

COPY

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

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	)	Subcase No. 79-14158
	)	
	)	
	)	
Case No. 39576	)	AFFIDAVIT OF DAVID J. BARBER DATED
	)	MARCH 19, 2007
	)	
	)	
	)	

STATE OF IDAHO)
) ss
County of Ada)

DAVID J. BARBER, being first duly sworn deposes and states:

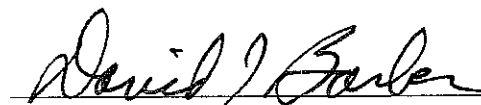
1. I am a deputy attorney general assigned to the Snake River Basin Adjudication. I represent a variety of state agencies, including the Idaho Department of Lands, hereinafter the "IDL."

2. When the IDL determines that it needs to file an objection to a water right in the Snake River Basin Adjudication, it makes a request to me with supporting information. After a review process, the office of the attorney general responds to the request, and an objection may be filed on behalf of the IDL.

3. On Thursday, February 22, 2007, I was in the final stages of trial preparation regarding the thirty-eight claims based on state law that the City of Pocatello had filed. The trial began on Monday, February 26, 2007 and continued the entire week through March 2, 2007. I came back for another day of trial on March 8, 2007.

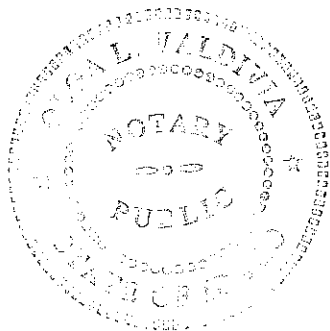
4. I became aware of the request from IDL to file objections to water rights in Basin 79 after February 28, 2007.

5. Further your affiant sayeth naught.



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

SUBSCRIBED AND SWORN to before me, a Notary Public in and for the State of Idaho, this 19th day of March 2007.



NOTARY PUBLIC FOR IDAHO

Residing at

My Commission expires:

2/08/2012

CERTIFICATE OF SERVICE

I certify that on this 20th day of March 2007, I caused to be served the original and/or copy of the AFFIDAVIT OF DAVID J. BARBER DATED MARCH 19, 2007 on each of the following persons by the indicated method:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

2. Copies to

Flying U Ranch
Delos Robbins
PO Box 17004
Missoula, MT 59808

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

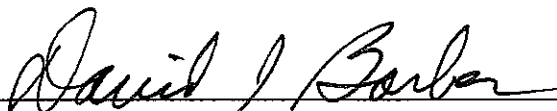
- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable



DAVID J. BARBER
Deputy Attorney General