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SEP 18 1996

COPY

Department of Water Resources

Movant:

Lee Watson

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 Nos. 34-00182, 34-00381A
) and 34-02379F

Case No. 39576

) AFFIDAVIT OF LEE WATSON
)

* * * * *

STATE OF CALIFORNIA)
) ss.
County of Glen)

Lee Watson, being first duly sworn upon oath, deposes and says:

1. My name is Lee Watson, and I make the following statements based
on my personal knowledge and beliefs. I am otherwise competent to testify to the matters
set forth below.

2. I own a farm in the Big Lost River Valley of Idaho, near Antelope
Creek. I purchased it in the fall of 1995, along with several water rights that are used to

1 irrigate that property. Two of the rights, nos. 34-00182 and 34-00381A, are decreed in the
2 Utah Construction v. John F. Abbott, et al case from Federal Court. The third right, no. 34-
3 02379F, is licensed by the State of Idaho.

4 3. Before I purchased the property, a gentleman by the name of J.D.
5 Schwartz had an interest in the property. Schwartz realized the three rights to the property
6 had not been claimed in the Snake River Basin Adjudication because the farm had been tied
7 up in foreclosure disputes. I understand that Mr. Schwartz, with permission from the court,
8 filed a late claim for each of the three rights and paid the filing fees to Idaho Department
9 of Water Resources. Accurate copies of those Notices are attached to this affidavit as Exhibit
10 A.

11 4. Since I became involved with the property, there were many delays in
12 closing on the property, and I was not able to close until November of 1995. Therefore,
13 the summer growing season of 1996 was the first opportunity I have had to use the water
14 under my three rights. On about July 3, 1996 I asked Don Scar, who I understand to be the
15 person authorized by the watermaster to deliver water, to deliver the three rights listed
16 above. I provided Mr. Scar with various documents evidencing my ownership of the rights,
17 the decree dates, and other information pertaining to the rights. Mr. Scar informed me that
18 everything appeared to be in order and that the gentleman who operates my ranch, Byron
19 Pehrson, could make a call for delivery of the rights when he desired.

20 5. I understand that Mr. Pehrson attempted to have the rights delivered
21 on several occasions but has been told by Mr. Scar and others that they are unable to
22 deliver the rights as they are not on the list provided to the watermaster from IDWR.
23

6. Because Mr. Pehrson and I were unable to get anyone to deliver the rights, we obtained Patrick Brown as our legal counsel. I have asked Mr. Brown to see if he could get the watermaster or IDWR to deliver the rights. I understand that he has also been unsuccessful because Idaho Department of Water Resources believes that it may not deliver the right under the court's orders because the rights were not claimed when the Director's Report for the Big Lost River Valley was filed.

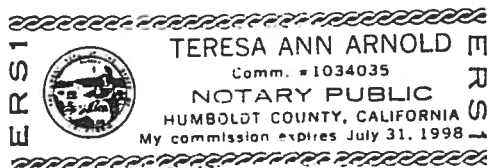
7. I intend to plant winter wheat this fall on my property. I need to have the three rights delivered in order to get that crop started. Therefore, I am submitting this affidavit to the court with the request that it direct the Idaho Department of Water Resources to deliver my decreed and licensed rights.

8. Further your affiant sayeth not.

Dated this 13 day of September, 1996.

Lee Watson

SUBSCRIBED and SWORN to before me this 13th day of September, 1996.



Yeresa Ann Orsted
NOTARY PUBLIC FOR CALIFORNIA
Residing at: Bureka, Calif.
My Commission Expires: July 31, 1978

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 movant in this matter, certifies that on the 17 day of September, 1996, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

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

United States Dept. of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

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

Director of IDWR
P. O. Box 83720
Boise, ID 83701-2139

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



Patrick D. Brown

(WATER\WATSON.AFF)llm

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number

#34-00182011A

Date Received

06-24-1994

Receipt Number

06-24-1994

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 24 1994

Department of Water Resources
Adjudication Bureau

Please type or print clearly

1. Name of Claimant (s) J.D. and Lisa Schwartz

Phone (208) 232-5623

Mailing Address 4330 S. Bannock Hwy. Pocatello, IDZip 832042. Date of Priority (Only one (1) per claim) JUNE 1, 18833. Source of water supply (a) Big Lost Riverwhich is tributary to (b) SINKS4. a. Location of existing point of diversion is: Township 06N Range 25E Section 14SE 1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of Butte

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township 06N Range 25E Section 14, 1/4 of 1/4 of 1/4Govt. Lot B.M., County of Butteending point is: Township 06N Range 25E Section 14, 1/4 of 1/4 of 1/41/4, Govt. Lot B.M., County of Butte

