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DEPARTMENT OF
WATER RESOURCES

DANIEL V. STEENSON (ISB #4332)
CHARLES L. HONSINGER (ISB #5240)
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Attorneys for Cottonwood Canal Company

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 NUMBERS 02-10300, 02-00103
	)	
	)	
	)	AFFIDAVIT OF CARTER FRITSCHLE IN
	)	SUPPORT OF COTTONWOOD CANAL
	)	COMPANY'S MOTION FOR SUMMARY
	)	JUDGMENT
	)	
	)	
STATE OF IDAHO	)	
	) ss	
COUNTY OF ADA	)	

CARTER FRITSCHLE, being first duly sworn upon his oath, deposes and says that:

1. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein
2. I am employed by the Idaho Department of Water Resources as the Adjudication Section Manager.
3. My duties include the identification, review, analysis, compilation and

AFFIDAVIT OF CARTER FRITSCHLE IN SUPPORT OF COTTONWOOD CANAL
COMPANY'S MOTION FOR SUMMARY JUDGMENT - Page 1

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COPY

certification of the authenticity of records kept by the Idaho Department of Water Resources.

4. Attached hereto as Exhibit A is a Notice of Lodging Agency Record with the District Court, together with a compact disk containing the electronic version of the settled record in Ada County Case No. CVOC 2011-1273. Both were lodged with the SRBA District Court on or about April 8, 2011.
5. I have reviewed the settled record contained in electronic form on the compact disk attached hereto as Exhibit A, and hereby certify that the documents therein are true and accurate copies of documents kept and compiled by the Idaho Department of Water Resources as part of the agency's regularly conducted and regularly recorded activities.

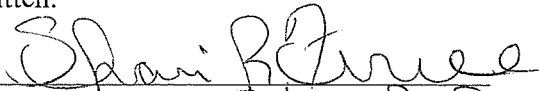
Dated this 6th day of October, 2011.

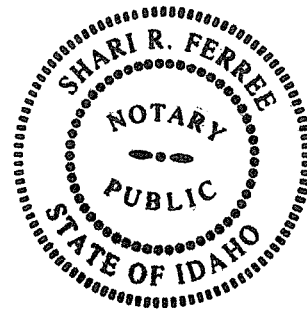

Carter Fritschle

STATE OF IDAHO)
)ss.
County of ADA)

On this 6th day of October, 2011, before me, the undersigned, a notary public in and for said state, personally appeared Carter Fritschle, known or proven to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


Notary Public for Shari R. Ferree
Residing at Ada Co, Idaho
My Commission Expires: July 14, 2015



CERTIFICATE OF SERVICE

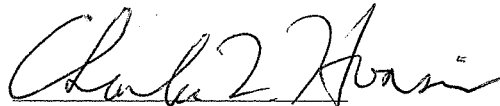
I certify that on the 7th day of October, 2011, I served copies of this document, including all attachments by U.S. Mail and/or Hand Delivery upon the following:

Mike Creamer
Givens Pursley
P.O. Box 2720
Boise, ID 83701

Wesley and Christine Wootan
P.O. Box 636
Glenns Ferry, ID 83623

Don and Brenda Bryant
P.O. Box 215
Glenns Ferry, ID 83623

Director
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098



Person serving documents

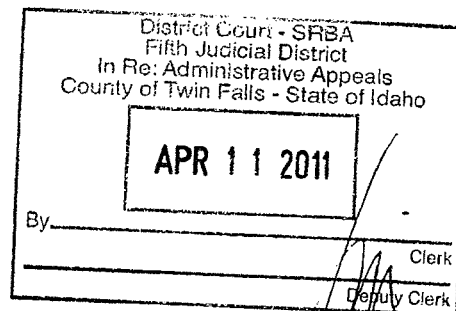
Exhibit A

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

GARRICK L. BAXTER, ISB #6301
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Attorneys for the Respondent



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.

BLACK MESA FARMS, LLC.,

Petitioner,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent,

and

COTTONWOOD CANAL COMPANY,

Intervenor.

Case No. CV-OC-2011-1273

**NOTICE OF LODGING AGENCY
RECORD WITH THE
DISTRICT COURT**

TO: THE DISTRICT COURT AND PARTIES OF RECORD:

On March 14, 2011, the Idaho Department of Water Resources ("IDWR") provided notice to the parties that the agency record in this matter was lodged with the agency for the purpose of settlement in accordance with the I.R.C.P. 84(j). Pursuant to the notice, the parties had fourteen (14) days to file any objections to the record.

On March 28, 2011, the Petitioner Black Mesa Farms, LLC ("Black Mesa") timely filed their objections to the agency record. Black Mesa correctly identified that Page 2 to the April 8, 2008 Partial Decree in Subcase No. 02-10337 was inadvertently omitted from the Record.

IDWR agrees with Black Mesa's objection and has made the requested change to the record. Upon the change reflected in Black Mesa's objection being made to the record, the record is deemed settled pursuant to I.R.C.P. 84(j).

YOU ARE HEREBY NOTIFIED that the settled record is being filed with the District Court pursuant to I.R.C.P. 84(k), along with a compact disk containing the agency record in OCR format. Compact disks containing the settled record as filed with the District Court are being mailed with this Notice to the attorneys of record.

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DATED this 8 day of April, 2011.

LAWRENCE G. WASDEN

Attorney General

CLIVE J. STRONG

Deputy Attorney General

CHIEF, NATURAL RESOURCES DIVISION

A handwritten signature in black ink, appearing to read "Garrick L. Baxter", is written over a horizontal line.

GARRICK L. BAXTER

JOHN W. HOMAN

Deputy Attorney General

Idaho Department of Water Resources

SCANNED

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8 day of April, 2011, I caused a true and correct copy of the foregoing **NOTICE OF LODGING AGENCY RECORD WITH THE DISTRICT COURT** to be filed with the Court and served on the following parties by the indicated methods:

Deputy Clerk Clerk of SRBA Court 253 3 rd Ave. North P.O. Box 2707 Twin Falls, ID 83303-2707 Fax: (208) 736-2121	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile ☐ Email
Michael C. Creamer Michael P. Lawrence GIVENS PURSLEY LLP 601 W. Bannock St. P.O. Box 2720 Boise, ID 83701-2720 mcc@givenspursley.com mpl@givenspursley.com	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile ☐ Email
Daniel V. Steenson Charles L. Honsinger Ringert Law Chartered 455 S. Third P.O. Box 2773 Boise, ID 83701-2773 chl@ringertlaw.com	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile ☐ Email



GARRICK L. BAXTER
JOHN W. HOMAN

Exhibit A to
Affidavit of Carter Fritschle in Support of CWCC's
Motion for Summary Judgment



Black Mesa Farms v. IDWR
Ada Co. Case No. CVOC 2011-1273
Agency Record
Lodged with the District Court
1209 April 11, 2011

02-2209