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July 7, 2004

Transmitted By Fax: 525-7177

Al Ruberry
Eastern Region IDWR
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: *Claimant: Diamond T Ranch, L.L.C.*
Subcase Nos. 29-07489A, 29-2433, 29-04277

Dear Ernie:

This will follow up on the above-referenced matter. You will recall at the April 21, 2004 Status and Scheduling Conference in Pocatello before Special Master Bilyeu we agreed to provide an Affidavit establishing that these three wells were interconnected as a single system prior to 1987. Based upon that, we would amend all three claims to show the common place of use for the combined total of 308 acres and the Department would agree to a SF5 Settlement Agreement.

Enclosed is a copy of the supporting Affidavit of Virgil Jahnke which we have secured for the purpose of establishing that the wells were all interconnected and used in combination to irrigate by center pivot the 308 acres at the time he acquired the property in approximately 1986. The interconnected use continued during the 10 years Jahnke owned the property from 1986 to 1996, and is continued to date by the current owner Diamond T Ranch, L.L.C., owned by Phil Adams. Also enclosed is a copy of an additional supporting Affidavit being obtained from the well driller, Forrest Cagle, to substantiate that he drilled two of the wells in 1960. That further substantiates the priority date. Mr. Cagle's Affidavit has been mailed to him and I expect to have it back in the next few days. Also attached are the proposed Standard Form 4 Amended Notice of Claims which we have prepared to file for each of these three rights, along with the supporting Affidavits.

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Fax: 208-232-6109

**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. 29-07489A,
	)	29-2433, 29-04277
	)	
Case 39576	)	SUPPORTING AFFIDAVIT
	)	OF VIRGIL JAHNKE
	)	
	)	

STATE OF IDAHO)
 : ss
County of Power)

VIRGIL JAHNKE, being first duly sworn under oath deposes and states that the following
is true and correct to the best of his knowledge, information and belief:

1. I am a resident of the State of Idaho and reside at 2747 Fairgrounds Road, American Falls, Idaho 83211.
2. I previously owned and operated certain farm land in south Bannock County near Downey located in Sections 17 and 20, Township 11 South, Range 37 East. I acquired this property in approximately 1986 and sold it in approximately 1996 to the current owner, Diamond T Ranch, L.L.C., owned by Phil Adams. During the period of time I owned and operated this property, there were a total of 308 acres irrigated by three separate wells under Water Right Nos. 29-04277, 29-02433, and 29-07489A.

SUPPORTING AFFIDAVIT OF VIRGIL JAHNKE - 1

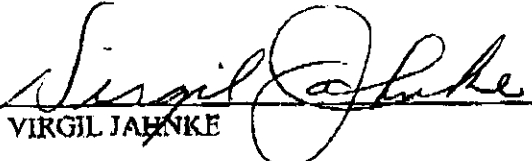
3. At the time I purchased the property the wells were interconnected by some portable main lines so that the wells could be used in combination to irrigate by center pivots the 308 acres. A few years after I acquired the property, I converted the portable main line to buried main line interconnecting the three wells providing water to the center pivots.

4. From my discussions with the previous owner, the wells were interconnected and used in the same fashion for a number of years before I acquired the property.

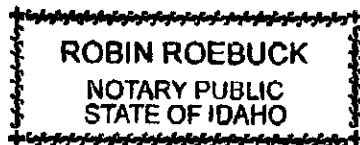
SUPPORTING AFFIDAVIT OF VIRGIL JAHNKE - 2

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 21 day of June, 2004.


VIRGIL JAENKE

SUBSCRIBED AND SWORN TO before me this ____ day of June, 2004.




NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello
My Commission Expires: 8/18/2006

SUPPORTING AFFIDAVIT OF VIRGIL JAENKE - 3

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
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Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
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**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. 29-07489A,
	)	29-2433, 29-04277
	)	
Case 39576	)	SUPPORTING AFFIDAVIT
	)	OF FORREST CAGLE
	)	
	)	

STATE OF IDAHO)
 : ss
County of Bannock)

FORREST CAGLE, being first duly sworn under oath deposes and states that the following is true and correct to the best of his knowledge, information and belief:

1. I am a resident of the State of Idaho and reside at 20585 S. Tool Road, Downey, Idaho. I was a well driller in business from the mid-1950s until I retired in 2001.

2. In approximately 1960, I drilled two wells on a farm in south Bannock County near Downey located in Sections 17 and 20, Township 11 South, Range 37 East, commonly known as the Virgil Jahnke place. I drilled the wells for the owner, who was before Virgil Jahnke acquired the property. After the wells were drilled, pumps and diesel engines were connected to pump the wells to provide irrigation water to the property. Some years later I believe the wells were changed over to an electric motor and pump. As I recall, the wells were interconnected by portable main lines

SUPPORTING AFFIDAVIT OF FORREST CAGLE - 1

so they could be used in combination.

3. As I live in Downey, I have been able to observe that these wells have been continuously pumped to provide irrigation water. The hand lines have been replaced by center pivots, either by Virgil Jahnke or his predecessor. The wells and center pivots are still being used by the current owner, who I understand is Diamond T Ranch, L.L.C., who acquired the property from Mr. Jahnke.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this _____ day of July, 2004.

