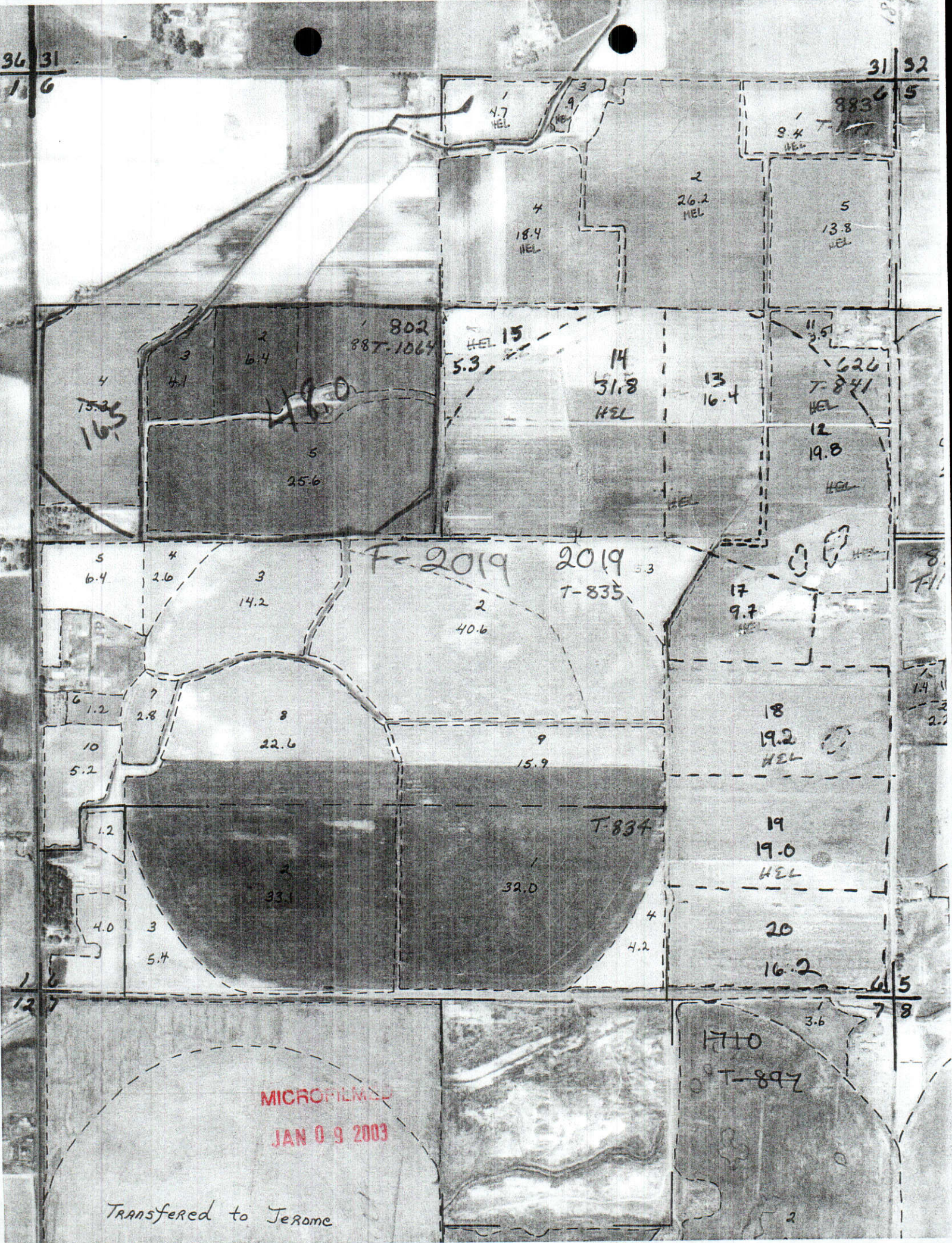


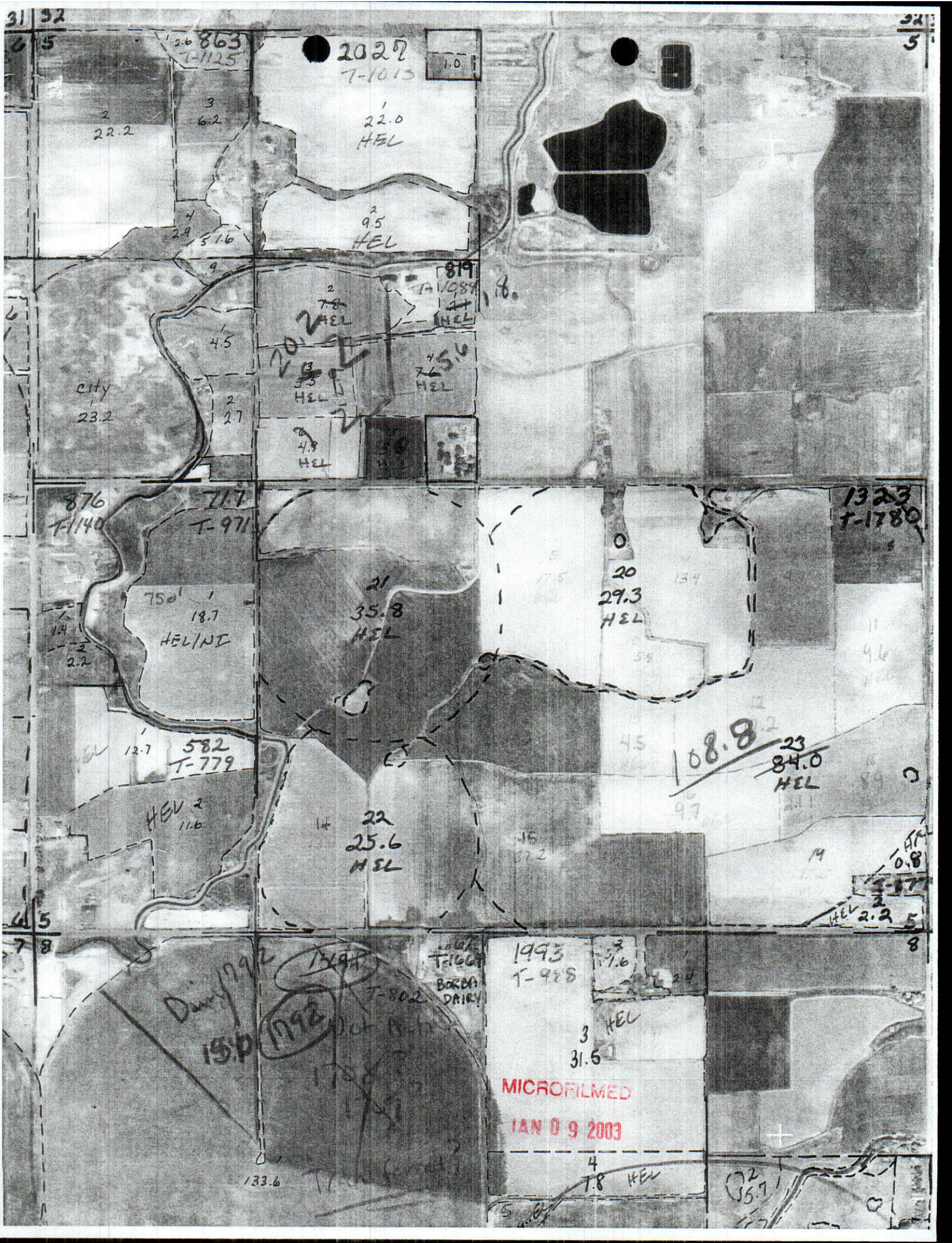
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Department of Water Resources
Customs Division

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

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 (under the "split" heading), 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
36-07072					
36-08356					
36-07866					

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Department of Water Resources

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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) is 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) Pisces Investments, Inc.
P. O. Box 268, Hagerman, ID 83332
4. New Owner/Claimant(s) Seapac of Idaho, Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
P. O. Box 546, Buhl, ID 83316
- New Mailing Address _____
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property December 10, 2002

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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)
(include title if applicable)

[Handwritten Signature]
Seapac of Idaho, Inc.
[Handwritten Signature]

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 <i>[Signature]</i>	Date <i>12/1/02</i>	Fee <i>75.00</i>
Received by <i>[Signature]</i>	Date <i>12/1/02</i>	Receipt No. <i>5025368</i>
Processed by <i>[Signature]</i> AJ	Date _____	WR _____ Date _____

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WARRANTY DEED

For Value Received

PISCES INVESTMENTS, INC., an Idaho Corporation

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

SEAPAC OF IDAHO, INC., a corporation

Address: P. O. Box 546, Buhl, ID 83316

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

See attached Schedule A

SUBJECT TO:

Instrument # 198159

GOODING, GOODING, IDAHO

2002-12-10

04:15:05 No. of Pages: 8

Recorded for : LAND TITLE

HELEN EDWARDS

Fee: 24.00

Ex-Officio Recorder Deputy

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2002, which are not yet due or payable.

Assessments levied or to be levied by any local irrigation district.

