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DEC 28 1995

Department of Water Resources
Adjudication Bureau

Claimant:

DEC 26 1995

Clear Lakes County Club

Attorney Name and Address:

OFFICE OF THE
ATTORNEY GENERAL

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

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Case No. 39576

AFFIDAVIT OF

JOHN LeMOYNE

(Subcase Nos. 36-04148B and 36-04074)

* * * * *

STATE OF IDAHO

)

) ss.

County of Twin Falls

)

John LeMoyne, being first duly sworn upon oath, deposes and says:

1. My name is John LeMoyne. I make the following statements based upon my personal knowledge and beliefs. I am otherwise competent to testify about the matters described below.

2. During the time period of about 1988 through about 1992 I was a director for Clear Lakes Country Club, which is the entity which owns and operates the golf

1 course along the Snake River near Buhl, Idaho.

2 3. In my capacity as a director, I was selected by the board to be the
3 person to work with the Idaho Department of Water Resources with respect to having the
4 Country Club's water rights correctly inventoried in the Snake River Basin Adjudication.

5 4. Before the Director made his recommendations regarding water right
6 numbers 36-04148B and 36-04074, I was working with IDWR employees, mainly Steve
7 Clelland. It was my understanding that I was providing Mr. Clelland with information he
8 needed in order to report the two rights so that they would reflect the amount of actual use
9 of water by the Country Club. The information I provided to him related to the prior uses
10 of water on the lands the Country Club now irrigates by pumps and sprinkler systems.

11 5. Without informing me the information I had provided was inadequate,
12 or needed to be supplemented or suggesting that I should give some other type of
13 information, IDWR recommended an amount far less than what the golf course actually
14 uses, and far less than what I understand was used before and had agreed to document for
15 IDWR. It was my understanding from IDWR, though, that the recommendations of only
16 about 1/2 of what the golf course needed did not matter in a practical sense because the
17 golf course could simply apply for a new, additional water right. That would "balance the
18 books" so that the total amount of water between the two old rights and what would be the
19 new right would equal the amount of water that the golf course is actually using under its
20 present system. IDWR informed me that it would be unlikely that anyone could successfully
21 oppose the application for a new right because the golf course, or those who irrigated
22 pasture before the golf course, had always diverted the water and therefore no one could
23

1 claim that an additional diversion would be taking water from them.

2 6. In about December of 1992, about a month after the Director's
3 recommendations for less than what the golf course uses, I filed an application for new
4 water with the IDWR, as suggested was the appropriate course by IDWR. Idaho Power
5 Company protested that application for a water right, and nothing has happened on the
6 application since then. Instead of proceeding with that application so that the paperwork
7 reflects what the golf course needs and uses, the Country Club sought legal assistance from
8 the law firm of Hepworth, Lezamiz and Hohnhorst. That law firm has advised the golf
9 course that it should try to object and show the court that the existing rights are for more
10 water than IDWR recommended.

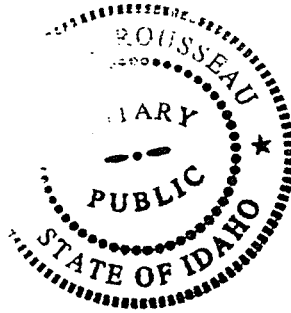
11 7. I did not file objections to above water rights for the golf course. I did
12 not do so because I understood that IDWR was working with me to simply clean up the
13 paperwork. I do not believe that the Country Club should go without the water it has
14 always used simply because I made errors in judgment by relying on the advise of IDWR
15 about how to clean up the paperwork in order to allow the golf course to continue using
16 the water which it presently uses or because I misunderstood the consequences of not
17 objecting.

18 8. Further your affiant sayeth not.
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23

1 Dated this 4TH day of August, 1995.

2 John Le Moyne
3 John LeMoyne

4 SUBSCRIBED and SWORN to before me this 4 day of August, 1995.



Linda M. Rousseau

NOTARY PUBLIC FOR IDAHO

Residing at: Juniper, ID

My Commission Expires: 9-11-99

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CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 21st day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

A. Lynne Krogh
Susan E. Hamlin
Deputy Attorneys General
P. O. Box 44449
Boise, ID 83711-4449

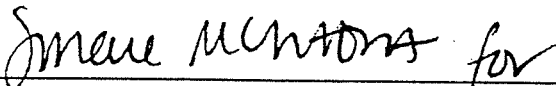
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

U.S. Department of Justice
Environment & Natural Resources
Division
550 West Fort St.
MSC 033
Boise, ID 83724

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

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Patrick D. Brown

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