

Robert L. Harris (ISB #7018)

rharris@holdenlegal.com

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

1000 Riverwalk Dr., Ste. 200

P.O. Box 50130

Idaho Falls, Idaho 83405

Telephone: (208) 523-0620

Facsimile: (208) 523-9518

RECEIVED

APR 15 2019

Department of Water Resources
Eastern Region

Attorneys for Clinton Aston

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

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 82640 IN THE
NAME OF CLINTON ASTON

**DECLARATION OF
CLINTON ASTON**

I, Clinton Aston, under penalty of perjury, hereby declare and state as follows:

1. I am over the age of eighteen (18) and am competent to testify to the matters contained herein.
2. I have personal knowledge of the matters contained herein.
3. I am the Applicant in the above-entitled matter.
4. I took the photos attached to this declaration as **Exhibits 1 through 6** with my Apple iPhone.
5. I took the photographs attached as **Exhibits 1 through 3** on March 30, 2019. I took the photographs attached as **Exhibits 4 through 6** on April 2, 2019.
6. The photos fairly and accurately represent what I saw the day that I took them. I have not altered the photos except for the blue writing on **Exhibits 1 and 6**.

7. **Exhibit 1** is a photo of the two culverts I testified about at the hearing. At the time of the hearing in late February, these culverts were covered with snow, and I could not take photos of the culverts. I electronically wrote with the blue writing on this photo.
8. The culvert with the label of "2nd" was the original culvert that drained the spring. The other culvert that was used to place portable mainline through has been removed. A photo of this removed culvert was introduced at the hearing as Exhibit 115.
9. The County provided the culvert that currently drains the spring, and Gary Cahoon installed the culvert. This culvert is depicted on the **Exhibit 1** photo below on the left side of the photo. The location of this culvert is where the Exhibit 115 culvert (where mainline was placed through) was originally located. Once water goes through this new culvert, the spring drain is piped through my field.
10. To summarize, there have been three total culverts in the area depicted on the **Exhibit 1** photo: One that was removed that had portable mainline placed through it, one that originally conveyed spring water that was later no longer used (but remains in place), and one that currently drains the spring that was provided by the County and installed by Gary Cahoon at the location of the Exhibit 115 culvert.
11. I owned my farm ground at the time the culverts were removed and became familiar with them because of my ownership of the farm ground and the location of these culverts on the northern boundary of my farm ground.
12. **Exhibit 2** is a photo at a different angle showing both culverts. The original spring drain culvert has a metal post next to it near the upper center of the photo.
13. **Exhibit 3** is another close-up photo of the culvert that originally drained the spring. My pivot is in the background.

14. **Exhibit 4** is a photo of Anker Ditch and the 16 acres of pasture of 13-4120 located in Section 5. There is no water in the Anker Ditch. The pasture is behind the Anker Ditch.
15. **Exhibit 5** is another photo of the Anker Ditch and the 16 acres of pasture of 13-4120 located in Section 5. There is no water in the Anker Ditch. The pasture is in behind the Anker Ditch.
16. **Exhibit 6** is a photo of the 16 acres of pasture of 13-4120, with the label "water" and the arrow in blue that I electronically placed on the photo. The photo shows the presence of water on the property when compared to neighboring properties and is consistent with the testimony of Bill Spradlin offered at the hearing.
17. I have confirmed in a conversation with Charlotte Schvaneveldt on April 14, 2019 that she does not own and has never owned (along with her husband Sid) any shares in the Weston Creek Irrigation Company. This is consistent with the testimony of ElRay Balls at the hearing who testified that he received all of the Weston Creek Irrigation Company shares for his farm.

[SIGNATURE ON FOLLOWING PAGE]

I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

Dated this 15th day of April, 2019.


Clinton Aston

EXHIBIT 1



EXHIBIT 2



EXHIBIT 3



EXHIBIT 4



EXHIBIT 5



EXHIBIT 6



CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April, 2019, I served a copy of the following described pleading or document on the attorneys and/or individuals listed below by the method indicated below.

DOCUMENT SERVED:

DECLARATION OF CLINTON ASTON

**ORIGINAL VIA EMAIL
AND HAND DELIVERY TO:**

James Cefalo
Hearing Officer
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
James.Cefalo@idwr.idaho.gov

ATTORNEYS AND/OR INDIVIDUALS SERVED:

J&F King Farms Inc.
Geraldine K. Gunnell
8169 W. Hwy 36
Weston, ID 83286

- ☒ Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Courthouse Box
- ☐ Email

Shelly and William Spradlin
6995 W. 2200 S.
Weston, ID 83286

- ☒ Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Courthouse Box
- ☒ Email

Courtesy Copy:
Bob White
7026 W. 2200 S.
Weston, ID 83286

- ☒ Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Courthouse Box
- ☐ Email

Courtesy Copy:
Kevin L. Olson
7806 W. 300 S.
Weston, ID 83286

- ☒ Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Courthouse Box
- ☐ Email

Jay Norman Fonneseck
6022 W. Hwy 36
Weston, ID 83286

- ☒ Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Courthouse Box
- ☒ Email



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.