

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

RECEIVED

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 GENE DRUSSEL

STATE OF IDAHO

COUNTY OF CAMAS

ss

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. My current address is Rural Route 1, Box 1205, Fairfield, ID 83327. I have lived here for approximately three years.
3. Prior to moving to Fairfield I lived near Bellevue in the area of the junction between Highways 20 and 75 since 1940.

COPY

4. As a result of my residency in the area, I am aware of the facts and circumstances regarding the use of water on what is now known as the Syringa Ranch - an approximately 140 acre parcel composed of lands located in T1N R19E Section 8 SWNE, SENE, NESE.
5. I know that the Syringa Ranch was irrigated with surface water when Johnny Browning owned it during the 1940s and 1950s. I recall that Johnny Browning transferred the surface water to the north to another piece of property sometime during the early 1950s.
6. I purchased land immediately adjacent to and north of the Syringa Ranch in 1964 from Burdette and Frances Stocking. Attached hereto as Exhibit "A" is a true and accurate copy of the deed conveying property from the Stockings to my wife and I on April 24, 1964.
7. When I purchased the Stocking place, there was a well located on the Syringa Ranch immediately to the south of my property in T1N R 19E Section 8, SWNE. Wayne Clark had previously owned the property now known as the Syringa Ranch, and it is my understanding that Wayne Clark had the well drilled during his ownership of the property now known as Syringa Ranch because the surface water had been transferred to the north by Johnny Browning. Attached hereto as Exhibit "B" is a true and accurate copy of the deed by which Wayne Clark conveyed his interest in Syringa Ranch on February 23, 1963.
8. During the entire time that I owned my property north of Syringa Ranch, I saw the motor on the well, and knew it was running. I know that the property was being irrigated because I could see the fields and see that they were green.
9. I recall that sometime in the 1960s, Carl Schoessler purchased the Syringa Ranch property, and installed hand lines so he could irrigate by sprinkler instead of by flood. Attached hereto as Exhibit "C" is a true and accurate copy of the deed by which Carl

Schoessler and his wife took possession of what is now known as Syringa Ranch.

9. I sold my property to the north of Syringa Ranch in 1979. Attached hereto as Exhibit "D" is a copy of the deed by which I conveyed my property to new owners. I am unaware of any facts and circumstances regarding the irrigation of Syringa Ranch after that time.

Further your affiant sayeth naught.

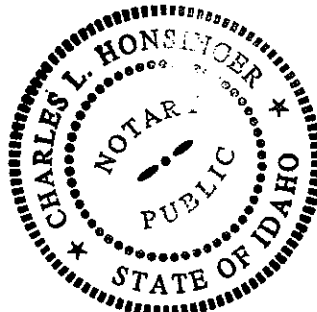
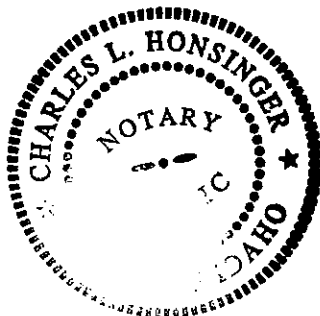
Gene Drussel
Gene Drussel

STATE OF IDAHO)
)ss.
County of Camas)

On this 1st day of October, 2008, before me, the undersigned, a notary public in and for said state, personally appeared GENE DRUSSEL, 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.

Charles L. Honsinger
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7/30/2010

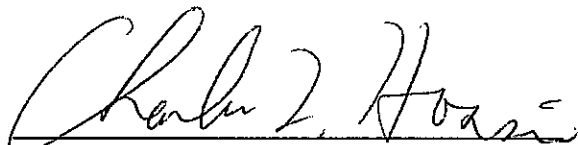


CERTIFICATE OF MAILING

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

A handwritten signature in cursive script, reading "Charles L. Hovine". The signature is written in dark ink and is positioned above a horizontal line.

