

Should questions arise during the processing of this application please contact:
Steven R. Hannula - ERO Resources Corp. (208) 373-7983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1

RECEIVED

OCT 08 2003

WATER RESOURCES
WESTERN REGION

Name of applicant Warm Springs Ditch Co. c/o Hoff Companies Inc.

Phone 208-884-2002

Post Office address 280 Corporate Dr., Ste. 200, Meridian, Idaho 83642

A. Purpose of Transfer

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes: To identify 13 acres converted from irrigation to pond area and to mitigate potential impacts resulting from companion Application for Permit. To adjust the PPU to reflect the conversion of the land from agriculture to golf course and associated residential irrigation.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-0192</u>	<u>06-01-1876</u>	<u>2.24 cfs</u>	<u>Irrigation</u>	<u>3-1 to 11-15</u>
<u>63-19425</u>	<u>06-01-1882</u>	<u>4.93 cfs</u>	<u>Irrigation</u>	<u>4-1 to 11-1</u>
<u>63-216C</u>	<u>06-01-1889</u>	<u>0.39 cfs</u>	<u>Irrigation</u>	<u>4-1 to 11-1</u>
<u>63-31728</u>	<u>04-18-1925</u>	<u>2.49 cfs</u>	<u>Irrigation</u>	<u>4-1 to 11-1</u>
<u>63-0192</u>	<u>06-01-1876</u>	<u>0.06 cfs/8.7 afa</u>	<u>Aesthetic Storage</u>	<u>3-1 to 11-15</u>
<u>63-19425</u>	<u>06-01-1882</u>	<u>0.13 cfs/18.9 afa</u>	<u>Aesthetic Storage</u>	<u>4-1 to 11-1</u>
<u>63-216C</u>	<u>06-01-1889</u>	<u>0.01 cfs/1.5 afa</u>	<u>Aesthetic Storage</u>	<u>4-1 to 11-1</u>
<u>63-31728</u>	<u>04-18-1925</u>	<u>0.06 cfs/8.7 afa</u>	<u>Aesthetic Storage</u>	<u>4-1 to 11-1</u>

2. Total amount of water being transferred 9.68 cubic feet per second and/or _____ acre-feet per annum.*
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	5	3N	2E	Ada	
6		SE	NW	22	4N	1E	Ada	

5. Lands irrigated or place of use:

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			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	
4N	1E	19	29/A			26													55
4N	1E	20			32/A	34/A		22/A	33/A	39/A	13	2			27/A	20/A			222
4N	1E	21			28	31			36	30	15	39				15			194

*Note that 13 acres are being transferred for pond aesthetics (change nature of use), and 15 acres are having the POU transferred

Total acres 471

PART 1

6. General Information:

- a. Description of diversion system Diversion from the Boise River into a canal and ponds and a perforated pipe collector gallery, pumping stations, and sprinkler system irrigation.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? XX Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: The existing place of use will be modified to fit the new irrigation pattern of the golf course and residences. Land under roads and parking lots are being shifted to fill in lands that are now being irrigated.
- d. Remarks: The change in nature of use is to reflect the use of part of the water for amenities and as part of the irrigation system. All irrigated water flows through the ponds.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 63-0192 Decreed to _____in case of Farmers Co-Op Ditch Co. vs. Riverside Irrigation Districtdated 01-18-1906 in Seventh District Court county of Ada

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. 63-192 on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Boise River tributary to _____4. Date of priority 06-01-1876

5. Water is used for the following purpose:

Amount 2.3/518 for Irrigation purposes from 3-1 to 11-15

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right 2.3 cubic feet per second and/or 518 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	5	3N	2E	Ada	
6		SE	NW	22	4N	1E	Ada	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
4N	1E	19	32			28													60
		20			39	35		23	35	43					33	22			230
		21			28	31			36	30	15	39				15			194

Total acres 4849. Describe any other water rights used for the same purpose as described above 63-216C, 63-19425, 63-31728

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 63-19425 Decreed to _____

in case of Farmers Co-Op Ditch Co. vs. Riverside Irrigation District

dated 01-18-1906 in Seventh District Court county of Ada

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. 63-19425 on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date of priority 06-01-1882

5. Water is used for the following purpose:

Amount 5.06 / 945 AFA for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 5.06 cubic feet per second and/or 945 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	5	3N	2E	Ada	
	6	SE	NW	22	4N	1E	Ada	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
4N	1E	19	32			28													60
		20			39	35		23	35	43					33	22			230
		21			28	31			36	30	15	39				15			194

Total acres 484

9. Describe any other water rights used for the same purpose as described above 63-0192, 63-216C, 63-31728

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED .

