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DEPARTMENT OF
WATER RESOURCES

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Attorney for Kenneth R. and Tammie Walters

**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. 77-04089

**AFFIDAVIT OF
KENNETH R. WALTERS**

STATE OF IDAHO

COUNTY OF IDAHO

) ss:

Kenneth R. Walters, being first duly sworn on oath, deposes and says:

(1) I am a Claimant of Water Right Nos. 77-4089 and 77-4219 in the SRBA. I was raised on the property that is associated with the common place of use of Water Right Nos. 77-4089 and 77-4219. I have resided on that property from the year 1951 to the present and am familiar with the diversion and application of water on the property.

(2) Water Right Nos. 77-4089 and 77-4219 always have been used together to irrigate the place of use from the same historic ditches and, therefore, should have the same priority date of September 1, 1925.

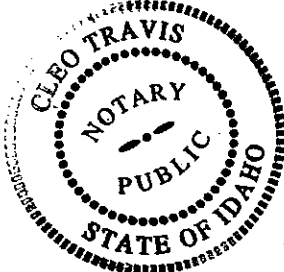
(3) Specifically, under Water Right No. 77-4219, water is diverted from the West Fork of Lake Creek by a pipe into an old ditch and conveyed to and then discharged into an unnamed stream. Under Water Right No. 77-4219, water is also diverted from the unnamed stream by pipe into an old ditch and discharged to Shorts Creek. Some of the old ditches have been fitted with corrugated pipe to reduce conveyance losses. Ultimately, the irrigation water under both Water Right Nos. 77-4219 and 77-4089 is diverted from Shorts Creek to be directly applied to the place of use. In other words, since Water Right No. 77-4089 is the historic water right from Shorts Creek and since the diversion from Shorts Creek historically had to be used for irrigating this place of use, Water Right No. 77-4089 should have the same (or earlier) priority date as Water Right No. 77-4219.

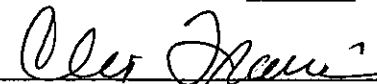
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 28 day of June, 2010.


KENNETH R. WALTERS

SUBSCRIBED AND SWORN to before me this 28 day of June, 2010.




Notary Public in and for the State of Idaho
Residing at: Riggins
My Commission Expires: 10-10-2012

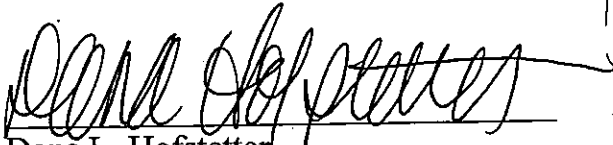
CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of July, 2010, I caused to be served copies of the foregoing Affidavit of Kenneth R. Walters by U.S. Mail postage pre-paid to the following:

KENNETH R. & TAMMIE WALTERS
PO BOX 31
RIGGINS, ID 83549

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES DEPT OF JUSTICE
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550 WEST FORT STREET, MSC 033
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Dana L. Hofstetter