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DEPARTMENT OF
WATER RESOURCES

Attorneys for Dr. Gary Hoffman

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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 No. 37-12388

AFFIDAVIT OF GARY HOFFMAN

STATE OF IDAHO)
) ss.
County of Blaine)

Gary Hoffman, having been duly sworn upon oath, deposes and states as follows:

1. I am over 18 years of age, and make this affidavit based upon my own personal knowledge.
2. I was born on September 22, 1942, and moved from Las Vegas, Nevada to Ketchum, Idaho in 2000.

3. I am the current owner of the Sun Tree Hollow Mobile Home (or trailer) Park (the "Park") located at 12584 Highway 75 in Blaine County, Idaho. The Park is located just south of the town of Ketchum, across the highway from what is now St. Luke's Wood River Hospital. The Park has 25 units total (consisting of 21 mobile homes and 4 apartments/cabins).

4. I purchased the Park in 1996 from Larry M. Cooper. At the time I purchased the Park, I purchased all of the Park's fixtures and appurtenances, including the Park's water supply system.

5. The Park's water supply system consists of a well and underground piped distribution system. The well is, and has been, the Park's sole source of water supply since the Park's creation.

6. Based upon the well location and my research of the applicable public water supply system permits/certificates received from the Idaho Department of Environmental Quality ("DEQ"), I located the applicable Well Log and Report to the State Reclamation Engineer of Idaho, dated September 15, 1955. A true and correct copy of that Well Log and Report is attached hereto as Exhibit A.

7. Based upon Exhibit A attached hereto, and upon other property transaction documents and tax records for the Park, it is my understanding that the well serving the Park was first drilled in 1955.

8. When I purchased the Park in 1996, it was my understanding that the water supply and corresponding water rights documentation was intact and up to date. Nobody informed me that the Park's water supply (well and water right) was the subject of a "claim" pending in the Snake River Basin Adjudication ("Adjudication"). Having purchased the Park

while living out of state and having later moved to Ketchum from Las Vegas, Nevada, I was otherwise unfamiliar with the Adjudication at the time.

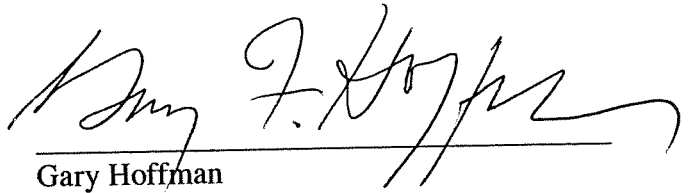
9. During the summer of 2012, I became aware that the Adjudication water right claim corresponding to the Park's well had been decreed disallowed by the Adjudication Court in October 2010. I found this out from the Idaho Department of Water Resources ("IDWR" or "Department") in connection with a separate water right (right no. 37-07086) used to supply water to another mobile home park I own (the Country Chalet Mobile Home Park). I was surprised that I had never before received any warning that the status of the Park's water right was in doubt, particularly because I was (and am) in routine contact with DEQ and local Health District regulatory officials regarding the well's use and testing as a public drinking water supply system. After resolving issues regarding the water right supplying the Country Chalet Park, I asked Department personnel to investigate the status of the water right(s) corresponding to the Park.

10. Upon learning that the Park water right claim (claim no. 37-12388) had been decreed "disallowed," I immediately engaged the services of legal counsel in an effort to restore the water right. I have been working toward that end ever since by investigating tax records, property conveyance transaction records, IDWR records, and locating and interviewing former residents of the Park regarding the Park's historic water use and its water supply system.

11. Investigation of this water right and information regarding its status was complicated by the fact that the Park's bookkeeper died suddenly and unexpectedly in October 2009. As a consequence, and for some time, record keeping concerning the Park suffered and was disorganized.