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-216C on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Boise River tributary to Snake River4. Date of priority 06-01-1889

5. Water is used for the following purpose:

Amount 0.4 for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)6. Total amount of water under right 0.4 cubic feet per second and/or ⁹⁰~~170~~* acre-feet per annum.

*based on 4.5 afa total for PPU.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	5	3N	2E	Ada	
6				22	4N	1E	Ada	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
4N	1E	19	32			28													60
		20			39	35		23	35	43					33	22			230
		21			28	31			36	30	15	39				15			194

Total acres 4849. Describe any other water rights used for the same purpose as described above 63-0192, 63-19425, 63-31728

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-31728 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water WASTE WATER tributary to BOISE RIVER4. Date of priority 04-18-1925

5. Water is used for the following purpose:

Amount 2.55 for Irrigation purposes from 4-1 to 11-1

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right 2.55 cubic feet per second and/or 545* acre-feet per annum.

* based on a 4.5 afa total for PPU

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
6		SE	NW	22	4N	1E	Ada	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
4N	1E	19	32			28													60
		20			39	35		23	35	43					33	22			230
		21			28	31			36	30	15	39				15			194

Total acres 4849. Describe any other water rights used for the same purpose as described above 63-0192, 63-19425, 63-216C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. See Attachment A

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

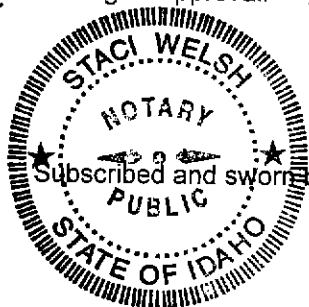
PART 3**B. CHANGES IN NATURE OF USE** N/A

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Aesthetic storage</u>	<u>0.06/8.7</u>	<u>824</u>	<u>3-1 to 11-15</u>
	<u>Aesthetic storage</u>	<u>0.20/29.1</u>	<u>124</u>	<u>4-1 to 11-1</u>
	<u>/</u>	<u></u>	<u></u>	<u></u>
	<u>-</u>	<u></u>	<u></u>	<u></u>

2. Quantity and quality of return flows and location of discharge: None

3. Describe effects on other water uses resulting from the proposed change: The existing water rights underlying the ponds are changed to aesthetics where the evaporation losses from the ponds are equivalent to the losses associated with irrigation of the same land. The ponds comprise a total of 13 acres at an average depth of 7 feet.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]
(Signature of Applicant)

Subscribed and sworn before me this 25th day of August, 20 03

[Signature]

(Notary Public)

