

2006 DEC 06 AM 10:16
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NOS: SEE ATTACHED EXHIBIT A

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, MARCH 06, 2007 at 03:00 PM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: DECEMBER 06, 2006

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on DECEMBER 14, 2006, with sufficient first-class postage to the following:

BLUEGRASS LLC
BLUEGRASS LLC AND
Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701
Phone: 208-345-2000

THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

EDWARDS FAMILY LLC
Represented by:
DEBRA K. ELLERS
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Phone: 208-368-4500

BLUEGRASS LLC
BLUEGRASS LLC AND
Represented by:
SCOTT L. CAMPBELL
101 S CAPITOL BLVD, 10TH FLOOR
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DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

T-7 LLC
TERTELING TRUST NO 7
THE TERTELING CO INC
3823 N 36TH ST
BOISE, ID 83703
Phone: 208-338-5200

EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE, ID 83703
Phone: 208-342-7548

BLUEGRASS LLC
4705 N 36TH
BOISE, ID 83703
Phone: 208-344-6397

Exhibit A

Subcase Nos:

63-00012
63-00013
63-00014
63-00015
63-00308
63-03603
63-04037
63-07595
63-27671
63-30006
63-31050
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63-31062

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DEPARTMENT OF
WATER RESOURCES

Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
P.O. Box 485
Twin Falls, Idaho 8330
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Attorneys for George M. Kelley

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 No. 39576	)	
	)	Subcase No. 45-13996
IN THE MATTER OF MOTION TO FILE A	)	
LATE NOTICE OF CLAIM OF GEORGE	)	
KELLEY	)	AFFIDAVIT OF GEORGE M.
	)	KELLEY IN SUPPORT OF
	)	RESPONSE TO 706 REPORT
	)	

STATE OF IDAHO	)	
	)	ss
County of Cassia	)	

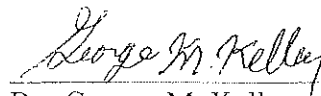
COMES NOW George M. Kelley, being first duly sworn upon oath and states as follows:

1. I am of sound mind, over the age of 18 and make the following statement based upon personal knowledge of the facts and circumstances set forth herein.
2. I have been using the wells located in Sections 1 & 7, T12S, R24E, and Section 35, T11S, R24E, Cassia County to irrigate farm land owned by myself and my son since the early 1970's.
3. The pump system on the section 1 well is interchangeable and allows us to pump more or less water as needed. There are two primary systems. The first system includes a 60 horsepower submersible well which lifts the water to a 40 horsepower well on the

surface. The 40 horsepower pump is used as a booster to push the water the rest of the way to our sprinkler system. The second system consists of a 110 horsepower diesel pump which can be interchanged with the 40 horsepower pump.

4. In the early 1980's the section 1 well collapsed. We were then unable to get the entire 4.4 cfs from the well without using our diesel pump all the time.
5. In 1983, we began pumping water from a well located in section 7 to divert water to the place of use. At that time, we began using the 40 horsepower pump on the section 1 well. This meant that less water was being diverted from the section 1 well.
6. In 1982, we finished drilling the section 35 well. At that time, the Department informed me that I would not be able to develop a new water right at that site. The Department informed me that no new water development was being allowed in my area at that time. In an earlier affidavit, I referred to a "moratorium." Those references were intended to mean this time, in the early 1980's, when I was informed that I could not develop a new right.
7. In 1985, I was informed that I could use the section 35 well. Since the well was more centrally located, I began to divert the water, which was then being diverted at the section 7 well, from the section 35 well. We ceased diverting that water from the section 7 well.

DATED this 15 day of December, 2006.


By: George M. Kelley

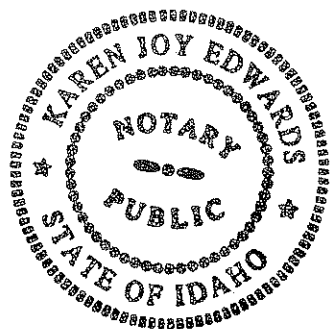
STATE OF IDAHO

)

County of Ada) ss.
)

On this 15 day of December, 2006, before me, a Notary Public for said County and State, personally appeared GEORGE M. KELLEY, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Karen Joy Edwards
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My commission expires: 8/2/2012

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of December, 2006, I served a true and correct copy of the foregoing **AFFIDAVIT OF GEORGE M. KELLEY IN SUPPORT OF RESPONSE TO 706 REPORT** on the person(s) listed below, in the manner indicated

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

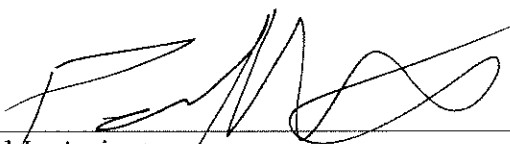
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United States Department of Justice
Environmental & Nat'l Resources Div.
550 W. Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Chief, Natural Resources Division
Office of Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email


Paul L. Arrington