Power Line Easement given by Norman S. Standal and Anita J. Standal, and George H. Lemmon and Irene E. Lemmon, to Idaho Power Company, a corporation, dated May 6, 1974, recorded January 10, 1975 as Instrument Number 52990, Gooding County records, affecting a portion of Lot 8 of Section 6, Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Aquaculture Industries, Inc., a Corporation, to Idaho Power Company, a corporation, dated May 29, 1974, recorded January 10, 1975 as Instrument Number 52991, Gooding County records, affecting a portion of Lot 8 in Section 6, the Southwest corner of Section 5, and Lot 1 in Section 8, all Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Ardell G. Hill and Joyce W. Hill, husband and wife, to Idaho Power Company, a corporation, dated March 14, 1977, recorded March 1, 1978 as Instrument Number 69049, Gooding County records, affecting a portion of Lot 8 in Section 6, Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Ardell G. Hill and Joyce H. Hill, husband and wife, to Idaho Power Company, a corporation, dated February 12, 1980, recorded June 11, 1980 as Instrument Number 83646, Gooding County records, affecting a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Valley Trout Farms, Inc., Kenneth Ellis, Pres. and Brenda Ellis, Sec., to Idaho Power Company, a corporation, dated November 29, 1980, recorded May 6, 1980 as Instrument Number 82970, Gooding County records, affecting a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Valley Trout Farms, Inc., Kenneth S. Ellis, President, and Brenda Ellis, Secretary, to Idaho Power Company, a corporation, dated October 20, 1980, recorded January 19, 1981 as Instrument Number 87291, Gooding County records, affecting a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Valley Trout Co., Inc., to Idaho Power Company, a corporation, dated May 1981, recorded September 9, 1981 as Instrument Number 91266, Gooding County records, affecting a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 8 South, Range 14, East Boise Meridian.

any adverse claim based on the assertion that the location of the Snake River has moved.

any adverse claim based on the assertion that some portion of said land is now or at any time has been within the boundaries of the Snake River or any other navigable body of water or by reason of the fact or claim that any portion or portions thereof have been rendered unnavigable by artificial means or have accreted to such portions so created.

JAN 11 -

[Handwritten signature]

Any rights, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.

Perpetual Easement Agreement by and between Ardell G. Hill and Joyce W. Hill, husband and wife, Grantors, and Pisces Investments, Inc., an Idaho corporation, Grantee, dated July 18, 1985, recorded August 29, 1985 as Instrument Number 116679, re-recorded August 30, 1985 as Instrument Number 116700, Gooding County records, pertaining to a 50 foot wide parcel located in Lot 8 of Section 6, Township 8 South, Range 14, East Boise Meridian.

Terms and conditions contained in Easement for Right of Way given by The Secretary of the Interior, by his authorized representative, the Regional Director, U. S. Fish and Wildlife Service, to Ardell L. Hill dated January 22, 1987, recorded March 9, 1987 as Instrument Number 126668, Gooding County records, for an easement for road right of way for a period of 20 years and wherein Grantee agrees to those portions of Part 29, Subpart B of Title 50 of the Code of Federal Regulations.

Any ambiguity as to the location of the "precipice of the upper rim rock" and the "upper rim rock" as contained in the legal description.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Idaho Water Right No. 36-07072, a licensed right for 148.2 cfs for fish propagation, Idaho Water Right No. 36-08356, authorizing reuse of up to 45 cfs for additional fish propagation purposes, and Idaho Water Right No. 36-07866, authorizing the use of up to 9 cfs for domestic and hydropower generation.

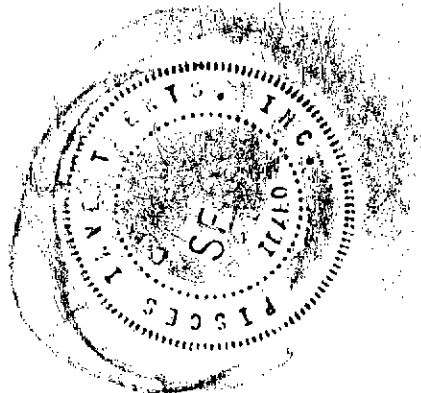
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 10, 2002

PISCES INVESTMENTS, INC.

by *Michael G. Greene*

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)



On this 10th day of December, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael G. Greene known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Becky Shubert
Notary Public
Residing at: Wendell, ID
My Commission expires: 02-23-05

Becky Shubert
Notary Public
State of Idaho

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CONTINUATION

SCHEDULE A

Order Number: GG-03930

Parcel No. 1:

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 5: That part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, described as follows:

Beginning at the Southwest corner of said Section;
Thence North on the West line of said Section to a point 100 feet North of the precipice of the upper Rim Rock of Snake River Canyon;
Thence Southeasterly paralleling the said Rim Rock at a distance of 100 feet to a point 100 feet East of the intersection of the South line of said Section 5 with the precipice of upper Rim Rock of Snake River Canyon;
Thence West along the South line of said Section to THE POINT OF BEGINNING.

Section 6: That part of Lot 8, described as follows:

Beginning at the Southeast corner of said Lot 8, being the corner common to Sections 5, 6, 7 and 8;
Thence North on the East boundary line of said Lot 8 to a point 100 feet North of the precipice of the upper Rim Rock of Snake River Canyon;
Thence Northwesterly paralleling the said Rim Rock at a distance of 100 feet to the strip of land in Lot 8 granted by the parties, Anna G. Bickel and Paul S. A. Bickel, her husband, to the Twin Falls North Side Land and Water Company by deed dated January 17, 1912, and recorded in Book J of Deeds, Page 331 and Book 20 of Deeds, Page 570, records of Gooding County, Idaho, and by said company and its successor(s) occupied with a ditch to convey waste water to Snake River;
Thence Southwesterly along the Southern boundary of said strip of land to its intersection with Snake River, and thence continuing to the thread of stream;
Thence Southeasterly following the thread of Snake River upstream to its intersection with the South line of said Lot 8;
Thence East along the South boundary of said Lot 8 to THE POINT OF BEGINNING.

