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Attorneys for Crooked River Ranches, LLC

RECEIVED
MAR 28 2024
DEPARTMENT OF
WATER RESOURCES

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase Nos. 69-4103A, 69-4103B, 69-4104A, 69-4104B, and 69-4112

**DECLARATION OF
STEVEN VISOSKY**

I, Steven Visosky, being first duly sworn upon oath, depose and state as follows:

1. I am over the age of eighteen and am competent to testify to the matters contained herein. I make this declaration pursuant to Idaho Code § 9-1406 and based on my own personal knowledge.

2. I am a Principal Water Resource Agent at the Idaho Department of Water Resources ("Department"). I have been in this position since August 21, 2022. I am based out of the Department's State Office, 322 E. Front Street, Suite 648, Boise, Idaho 83702.

3. On January 30, 2008, the above-captioned water rights were partially decreed by the Snake River Basin Adjudication district court as follows:

Water Right No.	Date Decreed	Owner	Priority
69-4103A	01/30/2008	Evea H. & Harold A. Powers	4/1/1888
69-4104A	01/30/2008	Evea H. & Harold A. Powers	4/1/1888
69-4122	01/30/2008	Ava E. & Jack Rubelts	5/6/1901
69-4103B	01/30/2008, amended 06/29/2009	Moonshine Ventures LLC	4/1/1955
69-4104B	01/30/2008	Moonshine Ventures LLC	4/1/1955

4. Department records show that on September 3, 2009, the ownership of water right nos. 69-4103A and 69-4104A was changed from Evea H. and Harold A. Powers to Harold A. Powers and Evea H. Powers Trust.

5. Department records show that on October 1, 2018, the ownership of water right nos. 69-4103A and 69-4104A was changed from Harold A. Powers and Evea H. Powers Trust to Katie White.

6. Department records show that on December 1, 2022, the ownership of water right nos. 69-4103A and 69-4104A was changed from Katie White to Crooked River Ranches, LLC ("CRR"). Ownership of these water rights is currently in the name of CRR.

7. Department records do not show changes of ownership filed with the Department for water right nos. 69-4122, 69-4103B, or 69-4104B.

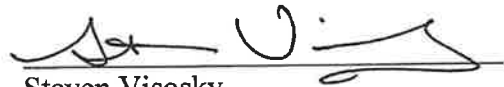
8. On Friday, September 9, 2022, I corresponded via email with Dennis White regarding a headgate for water right no. 69-4103A. A true and correct copy of this email is attached to this Declaration as Exhibit A.

9. I informed Dennis White that the area for water right 69-4103A is not within the boundary of an IDWR-created water district. Without a water district, I informed him that there was not an IDWR-appointed watermaster for that area.

10. On August 30, 2023, I was contacted by Dennis White regarding delivery of water right nos. 69-4103A and 69-4104A. Dennis White alleged that CRR was being denied its prior water rights. I responded on September 1, 2023. A true and correct copy of this email is attached to this Declaration as Exhibit B.

11. I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED this 22nd day of March, 2024.

A handwritten signature in black ink, appearing to read 'Steven Visosky', written over a horizontal line.

Steven Visosky
Water Resource Agent, Principal
Idaho Department of Water Resources

From: [Visosky, Steven](#)
To: "D W"
Subject: RE: Settlement Agreement
Date: Friday, September 9, 2022 11:13:00 AM

Dennis,

Please let me know if a watermaster from another IDWR water district made an adjustment to your diversion. The closest IDWR watermaster to that area is Brandi Horton-Warner, watermaster of Water District 67, Weiser River and tributaries. Brandi's assistant is Tim Bumgarner. The Water District 67 boundary is a ridge to the east of your property that separates the two basins.
Steve V.

From: D W <dwidaho5@yahoo.com>
Sent: Friday, September 9, 2022 10:58 AM
To: Visosky, Steven <Steven.Visosky@idwr.idaho.gov>
Subject: Re: Settlement Agreement

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

They introduced him as a watermaster, so maybe he is from a different district.
He didn't give us his name. I should have asked.
They said they were going to take pictures and measurements so I assumed he was acting on behalf of IDWR.
They were still there when we left. I'm going back up today to check if they made any adjustments to the water.
If an IDWR watermaster from another district made adjustments to my water, who would I talk to?

