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Department of Water Resources

George and Cheryl Colwell

Dana L. Hofstetter, ISB #3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
(208) 424-8774 (Facsimile)

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

In Re SRBA	)	
	)	Subcase No. 65-22760
	)	
Case No. 39576	)	
	)	AFFIDAVIT OF TERRY M. SCANLAN, P.E.
	)	
	)	
	)	

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

Terry M. Scanlan, being first duly sworn, deposes and states:

1. I am a consulting engineer doing business as Scanlan Engineering at
600 East River Park Lane, Suite 105, Boise, Idaho 83706.

2. My educational background includes Bachelors' and Masters' degrees in geological engineering from the University of Idaho granted in 1983 and 1986, respectively. I am registered as a professional engineer and as a professional geologist in the State of Idaho. I currently serve on the Idaho Board of Registration for Professional Geologists.

3. My work experience includes nine years as Principal Engineer and Hydrogeologist for Scanlan Engineering. This work has consisted primarily of consulting on water right and water supply matters, including preparation of applications for numerous water right permits and transfers. My consulting work also has included investigations of water rights and SRBA claims. Prior to forming Scanlan Engineering, I was employed by the firm of Montgomery Watson for eight years working on water supply, water right, and environmental projects. I was employed by the U.S. Geological Survey from 1984 through 1986, and by the Idaho Bureau of Mines (now the Idaho Geological Survey) in 1982 and 1983.

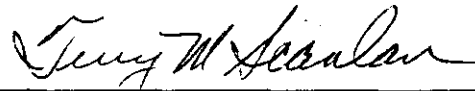
4. George and Cheryl Colwell, the Claimants of water right no. 65-22760, are my clients. Water right no. 65-22760 is claimed with a place of use on the Colwells' Birding Island Ranch.

5. In connection with my review of the water rights associated with the Colwells' Birding Island Ranch, I visited the property on January 13, 2002. Based on my discussions with the Colwells, my visit to Birding Island Ranch and my review of available water right documentation for Birding Island Ranch, I have recommended that the Colwells claim water right no. 65-22760 in the SRBA and I have prepared that SRBA claim for them.

6. SRBA Claim No. 65-22760 covers year around incidental stock water use of ditches associated with irrigation water right nos. 65-3617, 65-7461, 65-8627 and 65-11261.

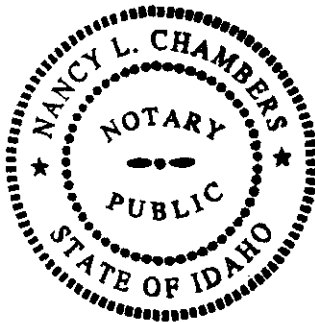
FURTHER YOUR AFFIANT SAYETH NAUGHT.

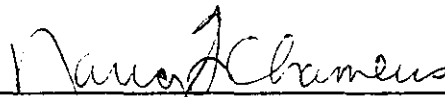
DATED this 27 day of February, 2003.



TERRY M. SCANLAN

SUBSCRIBED AND SWORN to before me this 27 day of February, 2003.





Notary Public in and for the State of Idaho
Residing at: ~~Boise, Idaho~~ Meridian, Idaho
My Commission Expires: 3/21/2004

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of February, 2003, I caused to be served copies of the foregoing Affidavit of Terry M. Scanlan, P.E. by the methods indicated below:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter