

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, July 09, 2008 2:54 PM
To: 'Tiffany Hudak'
Subject: RE: Tree Top Ranches - 67-7066, 67-7070, & 67-7166
Attachments: 67-7066 Draft SF5.doc; 67-7070 Draft SF5.doc; 67-7166 Draft SF5.doc

Hey Tiffany,

Here is what I am proposing as SF5s. I have sent them to our legal staff to have them officially mailed out. Unless our staff finds something different that needs changed, this is what you will be getting. I just thought I would send them to you incase something obvious stands out that your client would disagree with.

Again, these are not official copies... this is more of an FYI.

Thanks,
c

From: Tiffany Hudak [mailto:TMH@moffatt.com]
Sent: Wednesday, July 09, 2008 12:37 PM
To: Saxton, Craig
Subject: RE: Tree Top Ranches - 67-7066, 67-7070, & 67-7166

Craig:

Thank you for your email. You indicated that you could remove the "language that limits the diversion volume." Does this mean you are removing both the combined annual volumetric limitation **and** the combined diversion rate impacting water rights 67-7066 and 67-7070?

We will discuss with our client the inclusion of 67-7166 in the 41 acreage limitation.

I've attached the supplemental affidavit we spoke of earlier this week. Hopefully this supplemental affidavit, in conjunction with the initial affidavit, will clear up any confusion about the change of water right ownership.

Thanks again and please let me know if you have any questions.

Tiffany

Tiffany Hudak
Paralegal
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
PO Box 829
Boise, Idaho 83701
208.385.5435 (direct line)
208.385.5435 (direct fax)

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Wednesday, July 09, 2008 12:18 PM
To: Tiffany Hudak
Subject: RE: Tree Top Ranches - 67-7066, 67-7070, & 67-7166

7/9/2008

Hey Tiffiny.

Per our conversation on Monday, I wanted to let you know that I feel I can remove the language that limits the diversion volume. I think the one I wasn't sure about was the diversion volume language.

There is one change that I have to make that we didn't discuss and it is the result of one of the changes your client requested. There is language that limits use of 67-7066 and 67-7070 to 41 acres that you said your client would accept. However, since we are going to define an acreage within the place of use for 67-7166 because we are adding **Irrigation from Storage** as a purpose of use, I am going to have to include that water right in the limiting language. So in essence the language will limit 67-7066, 67-7070, and 67-7166 to 41 acres, rather than just 67-7066 and 67-7070.

I will wait on the supplemental affidavit we spoke about that will address ownership of the surface water rights. When I get that I will prepare SF5's and send them out.

Let me know if you have any questions.

Thanks,

Craig

From: Tiffiny Hudak [mailto:TMH@moffatt.com]

Sent: Thursday, June 26, 2008 11:26 AM

To: Saxton, Craig

Cc: Bromley, Chris

Subject: RE: Tree Top Ranches

Thanks, Craig, for your email. We intend to submit a supplemental affidavit to clear up the issues addressed in your email.

In the meantime, if you have any questions, please do not hesitate to contact me.

Tiffiny

Tiffiny Hudak

Paralegal
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
PO Box 829
Boise, Idaho 83701
208.385.5435 (direct line)
208.385.5435 (direct fax)

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]

Sent: Tuesday, June 24, 2008 8:46 AM

To: Tiffiny Hudak

Cc: Bromley, Chris

Subject: RE: Tree Top Ranches

Dear Tiffiny,

Thank you for responding to the may 29th letter. After reading through the affidavit of Lauren G Mallory, dated June 13th 2008, I can change ownership of 67-7066 to Tree Top Ranches, LP, without splitting the right as 67-7066 describes a ground water source. Please note that a transfer will need to be filed to move that portion of the water right off of Mallory's property.

However, the affidavit appears to only reference ground water use. 67-7070 and 67-7166 both claim a source of Hot Creek. Was referring to all water rights described in the affidavit as ground water simply an oversight, or was the intent of the affidavit to convey only the ground water right described under 67-7066, with Mr. Mallory retaining his proportionate share of the remaining surface water rights described in 67-7070 and 67-7166?

Sorry about the confusion.

Thanks.

