

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 63-17246A
Date Received: 8/10/1989
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRIGHTON CORPORATION
C/O PAT HURLEY
12426 W EXPLORER DR STE 220
BOISE ID USA 83713

Phone: (208)378-4000

2. Date of Priority: 03/15/1922

3. Source: FIVEMILE CREEK Trib. to: FIFTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01E	24	NE SW	ADA	

5. Description of diverting works:

DAM IN CREEK TO DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.35	

7. Total Quantity Appropriated is:
0.35 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED

OCT 05 2006

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	24	SE	SW	IRRIGATION	17.5
					Section Acres	17.5
					Total Acres	17.5

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 9/6/2002

15. Basis of Claim: Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
SEP 05 2002
 WATER RESOURCES
 WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>63-17246A</u>					
<u>63-17243</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Providence Development group, LLC

4. New Owner/Claimant(s)

Brighton Corporation

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

12426 W. Explorer Drive, #220

City, State and ZIP Code

Boise, ID 83713

New Telephone Number

208 378-4000

5. Date you acquired the property

Jan. 3, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) David W. Turnbull
(include title if applicable) DAVID W. TURNBULL, President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by DH Date 9-5-02 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

READ AND APPROVED

PROVIDENCE DEVELOPMENT GROUP, LLC
BY HARRY TEPPOLA, MANAGER



A Pioneer Company

175173 SG SMLA

PIONEER TITLE COMPANY
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

WARRANTY DEED

For Value Received

LOUIS J. ALDECOA, an unmarried man, as his sole and separate property

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

PROVIDENCE DEVELOPMENT GROUP, LLC, a limited liability company

hereinafter referred to as Grantee, whose current address is

9550 BETHEL CT., BOISE, ID 83709

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A", Official Records of ADA County, Idaho.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 AU -3 PM 4:09

RECORDED - REQUEST OF
FEE 6.00 DEPUTY *M. Papile*
99077704

PIONEER TITLE

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 20, 1999.

Louis J. Aldecoa
LOUIS J. ALDECOA

ACKNOWLEDGMENT - Individual

STATE OF IDAHO, County of ADA, ss.

On this 07 day of AUGUST, in the year of 1999, before me
DEBRA L. HESS, notary public
personally appeared LOUIS J. ALDECOA
known or identified to me to be the person whose name IS
to the within instrument and acknowledged to me that he executed the same.

Notary Public: *Debra L. Hess*
Meridian, Idaho Residing at: MERIDIAN, IDAHO
Commission Expires 07-21-2003

My Commission Expires: 07/21/2003

SCHEDULE C

The land referred to in this Commitment is described as follows:

PARCEL I (PHASE I)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CORNER COMMON TO SECTIONS 25, 26, 23 AND THE SAID SECTION 24; THENCE
ALONG THE SOUTH BOUNDARY OF SAID SECTION 24 SOUTH 89 DEGREES 35'54" EAST, 843.80 FEET TO THE REAL POINT OF BEGINNING; THENCE
DEPARTING SAID SOUTH BOUNDARY NORTH 3 DEGREES 22'57" WEST, 349.86 FEET; THENCE
NORTH 37 DEGREES 10'26" WEST, 37.16 FEET; THENCE
NORTH 4 DEGREES 31'54" WEST, 592.29 FEET; THENCE
NORTH 46 DEGREES 16'20" WEST, 206.94 FEET; THENCE
NORTH 31 DEGREES 09'18" WEST, 104.34 FEET; THENCE
NORTH 64 DEGREES 57'08" WEST, 239.03 FEET; THENCE
NORTH 38 DEGREES 55'57" WEST, 36.71 FEET TO A POINT ON THE NORTH BOUNDARY OF THE SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE
ALONG SAID NORTH BOUNDARY SOUTH 89 DEGREES 40'00" EAST, 1035.44 FEET TO THE SOUTHWEST 1/16 CORNER; THENCE
ALONG THE EAST BOUNDARY OF THE SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER SOUTH 00 DEGREE 31'15" WEST, 281.45 FEET THENCE
DEPARTING SAID EAST BOUNDARY NORTH 89 DEGREES 40'00" WEST, 495.56 FEET; THENCE
SOUTH 4 DEGREES 31'54" EAST, 598.30 FEET; THENCE
SOUTH 26 DEGREES 18'20" EAST, 448.59 FEET; THENCE
SOUTH 00 DEGREE 24'06" WEST, 50.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 24; THENCE
NORTH 89 DEGREES 35'54" WEST, 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL II (PHASE II)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CORNER COMMON TO SECTIONS 25, 26, 23 AND THE SAID SECTION 24; THENCE
ALONG THE SOUTH BOUNDARY OF SAID SECTION 24 SOUTH 89 DEGREES 35'54" EAST, 1093.80 FEET TO THE REAL POINT OF BEGINNING; THENCE
DEPARTING SAID SOUTH BOUNDARY NORTH 00 DEGREE 24'06" EAST, 50.00 FEET; THENCE
NORTH 26 DEGREES 18'20" WEST, 448.59 FEET; THENCE
NORTH 4 DEGREES 31'54" WEST, 598.30 FEET; THENCE
SOUTH 89 DEGREES 40'00" EAST, 495.56 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE
ALONG SAID EAST BOUNDARY SOUTH 00 DEGREE 31'15" WEST, 1047.41 FEET TO THE WEST 1/16 CORNER COMMON TO SAID SECTIONS 24 AND 25; THENCE
NORTH 89 DEGREES 35'54" WEST, 240.32 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

ALLIANCE TITLE

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 10 - DEPUTY [Signature]

~~BARGAIN AND SALE~~ DEED 100003598
2000 JAN 13 PM 3:58

FOR VALUE RECEIVED, receipt of which is hereby acknowledged, FIRST SECURITY BANK OF IDAHO, N.A., Boise, Idaho, as Trustee of the JESSIE V. ACORDA TRUST AGREEMENT dated April 3, 1995

Does hereby Grant, Bargain, Sell and Convey unto PROVIDENCE DEVELOPMENT GROUP, LLC, an Idaho limited liability company, whose address is 9550 Bethel Court, Boise, ID 83709 the following described real property in the county of Ada, State of Idaho

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the heirs and assigns forever.

Dated: 4 Jan, 2000

FIRST SECURITY BANK OF IDAHO, N.A., Boise Idaho, as Trustee
of the JESSIE V. ACORDA TRUST AGREEMENT dated April 3, 1995

By: [Signature]
Authorized Officer

State of Idaho)
) ss:
County of Ada)

On this 4th day of JANUARY, 2000 before me, the undersigned a Notary Public in and for said County and State personally appeared CALVIN KIDNEY known or identified to me on the basis of satisfactory evidence to be the authorized officer of First Security Bank of Idaho, N.A., said corporation known to me to be the Trustee of the Jessie V. Acorda Trust Agreement, and acknowledged to me the he executed the same on behalf of said corporation and that said corporation executed the same as Trustee.

[Signature]
Notary Public
Boise
Residing at:
Commission Expires: 10-5-04

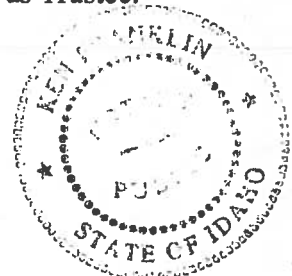


EXHIBIT "A"

The West Half of the Southeast Quarter of the Southwest Quarter of Section 24, in Township 3 North, Range 1 East of the Boise Meridian, Ada County, Idaho.

EXCEPT THEREFROM the parcel of land described as follows:

COMMENCING at a found aluminum cap marking the section corner common to Sections 23, 24, 25, and 26, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho; thence
South 89 degrees 35'54" East 2001.09 feet along the South boundary of said Section 24 to a found 5/8" iron pin marking the Southeast corner of the West Half of the said Southeast Quarter Southwest Quarter of Section 24; thence continuing
South 89 degrees 35'54" East 5.00 feet to a point; thence
North 00 degrees 28'09" East 27.08 feet (formerly 27.07 feet) to a set 5/8" iron pin marking a point on the Northerly right of way of West Victory Road, said pin also marking the REAL POINT OF BEGINNING; thence
North 89 degrees 46'13" West 140.00 feet along the said Northerly right of way of West Victory Road to a set 5/8" iron pin; thence
North 00 degrees 28'09" East 797.00 feet to a set 5/8" iron pin; thence
South 89 degrees 46'13" East 135.00 feet to a set 5/8" iron pin; thence
South 00 degrees 28'09" West 474.06 feet along the Easterly boundary of the said West Half Southeast Quarter Southwest Quarter of Section 24 to a found 1/2" iron pin; thence
South 89 degrees 31'51" East 5.00 feet to a set 5/8" iron pin; thence
South 00 degrees 28'09" West 322.92 feet to the POINT OF BEGINNING.

AND EXCEPTING the parcel deeded to Ada County Highway District by Instrument No. 9159315 recorded October 21, 1991.

THIS FORM FURNISHED COURTESY OF:

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 9- DEPUTY

ALLIANCE TITLE & ESCROW CORP

2000 JAN 13 PM 3:58

100003599

ALLIANCE TITLE

READ & APPROVED BY GRANTEE(S):

SPACE ABOVE THIS LINE FOR RECORDING DATA

{6400; 6604}

Order No.: 99084869 KS

WARRANTY DEED

FOR VALUE RECEIVED PROVIDENCE DEVELOPMENT GROUP, LLC, an Idaho
limited liability company

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto BRIGHTON
CORPORATION, an Idaho corporation

GRANTEE(S), whose current address is: 12426 W. EXPLORER DRIVE #220, BOISE, ID 83713

the following described real property in ADA County, State of Idaho, more particularly
described as follows, to wit:

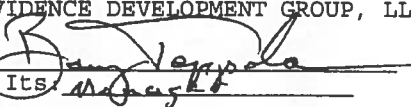
As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: January 03, 2000

PROVIDENCE DEVELOPMENT GROUP, LLC, an Idaho limited liability company

By:

Its: 

STATE OF IDAHO County of Ada, ss.

On this 4TH day of January, in the year of 2000, before me, the undersigned, personally appeared BARRY TERPOLA, known or identified to me to be the manager or member of the Limited Liability Company that executed the instrument or the person(s) who executed the instrument on behalf of said Limited Liability Company, and acknowledged to me that such Limited Liability Company executed the same.

Signature: [Signature]

Name: _____

(typed or printed)

Residing at: Bose

My Commission expires: 10/5/04

EXHIBIT "A"

A parcel of land located in the Southwest Quarter of the Southwest Quarter and West Half of the Southeast Quarter of the Southwest Quarter of Section 24, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the corner common to Sections 25, 26, 23 and the said Section 24, from which the Quarter corner common to said Sections 23 and 24 bears North 00 degrees 37'11" East, 2654.92 feet; thence North 00 degrees 37'11" East, 1327.28 feet to the South 1/16 corner; thence South 89 degrees 40'00" East, 296.39 feet to the REAL POINT OF BEGINNING; thence continuing South 89 degrees 40'00" East, 1035.44 feet to the Southwest 1/16 corner; thence
South 89 degrees 42'11" East 665.87 feet to the Northeast corner of the West Half of the Southeast Quarter of the Southwest Quarter; thence along the East boundary of the West Half of the Southeast Quarter of the Southwest Quarter
South 00 degrees 28'20" West (record South 00 degrees 28'09" West) 506.07 feet; thence departing said boundary
North 89 degrees 46'13" West, 135.00 feet; thence
South 00 degrees 28'20" West, 796.90 feet (record South 00 degrees 28'09" West, 797.00 feet) to a point on the northerly right-of-way of W. Victory Road; thence along said right-of-way
North 89 degrees 46'13" West, 531.97 feet to a point on the East boundary of the Southwest Quarter of the Southwest Quarter; thence along said boundary
South 00 degrees 31'15" West, 25.10 feet (record 25.06 feet) to the West 1/16 corner common to said Sections 24 and 25; thence along section line
North 89 degrees 35'54" West, 490.32 feet; thence departing said section line
North 03 degrees 22'57" West, 349.86 feet (record North 3 degrees 57' West, 350.2 feet); thence
North 37 degrees 10'26" West, 37.16 feet (record North 37 degrees 42'30" West 37.2 feet); thence
North 04 degrees 31'54" West, 592.29 feet (record North 5 degrees 12' West, 592.2 feet); thence
North 46 degrees 16'20" West, 206.94 feet (record North 46 degrees 55' West, 207.2 feet); thence
North 31 degrees 09'18" West, 104.34 feet (record North 31 degrees 43" West 104.6 feet); thence
North 64 degrees 57'08" West, 239.03 feet (Record North 65 degrees 26' West 239.55 feet); thence
North 38 degrees 55'57" West, 36.71 feet (record North 39 degrees 28'30" West 36.8 feet) to the POINT OF BEGINNING.

