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JUL 01 2010

DEPARTMENT OF WATER RESOURCES

Lord Ranch, LLP

Dana L. Hofstetter, ISB #3867  
HOFSTETTER LAW OFFICE, LLC  
608 West Franklin Street  
Boise, Idaho 83702  
Telephone (208) 424-7800  
Facsimile: (208) 424-8774  
Email: [Dana@IdahoWaterLaw.com](mailto:Dana@IdahoWaterLaw.com)

**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** )  
 )  
 ) **Subcase No. 63-33393**  
 )  
**Case 39576** ) **AFFIDAVIT OF DANA L. HOFSTETTER**  
 )  
 )  
 )  
 )  
 )  
 )

STATE OF IDAHO )  
 ) ss.  
COUNTY OF ADA )

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

(1) I am Dana L. Hofstetter, counsel of record in this matter for Lord Ranch, LLP.

(2) Attached hereto as Exhibit A is a true and correct copy of the Notice of

Change in Water Right Ownership that Lord Ranch filed for Water Right No. 63-2143 (split

and renumbered to 63-33233) with the Idaho Department of Water Resources ("IDWR").

(3) In the process of attempting to resolve Water Right No. 63-33233 with IDWR, it was recently discovered that not all of the acreage associated with this property was addressed under Water Right No. 63-33233.

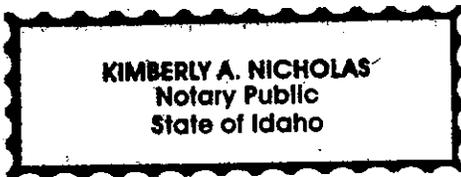
(4) Water Right No. 63-33393 is a beneficial use claim intended to address additional acreage not addressed under licensed-based Water Right No. 63-33233.

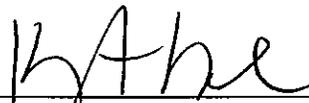
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 30th day of June, 2010.

  
Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 30th day of June, 2010.



  
Notary Public in and for the State of Idaho  
Residing at: 1688 W State St Boise ID  
My Commission Expires: 12/14/2012 83702

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (including attachments) this 30th day of June, 2010, by U.S. Mail postage pre-paid to:

IDWR Director  
P.O. Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

  
Dana L. Hofstetter

## 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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
63-2143	63-2143	X			

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 on file with the county Planning and Zoning or Recorder's Office).  
**OR**
  - D. 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 or equivalent **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**.

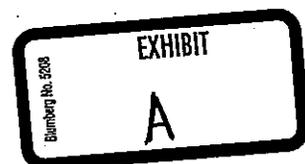
3. Name and Address of Former Owner/Claimant(s) Two Plus Ranch  
274 Mobley Lane, Boise, Idaho 83712

4. New Owner/Claimant(s) Lord Ranch  
 Name Connector (Check one):  and,  or,  and/or

New Mailing Address 1171 Mayfield Road

City, State and ZIP Code Boise, Idaho 83716-3401

New Telephone Number ( 208 ) 343-8938 Email: \_\_\_\_\_



5. Date you acquired the property May 1, 1989

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
<b>Water Right and/or Adjudication Claim Number 63-2143</b>		
Irrigation	0.66 cfs	33 acres
Stock		
Domestic		
Other		
<b>Totals</b>	<b>0.66 cfs</b>	<b>33 acres</b>
<b>Water Right and/or Adjudication Claim Number</b>		
Irrigation		
Stock		
Domestic		
Other		
<b>Totals</b>		
<b>Water Right and/or Adjudication Claim Number</b>		
Irrigation		
Stock		
Domestic		
Other		
<b>Totals</b>		

*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.*

7. Signature(s) of New Owner(s) or Claimant(s) Jeffrey E. Lord partner  
 Jeffrey E. Lord, Partner (title if applicable)  
 Lord Ranch, an Idaho general partnership  
 \_\_\_\_\_  
 (title if applicable)

**IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.**

**For IDWR Office Use Only:**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt Amt. \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

WARRANTY DEED

FOR VALUE RECEIVED, TWO PLUS RANCH, an Idaho general partnership, hereinafter called the Grantor, does hereby grant, bargain, sell and convey unto LORD RANCH, an Idaho general partnership, hereinafter the Grantee, whose current address is HC 34, Mayfield Stage, Boise, Idaho 83706, the following described premises, located in Elmore County, Idaho, to wit:

See Exhibit "A," attached hereto and by this reference incorporated herein.

