

COPY

RECEIVED

JUL 03 1996

Department of Water Resources

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone 208-734-0700/Fax 208-736-0041
06049602\gds.jc

Attorneys for Billingsley Creek Ranch

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. 36-15462

AFFIDAVIT OF GEORGE H. LEMMON

STATE OF IDAHO)
)ss.
County of Gooding)

GEORGE H. LEMMON, being first duly sworn upon oath, deposes and says:

1. I have lived in the Hagerman Valley for seventy-five (75) years.

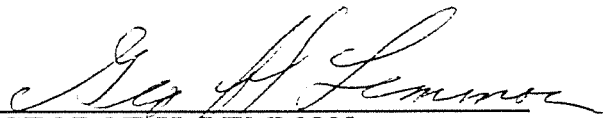
2. I have been the Water Master in Water District 36-A for forty (40) years.

3. Water from Three Springs has been diverted and delivered to the property owned by Donnie McFadden and/or Billingsley Creek Ranch on a year round basis for as long as I can recall. Water has been diverted and delivered during the non-irrigation season in order to supply stock water to sheep and cattle that were previously kept on the McFadden/Billingsley Creek Ranch property, as well as more contemporary uses for

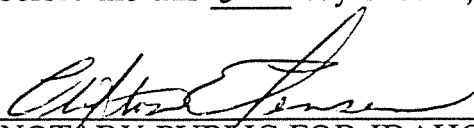
1 fish propagation, wildlife and aesthetic purposes. At times, there were more than five
2 thousand (5,000) head of sheep that were watered there.

3 4. McFadden's predecessor in interest diverted sufficient water during the
4 non-irrigation season to fill two (2) miles of a six (6) foot wide canal and various ditches
5 in zero degree weather and drifting snow. I would estimate that the amount of water so
6 diverted was approximately two hundred (200) miner's inches, or four (4) cubic feet per
7 second.
8

9 Further saith your affiant not.

10
11 
12 GEORGE H. LEMMON

13
14 SUBSCRIBED AND SWORN to before me this 6th day of June, 1996.

15
16 
17 NOTARY PUBLIC FOR IDAHO
18 Residing at Hagerman Id.
19 Commission expires 5-10-97
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

I hereby certify that on the 1 day of July, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to (insert names and addresses):

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
133 Shoshone Street North
P.O. Box 389
Twin Falls, ID 83303-0389

A. Lynne Krogh
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237



Gary D. Slette