

W. KENT FLETCHER
ATTORNEY AT LAW

FLETCHER LAW OFFICE
1200 OVERLAND AVENUE
P. O. BOX 248
BURLEY, IDAHO 83318-0248
(208) 678-3250

FAX: (208) 878-2548

E-MAIL
wkf@pmt.org

October 6, 2005

Mike Holliday
IDWR Regional Office
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

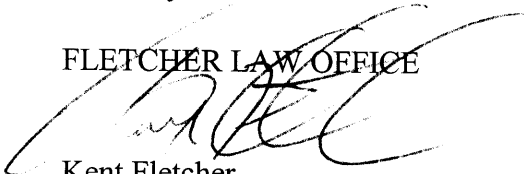
RE: Minidoka Irrigation District - Railroad Right of Way and Interstate Acres

Dear Mike:

Enclosed is an Affidavit signed by Mike Knight pertaining to the railroad right of way and the interstate acres that are at issue. I hope that this clarifies the position of the Minidoka Irrigation District. If you need further information, please contact me.

Sincerely,

FLETCHER LAW OFFICE


Kent Fletcher

KF/brd

Enclosure

pc: Minidoka Irrigation District w/enclosure
Susan Hamlin w/enclosure

RECEIVED

OCT 10 2005

Idaho Department of Water Resources

AFFIDAVIT OF MICHAEL L. KNIGHT
IN SUPPORT OF MINIDOKA IRRIGATION DISTRICT'S
WATER RIGHT CLAIMS

Michael L. Knight, being first duly sworn, deposes and states:

1. I make the statements contained in this Affidavit based upon my own knowledge, and I believe the statements contained herein to be true.

2. I am fifty-three (53) years old and reside in Rupert, Minidoka County, Idaho.

3. I have been employed by the Minidoka Irrigation District approximately twenty-seven (27) years.

4. When I began working at the irrigation district, I assisted the plat engineer in addition to performing other duties. Starting in 1988, I became the primary plat engineer for Minidoka Irrigation District.

5. As part of my duties as plat engineer, I keep track of water rights, transfer of real property, and review the accuracy of assessed acres. In addition, when required, I research the records of the Minidoka Irrigation District to determine water rights appurtenant to acres located within the District.

6. When reviewing the District's water rights claims to be made in the Snake River Basin Adjudication, I reviewed water rights that are appurtenant to railroad rights of way located within the District. Most of the railroad rights of way were granted before creation of the District, and therefore no water rights were appurtenant to those rights of way.

7. However, the Northside branch and Oakley branch of the Oregon Short Line Railway was constructed after the project was created, and the rights of way were purchased from the original settlers. Historical documents provided to the Idaho Department of Water Resources evidence the fact that construction charges were paid on these rights of way and the rights of way were considered irrigable acres for the purposes of assessing construction charges and establishing water rights.

8. I have reviewed the books and records of the Minidoka Irrigation District, and there is no evidence that the water rights appurtenant to the described railroad rights of way were ever transferred to any other wateruser located within the Minidoka Irrigation District. As a result, it is my opinion that for the purposes of the Snake River Basin Adjudication, water rights should be assigned to these railroad rights of way.

9. An additional issue was created when Interstate 84 was constructed through the Minidoka Irrigation District during the 1960s. As a result of the construction, acres that formerly were irrigated became roadway and roadway rights of way.

10. For several years after construction of the interstate, the District would allow landowners located within the District to rent the "interstate water rights". These water rights were called "supplementary water".

11. In 1979, the District filed an action in the Minidoka County District Court requesting permission to enter into sale and transfer agreements authorizing the transfer of these water rights to landowners located within the District. This transfer was authorized by a Judgment dated

February 20, 1980, and provided a ten (10) year payment plan for the purchase of the water rights.

12. The transfer process for these water rights was occurring at the time the adjudication was commenced. Some of the acres had been transferred and applied to beneficial use before November of 1987.

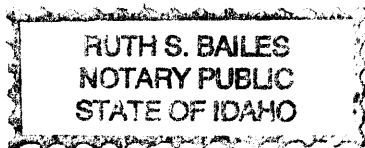
13. I have reviewed the records of the Minidoka Irrigation District, and discovered that 299.13 acres either had not been transferred by November, 1987, but were transferred after that date, or had been transferred but not applied to beneficial use by November, 1987. Attached to this Affidavit is an itemization of the acres showing Minidoka Irrigation District's serial number, an abbreviated legal description, and the number of acres of supplementary water rights that were either transferred or applied to a beneficial use after November, 1987.

14. The acres described on Exhibit A should be included in the District's water rights as acres previously irrigated where Interstate I-84 now exists.

DATED this 6 day of October, 2005.

Michael L. Knight
Michael L. Knight

SUBSCRIBED AND SWORN to before me, this 6th day of October, 2005.



Ruth S. Bailes
Notary Public for Idaho
Residing at Idaho
Commission expires 5/8/2009

MINIDOKA IRRIGATION DISTRICT
Transferred Acreage from Sale of Interstate Water Right
After November 1987

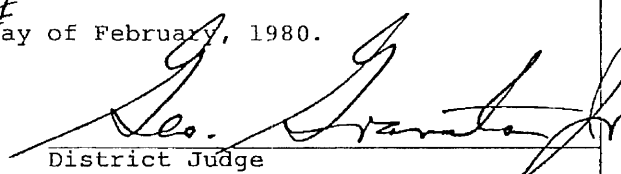
<i>Serial #</i>	<i>Legal</i>	<i># of Acres</i>
30	Pt. SE 1/4 NE 1/4, 26-10-23	7.18
283	Pt. Lot 6, 30-10-24	10.50
363	Pt. SE 1/4 NE 1/4, 2-9-23	4.89
456	Pt. SW 1/4 NE 1/4, 14-10-22	8.67
506	Pt. SW 1/4 SW 1/4, 24-9-22	2.26
506	Pt. SW 1/4 SW 1/4, 24-9-22	5.61
572	Pt. Lot 3, 6-9-25	11.07
572	Pt. Lot 4, 6-9-25	0.75
712	Pt. SE 1/4 NW 1/4, 6-9-25	4.03
712	Pt. SE 1/4 NW 1/4, 6-9-25	23.69
712	Pt. NE 1/4 NW 1/4, 6-9-25	3.34
718	Pt. NE 1/4 SW 1/4, 6-9-25	25.76
885	Pt. SE 1/4 SW 1/4, 29-8-25	14.98
911	SE 1/4 NE 1/4, 32-8-25	23.53
911	Pt. N 1/2 SW 1/4 NE 1/4, 32-8-25	0.39
911	Pt. N 1/2 SW 1/4 NE 1/4, 32-8-25	8.49
911	Pt. NW 1/4 NE 1/4, 32-8-25	9.94
0002-1	Lot 12 Acequia Townsite, 1-9-24	2.07
0002-1	Lot 3 Acequia Townsite, 1-9-24	1.42
0002-1	Lot 11 Acequia Townsite, 1-9-24	2.09
0002-1	Lot 9 Acequia Townsite, 1-9-24	1.42
0002-1	Lot 10 Acequia Townsite, 1-9-24	1.44
0002-1	Lot 8 Acequia Townsite, 1-9-24	2.07
00167	Pt. Lot 2, 15-10-22	1.97
00201	Lot 2 Acequia Townsite, 1-9-24	1.66
00201	Lot 4 Acequia Townsite, 1-9-24	2.61
00201	Lot 7 Acequia Townsite, 1-9-24	2.60
00201	Pt. Lot 13 Acequia Townsite, 1-9-24	0.98
00201	Pt. Lot 13 Acequia Townsite, 1-9-24	1.39
00201	Lot 1 Acequia Townsite, 1-9-24	2.64
00201	Lot 5 Acequia Townsite, 1-9-24	2.76
00201	Lot 6 Acequia Townsite, 1-9-24	2.59
00201	Pt. Lot 14 Acequia Townsite, 1-9-24	0.92
00201	Pt. Lot 14 Acequia Townsite, 1-9-24	1.30
00209	Pt. N 1/2 NW 1/4 NE 1/4, 5-9-25	14.29
00209	Pt. N 1/2 NW 1/4 NE 1/4, 5-9-25	3.65
00209	Pt. NE 1/4 NW 1/4, 5-9-25	18.63
0094-3	Pt. NE 1/4 SW 1/4, 36-8-24	11.08
0094-4 & 0094-5	Pt. NE 1/4 SW 1/4, 36-8-24	13.69
01	Pt. SW 1/4 NE 1/4, 26-10-23	2.22
01	Pt. NW 1/4 NE 1/4, 26-10-23	0.63
01	Pt. NW 1/4 NE 1/4, 26-10-23	3.07
0165	Pt. SW 1/4 NE 1/4, 2-9-23	6.10
0165	Pt. NE 1/4 SW 1/4, 2-9-23	7.74
0282	Pt. SW 1/4 SE 1/4, 15-10-22	7.78
0282	Pt. NW 1/4 SE 1/4, 15-10-22	1.19
174-1	Pt. Lot 7, 25-10-23	0.49
183-1	Pt. NW 1/4 SW 1/4, 24-9-22	2.11
183-1	Pt. NE 1/4 SW 1/4, 24-9-22	2.89
506-2	Pt. SE 1/4 SW 1/4, 24-9-22	6.56
		299.13

