Case No. CV-2017-1536 1 2 Laura A. Schroeder, ESQ, ISB# 3799 District Court - SRBA Fifth Judicial District James Browitt, ISB# 9016 In Re: Administrative Appeals County of Twin Falls - State of Idaho Schroeder Law Offices, P.C. 3 1915 N.E. Cesar E. Chavez Boulevard Portland, Oregon 97212 4 OCT 1 9 2017 PHONE - (503) 281-4100 FAX - (877) 600-4971 counsel@water-law.com 5 Attorneys for the Petitioner 6 7 8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF 9 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS 10 11 SEVEN HIGH RANCH, INC, a general Case No. CV-2017-1536 12 business corporation, 13 **County of Owyhee** Petitioner. NOTICE OF FILING OF AFFIDAVIT OF 14 SERVICE PURSUANT TO PROCEDURAL ORDER 15 IDAHO DEPARTMENT OF WATER RESOURCES, 16 17 Respondent(s). 18 19 On September 21, 2017, a Petition for Judicial Review ("Petition") was filed in the Third Judicial District Court of the State of Idaho for the County of Owyhee by Schroeder Law Offices, 20 P.C. and its attorneys of record regarding the August 10, 2017 approval of Transfer No. 81188 that 21 22

Judicial District Court of the State of Idaho for the County of Owyhee by Schroeder Law Offices, P.C. and its attorneys of record regarding the August 10, 2017 approval of Transfer No. 81188 that became a final order on August 24, 2017. On October 2, 2017, the Idaho Department of Water Resources ("IDWR") provided to Schroeder Law Offices a copy of the Procedural Order Governing Judicial Review of Final Order of Director of Idaho Department of Water Resources, directing any further filings to be submitted to the Snake River Basin Adjudication District Court ("SRBA Court") of the Fifth Judicial District and further reassigning the case to the SRBA Court

Page 1 - NOTICE OF FILING OF AFFIDAVIT OF SERVICE PURSUANT TO PROCEDURAL ORDER



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("Procedural Order" attached hereto as Exhibit 1).

Pursuant to the Procedural Order and Rule 84(c)(7), Idaho Rules of Civil Procedure, attached hereto as Exhibit 2 for filing with the SRBA Court is an Affidavit of Service Tri-County Process Serving, LLC certifying service regarding the filing of the Petition in the Third Judicial District Court prior to reassignment.

DATED this 6 day of October, 2017.

SCHROEDER LAW OFFICES, P.C.

Laura A. Schroeder, Esq., ISB #3799

James Browitt, ISB #9016 Schroeder Law Offices, P.C. 1915 N.E. Cesar E. Chavez Blvd.

Portland, OR 97212 PHONE: (503) 281-4100 FAX: (877) 600-4971

Email: counsel@water-law.com

Attorneys for Petitioner

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26

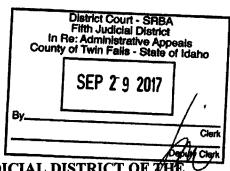
1	PROOF OF SERVICE		
2	Pursuant to Idaho Rules of Civil Procedure 5(e), I hereby certify that on the day of		
3	October \(\frac{6}{2} \) 2017, I caused a copy of the foregoing NOTICE OF FILING OF AFFIDAVIT OF		
4	SERVICE PURSUANT TO PROCEDURAL ORDER to be served on the following parties as		
5	outlined below:		
6	VIA U.S. MAIL to:		
7 8	Garrick L. Baxter Emmi L. Blades Deputy Attorneys General		
9	Idaho Department of Water Resources P.O. Box 83720		
10	Boise, Idaho 83720-0098		
11 12	Dated this Uday of October, 2017.		
13			
14			
15			
16	Jacob Shood		
17	Laura A. Schroeder, Esq., ISB #3799 James Browitt, ISB #9016		
18	Schroeder Law Offices, P.C. 1915 N.E. Cesar E. Chavez Blvd. Portland, OR 97212		
19	PHONE: (503) 281-4100		
20	FAX: (877) 600-4971 Email: counsel@water-law.com Attorneys for Petitioner		
21	Anorneys for 1 etitioner		
22			
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24			
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EXHIBIT 1

EXHIBIT 1



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

SEVEN HIGH RANCH, INC., a general business corporation,) Case No. CV-2017-1536	
Petitioner,	PROCEDURAL ORDERGOVERNING JUDICIALREVIEW OF FINAL ORDER OF	
vs.) REVIEW OF FINAL ORDER OF) DIRECTOR OF IDAHO) DEPARTMENT OF WATER	
THE IDAHO DEPARTMENT OF WATER RESOURCES,) RESOURCES))	
Respondent.)))	

