

HOFSTETTER LAW OFFICE

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October 27, 2005

RECEIVED
OCT 31 2005
Department of Water Resources

Misty Mount
Water Right Agent, Adjudication
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: C/C LLC – Water Right No. 3-4008A

Dear Ms Mount:

I am enclosing copies of the *Affidavit of Paul Mendiola* and an October 17, 2005 letter from Richard Bronson of Growers Supply Co. as evidentiary support for the claimed 1954 priority date for Water Right No. 3-4008A. In this regard, I also enclose a copy of M.C. Shelley's notarized 1977 statutory claim for this water right. It is my understanding that M.C. Shelley is now deceased. Please let me know if you need any further information regarding this matter. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosures

cc: George Colwell w/ enclosures via facsimile
4001.2/6670

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Attorney for C/C, LLC

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

In Re SRBA	)	
	)	Subcase No. 3-4008A
	)	
Case No. 39576	)	AFFIDAVIT OF
	)	PAUL MENDIOLA
	)	
_____	)	

STATE OF IDAHO)
) ss:
COUNTY OF PAYETTE)

Paul Mendiola, being first duly sworn on oath, deposes and says:

(1) I currently reside at 920 Northwest 14th Avenue, Payette Idaho 83661.

(2) In the years 1953 to about 1959, I worked for M.C. Shelley. During these years, my duties included helping him irrigate the property he owned on the Snake River in Payette County, Idaho, including irrigating the land shaded with diagonal lines on the

map attached hereto as Exhibit A. I also rented and farmed this same land on a share crop basis from M.C. Shelley, during approximately 1960 until 1990.

(3) I recall that a new pump was installed on the Snake River in the year 1953 at the approximate location identified as the point of diversion in Exhibit A hereto. There had been an older pump at that location previously. I helped M.C. Shelley with installation of the new pump in 1953. In about the following year, 1954, a second new pump was installed at this same location.

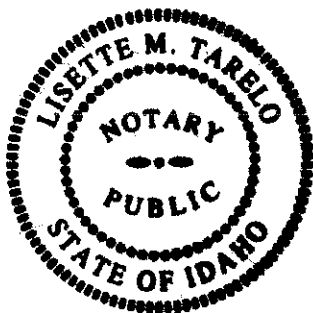
(4) From 1953 to 1990 the lands shaded with diagonal lines on Exhibit A hereto were irrigated with Snake River water from the pumps located at the point of diversion identified on Exhibit A. I assume that this practice continues to the present; however, I have not been personally familiar with the property since about 1990.

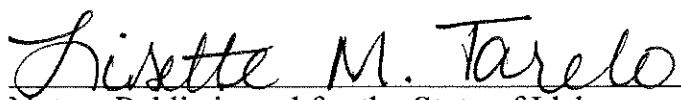
FURTHER YOUR AFFIANT SAYETH NAUGHT.

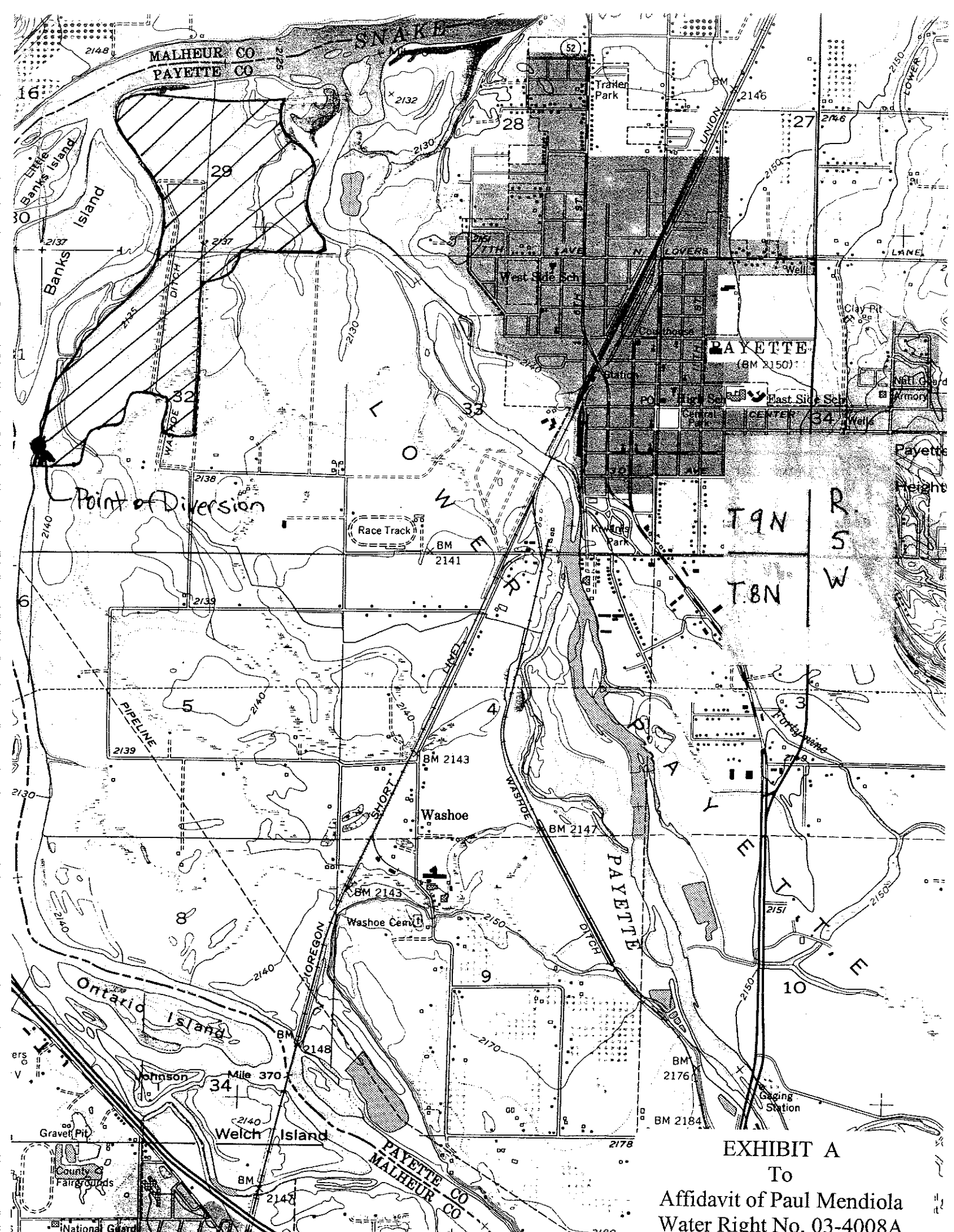
DATED this 26th day of October, 2005.


PAUL MENDIOLA

SUBSCRIBED AND SWORN to before me this 26th day of October, 2005.




Notary Public in and for the State of Idaho
Residing at: Weiser, Idaho
My Commission Expires: 1/28/11



GROWERS SUPPLY CO.

P.O. Box 430
203 S.E. 6th
Fruitland, Idaho 83619
208-452-4561

October 17, 2005

George Colwell
3090 Highway 52
Payette, Idaho 83661

RE: M. C. Shelley, Gulf Pacific, Colwell pumps

ATTN: George Colwell

Per your request our firm has researched the pumps that were sold to M.C. Shelley, Gulf Pacific.

M.C. Shelley purchased a #10 7.5 HP Cascade Pump; Serial Number 3486 on June 27, 1953.

M.C. Shelley purchased a #10 Cascade Pump Bowl; Serial Number 3808 on June 3, 1955.

M.C. Shelley purchased a 12LM-14 Layne & Bowler Pump 15 HP; Serial Number 373-03882 on July 30, 1973.

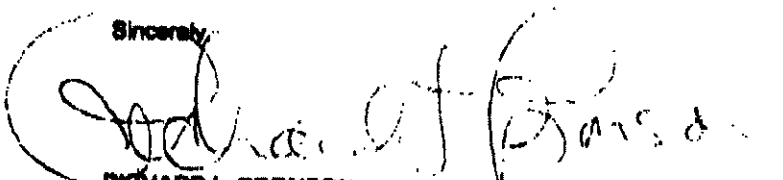
M.C. Shelley purchased a 12LM-14 Layne & Bowler Pump 15 HP; Serial Number V75-71589 sometime between 1973 and 1976. (Pump card not available).

Gulf Pacific purchased a replacement impeller for the 12LM Layne & Bowler Pump Serial Number 373-03882 on June 30, 1990.

The above synopsis is to the best of our abilities to re-build the transactions over the last 52 years. To our knowledge the pumps have been in continuous use from the same diversion point since 1953.

Thank you for your request on the above pumps. Please contact us if we may be of further assistance.

Sincerely,



RICHARD L. BRONSON

GROWERS SUPPLY COMPANY, INC.

Section 42-225a, Idaho Code

Department of Water Resources
Western Regional Office

Notice is hereby given that M. C. Shelley

(name of claimant)

of Route 1, Box 97, Payette, ID 83661

(mailing address)

... , claims a right to the diversion and beneficial use of

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Snake River
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 6.44 Use Irrigation Period of Use: From Mar. 15 To Nov. 15

Amount	Use	Period of Use: From	To

Amount _____ Use _____ Period of Use: From _____ To _____

(cfs, gpm
or a/f)

(dom., irri.,
stock, etc.)

