

OCT 06 2008

DEPARTMENT OF
WATER RESOURCES

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DISTRICT COURT-SRBA WATER
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT - 3 2008

By _____ Clerk

Deputy Clerk

In Re SRBA

Subcase No. 63-21611

Case 39576

AFFIDAVIT OF L. DEAN GOODNER

STATE OF IDAHO

COUNTY OF Twin Falls

L. Dean Goodner, being first being duly sworn upon oath, deposes and says:

- (1) I am L. Dean Goodner, the water right claimant in this matter.
- (2) About 2 1/2 years ago, I received a letter from the Idaho Department of Water Resources ("IDWR") requesting priority evidence of Water Right No. 63-21611 for the SRBA.

Attached as Exhibit A is a copy of the February 2, 2006 letter that I received from IDWR.

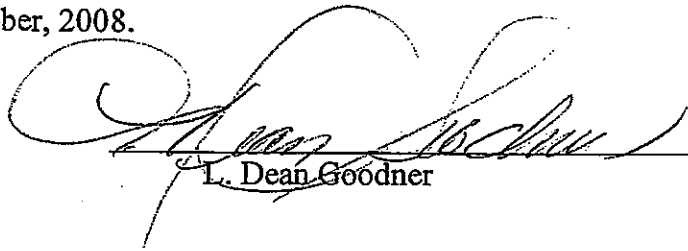
(3) Accordingly, shortly thereafter, I obtained the Affidavit of Emmett McCurry on an IDWR Affidavit form, a copy of which is attached hereto as Exhibit B, to address IDWR's request for priority information. As a result, I thought I had addressed all of IDWR's concerns regarding this water right.

(4) Therefore, I mistakenly did not realize the necessity also to file an Objection with the SRBA Court the following year. I thought I had already addressed this matter with IDWR. The Riverside Irrigation District's Objection in Subcase No. 63-10217 caused me to realize that the five irrigated acres claimed under Water Right No. 63-21611 still needed to be addressed further.

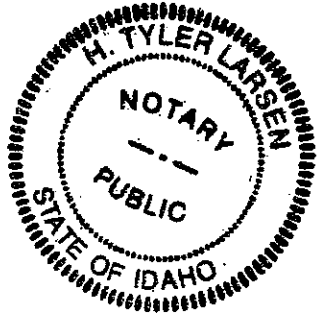
(5) I purchased the five acres that are the subject place of use of the instant SRBA claim along with the remainder of the quarter-quarter section in April 1996. At the time, I purchased the property, evidence of prior irrigation of the subject 5 acres, including a ditch from the Dixie Slough to the 5 acres was apparent. Attached hereto as Exhibit C is a copy of an aerial photograph, depicting with a green boundary, the subject 5 acres. The point of diversion (yellow dot) is not in the correct location where the ditch serving the 5 acres meets the Dixie Slough.

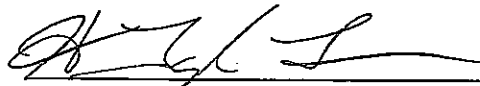
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 3rd day October, 2008.


L. Dean Goodner

SUBSCRIBED AND SWORN to before me this 3rd day of October 2008.




Notary Public in and for the State of Idaho
Residing at: Twin Falls
My Commission Expires: 10/25/2010



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

REBECCA & L DEAN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

(+) shapefile

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-21611

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by February 24, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet; by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may receive a call from our department in order to set-up an appointment for a field exam.

Blumberg No. 5203

EXHIBIT

A

RECEIVED

FEB 14 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

A 63-21611)

AFFIDAVIT

State of Idaho)
County of CALYON)

EMMETT McCURRY

deposes and says: I, EMMETT McCURRY AND MY
FATHER, RAY McCURRY FARMED AND IRRIGATED
THE PROPERTY NOW OWNED BY MR. DEAN GOODNER
SINCE 1930. THAT PROPERTY HAS BEEN CONTINUOUSLY
IRRIGATED AND PASTURED SINCE THAT TIME.

I AM A NEIGHBOR OF MR. GOODNER AND HAVE
KNOWN EVERY FARMER WHO HAS OWNED THAT
LAND. I WAS BORN ON JUNE 3, 1920, I
HAVE LIVED HERE ALL MY LIFE EXCEPT THE
SHORT TIME I WAS IN THE U.S. MILITARY SERVICE.
MY DAD RAY McCURRY FARMED THE GROUND BY
HIMSELF WHILE I WAS GONE I DON'T KNOW HOW
THE GROUND WAS IRRIGATED BEFORE 1930.

* Emmett McCurry
(Signature)

Blumberg No. 5208

EXHIBIT

B

W

1987 NAPP
#63-2161

Bainbridge No. 5208

EXHIBIT

C

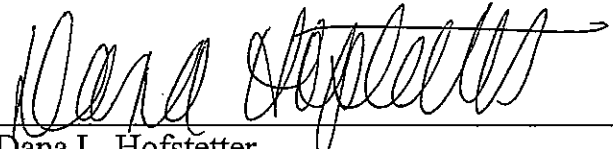
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document this 30th day of October 2008, by U.S. Mail postage pre-paid to:

IDWR Director
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449


Dana L. Hofstetter