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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Hart-Davis Ditch Company, Inc.

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 NOS. 63-134, 63-132, 63-133,
) 63-134A, 63-134B, 63-186A, 63-186B,
) 63-17205 and 63-31772
)
) AFFIDAVIT OF RON RIPPEY
) IN SUPPORT OF MOTION
) FOR SUMMARY JUDGMENT
)

STATE OF IDAHO)
) ss.
County of Ada)

Ron Rippey, being first duly sworn upon his oath, deposes and says that:

1. That I am a board member for Hart Davis Ditch Company (hereinafter "Hart Davis"), in this matter and make this Affidavit based upon my personal knowledge and am competent to testify to the matters contained herein.

2. I have been a shareholder of Hart Davis since the 1960s and a board member since the 1980s. I am familiar with and I have reviewed the books and records of Hart Davis from its organization in the 1920s to present.

3. To the best of my knowledge, the State of Idaho (hereinafter "State") has owned 165 shares of Hart Davis and has been a shareholder since prior to the 1960s. In reviewing the records

and books of Hart Davis, to the best of my knowledge, the State has paid the assessments of Hart Davis each and every year the State has been a shareholder. I am not aware of any delinquent assessments of the State, nor any claim by the State that it did not owe the assessments. In particular, the State has paid the assessments of Hart Davis since the time I have been a board member to present.

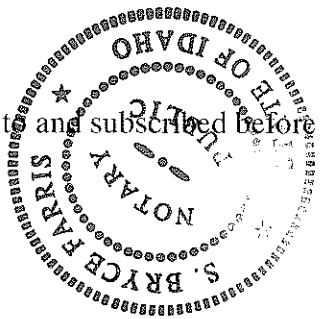
4. In or about 1989, Hart Davis filed a Notice of Claim to Water Right for water right no. 63-134. I was on the board for Hart Davis at this time and I participated in some discussions with IDWR regarding the preparation and filing of the Notice of Claim. I am not aware of the State providing any objection or notice that Hart Davis should not file the Notice of Claim to said water right. Hart Davis has an annual meeting every year, including 1989, and to the best of my knowledge the State has never asserted outright ownership of water right no. 63-134 at any annual meeting and there is nothing in the records or minutes of Hart Davis in which the State asserts outright ownership of water right no. 63-134. The first time Hart Davis was made aware that the State objected to the ownership of water right no. 63-134 was in 2006 when the State filed an objection in the SRBA.

DATED this 10 day of March, 2008.

By

Ron Rippey

Sworn to and subscribed before me this 10th day of March, 2008.



Notary Public for Idaho
Residing in Boise, Idaho
My Commission Expires: 7/29/10

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March, 2008, I served a true and correct copy of the foregoing document by U.S. mail, postage pre-paid to the following:

United States Department of Justice
Environment and Natural Resource Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

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State of Idaho
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Boise, Idaho 83711-4449

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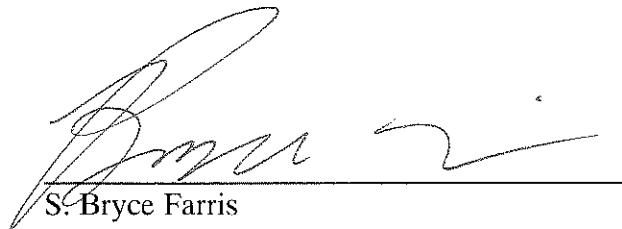
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S. Bryce Farris