Period of Use: From _____ To _____

(both dates inclusive)

- (3) Total quantity of water claimed: 6.44 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June 1, 1954

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

Lot 5 $\frac{1}{4}$ $\frac{1}{4}$, Sec. 32 Twp. 9N Rge. 5W B. M. County of Payette

Additional points of diversion:

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 2 pumps on river into concrete ditch and gravity flow system (10 and 15 H.P.)

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

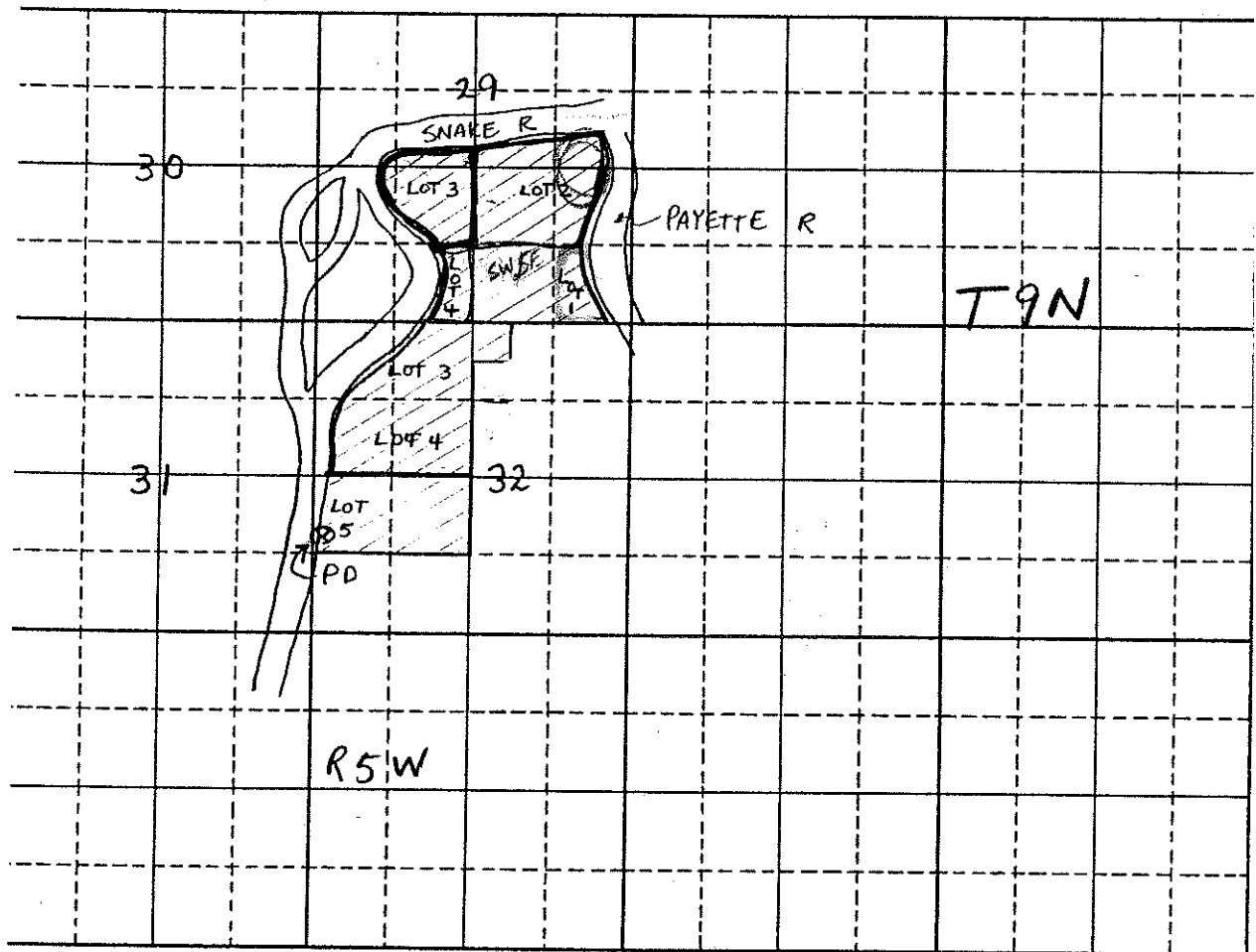
[illegible]

Total No. of acres 322

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks This water is supplemental to Washoe Irrigation & Power Water Rights.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 12 day of Oct

McKelley
(Claimant)

David R. Trillhoff
Notary Public
Residing at Boise Id.

My commission expires Sept 10, 1980

For Department Use Only

Received by DRT Date 10-12-77 Exception filed by: _____ Date _____
Prelim. check by PH Date 10-12-77 Forwarded to claimant by: _____
\$10.00 fee received by DS #8974 Date 10-12-77
Approved for publication by _____
Published in Independent Enterprise
Dates Oct. 20 & 27, 1977