

RECEIVED
SEP 10 2009
DEPARTMENT OF
WATER RESOURCES

3. It is my understanding my parents Leland and Myrlene Woodbury acquired the property by deed on March 21, 1938 that is the subject of the place of use for the stockwater right claim 45-14182 filed by Moo View Cow Palace. It is also my understanding that my parents acquired various water rights for the property that were previously decreed in the *Robinson v. Matthews et al.* case on March 11, 1916. One of these rights, water right 45-690, is a right to use water from Dayley Canyon, Lunch Creek, and Antelope (Summit) Springs for stockwater and irrigation uses with a May 1, 1882 priority date.

4. I lived on the property with my parents from 1947 to 1965. I returned to the property in 1967 and lived there until 2008. During that time I helped out with farming and ranching. We used water from Dayley Canyon, Lunch Creek, and Antelope (Summit) Springs for stockwater use on a year round basis.

5. My wife Linda Woodbury and I purchased the property from my parents on April 1, 1980. After we purchased the property we continued to use all the water rights we acquired, including the water from Dayley Canyon, Lunch Creek, and Antelope (Summit) Springs for stockwater use on a year round basis.

6. I later filed claims for all the property's water rights in the Snake River Basin Adjudication. I filed a claim for water right 45-690 which included a stockwater use from 1/1 to 12/31.

7. The water rights for the property, including water right 45-690, were all decreed by the SRBA Court.

8. We sold the property to a partnership Moo View Cow Palace on March 9, 2006. My nephew Kent Searle is one of the partners.

9. After reviewing the water rights for the property Kent noticed that the stockwater use for water right 45-690 did not include a year round season of use and the water right decree only listed the irrigation season 3/15 to 11/15 as a period of use. He brought this to my attention in the summer of 2008. After reviewing the information it appears that either myself or IDWR made a mistake in not recognizing the winter stockwater use from 11/16 to 3/14 that had historically occurred under the water right but had been omitted at some point.

10. It was my understanding that water right 45-690, as recommended by IDWR, included a stockwater use. I believed the period of use was year round as claimed. Since the year round stockwater use was apparently not included in the decree, I made a mistake in not recognizing the error. Had I known about this error at the time, I would have corrected it with IDWR or the Court.

11. I verify that the stockwater right had always been used year round during my time on the property, and that it was my understanding the water right from the prior *Robinson v. Matthews* decree recognized this use.

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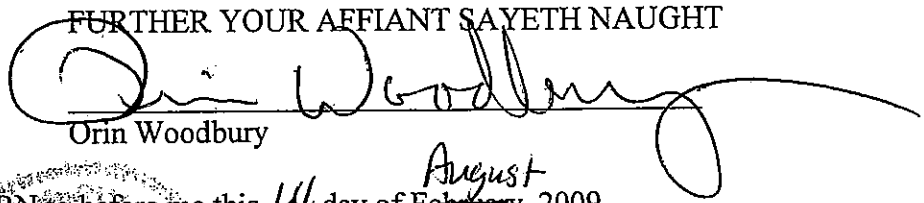
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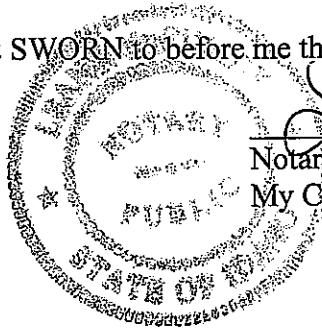
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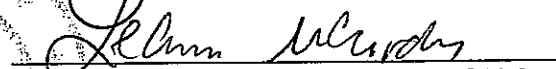
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FURTHER YOUR AFFIANT SAYETH NAUGHT


Orin Woodbury

SUBSCRIBED & SWORN to before me this 14 day of ^{August} ~~February~~, 2009.




Notary Public in and for the State of Idaho
My Commission Expires: 1/3/12

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September, 2009, I served a true and correct copy of the foregoing document(s) on the person(s) listed below, in the manner indicated:

Original to:

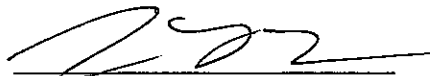
Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Copies to:

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Travis L. Thompson

Paul L. Arrington