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Attorneys for City of Boise and Ada County

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 No: 63-03618

**AFFIDAVIT OF THOMAS P.  
HARMON**

STATE OF IDAHO                    )  
                                          : ss.  
County of Ada                    )

**THOMAS P. HARMON**, being first duly sworn upon oath, deposes and says as follows:

1. That I am the Ada County Park Manager of Barber Park and have been employed in this position since, November 1994.
2. That as the Barber Park Manager, I am familiar with the property. The record owner of Barber Park is Ada County.
3. That I make these statements based on personal knowledge.
4. Barber Park is located on the Boise River and the Park is utilized year round. Barber Park is accessible to the Boise River, has parking and restrooms that are open year round, and a handicapped fishing pier.

5. From November through February every year, bald eagles perch on cottonwood trees located in Barber Park. The bald eagles fish in the Boise River from the trees located throughout Barber Park.

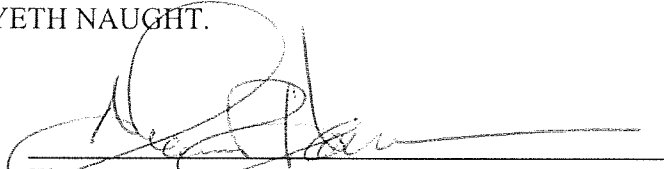
6. Barber Park is utilized every winter by birdwatchers that specifically come to Barber Park to view the eagles.

7. Because of the location adjacent to the Boise River, Bald Eagle Days will be held January 24, 25, and 26, 2008 at the Barber Park newly constructed Education and Events Center.

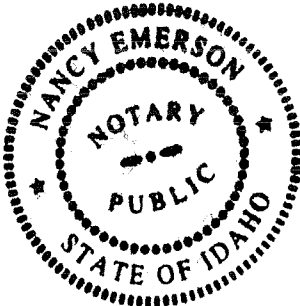
8. From the close of the floating season in early September until the high flows begin in the spring, Barber Park is utilized by at least twenty-five (25) fishermen per day. Barber Park is compliant with the Americans with Disabilities Act and provides a handicapped fishing pier that is utilized by those with disabilities.

9. A lack of flow of water that supports fish would detrimentally impact the public's enjoyment and utilization of Barber Park in the winter.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
Thomas P. Harmon  
Park Manager Barber Park

SUBSCRIBED AND SWORN to before me this 12 day of October, 2007.



  
Notary Public for Idaho  
Residing at Ada County  
Commission Expires 4/28/09

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies under penalty of perjury under the laws of the State of Idaho that, on this 15<sup>th</sup> day of October, 2007, he/she/they caused to be served on the person(s) listed below in the manner shown:

**AFFIDAVIT OF THOMAS P. HARMON**

|                                |                           |                                     |
|--------------------------------|---------------------------|-------------------------------------|
| Clerk of the District Court    | Hand Delivery             | <input type="checkbox"/>            |
| SNAKE RIVER BASIN ADJUDICATION | U.S. Mail                 | <input checked="" type="checkbox"/> |
| 253 Third Avenue North         | Facsimile: (208) 736-2121 | <input type="checkbox"/>            |
| P.O. Box 2707                  | Overnight Mail            | <input type="checkbox"/>            |
| Twin Falls, Idaho 83303-2707   |                           |                                     |

|                                  |                           |                                     |
|----------------------------------|---------------------------|-------------------------------------|
| State of Idaho                   | Hand Delivery             | <input type="checkbox"/>            |
| c/o Natural Resources Div. Chief | U.S. Mail                 | <input checked="" type="checkbox"/> |
| Attorney General's Office        | Facsimile: (208) 334-2690 | <input type="checkbox"/>            |
| P.O. Box 44449                   | Overnight Mail            | <input type="checkbox"/>            |
| Boise, Idaho 83711-4449          |                           |                                     |

|                               |                  |                                     |
|-------------------------------|------------------|-------------------------------------|
| United States of America      | Hand Delivery    | <input type="checkbox"/>            |
| US Department of Justice      | U.S. Mail        | <input checked="" type="checkbox"/> |
| Envir. & Nat. Resources       | Facsimile: _____ | <input type="checkbox"/>            |
| 550 West Fort Street, MSC 033 | Overnight Mail   | <input type="checkbox"/>            |
| Boise, Idaho 83724            |                  |                                     |

|                                |                  |                                     |
|--------------------------------|------------------|-------------------------------------|
| Director                       | Hand Delivery    | <input type="checkbox"/>            |
| Idaho Dept. of Water Resources | U.S. Mail        | <input checked="" type="checkbox"/> |
| P.O. Box 83720                 | Facsimile: _____ | <input type="checkbox"/>            |
| Boise, Idaho 83720-0098        | Overnight Mail   | <input type="checkbox"/>            |

|                         |                           |                                     |
|-------------------------|---------------------------|-------------------------------------|
| Scott L. Campbell       | Hand Delivery             | <input type="checkbox"/>            |
| P.O. Box 829            | U.S. Mail                 | <input checked="" type="checkbox"/> |
| Boise, Idaho 83701-0829 | Facsimile: (208) 385-5384 | <input type="checkbox"/>            |
|                         | Overnight Mail            | <input type="checkbox"/>            |

|                         |                           |                                     |
|-------------------------|---------------------------|-------------------------------------|
| Albert P. Barker        | Hand Delivery             | <input type="checkbox"/>            |
| Shelley M. Davis        | U.S. Mail                 | <input checked="" type="checkbox"/> |
| P.O. Box 2139           | Facsimile: (208) 334-6034 | <input type="checkbox"/>            |
| Boise, Idaho 83701-2139 | Overnight Mail            | <input type="checkbox"/>            |

|                    |                           |                                     |
|--------------------|---------------------------|-------------------------------------|
| Jerry A. Kiser     | Hand Delivery             | <input type="checkbox"/>            |
| 620 West Hayes     | U.S. Mail                 | <input checked="" type="checkbox"/> |
| Boise, Idaho 83702 | Facsimile: (208) 336-1027 | <input type="checkbox"/>            |
|                    | Overnight Mail            | <input type="checkbox"/>            |

Daniel V. Steenson  
S. Bryce Farris  
P.O. Box 2773  
Boise, Idaho 83701-2773

Hand Delivery  
U.S. Mail  
Facsimile: (208) 342-4657  
Overnight Mail

|                                     |
|-------------------------------------|
| <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/>            |
| <input type="checkbox"/>            |



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Erika E. Malmen