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JUL 11 2008

DEPARTMENT OF
WATER RESOURCESSUPPLEMENTAL AFFIDAVIT OF STEVEN A. WUTHRICH
RE WATER RIGHT PERMIT NO. 11-7342STATE OF IDAHO)
) ss
County of Bear Lake)

Steven A. Wuthrich, being first duly sworn under oath, deposes and states that the following is true and correct to the best of his knowledge, information and belief:

1. This Affidavit is submitted to supplement the information previously provided to the Idaho Department of Water Resource (IDWR) on or about May 30, 2008. I incorporate herein the statements made in my prior Affidavit.
2. I am a resident of the State of Idaho and reside at 214 Canyon Road, Montpelier, Idaho. I am a member of the Idaho State Bar, ISB# 3316, and the Utah State Bar, USB #6055
3. To the best of my recollection, the following is provided to describe the diversion works for the development of this water right: A 1 1/4" inch galvanized pipe consisting of one or two sections (to about 30 feet) was put into place from the spring toward the north. The pipe dumped water out to a ditch (previously described as the hand dug ditch) running east to the meadow/pasture area and along the lower road and hill toward the west, dumping into the lower field to the west as flood irrigation over a portion of ground and then seeping therein. The amount of ground irrigated was approximately 5 acres. It was generally irrigated from April 1st through November 1st of each year
4. My father-in-law grew crops consisting of mostly barley in the late 1970's. He continued diverting water through the pipe and onto the west ground but mostly onto the east ground after grass seed and alfalfa were planted for the CRP program in 1987. The water was continually put to beneficial use through the mid-1990s.
5. From the 1 1/4" pipe, a T-joint with a bell reducer to a 1" pipe and a valve restricting the flow was placed over a trough for stockwater purposes. I approximate that the amount of water flowing from the 1" pipe into the trough was the amount of a hose turned on to full. The pipe was also used for domestic purposes since we were able to drink from the water drizzling from the pipe using a cup, hands or by filling jugs with water.
6. H.K. Sherling was a sheepherder who brought his sheep over to the east field from about April 1st through November 1st of each year. Other Basque sheepherders temporarily used that field to camp and graze their sheep. The spring was used for livestock, domestic pets and for the sheepherders while they camped nearby.

ORIGINAL

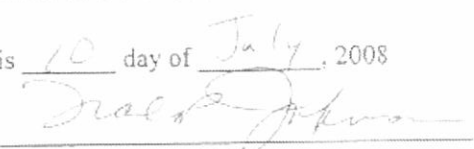
7. The east field is where the present owners of the property, Dr. and Mrs. Franson, now graze their horses
8. As stated in the previous Affidavit, the "Mountain Men" aka the "Muzzle Loaders" obtained permission from my father-in-law to use the field in late spring/early summer to camp and hold their rendezvous. The spring was used for domestic purposes by the Muzzle Loaders up through 1997 (year of Gayle Hunt's death). After his passing, the children restricted use of the field and road because of trespassing issues, theft, littering and damage to the property by motorized recreational vehicles
9. I believe that it was a priority for Gayle Hunt to use the water and land which is the subject of this permit. The spring was always an integral part of our farming, camping, grazing and other activities.
10. Seven years after Gayle Hunt's death, I disposed of all of his tax records, which included income tax and expense records and receipts pertaining to the farm. The records included but were not limited to all of the farming operations (i.e. water development expenses, receipts for the purchase of pipe from the hardware store, equipment from various businesses and other miscellaneous documents pertaining to the development of the water right). Since the records have been destroyed, they are not available as supporting documentation at this time.

FURTHER YOUR AFFIANT SAITH NAUGHT.

Dated this 10 day of July, 2008.


STEVEN A. WUTHRICH

SUBSCRIBED and SWORN TO before me this 10 day of July, 2008


Notary Public for Idaho

Residing in: Quincy

My Commission Expires: 7-2-2010

(SEAL)

