

MAY 23 2011

DEPARTMENT OF
WATER RESOURCES

5-20

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: 00-91013
	)	(Basin-Wide Issue 13)
	)	
Case No. 39576	)	AFFIDAVIT OF JAY GRANT ALLEN
	)	IN SUPPORT OF OBJECTION RE:
	)	STATE OF IDAHO'S <i>SECOND</i>
	)	<i>AMENDED MOTION TO INCLUDE</i>
	)	<i>SUBORDINATION LANGUAGE ON</i>
	)	<i>WATER RIGHTS AFFECTED BY THE</i>
	)	<i>SWAN FALLS AGREEMENT</i>
_____	)	

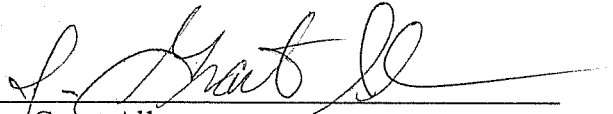
STATE OF IDAHO)
) ss.
County of Cassia)

Jay Grant Allen, being first duly sworn on oath, deposes and states as follows:

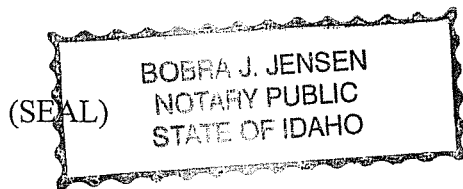
1. I make this affidavit based upon my own personal knowledge, information and belief, and in opposition to the State of Idaho's *Second Amended Motion to Include Subordination Language on Water Rights Affected by the Swan Falls Agreement*.
2. My father is Mervin Allen, who initially held water right 36-8231.
3. I am now the administrator of my father's estate.
4. Water Right No. 36-8231 is now held by Timothy and Cari Eames.
5. The water right in question is for .04 cfs for recreation.
6. The water right in question is used to fill a trout pond.
7. I first moved to the farm where the water right and pond are located in 1955.

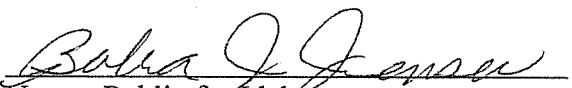
- //
- //
- //
17. The water in question was put to beneficial use prior to October 23, 1984.
- farm was sold to the Earnes' in 2009.
16. The water right in question was used by my family every year for this purpose until the new well #1.
15. At that time the old well was abandoned and the water for the pond was pumped from electric pump installed in the new well.
14. In 1985, my father had well #1 drilled approximately 30ft. away from the old well and an they were not adequately producing at that time.
13. Beginning in 1983, steps were taken to replace the existing well and windmill because pumped from the original well.
12. In 1983, there was an application for a water right on the groundwater that was being with IDWR.
- away from the current location of well #1 as identified in the *Beneficial Use Field Report* on file
11. Water was pumped into the pond by a windmill and well that was approximately 30ft and there was no irrigation water available to fill the pond.
10. I remember that the water in question was used to fill the pond during the winter months
9. In 1977, my wife and I returned to the farm.
8. In 1964, I moved away from the farm.

FURTHER YOUR AFFIANT SAITH NAUGHT


Jay Grant Allen

SUBSCRIBED AND SWORN to before me this 20th day of May, 2011.




Notary Public for Idaho
Residing at: Heyburn
Commission expires: July 24, 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 2011, a true and correct copy of the foregoing was mailed with sufficient first-class postage to the following:

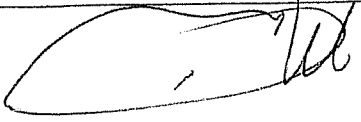
DIRECTOR OF IDWR
P.O. Box 83720
Boise, Idaho 83720

Faulkner Land & Livestock Co.
North Snake Ground Water District
Represented by:
Thomas J. Budge
PO Box 1391
Pocatello, ID 83204-1391

Basin and Range Resource
Interested Water Users
Jeff & Jackie Harper
Represented by:
Dana L. Hofstetter
608 W Franklin St
Boise, ID 83702

Idaho Ground Water Appropriators
Represented by:
Randall C. Budge
PO Box 1391
Pocatello, ID 83204-1391

United States Department of Justice
Environment & Natural Resources Division
550 W Fort Street, MSC 033
Boise, ID 83724

SRBA DISTRICT COURT
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Signature

Burgess Canal, et al.
Represented by:
Jerry R. Rigby
PO Box 250
Rexburg, ID 83340-0250

Clear Spring Foods Inc.
Idaho Power Company
Represented by:
John K. Simpson
PO Box 2139
Boise, ID 83701-2139

City of Pocatello
Represented by: Josephine P. Beeman
409 W Jefferson St
Boise, ID 83702

STATE OF IDAHO
Office of Attorney General
Attn: Clive Strong / Shasta Kilminster-Hadley
P.O. Box 83720
Boise, ID 83720