Craig

From: Tiffany Hudak [mailto:TMH@moffatt.com]
Sent: Thursday, June 19, 2008 10:29 AM
To: Saxton, Craig
Cc: Scott Campbell
Subject: RE: Tree Top Ranches

Craig,

In response to your May 29th letter, Scott Campbell requested that I forward you a copy of the Affidavit of Lauren G. Mallory, dated June 13, 2008. A copy is attached hereto.

Thank you for your patience and please let me know if you have any questions.

Sincerely, Tiffany

Tiffany Hudak
Paralegal
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
PO Box 829
Boise, Idaho 83701
208.385.5435 (direct line)
208.385.5435 (direct fax)

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Wednesday, June 04, 2008 1:08 PM
To: Tiffany Hudak
Subject: RE: Tree Top Ranches

Sounds good.

Thanks Tiffany

Craig

From: Tiffany Hudak [mailto:TMH@moffatt.com]
Sent: Wednesday, June 04, 2008 11:56 AM
To: Saxton, Craig
Cc: Scott Campbell
Subject: Tree Top Ranches

Craig:

We are in receipt of your letter dated May 29, 2008, concerning water rights 67-7066, 67-

7070, and 67-7166 and the objections filed by Tree Top Ranches, L.P. Scott Campbell requested that I contact you to advise that we have scheduled a meeting with our client to discuss these issues and will be in a position to respond to your letter in the near future.

In the meantime, if you have any questions, please me know.

Thanks, Tiffany

Tiffany Hudak

Paralegal
Moffatt Thomas Barrett Rock & Fields, Chtd.
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Boise, Idaho 83701
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IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-7166

NAME AND ADDRESS:

~~LAUREN C MALLORY~~
~~2480 HOPPER RD~~
~~MIDVALE ID 83645~~

~~JOANNE M MALLORY~~
~~2480 HOPPER RD~~
~~MIDVALE ID 83645~~

TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

SOURCE:

Source:
HOT CREEK

Tributary:
DEER CREEK

QUANTITY:

0.000 CFS
20.000 AFY

PRIORITY DATE: 08/22/1973

POINT OF DIVERSION:

T14N R03W S30 SENE
Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

Purpose of use Period of use: Quantity:

IRRIGATION STORAGE 03/15 11/15 20.00 AFY

IRRIGATION FROM STORAGE 03/15 11/15 20.00 AFY

PLACE OF USE:

IRRIGATION STORAGE within WASHINGTON County

~~T14N R03W S30 NENE~~
~~T14N R03W S30 SWNE~~
T14N R03W S30 SENE

IRRIGATION FROM STORAGE within WASHINGTON County

T14N R03W S30 NENE 14.6
T14N R03W S30 SWNE 4.4
T14N R03W S30 SENE 22.0

41 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of
41.0 acres in a single irrigation season. Combined Right Nos.: 67-7066, 67-
7070, & 67-7166

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Saxton, Craig

From: Tiffany Hudak [TMH@moffatt.com]
Sent: Wednesday, June 04, 2008 11:56 AM
To: Saxton, Craig
Cc: Scott Campbell
Subject: Tree Top Ranches

Craig:

We are in receipt of your letter dated May 29, 2008, concerning water rights 67-7066, 67-7070, and 67-7166 and the objections filed by Tree Top Ranches, L.P. Scott Campbell requested that I contact you to advise that we have scheduled a meeting with our client to discuss these issues and will be in a position to respond to your letter in the near future.

In the meantime, if you have any questions, please me know.

Thanks, Tiffany

Tiffany Hudak

Paralegal
Moffatt Thomas Barrett Rock & Fields, Chtd.
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Boise, Idaho 83701
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6/4/2008

Attorneys for Tree Top Ranches, L.P.

Scott L. Campbell, ISB No. 2251
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
22567.0

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 Nos. 67-7066, 67-7070, and
67-7166

AFFIDAVIT OF LAUREN G. MALLORY

STATE OF IDAHO)
County of washington) ss.