Together with all improvements, water, water rights, ditches, ditch rights, mineral rights, easements, rights of way, hereditaments and appurtenances thereto.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described in Exhibit "B" attached hereto and incorporated herein. Grantor, for itself, its heirs and assigns does hereby covenant that it shall warrant and defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, this Deed is executed this 1st day of May, 1989.

253163

ELMORE COUNTY, IDAHO, ss

Request of GUARANTY TITLE, INC

Time: 10:30 A.M.

Date: May 2, 1989

Book: of

Page:

RAMONA TRAZABAL

By: Merle L. Beckers

Deputy

Fee \$12.00

TWO PLUS RANCH, an Idaho general partnership

By: William C. Davis, General Partner

By: Kenneth O. Owings, General Partner

STATE OF IDAHO COUNTY OF Elmore ss

On this 1st day of May in the year 1989 before me, a Notary Public, personally appeared

WILLIAM C. DAVIS

known or identified to me to be (one of) the partner(s) in the partnership of TWO PLUS RANCH

and the partner(s) who described said partnership in the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

Notary Public

Residing at MTN. HOME, Idaho

JOB No. 455  
MARCH 21, 1989

EXHIBIT 1.1 - LEGAL DESCRIPTION.

A parcel of land situated in the East 1/2 of Section 23, T.1N. R.4E., B.M., Elmore County, Idaho, as shown on Record of Survey filed as Instrument No. 253161, more particularly described as follows:

BEGINNING at the Northeast corner of said Section 23 a point marked by a Brass Cap; thence along the North line of said Section 23

North  $89^{\circ}57'41''$  West 1061.92 feet to a point on the Easterly Right-of-Way line of Slater Creek Road said line lying 30.00 feet from the physical centerline as surveyed said point marked by a 5/8" iron pin; thence along said Right-of-Way

South  $10^{\circ}22'00''$  West 222.45 feet to a point; thence

South  $5^{\circ}33'00''$  West 331.60 feet to a point; thence along a curve to the right whose central angle is  $22^{\circ}00'00''$ , whose radius is 450.00 feet, whose length is 172.79 feet and whose long chord bears

South  $16^{\circ}33'00''$  West 171.73 feet to a point; thence

South  $27^{\circ}33'00''$  West 379.71 feet to a point; thence

South  $34^{\circ}58'00''$  West 145.82 feet to a point; thence along a curve to the left whose central angle is  $27^{\circ}49'00''$ , whose radius is 315.00 feet, whose length is 152.93 feet and whose long chord bears

South  $21^{\circ}03'30''$  West 151.43 feet to a point; thence

South  $7^{\circ}09'00''$  West 376.25 feet to a point; thence along a curve to the left whose central angle is  $13^{\circ}41'00''$ , whose radius is 595.00 feet, whose length is 142.10 feet and whose long chord bears

South  $0^{\circ}18'30''$  West 141.76 feet to a point; thence

South  $6^{\circ}32'00''$  East 197.33 feet to a point; thence along a curve to the right whose central angle is  $37^{\circ}15'00''$ , whose radius is 355.00 feet, whose length is 230.80 feet and whose long chord bears

South  $12^{\circ}05'30''$  West 226.75 feet to a point; thence

South  $30^{\circ}43'00''$  West 191.95 feet to a point; thence along a curve to the right whose central angle is  $23^{\circ}06'00''$ , whose radius is 495.00 feet, whose length is 199.57 feet and whose long chord bears

South  $42^{\circ}16'00''$  West 198.22 feet to a point; thence

South  $53^{\circ}49'00''$  West 160.75 feet to a point; thence

South  $49^{\circ}05'00''$  West 203.86 feet to a point; thence along a curve to the left whose central angle is  $18^{\circ}38'00''$ , whose radius is 460.00 feet, whose length is 149.60 feet and whose long chord bears

