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JAN 31 2013
DEPARTMENT OF
WATER RESOURCES

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Attorney for The Alton & Paula Huyser
Trust Under Trust Agreement Dated 4-1-2001

**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. 37-7268
	)	
Case 39576	)	AFFIDAVIT OF DANA L. HOFSTETTER
	)	
	)	
_____	)	

STATE OF IDAHO	)
	) ss.
COUNTY OF ADA	)

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

(1) I am Dana L. Hofstetter, counsel of record in this matter for The Alton & Paula Huyser Trust Under Trust Agreement Dated 4-1-2001.

(2) In the years 2003-2006, I represented The Alton & Paula Huyser Trust Under Trust Agreement Dated 4-1-2001 and its predecessors in interest in setting aside SRBA Partial Decrees for Water Right Nos. 37-7454 and 37-7602 and petitioning the Idaho Department of Water Resources ("IDWR") to correct License Nos. 37-7268, 37-7454, 37-7602 and 37-8679.

(3) Among the license corrections sought and obtained was the correction of the priority date of Water Right No. 37-7268 from July 11, 1988 to August 23, 1973.

(4) Attached hereto as Exhibit A is a true and correct copy of the original License No. 37-7268 bearing the priority date of July 11, 1988 from my office files.

(5) Attached hereto as Exhibit B is a true and correct copy of corrected Amended License No. 63-7268 from my office files issued by IDWR on or about December 1, 2006. The change in priority date to August 23, 1973, subjected Water Right No. 37-7268 to being claimed in the SRBA.

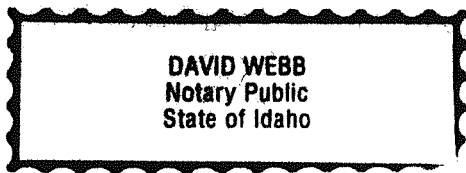
(6) Mr. Alton Huyser recently provided to me SRBA Claim No. 37-7268, submitted by him to IDWR on April 11, 2007, a true and correct copy of which is attached hereto as Exhibit C. My records indicate that April 11, 2007, was after the final Basin 37 Director's Report had been submitted to the SRBA Court and, thus, instead of submitting the Claim to IDWR, a Motion to File Late Claim should have been filed with the SRBA Court. For this reason, it appears that IDWR never issued a recommendation for SRBA Claim No. 37-7268 and the right never has been formally submitted to the SRBA Court.

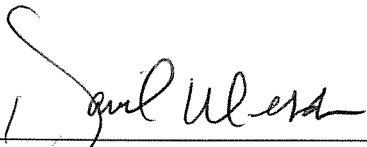
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 30th day of January, 2013.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 30th day of January, 2013.




Notary Public in and for the State of Idaho
Residing at: Boise, ID
My Commission Expires: 5/13/2017

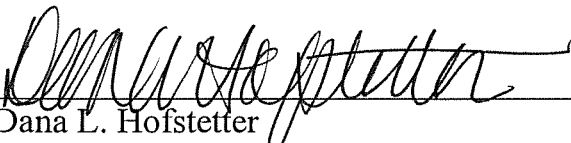
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (including any attachments) this 30th day of January, 2013, by U.S. Mail postage pre-paid to:

IDWR Director
P.O. Box 83720
Boise, ID 83720-0098

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

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449


Dana L. Hofstetter

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07268

Priority: July 11, 1988

Maximum Diversion Rate: 3.20 CFS
Maximum Diversion Volume: 640.0 AF

This is to certify, that DARLENE I HUBSMITH
LOUIS L HUBSMITH

PO BOX 397

DIETRICH ID 83324

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 23, 1973; and has submitted Proof of Beneficial Use on July 11, 1988. An examination indicates that the works have a diversion capacity of 6.200 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	3.20 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE, Sec. 30, Township 06S, Range 19E
LINCOLN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	19E	19	Lot 12(SESW)	29		29
		30	NWNE	40	SWNE 40	
			Lot 6(SENW)	11	Lot 1(NENW)	40
						131
					Total number of acres irrigated:	160

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre for the lands above.
6. The maximum diversion rate under this right and right 37-07454 and 37-07602 shall not exceed 6.2 cfs.

