

April 25, 2012
Albert C. and Alvera C. Fols
PO Box 56
Carmen, ID 83462

Gary Spackman, Interim Director
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

BRIEF IN SUPPORT OF PETITION FOR RECONSIDERATION OF WATER RIGHT
LICENSE NO. 75-07505

Albert and Alvera Fols (Petitioners) by and through themselves hereby file this Brief with The Interim Director of Idaho Department of Water Resources in SUPPORT of THE PETITION FOR RECONSIDERATION OF WATER RIGHT LICENSE NO. 75-07505 (The License).

This Brief will address two elements of The License that are of concern to The Petitioners.

- 1) **The first issue and of the most concern is that the Interim Director did not address what justification was used to allow The Claimants two ground water Domestic Use Rights for the Purpose of Irrigation for one home.**
- 2) Multiple times through the development stage of The License and/or afterwards, the amount of irrigated acreage documented changed. The Director issued The License with irrigated acreage different than any previously documented for The License. This issue needs to be resolved and The Director should seek the most accurate information available before The License is finalized.

DOMESTIC WATER RIGHT NO. 75-10063 IS NOT ADDRESSED IN THE LICENSE

The Claimants' single family residence has the Decreed Domestic Water Right No. 75-10063 (ATTACHMENT I) and a second domestic ground water right in The License, both include irrigation as a purpose of use. The License does not address the duplication of irrigation water in The License and Water Right No. 75-10063. Conspicuously absent in The License is the Recommendations in the June 13, 1996 Beneficial Use Field Report (ATTACHMENT II) that does address the duplication.

The Field Report at "E. NARRATIVE/REMARKS/COMMENTS" states, -"one domestic/stock well covered by 75-10063"

and **more importantly** at "H. RECOMMENDATIONS Domestic (1 unit) Period of Use From 1/1 To 12/31 Rate of Diversion 0.04 cfs Annual Volume 1.2afa DROP":

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	4/1	10/31	0.23 cfs	40.3
~~Domestic (1 unit)~~	~~1/1~~	~~12/31~~	~~0.04 cfs~~	~~1.2~~ DROP
Domestic (6 horses)	1/1	12/31	0.01 cfs	0.1 AF/A
		Totals:	0.23 cfs	40.4 AF

The Field Examiner "DROP"s Domestic (1 unit) and **eliminates** the 0.04cfs for the Domestic (1 unit). The Field Examiner (Examiner) could not have made it clearer that the household irrigation domestic use in The License was **not** allowed for irrigation use associated with the single residence on The Claimants property because it was "covered by 75-10063". The Examiner then **limits the domestic use element to 0.01cfs** rate of diversion **for Domestic (6 horses) stock water**.

The only logical assessment of the Field Examiner's recommended diversion rates are:

Beneficial Use for Irrigation	0.23cfs
Beneficial Use for Domestic (one (1) residence)	0.00cfs
Beneficial Use Domestic (6 horses) NO IRRIGATION	0.01cfs
TOTAL Rate of Diversion for IRRIGATION of 11.5 acres	0.23cfs

Further, in the "Comment Report 75-7505" (ATTACHMENT III) at

"3. csaxton 2/27/2012 Purpose of Use

Comment: Field examiner recommended licensing Domestic as a purpose of use even though it is only used for stock water. The permit needs amendment anyway to add the second POD so I recommend changing the domestic purpose of use to stockwater.

75-10063 is the domestic right from a separate well." (emphasis added)

DISCREPANCIES IN MAPPING AND "SHAPE FILES"

The Petitioners assert that the survey plat maps for The Ajax Peak Subdivision (ATTACHMENT III) most accurately depict The Claimants' property and would give The Director the best available source of information as to possible acreage available for irrigation. The Petitioners have found that The Claimants' irrigated acreage includes a Lemhi County **maintained** road (county right of way) on the Ajax Peak Subdivision plat

maps. It is illegal to irrigate Lemhi County right of ways (ATTACHMENT IV). The county right of way covers more than one (1) acre of The Claimants' 11.6 acres that they own.

