

CHARLES L. HONSINGER (ISB #5240)
RINGERT LAW CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

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OCT 07 2008

DEPARTMENT OF
WATER RESOURCES

Attorneys for Claimant Syringa Ranch Trust

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 NUMBER 37-04133
	)	
	)	
	)	
	)	AFFIDAVIT OF CHARLES L. HONSINGER
	)	
	)	
	)	

STATE OF IDAHO	)
	) ss
COUNTY OF ADA	)

GENE DRUSSEL, 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 am the attorney for Syringa Ranch Trust, the entity that has claimed water right no. 37-04133 in the Snake River Basin Adjudication.
3. I have examined the Idaho Department of Water Resources' Snake River Basin Adjudication claim file for claim no. 37-04133 and have found information I believe to be

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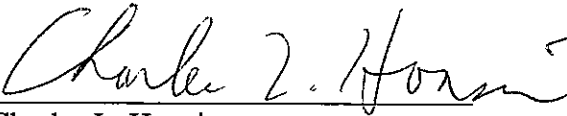
relevant to the Motion to File Late Objection filed by Syringa Ranch Trust.

4. Attached hereto as Exhibit "A" is a true and accurate copy of a letter from the Idaho Department of Water Resources to Syringa Ranch Trust dated September 9, 2004, together with a true and accurate copy of the envelope in which such letter was mailed and returned as undeliverable.

5. Attached hereto as Exhibit "B" is a true and accurate copy of a letter from the Idaho Department of Water Resources to Syringa Ranch Trust dated April 15, 2005, together with the envelope in which such letter was mailed and returned as undeliverable.

6. Attached hereto as Exhibit "C" is a true and accurate copy of an envelope addressed to Syringa Ranch Trust with a return address of the Idaho Department of Water Resources showing that the envelope and its contents were returned as undeliverable.

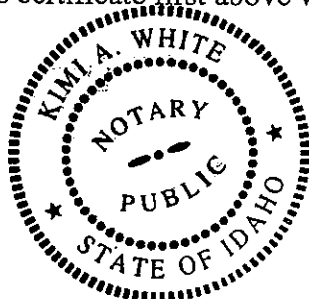
Further your affiant sayeth naught.


Charles L. Honsinger

STATE OF IDAHO)
)ss.
County of Ada)

On this 6th day of October, 2008, before me, the undersigned, a notary public in and for said state, personally appeared CHARLES L. HONSINGER, 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.



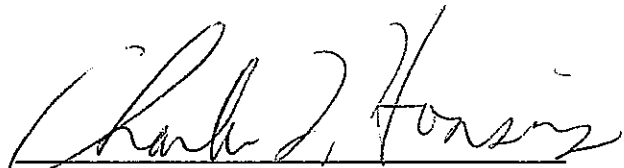

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 2/1/10

CERTIFICATE OF MAILING

I certify that on October 6, 2008, I mailed the original and copies of this document, including all attachments, to the following persons:

Thomas M. O'Gara
c/o Paul L. Arrington
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Twin Falls, Idaho 83303-0485

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



Person mailing document

Exhibit A



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 9, 2004

Dear Claimant in the Snake River Basin Adjudication (SRBA):

You or the predecessor in interest of your property filed a "Notice of Claim to a Water Right in the Snake River Basin Adjudication" with the Idaho Department of Water Resources. Claim filing began in 1988, and since that time IDWR has worked to complete recommendations throughout the state. Now the investigation of "Irrigation and Other State Based Claims" is about to begin in the area where your claim(s) were filed, IDWR's administrative Basin 37. As shown in the enclosed map, this basin includes parts of Blaine, Camas, Elmore, Gooding and Lincoln counties and is subdivided into 3 parts.

If your claims are located in Basin 37 Part 2 or Part 3*, you are invited to attend a public meeting at one of the locations below on **Wednesday, September 22, 2004:**

10:00 am
Liberty Theater
116 N. Main St.
Hailey, Idaho

or

2:30 pm
Camas County Senior Citizens Center
7129 W Willow
Fairfield, ID

* Similar informational meetings were held in Basin 37 Part 1 over the last couple of years.

The purposes of this general informational meeting are to provide an update on how the adjudication process works; introduce IDWR staff that will be working in your area; and to give you the opportunity to express concerns or discuss problems relating to water delivery in your area. This will help us understand, from an historical perspective, the use and delivery of your water right.

