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DEPARTMENT OF
WATER RESOURCES

Attorneys for Claimants D. Wayne Baker and Melodie L. Baker

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 72-16779, 72-16780 and 72-16781
	)	
	)	
Case 38576	)	AFFIDAVIT OF EDWIN E. BAKER IN SUPPORT OF
	)	MOTION TO FILE LATE NOTICES OF CLAIM
	)	
_____	)	
STATE OF IDAHO	)	
	) ss	
COUNTY OF CUSTER	)	

RICHARD L. BAKER , being first duly sworn upon his oath, deposes and says that:

1. My name is Edwin ("Eddie") E. Baker. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.

2. I was born in 1920. I have lived on ranch property owned by my family along the East Fork of the Salmon River since 1920. This property was first settled by my great grandfather in the mid 1800s. Today, I own this property with my son, Edwin ("Eddie") Baker Jr., through a partnership called Baker Ranch Partnership.

COPY

3. My earliest recollection of our ranch is from the time I was 8 years old, in 1928. From 1928 to the present, we have irrigated the same fields to raise hay and for pasture. From 1928 to the present, we have flood irrigated the same fields with water diverted from the East Fork of the Salmon River and from Big Boulder Creek, a tributary to the East Fork of the Salmon River.

4. Today, we use the same diversions and main ditches that we used in 1928 to take water from the East Fork of the Salmon River and from Big Boulder Creek to irrigate our fields. The only significant change in our diversions has been that, in recent years, fish screens have been added at or near the diversions. Today, the main ditches are the same size as they were in 1928. The same quantity of water is diverted at each of our diversions as was diverted in 1928.

5. Our irrigated fields are located within a narrow canyon, along the East Fork of the Salmon River, at or only a few feet above the water level of the river. The lay of the land is such that several diversions and ditch systems are required to irrigate our fields. Most of our fields are irrigated with water from two or three diversions and ditch systems. The soil in the ditches is very porous gravel and river rock. Seepage loss from the ditches has always been very high. Water lost through seepage returns to the river or is picked up by downstream ditches and reused. For these reasons, the majority of the water we have diverted has always been lost to seepage.

6. While I do not know the date on which each of our diversions and ditches was constructed, I do know from my father that these diversions and ditches had been in place for many years prior to 1928, likely dating back to the mid 1800s.

7. From 1928 to the present, I have also been familiar with irrigated fields along the East Fork of the Salmon River immediately upstream from our irrigated fields. Each of these fields was recently owned and sold by John Insinger and/or his father. Since 1928, one of these fields has

been flood irrigated with water diverted from the East Fork of the Salmon River. I have been informed that this field is now owned Robert Kopf. As with our diversions and ditches, this diversion has not changed since 1928, except for the installation of a fish screen at or near the diversion. The same amount of water has been diverted and used through this diversion since 1928. The diversion from the East Fork of the Salmon River to the field formerly owned by Insinger is shown in the photograph attached hereto as **Exhibit A**.

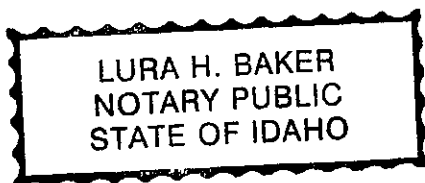
8. Another field formerly owned by Insinger has also been irrigated from Little Boulder Creek since 1928. I have been informed that this field is now owned by Kenneth Ryan. The same amount of water has been diverted and used through this diversion since 1928.

Eddie E. Baker
Edwin ("Eddie") E. Baker

STATE OF IDAHO)
)ss.
County of Custer)

On this 31st day of May, 2008, before me, the undersigned, a notary public in and for said state, personally appeared EDWIN E. BAKER, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Lura H. Baker
Notary Public for Idaho
Residing at Chapman, Idaho
My Commission Expires: 1-2-12-09



Exhibit A