

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

**IN THE MATTER OF LICENSE**

**NO. 35-8335**

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**FINAL ORDER ADDING CLARIFYING  
LANGUAGE TO ASSIST THE  
DEPARTMENT IN ADMINISTRATION  
OF WATER RIGHTS ENTITLED TO  
QUALIFIED SUBORDINATION  
(Appendix B List)**

**FINDINGS OF FACT**

1. In October, 1984, the State of Idaho and Idaho Power Company entered into the Swan Falls Agreement ("Agreement"). This Agreement resolved a controversy that began in the 1970's between the Idaho Power Company ("Idaho Power") and water users diverting surface and ground water upstream of Idaho Power's hydropower facility at the Swan Falls dam. The controversy originated with a ratepayer action against Idaho Power before the Idaho Public Utilities Commission. The action alleged that Idaho Power had failed to protect its Swan Falls hydropower water rights by not enforcing its priority over junior upstream water rights, resulting in overcharges to the utility's customers. After the Idaho Supreme Court found that Idaho Power's Swan Falls water rights were not subordinate to upstream uses, Idaho Power initiated legal action to protect its water rights for power generation against depletions caused by junior users. This lawsuit named approximately 7,500 water right holders and included water rights for diversions stretching across the State along the Snake River Plain.
2. The potential effects of the lawsuit on water users in the Snake River Basin were significant, and in 1983, the Idaho Legislature enacted Senate Bill 1180, which authorized the governor to negotiate and execute a contract with Idaho Power to settle the controversy. This legislation was limited to protecting then existing water rights. Upstream water users filed a legal challenge against Senate Bill 1180 and the Contract to Implement Senate Bill 1180, also known as the "1180 Contract."
3. Unable to resolve the dispute through the 1180 Contract alone, the State and Idaho Power entered into negotiations in 1984 that ultimately resulted in the Swan Falls Agreement. On October 25, 1984, the parties signed both the Agreement itself and the 1180 Contract.
4. The Agreement subordinated Idaho Power's hydropower water rights for facilities on the Snake River and its tributaries between Murphy and Milner Dam<sup>1</sup> to all upstream water

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<sup>1</sup> The Agreement did not apply to the water rights for Idaho Power's CJ Strike facility because they had previously been subordinated.

uses existing as of October 25, 1984. This included water uses for which no application had been filed, provided that an application was filed for the use before July 1, 1985.<sup>2</sup> The 1180 Contract also subordinated the company's rights to water rights for which there had been substantial investment<sup>3</sup> in irrigation equipment pursuant to a valid permit prior to October 25, 1984.<sup>4</sup> Idaho Power's hydropower rights are subordinated to water rights that fall into these two categories regardless of whether actual flow conditions<sup>5</sup> at the Murphy gage exceed the minimum stream flow established by the State in 1985 ("unqualified" subordination).<sup>6</sup>

5. As to water rights for uses developed after October 25, 1984, legislation enacted as part of the Swan Falls Settlement<sup>7</sup> placed the portion of the hydropower rights in excess of the established 1985 minimum stream flow into a trust held by the State of Idaho for the benefit of both Idaho Power and the people of the State.<sup>8</sup> I.C. § 42-203B(2), (5). Under the terms of the statute, water above the minimum stream flow is available for hydropower generation, but is also subject to subordination and to depletion by future upstream beneficial users whose rights are acquired pursuant to state law. I.C. § 42-203B(2), (4); I.C. § 42-203C. These new water rights are often referred to as "trust water rights."

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<sup>2</sup> Paragraph 7(D) of the Agreement provides that the hydropower rights enumerated in the Paragraph 7(A) and 7(B) of the Agreement are "subordinate to those persons who have beneficially used water prior to October [25], 1984, and who filed an application or claim for said use by June 30, 1985." While the Agreement references October 1, 1984 as the cutoff date, the parties subsequently agreed in the proceedings in SRBA Subcase No. 00-91013 to use October 25, 1984 as the cutoff date.

<sup>3</sup> Substantial investment was defined in the 1180 Contract as the expenditure of \$15,000 or 25% of the total projected cost of developing the permit. 1180 Contract ¶ 1(c).

<sup>4</sup> While the 1180 Contract uses a cutoff date of November 19, 1982, the parties subsequently agreed in the proceedings in SRBA Subcase No. 00-91013 to use October 25, 1984 as the cutoff date for both the Swan Falls Agreement and the 1180 Contract.

