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DEPARTMENT OF
WATER RESOURCES

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Erika E. Malmen

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February 2, 2009

Jan Shurte
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: SRBA Subcase No.: 63-05254

Dear Jan:

On behalf of firm client City of Boise, I'd like to thank you for your assistance and attention to resolution of the City's water rights in the Snake River Basin Adjudication. As you may recall, you have requested evidence of pre-March 1963 irrigation for the 3.57 acre parcel to which the subject water right is appurtenant. I am pleased to submit the Affidavit of Cathy Graville with supporting aerial photograph of the relevant parcel taken in 1958.

As you will see in the aerial photograph, the parcel at issue is historically located in an agricultural area. A visual examination of the photograph indicates that the parcel was irrigated consistent with the June 30, 1983 Notice of Claim filed by Judith E. Wilson which noted sprinkler irrigation as a beneficial use.

I am hopeful that this submission will resolve the City's objection to the Director's Report in regard to Water Right No. 63-05254. Please give me a call if you need anything further.

Very truly yours,



Erika E. Malmen

EEM:kls

Enclosures

31699-0004/LEGAL15222383.1

ANCHORAGE • BEIJING • BELLEVUE • BOISE • CHICAGO • DENVER • LOS ANGELES • MENLO PARK
OLYMPIA • PHOENIX • PORTLAND • SAN FRANCISCO • SEATTLE • SHANGHAI • WASHINGTON, D.C.

Perkins Coie LLP and Affiliates

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cc: Andrea Courtney (w/encl.)
Nick Spencer (w/encl.)
Matt Wilde (w/encl.)

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Attorneys for City of Boise

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 No. 39576

Subcase No: 63-05254

AFFIDAVIT OF CATHY GRAVILLE

STATE OF IDAHO)
County of Canyon)

I, Cathy Graville, testify to the following based upon my own personal knowledge:

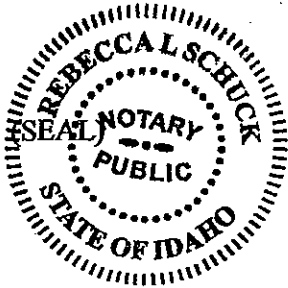
1. I am the owner and operator of Valley Air Photos, an aerial photography company established in 1985 and based in Caldwell, Idaho.
2. Sometime during 1997, Valley Air Photos acquired one-half of the historical aerial film owned by Aerial Mapping Company, a former Idaho corporation and the other one-half was acquired by Idaho Reprographics.
3. In 2007 Idaho Reprographics went out of business and Valley Air Photos purchased their historical aerial film.

4. To the best of my knowledge, the aerial photograph attached hereto as Exhibit A was taken on or about November 20, 1958 and accurately depicts the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19 in Township 3 North, Range 2 East, Boise Meridian, Ada County Idaho, during that time.

Cathy Graville
Cathy Graville

SUBSCRIBED AND SWORN TO before me this 13th day of January, 2009.

Rebecca L. Schuck
Notary Public for Idaho
Residing at Caldwell, ID
My Commission Expires 10-2-12



T3N R2E 19 SW1/4 SE1/4

20 Nov 1958

copyright 1996 VAP



EXHIBIT

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