

JON C. GOULD (ISB #6709)
RINGERT LAW CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED

JUN 10 2010

DEPARTMENT OF
WATER RESOURCES

Attorney for Claimant

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 02-2318A
)
)

) AFFIDAVIT OF WILLIAM R.
) WILKERSON, SR.
)
)

STATE OF IDAHO)

) ss

COUNTY OF ADA)

William R. Wilkerson, Sr., 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 purchased the property at RR 1 Box 1063 B Jump Creek Road, Homedale, Owyhee County, Idaho (hereinafter referred to as the "Property") in April, 1998 from William Spellman.. The Property is shown as the parcel with the black border and labeled Wilkerson Property in Exhibit A.
3. I continue to own the Property and I am very familiar with the Property.
4. I have gained knowledge of irrigation from my work as a farm hand in 1957 and 1958 and my 25 years of work as a fireman. I also have been irrigating an adjacent

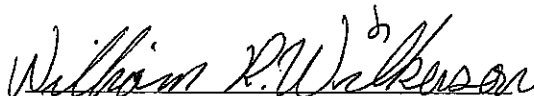
COPY

5 2/3 acres since 1998.

5. When I purchased the Property, water right no. 02-2318A for the irrigation of 13.3 acres, was included along with a 16-horsepower pump and motor.
6. The water provided by this water right is diverted from the Snake River from a point of diversion on the Snake River RV Resort property. The pump was sitting adjacent to the platform used by Snake River RV Resort at the point of diversion.
7. I was informed that Snake River RV Resort and the previous owners of my property shared electric power to run the pumps.
8. I was informed that from 1991 through 1995, the Property was irrigated with water under water right no. 02-2318A.
9. A buried conduit which crossed the Snake River RV Resort property delivers the Snake River water to the Property at the northwest corner.
10. Snake River RV Resort personnel have prevented me from accessing my water right's point of diversion and diverting water under my water right since I purchased the Property in 1998.
11. The northwest corner of the Property is the highest elevation of the Property and Jump Creek is the lowest elevation of the Property.
12. I had a survey of the Property completed by registered surveyor Dean Coon.
13. The northwest corner of the Property is over forty (40) feet higher than the portion of Jump Creek on the Property, the lowest point on the Property.
14. The shortest distance from the low point on the Property to the highest point on the Property is along the northeastern property boundary.

15. The northeastern Property boundary is approximately 1,700 feet long.
16. There is an earthen return or drainage ditch that runs the length of the northeastern Property boundary, adjacent to the former railroad tracks.
17. The grade of the return ditch results in water flow from the northwest corner to Jump Creek.
18. A concrete ditch used to deliver water to the Property runs along the southwestern boundary of the Property.
19. The concrete ditch terminates at Jump Creek.
20. The grade of the concrete delivery ditch results in water flow from the northwest corner to Jump Creek.
21. Both the concrete delivery ditch and the earthen return ditch are no deeper the three (3) feet.
22. There are no other irrigation ditches on the Property.
23. In order to deliver Jump Creek water to the northwest Property corner to irrigate the Property using an open ditch, assuming a typical grade of one foot per 100 feet, the ditch would need to be approximately sixty (60) feet deep at the northwest corner.
24. There are no ditches on the Property that are lower than Jump Creek and there are no ditches on the Property that are 60 feet deep.

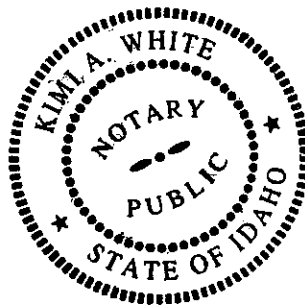
Further your affiant sayeth naught.


William R. Wilkerson

STATE OF IDAHO)
)ss.
County of Ada)

On this 10th day of May, 2010, before me, the undersigned, a notary public in and for said state, personally appeared William R. Wilkerson, Sr., 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.



Kim A. White
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 04/01/16

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June, 2010, I caused to be served a true and correct copy of the foregoing document via U.S. mail, postage prepaid, to the following:

Charles J. Kritz, Jr.
Diane B. Kritz
Raymond C. Barker, Jr.

Represented by:
Dana L. Hofstetter
608 West Franklin Street
Boise, Idaho 83702

Debra K. Ellers
P.O. Box 1122
McCall, Idaho 83638

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

Debra K. Ellers
P.O. Box 1122
McCall, Idaho 83638

J. Gould
Jon C. Gould