DISCUSSION OF THE EVIDENCE FOUND FOR DOMESTIC PURPOSE OF USE FOR IRRIGATION

- 1) The Field Examiner conclusively found that the domestic purpose of use for **irrigation** was unwarranted. Specifically, The Field Examiner used a strikethrough on the domestic irrigation use. The Field Examiner struck out each and every element of the domestic irrigation use.
- 2) The Field Examiner explicitly authorized the domestic use for six (6) horses and found only 0.01 cfs for the horses (stock water).
- 3) The term "domestic use" in the Field Examiner is appropriate for stock water and does not necessarily include irrigation. (see footnote 1, on this page)
- 4) Authentication (I. AUTHENTICATION) was verified by two (2) signatories, Keith C. Wilson for Field Examiner Don Simpkins (8/8/2000) and Reviewer Dave Carlson. The Authentication signatures are located on the document in such a manner that the The Field Examiner's Recommendations could not have been overlooked.
- 5) csaxton (Craig Saxton) found that the Field Examiner was correct to limit "the domestic purpose of use to stockwater."
- 6) **Don Simpkins (Field Examiner), Dave Carlson (Reviewer), and Craig Saxton were all correct to remove the irrigation purpose of use for The License under Idaho Statute, Title 42, Chapter 1, 42-111 that limits The Claimants "to one-half (1/2) acre of land"¹ for irrigation. The one-half (1/2) acre of land is covered by Water Right No. 75-10063.**

DISCUSSION OF THE EVIDENCE FOUND IN THE "AJAX PEAK SUBDIVISION PLAT"

- 1) There can be no dispute as to the accuracy of the **surveyed** Ajax Peak Subdivision Plat.
- 2) There can be no dispute that The Claimants' have more than an acre of "Access and Utility Easement" included in total land that they own; 11.6 acres.
- 3) It is understood, by Legal Counsel for Lemhi County, that the "Access and Utility Easement" (Parmenter Road) is a County **maintained** road.
- 4) Lemhi County does maintenance work on Parmenter Road on a regular basis.

1) ¹ 42-111. Domestic purposes defined. (1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means: (a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day....

ACTIONS NECESSITATED BY THE EVIDENCE PRESENTED FOR DOMESTIC PURPOSE OF USE FOR IRRIGATION

Clearly established by Idaho Statute, the facts, and precedent, The Director must amend The License to reflect purpose of use found by The Field Examiner in the 1996 Beneficial Use Field Report and authenticated by Reviewer Dave Carlson. Mr. Craig Saxton came to the same conclusion; the domestic purpose of use is stock water. The Field Examination and Mr. Saxton's opinion **cannot** be ignored; to do so would also ignore Idaho Water Law.

Water Law and precedent for Domestic purposes in Water District 75D limits a single family residence to one half (1/2) acre of irrigation for the property associated with the home, "if the total use is not in excess of thirteen thousand (13,000) gallons per day...." The Director cannot allow a second ground water source that will expand the Domestic Use to one (1) acre of the property or more than 13,000 gallons per day. To do so, would open the door for any water user to add additional Domestic ground water sources that would **increase year-round** irrigation on additional one-half (1/2) parcels of land per Domestic ground water source.

It would be nonsensical to argue that Water Right 75-10063 and The License are for the same ½ acre because 75-10063 is not mentioned in the License and no effective means is in place to monitor The Place of Use or the Diversion Rate actually used for Domestic Irrigation. The Director has two (2) choices: initiate the process to vacate the Decreed Domestic Water Right (75-10063) or respect Idaho Statute and documented review of The License by amending the Diversion Rate for The License **to not exceed**:

Beneficial Use for Irrigation	0.23cfs
Beneficial Use for Domestic (one (1) residence)	0.00cfs
Beneficial Use Stockwater (6 horses) NO IRRIGATION	0.01cfs
TOTAL Rate of Diversion for 11.5 acres & Domestic (Livestock Only)	0.23cfs

ACTIONS NECESSITATED BY THE EVIDENCE PRESENTED FOR THE REMOVAL OF AN ADDITIONAL ACRE IN THE POU

If the Director determines that the "new" mapping evidence provided by the Petitioners is timely and appropriate. The Director should:

- 1) Find that the 2006/2007 mapping was not always accurate².
- 2) Find that the Ajax Peak Subdivision Plat is accurate.
- 3) Find that the Ajax Peak Subdivision Plat clearly identifies an "Access and Utility Easement" (Parmenter Road).

