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Attorneys for Petitioner Barbara Barry

**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	)	
	)	Subcase: 37-353G
Case No. 39576	)	
	)	AFFIDAVIT OF BARBARA BARRY
	)	IN SUPPORT OF MOTION TO FILE
	)	LATE OBJECTION
	)	

I, BARBARA BARRY, being first duly sworn upon oath, deposes and hereby states as follows:

1. I reside in Blaine County, am over the age of 18 and state the following based on my personal knowledge.
2. On October 23, 1999, 2000, I purchased certain property in Blaine County from Douglas Driever. While purchasing the property, I learned that there was a water right that would be sold with the property. I learned that the water right is number 37-353G.
3. I hired an attorney to research water right 37-353G, and let me know whether the water right was valid. I thought that the attorney was also going to let the Idaho Department of Water Resources know that I had purchased the property, so that the Department could update its records. However, the Department was not notified and the records were not updated.

4. Water Right 37-353G was recommended as disallowed by the Department. However, I did not receive notice of the Director's Report because the Department's records still state that Mr. Driever is the owner of the water right. Apparently, the Department sent notice to Mr. Driever.

5. I asked someone at the Department why I did not get notice and they informed me that they sent the information to Mr. Driever because he was on the water right, but that the information was returned as undeliverable.

6. Had I known about the Director's recommendation, I would have filed an objection before the deadline. However, I did not receive notice of the recommendation.

7. I learned of the Director's recommendation earlier this year. I have been diagnosed with rheumatoid arthritis and need to move to a warmer climate. I have been trying to sell my property and had a purchaser. In fact, the property was in escrow. However, when the potential purchaser learned of the Director's recommendation, he backed out of the deal. There are no other potential purchasers as this time.

8. In March, I received an invoice from the Wood River Valley Irrigation District #45, indicating that I would be charged an assessment of \$350 for the delivery of water right 37-353G through the district's canals. A true and correct copy of this invoice, dated March 19, 2008, is attached hereto as Exhibit A.

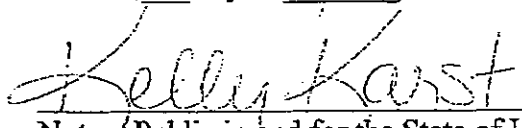
9. This water right is very important to me. I have no other water rights to irrigate my property. I do have a domestic well that allows me to do some irrigation of lawn and trees. However, water right 37-353G is the only water available for irrigation of the rest of the property.

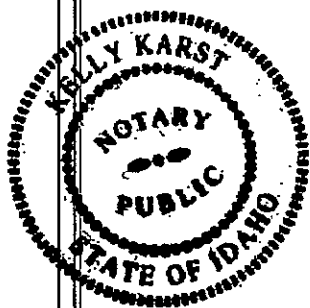
10. After learning that my water right had been disallowed, I immediately contacted an attorney to help me update the Department's records and file this motion.

FURTHER YOUR AFFIANT SAYETH NAUGHT


Barbara Barry

SUBSCRIBED & SWORN to before me this 25 day of April, 2008.


Notary Public in and for the State of Idaho
My Commission Expires: 5/24/2010



CERTIFICATE OF SERVICE

I certify that on this 25th day of April, 2008, I served the foregoing **AFFIDAVIT OF BARBARA BARRY IN SUPPORT OF MOTION TO FILE LATE OBJECTION**, including all attachments, to the following persons, via first class mail:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

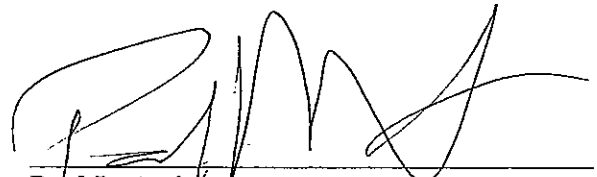

Paul L. Arrington

EXHIBIT A

Invoice

Wood River Valley Irrigation District #45
 c/o Bozzuto Anderson & Co PA
 733 N. Main Street
 Bellevue, ID 83313

Date	Invoice #
3/19/2008	308

Bill To

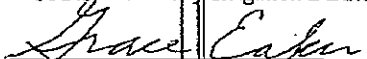
Barbara Barry
 c/o Professional Management
 PO Box 45530
 Los Angeles, CA 90045

Item	Inches	Original Date of Water Rights	Rate	Amount
Assessments Minimum Assessment	10	06/12/1886	350.00	350.00
ALL WATER DELIVERY WILL PAY A MINIMUM ASSESSMENT OF \$350.			Total	\$350.00

All water taxes for 2008 are payable to: Wood River Valley Irrigation District #45, c/o Bozzuto Anderson & Co PA, 733 N. Main St., Bellevue, ID 83313 on or before 30 days from the date of this invoice. Please include invoice # on your check. After the due date, charges not paid will incur a penalty of 1.5% per month, or any portion of that month, and will be due in addition to this year's assessment before water will be delivered to the land of the water right holder. Please note that we need notification of ownership and/or address changes.

2008 Assessment rates are as follows: 1880-1884 = \$5/inch, 1885-1886 = \$3/inch, 1887-1890 = \$2/inch, 1891 and junior rights = \$1/inch. All water delivery must pay a minimum assessment of \$350.

Secretary and Treasurer
 Wood River Valley Irrigation District


 Grace Eakin