FORREST CAGLE

SUBSCRIBED AND SWORN TO before me this _____ day of July, 2004.

NOTARY PUBLIC FOR IDAHO.

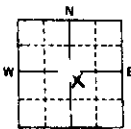
Residing at _____

My Commission Expires: _____

SUPPORTING AFFIDAVIT OF FORREST CAGLE - 2

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

WELL OWNER Name <u>VIRGIL JAHNKE</u> <u>PT FARMS</u> Max Address <u>AMERICAN FALLS</u> Nielsen Drilling Permit No. <u>29-93E-021, 229-02433</u> Water Right Permit No. <u>63116</u>		7. WATER LEVEL Static water level <u>29</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality _____ Describe artesian or temperature zones below.																																																					
NATURE OF WORK ☒ New well ☐ Deepened ☒ Replacement ☐ Well diameter increase ☐ Modification ☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)		8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Air ☐ Other _____																																																					
PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Monitor ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		<table border="1"><thead><tr><th colspan="2">Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table>		Discharge G.P.M.		Pumping Level	Hours Pumped																																																
Discharge G.P.M.		Pumping Level	Hours Pumped																																																				
METHOD DRILLED ☐ Rotary ☐ Air ☐ Auger ☐ Reverse rotary ☒ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>16</td><td>0</td><td>18</td><td>Boulders + GRAVEL</td><td></td><td>X</td></tr><tr><td>16</td><td>18</td><td>38</td><td>CLAY</td><td></td><td>X</td></tr><tr><td>16</td><td>38</td><td>45</td><td>CLAY</td><td></td><td>X</td></tr><tr><td>16</td><td>45</td><td>60</td><td>GRAVEL</td><td>X</td><td></td></tr><tr><td>16</td><td>60</td><td>141</td><td>CLAY</td><td></td><td>X</td></tr><tr><td>16</td><td>141</td><td>150</td><td>GRAVEL</td><td>X</td><td></td></tr><tr><td>16</td><td>150</td><td>160</td><td>HARD WHITE CLAY</td><td></td><td>X</td></tr></tbody></table> Number of perforations and location is unknown by the driller - BMM		Bore Diam.	Depth		Material	Water		From	To	Yes	No	16	0	18	Boulders + GRAVEL		X	16	18	38	CLAY		X	16	38	45	CLAY		X	16	45	60	GRAVEL	X		16	60	141	CLAY		X	16	141	150	GRAVEL	X		16	150	160	HARD WHITE CLAY		X
Bore Diam.	Depth		Material		Water																																																		
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16	141	150	GRAVEL	X																																																			
16	150	160	HARD WHITE CLAY		X																																																		
WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ Thickness _____ Diameter _____ From _____ To _____ 5 1/16 inches 16 inches + 1 feet 160 feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☒ Yes ☐ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☒ Knife ☐ Torch ☐ Gun Size of perforation? <u>3/8</u> inches by <u>4</u> inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer _____ Type _____ Top Packer or Headpipe _____ Bottom of Tailpipe _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>18</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☒ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>2" Pipe Welded INTO</u> <u>CASEING</u>		10. Work started <u>24 MAY 93</u> finished <u>8 JULY 93</u>																																																					
LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>BANNOCK</u> Address of Well Site <u>STEWART Rd off 91</u> <u>1 1/2 mile west</u> (give at least name of road) SW 1/4 NE 1/4 Sec. <u>20</u> , R. <u>32</u> T. <u>11</u> N. ☐ or S ☒ E ☒ or W ☐		11. DRILLER'S CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>JENSEN DRILLING</u> Firm No. <u>515</u> Address <u>2509 N. Westside</u> Date <u>8-13-93</u> <u>DAYTON IDAHO 81234</u> Signed by Drilling Supervisor <u>[Signature]</u> and <u>[Signature]</u> (Operator) <u>[Signature]</u> All different than the Drilling Supervisor																																																					

USE TYPEWRITER OR
BALL POINT PEN

Idaho
Department of Water Resources

RECEIVED

MAY 13 1980

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Department of Water Resources
Eastern District Office

1. WELL OWNER

Name BLACK SUELL
Address Malad
Owner's Permit No. 29-2433 License No. _____

7. WATER LEVEL

Static water level 42 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 16 inches Total depth 152 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>16</u> inches	<u>16</u> inches	<u>0</u> feet	<u>149</u> feet
<u>0.25</u> inches	<u>16</u> inches	<u>0</u> feet	<u>149</u> feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☒ Torch

Size of perforation 1/2 inches by 4 inches

Number	From	To
<u>380</u> perforations	<u>50</u> feet	<u>145</u> feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter 16 inches Set from _____ feet to _____ feet

Diameter 16 inches Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 25 Material used in seal ☐ Cement grout

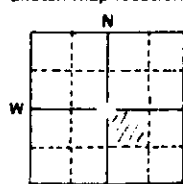
☒ Pudding clay ☒ Well cuttings

Sealing procedure used ☐ Shurry pit ☐ Temporary surface casing

☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Bannock

10.

Work started 6/4/77 finished 6/23/77

11. DRILLER'S CERTIFICATION

Firm Name LAVA HOT SPRINGS Firm No. 106

Address LAVA HOT SPRINGS Date 7/14/77

Signed by (Firm Official) Charles Franklin

and

(Operator) Paul Henderson