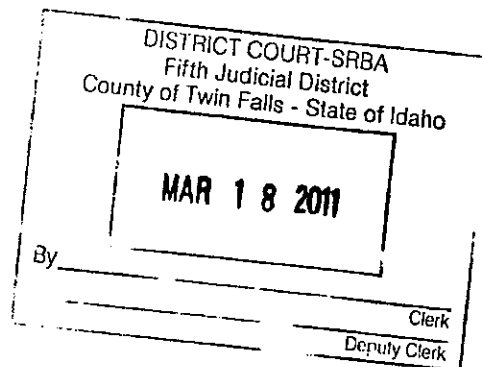


ANDREA L. COURTNEY
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Fax: (208) 287-6700
Idaho State Bar # 7705



**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)
)
)
)
)
)
)

**AFFIDAVIT OF SERVICE:
NOTICE OF FILING LATE CLAIM
DIRECTOR'S REPORTS FOR
WATER RIGHTS 63-180, 63-181 &
63-33406**

STATE OF IDAHO)
) ss.
County of Ada)

I, Carter Fritschle, being first duly sworn on oath, depose and state as follows:

1. I am the Manager, Adjudication Section, for the Idaho Department of Water Resources (IDWR). I am authorized by the Director to make this affidavit pursuant to Idaho

Code § 42-1701(3). I make this affidavit pursuant to the requirements of Idaho Code § 42-1411(7). The following actions were taken under my direction by IDWR.

2. The original Late Claim's Director's Reports for Water Rights 63-180, 63-181 and 63-33406 were filed by IDWR with the SRBA District Court on February 28, 2011.

3. A Notice of Filing of Director's Reports for the Late Claim's Director's Reports for Water Rights 63-180, 63-181 and 63-33406, a copy of which is attached as Exhibit 1, was prepared by IDWR pursuant to Idaho Code § 42-1411(6) and orders of this Court. In this affidavit I will refer to this document as the "Notice."

4. The Notice and IDWR's Late Claim Director's Reports, which contained the individual recommendation for the claimant's water right, were served on the claimant's attorney, John M. Marshall, 375 W. Bannock Street, Suite B, Boise, ID 83702, by deposit into the U.S. Mail before 5:00 p.m., on February 28, 2011.

5. A complete copy of the Late Claim Director's Report was delivered via statehouse mail on February 28, 2011, to the Office of the Attorney General for the State of Idaho.

6. A complete copy of the Late Claim Director's Report was mailed to the U.S. Department of Justice, Environment & Natural Resources Division, 550 West Fort Street, MSC Box 033, Boise, ID 83706 by deposit into the U.S. Mail prior to 5:00 p.m., on February 28, 2011.

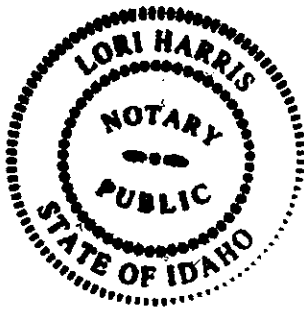
7. A complete copy of the Late Claim Director's Report was mailed to the Canyon County Courthouse by deposit into the U.S. Mail prior to 5:00 p.m., on February 28, 2011.

8. The Notice and a complete copy of the Late Claim Director's Report were mailed to IDWR's Eastern, Western, Southern and Northern Regional Offices by deposit into the U.S. Mail prior to 5:00 p.m., on February 28, 2011.

DATED this 18th day of March, 2011.

Carter Fritschle
Carter Fritschle
Manager, Adjudication Section
Idaho Department of Water Resources

SUBSCRIBED AND SWORN before me this 18 day of March, 2011.



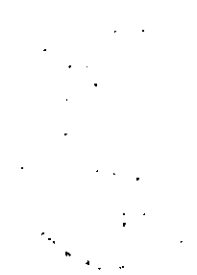
Lori Harris
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Id
My commission expires: 12-12-2012

CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of March, 2011, I served a true and correct copy of this affidavit of service on the following persons by mailing in the U.S. Mail, with correct postage affixed thereto.

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 033
Boise, ID 83706

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



John Harris

Signature of person or attorney mailing the form

Exhibit 1

NOTICE OF LATE CLAIM DIRECTOR'S REPORTS FOR WATER RIGHTS 63-180, 63-181 & 63-33406

Pursuant to Judge Eric Wildman's *Order Conditionally Granting Late Notice of Claim for Water Right Claims 63-00180 & 63-00181 and order Granting Late Notice of Claim for Water Right Claim 63-33406 and Order for Expedited Late Claim Director's Report and Setting Forth Procedures and Deadlines for Expedited Process* dated October 22, 2010, and the subsequent *Order Amending Date for Filing of Expedited Late Claim Director's Report and Procedures and Deadlines for Expedited Process and Order Vacating and Resetting Hearing* issued on January 25, 2011, the Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Reports of Late Claims 63-180, 63-181 and 63-33406 claimed by the E.G Johnson Farms, Inc. In order to facilitate resolution of water rights related to late claims 63-180, 63-181 and 63-33406, the Director is reporting these late claims in advance of the Director's Report of Late Claims and Miscellaneous Claims normally filed with the court each spring and fall. The Director's Report of Late Claims 63-180, 63-181 & 63-33406 contain the Director's recommendations to the SRBA Court as to how your claimed water right should be decreed in the SRBA.

