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Attorney for Greg and Ann Obendorf,  
The Tina Iest Family L.L.L.P., and  
THEDRAKE LLC

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                   |   |                                        |
|-------------------|---|----------------------------------------|
| <b>In Re SRBA</b> | ) |                                        |
|                   | ) | <b>Subcase No. 63-33499</b>            |
|                   | ) |                                        |
| <b>Case 39576</b> | ) | <b>AFFIDAVIT OF DANA L. HOFSTETTER</b> |
|                   | ) |                                        |
|                   | ) |                                        |
| _____             | ) |                                        |

|                |       |
|----------------|-------|
| STATE OF IDAHO | )     |
|                | ) ss. |
| COUNTY OF ADA  | )     |

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

(1) I am Dana L. Hofstetter, counsel of record in this matter for Greg and Ann Obendorf, The Tina Iest Family L.L.L.P. and THEDRAKE LLC.

(2) During recent settlement negotiations concerning SRBA Subcase

Nos. 63-127A, 37-127B, 63-128A, 63-128B, 63-129A, 63-129B, 63-130A, 63-130B, 63-131A, 63-131B, 63-178B and 63-178C, among others, it became apparent that certain historic water uses from the Andrews Ditch diverting water from the Andrews Ditch had not been claimed in the SRBA.

(3) Those historic water uses associated with the respective properties of Greg and Ann Obendorf, The Tina Iest L.L.L.P. and THEDRAKE LLC are described in SRBA Claim Nos. 63-33497, 63-33498 and 63-33499, submitted in connection with respective Motions to File Late Notice of Claim filed contemporaneously with this Affidavit.

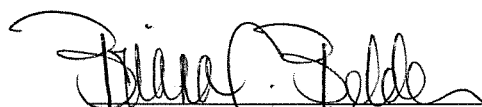
(4) The settlement agreement reached in connection with Subcase Nos. 63-127A, 37-127B, 63-128A, 63-128B, 63-129A, 63-129B, 63-130A, 63-130B, 63-131A, 63-131B, 63-178B and 63-178C, among others, provides for the filing of SRBA claims in the form and substance of SRBA Claim Nos. 63-33497, 63-33498 and 63-33499.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 29th day of April, 2011.

  
Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 29th day of April, 2011.

  
Notary Public in and for the State of Idaho  
Residing at: Meridian  
My Commission Expires: 01/16/2013

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (including any attachments) this 29th day of April, 2011, by U.S. Mail postage pre-paid to:

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

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

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

  
Dana L. Hofstetter