Thereupon, it further appeared to the Court that the special election held by and in the Minidoka Irrigation District in the Counties of Minidoka and Cassia, in the State of Idaho, on December 11, 1979, was in all ways lawfully, regularly, and legally called, held and conducted, and that the votes cast thereat were lawfully, regularly and legally counted and canvassed and that the results of the election and canvass was regularly and legally declared and entered, revealing that the Board of Directors of the Minidoka Irrigation District was authorized by said election to enter into sales and transfers of a pro-rata per acre share of the primary rights belonging to the members of the district to the members of the district using supplementary water of the district at a cost of \$50.89 per acre for those acres using supplementary water, such sale to be for cash or payable in installments of \$5.09 per year on or before March 1, of the next 10 years, beginning March 1, 1980, with interest on the principal amount deferred at 10% payable in like manner, copies of which proposal, Sale and Transfer Agreements were on file in the office of the District, and that by such sale and transfer agreements the Board of Directors, on behalf of the land owners in the district, will receive such payments from the purchasers of such primary rights, and it appearing that the Minidoka Irrigation District has no outstanding bonds, warrants or other indebtedness, except as to its obligation to the United States for the balance of the construction costs related to the purchase of 35,000 acre feet of storage rights in the Palasades Reservoir, and the United States has filed no objections to these proceedings; that the lands involved in such sale and transfer are the lands particularly described as being within the boundaries of the Minidoka Irrigation District, according to the official plat thereof now on file in the office of the County Recorder of Minidoka County, State of Idaho, which legal description is hereby incorporated herein.

The Court, being fully advised in the premises, ordered that the motion of the petitioner to strike paragraphs 1 and 2 of the prayer of said petition be granted and ordered that petitioner have judgment herein as otherwise prayed for in said petition.

NOW, THEREFORE, by virtue of the law and by reason of the premises aforesaid, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Board of Directors of the Minidoka Irrigation District may sell and transfer primary water rights belonging to the members of the District to the users of supplementary water in the District in accordance with this decree as authorized under the proceedings hereby confirmed in this cause.

DATED this 20TH day of February, 1980.


District Judge

W. KENT FLETCHER
ATTORNEY AT LAW

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BURLEY, IDAHO 83318-0248
(208) 678-3250

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E-MAIL
wkf@pmt.org

September 7, 2005

Michael Holliday
Idaho Department of Water Resources
Eastern Region Office
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RE: Minidoka Irrigation District

Dear Mike:

I received a call from Susan Hamlin. She advised me the Department would like a statement signed by a representative of MID pertaining to the water rights located along the railroad right of way and the interstate. MID's regular meeting is September 13th, and I will discuss this with the Board at that time. Following that meeting, I anticipate we will be able to prepare a statement with the required information.

Sincerely,

FLETCHER LAW OFFICE

Kent Fletcher

KF/brd

pc: Minidoka Irrigation District
Susan Hamlin

09/07/05

10-7118

10/10/05