<sup>5</sup> "Actual flow conditions" means the flow measured at Murphy gage after adjustments to account for any fluctuations resulting from the operation of Idaho Power Company's hydropower facilities. Agreement ¶ 7B. Acquisitions of water by the Company from above Milner dam are defined as a fluctuation resulting from the operation of Idaho Power Company's hydropower facilities, and therefore, are not counted in the calculation of the actual flow conditions. Agreement ¶ 7E.

<sup>6</sup> The Swan Falls Agreement also subordinated the hydropower rights to all water rights dismissed from Ada County Case No. 81375. Agreement ¶ 7C.

<sup>7</sup> The Swan Falls Settlement includes, among other things, the Swan Falls Agreement, the 1180 Contract and legislation enacted pursuant to the Swan Falls Agreement.

<sup>8</sup> Idaho Power retained sole ownership of the portion of the hydropower rights up to the extent of the 1985 Murphy minimum flows. I.C. § 42-203B(2), (5); Agreement ¶ 7A-B & Exhibit 7B.

6. Unlike other water rights, trust water rights do not divert unappropriated water. Rather, they are diverting water that was previously appropriated for hydropower use, and therefore are subject to the same subordination conditions as Idaho Power's hydropower rights. Thus, trust water rights are subordinate to water rights receiving the benefit of full subordination under the Swan Falls Agreement.<sup>9</sup>
7. In the event that actual flow conditions at the Murphy gage drop below the established minimum stream flows of 3,900 cfs from April to November and 5,600 cfs from November to April, trust water rights are subject to curtailment.<sup>10</sup> In short, trust water rights benefit from a "qualified" subordination that is conditioned on the established minimum stream flows being met or exceeded.<sup>11</sup>
8. In 1987, the State initiated the Snake River Basin Adjudication ("SRBA"), a general adjudication binding on all water users in the Snake River Basin. A general adjudication is conclusive as to the nature of *all* rights to the use of water in the adjudicated water system.
9. In the SRBA proceedings to adjudicate the hydropower rights of the Swan Falls Settlement, the State filed a motion to identify the water rights that benefit from subordination of hydropower water rights pursuant to the Swan Falls Settlement and to memorialize the protections afforded by the Settlement.<sup>12</sup> The State argued that, with

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<sup>9</sup> "It is undisputed that at the time [the hydropower] water rights were placed in trust they had been subordinated via the plain language of the Swan Falls Agreement and 1180 Contract to junior-priority rights that met the criteria for unqualified subordination. By agreeing to the terms of the Swan Falls Agreement and 1180 Contract, Idaho Power expressed its clear intent that the water rights it would place in trust would be subordinate to those water users entitled to unqualified subordination (*citation omitted*). Thus the State, as trustee, held water rights in trust that had been subordinated to those water users entitled to unqualified subordination under the Swan Falls Agreement and 1180 Contract. It follows that the beneficiaries who applied for and acquired water rights from water held in trust could receive no greater right or interest in that water than that held by the State as trustee. . . . [S]ince Idaho Power could not make a delivery call against water rights benefitting from unqualified subordination at the time the trust water was placed in trust, those individuals that acquired a trust water right likewise cannot make a call against water rights benefitting from unqualified subordination." *Order Granting Joint Motion for Partial Summary Judgment on the "Rebound Call" Issue*, issued Nov. 1, 2011.

<sup>10</sup> Trust water rights also remain subject to the prior appropriation doctrine as established by Idaho law.

<sup>11</sup> As previously discussed, water rights for uses pre-existing the October 25, 1984 Swan Falls Agreement benefit from "unqualified" subordination, i.e. subordination of the hydropower rights even if Snake River levels fall below the minimum stream flows established at Murphy gage.

<sup>12</sup> *State of Idaho's Second Amended Motion to Include Subordination Language on Water Rights Affected by the Swan Falls Agreement*, filed with the SRBA District Court March 21, 2011, in subcase no. 00-91013 ("State's Motion").

the exception of a small group of water rights for which there was no recorded beneficial use before October 25, 1984, all water rights with priority dates senior to October 25, 1984 met the criteria necessary to benefit from the unqualified subordination of the hydropower rights.<sup>13</sup> The SRBA District Court agreed and ordered the following language inserted on the hydropower decrees:

This water right is subordinate to all water rights diverting water from the Snake River and surface and groundwater tributary to the Snake River, with a priority date senior to October 25, 1984, unless otherwise indicated on the face of individual water rights.<sup>14</sup>

