

AFFIDAVIT OF HERB WHITWORTH

STATE OF IDAHO)
) ss.
County of Custer)

I, HERB WHITWORTH, being first duly sworn upon oath depose and state as follows:

1. I am currently and have been for ~~42~~ years a resident of Custer County, Idaho.
2. In February 1998 Water Right 34-10165 was decreed to me in the SRBA for the irrigation of 786 acres of my ranch in Custer County, Idaho. Several other decreed water rights were also combined with 34-10165 to irrigate the same decreed place of use.
3. In November 2005 I sold a portion of my ranch in Custer County, Idaho to Lita West together with a portion of 34-10165 for the diversion of 120 inches from the Big Lost River with an April 15, 1902 priority date to irrigate 87 acres. This split of 34-10165 was renumbered as Water Right 34-14020. As part of the sale I leased back the land from Ms. West and continued to operate the two properties together as a single large ranch.
4. The priority date of 34-14020 is very junior compared to many of the other water rights used to irrigate the combined place of use. The decreed point of diversion for this right is the Longhurst Canal which diverts water from the Big Lost River to the North side of the River. The land sold to Ms. West is all located on the South side of the River which makes it very difficult to deliver 34-10420.
5. In operating both properties together as a single ranch I did what I could with the water available for irrigation. During the limited times that 34-14020 was available due to its

priority date, it did not make operational sense to try to irrigate the 87 acres located on the West property located across the Big Lost River from the Longhurst Canal delivery system. As a result 34-14020 has not been used to irrigate the West property since 2005 and, instead, I used that land for grazing cattle.

5. I am over the age of eighteen and competent to testify under oath as to all of the matters set forth above in this Affidavit.

DATED this 25 day of September, 2018.


HERB WHITWORTH

SUBSCRIBED AND SWORN TO before me this 25 day of September, 2018.




NOTARY PUBLIC for Idaho
Residing at: Mackay
My Comm. Expires: _____ My Commission Expires
August 31, 2022