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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Claimant Lava Lake Land and Livestock, LLC

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 38576

SUBCASE NUMBERS 37-2545A, 37-2545B,
37-2688, 37-11950, 37-7072, 37-7600

AFFIDAVIT OF LEONARD N. PURDY IN
SUPPORT OF MOTION TO SET ASIDE
PARTIAL DECREES

STATE OF IDAHO

COUNTY OF BLAINE

) ss

LEONARD N. PURDY, being first duly sworn upon his oath, deposes and says that:

1. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.

2. I have lived in the Picabo and Care area in Idaho for most of my life. I worked on the

AFFIDAVIT OF LEONARD N. PURDY IN SUPPORT OF MOTION TO SET ASIDE
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COPY

Lava Lake Ranch now owned by Lava Lakes Land & Livestock, LLC starting in 1938. In 1943, I became the Lava Lake Ranch manager. I purchased Lava Lake Ranch in 1955 and owned it until selling it in the mid - 1990s.

3. As a ranch hand, manager and owner of Lava Lake Ranch, I am familiar with the water distribution system used for irrigation and water usage operations on the Ranch throughout my tenure of more than 40 years as an employee and later an owner.

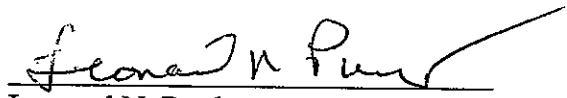
4. We constructed and began storing water in Copper Creek Reservoir located in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T01N R23E in 1954.

5. At the time I began working on the ranch in 1938, the Barn Canyon Reservoir, located in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, T01N R23E was already in existence and was storing water.

6. In approximately 1986, I constructed a steel pipeline across the road separating the ranch's north section from its south section. The purpose of the pipeline was enable water to be used from all sources on the ranch in all locations - to create a "permissible place of use" covering the entire ranch, and within which we could irrigate any acreage with any water from any source available to us at any particular time. We also installed a system of pumps and booster pumps to move the water around and pressurize the irrigation system.

7. Later, I replaced the original steel pipe with plastic PVC piping.

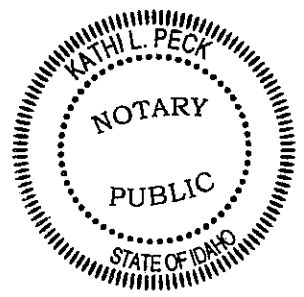
Further your affiant sayeth naught.


Leonard N. Purdy

STATE OF IDAHO)
)ss.
County of ~~Ada~~ Blaine)

On this 9th day of July, 2008, before me, the undersigned, a notary public in and for said state, personally appeared ~~CHUCK BROCKWAY, JR.~~ Leonard N. Purdy, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he 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.

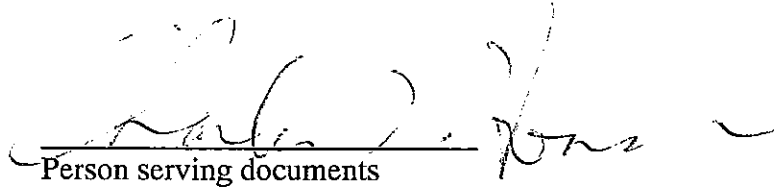


Kathi Peck
Notary Public for Carey ID
Residing at Carey, ID
My Commission Expires: 8/31/12

CERTIFICATE OF SERVICE

I certify that on September 10th, 2008, I served copies of this document, including all attachments by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098



Person serving documents