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DEPARTMENT OF
WATER RESOURCES

Robert L. Harris, Esq. (ISB # 7018)
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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.: 74-40

**AFFIDAVIT OF
ROBERT L. HARRIS IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

STATE OF IDAHO)
) ss.
County of Bonneville)

I, Robert L. Harris, do solemnly swear (or affirm) that the testimony given in this sworn statement is the truth, the whole truth, and nothing but the truth, that it is made on my personal knowledge, and that I would so testify in open court if called upon to do so.

And being so sworn I depose and say:

1. I am an attorney licensed to practice law in the state of Idaho. I am a member of the firm of HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C., and represent F. James Whittaker and Paula J. Whittaker in the above subcase.

COPY

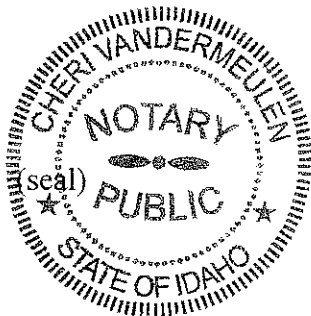
2. Attached hereto are true and correct copies of the following documents referenced in the Memorandum in Support of Motion for Summary Judgment regarding the above subcase:

- a. Exhibit A: Copy of Relevant Lemhi Adjudication Report for Water Right 74-40.
- b. Exhibit B: Copy of Affidavit of James Whittaker.
- c. Exhibit C: Copy of Affidavit of Julia Russell.
- d. Exhibit D: Copy of Affidavit of Dan Smith.
- e. Exhibit E: Copy of Affidavit of Ed Peterson.
- f. Exhibit F: Copy of Supplemental Decree, *Purcell v. Barrett*.
- g. Exhibit G: Copy of Relevant Lemhi Adjudication Report for Water Right 74-61.
- h. Exhibit H: Copy of Watermaster Reports for Little Timber Creek (North Fork Timber Creek) in Basin 74-W for 1976 through 1988.
- i. Exhibit I: Copy of Watermaster Reports for Big Timber Creek in Basin 74-W for 1979 through 1986.
- j. Exhibit J: Copy of water rights list prepared by James Whittaker.

DATED this 14th day of ~~January~~ March, 2008.

Robert L. Harris
Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

SUBSCRIBED AND SWORN TO before me this 14th day of March, 2008.



Cheri Vandermeulen
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: July 7, 2009

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March, 2008, I mailed the original and copies of this document, including all attachments, to the following persons:

1. Original to:

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

2. Copies to:

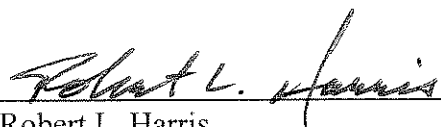
Leadore Land Partners, Ltd.
Represented by:
Josephine P. Beeman
409 W. Jefferson St.
Boise, ID 83702

Richard Foster
PO Box 55
Leadore, ID 83464

Kurt Bird
56 Lower Texas Creek Rd.
Leadore, ID 83464

Purcell Partnership
Purcell Ranch Partnership
c/o Allan/Betty/Kerry Purcell
98 Purcell Rd.
Leadore, ID 83464

Director of IDWR
PO Box 83720
Boise, ID 83720-0098



Robert L. Harris
Holden, Kidwell, Hahn & Crapo, PLLC

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Attachments may be viewed in the repository
or legal file