Premium Amount: \$ 3,450.00

S C H E D U L E - A

Order No.: 99084869 KS

Policy No.: 13 4036-106 6863

Date of Policy: JANUARY 13, 2000 at 3:58 P.M.

Amount of Insurance: \$ 1,360,000.00

1. Name of Insured:

BRIGHTON CORPORATION

2. The estate or interest in the land which is covered by this Policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

BRIGHTON CORPORATION, an Idaho corporation

4. The land referred to in this Policy is described as follows: situate in State of IDAHO, County of ADA:

A parcel of land located in the Southwest Quarter of the Southwest Quarter and West Half of the Southeast Quarter of the Southwest Quarter of Section 24, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the corner common to Sections 25, 26, 23 and the said Section 24, from which the Quarter corner common to said Sections 23 and 24 bears North 00 degrees 37'11" East, 2654.92 feet; thence North 00 degrees 37'11" East, 1327.28 feet to the South 1/16 corner; thence South 89 degrees 40'00" East, 296.39 feet to the REAL POINT OF BEGINNING; thence continuing South 89 degrees 40'00" East, 1035.44 feet to the Southwest 1/16 corner; thence South 89 degrees 42'11" East 665.87 feet to the Northeast corner of the West Half of the Southeast Quarter of the Southwest Quarter; thence along the East boundary of the West Half of the Southeast Quarter of the Southwest Quarter South 00 degrees 28'20" West (record South 00 degrees 28'09" West) 506.07 feet; thence departing said boundary

Order No.: 99084869 KS

North 89 degrees 46'13" West, 135.00 feet; thence
South 00 degrees 28'20" West, 796.90 feet (record South
00 degrees 28'09" West, 797.00 feet) to a point on
the northerly right-of-way of W. Victory Road; thence
along said right-of-way
North 89 degrees 46'13" West, 531.97 feet to a point on the
East boundary of the Southwest Quarter of the Southwest
Quarter; thence along said boundary
South 00 degrees 31'15" West, 25.10 feet (record 25.06 feet)
to the West 1/16 corner common to said Sections 24 and 25;
thence along section line
North 89 degrees 35'54" West, 490.32 feet; thence departing
said section line
North 03 degrees 22'57" West, 349.86 feet (record North 3 degrees
57' West, 350.2 feet); thence
North 37 degrees 10'26" West, 37.16 feet (record North 37 degrees
42'30" West 37.2 feet); thence
North 04 degrees 31'54" West, 592.29 feet (record North 5 degrees
12' West, 592.2 feet); thence
North 46 degrees 16'20" West, 206.94 feet (record North 46 degrees
55' West, 207.2 feet); thence
North 31 degrees 09'18" West, 104.34 feet (record North 31 degrees
43" West 104.6 feet); thence
North 64 degrees 57'08" West, 239.03 feet (Record North 65 degrees
26' West 239.55 feet); thence
North 38 degrees 55'57" West, 36.71 feet (record North 39 degrees
28'30" West 36.8 feet) to the POINT OF BEGINNING.

END OF SCHEDULE A

S C H E D U L E B

ORDER NO.: 99084869 KS

POLICY NO.:13 4036-106 6863

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE BY REASON OF THE FOLLOWING:

[Exceptions]

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. General Taxes for the year 2000, a Lien but not yet due and payable.
8. The land described herein is located within the boundaries of the NEW YORK Irrigation District and is subject to any Assessments levied thereby. For current status call 378-1023.

Paid Current
9. Right-of-Way for Victory Road as to Parcel 120-S1124336400.
10. Any Rights, Interests, or Claims which may exist or arise by reason of the following facts shown on Record of Survey by Hubble Engineering, Job No. 4-98-047 dated December 9, 1999 and corrected December 23, 1999:

ATTACHED TO AND MADE A PART OF TICOR TITLE INSURANCE COMPANY
POLICY NO.: 13 4036-106 6863

Order No.: 99084869 KS

- A. Overhead power lines and power poles located on the Southwest corner;
 - B. A ditch which meanders through the subject property;
 - C. A fence which meanders outside and inside the property line along the West, North, and East side.
11. Agreement, and the Terms and Conditions contained therein:
Between PROVIDENCE DEVELOPMENT GROUP, LLC
and DENVER AND BARBARA PLATT
Recorded JANUARY 4, 2000
Instrument No. 100000605
Purpose WATER AND SEWER EASEMENT
12. Agreement, and the Terms and Conditions contained therein:
Between PROVIDENCE DEVELOPMENT GROUP, LLC
and GLENN AND DONNA JOHNSON
Recorded JANUARY 4, 2000
Instrument No. 100000608
Purpose WATER AND SEWER EASEMENT

END OF SCHEDULE B

THIS FORM FURNISHED COURTESY OF:

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 9- DEPUTY

ALLIANCE TITLE & ESCROW CORP.

2000 JA 13 PM 3:58

100003599

ALLIANCE TITLE

READ & APPROVED BY GRANTEE(S):

{6400; 6604}

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 99084869 KS

WARRANTY DEED

FOR VALUE RECEIVED PROVIDENCE DEVELOPMENT GROUP, LLC, an Idaho
limited liability company

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto BRIGHTON
CORPORATION, an Idaho corporation

GRANTEE(S), whose current address is: 12426 W. EXPLORER DRIVE #220, BOISE, ID 83713

the following described real property in ADA County, State of Idaho, more particularly
described as follows, to wit:

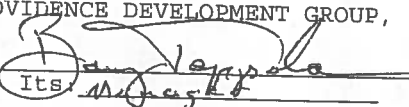
As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: January 03, 2000

PROVIDENCE DEVELOPMENT GROUP, LLC, an Idaho limited liability company

By:

Its: 

STATE OF IDAHO County of Ada, ss.

On this 4th day of January, in the year of 2000, before me, the undersigned, personally appeared BARRY TERPAA, known or identified to me to be the manager or member of the Limited Liability Company that executed the instrument or the person(s) who executed the instrument on behalf of said Limited Liability Company, and acknowledged to me that such Limited Liability Company executed the same.

Signature: [Signature]

Name: _____

(typed or printed)

Residing at: Bose

My Commission expires: 10/5/04

ORDER NO. 99084869 KS

EXHIBIT "A"

A parcel of land located in the Southwest Quarter of the Southwest Quarter and West Half of the Southeast Quarter of the Southwest Quarter of Section 24, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the corner common to Sections 25, 26, 23 and the said Section 24, from which the Quarter corner common to said Sections 23 and 24 bears North 00 degrees 37'11" East, 2654.92 feet; thence North 00 degrees 37'11" East, 1327.28 feet to the South 1/16 corner; thence South 89 degrees 40'00" East, 296.39 feet to the REAL POINT OF BEGINNING; thence continuing South 89 degrees 40'00" East, 1035.44 feet to the Southwest 1/16 corner; thence South 89 degrees 42'11" East 665.87 feet to the Northeast corner of the West Half of the Southeast Quarter of the Southwest Quarter; thence along the East boundary of the West Half of the Southeast Quarter of the Southwest Quarter South 00 degrees 28'20" West (record South 00 degrees 28'09" West) 506.07 feet; thence departing said boundary North 89 degrees 46'13" West, 135.00 feet; thence South 00 degrees 28'20" West, 796.90 feet (record South 00 degrees 28'09" West, 797.00 feet) to a point on the northerly right-of-way of W. Victory Road; thence along said right-of-way North 89 degrees 46'13" West, 531.97 feet to a point on the East boundary of the Southwest Quarter of the Southwest Quarter; thence along said boundary South 00 degrees 31'15" West, 25.10 feet (record 25.06 feet) to the West 1/16 corner common to said Sections 24 and 25; thence along section line North 89 degrees 35'54" West, 490.32 feet; thence departing said section line North 03 degrees 22'57" West, 349.86 feet (record North 3 degrees 57' West, 350.2 feet); thence North 37 degrees 10'26" West, 37.16 feet (record North 37 degrees 42'30" West 37.2 feet); thence North 04 degrees 31'54" West, 592.29 feet (record North 5 degrees 12' West, 592.2 feet); thence North 46 degrees 16'20" West, 206.94 feet (record North 46 degrees 55' West, 207.2 feet); thence North 31 degrees 09'18" West, 104.34 feet (record North 31 degrees 43" West 104.6 feet); thence North 64 degrees 57'08" West, 239.03 feet (Record North 65 degrees 26' West 239.55 feet); thence North 38 degrees 55'57" West, 36.71 feet (record North 39 degrees 28'30" West 36.8 feet) to the POINT OF BEGINNING.

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: A63-17246A
Date Received: 8/10/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: JESSIE ACORDA
Address: 8440 W VICTORY
BOISE ID

208-362-1778

83709

2. Date of Priority: MAR 15, 1922

3. Source: FIVE MILE CREEK

Trib. to: FIFTEEN MILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	24		NE	SW		ADA

5. Description of diverting works:
DAM IN CREEK TO DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.350		

7. Total Quantity Appropriated is:
0.350 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 7 HORSES OR RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	24	SE	SW		IRR	17.5

Section Acres 17.5

10. Place of Use: Continued

Total Acres 17.5

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NEW YORK IRRIG.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

RECEIVED

AUG 04 1998

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

A63-17246A

1. Water Right No(s).:

(# A63-17246 & A63-17247)

Adjudication Claim No(s).:

(# AJ 0749 NP)

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former
Owner/Claimant

JESSIE ACORDA

8440 W. VICTORY BOISE, ID 83709

4. New Owner/Claimant(s)

STEPHEN J. GRACE & MARILYN A. GRACE

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

8440 WEST VICTORY RD.

City, State and ZIP Code

BOISE, IDAHO 83709

New Telephone Number

(208) 362-6726

5. Date you acquired the property

JULY 31, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 2.51

Number and type of stock HORSES - ~~25~~ 07 OR 07 CATTLE

Diversion rate in CFS

Number of homes

ONE (1)

Other uses

IRRIGATION W-LAWN & GARDEN
STOCKWATER

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner
or Claimant(s)Stephen J. Grace
Marilyn A. Grace

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

3
MG.

TRUSTEES DEED

This deed made this 3rd day of August, 1998 between First Security Bank, N.A. as Trustee of the JESSIE V. ACORDA TRUST AGREEMENT, Under agreement dated 3 April 1995, Grantor and party of the first part; and STEPHEN J. GRACE AND MARILYN GRACE, HUSBAND AND WIFE, whose address is 8440 WEST VICTORY ROAD, BOISE, IDAHO, 83709, Grantee and parties of the second part;

WITNESSETH, That the said party of the first part, for good and other valuable consideration, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey without warranty unto the said parties of the second part the following described real property situated in ADA County, State of IDAHO, to-wit:

A PARCEL OF LAND LYING INT HE SE1/4 SW1/4 OF SECTION 24,
T.3N., R.1E., B.M., ADA COUNTY, IDAHO AND BEING MORE
PARTICULARLY DESCRIBED IN EXHIBIT "A":

Together with all and singular the tenements, hereditament, and appurtenances thereunto belonging, or other wise appertaining, and all estate, right, title, and interest in and to the said property.

TO HAVE AND TO HOLD all and singular the above-mentioned and described premises, together with appurtenances, unto the parties of the second part and their heirs and assigns forever.

First Security Bank, N.A. as Trustee
for the JESSIE V. ACORDA TRUST
AGREEMENT, Under agreement dated 3
April 1995

BY 
Calvin E. Kidney
Assistant Vice President, Manager
Trust Real Estate

STATE OF IDAHO)
) ss.
County of ADA)

On this 3RD Day of AUGUST, 1998, before me, Shelley S. Ross, a Notary Public in and for said State, personally appeared Calvin E. Kidney known or identified to me to be the Assistant Vice President, Manager Trust Real Estate, of the corporation/fiduciary that executed the instrument as Trustee for the Jessie V. Acorda Trust Agreement, under agreement dated 3 April 1995 or the person who executed the instrument on behalf of said corporation/fiduciary and acknowledged to me that such corporation/fiduciary executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.



