

RECEIVED
JUN 28 2007
DEPARTMENT OF
WATER RESOURCES

2. Lodged with this affidavit are true and correct copies of the State of Idaho's

Expert Reports, described as follows:

- a. Dr. J. Wayne Burkhardt, *Vegetation Reconnaissance of the Jernberg Property Relative to Irrigation Water Rights Claims* [hereinafter *Exhibit 24: Expert Report of Dr. J. Wayne Burkhardt*]. A true and correct copy of *Exhibit 24: Expert Report of Dr. J. Wayne Burkhardt* is lodged with this brief.¹
- b. Glen H. Logan, *Expert report of Glen H. Logan, Professional Soil Scientist, regarding the Physical and Chemical Characteristics of soils on 672.9 acres of land in Jefferson County, Idaho* [hereinafter *Exhibit 25: Expert Report of Glen H. Logan*]. A true and correct copy of *Exhibit 25: Expert Report of Glen H. Logan* is lodged with this brief.
- c. Robert W. Hill, Ph.D., P.E., *Expert Report of Dr. Robert W. Hill Regarding the Snake River Basin Adjudication Case No. 39576; Subcase No. 31-11845; Evaluation of Beneficial Use of Uncultivated Land near Mud Lake in Southeastern Idaho* [hereinafter *Exhibit 26: Expert Report of Robert W. Hill, Ph.D., P.E.*]. A true and correct copy of *Exhibit 26: Expert Report of Robert W. Hill, Ph.D., P.E.* is lodged with this brief.
- d. David B. Shaw and Norman C. Young, *Expert Report of David B. Shaw and Norman C. Young Evaluating Diversion and Beneficial Use of Water Under Claim No. 31-11845 (Idaho Properties, LLC.)* [hereinafter *Exhibit 27: Expert Report of David B. Shaw and Norman C. Young*]. A true and correct copy of *Exhibit 27: Expert Report of David B. Shaw and Norman C. Young* is lodged with this brief.

The Expert Reports herein lodged with the Court are true and correct copies of those previously delivered to the Objectors, as set forth in the *Notice of Service of State of Idaho's Reports of Expert Witnesses* dated October 31, 2006. Duplicates will not be sent to the Objectors at this time.

3. Lodged with this affidavit is a true and correct copy of Exhibit 31: Soil Survey of Jefferson County Idaho.

¹ The State of Idaho retained the numbering assigned to these expert reports from its *Second Amended Exhibit List*.

4. Lodged with this affidavit are true and correct copies of pages 1–4 and 77–88 of Exhibit 68: Deposition of Dale Stukenholtz.²

5. Lodged with this affidavit are true and correct copies of pages 1–4 and 13–16 of Exhibit 69: Deposition of Paul Stukenholtz.

6. Attached to this affidavit are true and correct copies of the following described letters with attachments:

Exhibit 70:	Letter from Barber to Ling of 5/11/06
Exhibit 71:	Letter from Tribe to Barber of 5/11/06
Exhibit 72:	Letter from Barber to Tribe of 5/15/06
Exhibit 73:	Letter from Tribe to Barber of 5/17/06
Exhibit 74:	Letter from Tribe to Barber of 10/6/06
Exhibit 75:	Letter from Barber to Ling of 10/16/06
Exhibit 76:	Letter from Barber to Ling of 10/30/06
Exhibit 77:	Letter from Tribe to Barber of 10/30/06
Exhibit 78:	Letter from Barber to Ling of 10/31/06
Exhibit 79:	Letter from Tribe to Barber of 11/20/06

7. Mr. Norman C. Young contacted me just prior to the Court view of the premises on October 26, 2006. He asked me to take pictures at certain points of the dike/ditch system during the Court view of the premises on October 26, 2006. The purpose of the picture taking was to assist in resolving some factual issues related to the ditch/dike system. The pictures were intended to save money from a separate trip by Mr. Young to the permissible place of use. The objectors objected to the cost of this disposable camera.

8. Further your affiant sayeth naught.

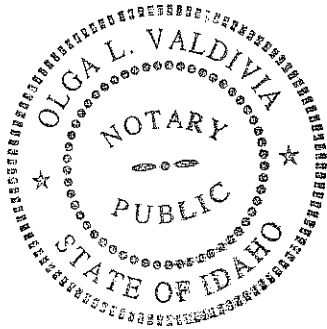
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² To avoid confusion, the designation of exhibits to this affidavit continues the sequence stated in the *State of Idaho's Second Amended Exhibit List*.

DATED this 27th day of June 2007.

David J Barber
DAVID J. BARBER

SUBSCRIBED AND SWORN to before me this 27th day of June 2007.



Olga L. Valdivia
NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission expires 2/8/2012

CERTIFICATE OF MAILING

I certify that on this 27th day of June 2007, I caused to be served the original and copies of this AFFIDAVIT OF DAVID J. BARBER DATED JUNE 27, 2007 on the following persons by the indicated methods:

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: (208) 736-2121
☐ Statehouse Mail

2. Copies to

Special Master Brigitte Bilyeu
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

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

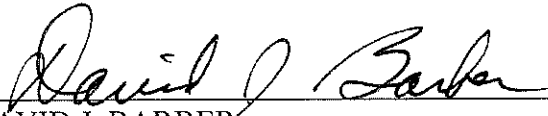
(not applicable)

Ben D. Jernberg
Idaho Properties LLC
Represented by:
ROGER D. LING
615 H St.
PO Box 396
Rupert, ID 83350-0396

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 436-6804
☐ Statehouse Mail

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

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



DAVID J. BARBER
Deputy Attorney General

**Exhibits can be viewed in the repository
or legal file**