10. In an effort to identify all water rights that benefit from unqualified subordination in the SRBA, the State provided notice to any holders of water rights that it determined were senior to October 25, 1984, but which had no recorded beneficial use before that date. The notice requested that water right holders file objections to the State's Motion if they had information that would prove beneficial use prior to October 25, 1984, and that they provide documentation to the Department. Any claims of qualifying beneficial use were investigated and the objections were resolved following settlement conferences involving the State, Idaho Power, the Department and the holder of the right. When the list of water rights for which no beneficial use was found prior to October 25, 1984 was finalized (the list is described as Appendix B to the State's Motion), the Court ordered that those claimed in the SRBA be amended and decreed with the following language:

This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging Station meet or exceed the minimum stream flows established by state action.

This language memorializes the effects of the Swan Falls Settlement on the Appendix B water rights that were required to be claimed in the SRBA.

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<sup>13</sup> This excludes enlargement water rights, which are subordinate to all water rights senior to April 12, 1994.

<sup>14</sup> This language is listed as Provision 4 on hydropower water right nos. 02-00100, 02-4000A, 02-4001A and 02-02032A, decreed in the name of Idaho Power Company and Provision 5 on hydropower water right nos. 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026, decreed in the name of the State of Idaho as Trustee.

11. There are a number of Appendix B water rights that were not required to be claimed in the SRBA. These water rights are currently in a license or permit stage with the Department. To assist the Department in administering these water rights in a manner consistent with the Swan Falls Agreement and the SRBA District Court's Order, the permits or licenses should include the same remark inserted in the Appendix B water rights decreed by the SRBA Court. This will allow the Department to easily determine, based upon the face of the water right, which water rights benefit from qualified subordination and which do not.
12. In order to benefit from unqualified subordination of the hydropower water rights of the Swan Falls Settlement, water rights upstream from Swan Falls Dam within the trust water area<sup>15</sup> must have demonstrated beneficial use or substantial investment, as defined in the 1180 Contract, prior to October 25, 1984, and there must have been an application or claim filed for the right by June 30, 1985.
13. By correspondence from the State of Idaho dated April 12, 2011, the holder of water right no. 35-8335 received notice that Department records indicate that this water right was not put to beneficial use prior to October 25, 1984. Department records also do not show that there was substantial investment, as defined in the 1180 Contract, prior to October 25, 1984.
14. Water right no. 35-8335 diverts water that was first appropriated under the hydropower rights held in trust by the State, and is a "trust water right." Water right no. 35-8335 is one of the rights that benefits from qualified subordination of the hydropower rights of the Swan Falls Settlement. This water right is not one of the rights that benefits from unqualified subordination.

### **Conclusions of Law**

1. Idaho Code § 67-5254 provides, in part:
  - (1) An agency shall not revoke, suspend, modify, annul, withdraw, or amend a license... unless the agency first gives notice and an opportunity for an appropriate contested case in accordance with the provisions of this chapter or other statute.
2. This order satisfies the notice and hearing requirements of I.C. § 67-5254 because this order provides notice to the water right holder of the proposed action and, pursuant to

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<sup>15</sup> The Trust Water Area is the area within which surface and ground water is deemed tributary to the Snake River between Milner Dam and the Swan Falls Dam for purposes of the Swan Falls Settlement. This trust water boundary is not a hydrologic boundary, but rather, permanently delineates the area that will be subject to administration under the Swan Falls trust.

I.C. § 42-1701A, any person aggrieved of this action may request a hearing regarding this order.

3. Based upon the Department's records, the Department concludes that while water right no. 35-8335 has priority senior to October 25, 1984, the right was not put to beneficial use prior to October 25, 1984. Nor did the water right holder make a substantial investment in the development of the water right as defined in the 1180 Contract prior to October 25, 1984.
4. This water right is a trust water right and is subject to curtailment when actual flow conditions at the Murphy gage drop below the established minimum stream flows. I.C. § 42-203B(2), (4); I.C. § 42-203C.
5. To assist the Department in administration of this water right, the following language should be added to the license:

This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging Station meet or exceed the minimum stream flows established by state action.

### **Order**

Based on the foregoing, IT IS HEREBY ORDERED that the following language is added to the license for water right no. 35-8335:

This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging Station meet or exceed the minimum stream flows established by state action.

IT IS FURTHER ORDERED that this is a final order of the agency. Any party may file a petition for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency shall dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law pursuant to Idaho Code § 67-5246.