EXCEPTING THEREFROM the following described tracts:

- a. As set forth in Warranty Deed dated August 27, 1974 from Aquaculture Industries, Inc., to George H. Lemmon, recorded February 24, 1975 as Instrument Number 53570, records of Gooding County, Idaho;

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CONTINUATION

SCHEDULE A

Order Number: GG-03930

- b. As set forth in Warranty Deed dated August 27, 1974 from Aquaculture Industries, Inc., to Norman Standal, recorded February 24, 1975 as Instrument Number 53571, records of Gooding County, Idaho.

Section 7: Lot 1;

Section 8: All that portion of Lot 1 lying South and West of a line described as follows:

Beginning at a point on the North line of said Section 8, which is 100 feet East of the intersection of said North line with the upper Rim Rock of Snake River Canyon;

Thence Southeasterly paralleling the said Rim Rock at a distance of 100 feet to a point 100 feet North of the intersection of the East line of Lot 1 with the upper Rim Rock of Snake River Canyon;

AND

All that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying South and West of a line described as follows:

Beginning at a point on the West line of said subdivision, which is 100 feet North of the intersection of said line with the upper Rim Rock of Snake River Canyon;

Thence Southeasterly paralleling said Rim Rock at a distance of 100 feet to a point on the South line of said subdivision, which is 100 feet East of the intersection of said South line with the upper Rim Rock of Snake River Canyon.

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JAN 29 2003

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CONTINUATION

SCHEDULE A

Order Number: GG-03930

Parcel No. 2:

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 6: A parcel located in Lot 8, described as follows:

Beginning at the Southeast corner of said Section 6;
Thence North $00^{\circ}09'02''$ East, 729.16 feet along the Section line to an established
1½" pipe;
Thence North $29^{\circ}43'58''$ West, 236.30 feet to THE REAL POINT OF
BEGINNING; Thence North $29^{\circ}43'58''$ West, 225.77 feet to the centerline of a
waste canal;
Thence following the centerline of the waste canal as follows: South $67^{\circ}25'$
West, 48.22 feet;
Thence South $89^{\circ}35'$ West, 38.10 feet;
Thence South $66^{\circ}24'$ West, 249.50 feet;
Thence South $50^{\circ}24'$ West, 55.00 feet;
Thence South $58^{\circ}24'$ West, 180.00 feet;
Thence South $54^{\circ}24'$ West, 155.00 feet to a
point identified as "E";
Thence South $33^{\circ}54'$ West, 105.00 feet;
Thence South $23^{\circ}39'$ West, 169.50 feet;
Thence South $18^{\circ}57'33''$ West, 174.31 feet which point is referenced by a brass cap
located South $66^{\circ}21'19''$ East, 25.00 feet, identified as (E-H);
Thence continuing along the thread of said canal an undetermined distance to the
thread of the Snake River;
Thence at right angles from the thread of the Snake River to a point on the
meandering shore line which point is referenced by the above identified
brass cap (E-H) North $75^{\circ}55'13''$ West, 113.67 feet;
Thence North $44^{\circ}07'52''$ East, 407.19 feet identified as point "F";
Thence North $60^{\circ}02'22''$ East, 590.56 feet to THE REAL POINT OF
BEGINNING.

EXCEPTING THEREFROM the following described parcels
of land:

- a. A 25 foot wide parcel which is parallel and adjacent to the centerline of the
waste canal above described.

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CONTINUATION

SCHEDULE A

Order Number: GG-03930

b. A 206.34 foot by 15 foot wide roadway easement which is parallel and adjacent to the Northeast boundary of the real property described above.

c. A 50 foot wide parcel which traverses the entire width of the real property described above, and is centered on a centerline as follows:

Beginning at the above identified point "F";

Thence North $65^{\circ}35'30''$ West, 135.36 feet along the road centerline to the P.C. of a curve as follows: Delta - $25^{\circ}14'16''$ Rt., Radius - 333.40 feet, Length - 146.86 feet, Chord - 145.67 feet, Tangent - 74.64 feet, which P.T. of said curve falls on the centerline of the waste canal South $33^{\circ}54'$ West, 10.88 feet from the above identified point "E".

TOGETHER WITH:

1. The right of ingress and egress over and across the above identified parcel described in (c) above.
2. The right to establish four each access approaches in the real property described above to the 50 foot parcel, identified in (c) above;
3. The right to establish and maintain, at two locations across the above identified 50 foot parcel, a water and utility easement.
4. Access into the above described real property is to be provided on the following described easement or right of way;
Commencing at the 40-corner in the East boundary of said Section 6, which said corner is the Northeast corner of Lot 8 of said Section;
Thence West along the North boundary line of said Lot to the upper rim rock of the Snake River Canyon;

Thence Southeasterly along the line of an old roadway or grade formerly used over said Lot 8.
5. Together with a perpetual easement over the above described property for ingress and egress dated July 18, 1985, recorded August 29, 1985 as Instrument Number 116679, re-recorded August 30, 1985 as Instrument Number 116700, Gooding County records.

