

HOFSTETTER LAW OFFICE

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Attorney at Law

MAY 17 2006

DEPARTMENT OF  
WATER RESOURCES  
Telephone: (208) 424-7800  
Facsimile: (208) 424-8774

May 15, 2006

Jennifer Dean, EIT  
Water Right Agent, Adjudication  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

Re: Water Right No. 3-10192

Dear Ms. Dean:

Enclosed is a copy of the Affidavit of Paul Mendiola dated May 8, 2006 in connection with and the priority date for stock water use of the irrigation ditches under SRBA Claim No. 3-10192. As you know, your February 16, 2006 letter requested such information.

Please let me know if you have any questions about the enclosed or need any additional information. Thank you for your assistance.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

cc: George Colwell w/ enclosure  
4001.2/6941

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Attorney for George and Cheryl Colwell

**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. 3-10192  |
|                | ) |                      |
| Case No. 39576 | ) | <b>AFFIDAVIT OF</b>  |
|                | ) | <b>PAUL MENDIOLA</b> |
|                | ) |                      |
| _____          | ) |                      |

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 14<sup>th</sup> 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.

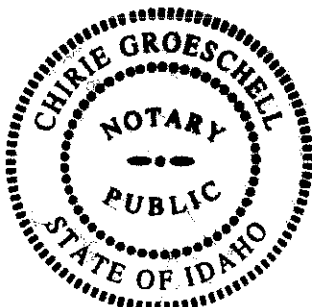
(4) From 1953 to 1990 the lands shaded with diagonal lines on Exhibit A hereto were irrigated with Snake River water from the pumps located at the point of diversion identified on Exhibit A. These lands during this period of time were served by a gravity flow irrigation system. The cattle that pastured on portions of these lands had access to the irrigation ditches on the property and utilized them for their water supply. I would estimate that at any one time during this period up to 150 head of cattle utilized portions of the diagonal line shaded land on Exhibit A as pasture.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 8<sup>th</sup> day of May, 2006.

  
PAUL MENDIOLA

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of May, 2006.



  
Notary Public in and for the State of Idaho  
Residing at: New Plymouth, ID.  
My Commission Expires: 9-1-2010

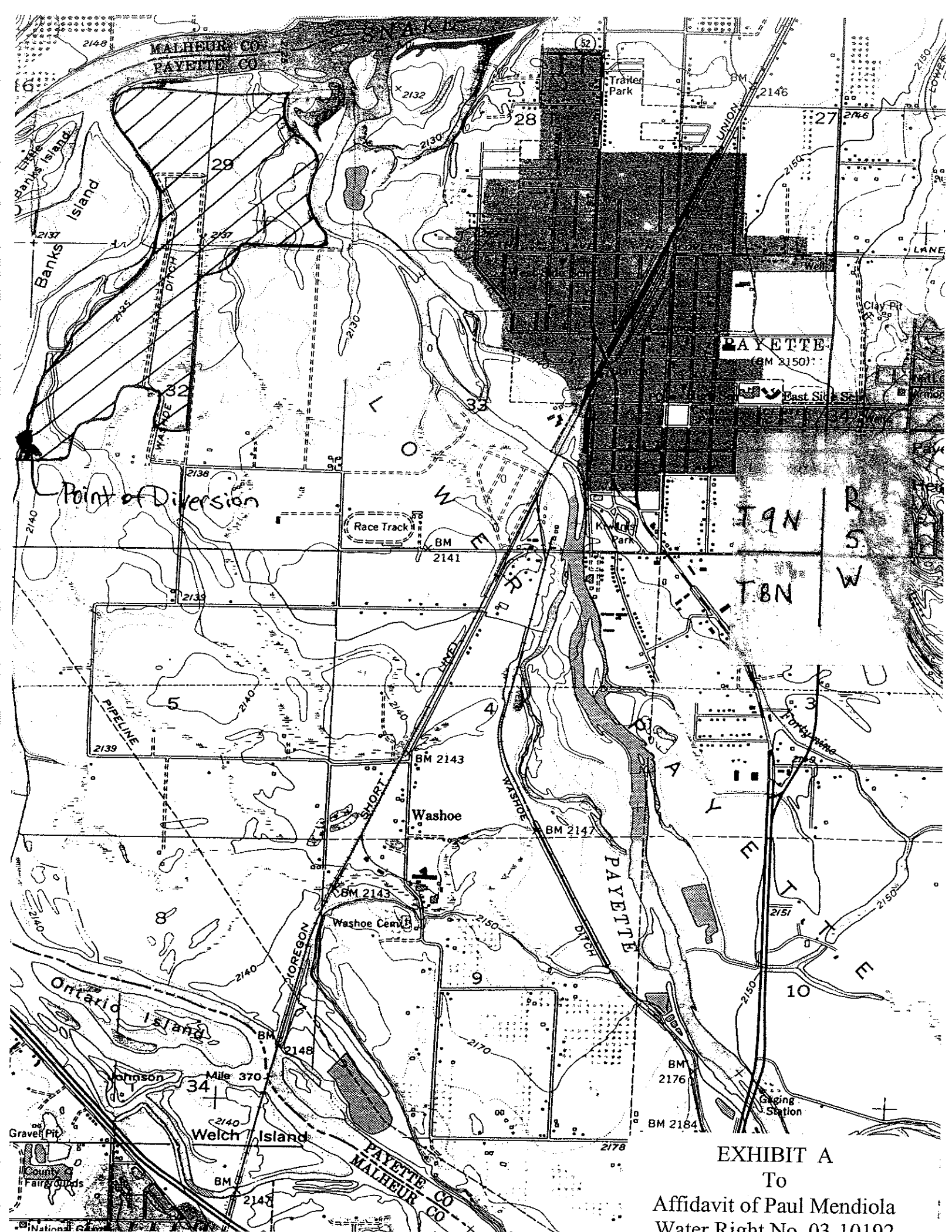


EXHIBIT A

To

Affidavit of Paul Mendiola  
Water Right No. 03 10102