

CANDICE MCHUGH
IDAHO STATE BAR NO. 5908
CHRIS M. BROMLEY
IDAHO STATE BAR NO. 6530
MCHUGH BROMLEY, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
Telephone: (208) 287-0991
Facsimile: (208) 287-0864
cmchugh@mchughbromley.com
cbromley@mchughbromley.com

RECEIVED
JUN 18 2018
WATER RESOURCES
WESTERN REGION

Attorneys for Trail Family Farms, LLLP

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF TRANSFER NO.
81459

AFFIDAVIT OF WALTER TRAIL

IN THE NAME OF TRAIL FAMILY
FARMS, LLLP

IN THE MATTER OF EXCHANGE NO.
81775

IN THE NAME OF TRAIL FAMILY
FARMS, LLLP

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

I, **Walter Trail**, affirm as follows:

1. I am a citizen of the State of Idaho over the age of 21, residing at 5308 E. Trail Rd., King Hill, ID 83633. I am the manager of Trail Properties, LLC, the General Partner of Trail Family Farms, LLLP the Applicant of the above captioned matter.

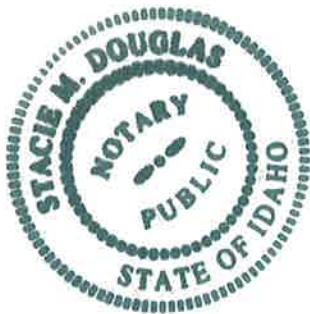
2. Trail Family Farms, LLLP purchased the property and water rights in question on March 17, 2016.
3. The property is irrigated with waste water, Little Canyon Creek water and shares from King Hill Irrigation District.
4. When Little Canyon Creek dries up in mid to late summer, the water at the point of diversion is waste water that flows from surrounding fields north and east and west of the point of diversion, which are irrigated by shares in King Hill Irrigation District and by other surrounding surface water sources, such as Sand Springs Gulch, upstream storage and tail water off the end of King Hill ditch.
5. After I bought the property we put in the sprinkler system. That fall, we diverted the waste water from our headgate in section 17 and irrigated a portion of the property. The following spring we realized that the location of where we diverted the waste water is located in section 17 but the authorized point of diversion under the water rights is in section 18, thus we needed to add an additional, alternative point of diversion in section 17 so that we can use both diversion points for waste water, limited to 1.0 cfs.
6. The additional or alternative point of diversion contained in the proposed transfer application, is not for a new water source, it is still for waste water that derives from King Hill tail water and field run off which was collected at the point of diversion located in Little Canyon Creek.
7. The Williams' water right 61-12190 does not divert out of the same point of diversion that is currently listed on water right 61-2000A, 61-7236A and 61-7236B but diverts approximately 3/8 of a mile upstream.


FURTHER YOU AFFIANT SAYETH NAUGHT.

DATED this 14 day of June, 2018.


Walter Trail

SUBSCRIBED AND AFFIRMED to before me this 14th day of June, 2018.




Notary Public in and for the State of Idaho
Residing at: Bowse
My Commission Expires: 1/27/2022

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following on this 18th day of June, 2018, by the following method:

Idaho Department of Water
Resources – Western Region
2735 Airport Way
Boise, ID 8370

- ☐ U. S. Mail, postage pre-paid
- ☒ Hand Delivered
- ☐ Overnight Mail
- ☐ Facsimile
- ☐ E-mail

Dylan R. Lawrence
VARIN WARDWELL LLC
242 N 8th St., Ste 220
PO Box 1676
Boise, ID 83701-1676

- ☐ U. S. Mail, postage pre-paid
- ☒ Hand Delivered
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ E-mail

Jerry Gorrell
Ark Properties
PO Box 727
Glenns Ferry, ID 83623

- ☐ U. S. Mail, postage pre-paid
- ☐ Hand Delivered
- ☒ Overnight Mail
- ☐ Facsimile
- ☒ E-mail

Carlene Mylon