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgates for 3 in 1 ditch

EXHIBIT

A

000001

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRIGATION purposes from 05/01 to 10/15 amount 1.6 cfs or 1.6 acre feet

For _____ purposes from _____ to _____ amount _____ cfs or _____ acre feet

For _____ purposes from _____ to _____ amount _____ cfs or _____ acre feet

For _____ purposes from _____ to _____ amount _____ cfs or _____ acre feet

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed _____ (cfs) and/or _____ (acre feet)

9. Non-irrigation uses: describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4	NW 1/4	SW 1/4	SE 1/4	Totals
06N	26E	32	400	310	400	310	2210
06N	26E	32		140	370	400	910

Total number of acres irrigated 312.0

11. In which county (ies) are lands listed above as place of use located? Butte

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
34-00381A, 3402379F or None ()

14. Remarks:

Last Name Schwartz Ident No. A34-00182

Copies: White -State, Yellow-Claimant
000002

A34-00381A ; A34-00182

Antelope

Darlington

Weil

5610

Gravel
P.H.

DM

•••G:ave
•••Pit

5

5.1.1. on 4

434-00182

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant UTAH Construction vs. JOHN F ABBOTT, ET AL
Plaintiff Defendant

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date 06-29-1994

Lisa Schwartz

Date 10-18-94

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day of October 19 94

SEAL

Notary Public _____

Residing at _____

Twin Falls, Idaho

My Commission Expires _____

July 18, 1995

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Schwartz Ident. Number 734-00182

Copies White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A34-003814

Date Received 06-29-1994

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 24 1994

Department of Water Resources
Adjudication Bureau

Please type or print clearly

1. Name of Claimant (s) J. D. and Lisa Schwartz Phone (208) 233-5623

Mailing Address 4330 Spanner Hwy Pocatello Idaho Zip 83241

2. Date of Priority (Only one (1) per claim) Sept 26 1894

3. Source of water supply (a) Big Lost River

which is tributary to (b) SINKS

4. a. Location of existing point of diversion is: Township 06N Range 25E Section 14,

SE 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Butte

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4.

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Heaving for 3 in 1 ditch

000000

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 05/01 to 10/15 amount 2.400 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.400 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
06N	26E	31			40.0	31.0									40.0	40.0	32.0	40.0	221.0
06N	26E	32						14.0				37.0	40.0						91.0

Total number of acres irrigated 312.0

11. In which county (ies) are lands listed above as place of use located? Rutledge

12. Do you own the property listed above as place of use? Yes ☒ No ☐
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
34-CC 182 / 34-CC 379 F or None ()

14. Remarks:

Last Name Schmitt Ident No. A34-CC 381 A

Copies: White - State, Yellow - Claimant

00006

A34-00371A - A34-00182

Antelope

Darlington

3/1

14

20

4

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant Utah Construction JOHN ABBOTT ET AL
Decree Plaintiff Decree Defendant

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 06-29-94

Lisa Schwartz Date 00-18-94

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

) SS.

County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 18th day of October 19 94

SEAL

Notary Public [Signature]

Residing at Twin Falls, Idaho

My Commission Expires July 18, 1995

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Edwards Ident. Number AS4-CC 381A

Copies White-State, Yellow-Claimant

00006.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

434-02379 F

Date Received

Oct 29 / 1994

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 24 1994

Department of Water Resources
Adjudication Bureau

Please type or print clearly

1. Name of Claimant (s) J.D and on Lisa Schwartz Phone (208) 232-5623
Mailing Address 4330 S Bannock Hwy Portello ID Zip 83204
2. Date of Priority (Only one (1) per claim) Aug 8 1960
3. Source of water supply (a) ground water
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 60N Range 26E Section 31,
SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Butte
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. well with open discharge into Ditch

000057

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/15 amount 2.110 or 392.00

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.110 (cfs) and/or (b) 392.00 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
06N	26E	31			36										38	38			112.0

Total number of acres irrigated 112.0

11. In which county (ies) are lands listed above as place of use located? Ruthe

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
34-00381 A / 34-00182 or None ()

14. Remarks:

Last Name

02/05A Silvestre

Ident No.

A34-02375 F

Copies: White -State, Yellow-Claimant

00905

A34-00381A & A34-00182

Antelope

Darlington

J.D / Lisa Schwantz

A34-02379A

0000

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 28941
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____

Date 6-29-94

Date 10-18-94

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day of October 19 94

SEAL

Notary Public [Signature]

Residing at _____

Twin Falls, Idaho

My Commission Expires _____

July 18, 1995

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Schwartz

Ident. Number A34-C2379F

Copies White-State, Yellow-Claimant

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