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Claimants Department of Water Resources
Adjudication Bureau

William E. Norris, David L. and Linda C.
Cropper, Blaine Richard and Vivian Cropper,
Dave and Nancy Anderson

Attorney Name and Address:

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CHARTERED
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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

) Subcase No. 36-00047

)

Case No. 39576

) AFFIDAVIT IN SUPPORT OF

) MOTION FOR SUMMARY JUDGMENT

)

* * * * *

David L. Cropper, being first duly sworn upon oath, deposes and says:

1. I, David L. Cropper, am a claimant of a previously decreed water right,
which is the water right before the Court in this subcase. I make the foregoing and
following statements in this affidavit based on my personal knowledge and beliefs and I am
otherwise competent to testify regarding those statements.

2. I own real property described in the deed attached to this affidavit as
Exhibit "A" and incorporated by reference into this affidavit. Exhibit "A" is a duplicate of
my deed, which is recorded in the official property records of the Gooding County
Recorder's Office, Gooding, Idaho. I also own the water right claimed in this subcase.

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT - 1

1 3. The real property described in Exhibit "A" includes decreed,
2 appurtenant water rights. The water right involved in this subcase is appurtenant to that real
3 property. I acquired that water right as successor in interest in the real property to Earl Fish
4 and Allison Mary Fish, to whom the right was decreed in the case of *New International*
5 *Mortgage Bank v. Idaho Power Company, et al*, Equity No. 1602, in the District Court of
6 the United States, for the District of Idaho, Southern Division.

7 4. I request this Court take judicial notice of the contents of the final
8 decree entered in that case, dated March 22, 1932, and decreed by the Honorable Charles
9 Cavanah, Federal District Court Judge. A certified copy of that decree is in the files of this
10 Court.

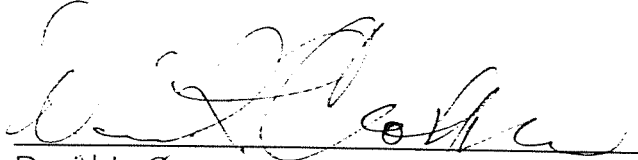
11 5. Attached to this affidavit as Exhibit "B" and incorporated into it is a
12 duplicate of the portion of the *New International Mortgage Bank* decree which shows the
13 water right I acquired through Earl Fish and Allison Mary Fish.

14 6. My water right has been used and exercised on the real property
15 identified in Exhibit "A" and which is also identified in Exhibit "B". The purposes for which
16 that right has been used and is being used are set forth in the attached Exhibit "C," along
17 with the periods and places of use and other elements of my right. Exhibit "C," which is
18 incorporated into this affidavit, shows how my decreed right has been beneficially used and
19 how it should be decreed.

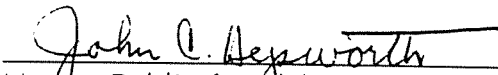
20 7. I have never intended to abandon my right or any part of it. I do not
21 believe that any of my predecessors in interest to the right intended to, or did abandon the
22 water right or any part of it. Since I have owned the water right, there has not been a
23

1 continuous five-year period of nonuse. I understand and believe that there has never been
2 a continuous five-year period of nonuse of the right.

3 Dated May 7th, 1996.

4 
5 David L. Cropper
6

7 Subscribed and Sworn to before me this 7th day of May, 1996.

8 
9 Notary Public for Idaho
10 Residing at: Iron Falls, Idaho
11 My Commission Expires: 1-11-97
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WARRANTY DEED

For Value Received

Bruce R. Bothwell and Mary L. Bothwell, husband and wife,

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

David L. Cropper and Linda C. Cropper, Husband and Wife, as to an undivided one-quarter interest; Blaine Richard Cropper and Vivian Latimer Cropper, Husband and Wife, as to an undivided one-quarter interest; William E. Norris, Trustee of the William E. Norris Separate Property Trust, dated February 15, 1991, as to an undivided one-quarter interest; and David D. Anderson and Nancy Jo Anderson, Trustees of the Declaration of Trust dated February 1, 1987, as to an undivided one-quarter interest

hereinafter referred to as Grantee, whose current address is

P.O. Box 516, Hailey, ID 83333

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A

SUBJECT TO A Real Estate Mortgage dated April 21, 1994 to secure an indebtedness in the principal sum of \$130,000.00 and any other amounts and/or obligations secured thereby.

Recorded: April 21, 1994, Instrument No. 156632

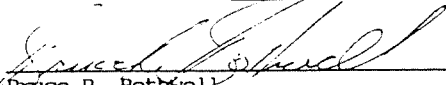
Mortgagor: Bruce R. Bothwell and Mary L. Bothwell, Husband and Wife

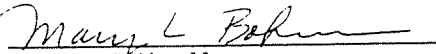
Mortgagee: Dixie L. Adamson Dennis, a married woman as her sole and separate property

WHICH GRANTEES HEREIN ASSUME AND AGREE TO PAY ACCORDING TO THE TERMS THEREOF.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: MAY 24, 1994.

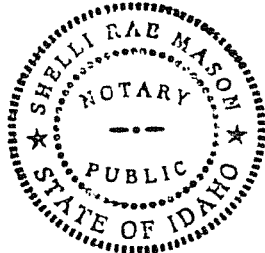

Bruce R. Bothwell

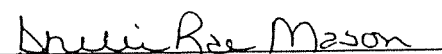

Mary L. Bothwell

STATE OF IDAHO

COUNTY OF GOODING

On This 24 day of MAY, in the year 1994, before me, a Notary Public in and for said State, personally appeared Bruce R. Bothwell and Mary L. Bothwell, known or identified to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.




