

Randall C. Budge, ISB No. 1949
RACINE OLSON NYE BUDGE & BAILEY CHTD
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RECEIVED
FEB 06 2007
Department of Water Resources
Eastern Region

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. 35-13553, 35-13554
	)	
Case No. 39576	)	AFFIDAVIT OF
_____	)	JAMES PRESTIDGE

STATE OF IDAHO)
 :ss.
County of Bannock)

The undersigned, JAMES PRESTIDGE, having been first duly sworn on oath,
deposes and states the following:

1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. I reside in Aberdeen, Idaho. Before my retirement in 1984, I farmed at 2660 West 1300 South, Aberdeen, Bingham County, Idaho, and I continuously resided and farmed at that location from 1946 through 1984. Our property is located about one-quarter of a mile from one of the Underwood wells.

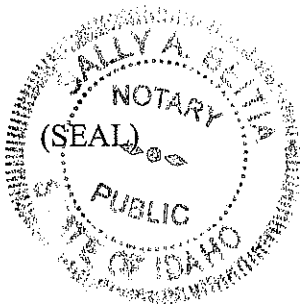
4. From 1946 through 1984, I was neighbors with the Robert F. Underwood family, who farm in Bingham County on property located in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 4, Range 31E, Township 5 South.
5. I understand that Jeff Underwood has filed Notices of Claim to Water Rights and claims beneficial use of the rights he claims. Jeff claims beneficial use was established on or about May 15, 1948 and April 1, 1956 respectively, for agricultural irrigation.
6. When the Underwood wells were drilled, I was present and saw the wells being drilled. Through conversations with Robert Underwood at the time the wells were drilled, I understood that the water from the wells would be used for crop irrigation. I have observed since 1948 that crops have been continuously grown on the Underwood property and those crops have been irrigated from the wells that were drilled as I have described.
7. Since the time I have been acquainted and neighbors with the Underwood family, I have observed them continuously using irrigation water on crops. I have also observed that the ground Jeff farms has been continuously productive every year.

DATED: This 27th day of January, 2007.


JAMES PRESTIDGE, Affiant

[Notarization follows]

SUBSCRIBED AND SWORN to before me, a Notary Public in and for
said state, this ____ day of January, 2007.



Sally A. Britia
Notary Public for Idaho
Residing at American Falls
Commission expires: 10-07-10

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In Re: SRBA	)	
	)	Subcase Nos. 35-13553, 35-13554
	)	
Case No. 39576	)	AFFIDAVIT OF
_____	)	JAMES RODNEY PRESTIDGE

STATE OF IDAHO	)
	:ss.
County of Bannock	)

The undersigned, JAMES RODNEY PRESTIDGE, having been first duly sworn on oath, deposes and states the following:

1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. I reside and farm at 2660 West 1300 South, Aberdeen, Bingham County, Idaho, and I have continuously resided and farmed at that location since 1949. Our property is located about one-quarter of a mile from one of the Underwood wells.
4. Since 1949, I have been neighbors with the Robert F. Underwood family, who farm in Bingham County on property located in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of

SW¹/₄, Section 4, Range 31E, Township 5 South. I started working on the farm with my Dad, George James Prestidge, when I was a small boy in about 1957. I started farming the ground on my own in 1984, and my Dad retired. My Dad started farming the ground before me in 1946.

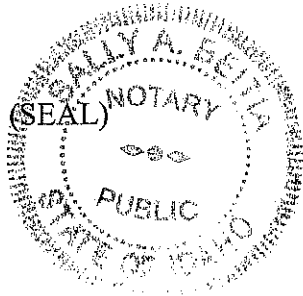
5. I understand that Jeff Underwood has filed Notices of Claim to Water Rights and claims beneficial use of the rights he claims. Jeff claims beneficial use was established on or about May 15, 1948 and April 1, 1956 respectively, for agricultural irrigation.
6. Since the time I have been acquainted and neighbors with the Underwood family, I have observed them continuously using irrigation water on crops. I have also observed that the ground Jeff farms has been continuously productive every year.
7. Through conversations with Jeff Underwood and observation of activities on his farm, I know that wells were drilled for irrigation water on the Underwood farm property, as described in paragraph 4. The wells have been on the property as long as I can remember and have been used to irrigate the crops produced on the Underwood farm.

DATED: This 29 day of January, 2007.


JAMES R. PRESTIDGE, Affiant

[Notarization follows]

SUBSCRIBED AND SWORN to before me, a Notary Public in and for
said state, this 24th day of January, 2007.



Sally A. Britia
Notary Public for Idaho
Residing at: American Falls
Commission expires: 10-07-10

Randall C. Budge, ISB No. 1949
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In Re: SRBA

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Case No. 39576

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)

Subcase Nos. 35-13553, 35-13554

AFFIDAVIT OF WAYNE KENDELL

STATE OF IDAHO

)

:ss.

County of Bannock

)

The undersigned, WAYNE KENDELL, having been first duly sworn on oath,
deposes and states the following:

1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. I was born on November 29, 1925. I reside and farm at 2652 West 1200 South, Aberdeen, Bingham County, Idaho, and I have continuously resided at that location since I was born. I have farmed at that location on my own since about 1950.
4. Since 1925, my family has been neighbors with the Robert F. Underwood family, who farm in Bingham County on property located in the SW1/4 of

SE ¼ of SW 1/4, Section 4, Range 31E, Township 5 South. The Underwood place is within one mile of my farm. I was raised and went to school with Robert Underwood, and have known his son Jeff since he was born.

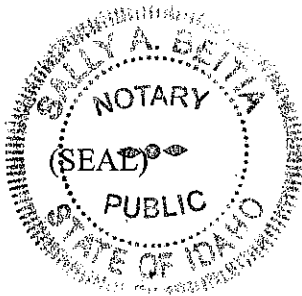
5. I understand that Jeff Underwood has filed Notices of Claims to Water Rights and claims beneficial use of the rights he claims. Jeff claims beneficial use was established on or about May 15, 1948 and April 1, 1956 respectively, for agricultural irrigation.
6. I did not personally witness the drilling of Jeff Underwood's well. However, I have been aware through conversations and observations of the property that a well was drilled by Robert Underwood in approximately 1948, and another well was drilled in 1956.
7. Since the time I have been neighbors with the Underwood family, I have observed them continuously using irrigation water on crops. The source for the irrigation water is the wells I refer to above. I have observed the Underwood ground and crops nearly daily my entire life, and I have seen that crops have been continuously grown on the property. The growth of the crops requires irrigation water. The Underwoods have mainly grown hay and pasture, but occasionally they have raised grain. The ground has been productive every year.
8. Through conversations with Robert Underwood and observation of activities on his farm, I know that wells were drilled for irrigation water on

the Underwood farm property, described in paragraph 4, in 1948 and 1956
respectively.

DATED: This 24th day of January, 2007.

Wayne E. Kendell
WAYNE KENDELL, Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in and for
said state, this 24th day of January, 2007.



Sally A. Britia
Notary Public for Idaho
Residing at: American Falls
Commission expires: 10-01-10