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DEPARTMENT OF
WATER RESOURCES

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5 *Attorneys for Weitz & Company, Inc.*

6
7
8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
9 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

10 In Re SRBA

Subcases No. 61-248 and 61-10419

11 Case No. 39576

12 **AFFIDAVIT OF DANIEL P. WEITZ**

13
14 DANIEL P. WEITZ, being first duly sworn, deposes and states:

15 1. I am over the age of eighteen (18) and the facts I state below are based on my
16 personal knowledge.

17 2. I am the President, registered agent and sole shareholder of Weitz & Company,
18 Inc., an Idaho corporation that was registered with the Secretary of State's Office in 1992.

19 3. In 2006, Weitz & Company, Inc., acquired from David F. Van Berkem, successor
20 trustee of the Van Berkem Trust, real property located within Elmore County, Idaho, historically
21 known as Bennett Ranch.

22 4. Bennett Ranch, particularly located in the Northwest Quarter of Section 26,
23 Township 03 South, Range 06 East, Boise Meridian, has historically been, and continues to be,
24 cultivated with a variety of agricultural crops.

25 5. In acquiring Bennett Ranch, Weitz & Company, Inc., became the successor in
26 interest in appurtenant beneficial water use historically recognized as Water Right No. 61-248.



1 6. Water Right No. 61-248 has historically been, and continues to be, exercised for
2 the purpose of irrigation upon Bennett Ranch.

3 7. Irrigation of Bennett Ranch under Water Right No. 61-248 has been exercised
4 without interruption since it was acquired by Weitz & Company, Inc.

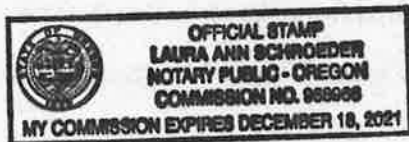
5 8. Prior to the 2014 issuance of the Final Unified Decree in the Snake River Basin
6 Adjudication, the Mountain Home Irrigation District did not consult or otherwise communicate
7 with Weitz & Company, Inc., about the District's claim of the beneficial use recognized under
8 Water Right No. 61-248.

9
10 RESPECTFULLY SUBMITTED this 15 day of February, 2021.

11
12
13 Daniel P. Weitz
14

15 SUBSCRIBED AND SWORN TO before me this 15 day of February, 2021.

16
17 Laura Ann Schroeder
18 Notary Public in and for the State of Oregon
19 Residing at Sumpter, Oregon
20 My commission expires 12-18-2021



CERTIFICATE OF MAILING

I hereby certify that on February 16, 2021 I caused a true and correct copy of the foregoing ***AFFIDAVIT OF DANIEL P. WEITZ*** to be mailed with sufficient first-class postage to the following:

Chris M. Bromley
Candice M. McHugh
McHugh Bromley, PLLC
380 S. 4th Street, Suite 103
Boise, ID 83702
Attorney for Mountain Home Irrigation District

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

United States Department of Justice
Environment & Natural Resources Division
550 W Fort St., MSC 033
Boise, ID 83724

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Dated this 16th day of February, 2021.



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