Person mailing document

EXHIBIT A

#191278
2-12-79

THIS INDENTURE Made this 21st day of April
in the year of our Lord one thousand nine hundred and eighty four
between
BURDETTE R. STOCKING and M. FRANCES STOCKING, husband and wife
of Gannett County of Blaine State of Idaho
the part les of the first part, and
IRWIN GENE DRUSSEL and RUTH D. DRUSSEL, husband and wife
of Gannett County of Blaine State of Idaho
the part les of the second part.

WITNESSETH that the said part les of the first part for and in consideration of
FIFTY THOUSAND and No/100 (\$50,000.00) DOLLARS
lawful money of the United States of America
part les of the second part, the receipt whereof is hereby acknowledged, have granted, conveyed
and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part les
of the second part, and to their heirs and assigns forever, all of the following described real estate
situated in the County of Blaine State of Idaho

Lot One (1) the East one-half of the Southeast Quarter
Section Five (5) 97.7 acres Lot Two (2) the West one-
half of the Southeast Quarter of Section Five (5) 98.4
acres the North one-half of the Northeast Quarter of
Section Eight (8) 90 acres All located in Township One
(1) South Range Nineteen (19) East Boise Meridian
total of 275.81 acres together with irrigation pump
motor and trans former together with all water rights
appurtenant to or in any manner connected with the above
described real estate recorded in the Office of the
County Recorder Book 171 of Deed Records at page 50

together with the following water from Big Wood River
210 inches with priority of May 18 1886 50 inches
with priority of June 12 1886 and also all water
from the irrigation well located upon said premises
original permit for same being applied for by GEORGE
PREWER and the proof of same having been made by the
above named BURDETTE R. STOCKING

TOGETHER with all and singular the premises appurtenances and appurtenances
thereto and any and every appurtenance thereto and all other rights and interests in and to the same
and all other rights and interests in and to the same and all other rights and interests in and to the same
and all other rights and interests in and to the same and all other rights and interests in and to the same

TO HAVE AND TO HOLD all and singular the premises appurtenances and appurtenances
thereto and any and every appurtenance thereto and all other rights and interests in and to the same
and all other rights and interests in and to the same and all other rights and interests in and to the same
and all other rights and interests in and to the same and all other rights and interests in and to the same

NOTARIAL PUBLIC AND JUDICIAL DEPARTMENT FOR 1964 and extending
until the first day of January 1965

IN WITNESS WHEREOF, the said party, the first party has hereunto set her hand
and seal, this day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Burdeau R. Stocking (Seal)

Frances Stocking (Seal)

(Seal)

(Seal)

STATE OF IDAHO

County of Blaine

On this 1st day of January, 1964, in the year 1964, before me

the undersigned, a Notary Public

in and for said State, personally appeared

BURDEAU R. STOCKING and FRANCES STOCKING, husband and wife

known to me to be the persons whose names have subscribed to the within instrument, and
acknowledged to me that they executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and
year first above written.

Notary Public for the State of Idaho
Residing at _____ Idaho

WARRANTY DEED

STATE OF IDAHO

RECORDED

EXHIBIT B

2-25-1963

WAYNE CLARK ET UX ET AL TO ANNA CLARK

No. 118229

WARRANTY DEED

THIS INDENTURE, Made this 23rd day of February
in the year of our Lord one thousand nine hundred and Sixty-Three
Wayne and Ival Clark, husband and wife, and Betty Jean Laverty, and Edward J. Laverty, husband and wife,
grantors, of - - - , County of Blaine , State of Idaho
the part ies of the first part, and Anna Clark
of - - - , County of Blaine , State of Idaho
of the part y of the second part.
WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

Ten (\$10.00) DOLLARS,
lawful money of the United States of America, to them in hand paid by the said
party of the second part, the receipt whereof is hereby acknowledged, ha -- granted, bargained and sold, and by these presents
do grant, bargain, sell, convey and confirm unto the said party of the second part, and to her heirs and assigns,
forever, all of the following described real estate, situated in - - - , County of
Blaine, State of Idaho, to-wit:

The South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), Northeast Quarter, Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
The North Half of the Southeast Quarter of the Southeast Quarter, (N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section Eight (8), Township
One (1) South, Range Nineteen (19) S.B. M.

