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DEPARTMENT OF
WATER RESOURCES

Albert P. Barker, ISB #2867
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for David A. Simon.

**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	)	
	)	Subcase No. 37-2543
Case No. 39576	)	
	)	
	)	AFFIDAVIT OF WILLIAM A. SIMON
	)	
	)	

I, WILLIAM A. SIMON, being first duly sworn upon oath, deposes and hereby states as follows:

1. I reside in Camas County and I am over the age of 18. I state the following based on my personal knowledge.

2. I have lived near Fairfield, Idaho for all of my adult life. I have owned and/or managed farming operations near Fairfield, Idaho for nearly all of that time. As such, I am familiar with water right 37-2543, and the history of the ground to which it is appurtenant.

3. Prior to 1953, all the land in the area of this water right, including my farming operations, was farmed using dry farming. In 1953, a number of farmers, including my father, William D. Simon, began installing wells and irrigating. This generally involved flood irrigation and hand lines. I remember that in 1953, George Petrie (then owner of the property) drilled a

well and acquired this water right. At that time, he ran some water in ditches for livestock and irrigated much of the property with hand lines. He used an electric well.

4. In the late 1970's, Mr. Petrie stopped using the water right. He began dry farming the property and the water has not been used since that time.

5. I remember that in the 1970's several area farmers reverted to dry land farming methods.

6. I incorporated irrigation into my farming practices where possible because I have found that, with irrigation, I can get a significantly increased yield as compared to dry farming.

7. After Mr. Petrie stopped irrigating, he grew alfalfa and grain.

8. As I recall, after Mr. Petrie, the property was owned by Elmer and/or Joyce Johnson (Mr. Petrie's daughter and son-in-law). They continued to dry farm the land.

9. Next, Ralph Egersdorf acquired the property. He began using the land for pasture until he passed away in 2002.

10. After Mr. Egersdorf passed away, his wife, Colleen, owned the property. Ms. Egersdorf did not take care of the land and it is now overrun with weeds.

11. Ms. Egersdorf sold the property to my son, David, in late 2009.

12. I do not know why Mr. Petrie stopped irrigating or why the subsequent owners did not irrigate with this water right. I also do not know no claim was filed in the SRBA Court for this water right or why use of the water right was not resumed before now.

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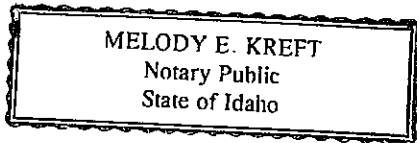
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FURTHER YOUR AFFIANT SAYETH NAUGHT

William A. Simon
William A. Simon

SUBSCRIBED & SWORN to before me this 24 day of February, 2010.



Melody E. Kreet
Notary Public in and for the State of Idaho
My Commission Expires: 2/8/13

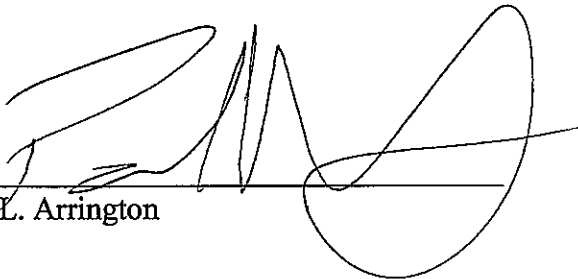
CERTIFICATE OF SERVICE

I certify that on this 26th day of February, 2010, I served a copy of the foregoing **AFFIDAVIT OF WILLIAM A. SIMON**, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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



Paul L. Arrington