² Errors in the 2006/2007 mapping for POUs belonging to Fols, Fadness, Edmiston, Tutor, Cabigas, and possibly more were incorrect in the mapping and later corrected through Supplemental Director Reports, Objections with the SRBA Court, and/or Amended Partial Decrees. That represents more than a 26% error rate in mapping for the Ajax Peak Subdivision. Five (5) errors out of nineteen (19) properties

- 4) Find that the "Access and Utility Easement" encompass more than one (1) acre of The Claimants' total property.
- 5) Find that Parmenter Road is **maintained** by Lemhi County.
- 6) Find that Lemhi County **maintains** the entire "Access and Utility Easement" as Parmenter Road surface, barrow ditches, flood control, etc. (county right of way)
- 7) Find that Lemhi County Ordinance No. 1991-1 does **not** allow irrigation of the Parmenter Road "Access and Utility Easement".
- 8) Find that the Ajax Peak Subdivision Plat was presented by The Petitioners in a timely manner³.

If the Director is not contacted by Counsel for Lemhi County clarifying Lemhi County Ordinance No. 1991-1 (The Ordinance) as it relates to Nos. 5 and 6, it may be prudent that the Director have The Ordinance reviewed by his Counsel. Or the Director may choose personal contact with Lemhi County Counsel to insure the State of Idaho does not **knowingly** minimize Lemhi County's ability to enforce The Ordinance.

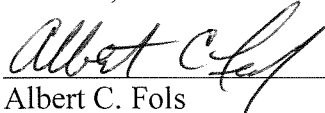
CONCLUSION

The Petitioners have shown that Domestic Use for irrigation in The License is covered by Decreed Water Right No. 75-10063. Additional Domestic Use for irrigation from another ground water source for the same home cannot be justified or allowed by Idaho Statute. The 0.02cfs for irrigation in The License cannot stand.

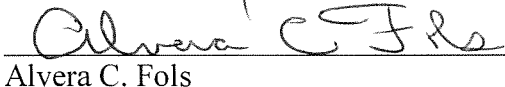
The Petitioners assert that the Parmenter Road issue should remove an additional acre from the Place of Use for The License; resulting in the appropriate reduction in the non-domestic irrigation rate of diversion. However, until Lemhi County Counsel offers timely input or the Director seeks legal advice clarifying the status of Parmenter Road as a county right of way; the Director will be required to decide if the removal of one acre from the POU is justified. **The Director is obligated to confirm that he will not diminish Lemhi County's authority to maintain and protect Parmenter Road.**

Dueling arguments concerning Parmenter Road between The Petitioners and The Claimants, both laymen and not trained in Idaho Road Law, would be of no use to The Director.

To the best of The Petitioners' knowledge, the information in this Brief is true and accurate; and the documents attached are true and accurate copies.



 Albert C. Fols



 Alvera C. Fols

³ The acreage for the Place of Use was changed immediately before the issuance of The License; allowing for objections to the **current change** of acreage calculated. The analysis of Place of Use for The License should not be limited to development period that ended in 1991. Ostensibly, The Application for Water Right misrepresented available irrigated acreage when a proper survey plat was available to submit for IDWR's review.

ATTACHMENT I

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/15/2012

WATER RIGHT NO. 75-10063

Owner Type Name and Address

Current Owner JOHN E BURNS

Current Owner RUTH C BURNS

PO BOX 264

CARMEN, ID 83462

(208)756-3645

Priority Date: 07/01/1947

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

STOCKWATER 1/01 12/31 0.02 CFS

DOMESTIC 1/01 12/31 0.04 CFS

Total Diversion 0.06 CFS

Location of Point(s) of Diversion:

GROUND WATER NENESE Sec. 03 Township 22N Range 21E LEMHI County

Place(s) of use:

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Place of Use Legal Description: STOCKWATER LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
22N	21E	3		NESE										

Place of Use Legal Description: DOMESTIC LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
22N	21E	3		NESE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. 6 HORSES RP 001440000010A

Dates:

Licensed Date:

Decreed Date: 09/15/2000

ATTACHMENT II

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 28 2002

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 75-07505

1. Owner: JOHN E. BURNS, RUTH C. BURNS Phone No. (208) 756-3645

Current Address: P.O. BOX 264, CARMEN, ID 83462

2. Accompanied by: JOHN BURNS EXAM DATE: 6/13/96

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 1875, 1882, 1888, 1892 2A) YES - CARMEN CREEK (12")