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CONTINUATION

SCHEDULE A

Order Number: GG-03930

PARCEL NO. 3:

**TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING
COUNTY, IDAHO**

Section 6: A tract of land in Lot 8, described as follows:

Beginning at the Southeast corner of said Section 6;
Thence North 00°09'02" East, 729.16 feet along the
Section line to an established 1½" pipe, which point is THE REAL POINT
OF BEGINNING;
Thence North 29°43'58" West, 236.30 feet;
Thence South 60°02'22" West, 590.56 feet to point "F";
Thence South 44°07'52" West, 407.19 feet to a point which is referenced by a
brass cap, identified above as (E-H), which cap is located: North
75°55'13" West, 113.67 feet;
Thence Southwesterly at right angles to the thread of the Snake River an
undetermined distance out to the thread of the Snake River;
Thence following the thread of the Snake River in a Southeasterly direction;
Thence at right angles from the thread of the Snake River to a point on the
shoreline, which point is referenced by the above identified brass cap
(E-H) to lie 75°55'13" West, 402.90 feet of said point;
Thence North 54°23'57" East, 215.70 feet to point "G";
Thence North 54°23'57" East, 561.36 feet to THE REAL POINT OF
BEGINNING.

EXCEPTING THEREFROM the following described parcel of land:

Commencing at the Southeast corner of said Section 6;
Thence North 0°09'02" East, 729.16 feet along the Section line to an established
1½" pipe;
Thence North 29°43'58" West, 236.30 feet;
Thence South 60°02'22" West, 590.56 feet to a point identified as Point "F", said
point being THE TRUE POINT OF BEGINNING;
Thence South 65°35'30" East, 96.24 feet to the P.C. of a curve with the following
data: Delta: 74°07'31" Rt. Radius: 155.68 feet Length: 201.41 feet Chord:
167.65 feet Tangent: 117.58 feet
Thence from the P.T. continue South 89°32'01" West, 32.78 feet to Point "G".

The above described parcel is intended to be a strip of land 25.00 feet on each side of the
above described line.

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CONTINUATION

SCHEDULE A

Order Number: GG-03930

TOGETHER WITH an easement for right-of-way given by the Secretary of the Interior, by his authorized representative, the Regional Director, U. S. Fish and Wildlife Services to Ardell L. Hill dated January 22, 1987, recorded March 9, 1987 as Instrument Number 126668, Gooding County records.

TOGETHER WITH the following described easement for access as disclosed in Warranty Deed recorded August 5, 1975 as Instrument Number 55772, records of Gooding County, Idaho. Located in Lot 8 of Section 6, Township 8 South, Range 14, East Boise Meridian:

1. The right of ingress and egress over and above the above identified 50 foot wide parcel, as well as the right of ingress and egress of the 50 foot wide parcel, which is 25 feet on each side of the following described centerline:

Beginning at the above identified point "F";

Thence North $65^{\circ}35'30''$ West, 135.36 feet along the road centerline to the P. C. of a curve as follows:

Delta - $25^{\circ}14'16''$ Rt.