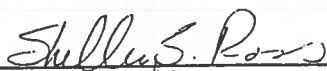

Notary Public For Idaho
Residing at Boise Idaho
My Commission Expires: 9/28/02

EXHIBIT "A"

Commencing at a found Aluminum Cap marking the Section Corner common to Sections 23, 24, 25, and 26, T.3N., R.1E., B.M., Ada County, Idaho; thence S.89°35'54"E. 2001.09 feet along the south boundary of said Section 24 to a found 5/8" iron pin marking the SE Corner of the W1/2 of the said SE1/4 SW1/4 of Section 24; thence continuing S.89°35'54"E. 5.00 feet to a point; thence N.0°28'09"E. 27.08 feet (formerly 27.07 feet) to a set 5/8" iron pin marking a point on the northerly right of way of W. Victory Road, said pin also marking the REAL POINT OF BEGINNING;

thence N.89°46'13"W. 140.00 feet along the said northerly right of way of W. Victory Road to a set 5/8" iron pin;

thence N.0°28'09"E. 797.00 feet to a set 5/8" iron pin;

thence S.89°46'13"E. 135.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 474.06 feet along the easterly boundary of the said W1/2 SE1/4 SW1/4 of Section 24 to a found 1/2" iron pin;

thence S.89°31'51"E. 5.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 322.92 feet to the point of beginning, containing 2.51 acres, more or less.

SUBJECT TO:

Any easements or rights of way of record or in use.

RECORD OF SURVEY No. 4337

FOR
FIRST SECURITY BANK
A PARCEL OF LAND LYING IN THE SE 1/4 SW 1/4 OF SECTION 24,
T3N., R1E., B.M., ADA COUNTY, IDAHO
1998

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, DOUGLAS G. PERZEY, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO, HEREBY ATTEST THAT THIS IS AN ACCURATE REPRESENTATION OF SURVEY AS MADE BY ME AND IS IN CONFORMITY WITH THE CORNER PRESCRIPTION AND PLATTING ACT - IDAHO CODE 99-160 THROUGH 99-165.

DOUGLAS G. PERZEY, P.L.S. 9710



CERTIFICATE OF COUNTY RECORDER

INSTRUMENT NO. 98070727

STATE OF IDAHO
COUNTY OF ADA

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF MARKS LAND SURVEYING, INC. ON JULY 23, 1998, AT 10:00 A.M. BY ME, CLERK OF COUNTY RECORDS.

EX-OFFICIO RECORDER

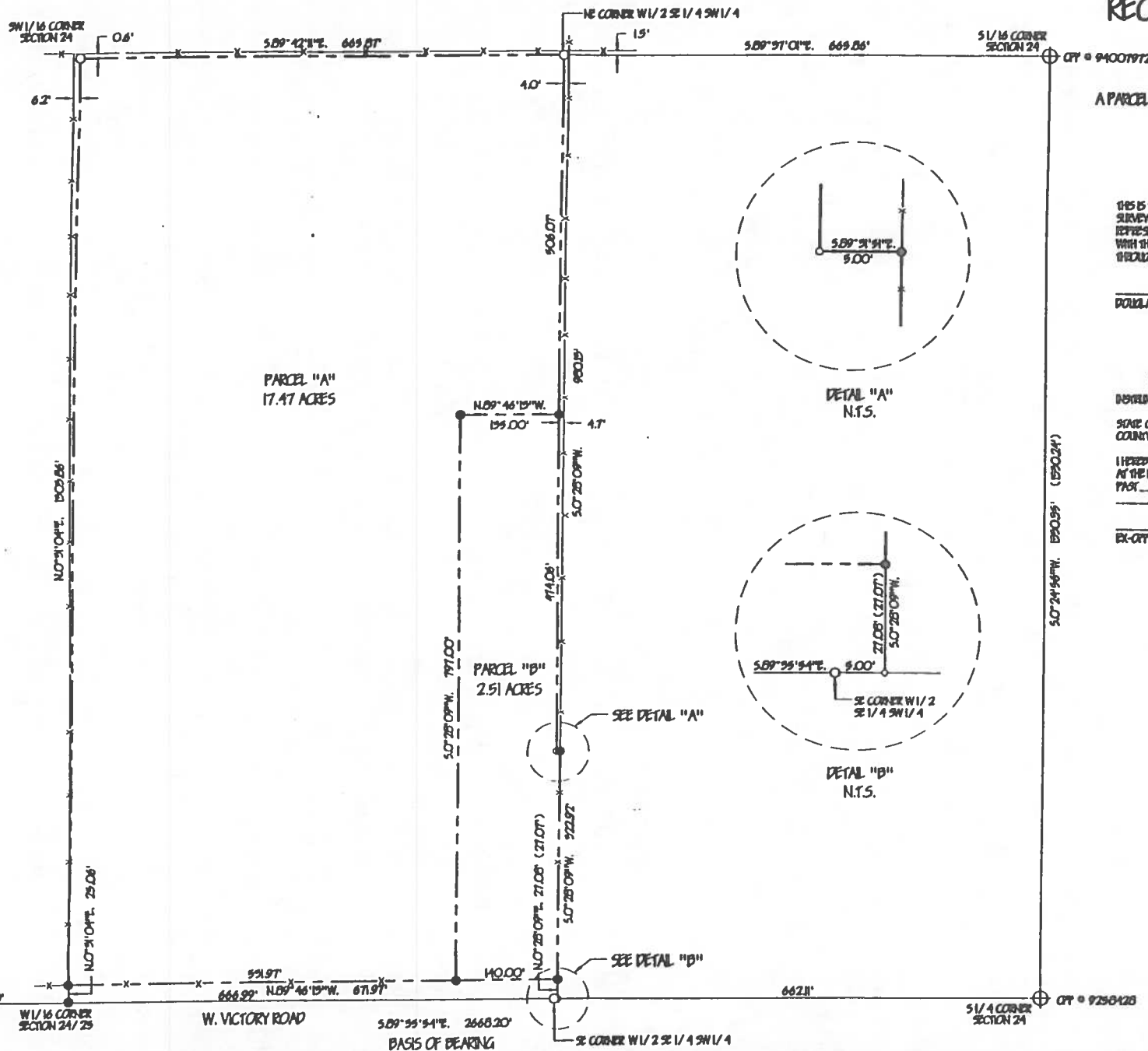


LEGEND

- PROPERTY BOUNDARY
- x-x- EXISTING FENCE LINE
- ⊕ FOUND ALUMINUM CAP MONUMENT
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- SET 5/8" IRON PIN
- CALC. POINT
- () DATA OF RECORD

INDEX No. 24-24-220-000

MARKS LAND SURVEYING
DOUGLAS G. PERZEY, P.L.S. 5710
6403 LEBLANC RD.
BOOE, IDAHO 83404
(208) 318-7703





Colleen Marks, L.S. 7045 • 6405 Urtlek Road • Boise, ID 83704 • (208) 378-7703

PROPERTY DESCRIPTION
PARCEL "A"

A parcel of land lying in the W1/2 SE1/4 SW1/4 of Section 24, T.3N., R.1E., B.M., Ada County, Idaho and being more particularly described as follows:

Commencing at a found Aluminum Cap marking the Section Corner common to Sections 23, 24, 25, and 26, T.3N., R.1E., B.M., Ada County, Idaho; thence S.89°35'54"E. 1334.10 feet along the south boundary of said Section 24 to a set 5/8" iron pin marking the W1/16 Corner common to said Sections 24 and 25; thence N.0°31'04"E. 25.06 feet to a set 5/8" iron pin marking a point on the northerly right of way of W. Victory Road, said pin also marking the REAL POINT OF BEGINNING;

thence continuing N.0°31'04"E. 1303.86 feet to a found 5/8" iron pin marking the SW1/16 Corner of said Section 24;

thence S.89°42'11"E. 665.87 feet to a found 5/8" iron pin marking the NE Corner of the said W1/2 SE1/4 SW1/4 of Section 24;

thence S.0°28'09"W. 506.07 feet along the easterly boundary of the said W1/2 SE1/4 SW1/4 of Section 24 to a set 5/8" iron pin;

thence N.89°46'13"W. 135.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 797.00 feet to a set 5/8" iron pin marking a point on the said northerly right of way of W. Victory Road;

thence N.89°46'13"W. 531.97 feet along the said northerly right of way of W. Victory Road to the point of beginning, containing 17.47 acres, more or less.

SUBJECT TO:

Any easements or rights of way of record or in use.





Colleen Marks, L.S. 7045 • 6405 Ustick Road • Boise, ID 83704 • (208) 378-7703

PROPERTY DESCRIPTION
PARCEL "B"

A parcel of land lying in the SE1/4 SW1/4 of Section 24, T.3N., R.1E., B.M., Ada County, Idaho and being more particularly described as follows:

Commencing at a found Aluminum Cap marking the Section Corner common to Sections 23, 24, 25, and 26, T.3N., R.1E., B.M., Ada County, Idaho; thence S.89°35'54"E. 2001.09 feet along the south boundary of said Section 24 to a found 5/8" iron pin marking the SE Corner of the W1/2 of the said SE1/4 SW1/4 of Section 24; thence continuing S.89°35'54"E. 5.00 feet to a point; thence N.0°28'09"E. 27.08 feet (formerly 27.07 feet) to a set 5/8" iron pin marking a point on the northerly right of way of W. Victory Road, said pin also marking the REAL POINT OF BEGINNING;

thence N.89°46'13"W. 140.00 feet along the said northerly right of way of W. Victory Road to a set 5/8" iron pin;

thence N.0°28'09"E. 797.00 feet to a set 5/8" iron pin;

thence S.89°46'13"E. 135.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 474.06 feet along the easterly boundary of the said W1/2 SE1/4 SW1/4 of Section 24 to a found 1/2" iron pin;

thence S.89°31'51"E. 5.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 322.92 feet to the point of beginning, containing 2.51 acres, more or less.

SUBJECT TO:

Any easements or rights of way of record or in use.



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: A63-17246
Date Received: 8/10/1989
Receipt No: W004309
Received By: SNL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JESSIE ACORDA 208-362-1778
Address: 8440 W. VICTORY
BOISE, ID 83709

2. Date of Priority: MAR 15, 1922

3. Source: FIVE MILE CREEK Trib. to: FIFTEEN MILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	01E	24		NE	SW		ADA

5. Description of diverting works:
DAM IN CREEK TO DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
STOCKWATER	03/15	11/15	0.020		

7. Total Quantity Appropriated is:
0.420 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/20 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	01E	24	SE	SW		STOCK	
			SE	SW		IRR	20.0
						Section Acres	20.0

A63-17246

Page 1

Date: 08/10/89

~~MICROFILMED~~
AUG 26 1992

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NEW YORK IRRIG.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jessie Records Date: 8-10-89

Date: _____

State of Idaho)
County of Ada) SS.

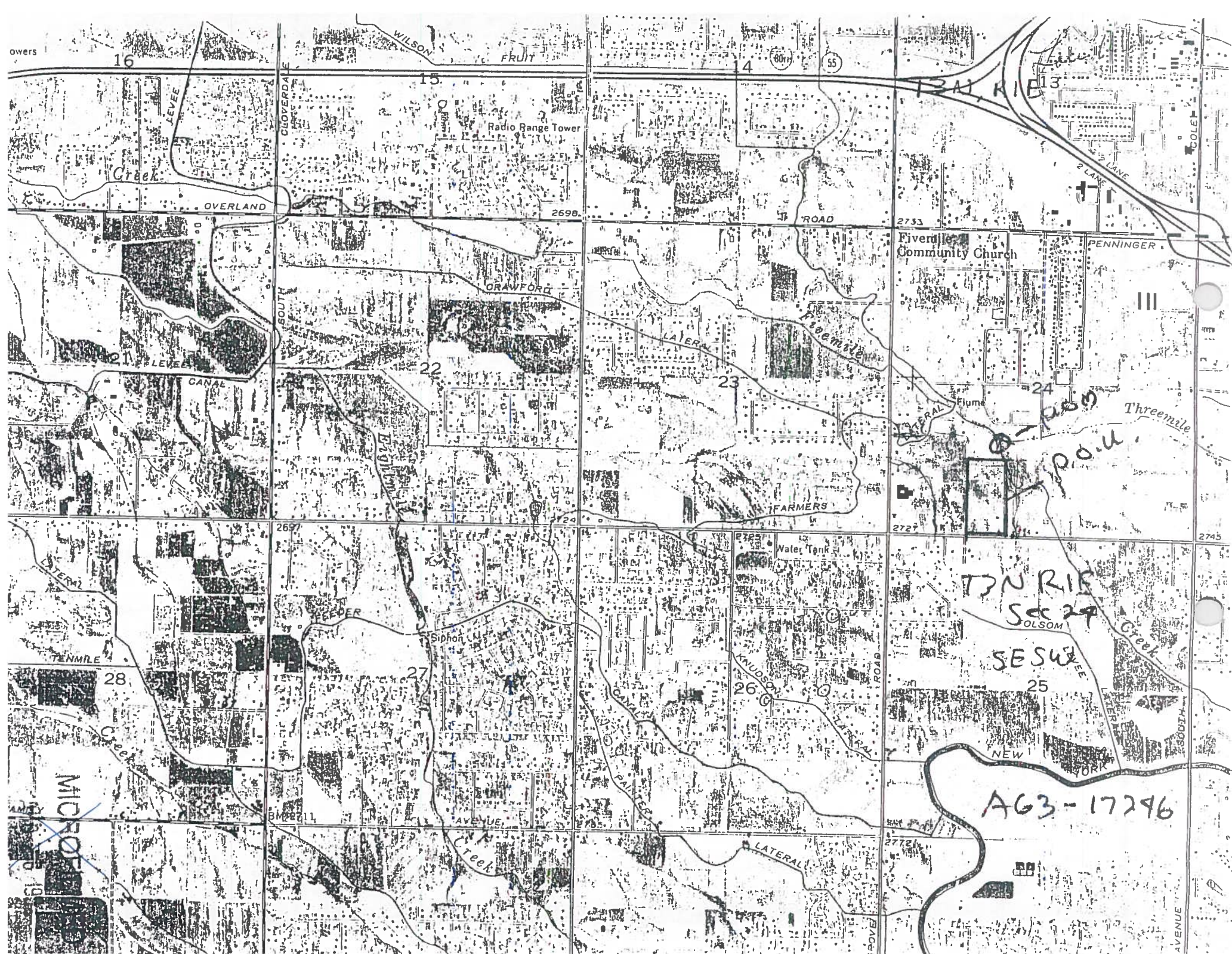
Subscribed and sworn (or affirmed) before me this 10 day

