

SEP 30 2013

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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

**Subcases: 21-13173, 21-13174**

**AFFIDAVIT OF WALTER SCAFE**  
**In Support of Motion To File Late Claim**

Walter Scafe, being first duly sworn, deposes and says:

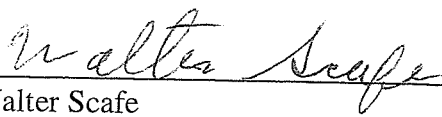
- 1) My name is Walter Scafe.
- 2) I reside at 1010 Grainville Road, Ashton, ID 83420.
- 3) I am the current president of Squirrel Creek Irrigation and Canal Co.
- 4) I have been the President of Squirrel Creek since approximately 1990.
- 5) I am very familiar with Indian Lake and Bergman Reservoir, and the Wyoming water right permits 21146 and 21147.
- 6) Walter Bergman procured the Wyoming rights. I know this because Walter Bergman was my grandfather and taught me how to run the reservoir.

- 7) I remember when Bergman Reservoir was constructed in 1953. I was six years old at the time and remember watching the construction. I especially remember this because at the construction, I accidentally stepped into a pile of hot ash from trees which had been burnt to make room for the reservoir. I still have a scar from that burn.
- 8) As I grew up, I helped maintain the reservoir. The only period in which I was not there to help maintain the reservoir was in 1968 when I was in Vietnam.
- 9) Certain areas within place of use serviced by the Wyoming permits for Squirrel Creek Irrigation and Canal Co. have received the water from Indian Lake and Bergman Reservoir consecutively every year since the permits were granted.
- 10) I filed claims in the Snake River Basin Adjudication on all of Squirrel Creek's surface water rights that originated in Idaho.
- 11) I was very diligent in filing the claims and making sure the water rights were properly filed because I am very well aware of the importance of the water rights to our farming operation..
- 12) I did not file on the Wyoming water right permits in the SRBA because the permits in Wyoming are valid permits and I did not believe an Idaho water right was necessary. I believe this is substantiated by the fact that I was so diligent in filing claims on the surface water rights originating in Idaho.
- 13) At one point while adjudicating our surface water rights, I brought up the issue of the Wyoming storage permits. I cannot recall who I spoke with, but I was informed that

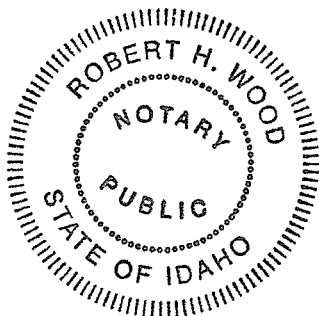
I did not need to file on the Wyoming storage permits because they were valid Wyoming permits.

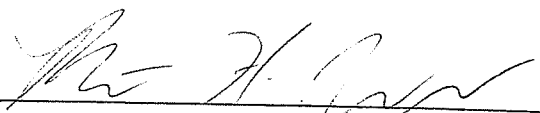
- 14) I wish I would have known that this was necessary when I initially filed the claims in the SRBA. Had I known it would be necessary, I certainly would have filed on the claims at the same time I filed on the other claims in the SRBA.
- 15) I believe that if this late claim is allowed, that it will not cause any delay in the finalization of the SRBA because any investigation of the water right by IDWR can be aided by the records of Water District 01, who we have worked since the operation began. We have consistently notified Water District 01 each time we have diverted from the Reservoir and delivered water to its place of use.
- 16) These storage water rights are extremely valuable and vital to our operation. We would not be able to function at the same level without this storage water.

FURTHER YOUR AFFIANT SAITH NOT.

  
Walter Scafe

SUBSCRIBED AND SWORN To before me this 30<sup>th</sup> day of August, 2013.



  
Notary Public for Idaho  
Residing at: Rexburg  
My Commission Expires: 8/20/2015