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Attorneys for Claimants David 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 Nos. 72-16782 and 72-16783
	)	
	)	
Case 38576	)	AFFIDAVIT OF BRIAN HAMILTON IN SUPPORT OF
	)	MOTION TO FILE LATE NOTICES OF CLAIMS
_____	)	
STATE OF IDAHO	)	
	) ss	
COUNTY OF LEMHI	)	

BRIAN HAMILTON, being first duly sworn upon his oath, deposes and says that:

1. My name is Brian Hamilton. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. I am a licensed civil engineer. I work for the U.S. Department of Interior, Bureau of Reclamation (BOR), Salmon Field Office, 102 South Warpath, Salmon, Idaho 83467. I am the Upper Salmon Basin Liaison. In this position I coordinate projects for fish recovery. I am the point of contact between landowners and designers.
3. From approximately 1995 to 2002, I managed the water measurement portion of the Water Conservation Field Services Program for BOR's Pacific Northwest Regional Office in

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Boise, Idaho. In this position I regularly measured numerous canals within the Pacific Northwest Region. I also designed numerous water measurement structures. In 2002 I moved to Salmon to begin my current position with BOR. In this position I regularly take water measurements for diversion and measuring structure design and monitoring.

4. I am the BOR point of contact for Wayne Baker with respect to his diversions from the East Fork of the Salmon River (East Fork). Mr. Baker's East Fork diversions are denominated EF-3, EF-10/11 (being the consolidation of EF-10 and EF-11), EF-12 and EF-13. EF-3, EF-10/11 and EF-12 have fish screens in ditches downstream from the diversions. EF-13 has no fish screen. BOR designed the measurement structure for EF-10/11. EF-12 has a measuring device that was installed through an NRCS project. We are working on a design for a measuring structure for EF-13.

5. Mr. Baker also diverts water from a tributary to the East Fork called Big Lake Creek. There is no fish screen associated with this diversion.

6. In my position with BOR's Salmon Field Office, I have performed several measurements of Mr. Baker's diversions, as I have for other landowners along the East Fork. The Idaho Department of Water Resources is requiring that East Fork diversions have measuring devices prior to the 2009 irrigation season. Upon request of several water right owners, including Mr. Baker, I have taken several measurements of East Fork diversions to help them design or improve measuring devices, and otherwise be prepared to comply with the water measuring requirement in 2009.

7. On June 6, 2008, I measured water flows through the fish screens that the Idaho Department of Fish and Game installed in the main ditches below the following diversions from

the East Fork that are operated by Wayne Baker to flood irrigate fields located along the East Fork of the Salmon River: EF-3, EF-10/11, EF-12, and EF-13.

4. On June 6, 2008 I also measured Mr. Baker's diversion from Big Lake Creek.
5. The aforementioned measurements and the measurement methods are reported in the table attached hereto as **Exhibit A**. I am confident that these measurements accurately represent the measured water flows on the dates of measurement.

Further your affiant sayeth naught.

Dated this 22 day of SEPTEMBER, 2008.

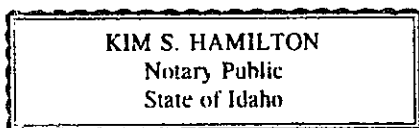


Brian Hamilton

STATE OF IDAHO)
) ss
County of LEMHI)

On this 22 day of SEPTEMBER, 2008, before me, the undersigned, a notary public in and for said state, personally appeared BRIAN HAMILTON, 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.



KIM S. HAMILTON
Notary Public for IDAHO
Residing at SALMON, IDAHO
My Commission Expires: 03/09

***East Fork Salmon River
Ditch Flows – Wayne Baker's Diversions***

***Measured 6/6/08
Brian Hamilton
US Bureau of Reclamation***

EF-3	25.1 cfs	Current Meter	Below Fish Screen
EF-10/11	8.4 cfs	Ramp Flume	Below Fish Screen
EF-12	24.6 cfs	Submerged Orifice	Headgate -- above Fish Screen
EF-13	11.5 cfs	Current Meter	No Fish Screen
Big Lake Ck Diversion	6.8 cfs	Current Meter	No Fish Screen