

COPY

AFFIDAVIT OF WILLIAM T. HOLDEN

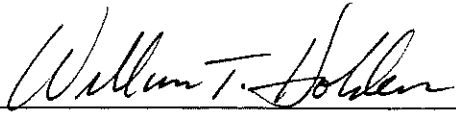
STATE OF IDAHO)
) ss.
 County of Bonneville)

William T. Holden, on his oath deposes and says:

1. Affiant was born in Idaho Falls, Idaho, in December, 1934, and has lived in Bonneville County virtually his entire life. Affiant has personal knowledge of the facts set forth herein. When affiant was young, his family liked to camp near Palisades Creek in Eastern Bonneville County for recreational purposes. Affiant's parents, William S. and Ida T. Holden, acquired real property near and adjacent to Palisades Creek, and in the spring of 1947, caused a pond system to be constructed in the NENW Section 25, T.1N., R.44E., on the east side of Palisades Creek.
2. The purposes of the pond were multiple. First, the Holdens determined to build a home near Palisades Creek on the east side, but had noticed the Creek sometimes flooded in the spring to the east in the area where they desired to locate the home. The pond area was excavated, in part, to provide fill material and a berm, as well as a diversion into the pond system and then back to the creek to eliminate flooding in the area where the home was to be constructed. The home was constructed on the downstream side of the excavation, berm and pond area in 1951.
3. The system actually consists of two (2) ponds, connected by a headgate. The main pond is approximately 130 feet by 70 feet with a small island approximately 6 feet by 11 feet in size near the center. The average depth is approximately 3 to 3 and a half feet. Water was first diverted from Palisades Creek into and impounded in the pond system about the first of June of 1947. Affiant was personally present on the property and observed the pond during the time of construction and fill and has spent a good deal of time at the home and pond ever since. The second pond is located immediately to the west of the main pond. It is approximately 50 feet by 40 feet in size and the average depth is about the same as the first pond. Fish are stocked in the main pond, but if they escape, they usually can be captured in the second pond before getting into the creek.

4. The ponds have been used as described, continuously since 1947, primarily for recreational purposes. Affiant's father died in 1988 and affiant's mother in 1995. Following their deaths, the winding up of the estate has taken a good deal of time and has been somewhat complicated and fraught with time consuming matters that have consumed affiant's attention. Affiant has not been in a position until very recently to focus on the Adjudication proceeding as it affected the SRBA claim for the water right for the ponds system described above. It just came to affiant's attention that water right claim number 23-10165 was recommended to be disallowed because of lack of evidence of priority. The failure to provide the above information in the time frame to comply with the adjudication processing was a result of inadvertence and mistake. If this claimed water right can still be decreed, it will not injure any other water right or change in any manner the practice that has continued, uninterrupted, for nearly 57 years. Our water use is non-consumptive, consisting only of diversion of water from Palisades Creek, through the pond system and back into the Creek. As described above, the excavation, the berms and the ponds have served in part to avert flooding, but primarily for recreation purposes for this long time.

Dated this 13th day of January, 2005.



William T. Holden

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 13th day of January 2005, before me a notary public in and for said State, personally appeared William T. Holden known or identified to me (or proved to me on the oath of William T. Holden) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kent W. Foster
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 11/20/2010