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JUL 29 2002

Department of Water Resources

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AUG 27 2002

Department of Water Resources

Paul Robertson

Dana L. Hofstetter, ISB # 3867
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY**

In Re SRBA

Case No. 39576

Subcase No. 36-15155

AFFIDAVIT OF L. GLEN SAXTON

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

L. Glen Saxton, being first being duly sworn upon oath, deposes and says:

(1) I am Chief of the Water Allocation Bureau of the Idaho Department of Water Resources ("IDWR") and have served in this capacity since March 1978. I have been employed with IDWR in various capacities since May 1970.

(2) As Chief of the Water Allocation Bureau, I am responsible for, among other matters, issuance of new water right licenses and I am familiar with IDWR procedures and policies concerning the issuance of new licenses.

(3) I recently reviewed the IDWR license files for water right nos. 36-2640 and 36-2641. These two water rights have been combined and renumbered as water right no. 36-15155.

(4) Both water right no. 36-2640 and water right no. 36-2641 proceeded through the licensing process simultaneously. The amended water right licenses for these water rights issued on January 6, 1970 to Fred Engstrom and Mrs. Patricia Engstrom. A true and correct copy of Amended Water License No. 36-2640 is attached hereto as Exhibit A. A true and correct copy of Amended Water License No. 36-2641 is attached hereto as Exhibit B. Both of these licenses designate an irrigation season from June 10 to September 21.

(5) Based on my review of the respective license files, I have concluded that the designated June 10 to September 21 irrigation season on the licenses was obtained from the Proof of Application of Water to Beneficial Use forms submitted for each of these water rights. Both Proof of Application of Water to Beneficial Use forms indicated that water under these rights had been used for irrigation from June 10 to September 21, 1968. A true and correct copy of the Proof of Application to Beneficial Use form for License No. 36-2640 is attached hereto as Exhibit C. A true and correct copy of the Proof of Application to Beneficial Use form for License No. 36-2641 is attached hereto as Exhibit D.

(6) Based on my experience, I am aware of no Idaho Department of Water Resources policy by which IDWR based the irrigation season on a license on the period during which water actually was used in a particular year. Rather, to my knowledge, IDWR always has based irrigation seasons on its licenses on standard time periods designated for different parts of the State.

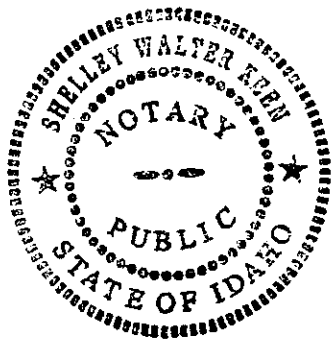
(7) I conclude that the June 10 to September 21 irrigation season designated on both License No. 36-2640 and License No. 36-2641 was incorrectly transcribed from the Proofs of Application of Water to Beneficial Use and constitute a clerical error. Instead, an irrigation season from April 1 to October 31 should be designated for both water rights.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 1st August day of ~~July~~, 2002.

L. Glen Saxton
L. GLEN SAXTON

SUBSCRIBED AND SWORN to before me this 1st August day of ~~July~~, 2002.



Shelley Walter Keen
Notary Public in and for the State of Idaho
Residing at: Boise
My Commission Expires: July 31, 2003

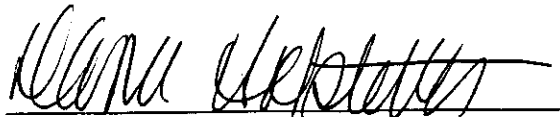
CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of August, 2002, I caused to be served copies of the foregoing **AFFIDAVIT OF L. GLEN SAXTON** by the methods indicated below:

U.S. Department of Justice
Environmental & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724
X U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
X U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
X U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

AMENDED

WATER LICENSE

Water License No. G-32716/36-2640 Priority February 3, 1966 Amount 1.54 c.f.s.

THIS IS TO CERTIFY, that FRED ENGSTROM
 of Boise, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated February 3, 1966, that Permit G-32716/36-2640 was issued pursuant
 to said application; that the proposed works were completed on or about 1968
 with a storage/or carrying capacity of in excess of 4.0 c.f.s., said works consisting of
well, pump, motor, earth pond and earth ditches; and that on December 3, 1968
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 308
 acre feet per season, with a maximum rate of diversion of 1.54 cubic feet per second of the waters
 of ground-water, tributary of _____,
 for the purpose of Irrigation from June 10 to September 21
 and for _____ from _____ to _____, and for
 _____ from _____ to _____; and that the use
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
 located in NW 1/4 SE 1/4, Sec. 34, T. 6 S, R. 21 E, B.M., and
 other additional points _____, in the County of
Lincoln, and that the amount of water to which such right is
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
 used for said purposes and shall not exceed 308 acre feet per year.

