

35-4037
RECEIVED
JUN 01 2005
Department of Water Resources
COPY

**SUPPLEMENTAL AFFIDAVIT OF
RICHARD D. POLATIS**

STATE OF IDAHO)
)ss.
County of Bonneville)

Richard D. Polatis, being first duly sworn, on his oath deposes and says:

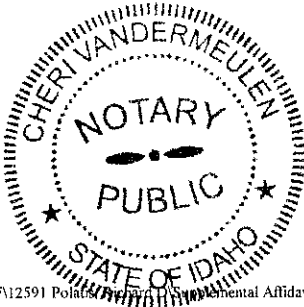
1. This affidavit is supplemental to the statements of affiant contained in his affidavit of April 7, 2005, and is also made by affiant, being over the age of eighteen (18) years, and of his own personal knowledge of the facts stated herein.
2. Affiant is the individual who signed the SRBA claim filed in subcase number 35-4037, on May 31, 1989. Affiant was assisted in the preparation of the claim by an employee of the Idaho Department of Water Resources in Idaho Falls, Idaho, who typed the information into a word processor as it was provided by affiant and then printed the form which affiant signed. Affiant has reviewed a copy of the claim, and has now observed that affiant's address was typed as 174 S. 175 W. in Blackfoot, Idaho, when it should have been 174 S. 1075 W. in Blackfoot, Idaho. When affiant signed the claim, he did not observe the mistake and it was not corrected by affiant.
3. Affiant was contacted by telephone in 1991 and requested by IDWR officials to come in to sign an amendment to change the amount of the claimed water right, but again did not focus on the address or see the error and did not correct it at that time either.
4. Affiant has no recollection of having received any notices, letters, recommendations or other written communication regarding the processing of this claim thereafter until very recently when he discovered that SRBA claim number 35-4037 had been disallowed for his failure to provide evidence of priority. During the time when IDWR's preliminary and final recommendations were being sent and the partial decree was entered (2001 and 2002) affiant was also experiencing the health problems described in his previous affidavit, but affiant knows of no written communication which came to him regarding the matter.
5. Sometime in the fall of 2004, someone from IDWR placed a telephone call which was taken by affiant's wife who made a brief note and placed it on affiant's desk. Affiant was quite ill at the time of the call and what he remembers of the verbal message his wife

gave him regarding the telephone call caused him to think the message related to the matter of delivery calls by downstream water users that might effect the ability to continue pumping as had been done in the past. In about January of 2005, when affiant was feeling better, he reviewed his wife's note on his desk, and because it sounded so urgent, he contacted the Idaho Falls office of IDWR. It was then that he was informed of the disallowance of the claim and that he needed to take action to keep from being required to shut off the pump for this property.

Richard D. Polatis

Richard D. Polatis

SUBSCRIBED AND SWORN to me this 27th day of May, 2005.



Cheri Vandermeulen

Notary Public for the State of Idaho

Residing at: Idaho Falls

My Commission Expires: July 09