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Department of Water Resources

THEODORE R. BOOTH
ARKOOSH LAW OFFICES, CHTD.
301 Main Street
Post Office Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8872
Facsimile: (208) 934-8873
Idaho State Bar No. 6239

Attorney for Claimant

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

)
) **Subcases 37-20810, 37-20811,**
) **37-20812, 37-20813, 37-20814,**
) **37-20815, 37-20816, 37-20817**
)
) **AFFIDAVIT OF KELVIN JONES**
) **IN SUPPORT OF MOTION TO**
) **FILE LATE OBJECTION**

STATE OF IDAHO)

):ss.

County of Lincoln)

COMES NOW, Kelvin Jones, predecessor-in-interest of the above-captioned water rights, and upon oath and by personal knowledge deposes and says:

1. That I was previously one of the owners of the farm ground to which the above-captioned water rights are appurtenant.

AFFIDAVIT IN SUPPORT OF MOTION TO FILE LATE OBJECTION -1

2. That I am intimately familiar with the diversion works and irrigation system used on the subject farm ground, such ground consisting of approximately 387 irrigated acres.

3. That on August 5, 1987, a representative from IDWR conducted a field examination of water right 37-8690 (formerly 36-8020)(currently 37-20817 and 37-20816), and issued a Beneficial Use Field Report in connection therewith. The report concluded that the irrigation system had a diversion capacity of 5.22 cfs when combined with water rights 37-2804B (currently 37-20815 and 37-20814) and 37-2532 (currently 37-20813 and 37-20812).

4. That the license subsequently issued for water right 37-8690 contained the condition that the maximum combined rate of diversion under right 37-8690 and 37-2804B & 37-2532 shall not exceed 5.22 cfs.

5. That water right 37-2531A (currently 37-20810 and 37-20811), which is also diverted from the same point of diversion, is not subject to this combined-use limitation.

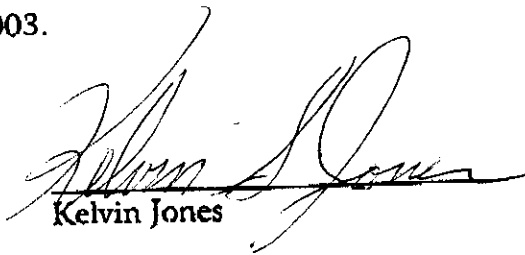
6. That I received copies of the Director's Reports for the subject water rights sometime in August of 2002. That upon examination of the Director's Report's, I did not notice that for the first time IDWR had inserted the "5.22 cfs" limitation into the remarks for water right 37-2531A.

7. That because of this oversight, I did not timely file an objection to the subject water rights, asserting that the limitation is in error.

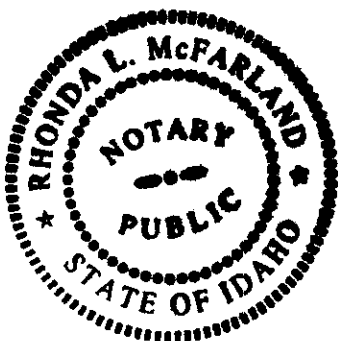
8. That the "5.22 cfs" limitation equates to approximately 0.68 miner's inches per acre, which is well below the approximate 1.0 inch per acre historically needed to irrigate the farm ground utilizing the existing system.

Further your affiant sayeth not.

DATED this 26th day of March, 2003.


Kelvin Jones

SUBSCRIBED AND SWORN to before me this 26th day of March, 2003.




NOTARY PUBLIC FOR IDAHO
Residing at: 2711 N. 2nd St., ID
My Commission Expires: 11/20/2008

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of March, 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
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449
US Department of Justice
Environment and Natural
Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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Theodore R. Booth
Attorney for Claimant