Description and location of place of use:

TWP.	RANGE	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	
6 S	21 E	34			10				3	1					15	18	30		77

Total number of acres irrigated 77

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
 as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

6th day of January, 19 70

Deputy State Reclamation Engineer

EXHIBIT

A

WATER LICENSE

AMENDED

Water License No. G-32717/36-2641 Priority February 3, 1966 Amount 1.74 c.f.s.

THIS IS TO CERTIFY, that MRS. PATRICIA ENGSTROM
of Boise, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated February 3, 1966; that Permit G-32717/36-2641 was issued pursuant
to said application; that the proposed works were completed on or about 1968
with a storage/or carrying capacity of In excess of 4.0 c.f.s., said works consisting of
well, pump, motor, earth pond and ditch; and that on December 3, 1968
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 348
acre feet per season, with a maximum rate of diversion of 1.74 cubic feet per second of the waters
of ground-water, tributary of
for the purpose of Irrigation from June 10 to September 21
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 6 S, R. 21 E, B.M., and
other additional points _____, in the County of
Lincoln; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 348 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 S	21 E	34				9									19				28
		35							18				18	23					59

Total number of acres irrigated 87

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

6th day of January, 1970.

Deputy State Reclamation Engineer

36 2641

32717
36-2641

EXHIBIT

B

tabbles

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

DEC 3 1968

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. a) Name of Permit Holder Fred Ingstrom (83702)
- b) Post Office Address 1428 East State Street Boise, IDAHO
2. Permit Number G 32716
3. Date of Priority that you are prepared to establish 2/3/1966
4. a) Source from which water was appropriated SUBTERRANEAN WELL
- b) Location of the point of diversion: NE 1/4 SW 1/4 Section 34
Township 6S Range 21 E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 6.3 CFS for IRRIGATION purposes from JUNE 10 to SEPT 21 incl. 1968
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6.3 cfs and/or acre feet per annum
- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Design of pump when purchased from Worthington Corporation was for 6.3 CFS. M.T. Baker Sub Engineer
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 15M 185-5 ST 29C Bowh 12" COLUMN 300 H.P. U.S. MOTOR
20" WELL CASING Depth 580 FT Static water level 462'
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
- c) Give well drillers name and address and date the well was completed Harold Hayden
402 19th St. Rupert, Idaho
Well was Completed 8/25/66

Phone - 342-0818

32716

EXHIBIT

C

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	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	
6S	21	34						0											0
6S	21	34							2										2
6S	21	34			9														9
6S	21	34							1										1
6S	21	34													14				14
6S	21	34											0						0
6S	21	34														18			18
6S	21	34															30		30

Total number of acres irrigated 74

10. Remarks: ~~There is no water right on this land.~~

The above information is a true statement of the extent to which the above numbered permit has been developed.

12/3/68
(Date)

Fred Engstrom
(Signature)

State of Idaho ss.
County of ADA

On this 3rd day of December, 1968, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

John S. Lenz
Notary Public residing at _____

Notary Public in and for the State of Idaho
Resident in Boise, Ada County, Idaho
My Commission expires June 2, 1970

My commission expires _____

32716

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

DEC 8 1968

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. a) Name of Permit Holder Patricia Engstrom
 b) Post Office Address 1428 East State St. Boise Idaho 83702
2. Permit Number 632717
3. Date of Priority that you are prepared to establish 2/3/1966
4. a) Source from which water was appropriated SUBTERRANEAN WELL
 b) Location of the point of diversion: NE 1/4 SW 1/4, Section 34
 Township 6S Range 21E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
 amount 6.3 CFS for IRRIGATION purposes from JUNE 10 to SEPT 21 incl. 1968
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated 6.3 cfs and/or acre feet per annum
- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: DESIGN OF PUMP WHEN PURCHASED FROM WORTHINGTON CORP. WAS FOR 6.3 CFS (M.T. GALES SALES MANAGER)
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
 b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 15 M 185-5 STAGE BOWL 12" COLUMN 300 H.P. U.S. MOTOR
20" WELL CASING DEPTH 580 FT. STATIC WATER LEVEL 46.2'
 b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
 c) Give well drillers name and address and date the well was completed HAROLD HAYDEN
402 14TH ST. RUPERT, IDAHO
WELL WAS COMPLETED 8/25/66

Phone - 342-0618

EXHIBIT

D

32717

8. If for other than Irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6.5	21	35							17										17
6.5	21	35							0										
6.5	21	35									18								18
6.5	21	35								0									
6.5	21	35										22							22
6.5	21	35											0						
6.5	21	34				8													8
6.5	21	34												17					17

Total number of acres irrigated 8.2

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

12/3/68
(Date)

Patricia Engstrom
(Signature)

State of Idaho)
County of ADA) ss.

On this 3rd day of December, 1968, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that ~~he~~ (she) (~~they~~) executed the same.

Charles S. Howell

Notary Public residing at

Notary Public in and for the State of Idaho
Residing in Boise, Ada County, Idaho
My Commission expires June 2, 1970

My commission expires _____

32717