My commission expires 1/27/2005

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 5 attachments

Received by KG Date 9/20/02 Protest filed by _____

Prelim. check by 6 Fee 490

Received by KG Date 9/20/02

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

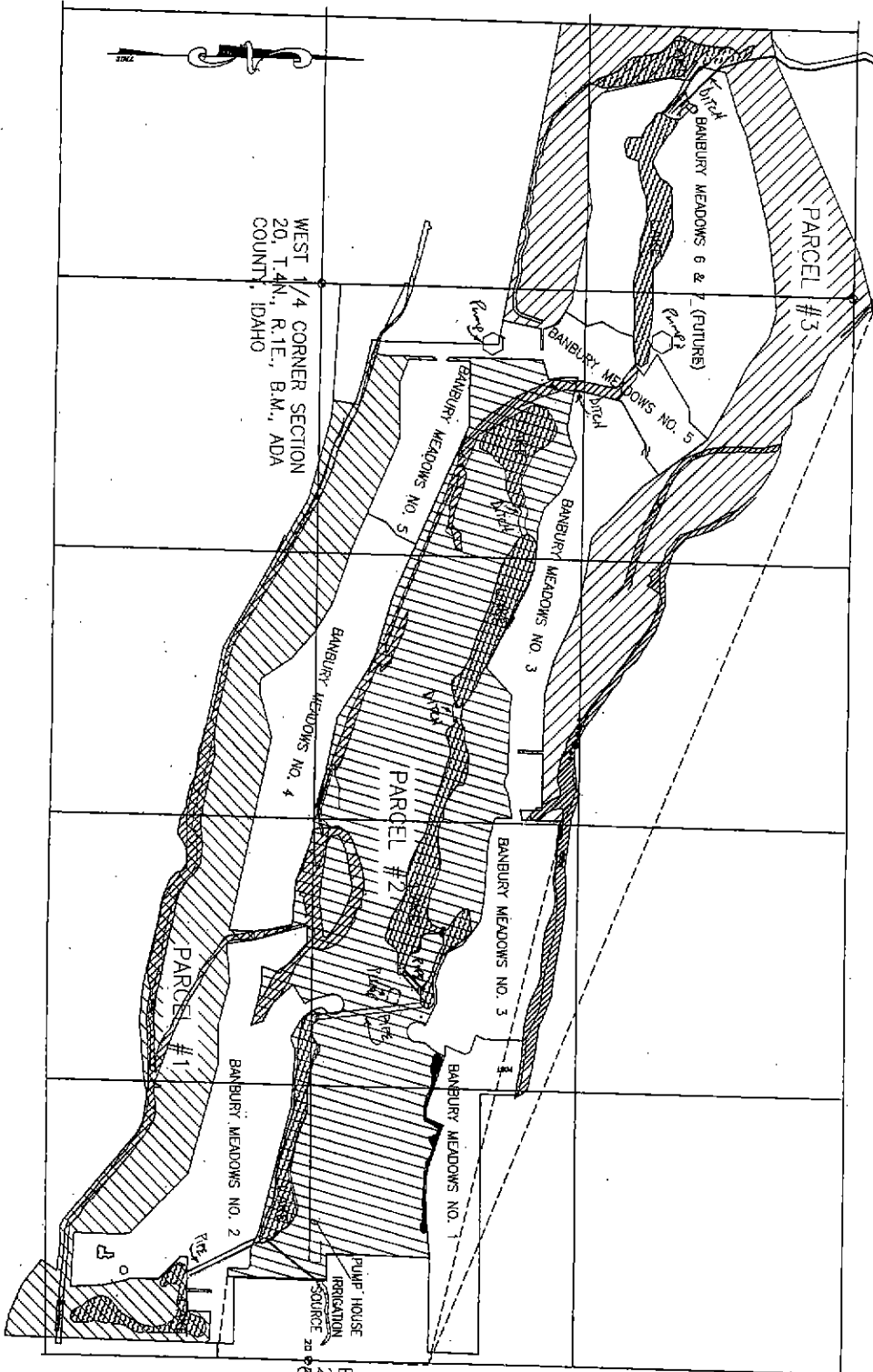
Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

BANBURY MEADOWS GOLF COURSE PLACE OF USE

JOPUN MOORS NATURE PARK
FUTURE

NORTHWEST CORNER OF SECTION
20, T.4N., R.1E., B.M., ADA
COUNTY, IDAHO



WEST 1/4 CORNER SECTION
20, T.4N., R.1E., B.M., ADA
COUNTY, IDAHO

EAST 1/4 CORNER SECTION
20, T.4N., R.1E., B.M., ADA
COUNTY, IDAHO

JOHNSON ENGINEERING
FEB. 5, 2003

**Remarks for
Application for Transfer
In the Name of Warm Springs Ditch Company**

RECEIVED

SEP 04 2003

**WATER RESOURCES
WESTERN REGION**

Introduction

The application for transfer proposes to change the nature of use of that portion of Warm Springs Ditch Company (Warm Springs) water rights represented by 13 shares of Warm Springs stock owned by Banbury Meadows LLC. Each Warm Springs share represents the right to delivery water to 1 acre of land, as and when water is available during the irrigation season, subject to conveyance losses and pro rata reductions among Warm Springs shareholders in times of shortage.