South  $39^{\circ}46'00''$  West 148.94 feet to a point; thence

South 30°27'00" West 187.59 feet to a point; thence  
South 35°31'00" West 132.24 feet to a point; thence along a  
curve to the left whose central angle is 14°46'00", whose radius  
is 470.00 feet, whose length is 121.13 feet and whose long chord  
bears  
South 28°08'00" West 120.80 feet to a point; thence  
South 20°45'00" West 61.46 feet to a point; thence along a  
curve; thence along a curve to the right whose central angle is  
22°10'00", whose radius is 360.00 feet, whose length is 139.28  
feet and whose long chord bears  
South 31°50'00" West 138.41 feet to a point; thence  
South 42°55'00" West 19.03 feet to a point on the northerly  
Right-of-Way line of Indian Creek Road, said line lying 30.00  
feet from the physical centerline as surveyed; thence along said  
northerly Right-of-Way line  
South 84°55'00" East 486.50 feet to a point; thence along a  
curve to the right whose central angle is 15°47'00", whose radius  
is 570.00 feet, whose length is 157.02 feet and whose long chord  
bears  
South 77°01'30" East 156.52 feet to a point; thence  
South 69°08'00" East 45.33 feet to a point; thence along a  
curve to the left whose central angle is 36°25'00", whose radius  
is 530.00 feet, whose length is 336.86 feet and whose long chord  
bears  
South 87°20'30" East 331.22 feet to a point; thence  
North 74°27'00" East 133.26 feet to a point; thence along a  
curve to the left whose central angle is 29°32'00", whose radius  
is 275.00 feet, whose length is 141.75 feet and whose long chord  
bears  
North 59°41'00" East 140.19 feet to a point; thence  
North 44°55'00" East 92.20 feet to a point; thence along a  
curve to the right whose central angle is 16°02'00", whose radius  
is 490.00 feet, whose length is 137.12 feet and whose long chord  
bears  
North 52°56'00" East 136.67 feet to a point; thence  
North 60°57'00" East 162.67 feet to a point; thence along a  
curve to the right whose central angle is 13°15'00", whose radius  
is 675.00 feet, whose length is 156.10 feet and whose long chord  
bears  
North 67°34'30" East 155.75 feet to a point; thence;  
North 74°12'00" East 47.70 feet to a point; thence along a  
curve to the left whose central angle is 9°30'00", whose radius  
is 750.00 feet, whose length is 124.35 feet and whose long chord  
bears  
North 69°27'00" East 124.21 feet to a point; thence  
North 64°42'00" East 474.31 feet to a point; thence along a  
curve to the left whose central angle is 25°13'17", whose radius  
is 395.00 feet, whose length is 173.88 feet and whose long chord  
bears  
North 52°05'22" East 172.48 feet to a point; thence

North  $39^{\circ}28'43''$  East 97.62 feet to a  $5/8''$  iron pin on the  
east line of said Section 23; thence along said east line  
North  $00^{\circ}08'37''$  East 124.09 feet to the East  $1/4$  Corner of  
said Section 23; thence continuing along said east line  
North  $0^{\circ}08'46''$  East 2615.09 feet to THE POINT OF BEGINNING