(\$29.15 I.R.S.)
(Affixed and)
(Cancelled)

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise apper-
taining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and in-
terest in and to the said property, as well in law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances,
unto the part y of the second part, and to her heirs and assigns forever, and the said part ies of the first part, and
their heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, her
heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person and
persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have herunto set their hand and seal the day and
year first above written.

Signed, Sealed and Delivered in Presence of

Wayne Clark [SEAL]

Ival Clark [SEAL]

Betty Jean Laverty [SEAL]

Edward J. Laverty [SEAL]

STATE OF IDAHO.

County of Blaine

On this 23rd day of February

in the year 1963, before me

Neuree L. Kneeland
in and for said State, personally appeared Wayne C. Clark, Ival Clark, Betty Jean Laverty, Edward J. Laverty
a Notary Public

known to me to be the person s whose name s are
acknowledged to me that s have executed the same.

subscribed to the within instrument, and

IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal, the day and year in this certificate first above
written.

(SEAL)

A. L. Kneeland
Notary Public for the State of Idaho,

My Commission expires Aug. 5, 1964

Residing at

Idaho

County of Blaine

ss.

On this 23rd day of February in the year 1963, before me
George R. Kneeland, a Notary Public
in and for said State, personally appeared Wayne C. Clark, Ival Clark, Betty Jean Lavery, Edward J. Lavery

known to me to be the persons whose names are
acknowledged to me that they executed the same.

subscribed to the within instrument, and

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above
written,

(SEAL)

G. R. Kneeland
Notary Public for the State of Idaho,

My Commission expires Aug. 5, 1965

Residing at Ketchum, Idaho.

STATE OF IDAHO, } ss.
County of Blaine,

I hereby certify that this instrument was filed for record at the request of Wayne Clark
at 20 minutes past 3:00 o'clock P. M., this 25 day of February, A.D. 1963
in my office, and duly recorded in Book 175 of Deeds at page 282.

George F. McCoy

Ex-Officio Recorder

By Goldie Ellinger

Deputy

EXHIBIT C

#152833
1-24-1974THIS INDENTURE Made this 21st day of February

in the year of our Lord one thousand nine hundred and Sixty-Three, between

Anna Clark, grantor,

of the County of Blaine, State of Idaho

the part of the first part and

Carl Schoessler and Ruth Schoessler, husband and wife,

of the County of Blaine, State of Idaho

the part of the second part

WITNESSETH That the said party of the first part for and in consideration of the sum of

Ten (\$10.00)

DOLLARS,

lawful money of the United States of America,

to

in hand paid by the said

parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained

and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties

of the second part, and to their heirs and assigns forever, all of the following described real estate,

situated in the County of Blaine, State of Idaho, to-wit:

The South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$),
 Northeast Quarter, Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$);
 The North Half of the Southeast Quarter of the
 Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section Eight (8),
 Township One (1) South, Range Nineteen (19) E.B.M.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
 issues and profits thereof, and all estate, right, title and interest in and to the said property, as well
 in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together
 with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever,
 and the said party of the first part, and her heirs, the said premises in the quiet and peaceable
 possession of the said parties of the second part, their heirs and assigns, against the said part
 of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal on the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Muriel C. Clark [Seal]

[Seal]

[Seal]

[Seal]

STATE OF IDAHO

COUNTY OF Blaine

On this 23rd day of February in the year 1963, before me
George R. Kneeland, a Notary Public

in and for said State, personally appeared

Muriel C. Clark

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

George R. Kneeland
Notary Public for the State of Idaho,
Residing at Ketchum, Idaho.

