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DEPARTMENT OF
WATER RESOURCES

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*Counsel for Idaho Department of Fish
and Game*

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. 27-11375

**AFFIDAVIT OF PAUL B.
WACKENHUT**

State of Idaho

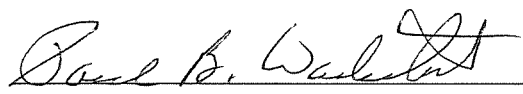
County of Bannock

PAUL B. WACKENHUT, being first duly sworn, deposes and states:

1. I am a competent adult over the age of eighteen years, and the statements made herein are based upon my own personal knowledge of the events described.
2. I am a regional land manager for the Idaho Department of Fish and Game.
3. Based upon my discussions with the previous landowners as well as the accounts

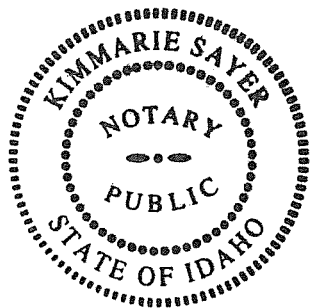
included in "Joseph Horace Stocking & Martha Jane Butterfield Stocking, Their Biographies, Descendants and Ancestors," *see* Exhibit 2, Affidavit of David I. Stanish, it is my understanding water right no. 27-04096 was used continuously for irrigation and stockwatering purposes from the priority date of December 23, 1902 until at least the time the Idaho Department of Fish and Game acquired the property in 1995.

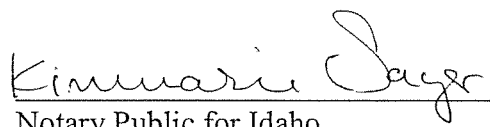
4. Further your affiant sayeth naught.



PAUL B. WACKENHUT
Idaho Department of Fish and Game

Subscribed and sworn (or affirmed) to before me, a notary public in and for the State of Idaho this 6th day of May 2011.





Notary Public for Idaho
Residing at Bannock County
My Commission expires: 10/10/12

CERTIFICATE OF SERVICE

I certify that on this 10th day of May 2011, I caused to be served the original and copies of the State of Idaho's **AFFIDAVIT OF PAUL B. WACKENHUT** on the following persons by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to:

SHOSHONOE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
202 N. ARTHUR
POCATELLO, ID 83202

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☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

US DEPARTMENT OF JUSTICE
ATTN: PETER C. MONSON
INDIAN RESOURCES SECTION
999 18TH STREET
DENVER, CO 80202

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☐ Statehouse Mail

COMMITTEE OF NINE
Represented by:
BARKER, ROSHOLT & SIMPSON, LLP
1010 W. JEFFERSON, SUITE 102
P.O. BOX 2139
BOISE, ID 83701

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UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

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☐ Statehouse Mail

STATE OF IDAHO
OFFICE OF ATTORNEY GENERAL
ATTN: CLIVE STRONG/SHASTA
KILMINSTER-HADLEY
P.O. BOX 83720
BOISE, ID 83720

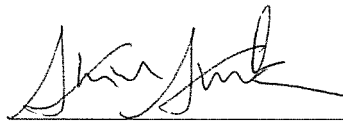
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FMC PRODUCTION LLC
Represented by:
WILLIAM G. MYERS III
101 S. CAPITAL BLVD., STE 1400
P.O. BOX 2527
BOISE, ID 83701

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PO BOX 83720
BOISE, ID 83720-0098

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for 

DAVID I. STANISH
Deputy Attorney General