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DEPARTMENT OF
WATER RESOURCES

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Attorneys for William and Imogene Wilkerson

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. 2-2318A (Wilkerson)
Case No. 39576	)	**AFFIDAVIT OF JOSEPHINE P. BEEMAN IN SUPPORT OF WILLIAM & IMOGENE WILKERSON'S REPLY TO [OBJECTORS'] RESPONSE BRIEF IN OPPOSITION TO WILKERSON'S MOTION TO ALTER OR AMEND [AUGUST 29, 2011 MEMORANDUM DECISION AND ORDER ON CHALLENGE]**

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

I, Josephine P. Beeman, after first being duly sworn upon oath, depose and state:

1. I am the attorney of record for the above-named Claimants William and Imogene Wilkerson. I am also the attorney of record for Plaintiff William Wilkerson in *Wilkerson* v. *Snake River R. V. Resort, et al.,* Third Judicial District, Owyhee County (Case No. CV-06-05541).

2. The record in subcase 2-2318A includes the June 10, 2010 Affidavit of Jon Gould (Gould Affidavit). Exhibit C to the Gould Affidavit is identified as, "A Notice of Claim to Water Right No. 02-02318 signed by Doug Larzelier and Joseph Asumendi … submitted to the

IDWR on or about May 13, 1981." The handwritten portions of Exhibit C are very difficult to read. Exhibit D to the Gould Affidavit is identified as, "A true and correct copy of the Field Exam conducted by the Idaho Department of Water Resources for water right no. 02-2318." The Field Exam is dated September 16, 1983 and contains handwritten entries.

3. On September 9, 2011, while preparing the Wilkerson's Motion to Alter or Amend, counsel searched the physical files of Wilkerson's prior counsel Jon Gould for more legible copies of "[the] Notice of Claim to Water Right No. 02-02318 signed by Doug Larzelier and Joseph Asumendi ... submitted to the IDWR on or about May 13, 1981" and the subsequent "[September 16, 1983] Field Exam conducted by the Idaho Department of Water Resources for water right no. 02-2318."

4. Counsel was unable to find more legible copies of these documents in the files of Wilkerson's prior counsel. Counsel was also unable to find either of these documents in the entire physical file for license 2-2318 at the Idaho Department of Water Resources (IDWR) or in any physical or electronic files for SRBA claim 2-2318A.

5. Counsel then searched all electronic files for SRBA claim 2-2318B on the IDWR website and found more legible copies of "[the] Notice of Claim to Water Right No. 02-02318 signed by Doug Larzelier and Joseph Asumendi ... submitted to the IDWR on or about May 13, 1981" and the subsequent "[September 16, 1983] Field Exam conducted by the Idaho Department of Water Resources for water right no. 02-2318" in the electronic adjudication backfile for 2-2318B. A true and correct copy of the electronic adjudication backfile for 2-2318B located by counsel on the IDWR website on September 9, 2011 will be supplied to this court and counsel under separate cover. See pages 47-51 of Exhibit A filed herewith.

6. Page 47 of Exhibit A is a more legible copy of Exhibit C [Notice of Claim to Water Right No. 02-02318 signed by Doug Larzelier and Joseph Asumendi ... submitted to the

IDWR on or about May 13, 1981] and also includes red ink notations and the initials "JKN" and the date "9/15/83" also in red ink. Page 48 of Exhibit A is a map with red ink notations and the words "area of use" also in red ink. Pages 49 and 50 of Exhibit A are a more legible copy of Exhibit D [the "[September 16, 1983] Field Exam conducted by the Idaho Department of Water Resources for water right no. 02-2318"].

7. Exhibit B, filed separately herewith, is a true and correct copy of Plaintiff Wilkerson's Motion to Stay Proceedings and Plaintiff Wilkerson's Brief in Support of Motion to Stay Proceedings which were signed and served September 29, 2011 in *Wilkerson* v. *Snake River R. V. Resort, et al.,* Third Judicial District, Owyhee County (Case No. CV-06-05541).

DATED this 11th day of October 2011.

Josephine P. Beeman

JOSEPHINE P. BEEMAN

SUBSCRIBED AND SWORN to before me this 11th day of October 2011.

JOYCE E. ANGELL NOTARY PUBLIC STATE OF IDAHO

Joyce E. Angell

Notary Public in and for the State of Idaho
My Commission Expires: 7-29-14

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of October 2011, I caused a true and correct copy of the foregoing document to be served on the following:

CHARLES J KRITZ JR DIANE B KRITZ RAYMOND C BARKER JR Represented by: DANA L. HOFSTETTER 608 WEST FRANKLIN STREET BOISE, ID 83702 Phone: 208-424-7800	by hand delivery
CHARLES J KRITZ JR DIANE B KRITZ RAYMOND C BARKER JR Represented by: DEBRA K. ELLERS PO BOX 1030 MCCALL, ID 83638 Phone: 208-634-9946	by U.S. Mail
DIRECTOR OF IDWR PO BOX 83720 BOISE, ID 83720-0098	by U.S. Mail

Josephine P. Beeman

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