A Petition for Judicial Review was filed in the above-entitled district court seeking judicial review of a final order issued by the Director of the Idaho Department of Water Resources ("Department" or "agency"). This Order, together with Rule 84, Idaho Rules of Civil Procedure, (I.R.C.P.), applicable statutes and the Administrative Order Adopting Procedures for the Implementation of the Idaho Supreme Court Administrative Order Dated December 9, 2009 issued by this Court on July 1, 2010, govern all proceedings before the Court.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

- 1. <u>Petition for Judicial Review and Reassignment of Case</u>: The *Petition for Judicial Review* was filed on September 21, 2017. The case was reassigned by the clerk of the court to this Court on September 28, 2017.
- 2. <u>Cross Petitions, Filing Fees, and all Subsequent Filings</u>: All further documents, including cross petitions, filed, lodged or otherwise submitted, and all further filing fees filed or otherwise submitted, shall be filed with the Snake River Basin Adjudication District Court of the Fifth Judicial District at P.O. Box 2707, Twin Falls, Idaho 83303-2707, provided

A copy is attached to this Order.

that checks representing further filing fees shall be made payable to the county where the original petition for judicial review or action for declaratory judgment was filed.

- 3. Appearances by persons or entities who were a party to the underlying administrative proceeding but who were not made a named party in the Petition for Judicial Review: Where a person or entity who was a party to the underlying administrative proceeding is not made a named party in the Petition for Judicial Review, and is not otherwise a Petitioner, such person or entity may file a Notice of Appearance in this matter within fourteen (14) days from the issuance of this Procedural Order. This Court will treat the Notice of Appearance as an Intervence as a Motion to Intervene and will treat the party filing the Notice of Appearance as an Intervenor. Under such circumstances, the Court will automatically issue an order granting the Motion to Intervene unless one or more parties to the action files an opposition to the Motion within 10 days of the filing of the Notice of Appearance. A person or entity not a party to the underlying administrative proceeding who desires to participate in this action, and is not otherwise a Petitioner, must proceed in accordance with Idaho Appellate Rule 7.1.
- 4. <u>Assigned Case Number and Document Footers</u>: All documents filed, lodged or submitted shall be under the above-captioned case number and county of origin appearing in caption. All documents filed, lodged or otherwise submitted, including attachments shall include a footer at the bottom of the document describing said document.
- 5. <u>Stays</u>: Unless provided for by statute, the filing of a petition or cross petition does not automatically stay the proceedings and enforcement of the action before the Department. I.C. § 67-5274. Any application or motion for stay must be made in accordance with I.R.C.P. 84(m).
- 6. Form of Review: Pursuant to I.R.C.P. 84(e)(1), when judicial review is authorized by statute, judicial review shall be based upon the record created before the Department rather than as a trial de novo, unless the statute or the law provides for the procedure or standard. If the statute provides that the district court may take additional evidence upon judicial review, it may order the same on its own motion or the motion of any party. If the statute provides that review is de novo, the appeal shall be tried in the district court on any and all issues, on a new record. Pursuant to I.R.C.P. 84(e)(2), the scope of review on petition from the Department to the district court shall be as provided by statute.
- 7. Preparation of Agency Record; Payment of Fees: Pursuant to I.R.C.P. 84(f), when the statute provides what shall be contained in the official record of the agency upon judicial review, the Department shall prepare the record as provided by statute. Otherwise, the documents listed in paragraph (3) of I.R.C.P. 84(f) shall constitute the agency record for review. Petitioner (and cross-petitioner) shall pay all fees as required for preparation of the agency record

² The parties should note that in such instances the Court will treat the *Notice of Appearance* as a *Motion to Intervene* for housekeeping purposes. In doing so, it is the Court's intent to have the record in this matter clearly reflect which persons and/or entities are participants in this action. It is also the Court's intent to have the caption of this matter properly reflect all those parties who are participating in this action and to identify in what capacity those parties are participating (i.e., Petitioner, Respondent, or Intervenor).

in accordance with I.R.C.P. 84(f)(4). The clerk of the Department shall lodge the record with the Department within 14 days of the entry of this *Order*, or no later than October 13, 2017. Any extension in time for preparation of the agency record shall be applied for by the agency to the district court.