Also, this transfer seeks to move 15 acres from within the Warm Springs Permissible Place of Use (PPU) to lands that are part of the golf course and residential development that need to be irrigated.

The current authorized and claimed use of water right for Warm Springs is comprised to a number of claims. Each water right claim is included in this transfer.

Banbury Meadows LLC has applied to the Department for a permit to appropriate for Aesthetic Storage 58.5 acre-feet of ground water that would accrue to shallow excavated ponds. Accrued ground water will not be diverted from storage. The ponds have a total surface area of 13 acres. These 13 acres are within the Warm Springs service area and historically have been irrigated with water delivered by Warm Springs. This transfer application proposes to change the nature of use of the water rights historically used to irrigate the 13 acres of land within the Warm Springs service area that were converted from irrigation to ponds.

Pond Evaporation

By subtracting the annual precipitation (12.6 inches per year at Boise airport) from the Free Water Surface (FWS) evaporation estimate from NOAA (NOAA Technical Report NWS 34, 1982), net evaporation can be approximated. FWS evaporation is estimated by

multiplying the Pan Evaporation (63.97 in/yr) by the Pan Coefficient (0.7). FWS evaporation is approximately 45 in/yr. Therefore, net evaporation from the pond system is estimated to be 32.4 in/yr ($45 \text{ in/yr} - 12.6 \text{ in/yr} = 32.4 \text{ in/yr}$).

The attached affidavit indicates that pasture grass has historically been irrigated on this property prior to development. The average consumptive irrigation requirement (CIR) for pasture grass is 887 mm/season (2.91 ac-ft/ac, 34.9 in/yr) (Allen & Brockway, 1983) (attached). Therefore the consumptive use of the Warm Springs water rights from 13 acres during the irrigation season due to evapotranspiration is estimated to be 37.8 afa (2.91 ft/yr (Allen Brockway, 1983) * 13 acres = 37.8 afa).

The difference between the net pond evaporation (32.4 in/yr) and the CIR (34.9 in/yr) shows that the ponds will actually consume less water than the pasture grass.

The 37.8 afa of water will be maintained for mitigation by keeping 13 shares of Warm Springs water in the ponds as part of the flow-through system. By maintaining the water in the ponds, this water is then available to recharge the shallow ground water system as compensation for evaporation off the pond's surfaces.

Based on the above discussion and assumptions, this transfer will not result in an enlargement of the water right or cause injury to other water rights because the number of acres to which the water right will be applied, and the net consumptive use of water, will not increase.

The transfer proposes to apply all water under the affected portion of the Warm Springs water rights to recognized beneficial uses, and will continue beneficial use of the water right within the Warm Springs service area for its shareholders. The transfer also will facilitate the use of ground water without depleting the resource. For these reasons, the transfer is in the public interest.

Proposed Mitigation

The following mitigation is offered to satisfy IDWR's concerns involving new ground water appropriation in the Treasure Valley and thereby allowing processing of this

application for permit to proceed out of sequence from the backlog of applications now pending in the basin.

To mitigate the net evaporation from the 13-acre pond system, the applicant will retain 13 shares of Warm Springs Ditch Co. on the property for mitigation purposes. The applicant understands that these shares are to remain with the property and not be used in a different Place of Use. The mitigation plan will be in the form of a letter to IDWR Western Region from the applicant identifying the shares of Warm Springs associated with the pond surface area (13 acres) that will be used for mitigation to allow the application for permit to be processed immediately and out of filing sequence. The plan will clearly set forth for approval of IDWR that commitment of the shares for mitigation of use of water by storage of ground water in the pond, without diversion of water under the shares, is a continuing beneficial use of the water represented by the shares. The plan will specify the continuation of the payment of assessments to the Warm Springs Ditch Company.

[illegible]



ARTICLES OF INCORPORATION

(Non-Profit)

(Instructions on back of application)

The undersigned, in order to form a Non-Profit Corporation under the provisions of Title 30, Chapter 3, Idaho Code, submits the following articles of incorporation to the Secretary of State.

