

29-51

4-24-2004

To: IDWR (Ernie Carlson)**From: Portneuf Irrigating Company (Jim Burnham, Secretary/Treasurer)****Subject: Supporting statements of lands that were being irrigated 1987, prior to, or just prior to then.**

Please find attached 7 statements or affidavits. I am not sure if these will be needed but if they are 1) Andrus, statement on the Johnson/Hardcastle place, dated 4-18-2001 2) Avery Farms, Russell Avery for the Johnson/Hardcastle farm dated 4-15-2001. 3) Russell Avery for the Hardcastle Farm, dated 4-15-2004. 4) Gordon Avery and Roger Johnson for the Hardcastle farm dated 4-17-2004) 5) Dale Hatch affidavit for the Erickson farm, dated 4-19-2004. 6) Alton Smith affidavit for the Burnham farm, dated 4-19-2004. 7) Bruce Call affidavit for the Craney farm dated 4-15-2004. Thank you.

James L Burnham**Secretary/Treasurer Portneuf Irrigating Company**

During the years 1975 thru 1980 we (Jim Andrus and Kenneth Andrus, partners) pumped irrigation water from the Portneuf River to irrigate farm ground we were leasing from Roger Johnson of McCammon, Idaho. We were irrigating between the Portneuf river and Highway 30 just east of Price Road and west of Roger Johnsons house.

Kenneth Andrus 18 April 2001
Jim Andrus

April 15-01

To Whom it may concern,

Avery farms run the Leon
Hendcastle farm known then as the
Johnson farm from 1983 thru 1992.

Randy Morris ran the same
farm from 1980 to 1982.

Roger Johnson ran the farm
himself before these dates.

During these dates mentioned water
was taken from the Arimo ditch
company using the water shares that
the farm possessed.

The far east 55 acre field was
sprinkled during the same dates mentioned.
The middle 45 acre field was also
sprinkled. The smaller field before
the Arimo bridge also was sprinkled.

The pasture before the McCammon
bridge across not known was irrigated
also. All of this acreage was irrigated
from the Arimo ditch company.

The 45 acre river bottom along
the highway was irrigated with the
Fortnepe river canal system.

Sincerely,

Avery Farms

April 15-01

Dear Leon,

I hope this letter helps.
If you need anything different please
let me know.

You may note that when
Ken Andrus sprinkled the river
bottom he used the Arino water
using gravity for several years.
When we had it we pumped water
using the portneuf water system.

I am still very interested
in leasing or farming your ground
for you. If you decide to run
the ground yourself I will also
help you out.

Thank-You
Russell Avery

McCormick, Idaho
April 17, 2004

Dear Water Resource Board,

We started leasing Roger Johnson ground (now Lew Hardcastle's) in 1983. We bought a sprinkler system from Randy Morris which we sprinkled all the ground above the Pioneer Marsh Valley Canal except a 50 or 55 acre piece of dry farm. We continued watering this ground until 1992 when our lease expired.

Yours truly,

Boston Avery

The above statement is
true and correct.

Roger Johnson

GENERAL AFFIDAVIT

State of Idaho

County of BANWICK

BEFORE ME, the undersigned Notary,

BARBARA S. YOUNG [name of Notary]
before whom affidavit is sworn, on this 19TH [day of month] day of
APRIL [month], 2004, personally appearedDALE S. HATCH [name of affiant],
known to me to be a credible person and of lawful age, who being by me first duly
sworn, on HIS [his or her] oath, deposes and says:

I Dale Hatch witnessed the property directly
west of the Arimo canal located on East Sublette
Road being watered in the year of 1987; at that
time the property was owned by Burnett and June
Evans, deceased. Dale watered the same piece
of property in years to follow. At the present time
I have seen the new main line put in by the
current owners the Ericksons with the intent
to water in the future

[set forth affiant's statement of facts]

Dale S. Hatch
[signature of affiant]Dale S. Hatch
[typed name of affiant]P.O. Box 132
[address of affiant, line 1]Arimo, Idaho 83214
[address of affiant, line 2]Subscribed and sworn to before me, this 19th [day of month] day of
APRIL [month], 2004.

