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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS  
SNAKE RIVER BASIN ADJUDICATION DIVISION

|                   |     |                                    |
|-------------------|-----|------------------------------------|
| In RE: SRBA       | )   | Subcase: 74-15861                  |
|                   | )   |                                    |
| Case No. 39576    | )   | <b>AFFIDAVIT OF JERRY R. RIGBY</b> |
|                   | )   |                                    |
| _____             | )   |                                    |
| STATE OF IDAHO    | )   |                                    |
|                   | ss. |                                    |
| County of Madison | )   |                                    |

Jerry R. Rigby, having been duly sworn, states under oath as follows:

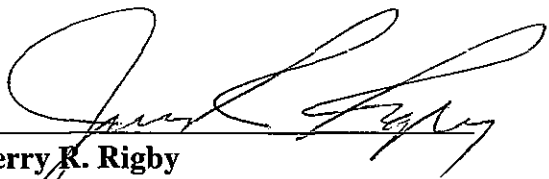
1. I am the attorney of record for James E. Riggan.
2. That your affiant has been involved with various water meetings and hearings which have kept me out of my office for most of January, 2009.
3. That even though I attempted many time, I was not able to contact my client, Mr. James Riggans, until today to verify his desires as to the above entitled court's order dated January 9, 2009.

4. That Mr. Riggan's desire is to amend his claim to insure that he has a water right on his entire premises albeit with a priority date which is not earlier than the date of the Lemhi Decree.

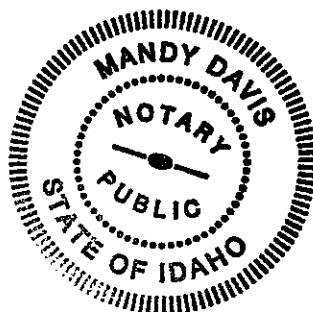
5. That no other parties were involved in the trial before Special Master Dolan and no other water users would be prejudiced by the granting of Claimant's Motion to file "late" amended claim.

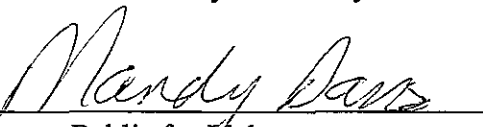
6. That your affiant respectfully requests that Claimant's "late" motion to amend his claim be granted.

Respectfully submitted, this 30<sup>th</sup> day of January, 2009.

  
Jerry R. Rigby

SUBSCRIBED AND SWORN to before me this 30<sup>th</sup> day of January, 2009.



  
Notary Public for Idaho  
Residing at St. Anthony  
My Commission Expires: 6/24/2011