of Aug 19 89

Elden L. Roush
Notary Public

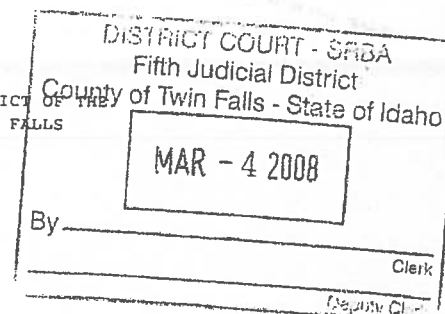
Seal

Residing at Elden L. Roush
Residing at Boise, Idaho
My Commission Expires September 8, 1994



Basis

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 63-17246A

NAME AND ADDRESS: BRIGHTON CORP
12601 W EXPLORER DR, STE 200
BOISE, ID 83713

SOURCE: FIVEMILE CREEK TRIBUTARY: FIFTEENMILE CREEK

The source of this water right is waste water. The wasting of
water may be discontinued at any time.

QUANTITY: 0.35 CFS

PRIORITY DATE: 03/15/1922

POINT OF DIVERSION: T03N R01E S24 SESW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.35 CFS

PLACE OF USE: Irrigation Within Ada County
T03N R01E S24 SESW 17.5
17.5 Acres Total

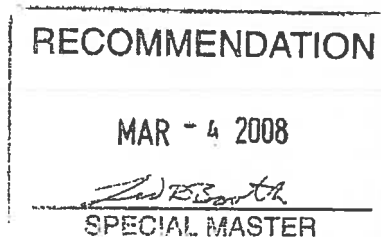
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

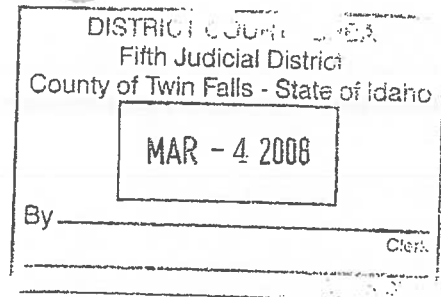
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

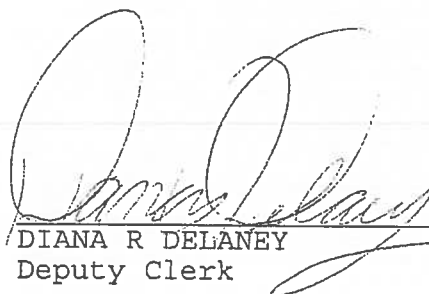
Water Right(s): 63-17246A

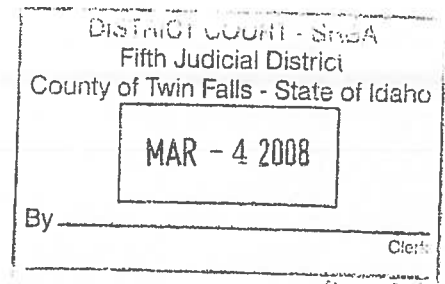
On March 04, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 04, 2008.


DIANA R DELANEY
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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-17246A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 04, 2008, with sufficient first-class postage prepaid to the following:

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

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NEW YORK IRRIGATION DISTRICT

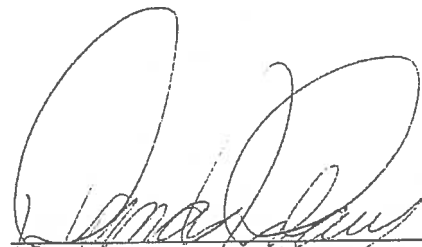
Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702
Phone: 208-246-8650

CERTIFICATE OF MAILING

PAGE 1
03/04/08

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

BRIGHTON CORP
12601 W EXPLORER DR, STE 200
BOISE, ID 83713
Phone: 208-378-4000



DIANA R DELANEY
Deputy Clerk

RECEIVED

MAR 05 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 4 2008	
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	) SPECIAL MASTER'S REPORT
	)
Case No. 39576	) FINDINGS OF FACT AND
	) CONCLUSIONS OF LAW
	)
_____	) FOR WATER RIGHT 63-17246A

I. FINDINGS OF FACT

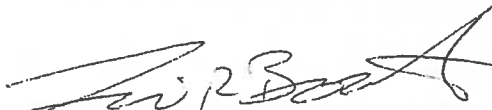
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 21, 2006, the New York Irrigation District filed an objection to the *Director's Report*, asserting that the source of the water right is waste water. On February 22, 2008, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-17246A be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 4, 2008


Theodore R. Booth
Special Master
Snake River Basin Adjudication

RECEIVED

FEB 25 2008

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

Case No. 39576

) Subcase No. 63-17246A
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

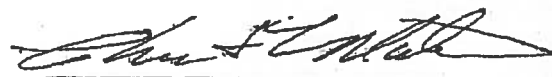
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):
Brighton Corp

OBJECTOR(s):
New York Irrigation District



authorized signature 10/11/07
Date

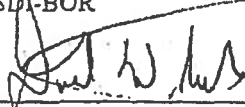


Chas F. McDevitt Date
Attorney 10-18-07

STANDARD FORM 5 - 63-17246A

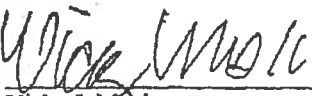


RESPONDENT(s):
USD-BOR

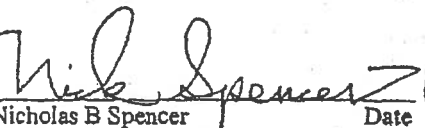

David W. Gehlert
Attorney

2/4/08
Date

IDWR Concurrence:


Vicky L Music
Senior Water Resource Agent

10/3/07
Date


Nicholas B Spencer
Deputy Attorney General

10-3-07
Date



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

RIGHT NUMBER: 63-17246A

NAME AND ADDRESS:

BRIGHTON CORP
C/O PAT HURLEY
12426 W EXPLORER DR STE 220
BOISE ID 83713

SOURCE:

Source:
FIVEMILE CREEK

Tributary:

FIFTEENMILE CREEK

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY:

0.350 CPS
0.000 APY

PRIORITY DATE:

03/15/1922

POINT OF DIVERSION:

T03N R01E S24 SE5W
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.350 CPS

PLACE OF USE:

IRRIGATION within ADA County
T03N R01E S24 SE5W 17.5

17.5 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 - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NEW YORK IRRIGATION DISTRICT.

VMM
NBS
PJO
A

OL

CERTIFICATE OF MAILING

I certify that on 2-21-4, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

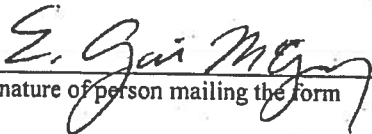
Charles F McDevitt
PO Box 2564
420 W Bannock St
Boise, ID 83701

Kendal A McDevitt
405 S 8th St, Suite 202
Boise, ID 83702

USDI-BOR
US Dept of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Brighton Corp
12601 W Explorer Dr, Ste 200
Boise, ID 83713

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

RECEIVED

FEB 11 2008

DEPARTMENT OF
WATER RESOURCES

THE IDAHO COURT HOUSE
TWIN FALLS CO. IDAHO
FILED

2008 FEB 8 PM 2 25

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 63-17246A
	)
Case No. 39576	) ORDER TO SHOW CAUSE
	)
_____	) ORDER VACATING TRIAL

On September 19, 2007, a *Trial Scheduling Order* was issued in the above-captioned subcase, which included a pre-trial conference to be held on February 5, 2008. The *Trial Scheduling Order* was sent to Brighton Corp (hereinafter "Claimant") via first class mail sent to its last known address. The Claimant failed to appear at the February 5, 2008, pretrial conference either in person or through counsel.

Due to the uncertainty of whether the Claimant intends to actively participate in defending its water right claim against the objection filed thereto by the New York Irrigation District, the trial in this matter previously scheduled to begin on February 21, 2008 at 1:30 PM is **vacated**.

It is **hereby ordered** that the Claimant shall appear before this Special Master on **February 20, 2008, at 1:30 P.M.** Mountain Time, at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause regarding its failure to participate at the pre-trial conference. In the absence of a showing of good cause, and pursuant to I.R.C.P. 41(c), it will be the recommendation of this Special Master that the Claimant's water right be decreed by the SRBA Court with the elements of the right as set forth in the *Director's Report*, together with the following remark: **"The source of this water right is waste water. The wasting of water may be discontinued at anytime."**

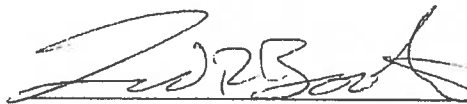
Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to the inclusion of the above-quoted remark.** If the Claimant participates in the hearing and make a showing of good cause for its failure to appear at the pre-trial conference, a trial date will be reset.

Pursuant to I.R.C.P. 6(c)(2), the parties to this subcase are hereby notified that they may elect to produce testimony and evidence at the hearing, or to cross-examine the adverse party and/or the adverse party's affiants, by giving notice to the court and the adverse party at least twenty-four (24) hours before the hearing, such notice shall designate the person(s) sought to be cross-examined. In the event that such notice is given by any party, telephonic participation at the hearing will not be available, and the parties must appear in person.

A copy of this *Order to Show Cause* shall be served upon the Claimant not less than five (5) days prior to the date herein shown, upon which those parties are required to appear before this Special Master and show cause. Service of the *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated Feb 8, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on February 08, 2008, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NEW YORK IRRIGATION DISTRICT

Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702
Phone: 208-246-8650

USDI BUREAU OF RECLAMATION

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

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

BRIGHTON CORP

12601 W EXPLORER DR, STE 200
BOISE, ID 83713
Phone: 208-378-4000

Chas. F. McDevitt (ISB No. 835)
Dean J. Miller (ISB #1968)
McDevitt & Miller LLP
420 West Bannock Street
P.O. Box 2564-83701
Boise, Idaho 83702
Tel: 208-343-7500
Fax: 208-336-6912

RECEIVED
NOV 01 2011
DEPARTMENT OF
WATER RESOURCES

Attorneys for New York Irrigation District

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

Sub Case No: 63-17246A

Case No. 39576

**SUPPLEMENTAL DISCLOSURE OF
EXPERT WITNESSES BY THE NEW
YORK IRRIGATION DISTRICT**

The New York Irrigation District, by and through its attorneys of record, hereby disclose the following individuals who may be called to testify as witnesses at the trial for this matter:

1. Mr. Terry Scanlan, whose C.V. is attached as an Expert Witness, will testify on behalf of New York Irrigation District:

Mr. Jason Thompson, E.I.T., and I, identified locations to measure water flow in Three Mile Creek, Five Mile Creek, Eight Mile Creek, Nine Mile Creek, Ten Mile Creek and one Unnamed Lateral, with a purpose of determining the flow of water in each of those "creeks or drains".

The first measurements by Mr. Jason Thompson took place on September 27 and 28, 2007, the results of those measurements are appended hereto as Exhibit No 1, which I will identify and testify to Exhibit No. 1 and its findings; the next measurement was on October 4, 2007, a copy of which is appended hereto and marked Exhibit No. 2, which I will identify and testify as to its findings; the third measurement was made on October 11, 2007, the results of which are contained in Exhibit No. 3, appended hereto and made a part hereof, I will identify and testify as to its findings; the final measurement was on October 25, 2007, a copy of which is appended hereto and marked Exhibit No. 4, which I will identify and testify as to its findings.

