

OCT 31 2008

DEPARTMENT OF
WATER RESOURCES

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Charles L. Honsinger **
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Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

TO: CLERK OF THE COURT - SNAKE RIVER BASIN ADJUDICATION

FROM: DANIEL V. STEENSON

DATE: 10/29/08

RE: Water Right No. 72-16784

1. Original and Copy of: Affidavit of Richard L. Baker In Support of Motion to File Late Notice of Claim.

___ FOR YOUR INFORMATION



FILE ORIGINAL & CONFORM COPY

___ FOR YOUR FILE

___ PLEASE REPLY FOR MY SIGNATURE

___ PLEASE FILE

___ PLEASE ANSWER AND SEND COPY OF LETTER TO ME

___ IN ACCORDANCE WITH YOUR REQUEST

___ PLEASE RECORD AND RETURN

___ PLEASE COMMENT

___ RUSH

___ PLEASE SIGN AND RETURN

___ AS PER OUR PHONE CONVERSATION

___ PLEASE TELEPHONE/SEE ME

___ PLEASE REVIEW AND CALL TO DISCUSS

REMARKS: Please file originals and return the conformed copies to me in the enclosed pre-paid envelope. Thank you, Katie Moser.

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

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DEPARTMENT OF
WATER RESOURCES

Attorneys for Claimants Gary Ingram and Jackie Ingram

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)
Case 38576)
Subcase 72-16784
AFFIDAVIT OF RICHARD L. BAKER IN SUPPORT OF
MOTION TO FILE LATE NOTICE OF CLAIM

STATE OF IDAHO)
COUNTY OF CUSTER) ss

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.
3. My earliest recollections of the irrigated fields, diversions and ditches that I discuss in this affidavit are from 1930.
4. Gary and Jackie Ingram own land along the East Fork that was once owned by Raymond Gossi. I knew Mr. Gossi and observed his water diversion and irrigation methods,

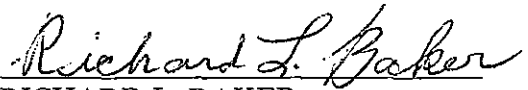
COPY

which were in place were in place long before I was born.

5. From 1930 to the present, all the land now owned by the Ingrams has been irrigated to raise hay and for pasture. From 1930 to the present, all of this land has been flood irrigated with water diverted from the East Fork through diversions that have been designated as EF-3 And EF-4. The only significant change in these diversions has been that, in recent years, fish screens have been added at or near the diversions. Today, the EF-3 and EF-4 ditches are the same size as they were in 1930. The same quantity of water is diverted at EF-3 and EF-4 as was diverted in 1930.

6. The Ingrams' irrigated fields are located within a canyon, along the East Fork of the Salmon River, at or only a few feet above the water level of the river. 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. For these reasons, the majority of the water we have diverted has always been lost to seepage.

7. 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

STATE OF IDAHO)
)ss.
County of Custer)

On this 24th day of October, 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.

Lura H Baker
Notary Public for Idaho
Residing at Clayton, Idaho
My Commission Expires: 12-12-09

