESS CHANGED PER CLAIMANT REQUEST. DB 4/5/2000.

This right is a split from former right 63-7709.

15. Basis of Claim: License

EXHIBIT 5

08/23/2006

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

RIGHT NUMBER: 63-32253

NAME AND ADDRESS: RICHARD C BROCK
19768 GOODSON RD
CALDWELL ID 83607

JUDITH A BROCK
19768 GOODSON RD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.950 CFS
542.700 AFY

PRIORITY DATE: 01/08/1973

POINT OF DIVERSION:

T05N R04W S14 SWNESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.950 CFS

542.70 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R04W S14	SWSW	21.60	T05N R04W S14	SESW	29.00
T05N R04W S14	SWSE	40.00	T05N R04W S15	SESE	30.00

120.6 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-7709.

Use of this right is combined with water from Black Canyon Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32253 V1

WATER RIGHT NUMBER: 63-32253 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PAT R CAYLER RT 5 CALDWELL, ID 83605
Current Owner	RICHARD C BROCK 19768 GOODSON RD CALDWELL, ID 83607 (208)459-4755
Current Owner	JUDITH A BROCK 19768 GOODSON RD CALDWELL, ID 83605 (208)459-4755

Priority Date: 01/08/1973

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.950 CFS	542.70 AF
	<u>Total Diversion:</u>	1.950 CFS	542.70 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SW1/4	Sec. 14, Twp 05N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 04W 14												21.6	29.0			40.0	90.6
05N 04W 15																30.0	30.0

Total Acres: 120.6

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32253 V1

2. This right is a split from former right 63-7709 .
3. W14 Use of this right is combined with water from Black Canyon Irrigation District.
4. C18 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.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			05/01/2006	scurtis	Active
Priority Date	8/23/2006 9:59:28 AM	segbert			Active
POD	8/23/2006 9:59:45 AM	segbert			Active
Source	8/23/2006 10:00:32 AM	segbert			Active
POU	8/23/2006 10:00:43 AM	segbert			Active
Use	8/23/2006 10:09:55 AM	segbert			Active
Season	8/23/2006 10:11:28 AM	segbert			Active
Quantity	8/23/2006 10:12:50 AM	segbert			Active
Summary			08/23/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

EXHIBIT 6

COPY

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING
TWIN FALLS CO., IDAHO
FILED

RECEIVED

2007 FEB 20 09 10 40

FEB 21 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Water Rights: 63-32253

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

XX Address change

Substitution of Party

☐ IC § 42-222 transfer

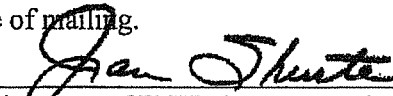
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: February 16, 2007


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on February 16, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Richard C Brock
Judith A Brock
27244 Mountain Ranch Rd
Caldwell ID 83607-1104

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

COPY

IN THE COUNTY OF LATAH
TWIN FALLS CO., IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

2007 FEB 20 PM 10 39

RIGHT NUMBER: 63-32253

NAME AND ADDRESS: RICHARD C BROCK
27244 MOUNTAIN RANCH RD
CALDWELL ID 83607-1104

JUDITH A BROCK
27244 MOUNTAIN RANCH RD
CALDWELL ID 83607-1104

~~19768 GOODSON RD~~
~~CALDWELL ID 83607~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.950 CFS
542.700 AFY

PRIORITY DATE: 01/08/1973

POINT OF DIVERSION:

T05N R04W S14 SWNESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.950 CFS
542.70 AFY

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120.6 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

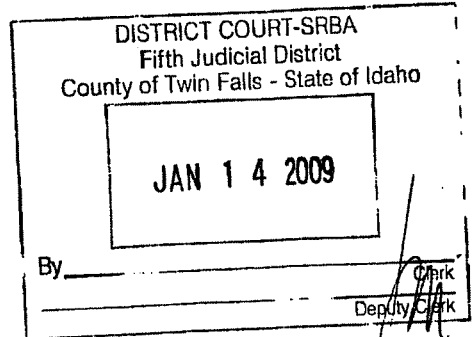
This right is a split from former right 63-7709 .

Use of this right is combined with water from Black Canyon Irrigation District.

EXHIBIT 7

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 63-32253



NAME AND ADDRESS: JUDITH A BROCK
RICHARD C BROCK
27244 MOUNTAIN RANCH RD
CALDWELL, ID 83607-1104

SOURCE: GROUND WATER

QUANTITY: 1.95 CFS
542.70 AFY

PRIORITY DATE: 01/08/1973

POINT OF DIVERSION: T05N R04W S14 SWNESW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.95 CFS 542.70 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

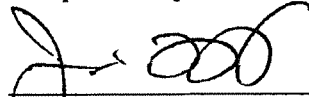
PLACE OF USE:	Irrigation	Within Canyon County
	T05N R04W S14	SWSW 21.6 SWSE 40.0 SESE 30.0
	S15	
	120.6 Acres Total	