Based upon my experience of over 20 years as an engineer and geologist dealing with hydrology, I will express my opinion based upon my experience and the measurements taken by Jason Thompson under my direction. I will testify that in my opinion, neither Three Mile Creek, Five Mile Creek, Eight Mile Creek, Nine Mile Creek, Ten Mile Creek, nor the Unnamed Lateral, measured at a Cloverdale road site, have sufficient natural flow at the points of measurement during the irrigation season to reliably irrigate any property or real estate relying on any of the above identified creeks or drains for irrigation water. In this instance, natural flow is defined as groundwater that discharges to the stream channel or runoff of precipitation that reaches the stream channel.

The Boise Project Board of Control and the Irrigation Districts using the New York Canal all discontinued providing irrigation water to the land in which each of the above cited water ways exist as of approximately September 30, 2007. Following that date, there was no measurable flow of water in any of the creeks, waterways, or drains at the measurement points identified above. Therefore, the conclusion is that the water flowing at the measurement points

in those creeks, drains or waterways, during the irrigation season is primarily the result of waste water from irrigation water supplied by the irrigation companies to their clientele.

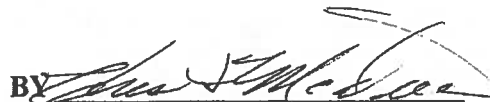
2. Mr. Jason Thompson, whose C.V. is attached as an Expert Witness, will testify as to measurements taken and fact that no measurable flow existed in Three Mile Creek, Five Mile Creek, Eight Mile Creek, Nine Mile Creek, Ten Mile Creek, nor the Unnamed Lateral following the approximate September 30, 2007, discontinuance of New York Irrigation District's delivery to its patrons.

3. Mr. Robert D. Schmidt, hydrologist for the United States Bureau of Reclamation, whose C.V. is attached as an Expert Witness, will testify regarding the source of the water in project drains, including the fact that the source of water for this right is wastewater.

4. Mr. Jerry Gregg, Area Manager Snake River Area Office, United States Bureau of Reclamation, upon being called as an Expert Witness, will testify regarding the development and operations of the Boise Project, including the drainage systems and the integrating of existing defiles.

Dated this 21st day of October, 2007

McDevitt & Miller LLP

BY 

Chas. F. McDevitt
Attorneys for New York Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of October, 2007, I caused to be served, via email and telecopy, a true and correct copy of the foregoing document, upon:

CLERK OF THE SRBA COURT
SRBA Courthouse
District Court
Fax: (208) 736-2121

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☒
☒
☒
☒
☒

Brighton Corp.
12601 W. Explorer Dr., Ste 200
Boise, ID 83713

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☒
☒
☒
☒
☒

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

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☒
☒
☒
☒
☒

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☒
☒
☒
☒
☒

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☒
☒
☒
☒
☒

RONALD J. TENPAS
Acting Assistant Attorney General
DAVID W. GEHLERT
Environment and Natural Resources Div.
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, Colorado 80294

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☒
☒
☒
☒
☒

McDEVITT & MILLER LLP

BY Katherine Hule, Legal Asst.

EXHIBIT NO. 1

Summary of the flow observations made on September 27 and 28:

Threemile and Fivemile Creeks. Threemile Creek was visted just above the confluence with Fivemile Creek (Site 10), but there was insufficient flow for a measurement. Fivemile Creek was measured within the United Water equipment storage yard (Site 3). The measured flow was 0.48 cfs. Accuracy was likely poor due to a very wide wetted area, most of which had negligible flow. A Fivemile Creek flow of 3.24 cfs was then measured approximately 3000 feet downstream at Maple Grove Road (Site 9). This significant increase in flow over a short distance suggests that another surface water source is discharging into the creek. We suspect that one source of the flow increase could be the Farmer's Lateral, which crosses Fivemile Creek in this reach. Jason will attempt to obtain access to Fivemile Creek through this area to identify the source of additional flow. We will continue to monitor flows at these locations on a weekly basis.

Eightmile Creek. Eightmile Creek was measured at the two locations (Sites 1 and 2) that were identified during our tour last Wednesday. Flows at both locations were between 6.0 and 6.5 cfs. We will continue to monitor flows at these locations on a weekly basis.

Ninemile Creek. Ninemile Creek was measured at a point on the north side of Amity Road (Site 4, 0.66 cfs) and in the area that we visited last week (Site 5, 0.50 cfs), downstream from the large pond. We will continue to monitor flows at these locations on a weekly basis.

Tenmile Creek. Tenmile Creek was measured at Columbia Road (Site 8, 1.26 cfs). A tributary of Tenmile Creek was also measured at Columbia Road (Site 7, 0.06 cfs), although no flow was observable in this tributary channel about 1000 feet further downstream. Tenmile Creek had no visible flow at Lake Hazel Road, suggesting that the flow is being diverted within this reach. We will continue to monitor flows at these locations on a weekly basis.

EXHIBIT NO. 2

Summary of the flow observations made on October 4:

Fivemile Creek @ United Water (Site 3) – Flow measured at 0.14 cfs

Fivemile Creek @ Maple Grove Road (Site 9) – There was water present, I attempted a flow measurement but no flow was detected

Threemile Creek US Fivemile (Site 10) – Water was ponded at road crossing, but no flow observed in or out of ponded water

I checked Fivemile Creek where it meets the Farmers Lateral. The Farmers Lateral is piped over Fivemile Creek, but there is also a flume connecting the lateral and Fivemile Creek. There was no gate at the head of the flume. It is very likely that at the time of the last measurement, flow was entering Fivemile from the lateral. The lateral was dry this time, and there was no flow observed in Fivemile Creek at Maple Grove.

Eightmile Creek @ McDonald Lateral (Site 1) – There was water present, but no visible flow. I did not attempt a measurement

Eightmile Creek @ Reutzel Dr (Site 2) – There was water present, but no visible flow. I did not attempt a measurement

Ninemile Creek @ Willandra Way (Site 4) – No water present

Ninemile Creek @ Zaldia Ln (Site 5) – There was water present, but no visible flow. I did not attempt a measurement

Tenmile Creek @ Lake Hazel Rd (Site 6) – There was water present, but no visible flow. I did not attempt a measurement

Tenmile Creek @ Columbia Rd (Site 8) – There was water present, but no visible flow. I did not attempt a measurement

Unnamed Lateral @ Cloverdale Rd (Site 7) – No water present

EXHIBIT NO. 3

Summary of the flow observations made on October 11:

Fivemile Creek @ United Water (Site 3) – Flow measured at 0.15 cfs (flow on October 4 was measured at 0.14 cfs)

Fivemile Creek @ Maple Grove Road (Site 9) – There was water present, but no visible flow (same as on October 4)

Threemile Creek US Fivemile (Site 10) – Water was ponded at road crossing, but no flow observed in or out of ponded water (same as on October 4)

Eightmile Creek @ McDonald Lateral (Site 1) – There was water present, but no visible flow (same as on October 4)

Eightmile Creek @ Reutzel Dr (Site 2) – There was water present, but no visible flow (same as on October 4)

Ninemile Creek @ Willandra Way (Site 4) – No water present (same as on October 4)

Ninemile Creek @ Zaldia Ln (Site 5) – There was water present, but no visible flow (same as on October 4)

Tenmile Creek @ Lake Hazel Rd (Site 6) – There was water present, but no visible flow (same as on October 4)

Tenmile Creek @ Columbia Rd (Site 8) – There was water present, but no visible flow (same as on October 4)

Unnamed Lateral @ Cloverdale Rd (Site 7) – No water present (same as on October 4)

EXHIBIT NO. 4

Summary of the flow observations made on October 25:

Notable changes from the observations made on October 11 include no visible flow on Fivemile Creek at United Water and no water present at Threemile Creek US of Fivemile Creek.

Fivemile Creek @ United Water (Site 3) – There was water present, but no visible flow

Fivemile Creek @ Maple Grove Road (Site 9) – There was water present, but no visible flow (same as on October 4 and 11)

Threemile Creek US Fivemile (Site 10) – No water present

Eightmile Creek @ McDonald Lateral (Site 1) – There was water present, but no visible flow (same as on October 4 and 11)

Eightmile Creek @ Reutzel Dr (Site 2) – There was water present, but no visible flow (same as on October 4 and 11)

Ninemile Creek @ Willandra Way (Site 4) – No water present (same as on October 4 and 11)

Ninemile Creek @ Zaldia Ln (Site 5) – There was water present, but no visible flow (same as on October 4 and 11)

Tenmile Creek @ Lake Hazel Rd (Site 6) – There was water present, but no visible flow (same as on October 4 and 11)

Tenmile Creek @ Columbia Rd (Site 8) – There was water present, but no visible flow (same as on October 4 and 11)

Unnamed Lateral @ Cloverdale Rd (Site 7) – No water present (same as on October 4 and 11)

Principal Engineer
And Hydrogeologist

Terry M. Scanlan, P.E., P.G.

Education

M.S., Geological Engineering
University of Idaho

B.S., Geological Engineering
University of Idaho

Professional Certification

Professional Engineer
Idaho No. 6266, 1990

Professional Geologist
Idaho No. 646, 1989

Oregon No. G1311, 1992

Certified Water Right Examiner
Idaho No. 05-129

Areas of Expertise

- Design, installation, and testing of high-capacity wells for irrigation, municipal, and industrial water supply
- Groundwater development studies
- Water rights

Experience Summary

Mr. Scanlan has more than 20 years of professional experience in water supply consulting as an engineer and hydrogeologist. He has particular expertise in water rights, well and pump design, public water systems, pressurized irrigation, and other water resource issues.

Mr. Scanlan's work experience has focused on well design and construction, surface water and ground water pump systems, aquifer and well testing, water development studies, and water rights. He also has experience in geothermal resource development, mining-related environmental studies, ground water drainage investigations, soils investigations, geologic mapping, and wastewater land application projects. He has served as Chairman of the Idaho Board of Registration for Professional Geologists. Mr. Scanlan is a Certified Water Right Examiner in Idaho.

SPF Water Engineering, LLC—2004 to present

Mr. Scanlan is currently a Principal Engineer with SPF Water Engineering, LLC. SPF Water Engineering, LLC, was formed from Scanlan Engineering in March 2004 to provide a wider range of water resource engineering services. Since joining SPF, Mr. Scanlan has continued his practice of water resource consulting and engineering, with additional emphasis on development of community water systems for subdivisions and planned communities in southwest Idaho.

Scanlan Engineering—1994 to 2004

Mr. Scanlan formed Scanlan Engineering in 1994 to provide engineering and hydrogeologic consulting to public and private clients. Scanlan Engineering provided water resource consulting services to more than 200 separate clients, primarily in southwest Idaho. Local clients included the City of Boise (Public Works Department, Parks Department), Micron Technology, J.R. Simplot Company, Capitol Water Corporation, United Water Idaho, Inc., Meridian School District, City of Eagle, Sorrento Lactalis, City of Nampa, Boise State University, Ada County Highway District, and the Idaho Water Resources Research Institute. Mr. Scanlan has served as a subconsultant on water supply projects for numerous engineering firms in Idaho, most recently including Montgomery Watson Harza, Toothman-Orton Engineering Company, Entranco, Secesh Engineering, Materials Testing, Inc., and Civil Survey Consultants.

Montgomery Watson—1986 to 1993

Prior to forming Scanlan Engineering in 1994, Mr. Scanlan worked as a supervising hydrogeologist for Montgomery Watson in Boise, Idaho. He

managed and conducted investigations related to ground water development and ground water contamination at locations throughout the western United States.

U.S. Geological Survey—1984 to 1986

Mr. Scanlan was employed by the U.S. Geological Survey as a field assistant in the geologic division prior to joining Montgomery Watson in 1986. Responsibilities included geologic mapping, landslide hazard evaluation, and mineral potential studies. Mr. Scanlan worked on the Challis and Hailey 2° Quadrangle CUSMAP programs.