- 8. Preparation of Transcript; Payment of Fee: The Court requires the provision of a written transcript prepared from the recorded or reported proceedings. It is the responsibility of the petitioner (or cross-petitioner as the case may be) to timely arrange and pay for preparation of all portions of the transcript reasonably necessary for review. Pursuant to I.R.C.P. 84(g), the responsible party shall contact the agency clerk to determine the estimated cost of the transcript, and pay the estimated cost in accordance with I.R.C.P. 84(g)(1)(A) or (2)(A) as the case may be. The transcript shall be lodged with the Department within 14 days of the entry of this Order, or no later than October 13, 2017. The transcriber may apply to the district court for an extension of time, for good cause shown.
- otherwise provided by statute, upon receipt of the transcript and upon completion of the record, the Department shall mail or deliver notice of lodging of transcript and record to all attorneys of record or parties appearing in person and to the district court. The parties shall have 14 days from the date of mailing of the notice to pick up a copy of the transcript and agency record and to object to the transcript or record. All fees for the preparation of the transcript and record shall be paid by the responsible party at or before the pick-up of the agency record and transcript. Any objection to the record shall be determined by the Department within 14 days of the receipt of the objection and the decision on the objection shall be included in the record on petition for review. Upon the failure of the party to object within 14 days, the transcript and record shall be deemed settled. The settled record and transcript shall be lodged with the district court no later than **November 13, 2017**.
- 10. Lodging of Transcript and Record in Electronic Format: In addition to lodging the settled transcript and agency record in paper format, the Department shall also lodge the transcript and agency record in electronic format (pdf version ocr 8) on CD-ROM. (In the event of an appeal from the district court it is the intent that the electronic version of the transcript and clerk's record be provided to the Idaho Supreme Court in lieu of paper format).
- 11. <u>Augmentation of the Record Additional Evidence Presented to District Court Remand to Agency to Take Additional Evidence</u>: Pursuant to I.R.C.P. 84(1) the agency record and/or transcript on review may be augmented upon motion to this court by a party within 21 days of the filing of the settled transcript and record in the manner prescribed by Idaho Appellate Rule (I.A.R.) 30. The taking of additional evidence by the district court and/or agency on remand shall be governed by statute or I.R.C.P. 84(1).
- 12. <u>Briefs and Memoranda</u>: The petitioner's brief shall be filed with the clerk of the court within 35 days after lodging of the transcript and record. The respondent's (and crosspetitioner's brief) shall be filed within 28 days after service of petitioner's brief. Any reply brief shall be filed within 21 days after service of respondent's brief. The organization and content of

briefs shall be governed by I.A.R. 35 and 36. Pursuant to I.R.C.P. 84(p) only one (1) original signed brief may be filed with the court and copies shall be served on all parties.

