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AUG 03 2007

DEPARTMENT OF
WATER RESOURCES

Dave

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Attorneys for the City of Weiser.

**IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF GOODING**

In Re SRBA

Case No. 39576

) Subcase No. 3-7009 (City of Weiser)
)
) **AFFIDAVIT OF ANNA R.**
) **TRENTADUE IN SUPPORT OF**
) **MOTION FOR**
) **RECONSIDERATION OF PARTIAL**
) **DECREE FOR WATER RIGHT No.**
) **3-7009**

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

I, Anna R. Trentadue, after being duly sworn, state that I am an attorney licensed to practice law in the State of Idaho. I am over the age of 18 years and state that the following is based on my personal knowledge.

The following exhibits are offered pursuant to Idaho Rule of Evidence 901(2)(7) and (8) as true and correct copies:

1. Exhibit A: A true and correct copy of the Certificate of Municipal Incorporation for the City of Weiser issued and recorded by Idaho Secretary of State Pete T. Cenarrusa.

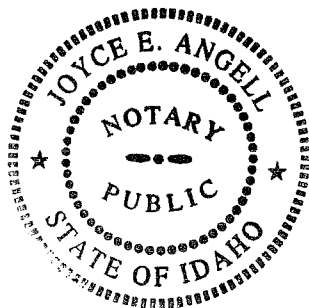
2. Exhibit B A true and correct copy of the typed declaration of incorporation (dated October 12, 1887) which accompanies the Weiser Certificate of Municipal Incorporation issued and recorded by the Idaho Secretary of State.
3. Exhibit C A true and correct copy of the handwritten minutes from the October 12, 1887 meeting of the Weiser Board of Trustees, declaring the Town of Weiser incorporated as "Weiser." Taken from Book 1, page 268 of the Weiser Commissioner's notes.

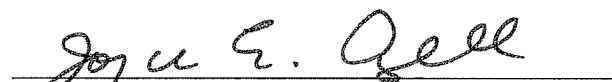
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 2 day of August 2007.


Anna R. Trentadue

SUBSCRIBED AND SWORN to before me this 2 day of August 2007.




Notary Public in and for the State of Idaho
Residing in: Boise, Idaho
My Commission Expires: 7-29-08

CERTIFICATE OF SERVICE

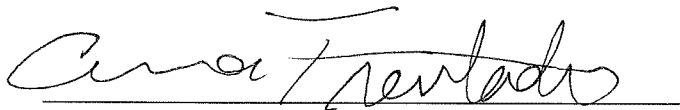
I HEREBY CERTIFY that on the 2 day of August 2007, I caused a true copy of the foregoing **AFFIDAVIT IN SUPPORT OF MOTION FOR RECONSIDERATION OF PARTIAL DECREE FOR WATER RIGHT No. 3-7009** be served by U.S. First Class Mail on:

UNITED STATES OF AMERICA
REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

STATE OF IDAHO
REPRESENTED BY:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GARRICK BAXTER
DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF WATER
RESOURCES
322 EAST FRONT STREET
PO BOX 83720
BOISE, IDAHO 83720-0098

A handwritten signature in cursive script, reading "Anna R. Trentadue", written over a horizontal line.

Anna R. Trentadue

Z\2088\8019



Department of State

Certificate of Municipal Incorporation

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the effective date of the Incorporation of the City of _____ under the laws of the State of Idaho to be _____, as shown on the statement of facts concerning said incorporation as recorded on Film No. _____ of Municipal Corporations of the State of Idaho.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this 31 day of October, A.D., 1907.

PETE T. CENARRUSA
Secretary of State

Corporation Clerk

Exhibit A
Affidavit of Anna R. Trentadue
in Support of Motion for Reconsideration of
Partial Decree for Water Right No. 3-7009
August 2, 2007

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'79 DEC 31 AM 9 00

12 o'clock A.M. Oct 12th 1887.

SECRETARY OF
STATE

Board met pursuant to adjournment.
Present Thos Mackey, T C Wilkie, A S Williams and J W Harworth, Clerk.

12 o'clock (Noon) on motion we do now take a recess until 1 o'clock
P.M.

1 P.M. Board called to order.

In the Matter of the Incorporation
of the town of Weiser.

Whereas there has been a petition of a majority of the taxable
inhabitants of the said Town of Weiser presented to this Board,
praying for Incorporation, and after due consideration, we do here-
by declare the said Town of Weiser Incorporated, under and by the
name of Weiser (as provided in Section 2324 of Title XIII of the
Revised Statutes of Idaho Territory. And the following is declar-
ed to be the metes and bounds of said Incorporation, as petitioned
for viz:

Commencing at the point where the East line of the Southwest
quarter of Section Thirty-three in Tp 11 N of R 5 East crosses
the Weiser River running thence North to the North east corner of
the N W 1/4 of said Section 33. Thence West along the North line
of Sections 33 and 32 in the Tp and range aforesaid to the N W
corner of the N W 1/4 of the N W 1/4 of Section 32 aforesaid, thence
due North to the Weiser River, thence up and along the North bank
of the Weiser River to the place of beginning.

And we hereby appoint the following trustees to and for said
Incorporated town to act until their successors are elected and
qualified as provided by law.

Herman Haas
S M Jeffreys
Charles Townley
O M Harvey
H McGregor

20th December 1899
Irina Schaubrough

Exhibit B
Affidavit of Anna R. Trentadue
in Support of Motion for Reconsideration of
Partial Decree for Water Right No. 3-7009
August 2, 2007

268

Oct 12, 1887

Commissioner
BK1/14/268

In the Matter of the Incorporation of the town of Weiser:

Whereas, there has been a petition of a majority of the taxable inhabitants of the said Town of Weiser, presented to this board, praying for Incorporation, and after due consideration; We do hereby declare the said Town of Weiser Incorporated; under and by the name of Weiser, (as provided in Section 2224 of Title X of the Revised Statutes of Idaho Territory, And the following is declared to be the metes and bounds of said Incorporation, as petitioned for, viz:

Commencing at the point where the East line of the Southwest quarter of Section Thirty-three in Tp. 11, N of R. 5. West. Crosses the Weiser river, running thence North to the North-east corner of the N. W. $\frac{1}{4}$ of said Section 33. Thence west along the North line of Sections 33 and 32, in the Tp. and range aforesaid, to the N. W. Corner of the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 32, aforesaid, thence due South to the Weiser river, thence up and along the North bank of the Weiser river to the place of beginning.

And we hereby appoint the following Trustees, in and for said Incorporated town, to act, until their successors are elected and qualified as provided by Law.

Herman Haas.
J. M. Jeffreys.
Charles Townley.
G. W. Harvey.
M. M. Thigor.

Order for View of Road.

Whereas by the building of a bridge over the Weiser river in Middle Valley about $\frac{1}{2}$ mile below old ford, the old county road is now off from the most direct line of travel and in fact cannot now even be located and as there is in fact no County road through said Valley,

Resolved that viewers be appointed to view out a road through Middle Valley from the bridge, over Weiser river to the North-east end of Valley.

Exhibit C

Affidavit of Anna R. Trentadue

in Support of Motion for Reconsideration of
Partial Decree for Water Right No. 3-7009

August 2 2007

(Notified)