IDWR adjudication staff will be investigating your claims beginning this year with additional field work next season. We request your cooperation in this process - the better we understand your water rights, the more accurate our recommendation will be to the SRBA Court.

Please contact our toll-free number, 1-800-451-4129, if you have any questions.

Sincerely,

Douglas Jones, P.E.
Supervisor
Southern Region Adjudication Unit

Enclosure: Basin 37 Map

BASIN 37

Legend

• Cities

Roads

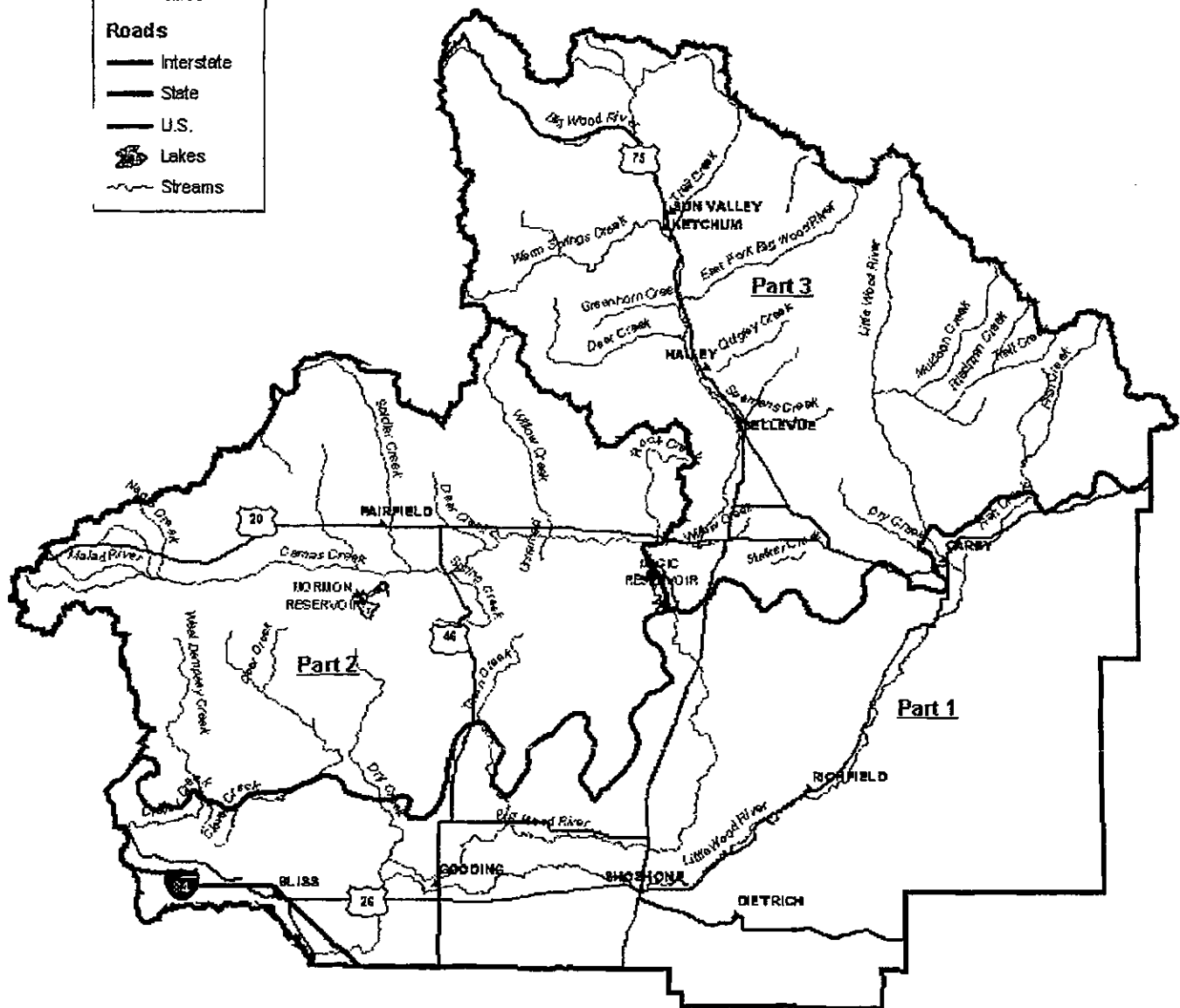
— Interstate

— State

— U.S.