LAUREN G. MALLORY, being first duly sworn upon oath, deposes and says:

1. I am over the age of eighteen years and make this affidavit based upon personal information.
2. I currently reside at 2480 Hopper Road, Midvale, Idaho 83645.
3. On or about May 3, 1999, I conveyed to Larry and Marianne Williams an approximately 290 acre parcel of land, situated within a portion of Sections 20, 29, and 30,

Township 14 North, Range 3 West, Midvale, Washington County, Idaho (the "Property"). A true and correct copy of the Warranty Deed, conveying the Property, is attached hereto as Exhibit "A." The Warranty Deed was recorded with the Washington County Recorder on May 4, 1999, as Instrument No. 176212.

4. The Warranty Deed includes language conveying all water rights appurtenant to the Property, as follows:

Together with any and all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining including, without limitation all water and water rights, ditch and ditch rights, and storage and storage rights. . . .

5. At the time of the conveyance described above in Paragraph 3, I retained ownership of an approximately five acre parcel contiguous to the Property. As of the date of this Affidavit, I still own the five acre parcel and my personal residence sits upon such land.

6. At one time, and prior to the conveyance of the Property described above, portions of the Property and/or my five acre parcel were irrigated collectively via a groundwater well located within the Southeast Quarter of the Northeast Quarter of Section 30, Township 14 North, Range 3 West, Midvale, Washington County, Idaho (the "Well").

7. The Well serves as the point of diversion for water rights 67-7066, 67-7070, and 67-7166.

8. It was my intent upon conveyance of the Property to Larry and Marianne Williams that water rights 67-7066, 67-7070, and 67-7166, together with the Well, would be conveyed in their entirety and I would not retain any right, title, or interest in and to such water rights or the Well.

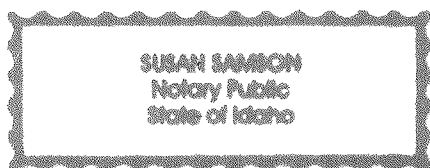
9. Since the conveyance of the Property to Larry and Marianne Williams, I have not irrigated my five acre parcel with groundwater diverted pursuant to the water rights

described in this Affidavit. In fact, there is not even an irrigation delivery mechanism in place which would allow me to do so.

DATED this 13th day of June, 2008.

Lauren G. Mallory
Lauren G. Mallory

SUBSCRIBED AND SWORN to before me this 13th day of June, 2008.



Susan Samson
NOTARY PUBLIC FOR IDAHO
Residing at Idaho
My Commission Expires 06-30-2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of June, 2008, I caused a true and correct copy of the foregoing **AFFIDAVIT OF LAUREN G. MALLORY** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

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

Joanne M. Mallory
Lauren G. Mallory
2480 Hopper Road
Midvale, ID 83645

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

Scott L. Campbell

EXHIBIT “A”

WARRANTY DEED

FOR VALUE RECEIVED, LAUREN G. MALLORY and JOANNE M. MALLORY, husband and wife, the Grantors, whose address is 2480 Hopper Road, Midvale, Idaho 83645, do hereby grant, bargain, sell and convey unto LARRY WILLIAMS and MARIANNE WILLIAMS, husband and wife, the Grantees, whose address is 914 Houston Road, Boise, Idaho 83706 the following described premises located in Washington County, Idaho, to-wit:

IN WASHINGTON COUNTY, IDAHO:

PARCEL I
LAND IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 14 NORTH, RANGE 3 WEST OF BOISE MERIDIAN:

Section 20: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 29: NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Section 30: N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and all that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying West of the center of Spring Creek; ALSO, a tract of land described as follows: Commencing at the northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 10 rods; thence South 70 rods; thence West 8 rods; thence South 10 rods, to the South line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence East 18 rods to the southeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North to the Place of Beginning.

EXCEPTING THEREFROM a parcel of land situated within Section 30, Township 14 North, Range 3 West, Boise Meridian, more particularly described as follows:

Beginning at the East $\frac{1}{4}$ corner of Section 30, T.14N., R3W., B.M.;

Thence west a distance of 514 feet, more or less, to the TRUE POINT OF BEGINNING, marked with an iron pin set in the center of an existing County Road known as Hopper Road;

Thence continuing west along the centerline of said Hopper Road a distance of 646 feet;

Thence north, parallel to the east line of the NE1/4 of said Section 30,
a distance of 337.2 feet;

Thence east a distance of 646 feet;

Thence south, parallel to the east line of said NE1/4 a distance of
337.2 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO the right-of-way of said Hopper Road along the south
side of the above described parcel of land.