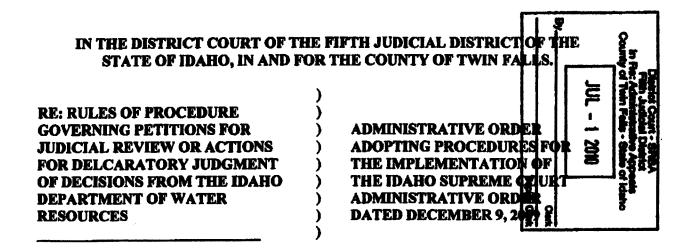
- 13. Extension of Time: Motions to extend the time for filing a brief or modify order of briefing shall be submitted in conformity with I.A.R. 34(e). All other requests for extension of time shall be submitted in conformity with I.A.R. 46.
- 14. <u>Motions</u>: All motions shall be submitted in conformity with I.R.C.P. 84(o) and shall be heard without oral argument unless ordered by the Court.
- be heard February 15, 2018, at 1:30 p.m. (Mountain Time) at the Snake River Basin adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-720-279-0026 and entering 786692# when prompted. However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record. Video teleconferencing ("VTC") will also be available by appearing at either (1) the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho, or (2) the Idaho Department of Water Resources, Eastern Regional Office, 900 N. Skyline Drive, Ste. A, Idaho Falls, Idaho. Parties should refer to the Administrative Order Adopting Procedures for the Implementation of the Idaho Supreme Court Administrative Order Dated December 9, 2009 regarding protocol for telephone and VTC participation. The form and order of argument shall be governed by I.A.R. 37.
- 16. <u>Judgment or Decision</u>: The Court's decision will be by written memorandum as required by I.R.C.P. 84(t)(1). In compliance with I.R.C.P. 54(a), as amended effective July 1, 2010, a separate judgment will also issue contemporaneously therewith. Pursuant to I.R.C.P. 84(t)(2), if no petition for rehearing is filed the time for appeal to the Idaho Supreme Court shall begin to run after the date of the filing stamp of the clerk of the court appearing on the judgment. If a petition for rehearing is filed, the time for appeal shall begin to run after the date of the filing stamp of the clerk of the court appearing on either an order denying rehearing or on any modified judgment.
- 17. <u>Petitions for Rehearing</u>: Petitions for rehearing shall be governed by the time standards and procedures of I.A.R. 42. If rehearing is granted, the Court will issue an order granting same and setting forth a briefing schedule for responsive briefing, a reply, and oral argument. Unless otherwise ordered, the brief filed in support of rehearing will be treated as the opening brief.
- 18. Remittitur: If no notice of appeal to the Idaho Supreme Court is filed within forty-two (42) days after filing of the Court's written decision, the clerk shall issue a remittitur remanding the matter to the agency as provided in I.R.C.P. 84(t)(4). The Court will then notify the clerk of the district court where the petition was originally filed regarding completion of the case.
- 19. <u>Failure to Comply</u>: Failure by either party to timely comply with the requirement of this *Order* or applicable provisions of the Idaho Rules of Civil Procedure or

Idaho Appellate Rules, if applicable, shall be grounds for imposition of sanctions, including, but not limited to the allowance of attorney's fees, striking of briefs, or dismissal of the appeal pursuant to I.R.C.P. 11 and 84(n) and I.A.R. 11.1 and 21.

Dated Seplenber 28, 2017

ERIC J. WILDMAN

District Judge



WHEREAS Idaho Supreme Court Administrative Order dated December 9, 2009, declares that all petitions for judicial review made pursuant to Idaho Code § 42-1701A of any decision from the Department of Water Resources be assigned to the presiding judge of the Snake River Basin Adjudication District Court of the Fifth Judicial District, and

WHEREAS Idaho Supreme Court Administrative Order dated December 9, 2009, vests in the Snake River Basin Adjudication District Court of the Fifth Judicial District the authority to adopt procedural rules necessary to implement said Order.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

- 1. Filing of Petition for Judicial Review or Declaratory Judgment Action.

 Pursuant to Idaho Code § 67-5272(1), any party filing a petition for judicial review pursuant to Idaho Code § 42-1701A, or an action for declaratory judgment, of any decision from the Department of Water Resources shall file the same, together with applicable filing fees, in the district court of the county in which:
 - (a) the hearing was held; or
 - (b) the final agency action was taken; or
 - (c) the aggrieved party resides or operates its principal place of business in Idaho; or
- (d) the real property or personal property that was the subject of the agency decision is located.

The filing party shall also serve a courtesy copy of the petition for judicial review or action for declaratory judgment with the Snake River Basin Adjudication District Court of the Fifth Judicial District at P.O. Box 2707, Twin Falls, Idaho 83303-2707. Upon receipt by the Department of Water Resources of a petition for judicial review or action for declaratory

judgment, the Department shall review the certificate of mailing and in the event it does not show that a courtesy copy of the same was filed with the Snake River Basin Adjudication District Court, then the Department shall forthwith forward a copy of the petition or action for declaratory judgment to the Snake River Basin Adjudication District Court of the Fifth Judicial District at P.O. Box 2707, Twin Falls, Idaho 83303-2707.

2. Reassignment. Upon the filing of a petition for judicial review pursuant to Idaho Code § 42-1701A, or an action for declaratory judgment, of any decision from the Department of Water Resources, the clerk of the district court where the action is filed shall forthwith issue, file, and concurrently serve upon the Department of Water Resources and all other parties to the proceeding before the Department of Water Resources, an Notice of Reassignment (copy attached hereto), assigning the matter to the presiding judge of the Snake River Basin Adjudication District Court of the Fifth Judicial District for disposition and further proceedings.

