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Attorneys for Objectors

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 Nos.: 21- 00131B
Case No. 39576	)
	) AFFIDAVIT OF
	) Landon K. Saurey
	)
-----	)

STATE OF IDAHO	)
	ss.
County of Madison	)

Landon K. Saurey, having been duly sworn, states under oath as follows:

1. I am a resident of Fremont County, Idaho.
2. My partners, Robert Huskinson & Chris Huskinson, and I are the current owners of Water Right No. 21-00131B, which we divert from Curr Ditch, which in turn diverts from the Fall River. We purchased our land from Larry P. Wardle which includes over one hundred and sixty acres.
3. Curr Ditch is a lateral ditch and an unincorporated association of water right users that function similarly to an Lateral Ditch Association but without the legal association.

Therefore, each water user owns his/her own water rights and only works with the other water users on the Curr ditch in order to provide the necessary use of the ditch to adequately water each individual's lands.

4. I certify that while Water Right No. 21-11035 was in the claim phase of the Snake River Basin Adjudication, I, and to the best of my knowledge none of my partners, received any documentation or word from the Adjudication administration of IDWR as to my water rights. Perhaps some of the reason for this could be that we were purchasing the property during the same period as the recommendations were filed. Therefore, I knew nothing of a reduced amount of rate having been recommended for my water right and assumed that the claimed rate of diversion represented to me and on the records of IDWR were in fact what we were entitled to divert. I therefore had no reason to dispute the reduction that was made by the Director and didn't file any objection.

5. Unfortunately, following the May objection deadline date, the typical and historical diversions took place in the Curr ditch and like the other users in the ditch, I began my historical diversions from the ditch onto my lands.

6. To my astonishment, I was informed by IDWR that the combined diversions of the Curr ditch water users exceeded the combined rates allowed by the Director's Report (as are now under interim administration), and that the users of the Curr ditch were being charged storage for all amounts exceeding the combined recommendations.

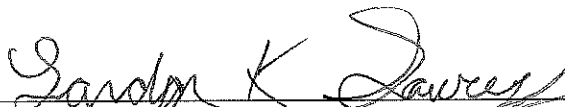
7. Furthermore, following meetings and/or conversations with the other water users of Curr Ditch, it is now clear that the reduced combined diversions makes it impossible to get water to the end of the Curr Ditch or to adequately water the lands of the water right holders

who divert from the Curr Ditch.

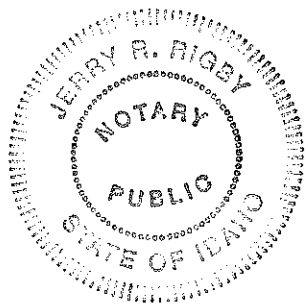
8. Because Curr Ditch is not a canal company or a legal organization that is jointly administered, the reduced combined rates which resulted from the reduction of the decreed individual water rights (pursuant to the Rexburg Decree) as now being administered pursuant to the Director's Report could not have been ascertainable without a report or representation to all Curr Ditch water users as to the combined reduction in water rights. This was not known by me, my partners or anyone I know, at the time my objection to the Director's Recommendation was required to be filed.

9. In the interest of justice, we respectfully request that the above entitled court allow me to file a late objection in order that my partners and I be granted the right to prove that my water rights should not be reduced from those claimed. We desired nothing more than to have my historical water rights kept in tact.

Dated this 8th day of August, 2006.


By: Landon K. Saurey

SUBSCRIBED AND SWORN to before me this 8th day of August, 2006.




Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 11-09-11