AND

PARCEL II
LAND IN WASHINGTON COUNTY, IDAHO:

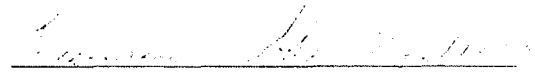
TOWNSHIP 14 NORTH, RANGE 3 WEST OF THE BOISE
MERIDIAN.

Section 29: SW1/4NW1/4, NW1/4SW1/4

Together with any and all tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining including, without limitation all water and water
rights, ditch and ditch rights, and storage and storage rights. SUBJECT TO any and
all easements, rights-of-way, or restrictions of record or apparent, and any exceptions,
provisions, and reservations contained in patents or deeds from the United States of
America, or the State of Idaho, or in other deeds of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantee,
its heirs, successors and assigns forever. And the said Grantors do hereby covenant to and with the
said Grantee, that they are the owners in fee simple of said premises; that they are free from all
encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED This 3 day of ^{April} April, 1999.

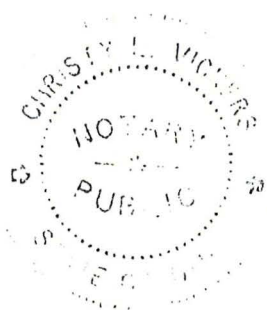

Lauren G. Mallory

Joanne M. Mallory

STATE OF IDAHO)
) ss.
COUNTY OF WASHINGTON)

On this 11 day of April, 1999, before me, the undersigned, a Notary Public, personally appeared LAUREN G. MALLORY and JOANNE M. MALLORY, husband and wife, known to me to be the person executing the within instrument, and acknowledged to me that she executed the same.

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



Chrissy L. Vickers
Notary Public
Residing at Weiser, Idaho
My Commission expires: 12-31-2000

INSTRUMENT NO. 176212
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
WEISER VALLEY TITLE
19 Min. past FIFTEEN o'clock P. M.
This 4TH day of MAY 19 99
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$9.00
By Dea McKnight Deputy
WEISER VALLEY TITLE

Cmp. Index
Cmp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return
Copy

Memorandum

Date: 11-30-07

To: Files 67-7066, 67-7070, 67-7166

From: Craig L. Saxton

I split the above rights in the database so I could process a change of ownership that was identified in an objection filed on these rights. However, all I did was create the new splits. I didn't update the data or create files or any of that. I created the new numbers and then decided that I should wait till initial hearings to split the rights because of some questions I had for how to split them.

When I did create the new numbers it changed the status of the claim and recommendation for 67-7066, 67-7070, & 67-7166 to Parent. I haven't asked Carter to change them back to active yet because it is my belief that the initial hearings will result in a splitting them eventually.

I did change the split claims to Temporary putting a note in them why they are temporary. The children are:

67-7066 split to 67-14928
 67-14929

67-7070 split to 67-14930
 67-14931

67-7166 split to 67-14932
 67-14933

However, the recommendations for the splits still show active, not temporary as they should.

5-28-08:

Should Add Irrigation from Storage

RECEIVED

AUG 22 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 67-07166

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Tree Top Ranches, LP

Address: 914 Houston Road

Boise, Idaho 83706

Daytime Phone: (208) 377-0998

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Lauren G. Mallory and Joanne M. Mallory

Address: 2840 Hopper Road

Midvale, Idaho 83645

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: Tree Top Ranches, LP
2. ☐ **Source**
Should be: _____
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: Please see Exhibit 1 hereto.
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Please see Exhibit 1 hereto.
- 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.