said parcel contains 119.13 Acres



INSTRUMENT NO. 1000  
BOOK PAGE

# RECORD OF SURVEY

FOR  
**JEFF LORD**

PORTIONS OF THE NE 1/4 AND THE SE 1/4, SECTION 23,  
T.1N., R.4E., B.M.,  
ELMORE COUNTY, IDAHO

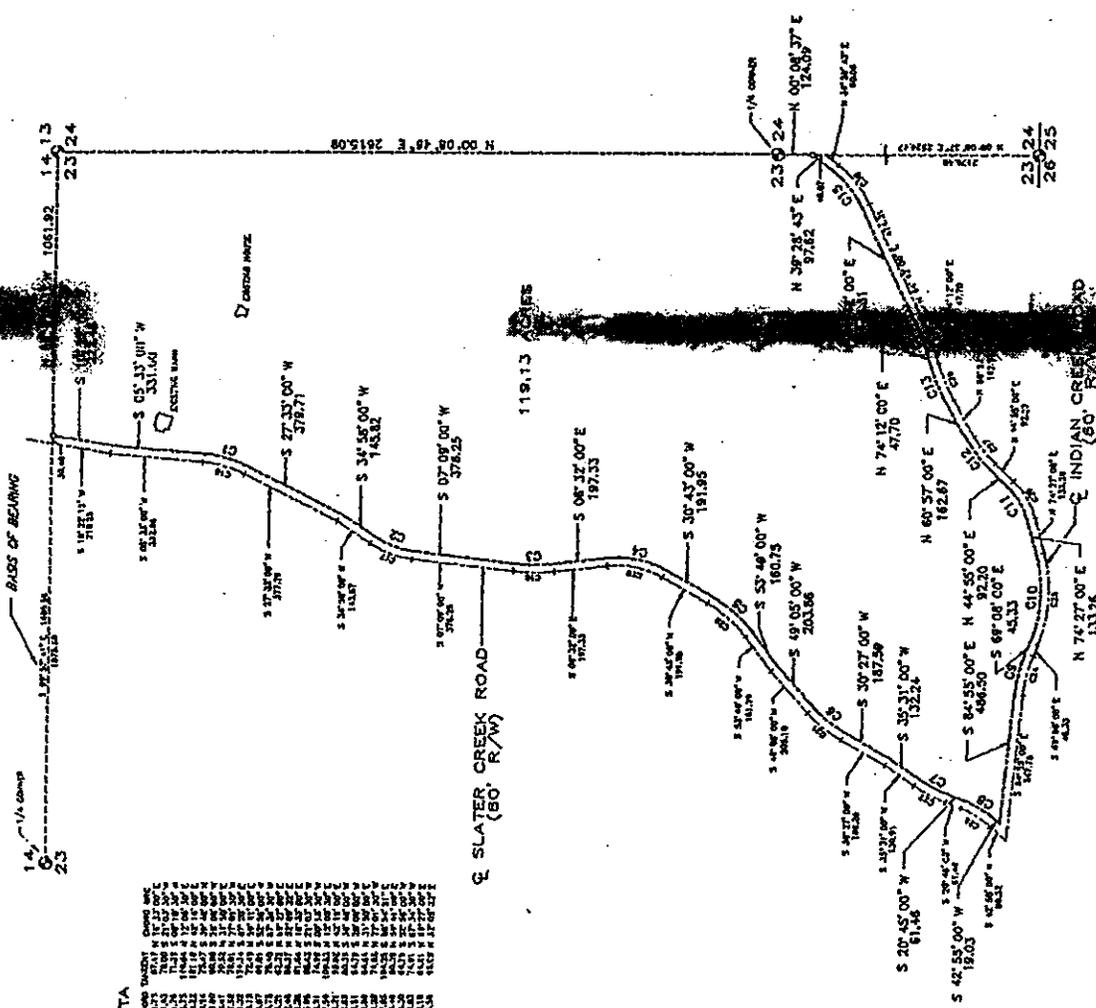


SCALE 1" = 300'

- LEGEND**
- BOUNDARY LINE
  - FOUND BRASS CAP
  - SET 5/8" x 30" IRON PIN w/ CAP

## CERTIFICATE OF SURVEYOR

I, PATRICK A. TEALEY, P.L.S. NO. 43247, STATE OF IDAHO,  
DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED  
ON THIS PLAT WAS PERFORMED BY ME OR UNDER MY  
DIRECT SUPERVISION AND IS IN ACCORDANCE WITH THE  
LAWS OF IDAHO RELATING TO SURVEYS.



