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Attorney for Claimant

COPY

RECEIVED
JAN 17 2003
Department of Water Resources

DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

)
) **Subcase 37-10271**
)
) **AFFIDAVIT OF CAROLE**
) **BENNETT IN SUPPORT OF**
) **MOTION TO SET ASIDE**
) **PARTIAL DECREE AND FILE**
) **LATE OBJECTION**

STATE OF IDAHO)
):ss.
County of Twin Falls)

COMES NOW, Carole Bennett, Claimant of the above-captioned water right, and
upon oath and by personal knowledge deposes and says:

1. That I am one of the owners of the property to which water right 37-10271 is
appurtenant, the property being located at 2095 South Highway 46, Gooding, Idaho, the

property and the water right having been purchased by myself and my husband John Bennett in approximately 1991.

2. That when the property was purchased in 1991, IDWR was notified of this change in ownership.

3. That in September of 1999, John and I moved to the subject property, but at that time we neglected to notify IDWR of our change in mailing address.

4. That I have not received any correspondence from IDWR concerning the subject water right.

5. That I did not receive notice of the filing of the Directors Report for the subject water right.

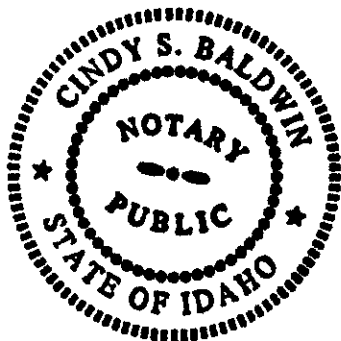
6. That in December of 2002, I received a notice from the SRBA Court concerning an objection filed by the NSGWD to all groundwater rights in Basin 37, and in the process of investigating this notice, I learned for the first time that a *Partial Decree* had been entered for the subject water right.

Further your affiant sayeth not.

DATED this ____ day of January, 2003.


Carole Bennett

SUBSCRIBED AND SWORN to before me this 16th day of January, 2003.




NOTARY PUBLIC FOR IDAHO
Residing at: Hoarding, Idaho
My Commission Expires: 9/18/08

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of January, 2003, I served a true and correct copy of the foregoing document(s) on the person(s) listed below, in the manner indicated:

Clerk of the District Court	<u>X</u>	United States Mail, Postage Prepaid
Snake River Basin Adjudication	_____	Overnight Courier
253 Third Avenue North	_____	Via Facsimile
PO Box 2707	_____	Hand Delivered
Twin Falls, ID 83303-2707		

IDWR Document Depository	<u>X</u>	United States Mail, Postage Prepaid
PO Box 83720	_____	Overnight Courier
Boise, ID 83720-0098	_____	Via Facsimile
	_____	Hand Delivered

Chief, Natural Resources Division	<u>X</u>	United States Mail, Postage Prepaid
Office of the Attorney General	_____	Overnight Courier
State of Idaho	_____	Via Facsimile
PO Box 44449	_____	Hand Delivered
Boise, ID 83711-4449		

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

☒ United States Mail, Postage Prepaid
☐ Overnight Courier
☐ Via Facsimile
☐ Hand Delivered



Theodore R. Booth
Attorney for Claimant