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Department of Water Resources
Eastern Region

Perry L. Woodard
2180 East 1900 North
PO Box 85
Hamer, ID 83425

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

**IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 73951 (in the name of
Mud Lake Water Users, Inc.**

AFFIDAVIT OF PERRY L. WOODARD

STATE OF IDAHO)
) SS.
County of Jefferson)

I, Perry L. Woodard do solemnly swear (or affirm) that the testimony given in this sworn statement is the truth, the whole truth, and nothing but the truth, that it is made on my personal knowledge, and that I would so testify in open court if called upon to do so.

And being so sworn I depose and say:

In response to Ron Carlson's affidavit.

Ron Carlson's statement that he personally authorized the installation of the pump on MLUW dike is a direct contradiction of his next statement that the Idaho Department of Water Resources had neither responsibility nor approval authority for this pump, and that it was simply a modification of MLUW diversion works on Camas Creek.

MLWU have no water rights on Camas Creek. If the Idaho Department of Water Resources has no oversight or approval authority, how is it that he authorized the pump? I would like to see the policy that states this- if there is a water right in the river, to fill a right that is in priority, it is the water right holder's responsibility to do whatever it takes to divert water. MLWU have no water rights on Camas Creek.

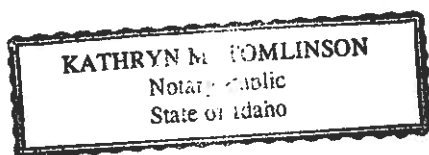
If this is directly analogous to dozens of diversions in District 1, are they all illegal? I believe that further documentation needs to be present to substantiate Ron Carlson's claim that he authorized the use of the mentioned pump 1994.

The hearing officer and the Idaho Department of Water Resources need to enforce Idaho water law and deny a declaratory judgment that MLWU doesn't need a point of diversion or a water right in Camas Creek or Ray's Lake to take this water.

DATED this 20th day of November, 2008

Perry L Woodard

SUBSCRIBED AND SWORN TO before me this 20 day of November, 2008



Kathryn M Tomlinson
Notary Public for State of Idaho
Residing in Territon, ID
My Commission Expires: 9-4-09

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage on the 20th day of November, 2008

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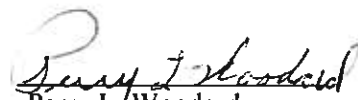
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