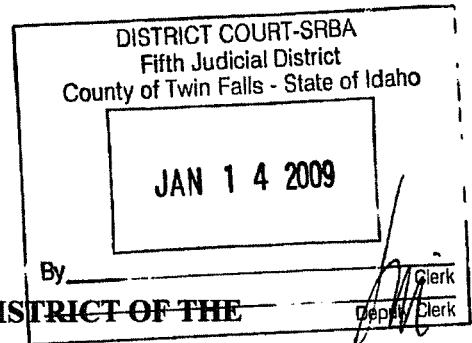
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

In Re SRBA

Case No. 39576

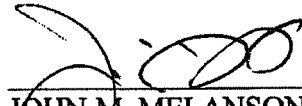
)
) **Water Right: 63-32253**
) **(Brock)**
)
) **ORDER OF PARTIAL DECREE**
)
)

On December 19, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 63, Part III, Reporting Area 13, for Irrigation and Other Water Rights*, which included recommendation for the above named water right. On February 20, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding* and *Amended Director's Report* notifying the Court of an address change for named water right. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED

January 14, 2009



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

EXHIBIT 8

Stewart
title of Boise

5042191 LM/ES

WARRANTY DEED

For Value Received Richard C. Brock and Judith A. Brock, husband and wife
the Grantor, hereby grants, bargains, sells, conveys and warrants unto
Hill Real Estate, LLC, an Idaho Limited Liability Company,
the grantee, whose current address is 3018 S. Whitepost Way, Eagle, ID 83616
the following described premises, to wit:
See "Exhibit A" attached hereto

Parcel Number: R383250120

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due
or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with
the said Grantee, that it is the owner in fee simple of said premises, that said premises are free
from all encumbrances and that he will warrant and defend the same from all lawful claims
whatsoever.

Dated this 17th day of April, 2006.

Richard C. Brock

Richard C. Brock

Judith A. Brock

Judith A. Brock

STATE OF Idaho)

) ss.

COUNTY OF ~~Ada~~ Canyon)

On this ~~18th~~ day of April, 2006, before me, the undersigned, a Notary Public, in and for said
State, personally appeared Richard C. Brock and Judith A. Brock known to me, and/or identified
to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed
to the within instrument and acknowledged to me that he/she/they executed the same.
WITNESS MY HAND AND OFFICIAL SEAL.

Karma Ellis

Notary Public: ~~Richard C. Brock~~ Karma Ellis

Residing at: ~~Maxx Maxx Idaho~~ Caldwell, Idaho

My commission expires ~~May 2008~~ August 29, 2007



Exhibit A
LEGAL DESCRIPTION

Order No.: 105042191

This parcel is a portion of Government Lot 3 of Section 14, Township 5 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

Beginning at the northeast corner of said Government Lot 3; thence

South 00°00'14" East along the east boundary of said Government Lot 3 a distance of 1374.38 feet to the southeast corner of said Government 3; thence

North 89°56'32" West along the south boundary of said Government Lot 3 a distance of 1325.79 feet to the southwest corner of said Government Lot 3; thence

North 00°08'44" East along the west boundary of said Government Lot 3 a distance of 1171.12 feet; thence

South 89°59'35" East a distance of 149.43 feet; thence

North 89°54'19" East parallel with the north boundary of said Government Lot 3 a distance of 181.26 feet; thence

South 00°06'33" West a distance of 459.78 feet; thence

North 89°54'19" East parallel with the north boundary of said Government Lot 3 a distance of 330.99 feet; thence

North 00°04'19" East a distance of 451.07 feet; thence

North 89°54'19" East parallel with the north boundary of said Government Lot 3 a distance of 208.71 feet; thence

North 00°04'19" East a distance of 208.71 feet to a point on the north boundary of said Government Lot 3; thence

North 89°54'19" East along said north boundary a distance of 452.38 feet to the POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO

A 60.00 foot wide ingress-egress and utility easement, more particularly described as follows:

Commencing at the southeast corner of Government Lot 4; thence

North 89°56'27" West along the south boundary of said Government Lot 4 a distance of 66.57 feet to the TRUE POINT OF BEGINNING; thence

Continuing North 89°56'27" West a distance of 60.00 feet; thence

North 00°08'44" East parallel with the east boundary of said Government Lot 4 a distance of 1371.00 feet to a point on the north boundary of said Government Lot 4; thence

South 89°52'27" East along the north boundary of said Government Lot 4 a distance of 126.57 feet to the northwest corner of Government Lot 3; thence

North 89°54'19" East along the north boundary of said Government Lot 3 a distance of 661.12 feet; thence

South 00°04'19" West a distance of 60.00 feet; thence

South 89°54'19" West parallel with the north boundary of said Government Lot 3 a distance of 661.20 feet to a point on the west boundary of said Government Lot 3; thence

South 89°52'27" East parallel with the north boundary of said Government Lot 4 a distance of 66.57 feet; thence

South 00°08'44" West parallel with the east boundary of said Government Lot 4 a distance of 1310.93 feet to the TRUE POINT OF BEGINNING.