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DEPARTMENT OF
WATER RESOURCES

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Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID I. STANISH (ISB #7310)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
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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

In Re SRBA) Subcase No. 67-04450
)
)
) **AFFIDAVIT OF DAVID I. STANISH**
)
Case No. 39576)
)
)
)

State of Idaho)
)ss
County of Ada)

DAVID I. STANISH, being first duly sworn, deposes and states:

1. I am a deputy attorney general assigned to the Snake River Basin Adjudication. I am a competent adult over the age of eighteen years, and the statements made herein are based upon my own personal knowledge of the events described.

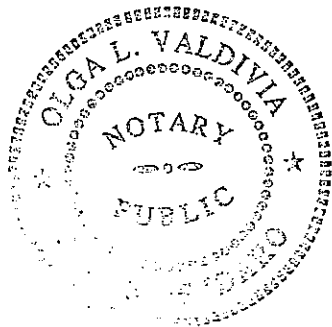
2. Attached to this Affidavit as Exhibit A is a true and correct copy of the document entitled "67-4450 E-mail Correspondence", which was posted on and downloaded from the Idaho Department of Water Resources website.

3. Further your affiant sayeth naught.



DAVID I. STANISH
Deputy Attorney General
Natural Resources Division

Subscribed and sworn (or affirmed) to before me, a notary public in and for the State of Idaho this 22nd day of April 2009.



Notary Public for Idaho
Residing at Boise, ID
My Commission expires: 2/8/2012

CERTIFICATE OF SERVICE

I certify that on this 22nd day of April 2009, I caused to be served the original and/or copy of this AFFIDAVIT OF DAVID I. STANISH on each of the following persons by the indicated methods:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☒ Federal Express
- ☐ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

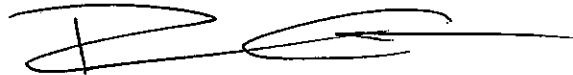
2. Copies to

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
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- ☐ Facsimile: _____
- ☒ Statehouse Mail



DAVID I. STANISH
Deputy Attorney General

Attachment A

“67-4450 E-mail Correspondence”

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, January 25, 2007 10:35 AM
To: Walt Pool (E-mail)
Subject: SRBA Recommendation 67-4450

Good Morning Walt,

I looked through file 67-4450 and did find notes that you discussed the size of the pond with Jennifer Dean on 10/5/06, but there wasn't any other supporting documentation in the file. I think if you gathered up the documents you spoke about on the phone, that they hopefully should support the size of the storage of the pond as well as the priority date.

The supporting documentation will have to be supplied with the objection, but if you send me a copy to review, I can let you know if it is sufficient to change the recommendation.

Let me know if you have any questions.

Thanks,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
208-287-4916
craig.saxton@idwr.idaho.gov

Dean, Jennifer

From: Dean, Jennifer
Sent: Monday, October 02, 2006 8:40 AM
To: Cindy Robertson (E-mail)
Subject: SRBA Claim 67-4450

Dear Ms. Robertson,

I am writing you with regards to SRBA Claim 67-4450. In my review of this claim I have discovered that the department will need evidence from Fish and Game to support the claimed priority date of January 6, 1950. This claim is for fish propagation storage in T11N, R06W, S35 NWNE. Could you please provide evidence for this claim by October 16, 2006? This will give us the time we need to make a recommendation of this right prior to preparing a preliminary report. If no evidence is received, we may disallow this claim.

Thank you for your help in this matter. If I have contacted you by mistake and there is someone else at Fish and Game who would be better able to provide the information that we need, please let me know how I might contact him or her. If you need any additional information, don't hesitate to contact me. Thank you again for your help.

Sincerely,
Jennifer Dean

Jennifer Dean
Engineer in Training
Idaho Dept. of Water Resources
322 E. Front Street
PO BOX 83720
Boise, ID 83720
(208) 287-4918

Called and left message with Walt Poole to get in touch about pond size information. *JD* 10/2/06 3:50 pm.
Walt Poole called Tuesday 8:15 am? Wednesday 3:45 pm to return my call
called and left message 8:30 am Thursday.
spoke with Walt Poole. His staff will work on an estimate of the pond. 10:00 am Thursday 10/5/06 *JD*.

Saxton, Craig

From: Saxton, Craig
Sent: Monday, January 23, 2006 1:35 PM
To: 'croberts@idfg.state.id.us'
Subject: Snake River Basin Adjudication Claim 67-4450

Hello Cindy,

I am an Adjudication agent with IDWR reviewing claims in Basin 67. I ran across claim 67-4450 and had some questions. I asked around the office and Carter Fritschle gave me your e-mail and said you might be the person to talk to. If not, could you tell me how I do need to speak with?

The first thing with 67-4450 is we need evidence of priority supporting the priority date claimed of Jan 6, 1950. Secondly, there isn't a map in the file so I am not really sure where the storage pond is. I just need to talk to someone about those sort of things.

Could you contact me regarding this? I would appreciate it.

Thanks,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
(208) 287-4916
craig.saxton@idwr.idaho.gov



67-4450 SRBA
claim.doc

Saxton, Craig

From: Fritschle, Carter
Sent: Monday, January 23, 2006 1:07 PM
To: Saxton, Craig; Clelland, Steve; Shaff, Don
Subject: RE: Fish and Game

Craig,

Cindy Robertson seems to be the primary contact when it comes to their water rights. The email address I have for her is croberts@idfg.state.id.us.

Carter

-----Original Message-----

From: Saxton, Craig
Sent: Monday, January 23, 2006 1:02 PM
To: Fritschle, Carter; Clelland, Steve; Shaff, Don
Subject: Fish and Game

Do any of you have an active contact for Fish and Game claims?

If not, no worries, I will track someone down.

Craig