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DEPARTMENT OF
WATER RESOURCES

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Robert L. Harris, Esq.
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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

Case No. 39576

A. Subcase: 35-2389

AFFIDAVIT OF ATTORNEY
ROBERT L. HARRIS

STATE OF IDAHO)
) ss.
County of Bonneville)

I, Robert L. Harris, do solemnly swear (or affirm) that the testimony given in this sworn statement is the truth, the whole truth, and nothing but the truth, that it is made on my personal knowledge, and that I would so testify in open court if called upon to do so.

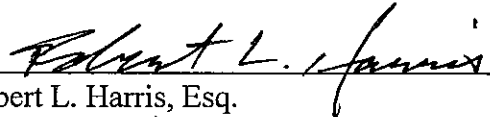
And being so sworn I depose and say:

1. I am an attorney licensed to practice law in the state of Idaho. I am a member of the firm of
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C..
2. Attached hereto are true and correct copies of the following documents referenced in the
Memorandum in Support of Motion to Set Aside Partial Decree in the above subcase, which

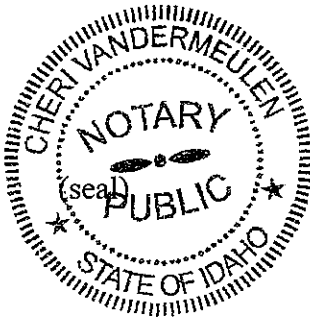
were obtained from scanned water rights backfile from the Idaho Department of Water Resources' website:

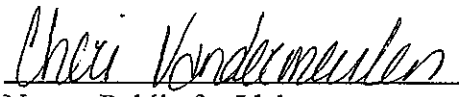
- a. Exhibit A: License and Certificate of Water Right, dated July 10, 1957.

DATED this 6th day of May, 2009.


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

SUBSCRIBED AND SWORN TO before me this 6th day of May, 2009.




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: July 7, 2009

CERTIFICATE OF MAILING

I certify that on this 6th day of May, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

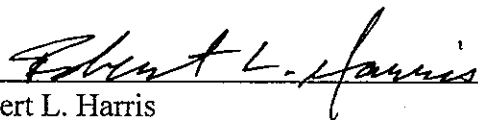
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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


Robert L. Harris

G:\WPDATA\RLH\15486 Albertson, Kortney\Motion to Set Aside Affidavit.wpd:cdv

State of Idaho

License and Certificate of Water Right

Water License No. G-25295

Amount 4.44 c.f.s.

Water District No.

Priority December 2, 1954

THIS IS TO CERTIFY that LYNN LAKE

of Roberts, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 2, 1954; that Permit No. G-25295 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4.44 second feet, was issued thereunder on July 10, 1957, showing that said works were completed on the 3rd day of July, 1957; and that on the 3rd day of July, 1957, LYNN LAKE

of Roberts, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of Irrigation, under Use Permit No. G-25295 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 6031, on the 10th day of July, 1957;

The right hereby confirmed dates from December 2, 1954;

The Point of Diversion is located

in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, Tp. 5 N., R. 36 E., B. M. County Jefferson

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.44 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	36 E.	33	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			Total number of acres irrigated	- - -	360

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 10th day of July, 1957.

/s/ Mark R. Kulp

State Reclamation Engineer.

(SEAL)

35 2389

EXHIBIT

A