**CURVE DATA**

STATION	CHORD BEARING	CHORD DISTANCE	CHORD AREA
1	S 12° 15' 00" W	100.00	100.00
2	S 15° 00' 00" W	115.47	115.47
3	S 18° 00' 00" W	134.20	134.20
4	S 21° 00' 00" W	156.43	156.43
5	S 24° 00' 00" W	182.17	182.17
6	S 27° 00' 00" W	211.51	211.51
7	S 30° 00' 00" W	244.54	244.54
8	S 33° 00' 00" W	281.36	281.36
9	S 36° 00' 00" W	322.00	322.00
10	S 39° 00' 00" W	366.58	366.58
11	S 42° 00' 00" W	415.23	415.23
12	S 45° 00' 00" W	468.00	468.00
13	S 48° 00' 00" W	525.00	525.00
14	S 51° 00' 00" W	586.33	586.33
15	S 54° 00' 00" W	652.00	652.00
16	S 57° 00' 00" W	722.17	722.17
17	S 60° 00' 00" W	797.00	797.00
18	S 63° 00' 00" W	876.67	876.67
19	S 66° 00' 00" W	961.33	961.33
20	S 69° 00' 00" W	1051.00	1051.00
21	S 72° 00' 00" W	1145.83	1145.83
22	S 75° 00' 00" W	1245.00	1245.00
23	S 78° 00' 00" W	1348.67	1348.67
24	S 81° 00' 00" W	1457.00	1457.00
25	S 84° 00' 00" W	1570.17	1570.17
26	S 87° 00' 00" W	1688.33	1688.33
27	S 90° 00' 00" W	1811.67	1811.67
28	S 93° 00' 00" W	1940.33	1940.33
29	S 96° 00' 00" W	2074.50	2074.50
30	S 99° 00' 00" W	2214.33	2214.33
31	S 102° 00' 00" W	2359.83	2359.83
32	S 105° 00' 00" W	2511.17	2511.17
33	S 108° 00' 00" W	2668.50	2668.50
34	S 111° 00' 00" W	2831.83	2831.83
35	S 114° 00' 00" W	2999.33	2999.33
36	S 117° 00' 00" W	3171.17	3171.17
37	S 120° 00' 00" W	3347.50	3347.50
38	S 123° 00' 00" W	3528.50	3528.50
39	S 126° 00' 00" W	3714.33	3714.33
40	S 129° 00' 00" W	3905.17	3905.17
41	S 132° 00' 00" W	4101.17	4101.17
42	S 135° 00' 00" W	4302.50	4302.50
43	S 138° 00' 00" W	4509.33	4509.33
44	S 141° 00' 00" W	4721.67	4721.67
45	S 144° 00' 00" W	4939.67	4939.67
46	S 147° 00' 00" W	5163.33	5163.33
47	S 150° 00' 00" W	5392.67	5392.67
48	S 153° 00' 00" W	5627.67	5627.67
49	S 156° 00' 00" W	5868.33	5868.33
50	S 159° 00' 00" W	6114.67	6114.67
51	S 162° 00' 00" W	6366.67	6366.67
52	S 165° 00' 00" W	6624.33	6624.33
53	S 168° 00' 00" W	6887.67	6887.67
54	S 171° 00' 00" W	7156.67	7156.67
55	S 174° 00' 00" W	7431.33	7431.33
56	S 177° 00' 00" W	7711.67	7711.67
57	S 180° 00' 00" W	7997.67	7997.67
58	S 183° 00' 00" W	8289.33	8289.33
59	S 186° 00' 00" W	8586.67	8586.67
60	S 189° 00' 00" W	8889.67	8889.67
61	S 192° 00' 00" W	9198.33	9198.33
62	S 195° 00' 00" W	9512.67	9512.67
63	S 198° 00' 00" W	9832.67	9832.67
64	S 201° 00' 00" W	10158.33	10158.33
65	S 204° 00' 00" W	10489.67	10489.67
66	S 207° 00' 00" W	10826.67	10826.67
67	S 210° 00' 00" W	11169.33	11169.33
68	S 213° 00' 00" W	11517.67	11517.67
69	S 216° 00' 00" W	11871.67	11871.67
70	S 219° 00' 00" W	12231.33	12231.33
71	S 222° 00' 00" W	12596.67	12596.67
72	S 225° 00' 00" W	12967.67	12967.67
73	S 228° 00' 00" W	13344.33	13344.33
74	S 231° 00' 00" W	13726.67	13726.67
75	S 234° 00' 00" W	14114.67	14114.67
76	S 237° 00' 00" W	14508.33	14508.33
77	S 240° 00' 00" W	14907.67	14907.67
78	S 243° 00' 00" W	15312.67	15312.67
79	S 246° 00' 00" W	15723.33	15723.33
80	S 249° 00' 00" W	16139.67	16139.67
81	S 252° 00' 00" W	16561.67	16561.67
82	S 255° 00' 00" W	16989.33	16989.33
83	S 258° 00' 00" W	17422.67	17422.67
84	S 261° 00' 00" W	17861.67	17861.67
85	S 264° 00' 00" W	18306.33	18306.33
86	S 267° 00' 00" W	18756.67	18756.67
87	S 270° 00' 00" W	19212.67	19212.67
88	S 273° 00' 00" W	19674.33	19674.33
89	S 276° 00' 00" W	20141.67	20141.67
90	S 279° 00' 00" W	20614.67	20614.67
91	S 282° 00' 00" W	21093.33	21093.33
92	S 285° 00' 00" W	21577.67	21577.67
93	S 288° 00' 00" W	22067.67	22067.67
94	S 291° 00' 00" W	22563.33	22563.33
95	S 294° 00' 00" W	23064.67	23064.67
96	S 297° 00' 00" W	23571.67	23571.67
97	S 300° 00' 00" W	24084.33	24084.33
98	S 303° 00' 00" W	24602.67	24602.67
99	S 306° 00' 00" W	25126.67	25126.67
100	S 309° 00' 00" W	25656.33	25656.33

