

8-25

DEPARTMENT OF
WATER RESOURCES

Attorneys for Hill Real Estate, LLC

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

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

2. Attached hereto as Exhibit 9 is a true and correct copy of a letter to Hill Real Estate, LLC from the Idaho Department of Water Resources transmitting with it the attached water right description for the newly issued water right no. 63-33837.

1

COPY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED this 23rd day of August, 2013.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'S. M. Davis', is written over a horizontal line.

Shelley M. Davis
Attorneys for Hill Real Estate, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 2013, I caused to be served a true and correct copy of the foregoing **SUPPLEMENTAL AFFIDAVIT OF SHELLEY M. DAVIS IN SUPPORT OF HILL REAL ESTATE, LLC'S AMENDED MOTION TO SET-ASIDE AND ENTER CORRECTED PARTIAL DECREES** by the method indicated below, and addressed to each of the following:

Original filed via hand delivery with:

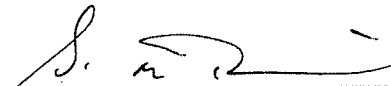
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax No. 208-736-2121

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

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

EXHIBIT 9



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 8, 2013

HILL REAL ESTATE LLC
4961 N HOLLOW LN
BOISE ID 83702

Re: Change in Water Right Ownership: Water Right No. 63-32253(split into 63-32253 and **63-33837**)

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records based on the information received to reflect the change in ownership and has enclosed a computer-generated report for your records.

Your portion of this water right has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on your water right, then no further action is required at this time.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Please feel free to contact me at 208-287-4942 if you have any questions concerning the enclosed information or this letter.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure

c: Barker Rosholt & Simpson LLP

RECEIVED AUG 09 2013

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-33837

8/7/2013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HILL REAL ESTATE LLC 4961 N HOLLOW LN BOISE, ID 83702 (208)472-8691
Original Owner	PAT R CAYLER RT 5 CALDWELL, ID 83605
Previous Owner	RICHARD C BROCK 27244 MOUNTAIN RANCH RD CALDWELL, ID 83607-1104 (208)459-4755
Previous Owner	JUDITH A BROCK 27244 MOUNTAIN RANCH RD CALDWELL, ID 83607-1104 (208)459-4755

Priority Date: 1/8/1973

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.500 CFS	148.0 AF
	<u>Total Diversion</u>		0.500 CFS	148.0 AF

Source and Point(s) of Diversion

GROUND WATER SWNESW Sec. 14, Twp 05N, Rge 04W, CANYON County

Place Of Use

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	04W	14											3.9	29.0					32.9

POU Total Acres: 32.9

Conditions of Approval:

1. W14 Use of this right is combined with water from Black Canyon Irrigation District.
2. 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
Water Right 63-33837

8/7/2013

3. 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.
4. This right is a split from former right 63-7709 .

Comments:

1. jhersley 8/7/2013 split right
this water right is the result of split from 63-32253 due to change in ownership.

2. jhersley 8/7/2013 POD
Updated Shape

3. jhersley 8/7/2013 POU
Updated Shape

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A