JUN 24 1992

Bumberg No. 5208

EXHIBIT

A

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07268

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 10th
day of JUNE, 1992.

Acting for *R. Keith Higginson*, Director

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 6 day of June, 2003

Deborah G. Gibson

JUN 24 1992

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 37-07268

Priority: August 23, 1973

Maximum Diversion Rate: 3.06 CFS
Maximum Diversion Volume: 612.0 AF

It is hereby certified that THE ALTON & PAULA HUYSER TRUST UNDER TRUST AGREEMENT DTD 4-1-2001
ALTON L HUYSER TTEE
PAULA J HUYSER TTEE
72 N HWY 75
SHOSHONE ID 83352 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated August 23, 1973; and has
submitted Proof of Beneficial Use on August 2, 1978. An examination indicates that the works have a
diversion capacity of 5.09 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

08/15 to 11/15

DIVERSION RATE

3.06 CFS

**ANNUAL
DIVERSION VOLUME**

612.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4NE1/4 Sec 30 Twp 06S, Rge 19E, B.M. LINCOLN County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	19E	30			39.0	32.0	39.0	10.0	4.0	29.0									153.0
					L1	L2	L5	L6											

Total Acres: 153

CONDITIONS OF APPROVAL

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre for irrigation of the lands above.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07268

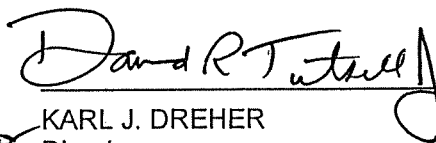
CONDITIONS OF APPROVAL (CONTINUED)

6. The maximum diversion rate under this right and right No. 37-07454 shall not exceed 5.09 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 1st day of December, 2006.




for KARL J. DREHER
Director

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-7268
Date Received: 4/11/2007
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE ALTON & PAULA HUYSER TRUST UNDER TRUST
AGREEMENT DTD 4-1-2001 Phone: (208) 886-2777
ALTON L HUYSER TTEE
PAULA J HUYSER TTEE
72 N HWY 75
SHOSHONE ID USA 83352

2. Date of Priority: 08/23/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	19E	30	NW NE	LINCOLN	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	3.06	612

7. Total Quantity Appropriated is:
3.06 C.F.S. and/or 612 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	19E	30	NW NE	IRRIGATION	39
			SW NE	IRRIGATION	32
			NE NW	IRRIGATION	39
			NW NW	IRRIGATION	10
			SW NW	IRRIGATION	4



SE NW

IRRIGATION 29
Section Acres 153
Total Acres 153

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

The maximum diversion rate under this right and right No.
37-07454 shall not exceed 5.09 cfs.

This right when combined with all other rights shall provide no more than 4.0
afa per acre for irrigation of the lands above.

This claim is being claimed at this time as there was a data entry error on the
priority date years ago and the right showed a 1988 priority date, therefore this
right was not claimed in the adjudication. Now that the priority date has been set
at 1973 it has to be claimed in the adjudication.

15. Basis of Claim: License

16. Signature(s)

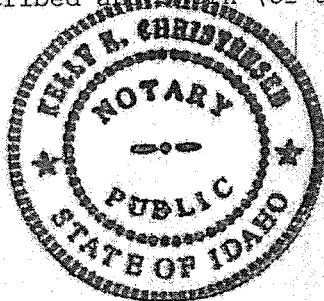
For Organizations:

I do solemnly swear or affirm that I am Owner - Co-owner of
Title
Alton + Paula Huyser Trust, that I have signed the foregoing
Organization
document in the space below as Co - Owner of
Title
Alton + Paula Huyser Trust and that the statements contained in the
Organization
foregoing document are true and correct. Alton Huyser Trustee
Signature of Authorized Agent

Owner
Title and Organization
4/11/07
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th day of April 2007



Kelly K. Christensen
Notary Public

Residing at Twin Falls ID

My commission Expires 4-2-2010