Thank You

Dennis

On Friday, September 9, 2022 at 10:05:58 AM MDT, Visosky, Steven <steven.visosky@idwr.idaho.gov> wrote:

Dennis,

I assume you are speaking about a headgate for water right 69-4103A on the Crooked River in Adams County? Assuming this is correct, the area you are referencing is not within the boundary of an IDWR-created water district. An IDWR-appointed watermaster is elected annually by the water users at the annual water district meeting. As the area is not with an IDWR water district, there is no IDWR-appointed watermaster for that area.

When three or more water users share an irrigation ditch or lateral, the parties constitute a Lateral Water Users Association. I'm not sure if this applies to your situation; however, could there be a local lateral water users association that has elected a lateral manager? It's common for people to reference a lateral manager or ditch rider as the "watermaster." Additionally, irrigation districts will use the term watermaster, but I'm unaware of an irrigation district in that area.

Steve Visosky

Idaho Department of Water Resources

208-287-4933 | email: steven.visosky@idwr.idaho.gov

From: D W <dwidaho5@yahoo.com>
Sent: Friday, September 9, 2022 9:03 AM

Exhibit A

To: Visosky, Steven <Steven.Visosky@idwr.idaho.gov>

Subject: Re: Settlement Agreement

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thank You.

Can you tell me who is in charge of your Water Masters.

There was a Water Master checking my head gate yesterday with the other two water users. I would like to know who sent him and why.

Dennis

On Thursday, September 8, 2022 at 10:37:07 AM MDT, Visosky, Steven <steven.visosky@idwr.idaho.gov> wrote:

Dennis,

Please allow me a few days to review the settlement agreement and speak with Nick Miller, IDWR Western Regional Manager, about your situation. I will call you after I can speak with Nick.

Steve Visosky

Idaho Department of Water Resources

208-287-4933 | email: steven.visosky@idwr.idaho.gov

From: D W <dwidaho5@yahoo.com>

Sent: Wednesday, September 7, 2022 1:39 PM

To: Visosky, Steven <Steven.Visosky@idwr.idaho.gov>

Subject: Re: Settlement Agreement

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Steve

This is Dennis White we talked in April about our water rite issues.

We are having trouble getting our water our neighbor keeps taking our water.

Would like to discuss the possibility of having a Water District formed.

Thank You

Dennis White

208-741-2072

On Monday, April 18, 2022 at 03:54:19 PM MDT, Visosky, Steven <steven.visosky@idwr.idaho.gov> wrote:

Dear Dennis,

Please see attached. I am making the assumption this is the settlement agreement on record.

Steve Visosky

Idaho Department of Water Resources

208-287-4933 | email: steven.visosky@idwr.idaho.gov

From: [Visosky, Steven](#)
To: [D W](#)
Cc: cbromley@mchughbromley.com; [Whitney, Rob](#)
Subject: RE: Water Right 69-4103A
Date: Friday, September 1, 2023 1:42:00 PM

Dennis,

I apologize for the delayed reply.

I shared your email and discussed your situation with my manager Rob Whitney. Today, Rob and I reached out to Chris Bromley to discuss the situation. Chris mentioned that he thought your daughter Katie was heading up to the Crooked River today and that he would likely know more about the status of the diversion/situation soon. We agreed to continue our discussion once Chris had a status update from Katie. I'm not sure of the timing of things with the holiday weekend, but I will keep you posted once I have more information from Chris or Rob.

Steve Visosky

Water Resource Agent, Principal | Compliance Bureau

steven.visosky@idwr.idaho.gov | 208-287-4933



From: D W <dwidaho5@yahoo.com>
Sent: Wednesday, August 30, 2023 2:40 PM
To: Visosky, Steven <Steven.Visosky@idwr.idaho.gov>
Subject: Water Right 69-4103A

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Steve

We spoke last year about our problems getting our water.
We are located 19 miles North of Council on the Cuprum road.
Our Water comes from Crooked River.
The other users won't let our water go by. We have the superior rights.
We hired Chris Bromley in this matter. He is waiting for direction from the IDWR.
Something about the IDWR in our Water agreement he thinks gives the IDWR some jurisdiction. We intend to take this matter to Adams County Court if we can. Chris reached out to the IDWR approx 3 weeks ago. Can you help with this.

Thank You
Dennis White
208-741-2072

The water rights are now under the name of
Crooked River Ranches LLC

Exhibit B