

Moffatt Thomas

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Russell G. Metcalf
Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

RECEIVED

JAN 17 2006

DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello
Twin Falls

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
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January 13, 2006
via Facsimile

Twin Falls County Clerk
District Court
Fifth Judicial District
425 Shoshone Street North
Post Office Box 126
Twin Falls, Idaho 83303-0126

Re: In Re SRBA
Case No. 39576
Subcase Nos. 65-22967; 65-22939
MTBR&F File No. 22-494.0000

Dear Clerk:

Enclosed for fax filing in the above-referenced matter are the following original documents:

1. Affidavit of William Maki
2. Amended Notice of Claim to a Water Right 65-22967
3. Amended Notice of Claim to a Water Right 65-22969

Thank you for your assistance.

Very truly yours,

COPY

Melonie D. Robinson
Administrative Assistant to
Angela Schaer Kaufmann
mdr@moffatt.com

/mdr

Enclosures

cc: Idaho Department of Water Resources ✓
United States Department of Justice
Chief, Office of the Attorney General
Chris Bromley

Attorneys for Jack E. Childress

Scott L. Campbell, ISB No. 2251
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101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
22494.0

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

Case No. 39576

Subcase Nos. 65-22967 and 65-22939

AFFIDAVIT OF WILLIAM MAKI

STATE OF IDAHO)
) ss.
County of Valley)

WILLIAM MAKI, having been duly sworn upon oath, deposes and states as follows:

1. I am over the age of 18 years and make this affidavit based upon personal information.
2. I currently reside in Valley County, Idaho.
3. I currently serve as the sole Ditchrider of Westside Lake Fork Ditch Company, and have held this position since approximately 1986.

COPY

4. Westside Lake Fork Ditch Company operates and maintains the Westside Lake Fork Ditch, also known as the Cruzen Ditch, and which actually comprises two (2) separate and distinct forks. As the Ditchrider for Westside Lake Fork Ditch Company, I have a comprehensive understanding of the workings of the Westside Lake Fork Ditch irrigation system, including the Westside Lake Fork Ditch diversion from Lake Fork Creek, which is tributary to the North Fork of the Payette River.

5. Lake Fork Creek is the source of the water appurtenant to the real property owned by Jack Childress and located in a portion of the Southwest Quarter of Section 14 and a portion of the Southeast Quarter of Section 15, Township 17 North, Range 3 East, Boise Meridian, Lake Fork, Valley County, Idaho, comprising approximately 130 acres (the "Childress Property").

6. Pursuant to the records of the Westside Lake Fork Ditch Company that I have maintained during my tenure as Ditchrider, water has been continuously delivered to the Childress Property via the Westside Lake Fork Ditch for approximately twenty (20) years.

7. Part of my duties as Ditchrider is to deliver water appurtenant to the Childress Property to two separate private diversion points off of the Westside Lake Fork Ditch.

8. Since my tenure as Ditchrider, I have continuously delivered water appurtenant to the Childress Property diverted from Lake Fork Creek to the Westside Lake Fork Ditch, for further distribution via private delivery ditches.

9. In addition, from and after approximately 1990, my family or I have leased the Childress Property from Jack Childress, for purposes of livestock grazing. During this time period, I have personally irrigated the Childress Property via water from private irrigation ditches following diversion of the water from the Westside Lake Fork Ditch.

Further your affiant sayeth naught.

William Maki
William Maki

SUBSCRIBED AND SWORN to before me this 13 day of January, 2006.



Marilyn Knighton
NOTARY PUBLIC FOR IDAHO
Residing at Mosett
My Commission Expires 4-4-2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of January, 2006, I caused a true and correct copy of the foregoing **AFFIDAVIT OF WILLIAM MAKI** to be served by the method indicated below, and addressed to the following:

IDAHO DEPARTMENT OF WATER RESOURCES
DOCUMENT DEPOSITORY
PO Box 83720
Boise, ID 83720-0098

☒ (X) U.S. Mail, Postage Prepaid
☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile

Chief
Natural Resources Division
OFFICE OF THE ATTORNEY GENERAL
State of Idaho
PO Box 44449
Boise, ID 83711-4449

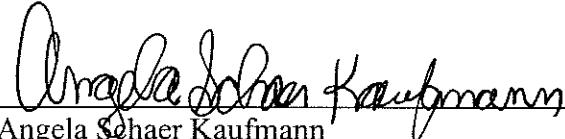
☒ (X) U.S. Mail, Postage Prepaid
☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile

THE UNITED STATES DEPARTMENT OF JUSTICE
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

☒ (X) U.S. Mail, Postage Prepaid
☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile

Courtesy Copy to:
Chris Bromley
Facsimile: 208/287-6700

☐ () U.S. Mail, Postage Prepaid
☐ () Hand Delivered
☐ () Overnight Mail
☒ (X) Facsimile


Angela Schaer Kaufmann