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Department of Water Resources

W. Kent Fletcher
FLETCHER LAW OFFICE
1200 Overland Avenue
P.O. Box 248
Burley, Idaho 83318-0248
(208) 678-3250
(208) 878-2548 - fax
ISB No. 2248
Attorney for **JEFF HUNT, BRUCE PINCOCK, AND H & P FARMS**

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Subcase No. 36-15506

Case No. 39576

AFFIDAVIT OF CALVIN JONES

STATE OF IDAHO

County of Cassia

) ss
)

Calvin Jones, being first duly sworn, deposes and states:

1. I am a resident of Eden, Idaho. I am a son of Henry Jones and Eunice Irene Jones, now deceased. I am personally familiar with the matters set forth in this Affidavit.

2. In 1961, Henry Jones and Eunice Irene Jones, operating under the name of Jones Livestock Feeding Company and/or Jones Land and Feed, leased real property from the United States Bureau of Reclamation. The real property is the same real property described on the Adjudication Recommendation Report 36-15506 attached as Exhibit A to this Affidavit (BOR Property).

3. I was involved with my parents farming operation from 1961 through 1974 and am familiar with the development of the BOR Property. In 1974, I took over management of Jones Livestock Feeding Company and/or Jones Land and Feed, and was responsible for farming the BOR Property.

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2 From 1970 until 1979, I resided in a house located in the vicinity of the BOR Property.

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4 4. My parents developed the BOR Property as farm ground. Commencing approximately April
5 15, 1961, farming started on the BOR Property and has continued each and every year since 1961
6 through 2002.

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8 5. In Section 13, there are approximately 91.4 acres and in Section 14 approximately 79.5 acres
9 of ground that have been continuously farmed since 1961.

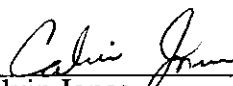
10
11 6. The BOR Property has been irrigated since 1961 by ground water pumped from wells
12 located on adjacent ground. At the time of development, the adjacent ground was owned by my
13 parents, doing business as Jones Livestock Feeding Company and/or Jones Land and Feed. The points
14 of diversion for irrigation of the BOR Property are as described on attached Exhibit A.

15
16 7. In 1986, Travelers Insurance took possession of our farming operation, which included the
17 right to farm the BOR Property. Travelers Insurance eventually transferred the right to farm the BOR
18 Property to Don McFarland. Don McFarland continuously farmed the BOR Property until the right to
19 farm that ground was transferred to H & P Farms.

20
21 8. From 1961 until 1986, when Travelers Insurance took possession of our farming operation,
22 the BOR Property was planted with potatoes, grain, and alfalfa, on a rotation basis. The average
23 irrigation season commenced on or about April 1st of each year and ended on or about October 31st of
24 each year. Approximately 2.78 cfs of water was required to be diverted in order to irrigate the BOR
25 Property.

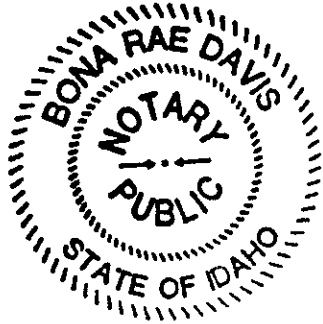
26
27 9. Although the types of crops grown on the BOR Property may have changed since 1986,
28 based upon my own knowledge, I know that the BOR Property has been farmed each and every year
since 1986.

DATED this 18 day of November, 2002.


Calvin Jones

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SUBSCRIBED AND SWORN to before me, this 18th day of November, 2002.



Bona Rae Davis
Notary Public for Idaho
Residing at Burley
My commissioner expires 7/5/2008

CERTIFICATE OF MAILING

I certify that on November 19, 2002, I mailed the original and copies of the Affidavit of Calvin Jones, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to: IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC033
Boise, Idaho 83724

FLETCHER LAW OFFICE

Kent Fletcher
Attorney for Jeff Hunt, Bruce Pincock, and H & P Farms
P.O. Box 248
Burley, Idaho 83318-0248

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-15506 V1

WATER RIGHT NUMBER: 36-15506 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFF HUNT 380 S 1150 W HEYBURN, ID 83336 (208)878-4259
Current Owner	BRUCE PINCOCK 380 S 1150 W HEYBURN, ID 83336 (208)878-4259
Attorney	ALFRED E BARRUS PO BOX 487 BURLEY, ID 83318 (208)878-1155
Current Owner	H & P FARMS 380 S 1150 W HEYBURN, ID 83336 (208)878-4259

Priority Date: 04/15/1961

Basis:

Status: Disallowed

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	2.780 CFS	
	<u>Total Diversion:</u>	2.780 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SW1/4	Sec. 7, Twp 09S, Rge 21E, B.M.
JEROME County		
GROUND WATER	NW1/4SW1/4NW1/4	Sec. 13, Twp 09S, Rge 20E, B.M.
JEROME County		
GROUND WATER	SE1/4SE1/4NW1/4	Sec. 7, Twp 09S, Rge 21E, B.M.
JEROME County		
GROUND WATER	SE1/4NE1/4NE1/4	Sec. 13, Twp 09S, Rge 20E, B.M.
JEROME County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	20E	13									38.0	22.0			25.0	32.0			117.0

Page 2

03/07/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 38-15508 V1

09S 20E 14	36.0	13.0	35.0				84.0
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Total Acres: 201

Conditions of Approval:

1. P01 NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Remarks:

1. General NO LAWFUL APPROPRIATION SHOWN.

Comments:

1. rbrown 1/25/2002 disallowed
Comment: Evidence of Priority was requested in 1997 but never received.

Dates and Other Information:

Decreased Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False