My Commission expires
Aug. 5, 1963

WARRANTY DEED

Muriel C. Clark

TO

Don't delin...

Clark

Dated 19

STATE OF IDAHO

COUNTY OF Blaine

I hereby certify that this instrument was filed for record at request of Muriel C. Clark

Don't delin...

at 10 minutes past 12:00

o'clock P. M. this 24 day

of February, A. D. 1963

in my office, and duly recorded in Book

at 12:00 at page

of 200

By George R. Kneeland Deputy

Notary Public

Fee \$2.00

Mail to Don't delin...

Clark

Idaho Falls, Idaho 83401

EXHIBIT D

1909411
1-31-1979

WARRANTY DEED

FOR VALUE RECEIVED, IRWIN G. DRUSSEL and RUTH D. DRUSSEL, husband and wife, of P. O. Box 650, Bellevue, Idaho, 83313, ("Grantors"), hereby grant, bargain, sell and convey unto LAURENS W. LEFFINGWELL and BARBARA F. LEFFINGWELL, husband and wife, of Bensenville, Illinois, 60106, ("Grantees"), the following described real property, situated in Blaine County, Idaho:

A parcel situated in Township 1 South, Range 19, East Boise Meridian, more particularly described as follows:

SE 1/4 of Section 5 and Government Lots 1 and 2 of Section 5 and N 1/2 NE 1/4 of Section 8;

Containing 281.39 Acres;

Together with all buildings thereon and improvements thereto, including an irrigation well, pump, motor and transformer; and

Together with all water rights appurtenant thereto, including, but not limited to, the following:

a. Fifty (50) inches of the Big Wood River, with priority of May 1, 1886, originally decreed to Lindsey Rogers on December 13, 1909;

b. One Hundred Twenty (120) inches of the Big Wood River, with priority of May 1, 1886, originally decreed to W. Y. Morgan on December 13, 1909;

c. Thirty-Five (35) inches of the Big Wood River, with priority of May 1, 1886, originally decreed to A. H. Sams on December 13, 1909;

d. Fifty (50) inches of the Big Wood River, with priority of June 12, 1886, originally decreed to R. F. Buller and Rosa B. Buller on December 13, 1909;

e. All water from the irrigation well on the premises, original permit for same applied for by George Brewer and proof of same made by Burdette R. Stocking.

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantees and to the Grantees' heirs and assigns forever. And the Grantors do hereby covenant to and with the said Grantees, that the Grantors

are the owners in fee simple of said real property, that said real property is free from all encumbrances, and that the Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 15th day of January, 1979.

Irwin G. Drussel
IRWIN G. DRUSSEL

Ruth D. Drussel
RUTH D. DRUSSEL

STATE OF IDAHO)
COUNTY OF BLAINE) ss.

On this 15th day of January, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared IRWIN G. DRUSSEL and RUTH D. DRUSSEL, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto affixed my official seal the day and year in this certificate first above written.



Alvin F. Pearson
Notary Public for Idaho
Residing at: Ketchikan
My Commission expires: Nov 15, 1980

RECORDER'S CERTIFICATE

STATE OF IDAHO)
COUNTY OF BLAINE) ss.

I hereby certify that this instrument was filed for record at the request of _____ at _____ o'clock _____ M., this _____ day of _____, in my office, and duly recorded as Instrument No. _____, Deeds in the Office of the County Recorder for Blaine County, Idaho.

MARIE IVIE LILYA, Recorder

By _____
Deputy

MAIL DEED TO:

Laurens W. Leffingwell
1001 Industrial Drive
Bensenville, Illinois 60106

NO. 110944



Revised 11/11/77
3:20 P.M.
Jan 31 1979

Reed

MARIE WIEHLVA

By *Mary Hue*
DEPUTY

FEES \$ 2.00

STATE OF IOWA
DEPARTMENT OF SOCIAL SERVICES
DES MOINES, IOWA 50319