Why am I getting this mailing?

You have received this mailing because you filed late claims 63-180, 63-181 and 63-33406 in the SRBA. This mailing contains only the Director's recommendations to the SRBA Court of your claim numbers 63-180, 63-181 and 63-33406. Your mailing does not contain the Director's recommendations of any claims other than your own. Related water rights were originally reported to the Court in the Director's Report, Basin 63, Part 3, for Irrigation and Other Uses which was filed with the SRBA Court on December 16, 2006. Copies of the report can be made, but you may be charged for copying and mailing. Maps of these reporting areas, as well as other information pertaining to the SRBA can be accessed on the internet at: <http://www.idwr.idaho.gov/water/srba/mainpage/>.

You may need to review subsequent Late Claims Director's Reports as claims in which you have an interest may be reported in them. You will not receive notice of future Director's Reports as they are filed with the SRBA Court unless you have water right claims that are reported in them. Therefore, if you are interested in the status of other water rights belonging to other people that have not yet been recommended by IDWR, you should check in periodically with the Court's docket sheet or the internet web page about the schedule for filing future reports. The Court's internet web page can be found at: <http://www.srba.state.id.us>. Information about subscribing to the court's docket sheet is provided on page three of this notice.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The descriptions of your rights, which are enclosed, are only the Director's *recommendations* to the SRBA Court on your water rights. The Court will decide how it will decree your water rights. You are free to agree or disagree with the Director's recommendations. If you agree with the Director's recommendations you do not need to do anything, pending

further notice as described below. If you disagree with the Director's recommendations, you need to file objections as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The Director's Report of Late Claims contains the recommendation to the SRBA Court of water rights 63-180, 63-181 and 63-33406 only. If you want to review someone else's water right you need to look at the complete Director's Reports, which are available at the SRBA courthouse in Twin Falls and at the locations listed below. Copies of the complete report can be made, but you may be charged for copying and mailing. These Director's Reports contain:

- 1) **List of Recommended Water Rights**--Water right recommendations are listed numerically by water right number.
- 2) **List of Claims Recommended to Be Disallowed**--Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

INSTRUCTIONS FOR TAKING THIS WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form ("Standard Form 1") available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA web site at: <http://www.srba.state.id.us>.

Your objection must be received by the SRBA Court on or before **March 28, 2011**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form ("Standard Form 2") available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA web site at: <http://www.srba.state.id.us>.

Your response must be received by the SRBA Court on or before **April 11, 2011**.

What happens if there are no objections to my water right?

After the deadline for filing objections and responses, the SRBA Court will hear the uncontested recommendation on **April 19, 2011, at 1:30 p.m.** at the SRBA courthouse. A Partial decree will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Court's web site at: <http://www.srba.state.id.us>.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed, as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA web site at: <http://www.srba.state.id.us>.

IMPORTANT INFORMATION REGARDING GENERAL PROVISIONS

General provisions are those parts of the SRBA Court's decree that apply to all the water rights in a basin, or to classes of similarly situated water rights within a basin. IDWR recommends to the SRBA Court the general provisions it believes should be decreed in a basin when it files with the court its Director's Report for the basin. At that time, any party may object to the recommended general provisions.

The Director in his previous Director's Reports for irrigation and other water rights in the basins included in this Late Claim Director's Report, has already recommended the general provisions for the above-listed basins. The objection period for the general provisions in the above-listed basins has expired. Therefore, it is too late for you to object to the general provisions governing your late claim. You may obtain a copy of the General Provisions for your basin from the SRBA District Court in Twin Falls or at the courthouse location nearest to your basin. You may be charged for copying and mailing. You may also view the General Provisions for every basin within the SRBA by going to IDWR's website at: <http://www.idwr.idaho.gov>. It is possible that in the future the SRBA Court will entertain recommendations for additional general provisions. Should that occur, an opportunity to object to those additional general provisions will be provided. It is your responsibility to monitor the SRBA case through the Docket Sheet discussed above.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Regional office nearest to the location of your water right. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

Snake River Basin Adjudication District Court

253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011
<http://www.srba.state.id.us>

Idaho Department of Water Resources

322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
(208) 287-4800
(800) 451-4129
<http://www.idwr.idaho.gov>

Idaho Department of Water Resources Western Region

2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Idaho Department of Water Resources Northern Region

7600 N. Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
(208) 762-2800

Idaho Department of Water Resources Southern Region

1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

Idaho Department of Water Resources Eastern Region

900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7177

Canyon County Courthouse

1115 Albany Street
Caldwell, ID 83605