

COPY

RECEIVED

JUL 08 2008

DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

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 Nos. 01-00023B, 01-00297, 35-2543 & 35-4246
	)	
	)	
	)	
Case No. 39576	)	AFFIDAVIT OF DAVID J. BARBER DATED
	)	JULY 7, 2008
	)	
	)	
STATE OF IDAHO	)	
	) ss	
County of Ada	)	

DAVID J. BARBER, being first duly sworn deposes and states:

1. I am a competent adult, over the age of eighteen years, and have personal knowledge of the facts stated herein. I am a deputy attorney general assigned to the Snake River Basin Adjudication.

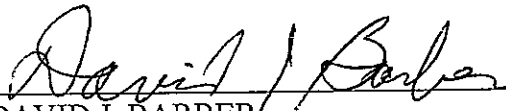
2. I called Mr. Randall C. Budge on July 3, 2008, and advised him that the State of Idaho intended to file a *Motion to File Late Response to Objection* in these subcases. I asked whether he had any objections with these motions being heard on the same day and time as his *Motion to Strike Objections and Supporting Memorandum*. He advised me that he did not object.

3. I called Mr. Travis Thompson on July 7, 2008, and advised him that the State of Idaho intended to file a *Motion to File Late Response to Objection* in these subcases. I asked whether he had any objections with these motions being heard on the same day and time as the pending *Motion to Strike Objections and Supporting Memorandum*. He advised me that he did not object.

4. I called Mr. Kent Fletcher on July 7, 2008, and advised him that the State of Idaho intended to file a *Motion to File Late Response to Objection* in these subcases. I asked whether he had any objections with these motions being heard on the same day and time as the pending *Motion to Strike Objections and Supporting Memorandum*. He advised me that he did not object.

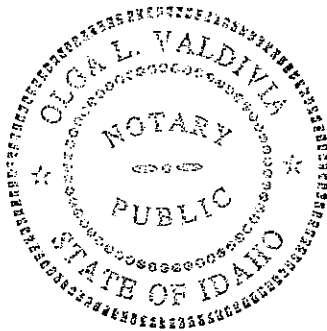
5. I called Mr. C. Tom Arkoosh on July 7, 2008, and advised him that the State of Idaho intended to file a *Motion to File Late Response to Objection* in these subcases. I asked whether he had any objections with these motions being heard on the same day and time as the pending *Motion to Strike Objections and Supporting Memorandum*. He advised me that he did not object.

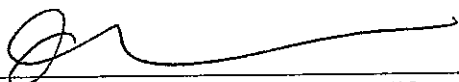
6. Further your affiant sayeth naught.



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

SUBSCRIBED AND SWORN to before me, a Notary Public in and for the State of Idaho, this 7th day of July 2008.





NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission expires: 2/8/2012

CERTIFICATE OF SERVICE

I certify that on the 7th day of July 2008, I caused to be served the original and/or copy of this AFFIDAVIT OF DAVID J. BARBER DATED JULY 7, 2008 on each of the following persons by the indicated method.

1. Original to:

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

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☒ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

John K. Simpson
Travis L. Thompson
Paul L. Arrington
Barker Rosholt & Simpson LLP
PO Box 485
Twin Falls, ID 83303-0485

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

Twin Falls Canal Company
P.O. Box 326
Twin Falls, ID 83303-0326

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

A&B Irrigation District
P.O. Box 675
Rupert, ID 83350-0675

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

North Side Canal Company
921 N. Lincoln Avenue
Jerome, ID 83338

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

Burley Irrigation District
246 E. 100 S.
Burley, ID 83318

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

Milner Irrigation District
5294 E. 3610 N.
Murtaugh, ID 83344

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

American Falls Reservoir District #2
112 Apple Street
Shoshone, ID 83352

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

C. Tom Arkoosh
Capitol Law Group, PLLC
PO Box 32
Gooding, ID 83330

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Minidoka Irrigation District
98 West 50 South
Rupert, ID 83350

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

W. Kent Fletcher
Fletcher Law Office
P.O. Box 248
Burley, ID 83318

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

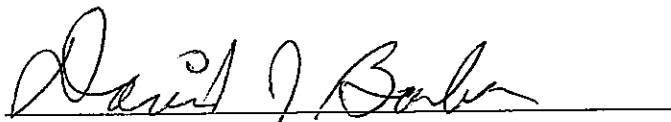
- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

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

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable

A handwritten signature in black ink, reading "David J. Barber", is written over a horizontal line.

DAVID J. BARBER
Deputy Attorney General