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RECEIVED
JUN 27 2011
DEPARTMENT OF
WATER RESOURCES

Attorneys for John F. Stevenson

**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	)	
	)	SUBCASE NOS.: 37-118
	)	
Case No. 39576	)	AFFIDAVIT OF ALBERT P. BARKER IN
	)	SUPPORT OF JOHN STEVENSON'S
	)	MOTION TO STRIKE OR DISMISS AND
	)	MOTION FOR PARTIAL SUMMARY
	)	JUDGEMENT
	)	
	)	

STATE OF IDAHO)
) ss.
County of Ada)

ALBERT P. BARKER, being first duly sworn upon oath, hereby deposes and says:

1. I am a duly licensed attorney in the State of Idaho at the firm Barker Rosholt & Simpson LLP, counsel for claimant, John Stevenson (hereinafter "Stevenson") in the above captioned matter.

2. I am over the age of 18 and have knowledge of the documents and legal proceedings pertinent to this matter, and if called as a witness I could and would competently testify to the following based upon personal knowledge.

AFFIDAVIT OF ALBERT P. BARKER IN SUPPORT OF JOHN STEVENSON'S MOTION TO STRIKE OR DISMISS AND MOTION FOR PARTIAL SUMMARY JUDGEMENT

3. A True and correct copy of the original 2007 Idaho Department of Water Resources Recommendation for water right number 37-118 is attached herewith as Exhibit "A".

4. True and correct copies of the Assessment Records concerning this water right from 1970 through 1985 received from the IDWR District 37 water master office are attached herewith as Exhibit "B".

5. True and correct copies of the Willis 1 head gate diversion records from 1980 through 2008 produced from Objector Rogers and obtained from IDWR District 37 are attached herewith as Exhibit "C".

6. A true and correct copy of the Deposition Transcript of Dean R. Rogers, JR. is attached herewith as Exhibit "D".

7. True and correct copies of relevant portions of *S.C. Frost, et al. v. Alturas Water Company, et al.*, Fourth Judicial District (County of Lincoln, December 13, 1909) known as the "Frost Decree" related to the water right at issue in this subcase are attached herewith as Exhibit "E". The complete Frost Decree can be accessed online through IDWR's website at:

http://www.idwr.idaho.gov/WaterManagement/AdjudicationBureau/Reports_Presentations/PDF/37-FROST_bwr.pdf

Dated this 24th day of June, 2011.

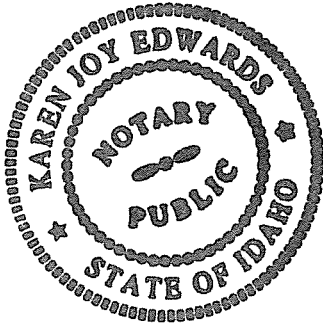
BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

Attorney for John Stevenson

SUBSCRIBED AND SWORN to before me this 24th day of June, 2011



Karen Joy Edwards
Notary Public for Idaho
Residing at: Boise, Idaho
Commission Expires: 8/2/2012

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 24th day of June, 2011, I caused to be served a true and correct copy of the foregoing **AFFIDAVIT OF ALBERT P. BARKER IN SUPPORT OF JOHN STEVENSON'S MOTION TO STRIKE OR DISMISS AND MOTION FOR PARTIAL SUMMARY JUDGEMENT** by the method indicated below, and addressed to each of the following:

Original filed with:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax No. 208-736-2121

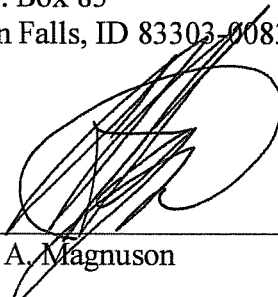
Copies mailed to:

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

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

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