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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Claimant Lava Lake Land and Livestock, 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

Case 38576

SUBCASE NUMBERS 37-22466, 37-22467,
37-22468, 37-22469, 37-22470

SUPPLEMENTAL AFFIDAVIT OF CHUCK
BROCKWAY IN SUPPORT OF MOTIONS
TO FILE LATE CLAIMS

STATE OF IDAHO

COUNTY OF _____

) ss

CHUCK BROCKWAY, being first duly sworn upon his oath, deposes and says that:

1. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. I hereby adopt and restate as if set forth in full hereat the testimony contained in my

SUPPLEMENTAL AFFIDAVIT OF CHUCK BROCKWAY IN SUPPORT OF MOTION TO
FILE LATE CLAIMS - Page 1

August 19, 2008 Affidavit in Support of Motion to Set Aside Partial Decrees filed in Subcase nos. 37-2545A, 37-2545B, 37-2688, 37-11950, 37-7072, 37-7600.

3. As a result of my study of Lava Lake's water rights and irrigation system, I found that after 1986 (but prior to November of 1987), when all of Lava Lake's water rights from all sources (as described in my prior affidavit) were interconnected and used on all of its places of use for its water rights, the water rights were used to irrigate additional areas not authorized as places of use under the water rights at that time.

4. It is my understanding that I.C. §42-1426 applies to this situation, and that Lava Lake may claim enlargement claims pursuant to my finding as discussed in paragraph 3 herein.

Further your affiant sayeth naught.

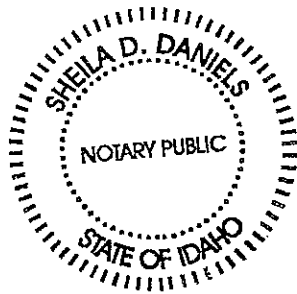


Chuck Brockway

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 15th day of October, 2009, before me, the undersigned, a notary public in and for said state, personally appeared CHUCK BROCKWAY, 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.

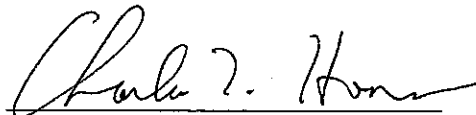


Sheila D. Daniels
Notary Public for State of Idaho
Residing at Kimberly, Id.
My Commission Expires: Aug. 10, 2013

CERTIFICATE OF SERVICE

I certify that on the 19th of October, 2009, I served copies of this document, including all attachments by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098


Person serving documents