[Notary Seal]

Barbara S. Young
[signature of Notary]BARBARA S. YOUNG
[typed name of Notary]BARBARA S. YOUNG
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC

My commission expires: OCTOBER 16, 2004

GENERAL AFFIDAVIT

STATE OF IDAHO

County of BANNEK

BEFORE ME the undersigned Notary

(name of Notary)

(month) 20 (personally appeared)

(name of affiant)

Known to me to be a credible person and of lawful age. Who being by me first duly

Sworn, on (his or her) oath. Deposes and says:

My name is Alton Smith. Born Dec. 1, 1930.I Lived on this farm where Jim & Arlene Burnham lives Since I was born.I was married in 1950 & I ran this farm which I had a dairy Farm and cash crops.I leased this out some of the time. I did this till I sold it in 1987 During this time it was always irrigated either flood or sprinklers and stock water was always available for people who needed it.

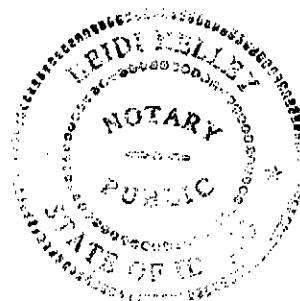
(set forth affiant's statement of facts)

Alton C Smith
(signature of affiant)Alton C Smith
(typed name of affiant)810 E 2nd N
(address of affiant, line 1)Soda Springs
(address of affiant, line 2)Subscribed and sworn be for me, this 19th (day of month) day of April (month), 2004.

Notary Seal :

Heidi Kelley
(signature of Notary)
Heidi Kelley
(typed name of Notary)

Notary Public

My commission expires: 7-25, 2009

04-15-2004 06:57PM
APR 15 2004 06:57PMCRANEY ENTERPRISES
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1 208 847 2800

P.01

GENERAL AFFIDAVIT

State of Idaho BANKRACK
County of BANKRACK

BEFORE ME, the undersigned Notary,

DERBY J. MINOR (Name of Notary)
 before whom affiant is sworn, on this 15th (Day of month) day of
APRIL (month), 2004, personally appeared
BRUCE L. CALL (Name of affiant),
 known to me to be a credible person and of lawful age, who being by me first duly
 sworn, on his (his or her) oath, deposes and says:

I Bruce Call moved to 13700 Old Highway 91 Arimo, Idaho in May of 1987. I used the irrigation water from the day I moved in until I moved out in July of 2001. I watered pasture grass on approximately 15 acres every year as well as raised wheat and alfalfa on the back 25 acres over the years. I moved hand lines on the back 25 acres in 1991 to start a new crop of alfalfa. I observed Barnett Evans watering the 80 acres directly in front of my place in the late 80's and observed Dale Hatch water that same piece of property with hand lines throughout most of the 90's. Water has been an essential part of making these properties useful for crops and livestock. To withhold water would greatly limit the usefulness of this land.

(Set forth affiant's statement of facts)

(Signature of affiant)

BRUCE L. CALL

(Typed name of affiant)

1419 NW 44th AVE.

(Address of affiant, line 1)

CAMAS, WA 98607

(Address of affiant, line 2)

Subscribed and sworn to before me, this 15th (day of month) day of
APRIL (month), 2004.

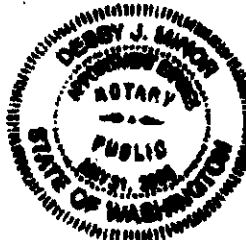
(Notary Seal)

(Signature of Notary)

DERBY J. MINOR

(Typed name of Notary)

NOTARY PUBLIC

My commission expires: MAY 31, 2006

TOTAL P.02
 TOTAL P.01

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