IT IS FURTHER ORDERED that any person aggrieved by this decision shall be entitled to a hearing before the director to contest the action taken provided the person files with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. Idaho Code § 42-1701A(3). Any hearing conducted shall be in accordance with the provisions of chapter 52, title 67, Idaho Code, and the Rules of Procedure of the Department, IDAPA 37.01.01.

Dated this 14th day of December, 2012.

  
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GARY SPACKMAN  
Director



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

December 14, 2012

LANCE D FUNK  
LISA FUNK  
2960 CEDAR LN  
AMERICAN FALLS ID 83211

Re: Water Right No. 35-14235 35-8335

Dear Water User:

The State of Idaho previously sent you a letter informing you of the opportunity to file an objection with the SRBA District Court if you felt that your water rights (referenced above) should be entitled to unqualified subordination protection if the minimum stream flows at Murphy gage are not met. Records show that you did not file an objection with the SRBA Court. To assist the Department in administering water rights subject to such a call, the Department is adding a condition to the affected water rights. Please review the attached final order.

If you have any questions, please contact Shelley Keen at 208-287-4947 or [shelley.keen@idwr.idaho.gov](mailto:shelley.keen@idwr.idaho.gov).

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive, flowing style with a long, sweeping underline.

Gary Spackman  
Director

Enclosure

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14<sup>th</sup> day of December, 2012, a true and correct copy of the documents described below were served by placing the same in the United States mail, postage prepaid and properly addressed to the following:

Documents Served: Department in Administration of Water Rights Entitled to  
Unqualified Subordination (Appendix B List)