Relevant Water Supply Project Experience

- Ground water development projects at more than 100 sites in Idaho for public and private water utilities, subdivisions, schools, and industries, including production well and pump design, aquifer pumping tests, exploration drilling programs, and ground water development studies.
- Design, construction monitoring, and testing of four 1,000- to 1,200-foot, high-capacity, industrial water supply wells and pump systems for Micron Technology in Boise, Idaho.
- Lead consultant to Micron Technology for the Boise River water supply and aquifer recharge project. Mr. Scanlan provided consulting services involving water rights, a nominal 25,000-gpm pump station, 3 miles of 24-inch and 30-inch pipeline, an ultra-filtration membrane water treatment system, and a nominal 4-MGD injection well for recharge purposes.
- Irrigation well and pump system design, surface water pump system design, construction monitoring, and well testing at municipal parks in Boise, Idaho. These projects included work on approximately 80 well and pump systems, including design and construction of more than 20 well or surface water pumping systems.
- Design, permitting, and construction inspection of well pump systems and well houses for Capitol Water Corporation in Boise, Idaho. Mr. Scanlan also provided consulting services related to ASR and water rights.
- Design, construction, and testing of salt water production wells for large-scale aquarium projects in Guam and Taiwan.
- Evaluation of ground water potential for snowmaking supplies at Sun Valley and Bogus Basin ski areas and design and testing of the water supply well for the snowmaking system at Sun Valley.
- Evaluation and testing of infiltration galleries and Ranney Collectors at Sequim, Washington (horizontal gallery, Dungeness River), Irrigon, Oregon (four Ranney Collectors, Columbia River), and Boise, Idaho (three Ranney Collectors, Boise River).
- Ground water development studies, well construction, and aquifer testing for fish hatchery projects in the Columbia, Umatilla,

Walla Walla, Imnaha, and Grand Ronde river basins of Oregon for the Bonneville Power Administration. These projects included test well drilling and aquifer tests at ten locations, with well construction in alluvial and basalt aquifers.

- Production well design and testing at the Upper Pahsimeroi Fish Hatchery for Idaho Power Company.
- Design of the domestic supply, mine-pit dewatering, and industrial supply wells for the Beartrack mining project at Leesburg, Idaho.
- Resident geologist during drilling and completion of a 3,015-foot water supply well at Wright, Wyoming.
- Water master plan for the 3600-acre City of Boise Twentymile South Farm. The master plan included reconfiguration of water rights, development of additional irrigated lands, design of two large-capacity irrigation wells, and design of a 500-hp variable deep well turbine pump system.

Relevant Water Rights Experience

- Preparation of hundreds of water right applications (transfers, amendments, permits, claims) for public and private clients in Idaho. Since 2004, Mr. Scanlan and SPF staff have been involved in more than 150 projects involving water rights for more than 100 different clients.
- Evaluation of surface water and ground water interactions, well interference, irrigation development, and consumptive water use related to water right transfers in the Boise Valley, Wood River Valley, Mud Lake, Magic Valley, Big Lost River, and Little Lost River areas of Idaho.
- Evaluation and measurement of flow from springs involved in water right disputes along the Snake River near Twin Falls, Idaho.
- Investigations related to Snake River Basin Adjudication claims, including calculation of irrigation requirements and seepage losses, measurement of irrigation diversion rates, and determination of historically irrigated areas.
- Expert witness testimony regarding water use, well interference, and the interaction of surface water and ground water for numerous clients in southern and central Idaho.
- Evaluation of irrigation diversions, natural flow, return flow, and storage accounting on the Payette River system for the Payette Water Users Association.
- Evaluation of Federal and Tribal in-stream flow and spring claims in the Snake and Salmon River Basins.
- Preparation of mitigation plans to allow ground water diversions for irrigation and industrial use in moratorium areas or ground water management areas in the Boise and Snake River Basins.

Relevant Geothermal Resource Development Experience

- Construction monitoring for drilling and hydraulic fracturing of a 2,300-foot geothermal injection well for the Veterans Administration Medical Center in Boise, Idaho.
- Project manager for detailed study of the Boise Front Geothermal Aquifer for the city of Boise and Boise Warm Springs Water District. The study included computer modeling of hydraulic and thermal impacts of increased geothermal fluid production and spent fluid injection. Mr. Scanlan served as project manager for design, construction, and testing of a 3,200-foot geothermal injection well for the city.
- Aquifer testing and high-capacity variable-speed pump system design for deep geothermal space-heating wells at the College of Southern Idaho.
- Geothermal aquifer investigations, well testing, production well and pump design, and water level monitoring for J.R. Simplot Company at aquaculture facilities in Caldwell and Grand View, Idaho.

Professional Affiliations

Idaho Association of Professional Geologists

National Ground Water Association

Idaho Ground Water Association

Experience Summary

Education

M.S., Civil and Environmental
Engineering

Utah State University

B.S., Biology

Boise State University

Professional Certification

Engineer-in-Training

Utah, 2002

Training

AutoCAD Level 1 Training

PacifiCAD, Inc., 2004

OSHA 40-Hour

2004

OSHA 8-Hour Refresher

2005

Relevant Experience

- Water rights investigation and interpretation
- Water rights amendments and transfers
- Application of geographic information systems (GIS)
- Water supply assessments
- Well site evaluations
- Well completion reports
- Monitoring of water quality, ground water levels, and streamflows
- Oversight of pump and well testing

Mr. Thompson is a Water Resources/Environmental Engineer with over 6 years of educational and professional experience relating to water resource engineering. Currently, Mr. Thompson is employed as an associate engineer (EIT) for SPF Water Engineering, LLC. His duties include investigating water rights, assisting in water supply assessments, preparing reports related to well engineering and construction, and various field work. Mr. Thompson is also a trained geographic information system (GIS) and CAD technician. Prior to working at SPF Water Engineering, Mr. Thompson worked as a consulting engineer specializing in NEPA studies related to water resources, water rights evaluations, surface hydrologic modeling, storm water detention pond design, mine tailings repository design, and natural channel design. He also has two years of experience performing field studies related to aquatic and riparian habitat assessment, botanical surveys, stream classification, hydrology, and surveying. His educational background is in environmental engineering with an emphasis in water/wastewater treatment, surface water quality, and natural systems engineering. He has also taken classes in groundwater, hydrology, hydrologic/hydraulic modeling, and watershed restoration. His undergraduate education focused on biology, with an emphasis in botany and microbiology.

SPF Water Engineering, LLC—Oct 2005 to present

Mr. Thompson is currently an associate engineer (EIT) for SPF Water Engineering, LLC. His duties include investigating existing water rights, facilitating water rights transfers, assisting in water supply assessments for proposed water systems, and preparing well site evaluations and well completion reports. Mr. Thompson also performs field work, including ground water quality sampling, ground water level monitoring, surface flow measurements, and the oversight of pump and well testing. Mr. Thompson also applies GIS technology to produce maps for various projects.

Science Applications International Corporation – Feb 2004 to Oct 2005

At SAIC, Mr. Thompson wrote the water resources section in a NEPA study for a large highway project in Washington. He also performed several water rights evaluations for the state of Washington, identifying source waters for proposed ground water withdrawals. Mr. Thompson also conducted surface hydrologic modeling for several projects, including the design of two storm water detention ponds. As part of two large mine tailings removal projects, Mr. Thompson assisted in the design of on-site mine tailings repositories and a natural channel restoration design. As part of a water quality and storm water assessment at an abandoned industrial site, Mr. Thompson was responsible for assimilating and analyzing collected chemical sampling data. The data was incorporated into an

Access database for data retrieval and analysis, and a GIS framework was developed to visually display sampling locations and selected attributes.

Utah State University, Graduate Researcher – Jan 2002 to June 2002

As a graduate student working on his Master's thesis, Mr. Thompson developed an aquatic and riparian habitat assessment methodology for identifying degraded sections of the Santa Clara River in southwest Utah. The field work component of this project required identification and evaluation of mesohabitat types, the riparian community, instream cover components, channel bed substrate, and bank stability. Data analysis involved the development of a streamflow impairment procedure relating measured existing flow conditions with a theoretical flow representative of natural flow conditions as well as a methodology for assessing the potential deleterious effects of water temperature on the native fish community. This habitat assessment also required spatial analyses of different land use classifications within the Santa Clara River floodplain using GIS as well as aerial photograph interpretation.

Utah State University, Field Crew Member – July 2000 to Nov 2000

Mr. Thompson worked as a field crew member performing hydrologic, bathymetric, and water quality studies on the Nooksack River in northwest Washington. This field work involved establishing and downloading thermographs for water temperature monitoring, measuring discharge, operating a motorized inflatable boat and associated sonar equipment, taking water quality measurements using field kits, collecting invertebrate samples using different accepted techniques, and performing surveys using both a Total Station and survey-grade GPS equipment. Experience was also obtained on salmonid identification and habitat evaluation.

USDA Agricultural Research Service – May 1998 to Aug 1998

Mr. Thompson conducted a comprehensive literature review regarding riparian and stream restoration techniques for incorporation into a BLM Riparian Knowledgebase to assist land managers in performing applicable restoration efforts. He obtained a comprehensive knowledge of existing restoration techniques, including determination of appropriate methods taking into account site-specific characteristics and effective monitoring procedures.

USDA Bureau of Land Management – May to Aug 1996, 1997

As a student intern for the Bureau of Land Management, Mr. Thompson conducted rare plant surveys in the Owyhee Desert of southwest Idaho. This work required plant identification, four-wheel drive vehicle operation, and a familiarity with the use of topographic maps. This internship also involved the classification of natural stream types using the Rosgen Classification utilizing the appropriate field techniques. This internship also provided Mr. Thompson with the opportunity to evaluate the functioning condition of riparian areas, taking into account vegetation structure, bank stability, and disturbance.

Curriculum Vita

Robert D. Schmidt

Education

B.S. Mathematics 1970, University of Minnesota

M.S. Geoengineering/Hydrology 1985, University of Minnesota

Work History

2007 Consulting Groundwater Hydrologist, Boise Idaho.

Develop a groundwater hydrologic model to estimate seepage rates from the proposed Black Rock reservoir near Hanford Washington, and potential impacts on the nearby nuclear reservation. Participate in a collaborative study with University of Idaho economists to develop coupled hydrologic and economic models for the Boise Valley. Use the models to quantify the value of hydrologic/economic externalities associated with canal seepage, drain returns and groundwater pumping in the Boise Project.

2000-2006 Hydrologist, Bureau of Reclamation, PN Regional Office.

Conduct a broad range of groundwater hydrologic investigations in Idaho and Oregon, mostly involving development and application of groundwater models. Develop a GIS water budget data base for the Lower Boise Valley. Project the impact of future Domestic, Commercial, Municipal and Industrial water use in the basin on groundwater resources. Develop analytic element groundwater models of the Boise Project, for use in evaluating hydrologic impacts of new groundwater withdrawals on Reclamation canals and reservoirs. Provide expert testimony with regard to hydrologic impacts of new groundwater withdrawals on Boise Project canals and drains.

Participate in informational exchanges with other state, federal, tribal, and university hydrologists regarding groundwater model development and application in Idaho and Oregon. Develop models of groundwater and stream interactions in the Bandon Cranberry Water Control District, for the Oregon Water Resource Dept. Develop flow and contaminant transport models for gasoline spill remediation in Payette Idaho and Garden Valley Idaho, for USEPA. Coordinate development and application of groundwater and river system models of the Umatilla basin in Eastern Oregon, to determine flow mitigation requirements for irrigation districts. Direct Reclamation activities related to monitor well construction and hydrologic data acquisition in the Eastern Snake Plain. Member of technical advisory committee for the University of Idaho, Eastern Snake Plain groundwater model enhancement project.

1998-2000 Hydrologist/Team Leader Managed Aquifer Recharge Program, Bureau of Reclamation and Idaho Dept of Water Resources.

Direct hydrologic investigations of managed aquifer recharge in the Eastern Snake Plain, in conjunction with the Idaho Department of Water Resources and the University of Idaho. Use hydrologic models to identify potential managed recharge sites and determine impacts on groundwater level and spring discharge.

Evaluate impacts of managed aquifer recharge on Salmon flow augmentation, hydropower rights, rental pool water availability, winter water savings, instream habitat for fish and wildlife. Work with IDEQ and IDWR to establish groundwater monitoring requirements for pilot recharge projects.

1997-1998 Consulting Groundwater Hydrologist.

Develop groundwater hydrologic models for mine closure planning. (sub contractor to DB Stephens and Assoc.)

1995-1997 Hydrologist, Bureau of Reclamation, Denver Technical Support Center.

Perform hydrologic investigations in support of experimental in-situ copper leaching test at the Mineral Park mine in northern Arizona. Conduct pumping tests and develop analytical and numerical groundwater models.

1992-1995 Supervisor, Hydrologic Applications Group, Twin Cities Minnesota Research Center, Bureau of Mines.

Directed multi-disciplinary group of scientists, engineers, and technicians in hydrologic studies related to mining and water resources.

1975- 1992 Hydrologist, Twin Cities Minnesota Research Center, Bureau of Mines.

Develop analytical and numerical models of groundwater flow and contaminant transport in connection with coal and hard rock mining activities. Develop new coal mine dewatering methods. Conduct aquifer tests and develop hydrologic data acquisition systems for aquifer testing. Prepare and publish investigative reports.

Selected Reports and Publications (1990- present)

Schmidt RD, J. Johnson, K. Didricksen, Modeling Groundwater Hydrologic Impacts of the Potential Black Rock Reservoir, USBR Technical Series TS-YSS-19, September 2007, 88 pp.