Radius - 333.40 feet

Length - 146.86 feet

Chord - 145.67 feet

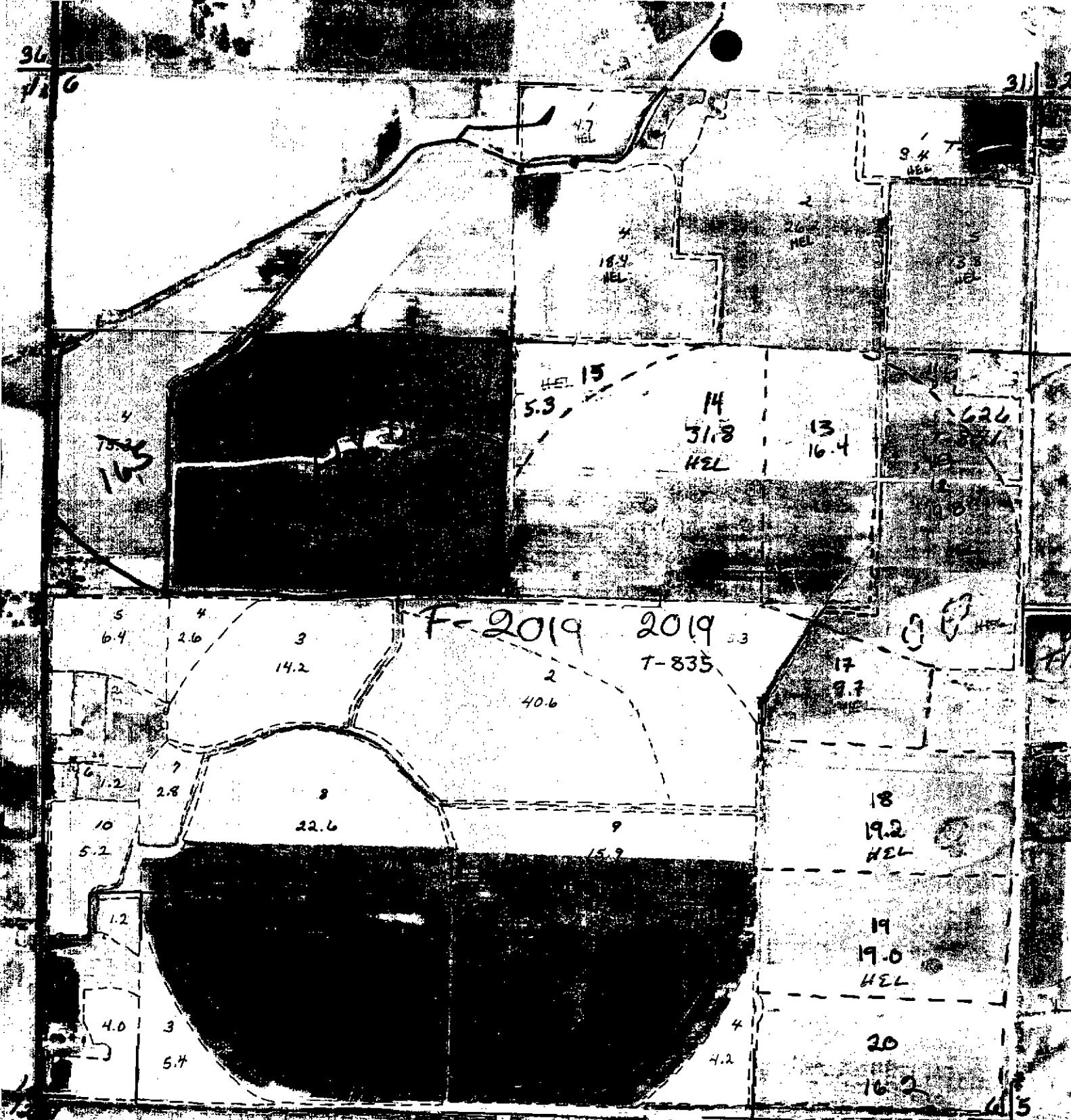
Tangent - 74.64 feet which P.T. of said curve falls on the centerline of the waste canal South $33^{\circ}54'$ West, 10.88 feet from the above identified point "E".

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JASON R. MICIAK, P.C.

Attorney at Law

139 River Vista Place, Suite 102
P.O. Box 2632
Twin Falls, Idaho 83303-2632

Phone: (208) 734-5444
FAX: (208) 734-5605
Email: jrmiciak@yahoo.com

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JAN 26 2004
Department of Water Resources

January 21, 2004

Director Karl Dreher
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098
VIA FAX: (208) 327-7866

RE: Amendment of Clerical Error in January 9, 2004
Call for water

Dear Director Dreher:

Due to a clerical error in my office, the Department was given the wrong "Bill Jones" water right for which I am making a call for water. I represent the Mr. And Mrs. Bill Jones that claim water right number 36-07071 under the name Deloris D. Jones and John W. Jones Jr. as decreed in the SRBA. The water right is one for 73.05 cfs, of which the Jones state they are receiving around half. The priority date is July 8, 1969. Please note that it is for this water right – and this Bill Jones – that I make our call for water, and not those previously listed.

For better or worse the issues to be decided in the next few weeks are bigger than any single claimant and hopefully this error is easily rectified. I am willing to help your staff in any way to right this situation.

Sincerely,



Jason R. Miciak, P.C.

JRM/anc

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MAR 1 5 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2004

Jason R. Miciak
139 River Vista Place, Suite 102
P. O. Box 2632
Twin Falls, ID 83303-2632

VIA FACSIMILE TO (208) 734-5605 AND FIRST CLASS MAIL

Re: Distribution of Water to Pristine Springs, SeaPac of Idaho, and William D. Jones

Dear Mr. Miciak:

I have reviewed your letter dated January 9, 2004, which was received by the Department of Water Resources on January 12, 2004, in which you demand administration of water rights on behalf of your clients pursuant to Idaho Code, Title 42, Chapter 6. Your demand will be treated as a call for water delivery against junior priority ground water rights under the "Rules for Conjunctive Management of Surface and Ground Water Resources" (IDAPA 37.03.11) ("Conjunctive Management Rules"). The rules are available at the following website:

<http://www2.state.id.us/adm/adminrules/rules/idapa37/0311.pdf>

These rules prescribe how IDWR is to respond to a call for water delivery made by a holder of a senior priority surface or ground water right against the holders of junior priority ground water rights. Rule 40 of the Conjunctive Management Rules prescribes procedures for responding to delivery calls against junior priority ground water rights that are within a water district where ground water regulation is included in the function of such district. There are two water districts upgradient of the springs supplying Billingsley Creek that regulate ground water diversions. These districts are Water District No. 120 and Water District No. 130.

