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DEPARTMENT OF  
WATER RESOURCES

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Attorney for Legg Family Trust, Petitioner

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

**In the Matter of Water Users' Association** )  
**of the Grays Creek Ditch Lateral** )  
 )  
 )  
 )  
 )

**SECOND AFFIDAVIT OF  
MARION OGLE**

STATE OF IDAHO )  
 ) ss.  
COUNTY OF WASHINGTON )

Marion Ogle, being first being duly sworn upon oath, deposes and says:

(1) I am Marion Ogle and am over 18 years of age.

(2) My mother is Kathleen Legg, the Trustee of the Legg Family Trust. I have resided in Indian Valley, Idaho the last 53 years and I now assist my mother with the business and legal matters of the Legg Family Trust. The Legg Family Trust owns water rights delivered via the Grays Creek Ditch to the Legg Family Trust property. This property has been owned by my family for 84 years.

(3) Based on my knowledge and experience, a Lateral Manager is needed for the entire Grays Creek Ditch, not just the lower portion below the splitter at Location No. 13.

(4) There are numerous diversions from the Grays Creek Ditch above Location No. 13 that are unregulated and unmeasured. I have personally observed areas flooded out from excessive unregulated diversions from the Grays Creek Ditch above Location No. 13.

Also, I am aware of new areas that have been recently cleared that were not previously irrigated and that are now being irrigated along with historically irrigated areas from the Grays Creek Ditch above Location No. 13, long after flood water is no longer available.

(5) A Lateral Manager with jurisdiction over the entire Grays Creek Ditch is needed to ensure deliveries to all water users in accordance with their respective rights and priorities. Without regulation and distribution of water, at the upper end of the Grays Creek Ditch, the regulation and distribution of water to the lower end of the ditch is doomed to failure.

(6) The Lateral Manager for the Grays Creek Ditch should receive the same compensation approved by the membership at the March 26, 2012, meeting, as reflected in the Minutes of that meeting. At that meeting (which was held for all users of the Grays Creek Ditch), assessments were approved for paying a Lateral Manager for the entire Ditch. Thus, the assessments that were collected and paid after that March 26, 2012, meeting should be used to pay the Lateral Manager for the entire Grays Creek Ditch. In view of the prior collection of assessments from all water users on the Ditch, collecting additional assessments from those at the lower end of the Grays Creek Ditch is expected to be difficult. Also, the appointed Lateral Manager likely will not desire to serve when her pay and hours have been reduced and the source of payment is questionable.

(7) For many years, the Legg Family Trust has not received its appropriate share of water from the Grays Creek Ditch, including at times being entirely shut off when others were receiving their water. The causes of this are due to unmeasured and unregulated flows along the entire length of the Grays Creek Ditch. A single Lateral Manager for the entire Grays Creek Ditch is necessary to remedy this situation.

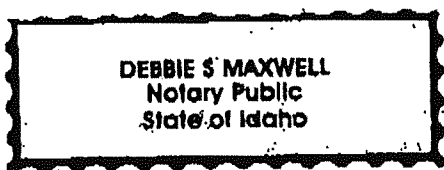
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 27th day of June, 2012.

*Marion Ogle*

Marion Ogle

SUBSCRIBED AND SWORN to before me this 27th day of June, 2012.



*Debbie S Maxwell*

Notary Public in and for the State of Idaho

Residing at: *Council Id*

My Commission Expires: *8-24-2013*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 27th day of June, 2012, I caused the foregoing **AFFIDAVIT OF MARION OGLE** (with any attachments) to be served by the pre-paid method(s) indicated on the following:

**Facsimile Original to:**

Gary Spackman  
Acting Director  
Idaho Department of Water Resources  
The Idaho Water Center  
322 East Front Street  
Boise, Idaho 83702  
 U.S. Mail  Fed Ex  Hand  Fax

**Copies to:**

Jeff Peppersack  
Idaho Department of Water Resources  
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Dana L. Hofstetter

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