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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

Case No. 39576

)
) Subcase Nos.: 21- 10587
)
) AFFIDAVIT OF
) Ronald D. Wilcox
)
)

)

STATE OF IDAHO)
ss.
County of Madison)

Ronald D. Wilcox, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho.
2. I am a member of Wilcox Brothers, LLC, the current owner of Water Right No. 21-10587, which we divert from Curr Ditch, which in turn diverts from the Fall River.
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 Wilcox Brothers, LLC (a company composed of my brothers and myself as its members) purchased Water Right No. 21-10587 from Colleen Blanchard, Marie Seeley & Colleen Harnden approximately 5 years ago. However, we did not have the water right changed into the name of the LLC until just recently. During the claim phase of the Snake River Basin Adjudication, we did not receive the preliminary notice of the Director's recommendation because it was being sent to the previous owners. Thereafter, when the final director's report came, my brothers and I reviewed it and like other Curr Ditch water users, were told by Idaho Department of Water Resources' SRBA Staff that a reduction in our Rexburg Decree water right was appropriate because on paper, they believed our right exceeded what we could beneficially apply to our lands. They also represented that the reduced amount would continue to be sufficient to meet our needs and would be consistent with the historical diversions. When the Directors Recommendation was filed and we received the notification, we believed that the reduction in right would not impact our land's historical practice of watering from the Curr ditch as had been represented to us. We therefore had no reason to dispute the reduction 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, we began the historical diversions from the ditch onto our lands.

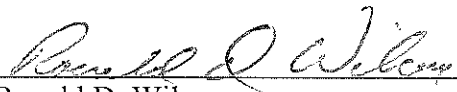
6. To our astonishment, we were informed by IDWR that the combined diversions of the Curr ditch water users exceeded the combined rates allowed by the Director's Report (as are now under interim administration), and that the users of the Curr ditch were being charged storage for all amounts exceeding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

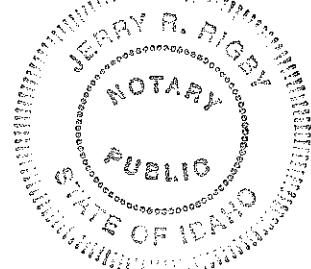
8. Because Curr Ditch is not a canal company or a legal organization that is jointly administered, the reduced combined rates which resulted from the reduction of the decreed individual water rights (pursuant to the Rexburg Decree) as now being administered pursuant to the Director's Report could not 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 us, or anyone I know, at the time our 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 us (Wilcox Brothers, LLC) to file a late objection in order that we be granted the right to prove that our water rights should not be reduced from those claimed. We desired nothing more than to have our land's historical water rights kept in tact.

Dated this 8th day of August, 2006.


By: Ronald D. Wilcox

SUBSCRIBED AND SWORN to before me this 25th day of August, 2006.




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