I am currently writing an order in response to a delivery call pursuant to Rule 40 of the Conjunctive Management Rules against ground water rights in Water Districts Nos. 120 and 130 junior in priority to July 13, 1962. In reviewing the partial decrees and Director's Reports enclosed with your letter for water rights held by your clients, I note that only three of the rights are senior to July 13, 1962. Assuming the water supply for these three earlier rights is adequate, your delivery call may be mooted, as a result of the prior delivery call.

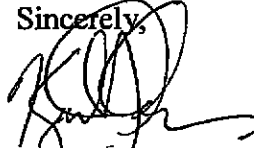
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MAR 10 2004

Jason R. Miciak
January 16, 2004
Page 2 of 2

I anticipate issuing the order described above prior to January 31, 2004. Therefore, I intend to hold your delivery call without further action until after I have issued this order.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl J. Dreher", written over the word "Sincerely,".

Karl J. Dreher
Director

c: Glen Saxton – IDWR
Tim Luke – IDWR

MICRONIA

JAN 16 2004

JAN 12 2004

Department of Water Resources

JASON R. MICIAK, P.C.**Attorney at Law**

139 River Vista Place, Suite 102 Phone: (208) 734-5444
P.O. Box 2632 FAX: (208) 734-5605
Twin Falls, Idaho 83303-2632 Email: jmiciak@yahoo.com

January 9, 2004

Mr. Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Delivery of Water to Pristine Springs, Inc.,
SeaPac of Idaho, Inc. and William D. Jones, Jr.

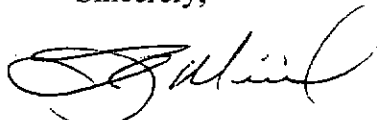
Dear Director Dreher,

This letter will address the only remaining option to the above water users in an effort to preserve their right to use water as outlined in their licenses and decrees. Exhibit one sets forth the senior water rights belonging to the above parties which are experiencing intolerable injury. These water rights are all within Water District 130 which was set up specifically to allocate water by priority under Chapter 6 of the Idaho Code. So far, the water is not being administered in accordance with the prior appropriation doctrine because senior surface water rights are severely diminished while junior groundwater users are pumping at all time highs. This situation cannot continue. As the situation stands, Idaho bears little resemblance to a prior appropriation state and, at least with respect to groundwater, riparian law seems to be in force.

My clients demand that you undertake the obligation lawfully proscribed to you in Idaho Code Title 42 Chapter 6, and administer and deliver water in strict accordance with the prior appropriation doctrine.

My clients are well aware of the complex and difficult nature of their demand, however the law of the State of Idaho is clear and it is their right and obligation to make such a demand. I look forward to hearing from you as to how the Department will carry out its constitutional and statutory duty to my clients.

Sincerely,



Jason R. Miciak, P.C.

JRM/anc
attachment
Cc: Clients

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MAR 10 2004

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07071

200 APR 10 AM 10:19
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: DELORIS D JONES
JOHN W JONES JR
PO BOX 265
HAGERMAN ID 83332

SOURCE: WEATHERBY SPRINGS
THREE SPRINGS
HOAGLAND TUNNEL

TRIBUTARY: BILLINGSLEY CREEK
BILLINGSLEY CREEK
BILLINGSLEY CREEK

QUANTITY: 73.05 CFS

RECEIVED

JAN 12 2004

Department of Water Resources

THE APPROPRIATOR SHALL CONTINUOUSLY ALLOW 6.50 CFS FROM
WEATHERBY SPRINGS TO BE DELIVERED INTO BAR 5 DITCH FROM THE
OUTLET OF FISH OPERATION DESCRIBED ABOVE FROM MARCH 1 UNTIL
NOVEMBER 1 OF EACH YEAR, AND SHALL CONTINUOUSLY ALLOW 4.00 CFS
FROM WEATHERBY SPRINGS TO BE DELIVERED INTO THE BAR 5 DITCH FROM
THE OUTLET OF FISH OPERATION DESCRIBED ABOVE FROM NOVEMBER 1
UNTIL MARCH 1 OF EACH YEAR.

PRIORITY DATE: 07/08/1969

POINT OF DIVERSION: T07S R14E S30

SESENW
SESESW

Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION

PERIOD OF USE
01-01 12-31

QUANTITY
73.05 CFS

90 RACEWAYS

PLACE OF USE:

FISH PROPAGATION
T07S R14E S30

Within GOODING County
NESW

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.

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.