Also upon issuance of the *Notice of Reassignment*, the clerk of the district court where the action is filed shall forward a copy of the file to the clerk of the Snake River Basin Adjudication District Court of the Fifth Judicial District at P.O. Box 2707, Twin Falls, Idaho 83303-2707.

- 3. Case Number. All cases assigned to the Snake River Basin Adjudication District Court of the Fifth Judicial District as described herein shall retain the case number and caption assigned to them by the district court where the petition for judicial review or action for declaratory judgment is originally filed.
- 4. Subsequent Filings. Following the issuance of the Notice of Reassignment, all further documents filed or otherwise submitted, and all further filing fees filed or otherwise submitted, shall be filed with the Snake River Basin Adjudication District Court of the Fifth Judicial District at P.O. Box 2707, Twin Falls, Idaho 83303-2707, provided that checks representing further filing fees shall be made payable to the county where the original petition for judicial review or action for declaratory judgment was filed.
- 5. Lodging of Transcript and Record. Following the preparation and settlement of the agency transcript and record, the Department of Water Resources shall transmit the settled transcript and record, in both paper and electronic form on CD ROM, to the clerk of the Snake River Basin Adjudication District Court of the Fifth Judicial District at P.O. Box 2707, Twin

Falls, Idaho 83303-2707 within forty-two (42) days of the service of the petition for judicial review or action for declaratory judgment.

- 6. Participation in Hearings by Telephone and Video Teleconferencing (VTC).

 Unless otherwise ordered by the Snake River Basin Adjudication District Court of the Fifth

 Judicial District, telephone participation and/or VTC will be allowed in all hearings, except as follows:
- (a) The court may require in person or VTC attendance as circumstances may require.
- (b) The court's notice setting hearing will specify participation restrictions, telephone conferencing numbers and participant codes and/or location of regional VTC facilities.
- (c) Speakerphones and cell phones often pick up background noise and/or cause interference with sensitive courtroom equipment. Therefore, the use of speakerphones and cell phones are discouraged.
- (d) Place your call to the court a few minutes prior to the scheduled start of your hearing so that the clerk of the court may identify who is participating by telephone.
- 7. Resolution. This court will notify the clerk of the district court where the petition for judicial review or action for declaratory judgment was originally filed of the completion of the case upon the happening of either:
- (a) the expiration of the time to appeal any decision of this court if no appeal to the Idaho Supreme Court is filed; or
- (b) the filing of the remittitur from the Idaho Supreme Court or Idaho Court of Appeals with this court in the event that an appeal to the Idaho Supreme Court is timely filed following a decision of this court.
- 8. Other Procedural Rules. Any procedure for judicial review not specified or covered by this Order shall be in accordance with Idaho Rule of Civil Procedure 84 to the extent the same is not contrary to this Order.

DATED this 1 day of July

BAIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

IN THE DISTRICT COURT OF T	THEJUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND F	FOR THE COUNTY OF
RE: PETITIONS FOR JUDICIAL REVIEW OR ACTIONS FOR DECLARATORY RELIEF OF DECISIONS FROM THE IDAHO DEPARTMENT OF WATER RESOURCES)) CASE NO) NOTICE OF REASSIGNMENT)

WHEREAS Idaho Supreme Court Administrative Order dated December 9, 2009, declares that all petitions for judicial review made pursuant to I.C. § 42-1701A of any decision from the Department of Water Resources be assigned to the presiding judge of the Snake River Basin Adjudication District Court of the Fifth Judicial District, and

WHEREAS Idaho Supreme Court Administrative Order dated December 9, 2009, vests in the Snake River Basin Adjudication District Court the authority to adopt procedural rules necessary to implement said Order, and

WHEREAS on July 1, 2010, the Snake River Basin Adjudication District Court issued an Administrative Order regarding the Rule of Procedure Governing Petitions for Judicial Review or Actions for Declaratory Relief of Decisions from the Idaho Department of Water Resources.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

- 1. The above-matter is hereby assigned to the presiding judge of the Snake River Basin Adjudication District Court of the Fifth Judicial District for disposition and further proceedings.
- 2. All further documents filed or otherwise submitted in this matter, and all further filing fees filed or otherwise submitted in this matter, shall be filed with the Snake River Basin Adjudication District Court of the Fifth Judicial District at P.O. Box 2707, Twin Falls, Idaho

nied.		
	DATED this day of	_, 2010.
	•	CLERK OF THE DISTRICT COURT
		By:

83303-2707, provided that checks representing further filing fees shall be made payable to the county where the original petition for judicial review or action for declaratory judgment was

In the Supreme Court of the State of Idaho

IN THE MATTER OF THE APPOINTMENT OF
THE SRBA DISTRICT COURT TO HEAR ALL
PETITIONS FOR JUDICIAL REVIEW FROM THE)
DEPARTMENT OF WATER RESOURCES
INVOLVING ADMINISTRATION OF WATER
RIGHTS

ADMINISTRATIVE ORDER

WHEREAS pursuant to I.C. § 42-1701A any person who is aggrieved by a final decision or order of the Director of the Department of Water Resources is entitled to judicial review, and

WHEREAS there is a need for consistency and uniformity in judicial decisions regarding the administration of water rights, and

WHEREAS the Idaho Supreme Court has a constitutional responsibility to administer and supervise the work of the district courts pursuant to Art. V, § 2 of the Idaho Constitution, and

WHEREAS the Snake River Basin Adjudication District Court of the Fifth Judicial District has particular expertise in the area of water right adjudication,

IT IS HEREBY ORDERED that all petitions for judicial review of any decision regarding the administration of water rights from the Department of Water Resources shall be assigned to the presiding judge of the Snake River Basin Adjudication District Court of the Fifth Judicial District. Review shall be held in accord with Title 67, Chapter 52 of the Idaho Code, except that, once filed, all petitions for judicial review shall be forwarded to the clerk of the Snake River Basin Adjudication District Court of the Fifth Judicial District.

IT IS FURTHER ORDERD that the Snake River Basin Adjudication District Court is authorized to develop the procedural rules necessary to implement this order.

IT IS FURTHER ORDERED that this order shall be effective the 1st day of July, 2010.

DATED this ____ day of December 2009.

ATTEST:

Stephen W. Kenyon, Clerk

By Order of the Supreme Court

WITNESS my hand and the Seal of this Court 12/10/19

STEPHEN W. KENYON

Chris

King 2 Grand

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PROCEDURAL ORDER GOVERNING JUDICIAL REVIEW OF FINAL ORDER OF DIRECTOR OF IDWR was mailed on July 28, 2017, with sufficient first-class postage to the following:

GARRICK L BAXTER
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO - IDWR
PO BOX 83720
BOISE, ID 83720-0098
Phone: 208-287-4800

JAMES BROWITT
SCHROEDER LAW OFFICES PC
1915 NE CESAR E CHAVEZ BLVD
PORTLAND, OR 97212
Phone: 503-281-4100

SCHROEDER, LAURA A SCHROEDER LAW OFFICES PC 1915 NE CESAR E CHAVEZ BLVD PORTLAND, OR 97212 Phone: 503-281-4100

ORDER

Page 1 9/29/17

FILE COPY FOR 80057

Deputy Clerk

EXHIBIT 2

EXHIBIT 2

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

Seven High Ranch, Inc.	Plaintiff(s):	AFFIDAVIT OF SERVICE
vs. Idaho Department of Water Resources	Defendant(s):	Case Number: CV-2017-1536
For: Schroeder Law Offices, P.C. 1915 NE Cesar E. Chavez Blvd. Portland, OR 97212		
STATE OF IDAHO)	SS	
COUNTY OF ADA)		

Received by Tri-County Process Serving LLC on September 21, 2017 to be served on IDAHO DEPARTMENT OF WATER RESOURCES.

I, Kasey L. Vink, who being duly sworn, depose and say that on Thursday, September 21, 2017, at 4:13 PM, I:

SERVED the within named Idaho Department of Water Resources by delivering two true copies of the Summons and Petition to Sherm Furey, Deputy Attorney General, a person authorized to accept service on behalf of Idaho Department of Water Resources. Said service was effected at Attorney General's Office, 700 West Jefferson Street, #C210, Boise, ID 83702.

I hereby acknowledge that I am a Process Server in the county in which service was effected. I am over the age of Eighteen years and not a party to the action.

Our Reference Number: 162422

Client Reference:

Subscribed and sworn before me today Tuesday, September 26, 2017

TRI-COUNTY PROCE P.O. Box 1224

Boise, ID, 83701 (208) 344-4132

Notary Public for the State of Idaho

Residing at Boise, Idaho

My Commission Expires on November 20, 2018