22-7461  
BRYCE E BOWEN  
GRANT BOWEN  
3124 W 3800 S  
REXBURG ID 83440

31-7378  
SLEEPY SAGE FARM LLC  
PO BOX 74  
TERRETON ID 83450

34-7239B  
DONALD PHILLIPS  
LESLIE PHILLIPS  
PO BOX 42  
MACKAY ID 83251

35-14235, 35-14236, 35-8103 & 36-7620  
RABO AGRIFINANCE INC  
12443 OLIVE BLVD STE 50  
ST LOUIS MO 63141

35-7488  
DWIGHT E BAKER  
BAKER & HARRIS  
266 W BRIDGE  
BLACKFOOT ID 83221

35-7834  
DEBRA J BEHREND  
2706 W 1800 S  
ABERDEEN ID 83210

35-7834, 35-7873, 35-7877 & 35-7954A  
PAUL W BEHREND  
2706 W 1800 S  
ABERDEEN ID 83210

22-7474  
JAY RONALD PETERSON  
JUDY ANNE PETERSON  
2169 E 200 N  
ST ANTHONY ID 83445

31-7378  
ZIONS FIRST NATIONAL BANK  
219 E MAIN  
PO BOX 54  
RIGBY ID 83442

35-13857, 35-14268 & 35-14269  
GOLD EMBLEM FARMS  
PO BOX 51780  
IDAHO FALLS ID 83405

35-14236  
MONTY FUNK  
CAROLENE FUNK  
2254 COUNTY LINE RD  
AMERICAN FALLS ID 83211

35-7488  
GRANDVIEW RANCH LLC  
266 W BRIDGE  
BLACKFOOT ID 83221

35-7834 & 35-7837B  
GREGORY W KNITTEL  
JENNECCA S KNITTEL  
1780 S 2800 W  
ABERDEEN ID 83210

35-7836  
DRISCOLL BROTHERS PARTNERSHIP  
3344 W 2200 S  
ABERDEEN ID 83210

31-7310  
KIM YEARSLEY  
2415 E 2050 N  
HAMER ID 83425

34-7239A  
JOHN L POWERS TRUST  
PO BOX 493  
MACKAY ID 83251

35-14235 35-8335  
LANCE D FUNK  
LISA FUNK  
2960 CEDAR LN  
AMERICAN FALLS ID 83211

GOLD EMBLEM FARMS  
PO BOX 51780  
IDAHO FALLS ID

35-7833  
KNUDSEN POOR FARMS INC  
98 FORT HALL AVE  
AMERICAN FALLS ID 83211

35-7834  
KRISTIN R BEHREND  
NICHOLAS P BEHREND  
2976 W 2000 S  
ABERDEEN ID 83210

35-7836  
IDAHO AG CREDIT FLCA  
PO BOX 300  
AMERICAN FALLS ID 83211

|                                                                                                                |                                                                                         |                                                                                                       |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 35-7837C<br>FOSTER FAMILY FARMS INC<br>3018 W 1700 S<br>ABERDEEN ID 83210                                      | 35-7837D<br>PAUL HOFFMAN<br>MARGARET A HOFFMAN<br>PO BOX 461<br>ABERDEEN ID 83210       | 35-7885A, 35-7885B, 35-7885C<br>GEHRING INVESTMENTS LLC<br>3648 GEHRING RD<br>AMERICAN FALLS ID 83211 |
| 35-7985<br>I SUE CLAYSON<br>J PAUL CLAYSON<br>2503 W 1000 S<br>STERLING ID 83210                               | 35-8103<br>DEL RAY HOLM & SONS<br>401 ANNIS HWY<br>RIGBY ID 83442                       | 35-8204<br>K & S PROPERTIES LLC<br>635 N 1200 W<br>BLACKFOOT ID 83221                                 |
| 35-8346<br>HAROLD A FUNK<br>865 FILLMORE<br>AMERICAN FALLS ID 83211                                            | 36-15992<br>SUNDANCE INC<br>PO BOX 268<br>EDEN ID 83325                                 | 36-15993<br>C DE KRUYF DAIRY PARTNERSHIP<br>303 W 300 S<br>JEROME ID 83338                            |
| 36-7291A<br>FARM CREDIT BANK OF SPOKANE<br>2225 W BROADWAY STE A<br>IDAHO FALLS ID 83402                       | 36-7291A<br>NORTHSIDE FARMS CO<br>C/O PHIL BLICK<br>PO BOX 635<br>BOISE ID 83321        | 36-7291A<br>NORTHWEST FARM CREDIT SERV<br>FLCA<br>PO BOX 5059<br>TWIN FALLS ID 83303-5059             |
| 36-7416C & 36-7416D<br>KEITH EDWIN SODERQUIST<br>CHRISTIE SODERQUIST<br>22295 KIMBERLY RD<br>KIMBERLY ID 83341 | 36-7418<br>WAYNE R ALLEN<br>JANE C ALLEN<br>1014 CRESTVIEW RD<br>HAZELTON ID 83335      | 36-7418<br>ZIONS BANK<br>102 W MAIN ST<br>BURLEY ID 83318                                             |
| 36-7471<br>TRACY S KENNEDY<br>BRENDA KENNEDY<br>1275 W 400 N<br>PAUL ID 83347                                  | 36-7537<br>EDITH KASTER<br>1539 E 4230 N<br>BUHL ID 83316                               | 36-7537<br>THE SHELDON'S<br>C/O IRLE RANCH<br>PO BOX 443<br>BUHL ID 83316                             |
| 36-7537<br>PRISTINE SPRINGS INC<br>C/O FRITZ X HAEMMERLE<br>PO BOX 1800<br>HAILEY ID 83333                     | 36-7537<br>PRISTINE SPRINGS INC<br>201 WARM CREEK RD<br>JEROME ID 83338                 | 36-7537<br>RICHARD H KASTER<br>1539 E 4230 N<br>BUHL ID 83316                                         |
| 36-7620<br>POLELINE CALF RANCH LLC<br>738 CANYON RIM RD<br>TWIN FALLS ID 83301                                 | 36-7802B<br>WALLACE S BINGHAM II<br>NANCY L BINGHAM<br>568 S 750 E<br>DIETRICH ID 83324 | 36-7839<br>FRANK J SUCHAN<br>931 W 500 N<br>PAUL ID 83347                                             |
| 36-7871<br>BOX CANYON LAND HOLDINGS LLC<br>PO BOX 140<br>WENDELL ID 83355                                      | 36-7934<br>R J LLC<br>72 PELICAN POINT<br>RUPERT ID 83350                               | 36-7958<br>JACK VAN BEEK<br>DIANNE VAN BEEK<br>83 W 600 S<br>JEROME ID 83338                          |

