

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA) Subcase: 22-14052
)
Case No. 39576) **AFFIDAVIT OF RAY W. RIGBY**
)
_____)

STATE OF IDAHO)
ss.
County of Madison)

Ray W. Rigby, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 2131 North, 3000 West, Rexburg, ID 83440.

2. I was born on April 16, 1923 in Hibbard, which is located North and West of Rexburg. I have resided in Hibbard since I was born with the exception of my military and college experiences. I am now 89 years old.

3. My parents farmed in Hibbard and also ran a "milk run" business whereby we would pick up milk from the local farmers and take it to the local cheese factory.

4. Some of my earliest recollections include riding along with the milk truck to the different locations, which included crossing canals in an around the lower Henry's Fork and Teton River.

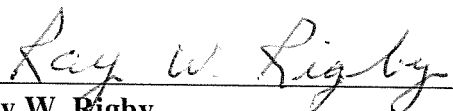
5. I have personal knowledge that as early as 1928 (my earliest recollections) the Saurey-Sommer Canals, like all other canals located within the vicinity did not shut off their

diversion after the irrigation season for the purpose of allowing water to be diverted through their canals for stockwatering. This would last until the beginning of the next irrigation season, weather permitting.

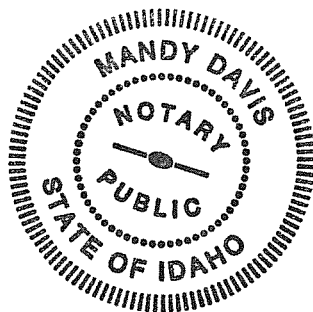
6. Furthermore, I have personal knowledge of at least one old dairy that had dairy cattle which always drank from a canal of the Saurey Sommer Canal Company throughout the entire year, weather permitting. Clearly, because of the dairy's location next to the said canal and the fact that there was no other source of drinking water for the dairy cattle, the off irrigation season of diversion into the Saurey-Sommer Canal had been the practice for as long as the old dairy had been in operation, which would have been many years before my birth.

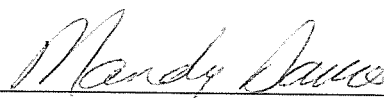
7. From my present knowledge of the system, it would take at least the amount of the above entitled claim of diversion during the off irrigation season in order to get enough water down the canal to the now defunct dairy for the said dairy cows to drink.

Respectfully submitted, this 23rd day of October, 2012.


Ray W. Rigby

SUBSCRIBED AND SWORN to before me this 23rd day of October, 2012.




Notary Public for Idaho
Residing at: *St Anthony*
My Commission Expires: *6/24/17*