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FEB 10 2003

Department of Water Resources

Attorneys for Emmett Irrigation District

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

In Re: SRBA

Case No. 39576

Subcase Nos. 65-11412 and 65-11412A

**AFFIDAVIT OF SCOTT L. CAMPBELL IN
SUPPORT OF EMMETT IRRIGATION
DISTRICT'S MOTION FOR SUMMARY
JUDGMENT**

State of Idaho)
) ss.
County of Ada)

SCOTT L. CAMPBELL, being first duly sworn upon oath, deposes and says:

1. I am one of the attorneys of record providing legal representation to
Emmett Irrigation District in the above-captioned matter.

2. I have knowledge of the file pertinent to this matter, and I make this affidavit based upon personal knowledge.

3. Appended hereto as Exhibit 1 is a true and correct copy of an series of articles dated May 8, 1924, from the newspaper *The Emmett Index*. These documents are Bates numbered DIST 00214 to DIST 00218, and were produced by the District during the course and scope of discovery in this matter.

4. Appended hereto as Exhibit 2 is a true and correct copy of excerpts of the minutes of the Emmett Irrigation District for the year 1921. These documents are Bates numbered DIST 00017 to DIST 00025 and DIST 00043 to DIST 00070. These documents were produced by the District during the course and scope of discovery in this matter.

5. Appended hereto as Exhibit 3 is a true and correct copy of the contract executed in 1921 between the Emmett Irrigation District and the United States. The 1921 Contract is Bates numbered EID 00001 to EID 00040, and was produced by the United States during the course and scope of discovery in this matter.

6. Appended hereto as Exhibit 4 is a true and correct copy of excerpts of the Emmett Irrigation District Minutes for the year 1923. The Minutes are Bates numbered DIST 00162 to DIST 00163, DIST 00174 to DIST 00180, and DIST 00202 to DIST 00204. These documents were produced by the District during the course and scope of discovery in this matter.

7. Appended hereto as Exhibit 5 is a true and correct copy of the contract executed in 1923 between the Emmett Irrigation District and the United States. The 1923 Contract is Bates numbered EID 00041 to EID 00056, and was produced by the United States during the course and scope of discovery in this matter.

8. Appended hereto as Exhibit 6 is a true and correct copy of the February 8, 2001 Order Consolidating the Payette Adjudication (Gem County Case No. 3667) with the SRBA, and Order Dismissing the Director (IDWR) as a Party.

9. Appended hereto as Exhibit 7 is a true and correct copy of the contract executed in 1932 between the Emmett Irrigation District and the United States. This document was produced by the United States during the course and scope of discovery in this matter.

10. Appended hereto as Exhibit 8 is a true and correct copy of another contract executed in 1932 between the Emmett Irrigation District and the United States. This document was produced by the United States during the course and scope of discovery in this matter.

11. Appended hereto as Exhibit 9 is a true and correct copy of the contract executed in 1934 between the Emmett Irrigation District and the United States. This document was produced by the United States during the course and scope of discovery in this matter.

12. Appended hereto as Exhibit 10 is a true and correct copy of a series of contracts executed by Emmett Irrigation District and the United States from 1941 to 1955. These documents were produced by the United States during the course and scope of discovery in this matter.

13. Appended hereto as Exhibit 11 is a true and correct copy of the contract executed in 1955 between the Emmett Irrigation District and the United States. This document was produced by the United States during the course and scope of discovery in this matter.

14. Appended hereto as Exhibit 12 is a true and correct copy of the Stipulation Resolving Late Objection of the U.S. Bureau of Reclamation filed on November 21, 1988.

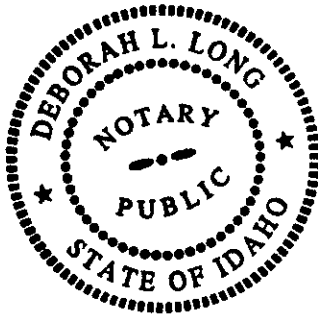
15. Appended hereto as Exhibit 13 is a true and correct copy of the November 7, 1988 letter from State of Idaho Deputy Attorney General, Department of Water Resources to Warren Derbidge, Assistant U.S. Attorney regarding Payette Adjudication.

DATED this 7th day of February 2003.

By Scott L. Campbell
Scott L. Campbell

SUBSCRIBED AND SWORN to before me this 7th day of February 2003.

S
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A
L



Deborah L. Long
Notary Public for the State of Idaho
Residing at: Boise, Idaho
Commission Expires: 10/10/07

CERTIFICATE OF SERVICE

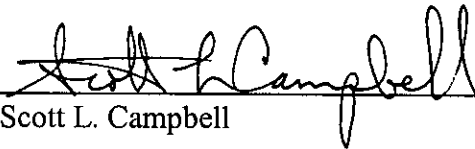
I HEREBY CERTIFY that on the 11th day of February 2003, I caused a true and correct copy of the foregoing **MEMORANDUM IN SUPPORT OF EMMETT IRRIGATION DISTRICT'S MOTION FOR SUMMARY JUDGMENT** to be served by the method indicated below, and addressed to the following:

David W. Gehlert
Department of Justice
General Litigation Section
999 18th Street, Suite 945
Denver, CO 80202

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director of IDWR
P.O. Box 83720
Boise, Idaho 83702-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Scott L. Campbell

ATTACHMENTS FOR THIS DOCUMENT CAN BE FOUND IN THE REPOSITORY
AND LEGAL FILE