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Attorneys for Kevin, Norman and Delores Smyer

**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	)	Subcase No 45-10481, 45-10481
	)	and 45-12906
Case No. 39576	)	
	)	AFFIDAVIT OF HELEN ANDERSON
	)	
	)	

STATE OF IDAHO)
) ss.
 County of Cassia)

Helen Anderson, being first duly sworn, deposes and says:

1. That this affiant is an adult resident of Idaho and makes this Affidavit on her own personal knowledge, is competent to testify to the matters stated herein, and this Affidavit sets forth facts as would be admissible in evidence

2. That I am familiar with the property that is currently owned by Norman Smyer and the area of use recommended in Water Right 45-12906.

3. That my husband and I owned the 7 5 acres prior to 1976, which is located

AFFIDAVIT OF HELEN ANDERSON

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3 in the SE ¼ Section 16 T 12S R.25E.

4 4 That in 1976 we transferred the 7.5 acres, which was included in a larger
5 80-acre parcel to Oliver and Janice Anderson. That my husband and I continued to pasture cattle
6 on the 7.5 acres currently owned by Norman Smyer together with Oliver and Janice until after
7 Norman purchase the property in 1994.

8 5 That said parcel is irrigated by a diversion from Spring Creek and water
9 that runs down a channel east of Spring Creek

10 6 That your affiant and her husband, Richard, have personally
11 irrigated the place of use owned by Norman, since approximately 1954 when we purchased the
12 land from Albert Clark. Since that time we have diverted water from Spring Creek and pastured
13 our cattle in the wetland created by our excess irrigation water.

14 7 The wetland stayed wet from our excess irrigation practices. The water
15 enters the 7.5 acre parcel from ponds created by the Unnamed Channel and from a diversion
16 ditch from Spring Creek.

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Helen Anderson
Helen Anderson

SUBSCRIBED AND SWORN to before me this 27th day of February, 2006

Michael B. F. Friele
Notary Public for Idaho
Residing at: Rupert, ID
My Commission expires: 4/15/11

(SEAL)