RECORDING INDEX NO. 142-23-1-0-3-00

# HELEN BECK SEVEN L RANCH "L"

"Home Ranch & Hyde Place"  
3197.95 Acres

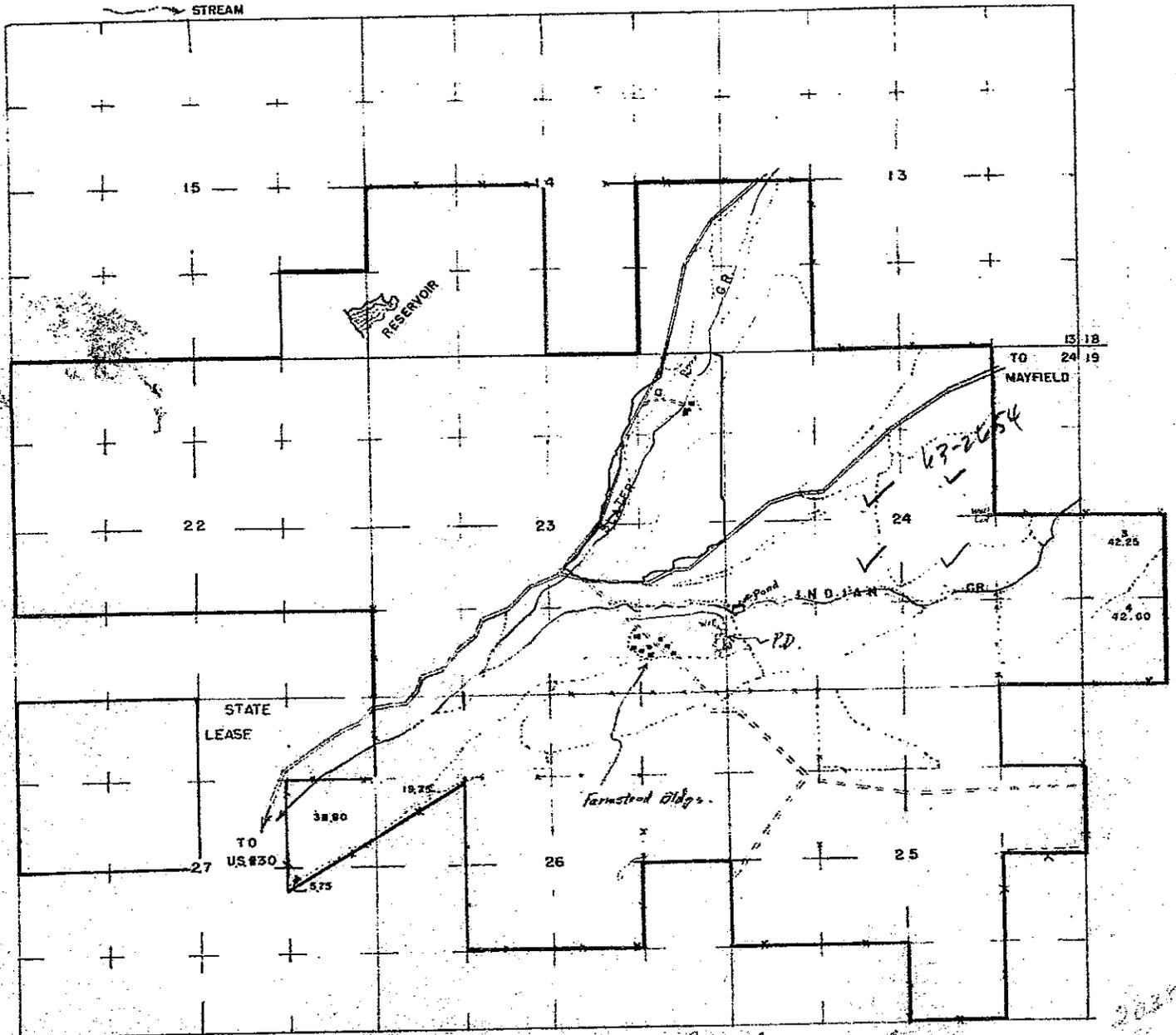
T1N R4E 85E.

### Map Legend

- BUILDINGS
- PRIVATE ROAD
- ==== COUNTY ROAD
- X- FENCE
- ~ STREAM

### Color Legend

- |                            |                          |
|----------------------------|--------------------------|
| 291 A BEST IRRIG.          | 130 A 2ND IRRIG.         |
| 317 A BEST DRY AG.         | 116 A 2ND DRY AG.        |
| 215 A IMPROVED GR. GRAZING | 1074 A GRAZ. (PROTECTED) |
| 1050 A DESERT GRAZING.     | RANCH HDQTRS, 4.95 A.    |



Map by Idaho Land Map Service  
H. McDowell

SCALE: 4" = 1 MILE.