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DEC 17 2008

Department of Water Resources
Adjudication Bureau

Attorneys for Claimants Lilac Three LLC/Lilac Six LLC

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 72-16789

Case 38576

AFFIDAVIT OF RICHARD L. BAKER IN SUPPORT OF
MOTION TO FILE LATE NOTICE OF CLAIM

STATE OF IDAHO

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.

3. My earliest recollections of the irrigated fields, diversions and ditches that I discuss in this affidavit are from 1930.

4. Lilac Three LLC/Lilac Six LLC ("Lilac") own land that is irrigated with water diverted from the East Fork. Lilac's land was previously owned by my wife, Betty, and I, and by

Fred Gossi before us. I knew Mr. Gossi and observed his water diversion and irrigation methods.

5. The East Fork diversions, ditches and irrigated fields I discuss in this affidavit were in place long before I was born.

6. From 1930 to the present, all the land now owned by Lilac has been irrigated for pasture. From 1930 to the present, this land has been flood irrigated with water diverted from the East Fork through diversions that have been designated as SEF-7 and SEF-8 (now designated as SEF-7/8 after SEF-7 was consolidated into SEF-8). The only significant change in these diversions has been their consolidation and, in recent years, a fish screen has been added at or near the SEF-7/8 diversion from the East Fork. The SEF-7/8 ditch was enlarged when SEF-7 and SEF-8 were consolidated. Lilac diverts the same quantity of water from the East Fork that Betty and I diverted, and Fred Gossi diverted before us, to irrigate the Lilac land.

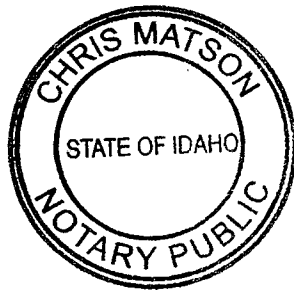
7. Lilac's irrigated fields are located within a canyon, at or only a few feet above the water level of the East Fork. The soil in the ditch that conveys water from SEF-7/8 is very porous gravel and river rock. Seepage loss from the ditch has always been very high. Water lost through seepage returns to the East Fork. For these reasons, the majority of the water diverted has always been lost to seepage.


RICHARD L. BAKER

STATE OF IDAHO)
)ss.
County of Custer)

On this 26 day of November, 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.



Chris Matson
Notary Public for Idaho
Residing at Challis
My Commission Expires: 7/28/2011