Schmidt RD, D. Dyke, Z. Cook, A Distributed Parameter Water Budget Data Base for Lower Boise Valley, A collaborative USBR/IDWR report , January 2007, 110pp.

Schmidt RD, Hydrologic Analysis of the Payette Gasoline Spill (USBR report for USEPA) August 2002, 32 pp.

Schmidt RD, Modeling Groundwater and Stream Interactions I the Bandon Cranberry Water Control District Bandon, Oregon, (USBR report for OWRD) July 2002, 74 pp.

Schmidt RD, and K Tarbet, Sand Hollow Groundwater Hydrologic Modeling Investigations, USBR report, March, 2002, 29 pp.

Idaho Dept of Water Resources Investigative Report, Feasibility of Large-Scale Managed Recharge of the Eastern Snake Plain Aquifer System, (coauthored with Paul Castelin, Jeffery Lefkoff, and Rex Harding), December, 1999, 233 pp.

Schmidt RD and D. Earley, New Facilities Investigations: Hydrologic Impact of In Situ Leaching at Cyprus Mineral Park Mine, Aquifer Protection Permit Application submitted to Arizona Dept. of Environmental Quality, July 1 1995.

Schmidt RD, Salovich M.J, Sodhi P, and J. Oswald, Reference Guide and User Manual for MFLOW, an Analytic Element Hydrology Model , USBM Open File Report ,1995.

Schmidt RD, Dahl L., Kim K., Paillet, F. and D. Earley, Hydrologic Characterization of a Chalcocite Copper Ore Deposit for In Situ Leach Mining, SME/AIME Annual Meeting, Denver, Co. preprint 95-252, March 6-9, 1995, 21 pp. (accepted by International Journal of Surface Mining, Reclamation, and Environment for publication in 1996)

Earley D., Schmidt RD, Y.C. Kim , Mitigation of Acid Rock Drainage through Application of In Situ Mining Technology to Fracture Hosted, Supergene Copper Sulfide Ore Deposits, Engineering Foundations Conf. on Technical Solutions for Pollution Prevention in the Mining and Mineral Processing Industries, Palm Coast Fl, Jan. 22-27, 1995.

Schmidt, RD, Earley D., and M. Friedel, Dynamic Influences on Hydraulic Conductivity during In Situ Copper Leaching, in In situ Recovery of Minerals II Proceedings of Engineering Foundations Conf. on in situ recovery of minerals, ed. S Swan and K. C  yne p 259-287, 1994.

Friedel M. , Schmidt RD, Jones P., and Y.C Kim, Geostatistical Analysis of Dynamic Transmissivity Conditions during In situ Copper Leaching, Proceedings: APCOM 92, 23rd International Symposium Computer Applications in the Mineral Industries, Tucson Az., April 7-11, 1992, pp 49-59.

Schmidt RD, Factors Affecting Residential Water Well Yield in Vicinity of Underground Coal Mines, Proceedings; 3rd Workshop on Surface Subsidence Due to Underground Mining, Morgantown W. Va., June 1-4, 1992, p 244-252.

Schmidt, RD and M. Friedel, Application of Computers in the Analysis of In Situ Leach Mining Hydrology, Proceedings: Indo-American Seminar on Computers in the Mineral Industry - Current State of the Art and Emerging Needs, Dhanbad, India, Nov 10-13, 1991, 21 pp..

Friedel M. and RD Schmidt, Effect of an Unsaturated Setting on the Hydrology of In Situ Copper Leaching Proceedings of SME annual meeting Denver Colo. 91-192 Feb. 25-28, 1991, 12 pp

Kim Y.C., Zhao, Y., Schmidt, RD and K. Behnke, Determination of dynamic permeability changes during In situ Leaching at Cyprus Casa Grande Operation ,Proceedings of SME annual meeting Denver Colo. Feb. 25-28, 91-144,1991,m 16 pp.

Schmidt RD, Behnke, K., and M.. Friedel, Hydrologic Considerations of Underground In Situ Copper Leaching, Proceedings of SME annual meeting, Feb 26-Mar 1, 1990, 12 pp.

Level, E., Murphy, B., Schmidt, RD and M. Salovich, A Hydrologic Data Acquisition System for In Situ Leaching, Proceedings of GEOTECH 90 Oct. 7-9, Dallas, Tx. 1990, 21 pp.

DISTRICT COURT - TBA
TWIN FALLS CO., IDAHO
FILED _____

2007 SEP 10 PM 4 43

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	)	Subcases 63-17246A and 63-17246B
	)	
Case No. 39576	)	TRIAL SCHEDULING ORDER
	)	
_____	)	ORDER OF JOINT TRIAL

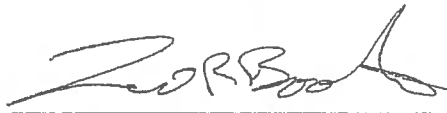
A Scheduling Conference was held on September 11, 2007. Pursuant to I.R.C.P. 42(a), and because there is a common question of fact regarding the origin of water in Five Mile Creek -- which is the source of water for both of the above-captioned water rights -- it is **ordered** that the trials in subcases 63-17246A and 63-17246B shall be held jointly. The following dates shall govern the conduct of these subcases through trial:

October 31, 2007	5:00 PM	Disclosure of Witnesses. Disclosure of all witnesses, except impeachment witnesses, shall be completed by this deadline. All non-disclosed witnesses, except impeachment witnesses, shall be excluded from testifying in the trial unless permitted by the Special Master in the interests of justice. I.R.C.P. 16(e)(6)(J).
December 14, 2007	5:00 PM	Discovery Served and Responses Completed. Deadline for completion of all discovery, meaning that all discovery is served and response is complete, including the taking of depositions of lay and expert witnesses, all interrogatories, request for production / inspections and admissions. Motions to compel should be filed accordingly so as to accommodate this deadline.
January 8, 2008	5:00 PM	Hearing on Motion for Summary Judgment. Motions for summary judgment shall be filed, notice for hearing, and actually heard by this deadline. The filing and service of the motion, affidavits, and briefing shall be conducted in compliance with I.R.C.P. 56(c).

February 5, 2008 9:00 AM **Final Pre-Trial Conference.** Pursuant to I.R.C.P. 16, a final pre-trial conference will be held at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

February 21, 2008 1:30 PM **Trial.** The trial be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower-level conference room.

Dated September 19, 2007

A handwritten signature in black ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the TRIAL SCHEDULING ORDER was mailed on September 19, 2007, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NEW YORK IRRIGATION DISTRICT

Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702
Phone: 208-246-8650

USDI BUREAU OF RECLAMATION

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

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

BRIGHTON CORP

12601 W EXPLORER DR, STE 200
BOISE, ID 83713
Phone: 208-378-4000

MARILYN A & STEPHEN J GRACE

MARILYN A GRACE
STEPHEN J GRACE
8440 W VICTORY RD
BOISE, ID 83709
Phone: 208-362-6726



2006 AUG 16 AM 9:07

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

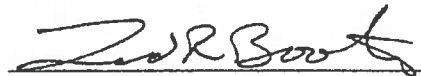
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	) Subcase 63-17246A
	)
Case No. 39576	) ORDER GRANTING MOTION TO
	) AMEND STANDARD FORM 1
	) OBJECTION

On May 15, 2006, the New York Irrigation District, by and through their attorneys of record McDevitt & Miller, LLP, filed a *Motion to Amend Standard Form 1 Objection*, together with a proposed *Amended Standard Form 1 Objection*. Pursuant to Idaho Rule of Civil Procedure 15(a), and good cause appearing, the *Motion* is hereby **granted**.

The Clerk of the Court is instructed to file the *Amended Objection*, which shall replace the objection previously filed on April 21, 2006.

Dated August 14, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

SCANNED
OCT 05 2006

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND STANDARD FORM 1 OBJECTION was mailed on August 16, 2006, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

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

BRIGHTON CORP

C/O PAT HURLEY
12426 W EXPLORER DR STE 220
BOISE, ID 83713
Phone: 208-378-4000

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

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

In Re SRBA

Case No. 39576

A. Subcase **63-17246A**

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:
David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: New York Irrigation District
C/O Chas F. McDevitt
McDevitt & Miller LLP
Address: 420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. **Recommendation**
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION (Must be Completed)**

State of Idaho)
) ss.
County of Ada)

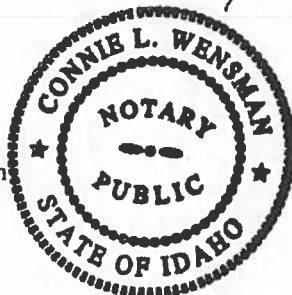
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



SF. 2 - Response to Objection
Amended 10/16/97

Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Brighton Corp.
Address: c/o Pat Hurley
12426 W. Explorer Dr., Ste 220
Boise, ID 83713

3. One copy to the party who filed the objection at the following address:

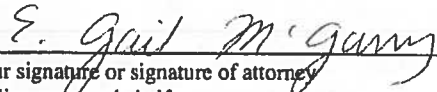
Name: Name: New York Irrigation District
C/O Chas F. McDevitt, McDevitt & Miller LLP
Address: P.O. Box 2564-83701, Boise, ID 83702

4. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 4449
Boise, ID 83711-4449

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


Your signature or signature of attorney
mailing on your behalf

06/18/2002

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

RIGHT NUMBER: 63-17246A

NAME AND ADDRESS: JESSIE ACORDA
8440 W VICTORY
BOISE ID 83709

SOURCE: FIVEMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 0.35 CFS

PRIORITY DATE: 03/15/1922

POINT OF DIVERSION:

T03N R01E S24 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.350 CFS

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S24 SESW 17.5

17.5 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:

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NEW YORK
IRRIGATION DISTRICT.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

In Re SRBA) A. Subcase 63-17246A
(Insert water right number)
Case No. 39576)
STANDARD FORM 1
OBJECTION

Name: New York Irrigation District
Address: 6616 Overland Road
Boise, ID 83709
Daytime Phone: 208-378-1023

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Brighton Corp.
c/o Pat Hurley
Address: 12426 W. Explorer Dr., Ste 220
Boise, ID 83713

Name: Jessie Acorda
Address: 8440 W. Victory Rd.
Boise, ID 83709

1. ☐ **Name and Address**
Should be: _____

2. ☒ **Source**
Should be: The waste waters claimed belong to the Boise-Kuna Irrigation District.

3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☒ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with
the elements described above.

REASONS SUPPORTING OBJECTIONS(S):

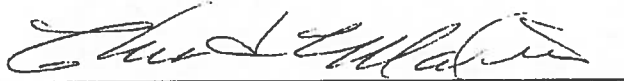
There has been no lawful appropriation of this right. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

VERIFICATION

State of Idaho)
)ss.
County of Ada)

Chas F. McDevitt, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: 4-21-06 Tracy A. Higgs



Notary Public for State of ID
Residing at: Boise ID
My Commission Expires: 6/2007

CERTIFICATE OF MAILING

I certify that on April 21st, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Brighton Corp.
c/o Pat Hurley
Address: 12426 W. Explorer Dr., Ste 220
Boise, ID 83713

Original Owner:

Name: Jessie Acorda
Address: 8440 W. Victory Rd.
Boise, ID 83709

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Heather Herder, Legal Assistant
McDEVITT & MILLER LLP

Music, Vicky

From: Music, Vicky
Sent: Wednesday, October 03, 2007 11:34 AM
To: Harvey, Becky
Subject: RE: 63-17246A Brighton Corp

here you are.



63-17246A-sf5.pdf

-----Original Message-----

From: Harvey, Becky
Sent: Wednesday, October 03, 2007 11:06 AM
To: Music, Vicky
Cc: Spencer, Nick
Subject: 63-17246A Brighton Corp

Vicky ~

Steve Hannula from ERO just called me. He is helping Brighton Corp with their waste water right. Steve heard about the remark which is being placed into recommendations by others with the same issue. Brighton Corp would like to settle instead of going to trial. Could you prepare the SF 5 rec with the waste water remark inserted please? I will email you the cover pages and then mail the SF 5 for all to review after you have signed it. The trial is set for 2/28/08.

Thanks!

Becky

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.

Tracking:	Recipient	Delivery	Read
	Harvey, Becky	Delivered: 10/3/2007 11:34 AM	Read: 10/3/2007 11:34 AM

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

RIGHT NUMBER: 63-17246A

NAME AND ADDRESS:

BRIGHTON CORP
C/O PAT HURLEY
12426 W EXPLORER DR STE 220
BOISE ID 83713

SOURCE:

Source:

FIVEMILE CREEK

Tributary:

FIFTEENMILE CREEK

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY:

0.350 CFS

0.000 AFY

PRIORITY DATE:

03/15/1922

POINT OF DIVERSION:

T03N R01E S24 SESW
Within ADA County

**PURPOSE AND
PERIOD OF USE:**

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.350 CFS

PLACE OF USE:

IRRIGATION within ADA County
T03N R01E S24 SESW 17.5

17.5 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 - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NEW YORK IRRIGATION DISTRICT.