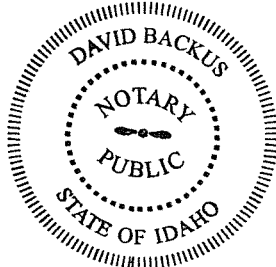
12. The reinstatement of the Park's water right is extremely important as the well is the only means of water supply for the Park. Without a valid water right, the Park could be closed and rendered inoperable. This would negatively impact the local community where low income housing is already very scarce. According to IDWR records, the water right was recommended "disallowed" due to a lack of priority date evidence, not because the Department's Adjudication investigation did not locate the well, or find the water use as claimed. To correct this priority-related evidentiary failing of my predecessors-in-interest, I secured an affidavit from former Park resident Marla Mink proving that the Park's well has served as the Park's source of water supply since at least 1959.

Further your affiant sayeth naught.



Gary Hoffman

SUBSCRIBED AND SWORN to before me this 19th day of FEBRUARY, 2013.





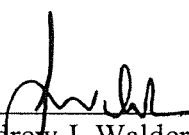
NOTARY PUBLIC FOR IDAHO
Residing at HAILEY ID
My Commission Expires MAY 12, 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 2013, I caused a true and correct copy of the foregoing **AFFIDAVIT OF GARY HOFFMAN** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720
Fax: (208) 287-6700

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Andrew J. Waldera

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

36210

Log No. **RECEIVED**
Rec. **SEP 27 1955**
Well No. **Department of Reclamation**
Permit No. _____

(DO NOT FILL IN)

Owner NATE SCOTT Address KETCHUM, IDAHO
Driller J. LAMMETT SMITH, INC. Address JEROME, IDAHO Lic. No. 11
Location of Well: DESCRIPTION BELOW
1/4 Sec. 30, T. 4 N. 1/4 R. 18 E. Blaine County,
and feet N/S, and feet E/W from Corner of 1/4 1/4 Sec.
Size of Drilled Hole 6" Total depth of Well 38'
Give depth of standing water from surface 7' 6" Water Temp. _____ °Fahrenheit
On pumping test delivery was 15 g.p.m. or _____ c.f.s. Drawdown was _____ feet.
Size of pump and motor used to make the test _____
Length of time pumped during check was 1 hr. _____ hr., _____ minutes.
If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
If flowing well, describe control works _____
(TYPE AND SIZE OF VALVE, ETC.)
Water will be used for DOMESTIC Weight of casing per linear foot 19.18
Thickness of casing .280 Casing material BLACK STEEL CASING
E.G., PIPE, CONCRETE, WOOD.
Diameter, length and location of casing 6", 30 FT. FROM 4' TO 34'
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)
Number and size of perforations _____ located _____ feet to _____ feet
from surface of ground.
Other perforations _____
Date of commencement of well 7-12-55 Date of completion of well 7-14-55
Type of well rig CABLE TOOLED

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	"REMARKS" -- SEALS, GROUTING, ETC.
6"	4'	34'	30'	

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

LOCATION OF WELL - BEGINNING AT 1440' N X N FROM S E CORNER OF SEC. 30, TWP 4 N,
R18 E, THEN N 60° 30' 80' 2039.8 FT TO POINT OF BEGINNING. N IN DIRECT LINE 50 FT;
THENCE EAST TO WEST BOUNDARY OF U. S. 93, A DISTANCE OF 206'. THENCE SOUTHERLY ALONG
THE HIGHWAY BOUNDARY 50'; THENCE W - 189' TO THE POINT OF BEGINNING, CONTAINING LOT 3
& FR. OF LOT 12 OF THE C A LAIRD PROPERTY AND BEING FR. OF TAX LOT NO. 1622 IN SEC. 30
TOWNSHIP 4 N. R 18 E B M

S. 30 4N 18E

WELL LOG

From Feet	To Feet	Type of Material	Drilling Time		Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
			Hrs.	Min.		
0	4	SAND				
4	12	BOULDERS				
12	28	SAND - FINE GRAVEL				
28	30	BROKEN ROCK				
30	38' 6"	CRACKED ROCK				
If more space is required use Sheet No. 2						

WELL DRILLERS STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed J. EMMETT SMITH, INC.

By J. Emmett Smith
License No. 11

Dated.....SEPTEMBER...15,....., 19...55..

License No. 11