Article 1: The name of the corporation shall be:

Warm Springs Ditch Company

Article 2: The purpose for which the corporation is organized is:

A Water users association

Article 3: The street address of the registered office is: 280 E. Corporate Dr. Suite #200

and the registered agent at such address is: Brian Hoff

Article 4: The board of directors shall consist of no fewer than three (3) people. The names and addresses of the initial directors are:

Brian Hoff 7885 N. Vue Estates Rd. Meridian, ID 83642

Bob Moore 2745 S. Eagle Rd. Eagle, ID 83616

June Walters 1210 W. Joplin Lane Meridian, ID 83642

Article 5: The name(s) and address(es) of the incorporator(s):

Brian Hoff 7885 N. Vue Estates Rd. Meridain, ID 83642

Article 6: The mailing address of the corporation shall be:

280 E. Corporate Dr #200

Article 7: The corporation (☒ does ☐ does not) have voting members.

Article 8: Upon dissolution the assets shall be distributed:

Ratably between members

Signatures of all incorporators:

Typed Name: Brian Hoff

Typed Name: _____

Typed Name: _____

Typed Name: _____

Typed Name: _____

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

g:\corp\forms\corp_forms\articlesofincorporation.p65
Revised 07/2002

ATTACHMENT C

WARM SPRINGS DITCH COMPANY
280 E. Corporate Dr. Suite 200
Meridian, Idaho 83642

July 16, 2002

TO: DEPARTMENT OF WATER RESOURCES

As owner of the following Water Rights:

Identification Number: 63-192

~~63-2387A~~

63-19425

63-216C

SRH *SRH*
63-31728

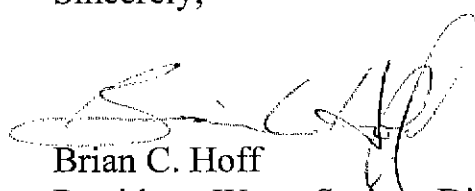
Source: Boise River

Tributary To: Snake River

Warm Springs Ditch Company is aware of and concurs with the redistribution of use and application for transfer of Hoff Companies portion of these water rights.

Warm Springs Ditch Company delivers water for all described properties and assesses landowners for these water deliveries.

Sincerely,


Brian C. Hoff

President, Warm Springs Ditch Company

ATTACHMENT D

SEP. -02' 03 (TUE) 08:40 HOFF COMPANIES, INC

TEL:2088841115

P. 002

AFFIDAVIT OF BRIAN HOFF,**President of Warm Springs Ditch Company**STATE OF IDAHO)
:
COUNTY OF ADA)

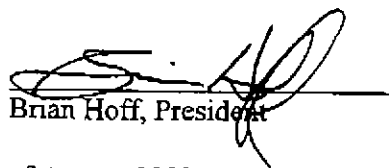
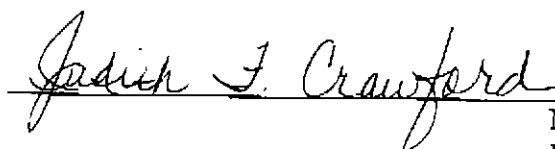
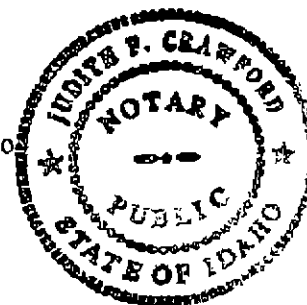
I, Brian Hoff, the undersigned, having been duly sworn on an oath deposes and says:

1. I am currently the president of Warm Springs Ditch Company. The information contained in this statement is true to the best of my knowledge and belief.
2. Approximately 484 acres of land located within sections 19, 20, and 21 of T4N, R1E, comprise the service area of the Warm Springs Ditch Company.
3. That portion of land that is currently developed as residential and golf course was previously used and irrigated primarily for pasture grass.
4. Warm Springs Ditch Company delivered the water used to irrigate the pasture grass.

FURTHER YOUR AFFIANT SAITH NAUGHT

Dated this 28th day of August 2003

BRIAN HOFF


Brian Hoff, PresidentSubscribed and sworn before me this 28th day of August 2003.Notary Public
Residing at Boise, IdahoMy commission expires 12/9/04

ATTACHMENT E