Notary Public for Idaho

Residing at Gooding, Idaho

Commission Expires: 10-16-98

6-24-99

First American Title Company of Idaho

EXHIBIT A

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 13: A parcel of land known as the NE1/4 SE1/4, being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 13, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Easterly boundary line of said Section North 00° 06' 16" East, 2633.53 feet to the Northeast corner of said southeast Quarter of Section 13, said point lies South 00° 06' 16" West, 2633.53 feet from a 1" pipe and brass cap marking the Northeast corner of said Section 13, said point being the TRUE POINT OF BEGINNING;
Thence along the Northerly boundary line of said Southeast Quarter of Section 13 North 89° 57' 11" West, 1312.16 feet to the Northwest corner of said Northeast Quarter of the Southeast Quarter, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Westerly boundary line of said Northeast Quarter of the Southeast Quarter South 00° 01' 23" West, 1316.89 feet to a point monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Southerly boundary line of said Northeast Quarter of the Southeast Quarter South 89° 57' 31" East, 1310.28 feet to a point on the Easterly boundary line of said Northeast Quarter of the Southeast Quarter of Section 13, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along said Easterly boundary line of said Northeast Quarter of the Southeast Quarter North 00° 06' 16" East, 1316.76 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right of way for road purposes across the North 16 feet of the South 24 acres of the NW1/4SE1/4 as contained in Quitclaim Deed, recorded February 11, 1929 in Book 18 of Deeds, Page 364 as Instrument No. 47626, Gooding County, Idaho records.

NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
ELIASON, JACOB AND CARRIE I.	1.6 Len Lewis Spring	Sept. 1, 1889	Brailsford-Owens Ditch
	.7 Spring	March 8, 1902	Weatherby Springs;

The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.; also that certain portion of the northwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36, in Twp. 7 S. R. 13 E. B. M. in Idaho, more particularly described as follows, to-wit: Beginning at the quarter corner between sections 25 and 36 in said Twp. 7 S. R. 13 E. B. M. running thence east a distance of 399 feet to the center of the public highway, thence in a southwesterly direction in the center of the said highway a distance of 278 feet; thence westerly along the north bank of the Clifford Ditch a distance of 370 feet to the west boundary line of the said northwest quarter of the northeast quarter of said Sec. 36, thence north along the said west boundary line a distance of 257 feet to the place of beginning, known as Tax No. 1 in Sec. 36, in the office of the Assessor of Gooding County, Idaho;

Also that certain tract of land more particularly described as follows, to-wit: Beginning at the southwest corner of the southwest quarter of the southeast quarter of Sec. 25, Twp. 7 S. R. 13 E. B. M., thence running east 397 feet, thence northwesterly to a point distant eighteen hundred and seventy feet on section line from the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, thence south 1870 feet to the place of beginning. Said piece of land being a triangular piece of land containing 9.5 of an acre according to the survey thereof, and known as Tax No. 1 of said Sec. 25, in the office of the Assessor of Gooding County, Idaho.

FARMER, J. EUGENE, AND MARVEL FARMER	.5 Spring	Feb. 1, 1898	Weatherby Springs;
	5.7 Spring	Feb. 17, 1898	"Three Springs"

(Said "Three Springs" is located immediately east of the east boundary line of the Dan Jones' Ranch, about one-eighth mile east of Billingsley Creek and about one mile north of the head of said Billingsley Creek.)

SE $\frac{1}{4}$ of Sec. 24, Twp. 7 S. R. 13 E. B. M. and Lot 4 of Sec. 19, Twp. 7 S. R. 14 E. B. M.

FISH, EARL, AND ALLISON MARY FISH	1.6 Spring	July 23, 1910	Sherman Springs;
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(Said Sherman Springs arises about one mile east of the land described below and is about 200 feet from "Big Springs" elsewhere described herein.)

Beginning at a point 50 rods east of the northwest corner of the northwest quarter of the southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, Twp. 7 S. R. 13 E. B. M. and on the north line of the above described forty acres. Thence 50 rods due east on the half sec-

WATER RIGHT ELEMENTS

- | | | |
|-----|---|--|
| 1. | Names and Address of Claimants: | William E. Norris, David L. and Linda C. Cropper, Blaine Richard and Vivian Cropper, Dave and Nancy Anderson
P.O. Box 669
Hailey, ID 83333 |
| 2. | Source of Water: | Sherman Springs |
| 3. | Quantity of Water Used: | 1.6 cfs |
| 4. | Date of Priority: | July 26, 1910 |
| 5. | Legal Description of the Point of Diversion: | Township 7 South, Range 14 East, Boise Meridian, Section 18, NW1/4NW1/4SW1/4, Gooding County, Idaho |
| 6. | Purpose of Use: | Irrigation; Diversion System Maintenance; Stockwater; Wildlife; Recreation; Aesthetics |
| 7. | Period of Year Water is used for such Purposes: | Irrigation purpose is used during the irrigation season; All other purposes are used year around |
| 8. | Legal Description of the Place of Use: | Township 7 South, Range 13 East, Boise Meridian, Section 13, NE1/4SE1/4 - 39.8 acres |
| 9. | Annual Volume of Consumptive Use: | 179.1 afa |
| 10. | Conditions on the Exercise of Water Right: | None |
| 11. | Remarks necessary for Definition: | None |