Claimant: K. Merle Jeppesen
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA	)	Subcase: 22-04195
	)	
Case No. 39576	)	**AFFIDAVIT OF K. MERLE JEPPESEN**
	)	
	)	

STATE OF IDAHO)
ss.
County of Madison)

K. Merle Jeppesen, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 434 Morgan Dr., Rexburg, ID 83440.

2. I was a farmer by profession and until recently was the principal owner in the 555 acres of lands described in water right claim No. 22-4195 (hereinafter "Lands"). I have personally worked on the Lands since before 1965, the original priority date claimed by me, as the Claimant.

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3. Because I personally developed the additional water on the Lands, I am keenly and personally aware that beginning in 1965 my father began plans to develop the Lands described in the water right claim No. 22-4195 (hereinafter "Claim").

4. Beginning in 1966, I installed new mainline and new pumps and began to pump the waters required to irrigate approximately 150 acres of the Lands. I then continued to develop the Lands up to 1969, installing additional portable mainline to irrigate approximately 400 acres of the Lands (see attached map evidencing irrigation in 1969). I pumped the additional 4 cfs described in the Claim during the entire irrigation season as opposed to only a partial season as allowed by my other rights. I also irrigated the entire 400 acres each season, as opposed to only a portion thereof as allowed by my other rights.

5. I continued to applied the additional 4 cfs to the 400 acres of the Lands up to the year 1980, when I extended my mainline and began irrigating the entire 555 acres of the Lands as opposed to only limited acres rotated within the 555 acres. The only limitation to my use of the claimed 4 cfs is the flows of Moody Creek itself in times of drought. I know for a fact that the enlargement took place in 1980 as I have copies of my ledgers and calendars for that year (see attached copies of my ledgers). I have continued to water the entire 555 acres using all licenses, decrees and the Claim's 4 cfs since 1980.

6. The 4 cfs of water from the Claim has since 1966 been beneficially applied to the Lands within the Claim.

7. All present uses described in the Claim were instituted prior to 1987.

Dated this 30th day of December, 2005.

K. Merle Jeppesen

K. Merle Jeppesen

SUBSCRIBED AND SWORN to before me this 30th day of December, 2005.

JERRY R. RIGBY

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

Claimant: K. Merle Jeppesen
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
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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
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA)
) Subcase: 22-04195
Case No. 39576)
) **AFFIDAVIT OF BYRON WEBSTER**
)

STATE OF IDAHO)
ss.
County of Madison)

Byron Webster, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 5390 S 3600 East, Rexburg, ID 83440.

2. I am a farmer by profession and am the principal owner of Byron Webster, Inc., which together with my wife and I, owns and operates irrigated agriculture lands on the Rexburg Bench. I have personally worked on my property since before 1965, the priority date claimed by the Merle Jeppesen, the Claimant in the above described water right.

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3. Because of my personal relationship with Claimant's brother, Dale Jeppesen, back in the 1960s, I am keenly and personally aware that in the mid 1960's, K. Merle Jeppesen installed mainline and new pumps to pump the water described in the above entitled claim during the entire irrigation season. I would be with and help Dale Jeppesen refuel the Diesel engines which powered the pumps to lift the water from Moody Creek up onto Claimant's lands. Although I am not personally aware of the exact acres watered, I have no reason to dispute the amount of acreage claimed by Claimant in his claim.

Dated this 15th day of December, 2005.

Byron H Webster

Byron Webster

SUBSCRIBED AND SWORN to before me this 15 day of December, 2005.

JERRY R. RIGBY

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

	DATE 19__ 96		1. KIND OF PROPERTY	2. DATE ACQUIRED	3. COST	4. DEPRECIATION IN ALL PRIOR YEARS	5. REMAINING COST TO BE RECOVERED	6 ESTIMATED TOTAL LIFE	7 ESTIMATED REMAINING LIFE	DEPR ALL TH
1	Feb	24	1976 GMC Pick up.	Feb 24	2678 00					
2	"	"	[illegible] 1066 TRACTOR		5600 00					
3		25	CAT MANUFACTURING Pumid for roller		824 00					
4	1275		VALLEY REALTY 3000 00 ERNEST Mary For Farm.							
5	Mar	25	Johnson [illegible] 438 00		2533 00					
6	May	4	Rockwelding weld		1135 00					
7	"	11	DAVIS MACHINERY Sod piler		840 00					
8	Sept	7	truck [illegible] [illegible]		3949 84					
9	"	7	3 76 GMC TRUCKS Fairbanks Ford.		22709 82					
10					785 70					
11	3 18	77	Piler		544 85		Electric [illegible]			114
12	3 14		BIKE		612 85					
13	5 20		POTATO PLANTER		4250 00					
14	7-18		John Deere Grain Combine 6600		15500 00	2-79 [illegible]				
15	8-6		Windrower 500 00							
16		78								
17	April	11	75 INTERNATIONAL TRUCK		2546 67					
18	4	25	International Tractor		8820 06					
19		79								
20	Sept	3	1975 FORD TRUCK		12875 00					
21	Oct 24		Potato Bed		1133 00					
22	[illegible]		[illegible]		3260 00					
23			Truck Bed used [illegible]		2170 00					
24		80	Subsoiler		1160 00					
25			Truck Bed self unloading		3050 00					
26			[illegible] [illegible] 2 ELECTRIC [illegible]		38400 00	Lease	2 circles			
27			250 HP. 3K6278AHA B1321290 250 HP. 5K 278 AHA D24423.24							
28	Nov	81	1980 Grain combine 8400		47800 00					
29	Jul		81 Pickup.		10403 50					
30	Aug 10	7	Logan [illegible]		7820 00					
31										
32										
33			TOTAL		326748					

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21 Patriot's Day (Ma., Me.) **MONDAY**

Spread wheat 1½ 42 units

2 1.5 units

Austin 7 hrs

plowing

Drill Barley #17 on drill

22 **TUESDAY**

Austin 7½

23 **WEDNESDAY**

Austin 8½

Mel 11

.2 inch rain

CUT HERE

THURSDAY **24**

Cover trench

Bury Wire Don Blurek

[illegible]

FRIDAY **25**

rain

SATURDAY **26**

Mel 6½ planter

weeder

Mr Richards 624 7109 Water Resources

SUNDAY Come to see me. **27**

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MAY 1980

MAY-JUNE 1980

CUT HERE

26 Memorial Day MONDAY

27 TUESDAY

Green 1 DAY
[illegible] 1 DAY

TAKE Bowles into
Bob Lee

28 WEDNESDAY

TAKE WIRE -
~~to~~ circle

BEVAN 1 day
.1" Bacon ½

THURSDAY **29**

Bury wire to circle
Green ½
[illegible] ½

FRIDAY **30**

.25" rain

[illegible]

4.45" RAIN
Month of MAY
24 DAYS

SATURDAY **31**

.55" RAIN

PAY Seed Loan
3700^{00}

SUNDAY **1**

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Law Offices

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Ryan Mikesell
Idaho Department of Water Resources
SRBA Eastern Region Unit
900 N. Skyline Drive
Idaho Falls, Idaho

RE: 22-04195

February 13, 2006

Dear Ryan,

Enclosed please find the proof we have put together for the above entitled claim of Merle Jeppesen:

1. Affidavit of Merle Jeppesen.
2. Affidavit of Byron Webster.
3. Attachments to Merle Jeppesen's affidavit.

Please review these documents and let me know if there is further proof required.

Sincerely yours,

Robert Wood

Robert H. Wood
Assistant to Jerry Rigby

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