2. Other water rights with the same point of diversion: NOTE 75-10063 DOW/STOCK

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: two wells/sumps

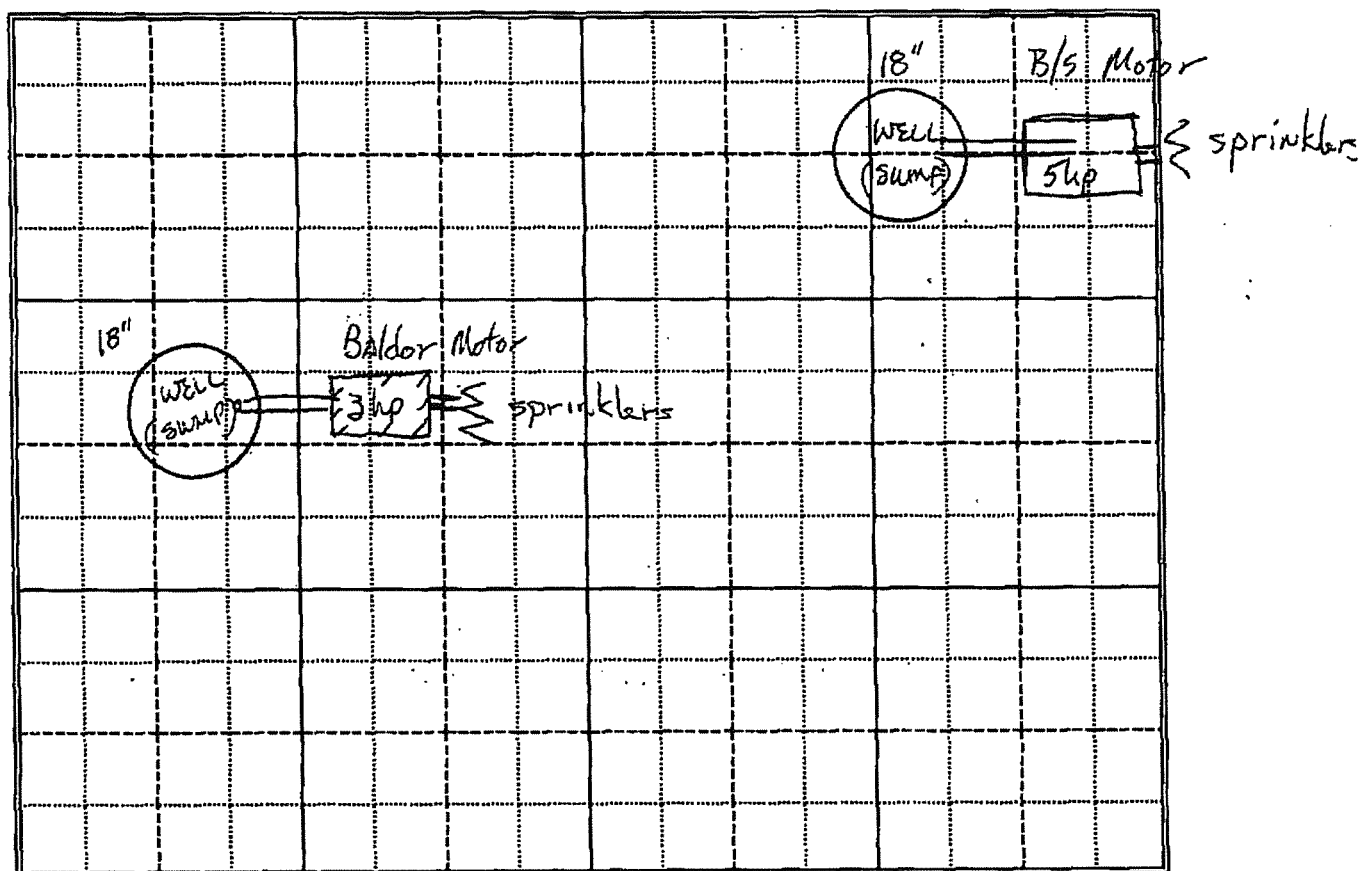
Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NE	SE	3	22N	22E	Lemhi	On site FSA Aerial
		NE	NE	SE	3	22N	22E	Lemhi	

