

ORIGINAL

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Attorney for Applicants/Protestants

RECEIVED
MAR 28 2017
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WATER RIGHT
TRANSFER APPLICATION NO. 81039 IN
THE NAME OF WALLACE AND PERMIT
NOS. 78-12439 IN THE NAME OF
KALINOWSKI AND 78-12447 IN THE
NAME OF HENLEY

AFFIDAVIT OF JAMES HENLEY IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

STATE OF IDAHO)
) ss.
County of Adams)

James Henley, being first duly sworn upon oath, deposes and states as follows:

1. My name is James Henley. I am over the age of eighteen and make this affidavit on personal knowledge.
2. My wife and I are the applicants for water right no. 78-12447 at issue in this matter. We reside at 3808 Shadow Pine Circle, New Meadows ID 83654, and have lived there since May, 1998.
3. Since 1998 the Wallace family have entered our property on multiple occasions claiming that they are the sole owners of water emanating from a spring on my property. They have crossed the property with heavy equipment on many occasion, and have caused substantial damage to my property, as well as the neighboring property of Dr. Kalinowski.

AFFIDAVIT OF JAMES HENLEY

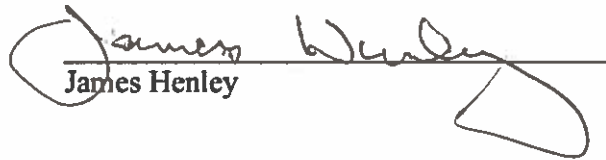
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MAR 31 2017

4. After Mr. Leonard Wallace installed a well on the property that he shares with his son and daughter-in-law, Michael and Sissy Wallace, the well produced such abundant water that Leonard Wallace offered to supply the excess water to our neighbors, the Thieles.

5. An altercation occurred between Leonard Wallace and the Thieles, and as a result the Thieles stopped accepting the excess water from Leonard Wallace. During the time that the excess water was provided to the Thieles it was estimated to produce 4 to 5 gallons per minute of water, just from the excess water.

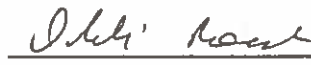
6. Our property is served by a well that produces also approximately 4 to 5 gallons of water per minute. This quantity of water provides domestic use for our 3,900 square foot, 3 bedroom home, and also provides enough water to irrigate approximately half an acre of lawn, flower beds and a vegetable garden.

DATED THIS 23 day of March, 2017.


James Henley

SUBSCRIBED AND SWORN to before me this 23 day of March, 2017.




NOTARY PUBLIC FOR IDAHO
Residence: New Meadows
My Commission Expires: 8/31/2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of March, 2017, I caused a true and correct copy of the foregoing **AFFIDAVIT OF JAMES HENLEY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** to be filed with or served upon the following parties by the indicated methods:

Filed with:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082
Facsimile: (208) 334-2348

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

Served on:

Mike and Eulla Wallace
3288 Wallace Lane
New Meadows, ID 83654

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email

James Cefalo
Hearing Officer
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

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☐ Overnight Mail
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Shelley M. Davis
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