

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In re Water Right)
No. A29-11342)
_____)

AFFIDAVIT OF
ANNIE GALLEGOS

RECEIVED

OCT 06 1995

Department of Water Resources
Eastern District Office

STATE OF IDAHO)
:SS
County of Bannock)

Annie Gallegos after being duly sworn on oath, deposes and states as follows:

1. This Affidavit is based upon Affiant's personal knowledge and, if called upon to testify, Affiant could testify concerning the matters contained herein.

2. This Affidavit is being prepared pursuant to instructions from the Idaho Department of Water Resources (DWR) to FMC Corporation, Claimant in the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, to submit necessary proof in support of the priority date claimed for the water right identified by DWR as A29-11342.

3. FMC Corporation is the owner of a 105 acre parcel of land located in the South 1/2 of Section 12, Township 6 South, Range 33 East, Boise Meridian, lying south of Interstate Highway 86 and north of U.S. Highway 30 North which it purchased from the City of Pocatello in September of 1990.

4. I am the owner and manager of The Pilot House restaurant ("Pilot House"), currently located at 1625 North Arthur, Pocatello, Idaho 83204. Prior to moving to its present

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location, Pilot House was located at 1203 East County Road, Pocatello, Idaho 83201 upon the land described in Paragraph 3 above.

5. FMC Corporation, and its predecessor in interest the City of Pocatello, leased a portion of the land described in Paragraph 3 above to the Pilot House and Dan and Annie Gallegos. They also had a trailer home on the property. The Pilot House and the trailer home were both supplied with water from a well located in the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 6 South, Range 33 East, Boise Meridian. Said well is the subject of Water Right No. A29-11342 discussed above.

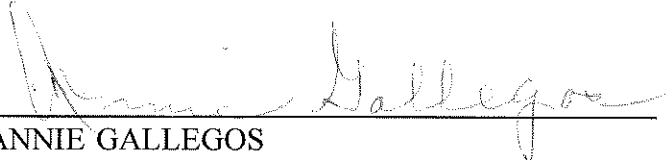
6. The Pilot House and Dan and Annie Gallegos began leasing the property from the City of Pocatello in 1968 when they purchased the Pilot House from Dale and Donna Hensley. I lived on the property until October 27, 1994 and the Pilot House remained in business on the property until April 22, 1995. Water from the well described above was used continuously from 1968 through April 22, 1995 in both the Pilot House and my home for culinary purposes.

7. Prior to purchasing the Pilot House in 1968, I worked for its previous owners from 1962 through 1965. At that time the restaurant and a trailer occupied by the Hensleys' daughter were supplied with water from the well described above for culinary purposes. It is my understanding from conversations with the Hensleys and others that the use of this well dates back at least to World War II when it was first used to provide water to bunks on an Army Air Corp. base then located upon the property. I can state with certainty that water from the well was used continuously from 1962 through April 22, 1995 for culinary purposes.

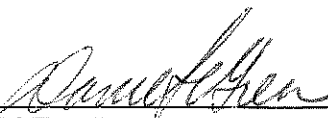
FURTHER SAYETH YOUR AFFIANT NOT.

RECORDED
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DATED this 21 day of ^{September}~~August~~, 1995.


ANNIE GALLEGOS

SUBSCRIBED AND SWORN TO before me this 21 day of ^{September}~~August~~, 1995.


NOTARY PUBLIC FOR IDAHO
Residing at: *Pocatello, Idaho*
My Commission Expires: *5/21/99*

(SEAL)

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In re Water Right)
No. A29-11342)
_____)

AFFIDAVIT OF
JAMES SIMPSON

RECEIVED

STATE OF IDAHO)
:SS
County of Bannock)

OCT 06 1995

Department of Water Resources
Eastern District Office

James Simpson after being duly sworn on oath, deposes and states as follows:

1. This Affidavit is based upon Affiant's personal knowledge and, if called upon to testify, Affiant could testify concerning the matters contained herein.

2. This Affidavit is being prepared pursuant to instructions from the Idaho Department of Water Resources (DWR) to FMC Corporation, Claimant in the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, to submit necessary proof in support of the priority date claimed for the water right identified by DWR as A29-11342.

3. FMC Corporation is the owner of a 105 acre parcel of land located in the South 1/2 of Section 12, Township 6 South, Range 33 East, Boise Meridian, lying south of Interstate Highway 86 and north of U.S. Highway 30 North which it purchased from the City of Pocatello in September of 1990.