BARRY WOOD
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07071

PAGE 1
MAR-13-2000

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4-13-2004

TOTAL P.02

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7072

WATER RIGHT NUMBER: 36-7072

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PISCES INVESTMENTS INC 3069 OSTER LAKES RD HAGERMAN, ID 83332 (208) 837-8541
Current Owner	SEAPAC OF IDAHO INC PO BOX 548 BUHL, ID 83316 (208) 328-3100

Priority Date: 09/05/1969

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
THOUSAND SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01 to 12/31	148.200 CFS	
<u>Total Diversion:</u>		148.200 CFS	

Location of Point(s) of Diversion

THOUSAND SPRINGS GOODING County	L1 (NE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E, B M
THOUSAND SPRINGS GOODING County	L8 (SE1/4SE1/4SE1/4)	Sec. 6,	Twp 08S,	Rge 14E, B M
THOUSAND SPRINGS GOODING County	L1 (NW1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E, B M
THOUSAND SPRINGS GOODING County	L1 (SE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E, B M

Place of Use

FISH PROPAGATION Within GOODING County

T08S R14E S05 SWSW	T08S R14E S06 Lot 8 SESE
T08S R14E S08 Lot 1 NWNW	

Conditions of ApprovalRemarks:

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APR 10 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7072

1. Quantity FACILITY VOLUME IS 602,600 CUBIC FEET.
THE RATE OF DIVERSION FROM SPRINGS 1, 2 & 3 SHALL NOT EXCEED 38.5 CFS AND
FURTHER, THAT OF THE 38.5 CFS, 13.5 CFS LESS THE AMOUNT OF WATER FLOWING
IN THE BRAILSFORD PIPELINE, MEASURED AT POINT B, SHALL BE RELEASED AT
EITHER POINT C (THE MEASURING DEVICE AT THE UPPER POND) OR THROUGH THE
HILL FLUME INTO THE UPPER POND.
2. Explanatory FISH PROPAGATION/ COMMERCIAL HATCHERY
3. Point of
Diversion TWO POINTS OF DIVERSION LOCATED IN T08S, R14E, S06, LOT 8 SESESE TWO POINTS
OF DIVERSION LOCATED IN T08S, R14E, S08, LOT 1 NWNWNW FOUR POINTS OF
DIVERSION LOCATED IN T08S, R14E, S08, LOT 1 SENWNW

Dates and Other Information:

Decreed Date: 12/29/1997

MICHAEL
DEC 10 2002

12/17/2002

Water Right Report 38-7866

WATER RIGHT NUMBER: 38-7866

Decreed Date: 12/29/1997

REC'D 2 2000

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-8356

WATER RIGHT NUMBER 36-8356

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PISCES INVESTMENTS INC 3069 OSTER LAKES RD HAGERMAN, ID 83332 (208) 837-6541
Current Owner	SEAPAC OF IDAHO INC PO BOX 546 BUHL, ID 83316 (208) 326-3100

Priority Date: 05/09/1988

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	01/01 to 12/31	45.000 CFS	32,600.00 AF
	<u>Total Diversion:</u>	45.000 CFS	32,600.00 AF

Location of Point(s) of Diversion

SPRINGS L1 (SE1/4NW1/4NW1/4) Sec. 8, Twp 08S, Rge 14E, B.M.
GOODING County

Place of UseFISH PROPAGATION Within GOODING County

T08S R14E S08 Lot 1 NWNW

Conditions of Approval

1. 027 Use of water under this right shall be non-consumptive.
2. 122 The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
3. X35 Rights 36-07072 and 36-08356 when combined shall not exceed a total diversion rate of 148.2 cfs
4. X36 Right 36-07072 is also diverted through the point of diversion described above.

RemarksDates and Other Information

Licensed Date: 6/5/2002

MICHAEL J. ...
JUL 10 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 17, 2002

SEAPAC OF IDAHO INC
PO BOX 546
BUHL ID 83316

RE: Change of Ownership for Water Rights 36-7072, 36-7866 and 36-8356

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

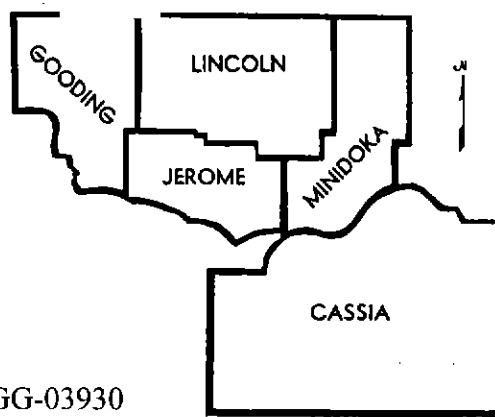
Enclosures

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1994 DEC 17

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



December 12, 2002

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

REFER TO:
OFFICE:

GG-03930
Gooding

RECEIVED

DEC 13 2002

Department of Water Resources
Solutions Center

RE: Seapac of Idaho, Inc.

Dear Sir/Madam:

Please find enclosed our check #16563 in the amount of \$75.00 representing fees on the above referenced. Please complete the change of ownership. I have provided the forms and a copy of the Warranty Deed and a plat for your information.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script, reading "Becky Shubert".

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

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JAN 9 2003