E. **REASONS SUPPORTING OBJECTIONS(S):**

Please see Exhibit 1 hereto.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

8/21/07
Tiffany Hudak

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 9/16/09



INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

G. CERTIFICATE OF MAILING

I certify that on August 21, 2007, 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: Lauren G. Mallory and Joanne M. Mallory

Address: 2840 Hopper Road
Midvale, Idaho 83645

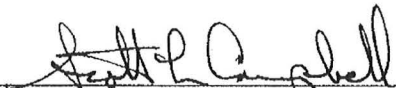
3. Copies to:

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

Tree Top Ranches, LP
914 Houston Road
Boise, Idaho 83706

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



Signature of objector or attorney
mailing on Objector's behalf

**EXHIBIT 1 TO
STANDARD FORM 1 – OBJECTION FOR SUBCASE 67-07166**

Claimant Name and Address

The accurate claimant name is Tree Top Ranches, LP. Tree Top Ranches took title to the property via a Quitclaim Deed recorded with the Washington County, Idaho, Recorder on August 19, 1999, as Instrument No. 177345. See copy of Deed attached hereto as Attachment A.

Purpose of Use and Period of Year

Tree Top Ranches, LP, is objecting to the Purpose and Period of Use element of the Director's Report because it does not contain an irrigation from storage use component. Water is diverted under this water right and stored in a pond/reservoir and then applied to the appurtenant land via a pump and sprinklers. This water right supplements water rights 67-7066 and 67-7070.

Place of Use

Tree Top Ranches, LP, is objecting to the Place of Use element of the Director's Report as it does not identify the number of acres irrigated under this water right. The place of use should read as follows:

TWP	RNG	SEC	1/4 of	1/4	Lot	Acres
14N	3W	30	NE	NE		14.6
			SW	NE		4.4
			SE	NE		22.0
					Total	41.0

JoAnn C. Butler
Spink & Butler
P.O. Box 639
Boise, ID 83701

INSTRUMENT NO. 177345
PAGE 1 OF 3

INSTRUMENT NO. 177345
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
SPINK & BUTLER
35 Min. past EIGHT o'clock A. M.
This 19TH day of AUGUST 1999
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$9.00
By: 130 M. Knight Deputy
BOX 639, BOISE, ID 83701

Comp. index
Comp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return
~~Copy~~

FOR RECORDING INFORMATION

QUITCLAIM DEED

FOR VALUE RECEIVED Marianne and Larry Williams, husband and wife, GRANTORS, do hereby CONVEY, RELEASE, REMISE and FOREVER QUITCLAIM unto Tree Top Ranches L.P., GRANTEE, an Idaho limited partnership whose current mailing address is: 914 Houston Road, Boise, Idaho 83706, the real property located in Washington County, State of Idaho, more particularly described in Exhibit A, attached hereto and made a part hereof, together with their appurtenances.

Dated: 8/17/99

Larry Williams

Marianne Williams

[illegible]

On this 17th day of AUGUST, 1999, before me, a Notary Public in and for said State, personally appeared LARRY WILLIAMS and MARIANNE WILLIAMS, husband and wife, known to me to be the persons who signed the within and foregoing document and acknowledged to me that they executed the same.

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



Notary Public for Idaho
Residing at BOISE
My commission expires: 7/16/05

QUITCLAIM DEED - 1
F:\APPS\WPDOCS\T Z\WILLIAMS\QUITCLAI.DEE

ATTACHMENT A

EXHIBIT A

PARCEL I
LAND IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 14 NORTH, RANGE 3 WEST OF BOISE MERIDIAN:

Section 30: N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and all that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying West of the center of Spring Creek; ALSO, a tract of land described as follows: Commencing at the northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 10 rods; thence South 70 rods; thence West 8 rods; thence South 10 rods, to the South line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence East 18 rods to the southeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North to the Place of Beginning.

EXCEPTING THEREFROM a parcel of land situated within Section 30, Township 14 North, Range 3 West, Boise Meridian, more particularly described as follows:

Beginning at the East $\frac{1}{4}$ corner of Section 30, T.14N., R3W., B.M.;

Thence west a distance of 514 feet, more or less, to the TRUE POINT OF BEGINNING, marked with an iron pin set in the center of an existing County Road known as Hopper Road;

Thence continuing west along the centerline of said Hopper Road a distance of 646 feet;

Thence north, parallel to the east line of the NE $\frac{1}{4}$ of said Section 30, a distance of 337.2 feet;

Thence east a distance of 646 feet;

Thence south, parallel to the east line of said NE $\frac{1}{4}$ a distance of 337.2 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO the right-of-way of said Hopper Road along the south side of the above-described parcel of land.