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	22E	3																	
		3				1.2													9.2
		2				0.2		6.3			2								2.3
																			11.5

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
IRR WELL (sump)	Briggs Stratton	5		Pace	
IRR WELL (sump)	Baldor	3		Monarch	
Domestic well	UNK	3/4			

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: IRR 3/16 nozzle @ 50psi (9)
5/32 nozzle @ 35psi (8)

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E. NARRATIVE/REMARKS/COMMENTS

5hp pump and 3hp pump connected to irrigation system as 3/4 hp pump
supply water to single domestic home.

FILED ADJ: CLAIM 75-10063 FOR DOMESTIC/STOCK WATER
USE FROM THE DOMESTIC WELL.

two wells (sumps) to pumps/motors sprinklers
9 nozzles on one line of sprinklers. 8 nozzles
on another sprinkler line.

- one domestic/stock well covered by 75-10063
~~domestic/stock water use from this permit.~~
these sumps are used for stockwater. see photo
with stock trough

- shallow wells 18" diameter less than 20 feet deep.
probably water from Carmen Crk.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q_{3\frac{1}{16}} @ 50 \text{ psi} = 9 \times 7.41 \text{ gpm} = 66.69 \text{ gpm}$$

$$Q_{\frac{1}{32}} @ 35 \text{ psi} = 8 \times 4.31 \text{ gpm} = 34.48 \text{ gpm}$$

$$101.17 \text{ gpm} = 0.23 \text{ cfs}$$

$$11.5 \text{ ac} \times 0.02 \text{ cfs/ac} = 0.23 \text{ cfs max}$$

~~Domestic = 0.04 cfs~~

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 11.5 (3.5) = 40.3 \text{ AF/A}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.23 \text{ cfs} (214) 1.9835 = 97.6 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 40.3 \text{ AF/A}$$

2. Volume Calculations for Other Uses:

Domestic - 6 horses

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	10/31	0.23 cfs	40.3
~~Domestic (unit)~~	~~1/1~~	~~12/31~~	~~0.04 cfs~~	~~1.2~~ DROP
Domestic (6 horses)	1/1	12/31	0.01 cfs	0.1 AF/A
Totals:			0.23 cfs	40.4 AF

2. Recommended Amendments

☒ Change P.D. as reflected above ☒ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name KEITH C. WILSON for DON SIMPKINS Date 8/8/2000

Reviewer DAVE CARLSON Date 1/18/2002

SEAL

ATTACHMENT III

Comment Report

75-7505

1. csaxton 2/27/2012 2:15:32 PM POD

Comment: Updated Shape

2. csaxton 2/27/2012 Combined Use

Comment: 75-7505 is a supplemental groundwater right to 5 other surface water rights: 75-69A, 75-70A, 75-10061A, 75-10062A and 75-14248. The total combined diversion rate decreed to the surface water rights is 0.43 cfs on 10.7 acres. This calculates to 0.04 cfs per acre. In the event that 75-7505 is to be used, it will only authorize overall diversion rate of 0.02 cfs per acre but will not limit the ability for the surface water rights to divert a greater duty of water. For example, if 0.03 cfs per acre is available at the field headgate surface water rights, then right 75-7505 cannot be diverted. However, if the available surface water diversion provides 0.01 cfs per acre at the field headgate, then 0.01 cfs per acre can be diverted under 75-7505 to bring the maximum land application rate up to 0.02 cfs per acre.

3. csaxton 2/27/2012 Purpose of Use

Comment: Field examiner recommended licensing Domestic as a purpose of use even though it is only used for stockwater. The permit needs amendment anyway to add the second POD so I recommend changing the domestic purpose of use to stockwater. 75-10063 is the domestic right from a separate well.

4. csaxton 2/27/2012 Place of Use

Comment: Place of use recommended is the same POU that was recommended for overlapping primary rights. Development period ended in 1991 and the aerial photography in 1987 and 1992 do differ from current aerial photography. Recommend the shape and the POU the same as the decreed rights because that matches the best with the development period.

