

DANIEL V. STEENSON (ISB #4332)
RINGERT LAW CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

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 72-16782 and 72-16783
	)	
	)	AFFIDAVIT OF RICHARD L. BAKER IN SUPPORT OF
Case 38576	)	MOTION TO FILE LATE NOTICE 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 Richard ("Dick") L. Baker. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. I was born in 1922. I have lived along the East Fork of the Salmon River ("East Fork") all my life. I lived on the ranch now owned by Edwin ("Eddie") E. Baker and Edwin ("Eddie") Baker Jr. from 1922 to 1946. I lived downstream on a ranch known as the Carmen Place from 1946 to 1968. In 1968 my wife and I purchased the Marco Creek Ranch, and we have lived there ever since.
3. My earliest recollections of the irrigated fields, diversions and ditches that I discuss in this affidavit are from 1930.

COPY

4. Today, the Marco Creek Ranch is owned by my son, Wayne Baker and his wife, Melodie Baker. The Marco Creek Ranch includes all the land that is irrigated with water diverted from the East Fork of the Salmon River, through diversions commonly referred to as SEF-10/11 and SEF 12, and with water diverted from Big Lake Creek.

5. Wayne and Melodie Baker also own land along the East Fork of the Salmon River that was once known as the Pedrini Ranch. This land is irrigated with water diverted from the East Fork of the Salmon River, through a diversion commonly referred to as SEF-13, and with water diverted from Pine Creek.

6. Wayne and Melodie Baker also own land along the East Fork of the Salmon River that was formerly owned by Phillip Gossi. This is the Bakers' home place. This land is irrigated with water diverted from the East Fork of the Salmon River, through a diversion commonly referred to as SEF-3.

7. From 1930 to the present, all the land now owned by Wayne and Melodie Baker (fka the Marco Creek Ranch, the Pedrini Ranch, and the Gossi place) has been irrigated to raise hay and for pasture. From 1930 to the present, all of this land has been irrigated with water diverted from the water sources, and through the diversions and ditches described in paragraphs 4, 5 and 6 of this affidavit. The only significant change in our diversions has been that, in recent years, fish screens have been added at or near the SEF numbered diversions. Today, the main ditches are the same size as they were in 1930. The same quantity of water is diverted at each of the diversions for the Bakers' land as was diverted in 1930.

8. The Bakers' 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 the 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.

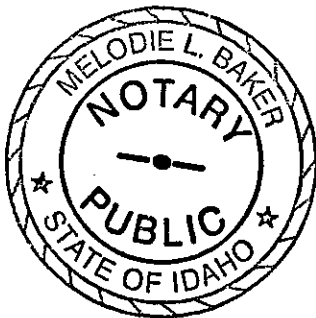
9. While I do not know the date on which each of or diversions and ditches was constructed, I do know from my father that these diversions and ditches had been in place for many years prior to 1930.

Richard L. Baker
RICHARD L. BAKER

STATE OF IDAHO)
)ss.
County of Custer)

On this 21st day of May, 2008, before me, the undersigned, a notary public in and for said state, personally appeared RICHARD L. 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.



Melodie L. Baker
Notary Public for IDAHO
Residing at Clayton ID
My Commission Expires: 12/11/12