

RECEIVED

MAY 3 1 1996

COPY

Department of Water Resources
Adjudication Bureau

Claimant: Hagerman Water Right Owners, Inc. and its individual members

Attorney Name and Address: 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)
Subcase No. See Attached Exhibit A)
Case No. 39576) AFFIDAVIT OF DAN McFADDAN)

* * * * *

STATE OF IDAHO)
County of Twin Falls) ss.

Dan McFaddan, being first duly sworn upon oath, deposes and says:

1. Your affiant's name is Dan McFaddan. I reside at 17966 U.S. Highway 30, Hagerman, Idaho 83332. I own and operate Emerald Valley Ranch and the Emerald Valley Garden Center, Inc., all located in the Hagerman Valley, Idaho. This affidavit is based upon my personal information and knowledge, and based upon my expertise as a

AFFIDAVIT OF DAN McFADDAN - 1

1 farmer as more fully set forth hereinafter. This affidavit is being submitted in support of the
2 motions for summary judgment that have been filed in the above matter.

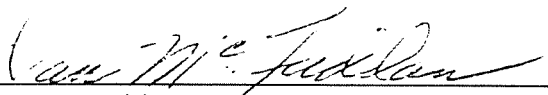
3 2. I have been involved in irrigated agriculture in Idaho all of my adult
4 life. Specifically, for the past 21 years I have been farming the irrigated ground at the
5 Emerald Valley Ranch and various other rented farm grounds in the Hagerman Valley since
6 1975. During the course of that time period, I have raised a variety of crops, all of which
7 require irrigation. One of the main irrigated crops that I have raised has been alfalfa hay,
8 but I have been involved in all aspects of irrigated farming in the Hagerman Valley area for
9 the past 21 years. I am familiar with the farming practices in the Hagerman area, with
10 irrigation practices that are utilized, including the irrigation practices necessary to raise
11 irrigated alfalfa hay. During the course of that farming experience, I have gained personal
12 knowledge concerning farming practices employed in Hagerman, the crop yield that can be
13 obtained with proper irrigation practices, consumptive needs of crops, including alfalfa hay,
14 in order to maximize yields in the area, and most other aspects of good irrigating farming
15 practices utilized throughout southern Idaho, and in particular, utilized in Hagerman Valley.

16 3. If proper irrigation practices are utilized, five (5) cuttings of alfalfa are
17 raised in the Hagerman Valley. My customary practice is to green chop the first cutting and
18 then to bale the remaining four (4) cuttings of alfalfa hay. On occasion, I have green
19 chopped the first two (2) cuttings, and then baled the remaining three (3) cuttings which
20 enables me and others in the Hagerman area to get five (5) cuttings of alfalfa hay per season.
21 If one green chops the first two (2) cuttings, in addition to the five (5) cuttings of alfalfa hay
22 mentioned above, there will also be a good residual crop of pasture after the five (5) cuttings
23

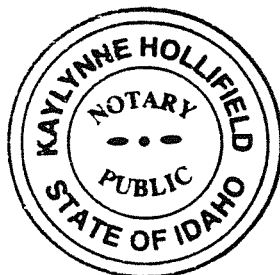
1 of hay are obtained. Because of the soils present in the Hagerman Valley, it is necessary
2 to keep the soil wet, including keeping it wet both before the first cutting and between the
3 other cuttings in order to obtain the five (5) cuttings plus pasture as set forth above.

4 4. Based upon my 21 years of experience of farming in the Hagerman
5 Valley, including my experience farming at Emerald Valley Ranch raising alfalfa hay and
6 other crops, it has been my experience that we are able to raise approximately 10 tons of
7 alfalfa hay per acre per year in Hagerman, Idaho. While the above figure can vary from
8 year to year depending upon the weather, fertility of the soil, etc., with proper irrigation
9 practices including timely application of the water, green chopping and baling the hay as
10 set forth above, the above stated figure of 10 tons of alfalfa hay per acre is a reasonable crop
11 yield for alfalfa hay in the Hagerman Valley assuming good farming practices, soil
12 conditions, fertility, and proper application of water are utilized by farmers.

13 Dated this 31st day of May, 1996.

14 
15 Dan McFadden

16
17 SUBSCRIBED and SWORN to before me this 31st day of May, 1996.



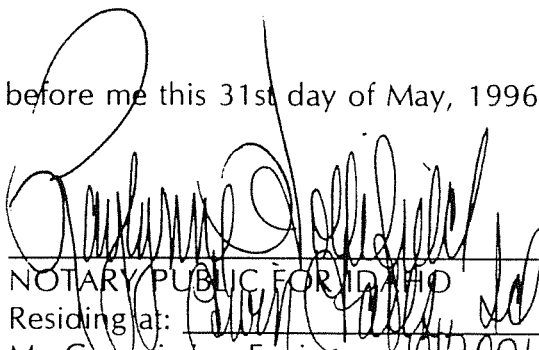
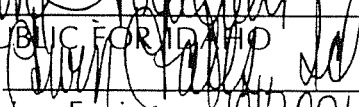
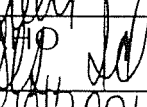

NOTARY PUBLIC FOR IDAHO
Residing at: 
My Commission Expires:  10/1/2001

EXHIBIT "A"

List of Subcases

Lynn J. Babington and Karen L. Babington	36-00003C
Walter J. Bonning, II and Judy L. Bonning	36-00108B
Dale E. Boyer and Elaine Boyer	36-00079
William E. Norris, David L. and Linda C. Cropper, Blaine Richard and Vivian Cropper, Dave and Nancy Anderson	36-00047
Mildred Culbertson	36-10409
Frank C. Erwin and Peggy Erwin	36-00092
Michael J. Fleming	36-00064B
Keith L. Fuell and Jolene Fuell	36-00086C
Frank L. Glauner and Jean Glauner	36-00039E
Mattie P. Grigg	36-10283B
George J. Korbis and Nellie W. Korbis	36-00039N
Marilyn J. Miller	36-00085A
Howard L. Morris and Rhonda K. Morris	36-00061
Howard L. Morris and Rhonda K. Morris	36-00062
Howard L. Morris and Rhonda K. Morris	36-00063
Mark Potter and Susan Potter	36-00039J
Edna M. Rea	36-00003A
Roger Shaffer	36-00034B
Doyt H. Simcoe and Roxie Simcoe	36-00003F
Richard D. Simon	36-00035J
Dick J. Veenendaal and Sigrid E. Veenendaal	36-00039C
Edith L. Vernon	36-00003E
Paul E. Watkins and Inez S. Watkins	36-00106
Basil Lester Zink and Myrle Hyde Zink	36-00103F