

RECEIVED**JUN 30 2008****DEPARTMENT OF
WATER RESOURCES**

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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 No. 27-16C

AFFIDAVIT OF LaVERELLE STECKLEIN

STATE OF IDAHO)

: ss.

County of Bannock)

LaVERELLE STECKLEIN, being first duly sworn, deposes and states as follows:

1. I am of full age and I am competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. I have personal knowledge of the objections filed by the Shoshone Bannock Tribal Council in 2006 in respect to the loops of tribal land, with the associated water rights being used to irrigate said loops, which are located on the north bank of the re-channelized Blackfoot River.

4. Although I was a young man at the time, to my knowledge I am one of the only two surviving individuals whose parents owned land along the original Blackfoot river, which through inheritance and upon the passing of my parents, I continue to own and farm. Being familiar with the affairs regarding my parents' farm, I wish to offer the following testimony.
5. Prior to the re-channelization of the Blackfoot River it flowed in a winding and meandering path westward from the previously constructed "Retainer Reservoir" to the Snake River, emptying into the river near Tilden Bridge. The winding of the river back and forth created many loops which slowed the flow of the river. This, in conjunction with the growth of considerable trees and vegetation along and in the river resulted in considerable flooding to the surrounding areas. This was an ongoing problem, particularly during heavy water runoff years. Due to the intolerable situation, it was determined by property owners on both sides of the river, in cooperation with concerned citizens of the surrounding areas, the Bingham County Commissioners, and the Fort Hall Agency, to resolve the problem by cutting off the major loops and straightening the river's course.
6. After the process of considerable negotiation, the U.S. Corps of Engineers was called upon to provide the necessary resources to complete the project. The river was straightened considerably, deepening and widening the channel and increasing berm heights to prevent further flooding. To date, this has solved the previous problems, as there has been no flooding since. During the process of re-channelization many loops of land, which were part of individual farms, were cut off by the new channel. The parcels of land were no longer accessible to the original owners. People were

keenly aware of the loss of land of those affected loops, but realizing the overall benefit, most land owners voluntarily agreed to work through the resulting problems in a cooperative manner.

7. No one was required to accept a personal loss of land due to the re-channelization. As a result, two individuals on the north side of the river refused to give up portions of their respective farms. As a result, those loops were bypassed and remain intact as part of the original channel. The remaining affected individuals agreed upon the solution by using the loops of land which fell on their respective sides of the river in exchange for the use of the land which fell on the opposite side of the river. This would naturally include the water rights associated with the respective loops, as farm land is of no value without water. The affected loops were relatively small and so the feeling of "give and take" by parties on both sides of the river was acceptable.
8. I know of no written contracts to such agreements, it was simply done by common consent in the form of a "gentlemen's agreement" and was done in good faith based upon a person's word. At that time in our history, a person's word was their bond and was legally recognized.
9. The arrangement I have described has continued to be a long-standing agreement between the affected parties of both sides of the river for approximately 45 years. This is evidenced by the fact that nearly all Tribal land loops on the north side of the river and several loops of non-Tribal land which are now on the south side of the river have been used peacefully for farming for this long period of time. Realizing that all of the "old-timers" are now gone and therefore cannot offer testimony, and younger leaders who knew nothing of previous agreements are now at the helm of

Tribal government, I recognize their reason for formal objection to past agreements.

However, it is my firm conviction that such objections violate the original agreement as entered into by those who were directly involved.

DATED: This 27 day of March, 2008.

Laverelle Stecklein

LAVERELLE STECKLEIN, Affiant

757 West Riverton Road

Blackfoot, Idaho 83221

Telephone: 785-1594

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said state, this 27 day of March, 2008.

(SEAL)



Nichole Ledesma

Notary Public for Idaho

Residing at: Blackfoot, ID

Commission expires: 2-28-11

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing AFFIDAVIT OF LaVERRELLE STECKLEIN was mailed on June 26, 2008, with sufficient first-class postage, to the following:

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