5. csaxton 2/27/2012 3:22:29 PM POU

Comment: Updated Shape

6. csaxton 2/29/2012 8:00:16 AM POU

Comment: Updated PLS

7. csaxton 2/29/2012 8:01:23 AM POD

Comment: Updated PLS

ATTACHMENT IV

ORDINANCE NO. 1997-1

AN ORDINANCE OF THE COUNTY OF LEMHI, STATE OF IDAHO, DECLARING IT UNLAWFUL TO PERMIT OR CAUSE WATER TO FLOW OR FALL ON COUNTY ROADS, STREETS, OR HIGHWAYS; PROVIDING FOR ABATEMENT; REQUIRING REPAIR AT THE EXPENSE OF THE PERSON, PARTNERSHIP OR CORPORATION CAUSING DAMAGE; ESTABLISHING PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lemhi County Road Supervisor has notified the Board of Commissioners that persons in the County are allowing water to spray and flow on and across County roads, causing damage to said roads;

AND WHEREAS, the Board of Commissioners have determined that the maintenance and protection of the roads of the County require that said behavior be regulated by Ordinance; NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LEMHI COUNTY, IDAHO:

SECTION 1: WATER ON COUNTY ROADS PROHIBITED It shall be unlawful for any person, partnership, or corporation to permit or cause water to spray or flow on or across any public highway, road, street or county right of way located in Lemhi County, Idaho.

SECTION 2: ABATEMENT OF WATER ON PUBLIC ROADS, STREETS, OR HIGHWAYS The County Road Supervisor is hereby authorized to go upon the lands of any person, partnership, or corporation which has caused or allowed water to spray or flow on a public road, street, or highway in Lemhi County, and install such culverts and drains as may be necessary, and in such manner, as to cause water to drain from said highway to be carried down its natural channel to some point where the same may be disposed of without injury to said landowner and adjoining land owners, all at the expense of the person, firm, or corporation responsible for permitting or causing the water to be on the road.

SECTION 3: REPAIR OF STREETS, HIGHWAYS, ROADS BY PERSON RESPONSIBLE FOR INJURY All injuries to public streets, highways, or roads in Lemhi County, Idaho caused by water spraying or flowing thereon shall be immediately repaired at the expense of the person, firm, or corporation responsible for said injury. Said repairs are to be made under the supervision of the Lemhi County Road Supervisor, to the Supervisor's specifications.

SECTION 4: PENALTIES Violation of this ordinance is hereby declared to be a misdemeanor punishable by a fine of not to exceed THREE HUNDRED DOLLARS (\$300.00) and/or imprisonment in the County jail for a period not to exceed SIX (6) MONTHS. Said criminal penalties are in addition to repair costs and abatement costs referred to in Sections 2 and 3 above. All fines and restitution assessed pursuant to this Ordinance shall be paid into the County Road Fund, as provided by Idaho Code 40-921.

SECTION 5: EFFECTIVE DATE This ordinance shall be in full force and effect on and after its passage, approval, and publication according to law

PASSED AND APPROVED by the Board of Lemhi County, Idaho, Commissioners this 22 day of September, 1997.

Those voting aye 2 Those voting nay 0

SIGNED by the Chairman of the Board of Lemhi County, Idaho, Commissioners this 22 day of Sept, 1997.

ATTEST:

By: Thomas C. Chaffin

Alberta Anderson BRIEF IN SUPPORT OF PETITION FOR RECONSIDERATION OF WATER RIGHT
LICENSE NO. 75-07505

ORDINANCE NO. 1997-1

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2012, I mailed the original copy, postage prepaid, of the foregoing document (including attachments) to the person(s) listed below:

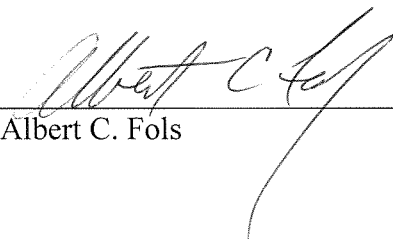
Gary Spackman, Interim Director
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

and that I mailed on the same day a true and correct copy, postage prepaid, of the foregoing document (including attachments) to the person(s) listed below:

John E. Burns
Ruth C. Burns
PO Box 264
Carmen, ID 83462

State of Idaho
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

County Prosecutor and Counsel for Lemhi County Commissioners
Bruce Withers
1301 Main Street, Ste. 6
Salmon, ID 83467



Albert C. Fols