RESPONDENT(s):
USDI-BOR

David W. Gehlert
Attorney

Date

IDWR Concurrence:

Vicky Music 10/3/07

Vicky L Music
Senior Water Resource Agent

Date

Nicholas B Spencer
Deputy Attorney General

Date



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 6, 2002

BRIGHTON CORPORATION
% PAT HURLEY
12426 W EXPLORER DR, SUITE 220
BOISE ID 83713

Re: Notice of Claim to a Water Right No. 63-17243 & 63-17246A

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jesse Acorda
8440 W Victory
Boise ID 83709

Re: Original Notice of Claim to a Water Right No. A63-17246

Renumbered to Notice of Claim to a Water Right No. A63-17246A

Dear Claimant:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☒ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-17246A panel # 5112434604

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Requested E.O.P.

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: located in the SESU
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			SE SW	24	3N	1E			✓

Description of diverting works

Water comes through ditch from marshy area
across property channel on 63-17243 & miles W/New York
IRR water

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

63-21610 - B.O.R. 10.00 cfs
63-17243 - Louis Aldecoa .38 cfs - SWSW of 24 p.o.v.

WATER USES☒ No change☐ Different Uses

Use IRR From 3/1 To 11-15 Amount .35 CFS AFA
Use _____ From _____ To _____ Amount _____ CFS AFA
Use _____ From _____ To _____ Amount _____ CFS AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-17246B

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: Brighton Corp has put in a pressurized irrigation system to take water from this right + New York NRR water to cover property

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Attempted flow measurement + manning however because ditch has "back flow" neither was possible. Ditch is sufficient to serve these rights.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 6-12-02

FIELD EXAMINER: [Signature]

Idaho Dept of Water Resources

Calim No. 63-17246A

T03N, R01E, S 24

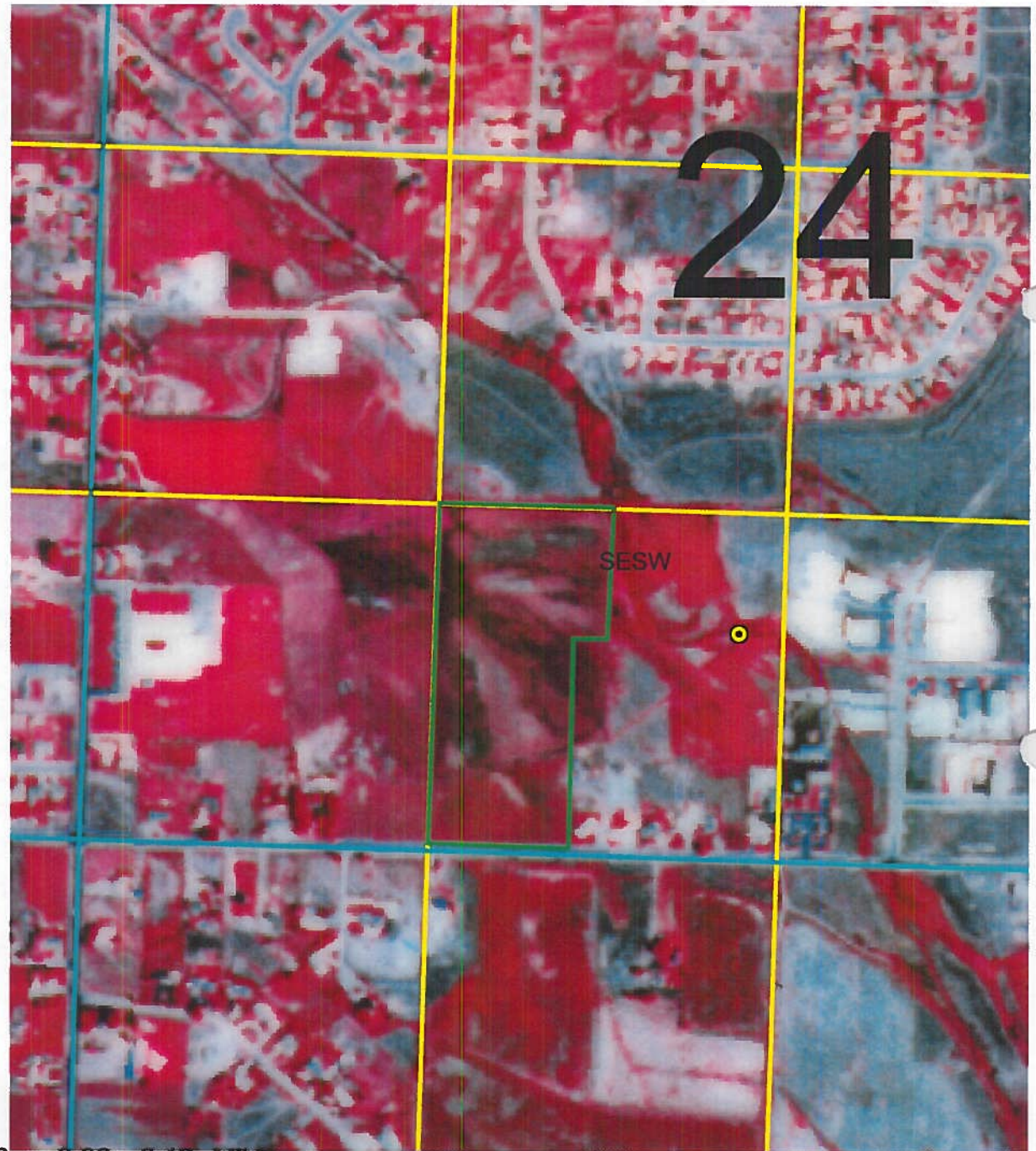
Prepared by: Sue Bock

Date: 06/18/2002

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



0 0.06 0.12 Miles



1987 NAPP



POD from 5 mile creek. This is a marshy area that feeds into a ditch. Photo taken facing east.

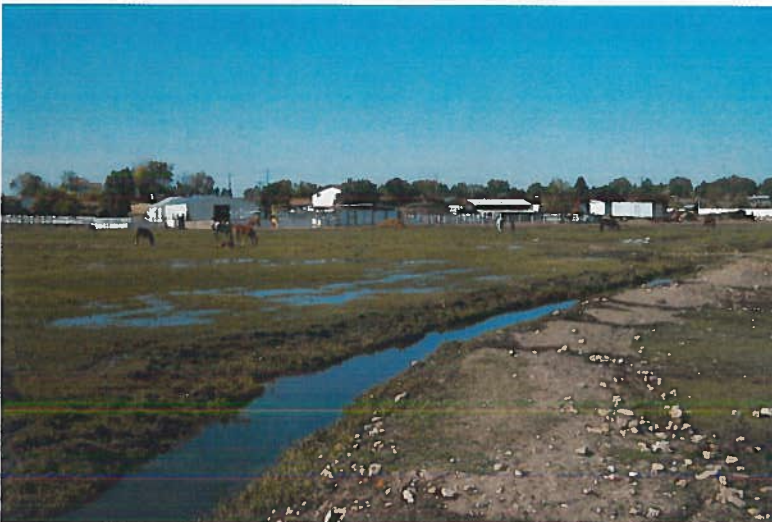


Photo of ditch flowing west toward claimant property.



Pressurized irrigation system that receives 5 mile creek water and N. Y. irr water.



POU facing North.



POU facing N.W.

AFFIDAVIT

RECEIVED

AUG 27 2002

WATER RES. DIV.
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Jessie Acorda & Stephen & Mairlyn Grace)
Idaho Department Of Water Resources)
A63-17246A & A63-17246B)
State of Idaho)

County of ADA)

We, Stephen & Marilyn Grace being first duly sworn,

deposes and says: That from the Priority Date of March 15, 1922 Thru June 01, 1963 Thru July 31, 1998 Thru Todays Date of August 28, 2002. That this property and water rights have been used for growing crops, and for the razing of farm animals such as sheep, cows, and horses from the date of March 15, 1922 Thru to Todays Date of August 28, 2002.

This Adjudication Claim No(S): (#AJ0749NP) have been used consistently , thru these years for the irrigation of crops and for the stockwater of many types of animals, and lawn & garden.

Please accept this information, not only from the current owners but also from the (2) brothers and one Sister still here in Boise , Id.

Edward F Aspitarte
(Signature)

Subscribed and sworn to before me this

day _____ of _____, 20 ____.

(Notary Public)

Residing at _____.

My Commission Expires _____.

SEAL

AFFIDAVIT

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Jessie Acorda & Stephen & Marilyn Grace)
Idaho Department Of Water Resources)
A63-17246A & A63-17246B)
State of Idaho)

RECEIVED

AUG 27 2002

WATER RESOURCES
WESTERN REGION

County of ADA)

We, Stephen & Marilyn Grace being first duly sworn,

deposes and says: That from the Priority Date of March 15, 1922 Thru June 01, 1963 Thru July 31, 1998 Thru Todays Date of August 28, 2002. That this property and water rights have been used for growing crops, and for the razing of farm animals such as sheep, cows, and horses from the date of March 15, 1922 Thru to Todays Date of August 28, 2002.

This Adjudication Claim No(S).: (#AJ0749NP) have been used consistently , thru these years for the irrigation of crops and for the stockwater of many types of animals, and lawn & garden.

Please accept this information, not only from the current owners but also from the (2) brothers and one Sister still here in Boise , Id.

John H. Aspetar
(Signature)

Subscribed and sworn to before me this

day _____ of _____, 20____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.

AFFIDAVIT

RECEIVED

AUG 27 2002

WATER RES.
WESTERN

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Jessie Acorda & Stephen & Marilyn Grace)
Idaho Department Of Water Resources)
A63-17246A & A63-17246B)
State of Idaho)

County of ADA)

We, Stephen & Marilyn Grace being first duly sworn,

deposes and says: That from the Priority Date of March 15, 1922 Thru June 01, 1963 Thru July 31, 1998 Thru Todays Date of August 28, 2002. That this property and water rights have been used for growing crops, and for the razing of farm animals such as sheep, cows, and horses from the date of March 15, 1922 Thru to Todays Date of August 28, 2002.

This Adjudication Claim No(S): (#AJ0749NP) have been used consistently , thru these years for the irrigation of crops and for the stockwater of many types of animals, and lawn & garden.

Please accept this information, not only from the current owners but also from the (2) brothers and one Sister still here in Boise , Id.

gloria Trubble
(Signature)

Subscribed and sworn to before me this

day _____ of _____, 20____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17246

WATER RIGHT NUMBER: 63-17246

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JESSIE ACORDA 8440 W VICTORY BOISE, ID 83709 (208)362-1778

Priority Date: 03/15/1922

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
FIVEMILE CREEK	FIFTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	3/15 to 11/15	0.020 CFS	
IRRIGATION	3/15 to 11/15	0.400 CFS	
	<u>Total Diversion:</u>	0.420 CFS	

Location of Point(s) of Diversion

FIVEMILE CREEK	NE1/4SW1/4	Sec. 24, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	24													X				

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	
03N	01E	24																	20.0

Total Acres: 20

Conditions of Approval:Remarks:

$$A = 17.5$$

$$B = \frac{2.5}{20.0}$$

Spec OK.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17246

1. General SEE CLAIM NOS. A63-17246A & A63-17246B.

Comments:

Dates and Other Information:

Claim Received Date: 8/10/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17246B

WATER RIGHT NUMBER: 63-17246B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHEN J GRACE 8440 W VICTORY RD BOISE, ID 83709 (208)362-6726
Current Owner	MARILYN A GRACE 8440 W VICTORY RD BOISE, ID 83709 (208)362-6726
Original Owner	JESSIE ACORDA 8440 W VICTORY BOISE, ID 83709 (208)362-1778

Priority Date: 03/15/1922

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
FIVEMILE CREEK	FIFTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	3/15 to 11/15	0.020 CFS	
IRRIGATION	3/15 to 11/15	0.050 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of Diversion

FIVEMILE CREEK	SE1/4SW1/4	Sec. 24, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	24																	
																		X	

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	
03N	01E	24																	
																		2.5	2.5

Total Acres: 2.5

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-17246B

Conditions of Approval:

Remarks:

1. General NOTE: CLAIMANT PURCHASED 2.51 ACRES. (PER CLAIMANT 9/14/98).
1/12/99 AMENDMENT: ORIGINAL CLAIM INCORRECTLY LISTED WRONG P/D LEGAL.

Comments:

Dates and Other Information:

Claim Received Date: 8/10/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
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