36-8046  
LYLE A FASSETT  
1122 N 400 E  
RUPERT ID 83350

37-7771  
B BAR B INC  
PO BOX 685  
PICABO ID 83348

37-7808  
MCFINNEY AGRI FINANCE LLC  
PO BOX 1598  
TWIN FALLS ID 83303-1598

37-8006  
JAMES A GORMAN  
PO BOX 2232  
HAILEY ID 83333

37-8102  
E PARRY THOMAS  
PO BOX 642  
SUN VALLEY ID 83353

43-7093D  
LANCE UDY  
KRISTINE UDY  
1529 E HWY 77  
MALTA ID 83342

45-14076  
RIVERSIDE INVESTMENT FAMILY LP  
PO BOX 1120  
BURLEY ID 83318

45-7478  
DOUBLE EAGLE INC  
C/O DARRELL FUNK  
3173 N 4900 E  
MURTAUGH ID 83344

45-7565  
KURT J MASON  
LACY J MASON  
3981 N 3600 E  
KIMBERLY ID 83341

36-8144  
BHB FARMS INC  
C/O JOHN HOHNHORST  
1937 FALLS AVE E  
TWIN FALLS ID 83301

37-7807  
DAVID L SQUIER  
SUE S SQUIER  
46 PARK ST  
NEW CANAAN CT 6840

37-7811  
THREE CREEKS RANCH LLC  
1901 BAYADERE TERR  
CORONA DEL MAR CA 92625

37-8081  
WILLIAM D MARTINDALE  
PO BOX 451  
HAILEY ID 83333

37-8117  
JOHN F STEVENSON  
36 HILLSIDE RANCH RD  
BELLEVUE ID 83313

43-7192  
MICHAEL P WHEELER  
DIANA M WHEELER  
2155 E 100 S  
DECLO ID 83323

45-7385  
WAYNE HURST  
SHERRIE HURST  
273 S 750 E  
BURLEY ID 83318

45-7493  
RONALD L OSBORNE  
CARLA R OSBORNE  
373 THORNWOOD DR  
MERIDIAN ID 83642

47-7364  
EVERETT A WEAVER  
1728 E 4200 N  
BUHL ID 83316

36-8198  
CITY OF RUPERT  
PO BOX 426  
RUPERT ID 83350

37-7808  
FAULKNER LAND & LIVESTOCK (C)  
1989 S 1875 E  
GOODING ID 83330

37-7838A 37-7838B  
Y 3 RANCH  
PO BOX 5405  
BOISE ID 83705-0405

37-8085  
JAMES DALE MIZER  
PO BOX 728  
HAILEY ID 83333

43-7091  
F STANLEY LLOYD  
JEANETTE LLOYD  
2270 S ELBA-ALMO RD  
ELBA ID 83342

45-14075  
JAY NIELSEN  
LILLIAN A NIELSEN  
4033 N CANYON RIDGE DR  
TWIN FALLS ID 83301

45-7386  
SIX S RANCH LLC  
1354 E SIX S RANCH RD  
DECLO ID 83323  
45-7535

CORP OF THE PRESIDING BISHOP  
CHURCH OF JESUS CHRIST OF L  
DAY SAINTS  
50 E N TEMPLE ST  
SALT LAKE CITY UT 84150

47-7492  
MICHAEL KESTLER  
PO BOX 1183  
TWIN FALLS ID 83301

47-7741  
ROBERT J MEYERS  
KATHI L MEYERS  
3921 N 3300 E  
TWIN FALLS ID 83301

47-7974  
RICHARD L SVANCARA  
RT 2  
3954 N 750 E  
BUHL ID 83316

57-7419  
LEO H BOYD  
ANNA GWEN BOYD  
PO BOX 130  
GRAND VIEW ID 83264

ASFAR A SHAKOORI  
GREGORY DECRESCENZO  
MIRAZIM SHAKOORI  
SHADI SHAKOORI  
4313 MANSFIELD DR  
DANVILLE CA 94506

47-7749  
J R SIMPLOT CO  
999 MAIN ST #1300  
BOISE ID 83702

51-7267  
BERT BRACKETT  
PAULA BRACKETT  
FLAT CREEK RANCH  
ROGERSON ID 83302

61-7204  
CARL F REYNOLDS & SONS  
6184 HOLLILYNN DR  
BOISE ID 83709

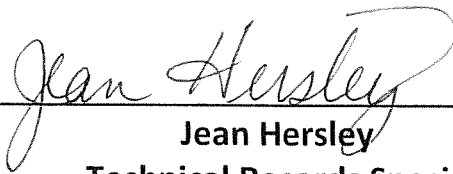
61-7439  
CITY OF MOUNTAIN HOME  
160 S 3RD E  
MOUNTAIN HOME ID 83647

47-7900  
CLIFFORD E JOHNSON  
PATRICIA JOHNSON  
4153 N 1300 E  
BUHL ID 83316

57-7267  
ROBERT A THOMAS  
17947 SHORT CUT RD  
MURPHY ID 83650

61-7204  
ELK CREEK CANYON LLC  
C/O JOHN ERICKSON  
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LAS VEGAS NV 89014

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**Jean Hersley**  
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