• Lakes

— Streams



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30 2004
Western Water Resources
Western Region

EF

Department of Water Resources
Southern Region

Exhibit B



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

37-4133
SYRINGA RANCH TRUST
C/O PAUL WASSENAAR LAW OFFICES
225 BROADWAY STE 1900
SAN DIEGO CA 92101

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4133

WATER RIGHT NUMBER: 37-4133

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KENNETH J SCHOESSLER 120 BASELINE RD BELLEVUE, ID 83313 (208)788-3174
Original Owner	SYRINGA RANCH LLC 401 SUMMIT RIDGE BOISE, ID 83702 (208)344-5959
Original Owner	CARL SCHOESSLER 067 SCHOESSLER LN BELLEVUE, ID 83313 (208)788-2772
Current Owner	SYRINGA RANCH TRUST C/O PAUL WASSENAAR LAW OFFICES 225 BROADWAY STE 1900 SAN DIEGO, CA 92101
Original Owner	KATHY SCHOESSLER 120 BASELINE RD BELLEVUE, ID 83313 (208)788-3174
Original Owner	RUTH L SCHOESSLER 067 SCHOESSLER LN BELLEVUE, ID 83313 (208)788-2772

Priority Date: 07/01/1955

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	6.000 CFS	
	<u>Total Diversion:</u>	6.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4NE1/4	Sec. 8, Twp 01S, Rge 19E, B.M.
BLAINE County		

Place of UseIRRIGATION Within BLAINE County

T01S R19E S08	SWNE 40.0	T01S R19E S08	SENE 30.0
T01S R19E S08	NESE 40.0		

Total Acres: 110

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-4133

Conditions of Approval:

Remarks:

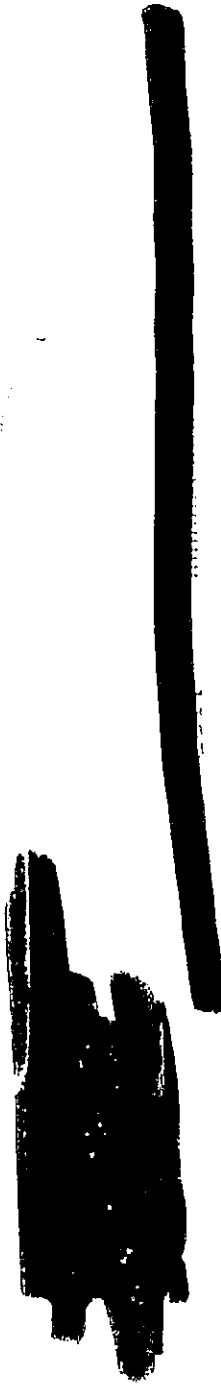
1. General OWNERSHIP CHANGE DUE TO DISSOLUTION OF PARTNERSHIP. FH 01-24-97.
***** CORRECTION-GIFT DEED FOR 1/2
INTEREST 04-08-1992 AND GIFT DEED 01-27-1993 FOR 1/2 INTEREST. COPIES IN FILE FH
01-28-1997.
***** OWNERSHIP CHANGE MADE 5/30/97 BY TLB.
***** 11/29/99, CHANGED OWNERSHIP:
SYRINGA RANCH LLC TO SYRINGA RANCH TRUST AS PER QUIT CLAIM AND
WARRANTY DEED AND FORM 1409 REC'D 8/11/99. C.T.

Comments:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1241 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Refused

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APR 25 2005
Department of Water Resources
Southern Region



EVIDENCE OF PRIORITY

A GUIDE TO
SOURCES WHICH
MAY CONSTITUTE
PROOF OF THE
PRIORITY DATE
OF YOUR WATER RIGHT



IDAHO DEPARTMENT OF WATER RESOURCES
REGULATORY DIVISION

Exhibit C

ADDRESS SERVICE
REQUESTED

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

PRINT CLASS



50135

NOV 10 1993

NOV 10 1993

WATER RESOURCES

☒ UNDELIVERABLE AS ADDRESSED
☐ INSUFFICIENT ADDRESS
☐ ATTEMPTED NOT KNOWN
☐ NO SUCH NUMBER/STREET
☐ OTHER
ROUTER 11 INITIALS JS

37-4133

11/10/93 10:10:10