AND

PARCEL II
LAND IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 14 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN:

Section 29: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

INSTRUMENT NO. 177345
PAGE 3 OF 3

AND

PARCEL III
LAND IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 14 NORTH, RANGE 3 WEST, BOISE MERIDIAN:

Section 29: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

06/15/2006

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

RIGHT NUMBER: 67-7166
NAME AND ADDRESS: LAUREN G MALLORY
2480 HOPPER RD
MIDVALE ID 83645
JOANNE M MALLORY
2480 HOPPER RD
MIDVALE ID 83645

SOURCE: HOT CREEK TRIBUTARY: DEER CREEK
QUANTITY: 20.000 AFY
PRIORITY DATE: 08/22/1973
POINT OF DIVERSION:

T14N R03W S30 SENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	3/15 11/15	20.00 AFY

PLACE OF USE:

Add Irr For Storage
IRRIGATION STORAGE Within WASHINGTON County

T14N R03W S30	NENE 14.6	T14N R03W S30	SWNE 4.4
T14N R03W S30	SENE 22.0		

41 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



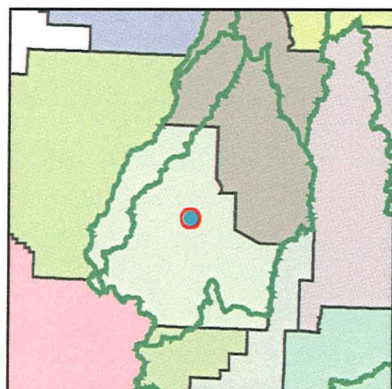
Idaho Department of Water Resources

SRBA Recommendation:

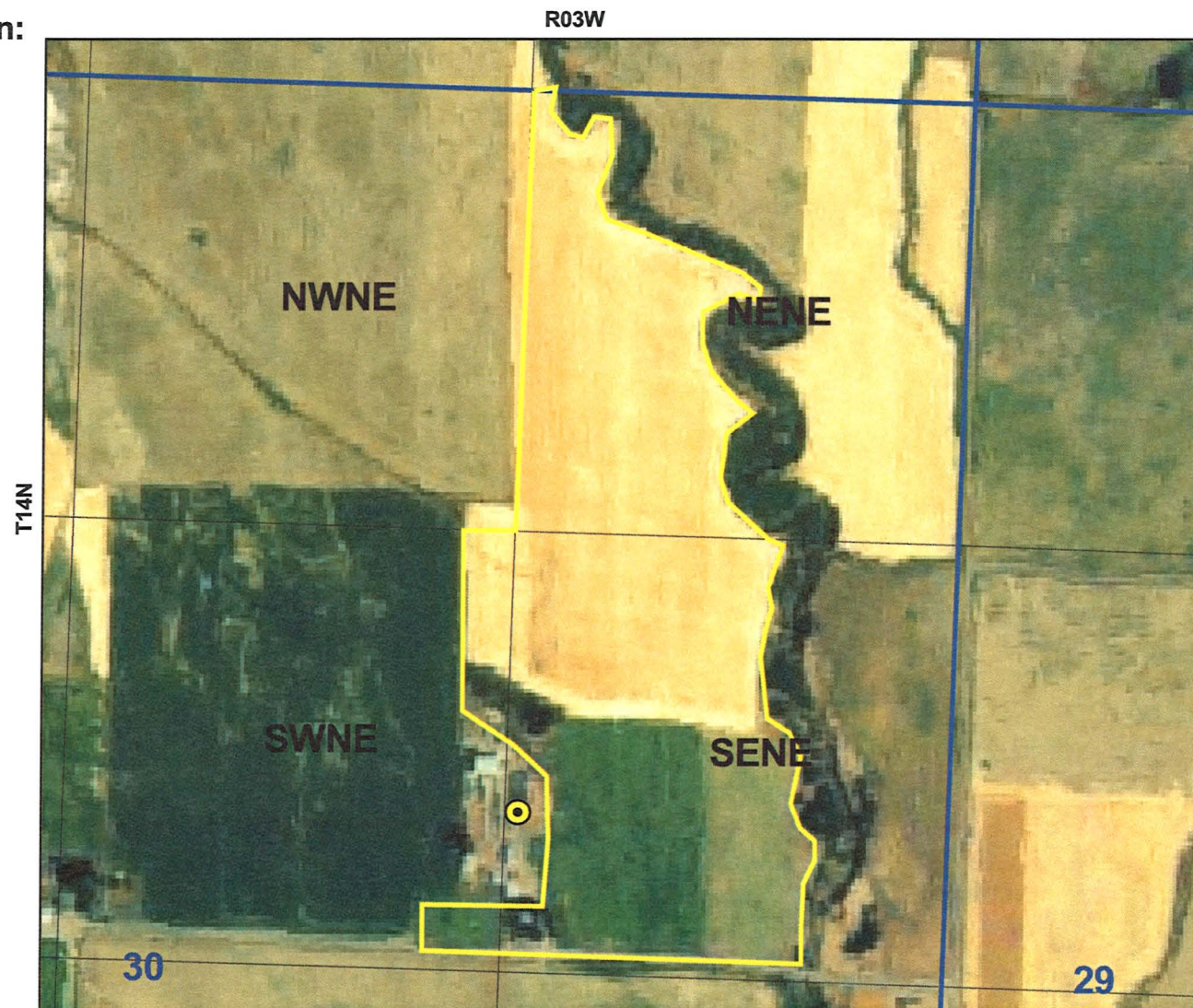
67-7166

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 0.2 0.4 Miles



Prepared by M. Mount
On Thursday, June 15, 2006
1987/88 Aerial Photography

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 67-7166 Priority August 22, 1973 Amount 20 acre feet

THIS IS TO CERTIFY, that DELBERT B. WILLIAMS

of Caldwell, Idaho, has complied with the terms and conditions of Permit No. 67-7166 issued pursuant to Application for Permit dated August 22, 1973, and has submitted proof to the Department of Water Administration on September 10, 1974, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the ~~diversion of~~ storage of 2.5 acre feet of water from Hot Creek, tributary to Deer Creek, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Storage for Irrigation	from <u>March 15</u> to <u>Nov. 15</u>	at <u>n/a</u> cfs and	<u>20 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.5 acre feet of water be ~~diverted~~ ^{stored} at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 20 acre feet per year, said waters to be diverted within the SE 1/4 NE 1/4 of Sec. 30, Twp. 14 N, Rge. 3 W, B. M. in the County of Washington

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14 N	3 W	30	14.6		4.4	22													41

Total number of acres irrigated 41

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12 day of September, 19 74.

Director

R. Karl H.
MICROFILMED

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: A67-07166
Date Received: 10/11/1989
Receipt No: MOG4089
Received By: Rob

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAUREN G. MALLORY 208-355-2413
Address: 2480 HOPPER RD.
MIDVALE, ID 83645

OR

Name: JOANNE M. MALLORY 208-355-2413
Address: 2480 HOPPER RD.
MIDVALE, ID 83645

2. Date of Priority: AUG 22, 1973

3. Source: HOT CREEK Trib. to: DEER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	03W	30		SE	NE		WASHINGTON

5. Description of diverting works:
EARTH DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	03/15	11/15			20.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 20.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING

A67-07166

Page 1

Date: 10/11/89

SCANNED
MAY 10 2004

SCANNED

AUG 15 2007

MICROFILMED

OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	03W	30	SW	NE	IRR S	4.0
			SE	NE	IRR S	26.0
			NE	SE	IRR S	11.0
					Section Acres	41.0
					Total Acres	41.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-07070, A67-07066

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Ramon J. Malby Date: Oct 11, 1989

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of Oct 19 89

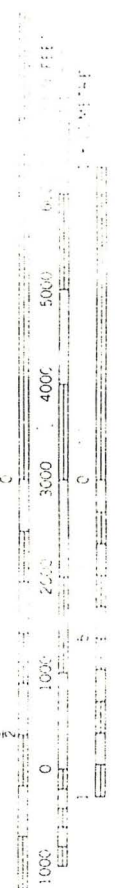
Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994



SCALE 1:24000



Storage Storage

67-07166
✓ 67-07166

24,000 FEET
the Geological Survey
MICROFILMED
OCT 02 1992

SCANNED
AUG 15 2007

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR GROUND SURVEY, MENLO PARK, CALIF. 1993