4. I am the manager of Idaho Grain Inspection Service ("IGIS"), formerly known until 1991 as Utah-Idaho Grain Exchange. I have worked for those entities in Pocatello since

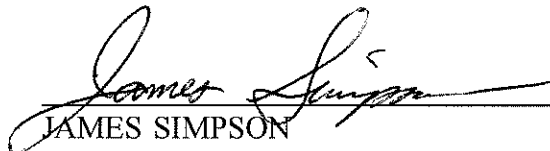
1987. Prior to 1987, I worked for Utah-Idaho Grain Exchange in Ogden, Utah, and was familiar with the business operation of the Pocatello office, including the lease and use of water specified below.

5. FMC Corporation, and its predecessor in interest the City of Pocatello, leased a portion of the land described in Paragraph 3 above to IGIS and its predecessor in interest Utah-Idaho Grain Exchange. These businesses were located at 1199 East County Road, which was supplied with water from a well located in the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 6 South, Range 33 East, Boise Meridian. Said well is the subject of Water Right No. A29-11342 discussed above.

6. IGIS and its predecessor in interest began leasing the property from the City of Pocatello in 1972. IGIS continued to lease the property until July 24, 1995. Water from the well described above was used continuously from 1972 until July 24, 1995 for culinary purposes.

FURTHER SAYETH YOUR AFFIANT NOT.

DATED this 18th day of August, 1995.


JAMES SIMPSON

SUBSCRIBED AND SWORN TO before me this 18th day of August, 1995.


NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID.
My Commission Expires: 10/11/2000

(SEAL)

NOV 14 1999

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In re Water Right)
No. A29-11342)
_____))

AFFIDAVIT OF
PETER McDUGALL

RECEIVED

OCT 06 1995

STATE OF IDAHO)
 :SS
County of Bannock)

Department of Water Resources
Eastern District Office

Peter McDougall after being duly sworn on oath, deposes and states as follows:

1. This Affidavit is based upon Affiant's personal knowledge and, if called upon to testify, Affiant could testify concerning the matters contained herein.

2. This Affidavit is being prepared pursuant to instructions from the Idaho Department of Water Resources (DWR) to FMC Corporation, Claimant in the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, to submit necessary proof in support of the priority date claimed for the water right identified by DWR as A29-11342.

3. I am the City Clerk for the City of Pocatello ("City") and in that capacity am familiar with the business dealings of the City and the documents on file therewith.

4. Prior to transferring its interest to FMC Corporation in September 1990, the City of Pocatello was the owner of a 105 acre parcel of land located in the South 1/2 of Section 12, Township 6 South, Range 33 East, Boise Meridian, lying south of Interstate Highway 86 and north of U.S. Highway 30 North.

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5. From 1960 through 1968, the City leased the above-described property and water from a well to Dale and Donna Hensley who operated The Pilot House restaurant and maintained a residence upon said property. From 1968 through 1990, the City leased the same portion of land and water rights to Dan and Annie Gallegos.

6. From 1972 through 1990, the City leased another portion of said property together with water rights to the Utah-Idaho Grain Exchange.

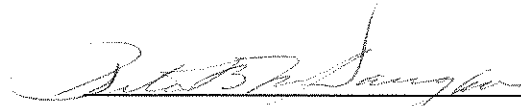
7. The Pilot House, trailer homes occupied by the Hensleys and Gallegoses, and Utah-Idaho Grain Exchange were supplied with water from a well located in the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 6 South, Range 33 East, Boise Meridian. Said well is the subject of Water Right No. A29-11342 discussed above.

8. Exhibits "A" and "B" submitted herewith are true and correct copies of documents on file with the City of Pocatello. Exhibit "A" is a summary of data pertaining to City of Pocatello Well No. 11 dated December 1953. This document shows that construction of the well was started on June 16, 1952 and completed on July 24, 1952. Exhibit "B" is a packet of materials which the City received from the State of Idaho Department of Reclamation in December 1958 certifying that Well No. 11 was completed and designated for municipal and domestic purposes. Well No. 11 was one of six wells for which the City of Pocatello received a License and Certificate of Water Right establishing a priority date of September 1, 1953 under Water License No. G-24451.

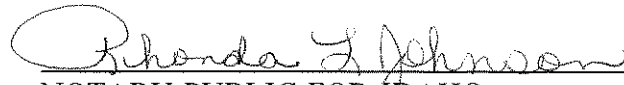
FURTHER SAYETH YOUR AFFIANT NOT.

2020-10-12
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DATED this 29th day of August, 1995.


PETER McDOUGALL

SUBSCRIBED AND SWORN TO before me this 29th day of August, 1995.


NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello
My Commission Expires: 6-19-2001

(SEAL)

2000-11-14
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